YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

to be held on Wednesday 1 March 2017 at 6.30pm in Meeting Room 3 at the Richmond Town Hall

Rostered Councillor membership

Councillor Misha Coleman
Councillor Danae Bosler
Councillor Daniel Nguyen

I. ATTENDANCE
Vicky Grillakis (Principal Planner)
Ally Huynh (Coordinator Statutory Planning)
Cindi Johnston (Governance Officer)

II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

III. CONFIRMATION OF MINUTES

IV. COMMITTEE BUSINESS REPORTS

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"Welcome to the City of Yarra. Yarra City Council acknowledges the Wurundjeri 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."

Guidelines for public participation at Internal Development Approval Committee meetings

POLiCY

Council provides the opportunity for members of the public to address the Internal Development Approvals Committee.

The following guidelines have been prepared to assist members of the public in presenting submissions at these meetings:

- public submissions are limited to a maximum of five (5) minutes
- where there is a common group of people wishing to make a submission on the same matter, it is recommended that a representative speaker be nominated to present the views of the group
- all public comment must be made prior to commencement of any discussion by the committee
- any person accepting the chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration
- people making submissions shall address the meeting as a whole and the meeting debate shall be conducted at the conclusion of submissions
- the provisions of these guidelines shall be made known to all intending speakers and members of the public generally prior to the commencement of each committee meeting.

For further information regarding these guidelines or presenting submissions at Committee meetings generally, please contact the Governance Branch on (03) 9205 5110.

Governance Branch
2008

1. Committee business reports

Item		Page	Rec. Page
1.1	293 Church Street, Richmond VIC 3121 - Planning Application Permit No. PLN16/0509 - Construction of six, three-storey dwellings, including a reduction in the associated car parking requirement of the Yarra Planning Scheme and subdivision of land into seven lots.	5	28
1.2	PL06/0973.08 - 218 - 222 Brunswick Street Fitzroy - Amendment to the permit to increase the hours of operation to 1am seven days a week (condition 4), increase patron numbers from 300 to 400 (condition 5) with an associated reduction in car parking requirements, allow a DJ to play music on site (condition 13), delete and/or amend conditions 1, 14, 15 and 17 and amendment to the plans to increase the red line plan.	78	96
1.3	Planning Application - PLN16/0603 345 Swan Street, Richmond - Development of the land for a seven-storey office building, including use of the ground floor as a Food and Drinks Premises (cafe) and Shop, alteration of access within a Road Zone Category 1, reduction in car parking requirements and waiver of loading bay requirements.	198	230
1.4	Planning Permit Application No. PLN16/0366. 22 Ivan Street, Fitzroy North. Development of the land for the full demolition of the existing dwelling, construction of a part single and part double storey dwelling and associated car parking reduction.	332	348
1.5	81 Buckingham Street, Richmond. Planning Permit Application No. PLN16/0478. Buildings and works including the construction of three (3), triple storey dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme.	369	389
1.6	010059.04 - 511-521 Church Street, Richmond - Amendment to increase the office floor area (no permit required for office use) with an associated reduction in the car parking requirements, along with the loss of 45 on-site car parking spaces and a reduction in the bicycle parking requirements	413	430

1.1 293 Church Street, Richmond VIC 3121 - Planning Application Permit No. PLN16/0509 - Construction of six, three-storey dwellings, including a reduction in the associated car parking requirement of the Yarra Planning Scheme and subdivision of land into seven lots.

Executive Summary

Purpose

1. This report provides an assessment of the above planning application, which seeks to develop the land with six, three-storey dwellings, reduce the car parking requirements of the Yarra Planning Scheme and subdivide the land into seven lots.

Key Planning Considerations

2. Key planning considerations include:

   (a) Clause 22.07 – Development Abutting Laneways;
   (b) Clause 55 –ResCode;
   (c) Clause 56 – Residential Subdivision;
   (d) Clause 52.06 – Car parking.

Key Issues

3. The key issues for Council in considering the proposal relate to:

   (a) Neighbourhood character;
   (b) Off-site amenity impacts;
   (c) Car parking; and
   (d) Objector concerns.

Objector Concerns

4. To date, there are nineteen (19) objections to the application, summarised as follows:

   (a) The proposal does not respond to the site context or neighbourhood character in terms of heritage;
   (b) Off-site amenity impacts (overshadowing, overlooking and visual bulk);
   (c) The height is excessive;
   (d) Inadequate side and rear setbacks;
   (e) Site coverage is excessive;
   (f) The laneway is too narrow for vehicle access into the dwellings;
   (g) The proposal would introduce new dwellings to the laneway exacerbating noise from pedestrians; and
   (h) Loss of trees (i.e. the ‘Eucalyptus tree’).

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to conditions.

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

1.1 293 Church Street, Richmond VIC 3121 - Planning Application Permit No. PLN16/0509 - Construction of six, three-storey dwellings, including a reduction in the associated car parking requirement of the Yarra Planning Scheme and subdivision of land into seven lots.

Trim Record Number: D17/17960
Responsible Officer: Coordinator Statutory Planning

Proposal:	Construction of six, three-storey dwellings, including a reduction in the associated car parking requirement of the Yarra Planning Scheme and the subdivision of land into seven lots.
Existing use:	Dwelling
Applicant:	Padarc Pty. Ltd.
Zoning / Overlays:	Neighbourhood Residential Zone (Schedule 1) / Heritage Overlay (Schedule 241 – Former Lalor House)
Date of Application:	02 June 2016
Application Number:	PLN16/0509

Background

6. The current planning application was received by Council on 02 June 2016. Following the submission of further information, the application was advertised on 01 September 2016. Twenty two objections were received.

7. The permit applicant amended the application under Section 57(a) of the *Planning and Environment Act 1987* (the 'Act') on 27 October 2016 to include subdivision of the site into seven lots. The subdivision was granted a discretionary exemption from the notice requirements of the Act at Council's Development Assessment Panel (DAP) meeting on 14 February 2017 as the subdivision would not cause material detriment and did not change the form or layout of the development.

8. A planning consultation meeting was held on 13 December 2016, attended by planning officers, the permit applicant and objectors. To date, three objections have been withdrawn with nineteen maintained.

9. The subject site is included on the Victorian Heritage Register No. 211 – Former Lalor House. Heritage Victoria approved the development on 5 December 2016 (permit no. P25346).

Existing Conditions

Subject Site

10. The subject site is located on the east side of Church Street, between Abinger Street to the north and Brougham Street to the south, in Richmond. The site is rectangular, with a frontage to Church Street of 14.87m and a depth of 77.49m, yielding an overall site area of approximately 1135sq.m. The subject site is developed with a double-storey dwelling and outbuildings. The dwelling has a primary frontage to Church Street and a secondary frontage to a 3.2m wide carriageway easement to the immediate south. The dwelling in known as the 'Former Lalor House' and is registered on the Victorian Heritage Database.

11. The Victorian Heritage Database notes that *the Lalor residence at 293 Church Street Richmond was erected in 1888 for local medico, Dr. Joseph P Lalor, son of the celebrated Eureka Stockade leader and politician Peter Lalor. The arcaded, two storey brick, and stucco residence and surgery was designed in an original and exaggerated boom classicism style by American born, classically trained architect William George Wolf. The Lalor residence is an early career masterpiece of unknown but important boom period architect W G Wolf. The exemplary boom style classicism design, characterised by an innovative exaggerated use of massive classical motifs, harsh tonality and exuberant ornament, is rivalled only by Benvenuta at Carlton and Labassa at Caulfield for period architectural importance in Victoria. Peter Lalor died at this house in February 1889 after a short stay in confinement. The Lalor residence and surgery has been used by the medical profession continuously from 1888-1973. The building remains intact and of high integrity externally. The iron palisade fence is preserved.*

12. There are no restrictive covenants detailed on the certificate of title provided with the application. The land gradient drops approximately between 2m to 2.5m metres as the site extends from the west (front) to the east (rear) and approximately one metre from the south to the north (side-to-side boundaries). A carriageway easement (serviced by Council and referred to as a laneway in this report) extends across the southern boundary and provides vehicle and pedestrian access.

Surrounding Land

13. The surrounding area is predominately residential in use, with the Bridge Road Major Activity Centre approximately 200m north of the subject site.

14. The surrounding built-form along Church Street is an eclectic mix of detached dwellings, townhouses and multi-unit residential developments. The built form in the area varies in height from single to double-storey dwellings, to three-storey apartment blocks and church buildings. The built form also varies in development-era and style from Victorian through to contemporary. The majority of the built form features small or zero front and side setbacks.

15. Abutting the subject site to the north is a row of double-storey townhouses that form part of a wider complex. The dwellings are constructed of concrete blocks with acutely angled roofs and clerestory windows. Vehicle and pedestrian access is provided from Church Street via a central driveway. Immediately abutting the subject portion of the site (i.e. proposed town houses) are the secluded private open spaces of these dwellings.

16. The site at the north-east corner (i.e. No. 64 Lyndhurst Street) of the subject site is occupied by a double-storey, dwelling of masonry construction with a metal pitched roof. The dwelling is orientated to Lyndhurst Street. For ease of reference, the following aerial photo has been included with the subject site identified with a star:



17. To the east (rear) of the subject site is a three-storey, block of flats (i.e. No. 70 Lyndhurst Street). The building is of masonry construction and is wrapped by external staircases and pedestrian walkways across the northern, western (rear facing the subject site) and eastern sides. The building is surrounded by common property, including the western side that interfaces the subject site. Vehicle and pedestrian access is from Lyndhurst Street.

18. The south-east corner of the subject site has an immediate abuttal with the secluded private open space of a single storey dwelling of masonry construction, fronting Lyndhurst Street (i.e. No. 76 Lyndhurst Street).

19. South of the laneway (i.e. carriageway), is a part three and part four-storey block of apartments with under-croft car parking. This block currently utilises the laneway for vehicle and pedestrian access. The entire northern interface faces the subject site, with rows of north-facing windows at the upper levels.

20. To the west is Church Street (an arterial road), and immediately opposite is the Darlington Parade intersection. The north-west corner is occupied by the Richmond Uniting Church hallway and church building, whilst the south-west corner is occupied by a large triple-fronted building most recently used as a Brazilian restaurant; with two, two-storey residential terrace buildings of the Victorian-era further south.

21. South of the two terrace buildings, is the campus of St Kevin's College, consisting of school buildings and St Ignatius Church which is of substantial heritage significance and included in the Victorian heritage register. The church building is constructed from basalt with sandstone dressing. The church has an elaborate tower and spire, which is highly visible given the church's location atop Richmond Hill.

22. The site is well serviced in terms of services and public transport as:

    (a) approximately 200m to the north is Bridge Road, with bars, restaurants, cafes, shops, supermarket, banks, medical facilities, civic facilities and offices (and tram routes 48 and 75);
    (b) approximately 580m to the south is Swan Street, with bars, restaurants, cafes, shops, supermarket, banks, medical facilities, civic facilities and offices (and tram route 70);
    (c) directly to the west of the building is Church Street, an arterial road (Road Zone Category 1) with a tram route servicing North Richmond and St Kilda Beach; and
    (d) approximately 900m to the south-west is Richmond Train Station, servicing the CBD and the south-eastern suburbs.

The Proposal

23. The proposed development is for six, three-storey dwellings, including a reduction in the associated car parking requirement of the Yarra Planning Scheme and the subdivision of the land into seven lots.

    <u>Demolition (no permit required)</u>

    (a) Demolition of the outbuildings and fences (with only a short portion of the wall associated with the former stables building proposed for retention at the north-east corner) and excavation works;

    <u>New dwellings at the rear of the existing heritage dwelling</u>

    Layout:

    (a) The development will provide six new dwellings (labelled as Houses 1-6 on the plans);
    (b) The three-storey dwellings would consist of two and three bedrooms with private open space in the form of terraces at first floor of between 17.2sq.m. and 25sq.m.;

(c) Pedestrian access to the dwellings would be provided from the laneway;
(d) Open plan kitchen, living and dining areas would be located at the first floor of each dwelling, with bedrooms located at the ground and second floors;

Setbacks and heights

(e) The dwellings would be setback a minimum distance of 40m from the western (front) boundary to Church Street and setback a minimum 9m from the east-facing wall of the heritage dwelling fronting onto Church Street;
(f) The setbacks from the northern boundary would range from the ground level through to the second level between 1.1m-5.9m from the northern (side) boundary;
(g) Immediately adjacent the laneway the development would be setback 1m at the ground level and setback 0.25m at the first and second levels with a folded screen element in front of the wall;
(h) To the east (rear), the development would be constructed to the boundary for a length of 12.37m at the ground level; for a length of 10.77m at the first level; and for a length of 8.2m at the second level;
(i) The development would produce a building height ranging between 9m and 9.71m due to the sloping land gradient;

Construction materials

(j) The dwellings will be of a contemporary design that will include timber cladding to the ground floor garage doors and a combination of fibre cement cladding (with two varied grey finishes) to the walls of the development, rendered east and west walls and a wavy decorative screen across the first and second floors of the western and southern elevations;

Car parking

(k) A total of 8 car parking spaces are provided within either single or double garages at the ground floor with vehicle access from the laneway to the south;
(l) A total of two open-air car spaces are provided to the rear of the existing heritage dwelling with vehicle access from the laneway to the south;

ESD features

(m) The dwellings have operable windows and doors for natural daylight access to the habitable rooms of the dwellings and ventilation;
(n) Operable window / sliding doors that have a northern orientation to maximise solar access into the main living areas at the first floor;
(o) Six rainwater tanks (one to each dwelling) with a capacity of 1,200lt each (total 7,200lt) would be provided for water reuse (i.e. connected to toilets and washing machines);

Subdivision

(p) As part of the application it is proposed to subdivide the subject site into seven lots as detailed on the proposed plan of subdivision. The submitted plan of subdivision accords with the layout of the townhouses.

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (NRZ) – Schedule 1

24. Pursuant to Clause 32.09-5 (NRZ) of the Yarra Planning Scheme (the 'Scheme') a planning permit is required to construct two or more dwellings on a lot.

25. Clause 32.09-3 (number of dwellings on a lot) states that the number of dwellings on a lot must not exceed the number specified in a schedule to this zone. Schedule 1 to the NRZ states that the maximum number of dwellings on a lot must not exceed five (5).

26. Clause 32.09-8 (maximum building height for a dwelling or residential building) states that the maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this zone. If no building height is specified (as is the case in this instance), the height of a building must not exceed 8 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres. However, this does not apply to (as relevant):

    (a) *an extension of an existing building or the construction of a new building that exceeds the specified building height which does not exceed the height of immediately adjacent buildings facing the same street.*

27. Based on the above exemption, it is permitted to build up to the height of the existing dwelling (maximum height is 10.06m as measured at the south-west end of the existing dwelling).

28. A development should meet all the standards and must meet all the objectives of Clause 55 – Two or more dwelling on a lot and residential buildings.

Overlays

Heritage Overlay

29. Pursuant to the schedule (241) of the heritage overlay, the subject site is included on the Victorian Heritage Register (No. 211).

30. Clause 43.01-2 states that a planning permit is not required *to develop a heritage place which is included on the Victorian Heritage Register*. Heritage Victoria approved the development on 5 December 2016 (permit no. P25346) which referenced the planning application plans.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

31. This clause notes that a person who proposes to subdivide land must make a contribution to Council for public open space in an amount specified in the schedule to this clause, unless the subdivision is exempt from a public open space requirement, in accordance with Section 18(8) of the Subdivision Act 1988. The schedule to 52.01 of the Scheme specifies that a cash contribution of four and a half per cent (4.5%) of the site value of all the land in the subdivision for buildings intended to the used for residential purposes must be made to Council for public open space.

Clause 52.06 – Car Parking

32. The provisions of Clause 52.06-2 of the Scheme state that prior to a new building being occupied, *"the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority".*

33. The requirements at Clause 52.06 are outlined in the following table:

Proposed Use	No. of houses	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Provided

Two-bedroom dwelling	2	1 space per dwelling	2	2
Three-bedroom dwelling	4	2 spaces per dwelling	8	6
Dwelling visitor rate		1 space per 5 dwellings	1	0
		Total	**11**	**8**

34. The two bedroom dwellings meet the minimum provision of two car spaces. The three bedroom dwellings require two car parking spaces each. In this instance two of the three bedroom dwellings (i.e. Houses 1 and 4) have been provided with one car space and therefore a reduction of two car spaces is required for the new dwellings. No visitor car parking is provided, and this equates to a total reduction of three car spaces.

35. The existing dwelling does not trigger additional car parking, however the plans show two car spaces at the south-east corner of the existing heritage dwelling.

Clause 52.34 – Bicycle facilities

36. Clause 52.34 of the Scheme only applies to dwellings in developments of four or more storeys. The overall proposal is three storeys and therefore these provisions do not apply.

Clause 55 – Two or more dwellings on a lot and residential buildings

37. Under the provisions of the NRZ, the proposed development must satisfy the provisions of Clause 55 (ResCode).

Clause 56 – Residential Subdivision

38. These provisions apply to an application to subdivide land in the Neighbourhood Residential Zone (amongst others).

General Provisions

Clause 65 – Decision Guidelines

39. 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. An assessment of the application against the relevant sections of the Scheme is offered later in this report.

Clause 66 – Referral and Notice Provisions

40. Clause 66.01 outlines that relevant subdivision applications must be referred to specified referral authorities. Clause 66.01-1 “Mandatory conditions for subdivision permits” notes that a permit for subdivision must contain the following conditions:

The owner of the land must enter into an agreement with:

(a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and

(b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

41. *Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:*

(c) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
(d) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

State Planning Policy Framework (SPPF)

42. The following SPPF provisions of the Scheme are relevant:

Clause 11.04-2 (Housing choice and affordability)

43. The objective of this clause is *to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.*

Clause 15.01 - Built Environment and Heritage: Urban environment

44. The objective of Clause 15.01-1 (Urban design) of the Scheme is *"to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity"*.

(a) *Promote good urban design to make the environment more liveable and attractive.*
(b) *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
(c) *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*

Clause 15.01-2 - Urban design principles

45. The objective of this clause is *"to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties".*

Clause 15.01-4 - Design for safety

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

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

47. It is an objective *"to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions".*
48. The clause has the following strategies:

(a) *Ensure that buildings and subdivision design improves efficiency in energy use.*

(b) *Promote consolidation of urban development and integration of land use and transport.*
(c) *Improve efficiency in energy use through greater use of renewable energy.*
(d) *Support low energy forms of transport such as walking and cycling.*

Clause 16.01-1 - Residential development: Integrated housing

49. It is an objective *"to promote a housing market that meets community needs".* The clause has the following strategies.

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

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

50. It is an objective *"to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport".* The clause includes several strategies to achieve this objective, they include:

(a) *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
(b) *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
(c) *Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*
(d) *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
(e) *Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-4 - Housing diversity

51. It is an objective *"to provide for a range of housing types to meet increasingly diverse needs".* The clause has the following strategies:

(a) *Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
(b) *Encourage the development of well-designed medium-density housing which:*

(i) respects the neighbourhood character;
(ii) improves housing choice; and
(iii) makes better use of existing infrastructure.

(c) *Improves energy efficiency of housing.*
(d) *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*
(e) *Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.*

Clause 18.02-5 - Car parking

52. The objective of this clause is *"to ensure an adequate supply of car parking that is appropriately designed and located".*

Local Planning Policy Framework (LPPF)

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

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

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

Clause 21.04-1 – Accommodation and housing

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

Strategy 1.1: 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.
Strategy 2.2: Encourage residential development which allows people to age in their existing homes and communities by supporting a range of housing types.

Clause 21.05-2 – Built Form: Urban Design

56. Built form in the municipality is characterised by low-rise urban form with pockets of higher development, which distinguishes Yarra from adjoining municipalities.

57. In managing the City's built form, development that builds upon Yarra's existing sense of place is to be encouraged alongside new development that aspires to high quality architectural design, environmental sustainability and public domain enhancements. This clause incorporates the following objectives to achieve this:

Objective 15: To reinforce the existing urban framework of Yarra.
Objective 16: To retain Yarra's identity as a low-rise urban form with pockets of higher development.
Objective 17: To retain, enhance and extend Yarra's fine grain street pattern.
Objective 18: To create an inner city environment with landscaped beauty.
Objective 19: To ensure that new development contributes positively to Yarra's urban fabric.
Objective 21: To encourage the provision of universal access in new development.

Clause 21.05-4 – Public environment

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

Strategy 27.1 Encourage universal access to all new public spaces and buildings;
Strategy 27.2 Ensure that buildings have a human scale at street level;
Strategy 27.3 Require buildings and public spaces to provide a safe and attractive public environment; and

Strategy 27.5 Require new development to make a clear distinction between public and private spaces.

Clause 21.06 – Transport

59. The relevant objectives are as follows:

Objective 29: To provide safe and convenient pedestrian and bicycle environments.
Objective 30: To facilitate public transport usage.
Objective 31: To reduce the reliance on the private motor car.
Objective 32: To reduce the impact of traffic.

Clause 21.07.1 – Environmental Sustainability: Ecological Sustainable Development

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

Clause 21.08 - Neighbourhoods

61. The subject site is located in the 'Central Richmond' neighbourhood. The clause identifies the land use character as being predominantly residential. Clause 21.08-10 of the Scheme identifies '*the area closest to Punt Road comprising early to mid-Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood*'.

62. A relevant built form strategy is *maintaining the visual prominence of the Pelaco sign and the Spire of St Ignatius Cathedral.*

Relevant Local Policies

Clause 22.07 - Development Abutting Laneways

63. The objectives of this clause are:

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

Clause 22.12 – Public Open Space Contribution

64. 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.*

65. The subject site is in an area where land contribution is preferred.

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

66. The proposal is for the development of the land with new dwellings and therefore applies. Four water tanks with a total capacity of 7000lt have been provided.

Clause 22.17 – Environmentally sustainable development

67. The policy requires applications to be considered against the following objectives (where applicable):

(a) Energy efficiency;
(b) Water resources;
(c) Indoor environment quality;
(d) Stormwater management;
(e) Transport;
(f) Waste management;
(g) Innovation; and
(h) Urban ecology.

68. The applicant submitted a Stormwater Management Assessment including a BESS Report which details the energy performance of the development.

Advertising

69. The application was advertised in accordance with Section 52 of the *Planning and Environment Act* 1987 [the Act] by way of 158 letters sent to the surrounding property owners and occupiers, and one sign displayed on site, facing Church Street.

70. A total of 22 objections were received with three subsequently withdrawn (total of 19 objections). The grounds of objection are summarised as follows.

(a) The proposal does not respond to the site context or neighbourhood character in terms of heritage;
(b) Off-site amenity impacts (overshadowing, overlooking and visual bulk);
(c) The height is excessive;
(d) Inadequate side and rear setbacks;
(e) Site coverage is excessive;
(f) The laneway is too narrow for vehicle access into the dwellings;
(g) The proposal would introduce new dwellings to the laneway exacerbating noise from pedestrians; and
(h) Loss of trees (i.e. the 'Eucalyptus tree').

71. Following advertising, the permit applicant amended the application under Section 57(a) of the *Planning and Environment Act 1987* (the 'Act') on 27 October 2016 to include the subdivision of the site into seven lots. The subdivision was granted a discretionary exemption from the notice requirements of the Act at Council's DAP meeting on 14 February 2017 as there would be no material detriment as the subdivision reflected the proposed built form.

72. A planning consultation meeting was held on 13th December 2016, attended by planning officers, the permit applicant and objectors. Following this, the permit applicant submitted a written response to the issues raised, however no changes were made.

Referrals

External

73. Clause 66.01 outlines the relevant subdivision applications that must be referred to specified referral authorities. The application was referred to the following relevant authorities as follows:

(a) Melbourne Water;
(b) CitiPower;
(c) APA Group; and
(d) City West Water.

74. Referral responses are contained in appendices to this report.

Internal

75. The following internal referrals were made:

(a) Engineering Services Unit (car parking and subdivision);
(b) Urban Design Unit;
(c) Environmental Sustainable Development Advisor; and
(d) Open Space Unit (informally).

76. Referral responses are contained in appendices to this report. Council's Open Space Unit were asked to comment on the proposed subdivision and that the subject site is located within an area where Council would prefer land contributions. Discussions with the Manager of Open Space and Recreation indicated that a cash contribution would be preferred in this instance given the size of the lot and that a new pocket park had recently been constructed within the area.

Planning Considerations

77. The key planning considerations for Council in considering the proposal relate to:

(a) State and Local Policy Frameworks;
(b) Clause 55 – ResCode;
(c) Car parking;
(d) Subdivision; and
(e) Objector concerns.

State and Local Policy Frameworks

78. In relation to the SPPF and LPPF it is considered that the proposed development achieves the various land use and development objectives outlined earlier in this report and compliance with the relevant policies. The proposed development of six additional dwellings is afforded a high level of strategic policy support.

79. The two and three bedroom dwellings would provide housing opportunities consistent with Clause 16.01-2 which seeks to encourage new housing with good access to services and transport that is also encouraged by Clause 18.01. As outlined earlier, the subject site is located in Richmond, and is close to Bridge Road which is located approximately 250m north of the site and Swan Street approximately 500m to the south that provides shops, restaurants and supermarkets, including a tram line. The proposal will result in efficient use of existing infrastructure, consistent with Clause 21.04-1 of Council's MSS. This ensures efficient use of infrastructure and supports Council's preference within clause 21.04-1 (Strategy 1.3) that established residential areas experience residual increase in population and density.

80. Clause 21.04-4 encourages new development to provide for a diversity of housing types. This proposal will deliver two, two bedroom dwellings and four, three bedroom dwellings in an inner city location that readily contains the appropriate infrastructure to accommodate this development.

81. In summary, the subject site is considered to be appropriate for a residential development of the nature proposed.

Clause 55 - Rescode

82. Clause 55 states that a development must meet all of the objectives, and should meet the standards. This particular provision comprises 32 design objectives and standards to guide the assessment of new residential development. Reference in relation to Clause 22.07 (Development Abutting Laneways) of the Scheme will also be included where relevant.

83. It has often been stated by the Victorian Civil and Administrative Tribunal (the VCAT) that in inner city locations, the standards of ResCode are not always able to be met, and that meeting the objectives of each standard is sufficient. For example in *Ryan v Moreland CC* [2005] VCAT 1361, the Tribunal stated:

> [61] *In making this decision, it is important to note that this site is in an inner urban location, where due to the size of sites and location of existing dwellings, the standards of ResCode cannot be achieved, but the objectives can. It is unreasonable in this location to expect that all off site amenity impacts must be contained within the subject site. The best that can be achieved in a location such as this is for the impacts to be minimised*.

84. The following standards are either not applicable to the consideration of this application or are met through existing conditions:

(a) Standard B3 - Dwelling diversity – (this application is for less than ten dwellings);
(b) Standard B6 – Street setback – (the front portion of the existing dwelling would be maintained);
(c) Standard B11 – Open Space (not applicable as there is no communal open space provided);
(d) Standard B14 – Access – (no vehicle crossovers onto any street frontages are proposed);
(e) Standard B20 - North-facing windows (there are no north-facing windows within 3m of the development);
(f) Standard B33 – Common property - (not applicable as there are no common areas provided); and
(g) Standard B32 – Front fences – (not applicable as there is no new front fence proposed).

Standard B1 – Neighbourhood character objectives

85. Complies with the objective. The existing heritage dwelling would be maintained and the new townhouses would be setback in excess of 40m from the front boundary and would have no impact on the appearance of the façade or side profile of the existing dwelling, and therefore the character of Church Street. Heritage Victoria has also approved the development and this is further testimony that the townhouses would have no impact on the existing heritage dwelling. The new built form would also be separated from the existing dwelling by 9m.

86. The local area is characterised by on-boundary development (i.e. the existing heritage dwelling), high site coverage and hard-edges. The subject site is surrounded by three-storey apartment blocks to the south and east, and two-storey dwellings to the north. At a wider scale, the surrounding development comprises contemporary built forms, with some constructed to boundaries.

As such, the development would respect the character of the area and is of an appropriate design response for an inner-city residential setting such as this. The development appropriately responds to the features of the site and would positively present to the laneway, both at an immediate angle and oblique; with the Church Street interface unchanged as a result of the maintenance of the existing dwelling.

87. South of the laneway, and immediately facing the subject portion of land to be developed (rear of the heritage dwelling) is a part three and part four-storey block of apartments with under-croft car parking. This block currently utilises the laneway for vehicle access. With this in mind, the three-storey scale of the new dwellings with shared vehicle access of the laneway is not out of character with the existing context.

88. The proposal is also supported with regard to the pedestrian access points as these would be easily accessible from the laneway. Further, the car spaces have been reviewed by Council's Engineering Services Unit and comments in support have been provided subject to conditions requiring further detail to be submitted (i.e. swept path diagrams, minimum head and ground clearances).

89. The proposal would also activate the laneway through further pedestrian usage, therefore increasing the feeling of personal safety and passive surveillance. The laneway is 3.2m wide and the location of the entry points to the new dwellings is a short distance from Church Street (between 40m-75m). The laneway is also used for vehicle access to the existing block of flats to the south which has several pedestrian access points along the southern boundary. It is therefore considered that the proposal complies with the policy objectives of Clause 22.07 (Development Abutting Laneways) of the Scheme outlined earlier within the LPPF in this regard.

90. As mentioned previously, the proposed development responds to State and local policy in terms of providing additional medium density housing in an area where development can take advantage of established public transport, community infrastructure and services. The development provides six dwellings in a mix of two and three bedroom layouts. Whilst the proposed footprint and site area of each dwelling is relatively compact, this is an appropriate response to an inner-city context and is consistent with local residential character which often exhibits narrow allotments, occupied by single to triple storey dwellings with minimal to no setbacks and modest areas of secluded private open space.

91. Overall, it is considered that the development will fit in with the existing character of the area and will respond to the features of the site, the immediate context, and the character of the laneway to the south.

Standard B2 - Residential policy

92. Generally complies. The proposal demonstrates consistency with State policies by contributing to urban consolidation and utilising existing infrastructure without adversely affecting the existing character of the surrounding neighbourhood. The site is well placed to make such a contribution, being located within an inner city context and close to Bridge Road and Swan Street, with all the services that result from such a location (public transport, shops and community services).

Standard B4 – Infrastructure objectives

93. The development is located within an area that is already established. It is not expected that the six dwellings would overload the utility services and infrastructure, particularly as this level of development would be anticipated on a lot of this size (see development to the immediate north, south and north-east).

The site is capable of supporting the proposed dwellings within an established inner-urban area which has access to utilities, services and transport. Further, the subdivision referral authorities, which include electricity, water, sewer and gas utility providers, have no objection to the seven lot subdivision.

Standard B5 – Integration with the street objective

94. The existing dwelling to Church Street would be maintained therefore ensuring the site's ongoing integration with the street. The development would be lower than the existing dwelling and setback 9m behind the rear of the dwelling, therefore visually recessive.

Standard B7 – Building height objective

95. The maximum building height is 9.71m above the natural ground level. This is slightly over the maximum 9m prescribed by the standard, and the 8m mandatory height control of the Neighbourhood Residential Zone – Schedule 1. However as outlined earlier, the proposal can exceed the 8m height control so long as it does not exceed the existing maximum building height.

96. The overall scale of the development would read as a three storey form, with the highest section lower than the existing building. The height therefore reflects the existing built form scale on the site and is lower than the three and four-storey scale found in the immediately surrounding area. The height is not excessive and satisfies the zone provisions and is considered appropriate.

Standard B8 – Site coverage objective

97. The site is approximately 1135.5sq.m and the existing site coverage is approximately 44.7% or 507sqm.The proposed coverage (retained and new buildings) is approximately 81% of the site (1135.5sqm).

98. The proposed site coverage exceeds the maximum 60% recommended by the standard, however is considered reasonable in the context of an inner-city environment and the established neighbourhood character which is typically high site coverage with modest areas of private open space.



(Aerial photo showing surrounding site coverage)

99. Therefore the proposal is considered a reasonable response and satisfies the objective.

Standard B9 – Permeability objectives

100. The applicant's submission states that approximately 141.7sqm (12.5%) of the site would be permeable. This is below the minimum 20% prescribed by the standard, and whilst the current condition meets the standard, this is because the site is exceptionally under-developed with a large open space area at the rear (uncommon within an inner city context). Most inner city development, tends to be below the standard (as evidenced in the above aerial photo). The inclusion of water tanks for stormwater reuse within the dwellings for toilets and washing machines would assist in reducing runoff. The level of permeability is higher than surrounding developments and would allow for reasonable stormwater mitigation.

101. Furthermore, the development will achieve a STORM rating of 112%. This is considered to meet best practice and the development would result in good stormwater outcomes.

Standard B10 – Energy efficiency objectives

102. In terms of energy efficiency and environmentally sustainable development, a Sustainable Design Assessment (SDA) was submitted with the application and addresses the key design and sustainability criteria contained in the policy at Clause 22.17 of the Scheme and will achieve an acceptable level of energy efficiency in accordance with the relevant energy efficiency objectives at Clause 55.03-5 for the following reasons:

    (a) The dwellings have operable windows and doors for natural daylight access to the habitable rooms of the dwellings and ventilation;
    (b) Operable window / sliding doors that have a northern orientation to maximise solar access into the main living areas at the first floor;
    (c) No west-facing windows (which would reduce summer heat gain);
    (d) Six rainwater tanks with a capacity of 1,200lt each (total 7,200lt) would be provided for water reuse (i.e. connected to toilets and washing machines). This complies with the objective at Clause 22.16 (Stormwater Management (Water Sensitive Urban Design) of the Scheme which is *'to achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended)'*;
    (e) The site's location close to public transport and goods and services would encourage reduced private vehicle use.
    (f) The proposal has been reasonably sited and oriented to maximise and take advantage of the northern orientation while working with the constraints imposed by the existing heritage built form; and
    (g) The attached, side-by-side, built form allows for improved insulation properties and the design and materials would assist thermal performance.

103. The Sustainable Tools for Environmental Performance Strategy (STEPS) score as part of the SDA shows that the proposal would exceed the energy performance target of 25 with a score of 53 and would also exceed the targets of the other criteria.

104. Council's Environmental Sustainable Development (ESD) Advisor required the rainwater tanks to be connected to the toilets for flushing. This has been indicated in the SDA and as a plan notation in the Drawing Legend of drawing no. TP.05 – Issue A – proposed ground floor plan.

105. Council's ESD Advisor also recommended that the dwelling either exceed the minimum NCC requirements by 10%, or an average NatHERS rating of 6.5 is achieved; with further recommendations for the provision of external shading across the northern interface, and that habitable room windows are shown operable. Conditions will address these elements.

106. Based on the existing conditions and the siting and design of the development, it is not expected that the development would result in unreasonable impacts to the energy efficiency of adjoining properties as there is no additional overshadowing created to secluded private open space, nor are there any interfacing habitable room windows which could be affected.

Standard B12 – Safety objective

107. The entrances to the new dwellings have been designed to be consistent with the relevant requirements of the standard in terms of visibility, safe access and security. The walkways are short and have clearly delineated paths with porches to the dwellings as a result of the first and second floors that will cantilever to the south. The pedestrian line of travel to each new dwelling is short. The pedestrian entries will be fully exposed to the laneway as there is no fencing proposed.

108. The plans do not identify any external lighting within the front setbacks of the new dwellings to the laneway at the ground floor. This will be addressed with a condition that will require the provision of adequate security and identification lighting within the front setbacks, sensor-activated and baffled to Council's satisfaction. This is required to emphasise each entry point in the evening hours. This will further enhance the safety of the dwellings.

Standard B13 – Landscaping objectives

109. Complies with the objective. In accordance with the objective, limited landscaping will be provided with the rear, north-facing courtyards. The proposed front setback to the dwelling entries do not provide for any soft landscaping, however this is characteristic of the laneway which provides very little landscaping and as such this is acceptable in this context. The plans appear to show small landscaped areas (although these also appear to be referred to as 'paving' in the applicant's material) adjacent to the pedestrian entries. Given these areas are south-facing and located below cantilevering upper floors they are not suitable for soft landscaping. It also appears that these areas may interfere with the vehicle turning circles into the garages. As such, a condition will ensure that these do not interfere with vehicles. The existing heritage dwelling fronting Church Street will be maintained therefore including the large front yard which is landscaped.

Standard B15 – Parking location objectives

110. The on-site car parking spaces are conveniently located for the future residents of the proposed new dwellings. A condition will require the submission of swept path diagrams and the headroom clearance of 2.1m for the garage doors to be annotated on the plans as requested by Council's Engineer. Subject to these conditions, the openings will allow for the secure, safe and efficient movement of vehicles into the car spaces of each garage. The objectives of the standard are met.

Standard B17 – Side and rear setbacks objective

111. In accordance with this standard, *A new building not on or within 200mm of a boundary should be set back from side or rear 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.*

112. The incorporated setbacks at the ground floor to the north and south range between 1.1m to 1.5m. These setbacks comply with the standard.

113. The first and second floor setbacks of the new dwellings, are shown in the following table:

Proposed wall	**Proposed setback**	**Maximum wall height**	**Complies with Standard B17**
First floor setbacks from the north.	Between 3.4m and 4.8m	7m (max) above the natural ground level	Complies (minimum setback of 2.1m required).

Proposed wall	Proposed setback	Maximum wall height	Complies with Standard B17
Second floor setbacks from the north.	Between 5.9m and 6.3m.	9.71m (max) above the natural ground level	Complies (minimum setback of 4.8m required).
First and second floor setbacks from the south.	Maximum 250mm.	9.71m (max) above the natural ground level	Does not comply (minimum setback of 2.1m required).

114. The setbacks to the north comply with the standard. In relation to the first and second floor setbacks to the south, these are required to meet the objective which is "*to ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings*".

115. The setback of 250mm to the south at the first and second floor has been included as a means of allowing for a decorative screen across this interface. The setback is supported as this would be located immediately adjacent to the laneway which is 3.2m wide and provides a generous separation from the block of apartments to the south which are located a further 2.5m (approx.) south of the laneway (i.e. separation distance of 5.7m in between). The inclusion of the laneway would make the building compliant with the standard.

116. The feature screen across the western interface is shown as encroaching over the prospective boundary between the existing dwelling and House 1 and a condition will require this to be shown within the title boundaries associated with House 1. The applicant will have the option of either shifting the title boundary of House 1 further west or fixing the screen flush against the wall. Similarly the screen along the southern wall partly projects outside the title boundary. A condition will require the screen to be entirely within title boundaries.

117. Council's Urban Designer raised concerns with the southern interface, suggesting that the southern screen would present a monotonous built form. However, the screen would be wavy, and would be partly transparent so that the built form sitting behind is visible to the laneway. When seen in combination with the ground floor openings, this would provide some visual relief and provide a reasonable level of articulation to the laneway. A notation on plan says this screen will be decorative, but the Screen 1 example shows no decoration. As such, a condition will require details / sample of the screen ensuring there is a break-up of the massing. This could include greater transparency in sections of the dwellings that do not require screening for overlooking purposes, and / or patterns that break up the massing. Further, the built form is well removed from Church Street, and the location justifies a more robust design response, complying with the objective.

118. The subject site is also located within an urban environment in which variations to setbacks standards are common.

Standard B18 – Walls on boundaries objective

119. Applying the standard, an on-boundary wall length of 11.12m is permitted along the eastern boundary (rear). In this instance the development will provide an on-boundary wall length of 12.37m across the eastern boundary with the height of the wall stepping up from 3.9m at the ground floor to 9.48m to the second floor (with the exception of screens). As such, a variation to the standard is required in relation to the additional length and wall height (being in excess of 3.6m on the boundary).

120. The additional wall length and height proposed across the eastern boundary would be constructed opposite a service side associated with a three-storey block of apartments to the east, (setback approximately 4.6m from the shared boundary). The west-facing interface of this apartment block does not provide any openings to the subject site but only an external fire-escape and blank three-storey wall.

A small vegetated area is located within the setback that is not used as communal private open space. Given this context and the sheer three-storey wall height opposite the east-facing wall of the proposed development it is considered that a variation to the standard can be supported.

121. Council's Urban Designer recommended that a setback of 4m be introduced to the east which would result in the deletion of House 6. However, the surrounding context justifies the location of this wall. On-boundary walls are common in the wider area and given the non-sensitive interface to the east, it is considered that this request is unjustified. However, a condition will require this wall to be treated with a combination of materials, and not just one solid rendered treatment.

Standard B19 - Daylight to existing windows

122. Complies with the standard and the objective. The windows of adjoining properties to the north and south would receive adequate daylight levels in accordance with the standard as these would all continue to face into areas greater than the minimum light court area of 3sq.m.

Standard B21 – Overshadowing open space objective

123. According to the standard, *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.

124. The only impacted area of secluded private open space is that associated with No. 76 Lyndhurst Street at the south-east corner at 3pm at the time of Equinox (September 22nd). However, the proposal meets the standard. This dwelling enjoys a private open space area of 275sq.m. with 188sq.m. of this unshaded at 3pm at the time of Equinox. The additional shadows cast will reduce this to 151sq.m. or 54% of the total site area, complying with the standard. All other shadows will be cast over the laneway to the south, and over the driveway and open-air, parking bays at the north-east corner of the adjoining block of apartments to the south.

Standard B22 – Overlooking objective

125. The standard requires *a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.*

126. According to the application material, the terraces at the first and second levels to the north will be screened to all sides with louvered screens that would measure 1.7m above their respective level and would be no more than 25% transparent complying with the standard. The decorative feature screen across the southern interface would extend across the habitable room windows at the first and second floors of the dwelling and would be no more than 25% transparent, complying with the standard in all instances.

127. The western elevation at the first floor (House 1) shows there would be a continuation of the screening from the northern edge; which would be required as there would be overlooking within 9m. However the floor plans do not show this and therefore a condition will require this detail.

Further, the elevations do not show the floor levels through the building, therefore it is unclear what height screens and habitable room windows are at. A condition will require the elevations to be amended to show the floor levels (i.e. floor-to-ceiling heights) and the sill heights of the screens above the floor levels, including sill heights of windows dimensioned.

128. The fence heights across the northern boundary are unclear and need to be shown to ensure that there is no overlooking into the secluded private open space of the dwellings to the north. A condition will address this.

Standard B23 – Internal views objective

129. Whilst the written assessment of ResCode provided by the permit applicant anticipates the provision of screens in between the terraces, these have not been shown. As such a condition will require the plans to be updated to demonstrate full compliance with the standard.

Standard B24 – Noise impacts objective

130. The residential use does not require a planning permit under the zone. Any noise generated on the site as a result of this component would only be residential in nature.

Standard B25 – Accessibility objective

131. The entrances of the new dwellings are located at ground floor, and will be generally accessible for those with limited mobility in accordance with the standard. The objective of the standard is met.

Standard B26 – Dwelling entry objective

132. Complies with the standard and the objective subject to conditions. The entrances to the new dwellings will be clearly visible and easily identifiable and the incorporation of external lighting by way of a condition will further improve visibility to the laneway. The individual entrances to each of the dwellings will provide a sense of personal address and a further condition will require the screen/house numbers (shown on perspectives) to be shown on the ground floor plan, including provision of mailboxes and clarification that the rock/ landscaped area adjacent to the pedestrian entries do not interfere with vehicle turning circles. The objective of the standard will be met.

Standard B27 – Daylight to new windows

133. Complies with the standard. All new habitable room windows will receive adequate daylight in accordance with the standard. The objective of the standard is met.

Standard B28 – Private open space objective

134. Complies with the objective. The existing dwelling would be provided with a minimum 144sq.m of private open space, including a large open front yard. The new dwellings would be provided with private open space in the form of first floor terraces of between 17sq.m. and 25sq.m. The terraces at the first floor would extend north from the open plan, living dining and kitchen areas and meet the objective which is to provide adequate private open space for the reasonable recreation and service needs of residents. The standard permits a private open space area that includes *a balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room*. The proposal exceeds these requirements.

Standard B29 – Solar access to open space objective

135. Complies with the objective. The existing and the new dwellings would be provided with open spaces that have an excellent northern orientation, and will receive adequate solar access.

Standard B30 – Storage objective

136. Complies with the objective. Overhead storage areas would be provided within the garages of each dwelling, with further storage areas located on the terraces. The combined total of the storage areas would range between 4.2m^2 and 5.7m^2. Whilst this falls under the minimum required by the standard, the dwellings have ample areas within each lot to facilitate any further storage if desired by the occupants. For this reason the storage areas shown on the plans are considered acceptable and meet the objective by providing adequate storage facilities for each dwelling.

Standard B31 – Design detail objective

137. Complies with the standard. The proposed development is contemporary in design, yet complementary to the existing built form in terms of form and materiality. It will integrate into the surrounding context along the laneway which hosts three-storey blocks of apartments to the south and east and double-storey dwellings to the north with a mix of styles from the 1970's through to contemporary.

138. The development would be recessive with only marginal and distant oblique views through the laneway as seen from Church Street and as such would have no impact of this character. The development will include timber cladding to the ground floor garage doors and a combination of fibre cement cladding (with two varied grey finishes) to the walls of the development with a wavy decorative screen across the first and second floors of the western and southern elevations to the laneway. The selected materials are supported given the location of the development and surrounding context.

139. The design of the garages at the ground floor effectively integrates into the development and is visually compatible with the local area, and other vehicles access points along the laneway. The dwellings will contribute to the design styles and housing choice found within the area. The proposal will present a development of acceptable quality within a built-up inner-city context and residential area. The varied materials and contemporary approach, including generous separation distance of 9m from the existing heritage dwelling will emphasize a clear delineation between the old and new built form therefore providing an appropriate and distinguished built form outcome.

B34 – Site services objectives

140. Rubbish and recycling bins are to be stored within the garages of each dwelling. Mailboxes and metres have not been shown on the plans and a condition will address this.

Car parking and traffic

141. As previously identified, no visitor car spaces have been provided; and two of the three bedroom dwellings (i.e. Houses 1 and 4) have only been provided with one car space; therefore a reduction of three car spaces is required.

142. The proposed reduction in car parking of three car spaces is appropriate and Council's Engineering Services Unit is supportive of this. This is because the site is located within walking distance of tram services along Church Street, Bridge Road and Swan Street and there are ample on-street car spaces in the area to accommodate the shortfall of one visitor car space.

143. Council's engineer indicated that *car ownership rates for three-bedroom dwellings in Richmond have been sourced from the 2011 census conducted by the Australian Bureau of Statistics. For townhouse type dwellings of two or more storeys, the car ownership rate for three-bedroom townhouses in Richmond is 1.5 cars. The proportion of three-bedroom townhouses in Richmond owning one vehicle is 43% (compared with 50% for the proposed development). The proportion of three-bedroom townhouses owning two cars is 41%. The statistics suggest that there is a sizeable proportion of three-bedroom townhouses in Richmond that own at least one car. The car parking provision for the proposed three-bedroom dwellings is considered appropriate and is fairly consistent with the statistical average for this dwelling type.*

144. A condition will require the submission of swept path diagrams and the headroom clearance of 2.1m for the garage doors to be annotated on the plans as requested by Council's Engineer.

145. With the above in mind and based on the location of the subject site (with a tram stop approximately 70m to both the south and north of the site), and the proposed use of the site, a reduction in the car parking provision is supported in this instance. It is considered that the reduction of car parking spaces for the dwellings should not have an adverse impact on existing parking conditions in the area.

Subdivision

146. The plan of subdivision generally accords with the layout of the townhouse lots and common property proposed and is therefore acceptable in this regard. As identified earlier, the feature screen across the western interface is shown as encroaching over the prospective boundary between the existing dwelling and House 1 and a condition will require this to be shown within the title boundaries associated with House 1.

147. Further, the subdivision pattern of the site is appropriate for a multiple dwelling development and adequately reflects the established rhythm of the subdivision pattern in the streetscape which is often composed of narrow allotments and/ or rows of dwellings.

148. Given the considerations of planning merit undertaken as part of the development assessment, and that the subdivision simply reflects the development layout, it is considered that all relevant clause 56 objectives are satisfied and a separate clause 56 assessment is therefore unwarranted. If the applicant wishes to have titles released prior to construction, then a Section 173 Agreement requiring the land owner to build in accordance with the approved development permit must be entered into.

149. No referral authorities objected to the subdivision and their requirements ensure the provision of utility services.

150. The schedule to clause 52.01 of the Scheme requires a 4.5% contribution for the subdivision of land or buildings intended to be used for residential purposes. Accordingly, as the proposed subdivision is not a class of subdivision exempted from a public open space requirement under clause 52.01 of the Scheme, and as there is no provision on site for a land contribution, a cash contribution equal to 4.5% of the land value must be charged for the subdivision. This was also preferred by Council's Open Space Unit.

151. Standard subdivision conditions, including the mandatory conditions for subdivisions pursuant to clause 66.01-1, and those received from referral authorities are detailed in the recommendation.

Objector concerns

152. An assessment of the proposal against relevant neighbourhood character policies including built form has been undertaken between paragraphs 85 to 94. The development is considered to appropriately respond to the established character of the area in terms of bulk, massing, side and rear setbacks, height and site coverage and is not an overdevelopment.

153. On and off-site amenity impacts have been considered against Clause 55 (ResCode) and the development is considered to comply with all of the objectives of this clause. More specifically overshadowing has been addressed at paragraphs 123 and 124, and overlooking has been addressed at paragraphs 125 to 128. Visual bulk, side and rear setbacks and the length of on boundary walls have been addressed between paragraphs 111 to 121. Building height and site coverage has also been addressed at paragraphs 95 to 99. Noise has been addressed at paragraph 130.

154. Concerns were also raised in relation to vehicle access from the laneway to the south. However, the subject site has a right-of-carriageway and a condition will be included as requested by Council's Engineer to ensure that all turning circles meet the relevant requirements.

155. Further concerns were raised in relation to the loss of vegetation and more specifically, in relation to the impact on an existing tree to the north of the site. There are no vegetation controls on the site and there are no significant trees proposed to be removed as part of this application.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0609 for the construction of six new dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme and subdivision of the land into seven lots at 293 Church Street, Richmond subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 15 August 2016 but modified to show:

    (a) The house number/screens between the pedestrian entries clearly shown on the ground floor plan as well as mail boxes and site services;
    (b) The floor levels (i.e. floor-to-ceiling heights) and privacy screens (including sill heights of habitable room windows) dimensioned across all elevations;
    (c) Habitable room windows shown as operable on elevations, with external shading devices to the north at the first and second floors;
    (d) The fences across the northern boundary and their height above the natural ground level, ensuring compliance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme;
    (e) All first floor terraces and habitable room windows screened in accordance with the standard at Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal views) of the Yarra Planning Scheme;
    (f) The feature / decorative screen to the south shown as being entirely within the title boundaries, with further details breaking down the visual massing;
    (g) The feature /decorative screen shown to the west of House 1 shown within title boundary; or the plan of subdivision modified to include the screen within the title boundary of House 1;
    (h) The provision of sensor lighting to each porch / entry of the new dwellings, appropriately shielded and of limited intensity to avoid any light spillage into adjoining properties;

(i) Swept path diagrams using the B85 design vehicle demonstrating vehicle entry and exit movements into and out of the garages do not encroach the concrete apron (297 Church Street) on the south side of the carriageway easement
(j) The headroom clearance of the garages annotated on the southern elevation;
(k) Details of the areas immediately adjacent to the pedestrian entries clarified, ensuring the treatment does not interfere with the vehicle turning circles or access;
(l) All works recommended (where relevant to be shown on plans) in the Sustainable Design Assessment referred to in condition 3; and
(m) An updated schedule of all external materials and finishes (including all screen detail with samples included); with further articulation across the eastern elevation

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. Before the plans are endorsed, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must include the details in the Sustainable Design Assessment prepared by Padarc Pty Ltd date 31 May 2016 and must include:

   (a) dwellings achieve an average NatHERS rating of 6.5; and
   (b) external shading to the north-facing windows at first and second floor;

4. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

5. Before the development 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.

6. Any service 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.

Subdivision

7. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

8. Before the Statement of Compliance is issued under the *Subdivision Act* 1988, a cash contribution for public open space, equivalent to four and a half per cent (4.5%) of the value of the land, must be paid to Council.

   In accordance with Section 19(5) of the *Subdivision Act* 1988, if the contribution is not made within 12 months of the issue of the permit, Council may obtain a revaluation of the land, and vary the amount of the payment accordingly.

9. Before a Statement of Compliance is issued, unless the building works approved by planning permit PLN16/0509 have been completed, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act* 1987 which provides for development of the land in accordance with planning permit PLN16/0509 or any other permit issued by the Responsible Authority. Such agreement must also stipulate that the approved development must be completed before any of the lots are occupied.

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

10. Buildings or works, other than as authorised by planning permit PLN16/0509 or any further planning permit issued by the Responsible Authority, must not be constructed on the land.

11. The owner of the land must apply for a legal point of discharge Regulation 610 with Council's Building Services.

12. Before a Statement of Compliance is issued, or by such later date as approved in writing by the Responsible Authority, stormwater drainage must be provided to the satisfaction of the Responsible Authority.

13. Before a Statement of Compliance is issued, or by such later date as approved in writing by the Responsible Authority, the owner of the land must enter into an agreement with Council's Engineering Planning Department for acceptance or upgrading of stormwater runoff directly or indirectly into Council's drainage system.

    Melbourne Water's conditions 14 and 15

14. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

15. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

    CitiPower condition 16

16. Clear access to the substation located in the property at 297 Church Street, Richmond, +which is accessed via the laneway between 293 & 297 Church Street is to be maintained at all times.

    City West Water conditions 17 to 19

17. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.

18. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.

19. Prior to certification, the Plan of Subdivision must be referred to City West Water in accordance with Section 8 of the Subdivision Act 1988.

    Telecommunications Condition 20 and 21

20. The owner of the land must enter into an agreement with:

(a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
(b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

21. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

(a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
(b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

22. Before the dwellings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the central internal pedestrian walkway and dwelling entrances must be provided. Lighting must be:

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

to the satisfaction of the Responsible Authority.

23. 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.

24. Before the development 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.

25. 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.

26. 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.

27. 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;
    (c) the plan of subdivision is not certified within two years of the date of the permit; or
    (d) the subdivision is not completed within five years of the date of certification of the plan of subdivision.

    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 application was not assessed against Clause 43.01 of the Yarra Planning Scheme (Heritage Overlay) as heritage matters are considered by Heritage Victoria.

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

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

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.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or and other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building Design Near Powerlines*, which can be obtained from their website: http://www.esv.vic.gov.ar/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs

Melbourne Water Footnote(s):

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 286506

City West Water Footnote (Reference No. LND/17/00082)

The applicant should be made aware that a Plumbing application for Residential Developments (2-10 lots only) is required to be lodged with City West Water in order to obtain our servicing requirements. The Application can be downloaded from our website at www.citywestwater.com.au in the Plumbers and Developers section.

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

Attachments
1 Site location - 293 Church Street, Richmond
2 PLN16/0509 - 293 Church Street Richmond - Plans (Floor plans, Elevations and Shadows)
3 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots
4 Engineering Referral advice
5 Urban Design Advice - 293 Church Street, Richmond
6 ESD Referral - 293 Church St
7 Subdivision Referrals

Attachment 1 - Site location - 293 Church Street, Richmond

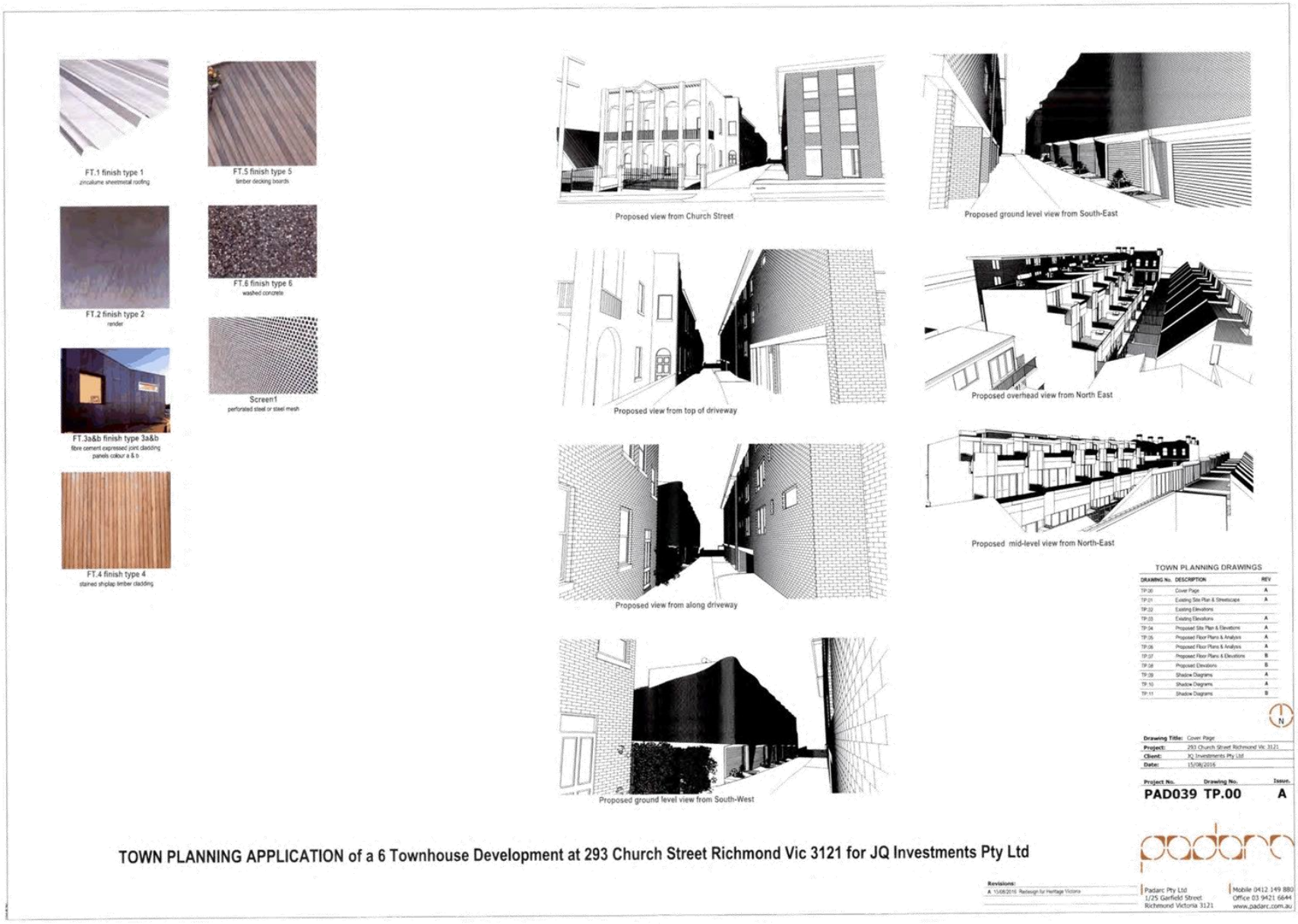
SUBJECT LAND: 293 Church Street, Richmond (Former Lalor House)



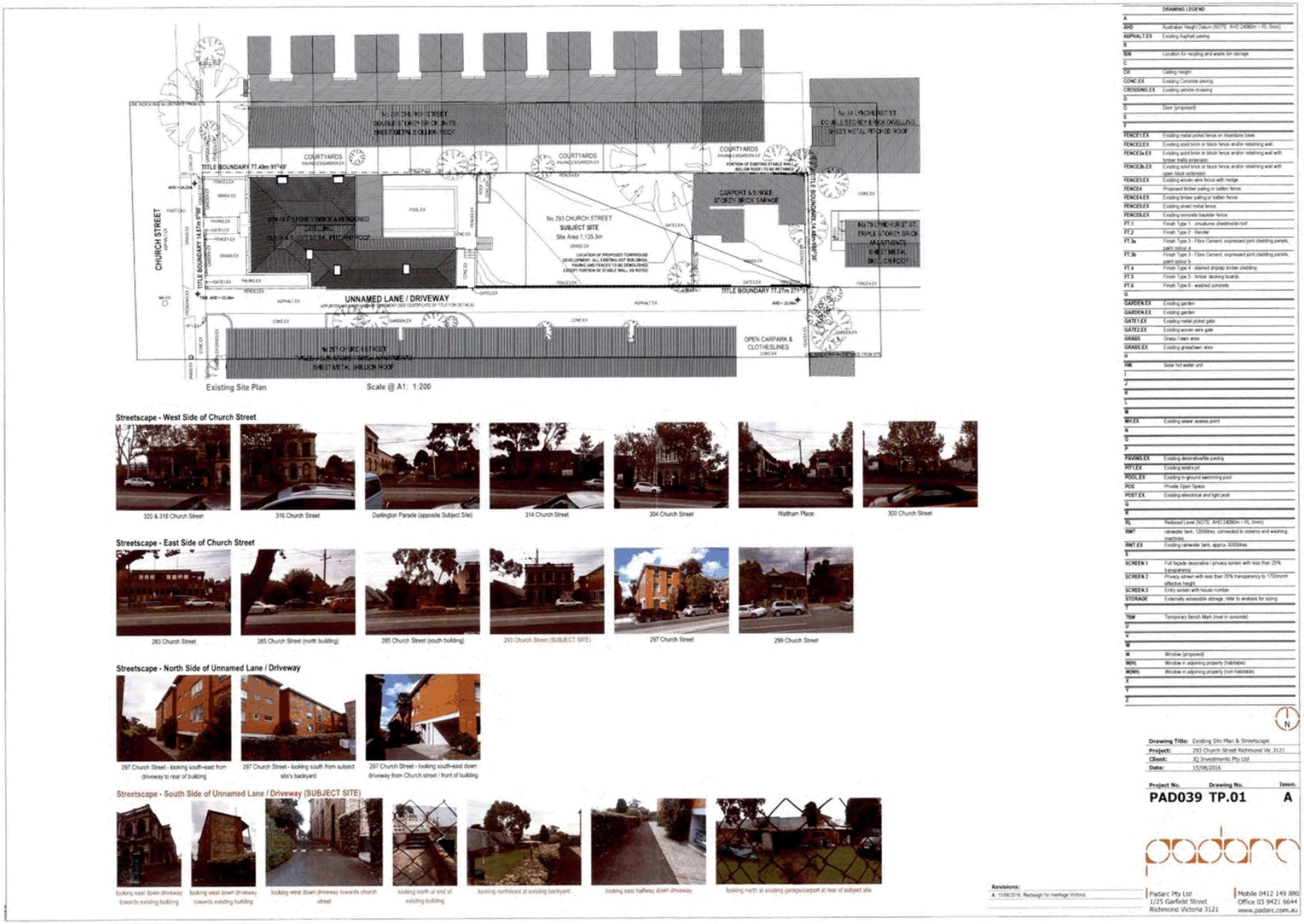
⇧ **North**

★ **Subject Site**

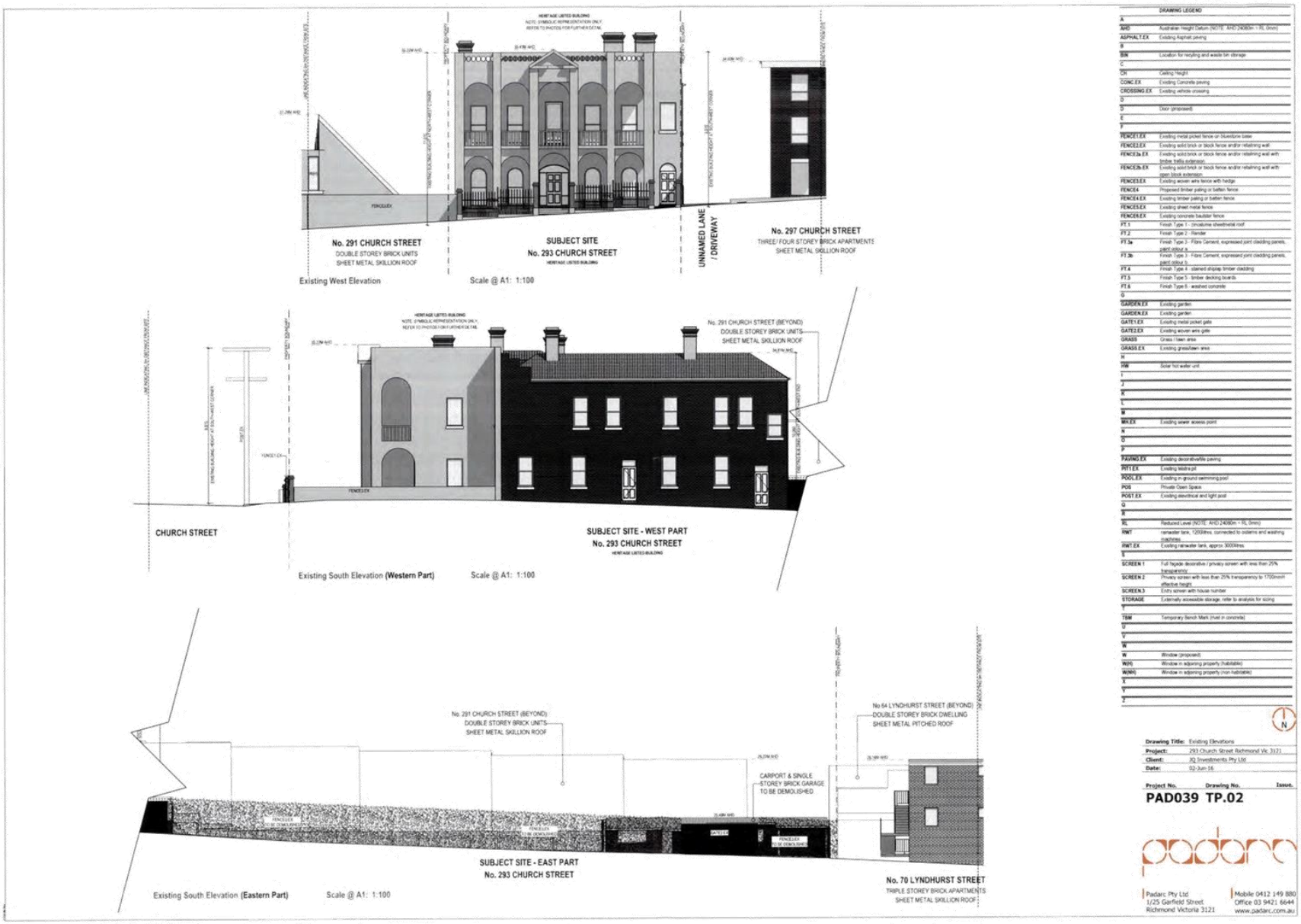
Attachment 2 - PLN16/0509 - 293 Church Street Richmond - Plans (Floor plans, Elevations and Shadows)



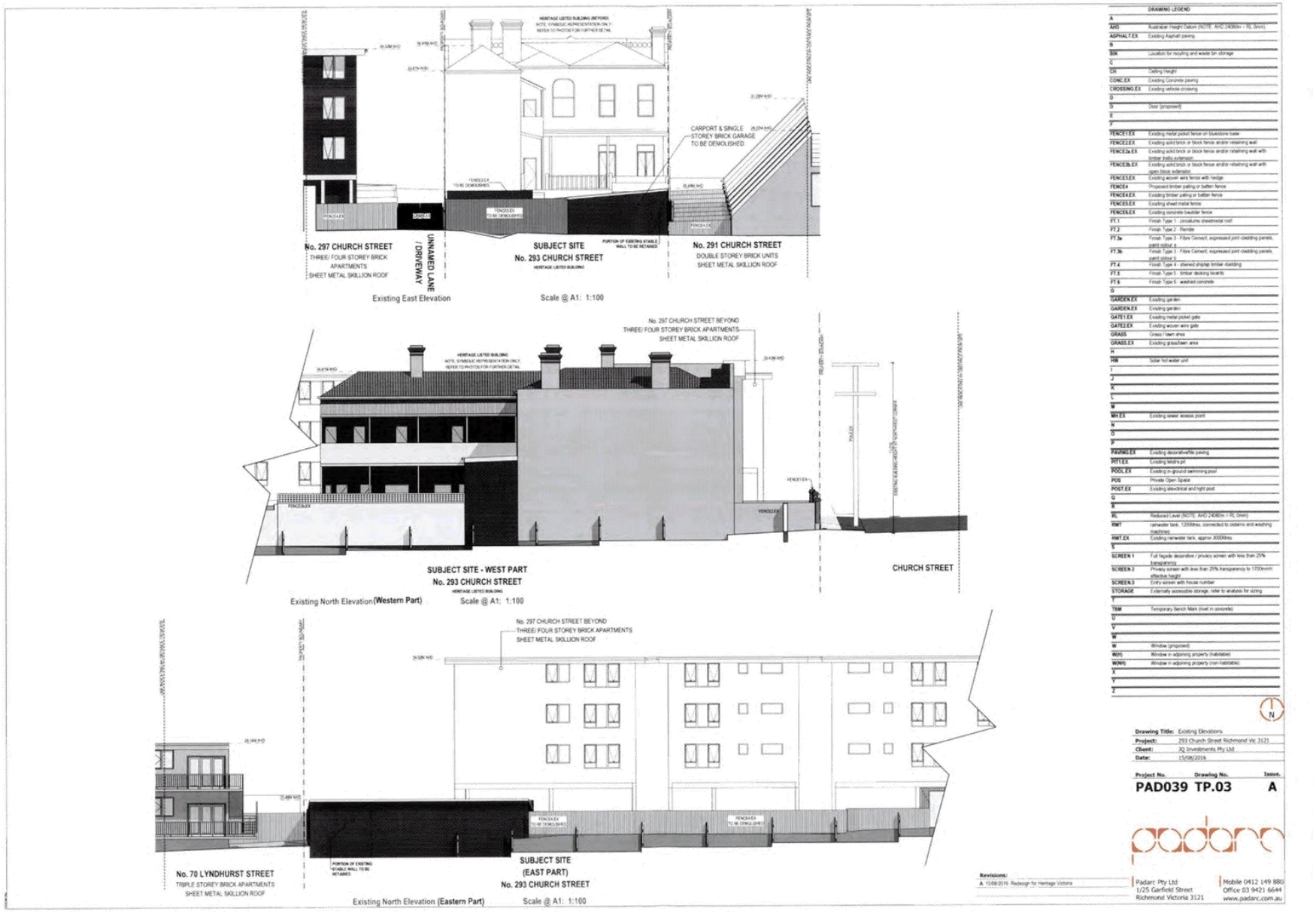
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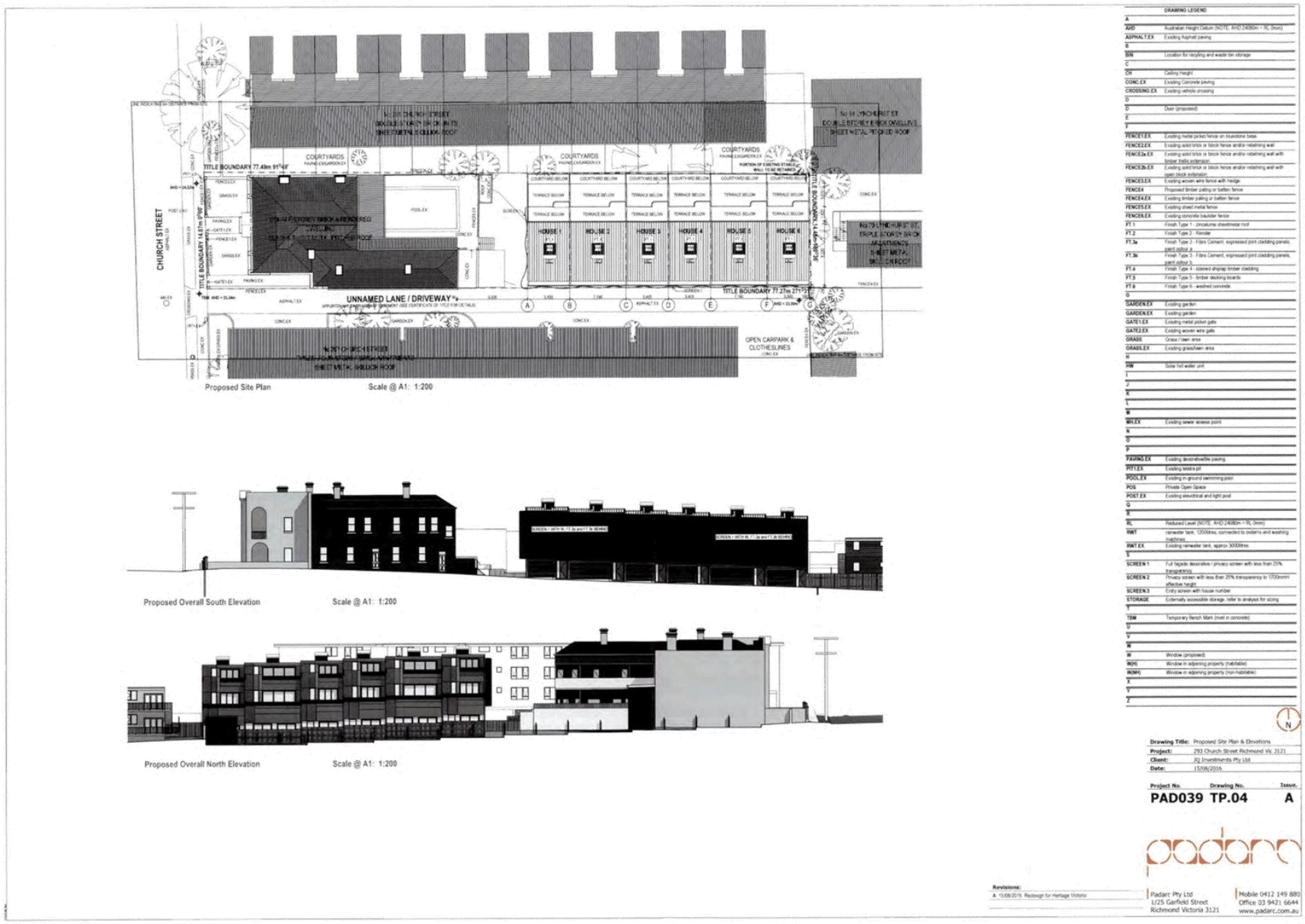
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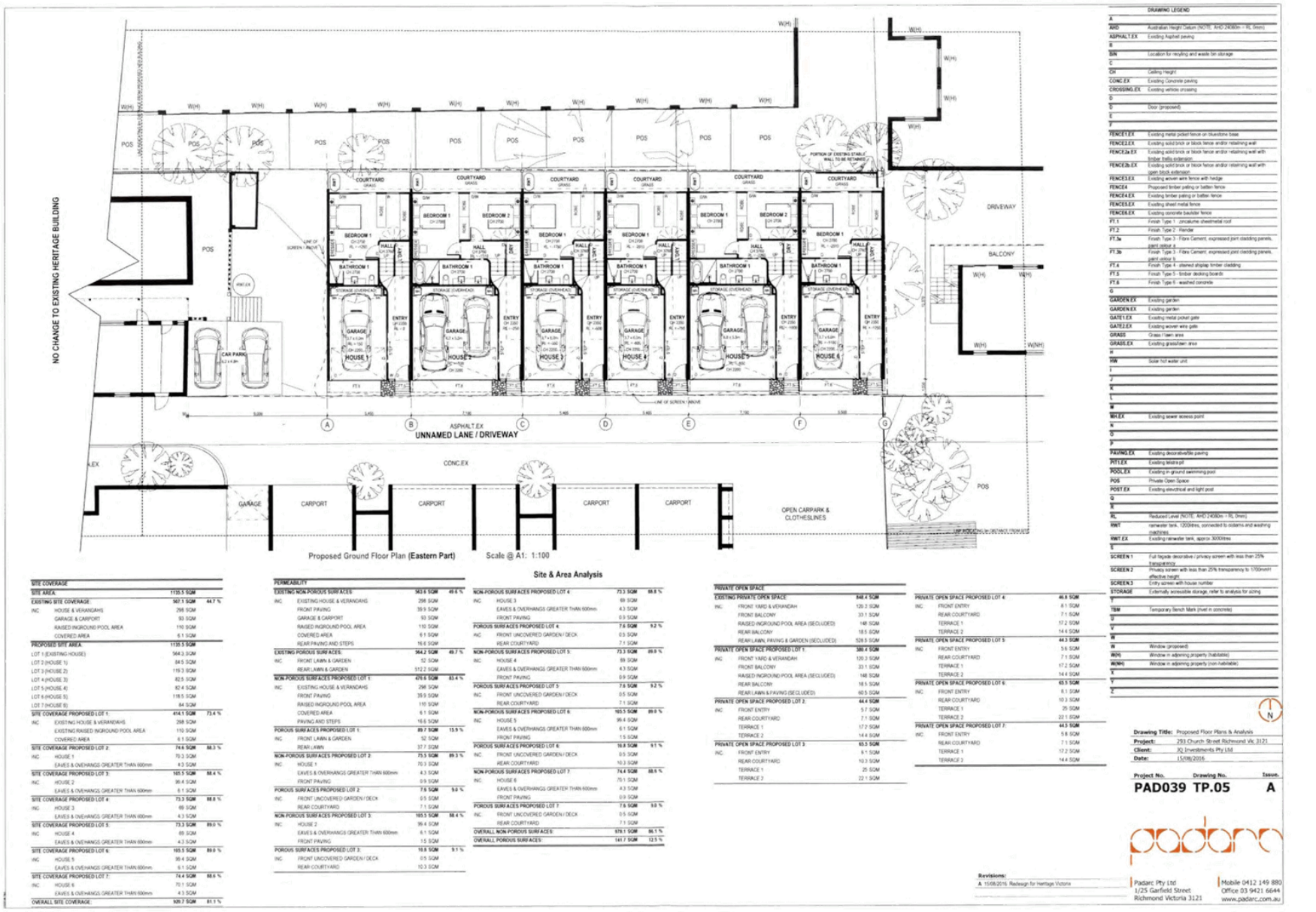
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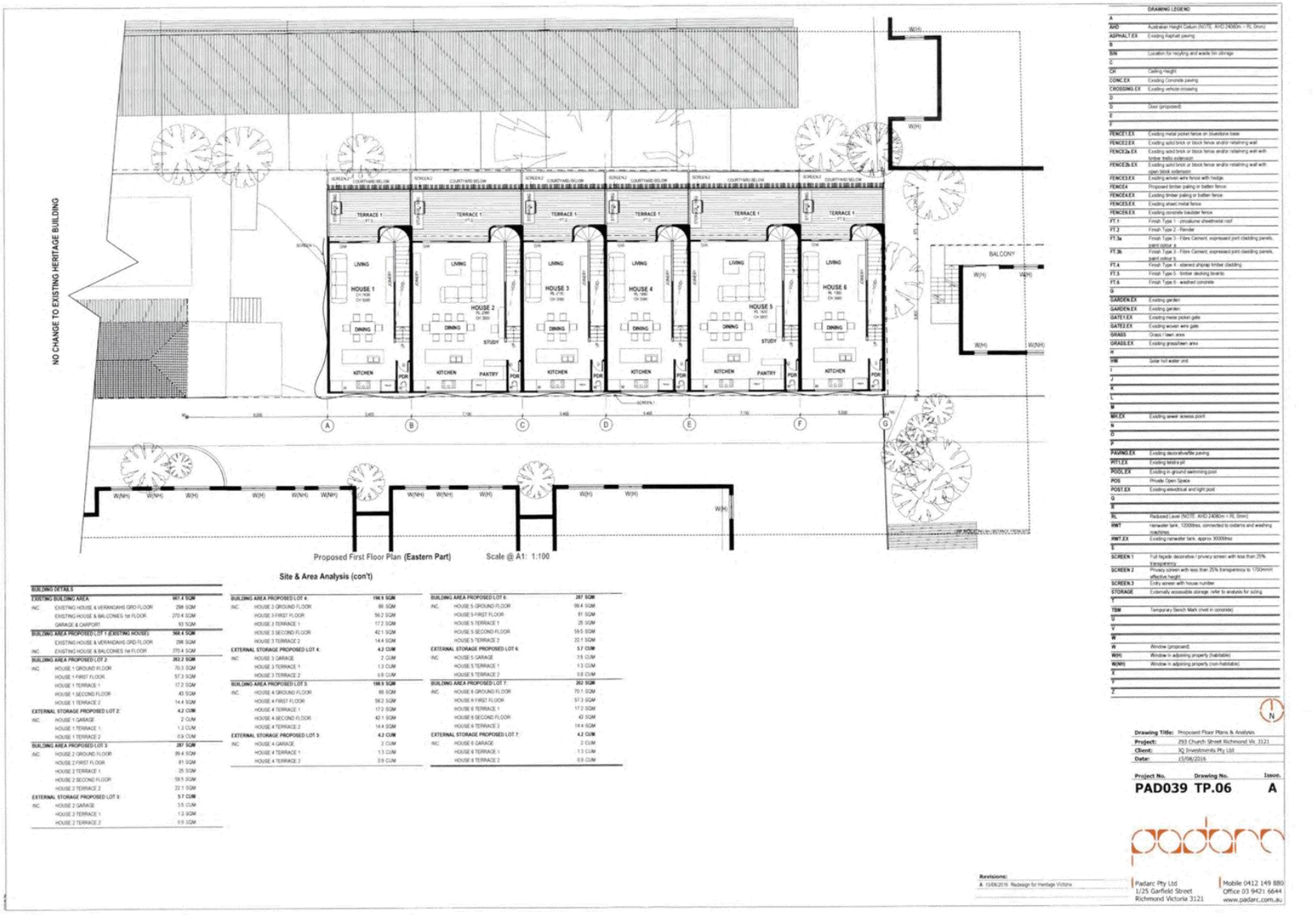
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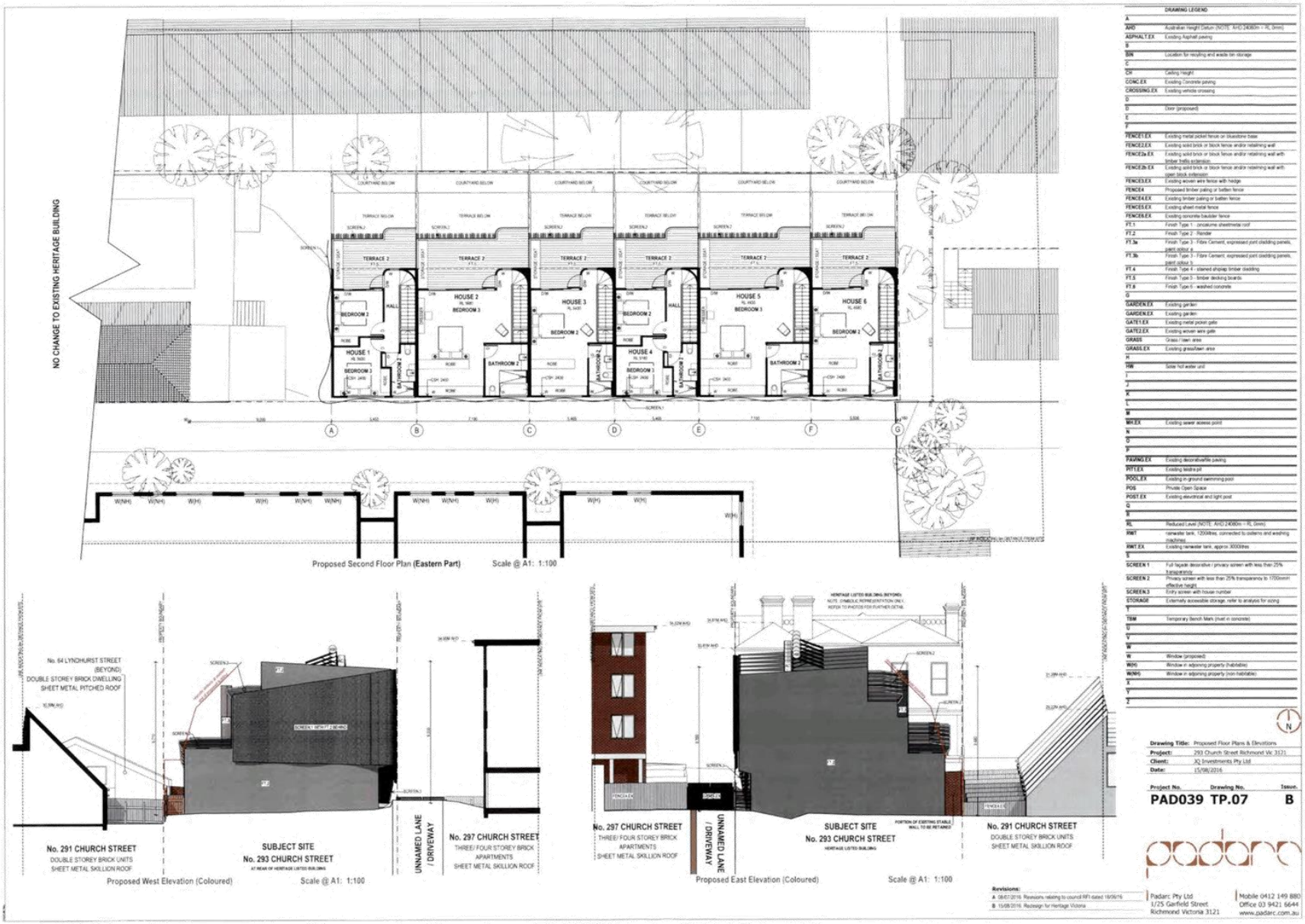
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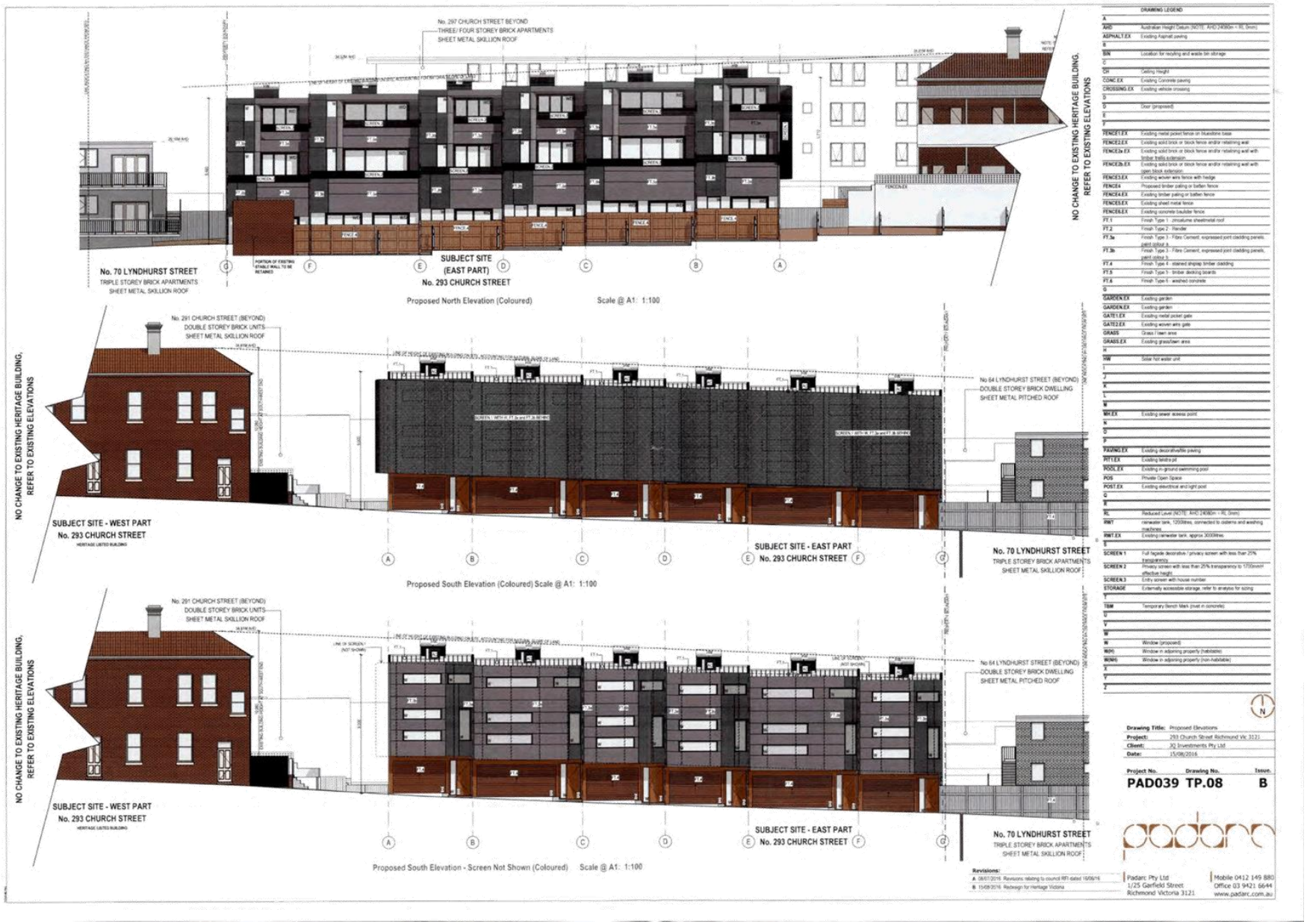
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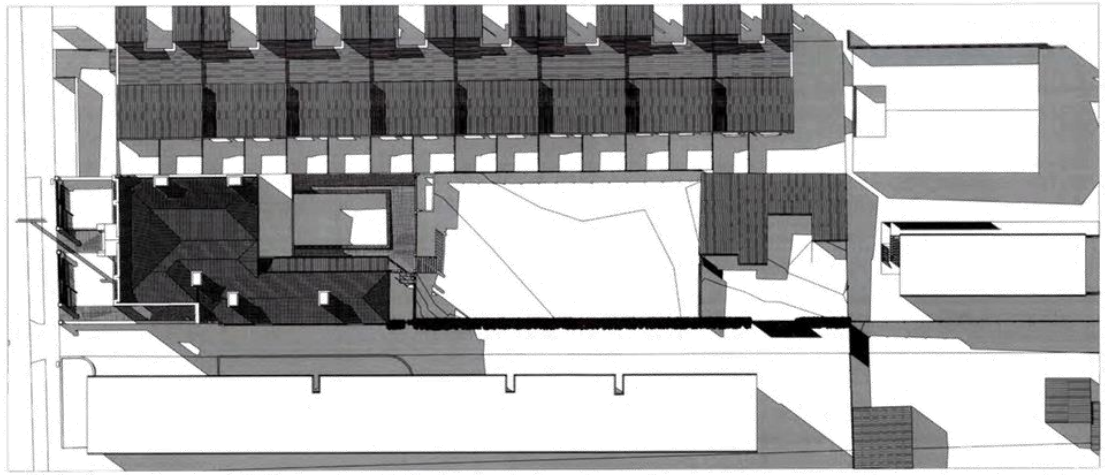
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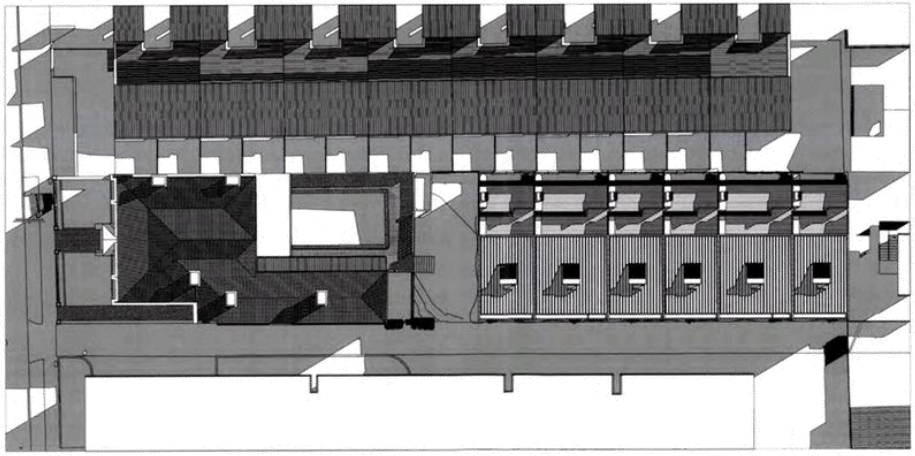
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September 22nd 9am Scale @ A1: 1:200



September 22nd 9am Scale @ A1: 1:200

Drawing Title: Shadow Diagrams
Project: 293 Church Street Richmond Vic 3121
Client: JQ Investments Pty Ltd
Date: 15/08/2016

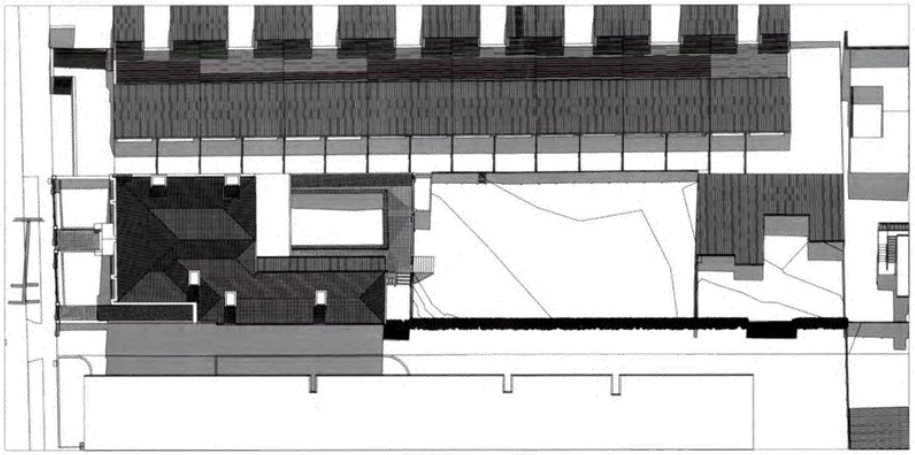
Project No.	Drawing No.	Issue.
PAD039	TP.09	A

Revisions:
A 15/08/2016 Redesign for Heritage Victoria

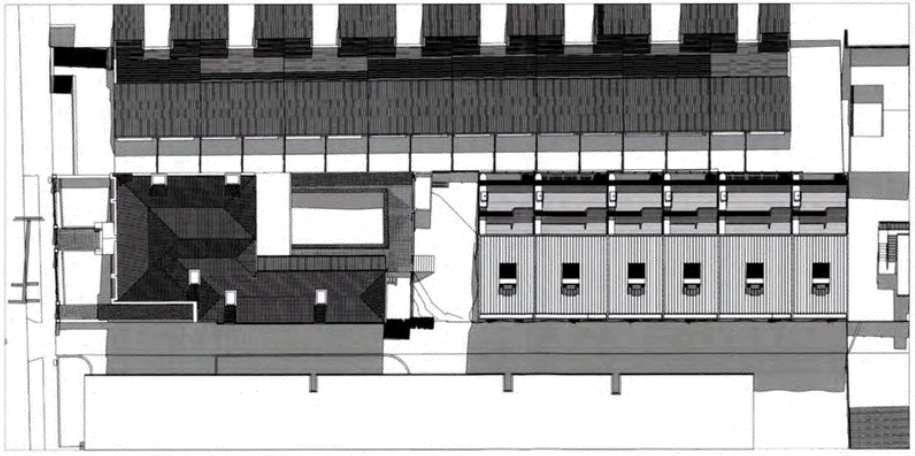
Padarc Pty Ltd
1/25 Garfield Street
Richmond Victoria 3121

Mobile 0412 149 880
Office 03 9421 6644
www.padarc.com.au

Attachment 2 - PLN16/0509 - 293 Church Street Richmond - Plans (Floor plans, Elevations and Shadows)



September 22nd 12noon Scale @ A1: 1:200



September 22nd 12noon Scale @ A1: 1:200

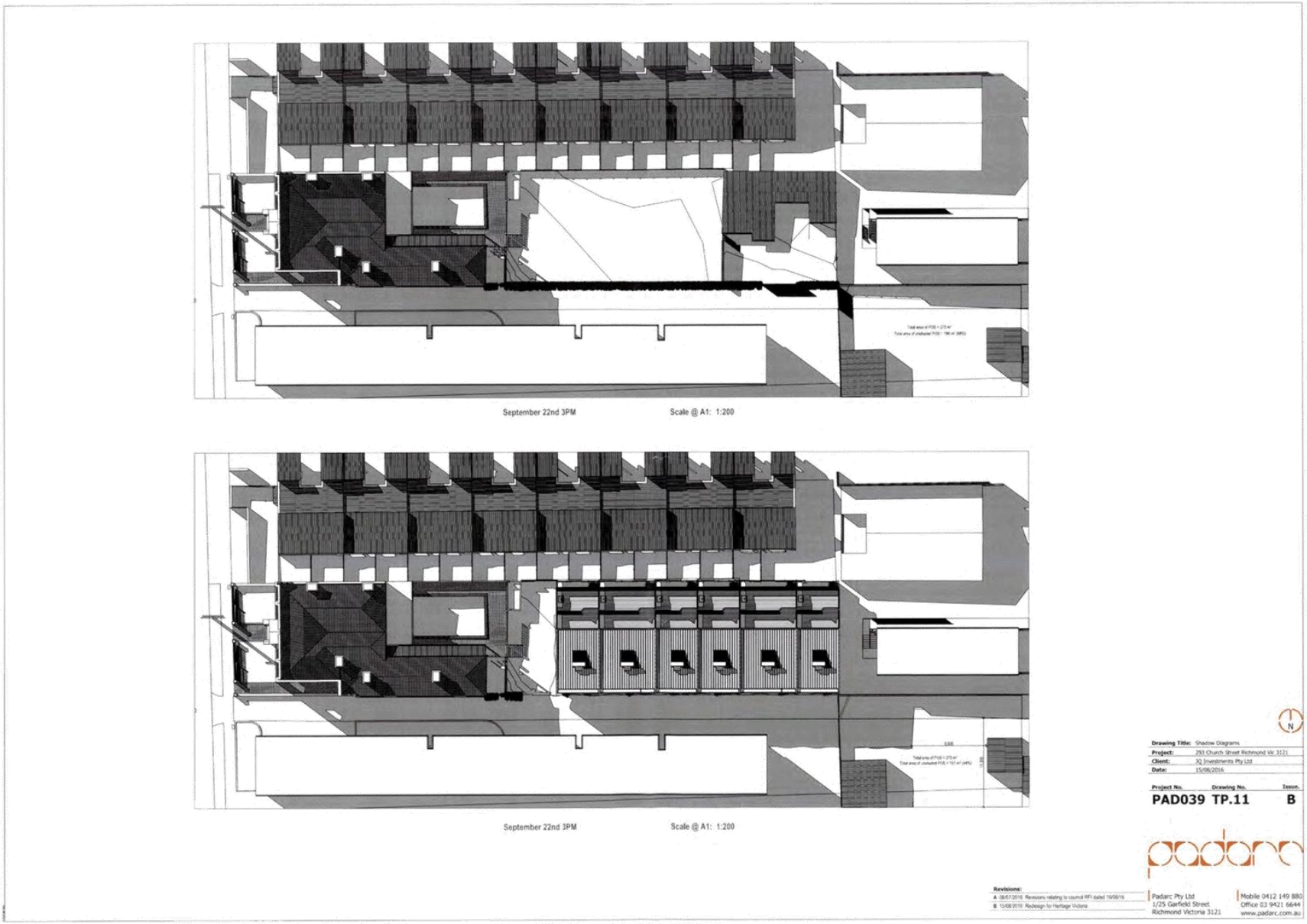
Drawing Title: Shadow Diagrams
Project: 293 Church Street Richmond Vic 3121
Client: XJ Investments Pty Ltd
Date: 15/08/2016

Project No.	Drawing No.	Issue.
PAD039	TP.10	A

Revisions:
A 15/08/2016 Redesign for Heritage Victoria

Padarc Pty Ltd
1/25 Garfield Street
Richmond Victoria 3121
Mobile 0412 149 880
Office 03 9421 6644
www.padarc.com.au

Attachment 2 - PLN16/0509 - 293 Church Street Richmond - Plans (Floor plans, Elevations and Shadows)



Attachment 3 - 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots

Padarc Pty Ltd
ABN 43 127 947 639
1/25 Garfield Street
Richmond VIC 3121
Phone 03 9421 6644
build@padarc.com.au
www.padarc.com.au

25th October 2016

City of Yarra
Richmond Town Hall
333Bridge Rd
Richmond 3121
Attention: John Theodosakis

CITY OF YARRA
27 OCT 2016
RECEIVED

Dear John,

PLANNING APPLICATION No: PLN16/0509
ADDRESS: 293 CHURCH STREET, RICHMOND, VICTORIA, 3121

Further to our meeting last week, to discuss the current Planning Application PLN16/0509 at 293 Church Street, please be advised that we wish to amend our current application to include subdivision. We are making this request under section 57A of the planning and environment act.

In support of our amended application, find attached the following documents:

- A Completed Application for Planning Permit Form, amended to include subdivision
- A Written Response to Clause 56 Residential Subdivision

As discussed, an additional fee totalling $1802.30 is to be paid. This fee includes $1240.70 which is the equivalent of the subdivision application fee along with $561.60, being a portion of the scheduled fee for the development application.

Thank you and please let me know if you require anything further in order to continue your assessment of the application.

Yours sincerely

Kathryn Walder
PADARC

Page 1 of 1

Attachment 3 - 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots

CITY OF YARRA

Planning Enquiries
Phone: 03 9205 5555
Web: http://www.yarracity.vic.gov.au

Office Use Only

Application No.: Date Lodged: / /

CITY OF YARRA
27 OCT 2016
RECEIVED

Application for
Planning Permit

If you need help to complete this form, read How to complete the Application for Planning Permit form.

⚠ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

⚠ **Questions marked with an asterisk (*) are mandatory and must be completed.**

⚠ **If the space provided on the form is insufficient, attach a separate sheet.**

Clear Form

The Land

(1) Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.: | St. No.: 293 | St. Name: CHURCH STREET

Suburb/Locality: RICHMOND | Postcode: 3121

Formal Land Description *
Complete either A or B.

⚠ This information can be found on the certificate of title.

A Lot No.: 1 ○ Lodged Plan ◉ Title Plan ○ Plan of Subdivision No.: 888367k

OR

B Crown Allotment No.: | Section No.:

Parish/Township Name:

If this application relates to more than one address, please click this button and enter relevant details. Add Address

The Proposal

⚠ You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

(2) **For what use, development or other matter do you require a permit?** *

If you need help about the proposal, read: How to Complete the Application for Planning Permit Form

SUBDIVISION INTO 7 LOTS AND THE DEVELOPMENT OF THE LAND WITH SIX, THREE-STOREY DWELLINGS, INCLUDING A REDUCTION IN THE ASSOCIATED CAR PARKING REQUIREMENT OF THE YARRA PLANNING SCHEME. THE EXTENT OF DEMOLITION CONSIDERED AS PART OF THE APPLICATION IS LIMITED TO THE REMOVAL OF THE CARPORT AND SINGLE-STOREY BRICK GARAGE AT THE NORTH-EAST CORNER, INCLUDING REAR AND SIDE FENCES. HERITAGE MATTERS IN RELATION TO THE EXISTING FORMER LALOR HOUSE ARE DEALT WITH BY HERITAGE VICTORIA

Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

(3) **Estimated cost of development for which the permit is required** *

Cost $ 2 300 000.00

⚠ You may be required to verify this estimate. Insert '0' if no development is proposed.

If the application is for land within **metropolitan Melbourne** (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds $1 million (adjusted annually by CPI) the Metropolitan Planning Levy **must** be paid to the State Revenue Office and a current levy certificate **must** be submitted with the application. Visit www.sro.vic.gov.au for information.

Existing Conditions

(4) **Describe how the land is used and developed now** *

eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

SINGLE TWO STOREY DWELLING

Provide a plan of the existing conditions. Photos are also helpful.

Attachment 3 - 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots

Title Information

(5) **Encumbrances on title** *

If you need help about the title, read: How to complete the Application for Planning Permit form

Does the proposal breach, in any way, an encumbrance on title such as a restrictrive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- ○ Yes. (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- ◉ No
- ○ Not applicable (no such encumbrance applies).

☑ Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', eg. restrictive covenants.)

Applicant and Owner Details

(6) Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:
Title: Ms | First Name: KATHRYN | Surname: WALDER
Organisation (if applicable): PADARC PTY LTD
Postal Address: Unit No.: 1 | St. No.: 25
If it is a P.O. Box, enter the details here: St. Name: GARFIELD STREET
Suburb/Locality: RICHMOND | State: VIC | Postcode: 3121

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details * Same as applicant (if so, go to 'contact information') ☐
Name:
Title: Mr | First Name: BRENT | Surname: STONE
Organisation (if applicable): PADARC PTY LTD
Postal Address: Unit No.: 1 | St. No.: 25
If it is a P.O. Box, enter the details here: St. Name: GARFIELD STREET
Suburb/Locality: RICHMOND | State: VIC | Postcode: 3121

Please provide at least one contact phone number *

Contact information
Business Phone: | Email: brent@padarc.com.au
Mobile Phone: 0412 149 880 | Fax:

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

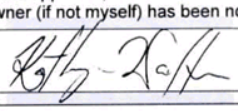
Same as applicant ☐
Name:
Title: Mr | First Name: JEREMY | Surname: QUINN
Organisation (if applicable): JQ INVESTMENTS PTY LTD
Postal Address: Unit No.: 1 | St. No.: 25
If it is a P.O. Box, enter the details here: St. Name: GARFIELD STREET
Suburb/Locality: RICHMOND | State: VIC | Postcode: 3121
Owner's Signature (Optional):
Date: day / month / year

Declaration

(7) **This form must be signed by the applicant** *

⚠ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature: 
Date: 25 Oct 2016 day / month / year

Attachment 3 - 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots

Need help with the Application?

If you need help to complete this form, read How to complete the Application for Planning Permit form
General information about the planning process is available at www.delwp.vic.gov.au/planning

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

(8) **Has there been a pre-application meeting with a Council planning officer?**

○ No ◉ Yes If 'yes', with whom?: John Theodosakis

Date: 18 Oct 2016 day / month / year

Checklist

(9) **Have you:**

- ☑ Filled in the form completely?
- ☑ Paid or included the application fee? ⚠ Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
- ☑ Provided all necessary supporting information and documents?
  - ☑ A full, current copy of title information for each individual parcel of land forming the subject site
  - ☑ A plan of existing conditions.
  - ☑ Plans showing the layout and details of the proposal
  - ☑ Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
  - ☑ If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).
  - ☑ If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void.
- ☑ Completed the relevant Council planning permit checklist?
- ☑ Signed the declaration (section 7)?

Lodgement

Lodge the completed and signed form, the fee payment and all documents with:

City of Yarra
PO Box 168 Richmond VIC 3121
333 Bridge Road Richmond VIC 3121

Contact information:
Telephone: 61 03 9205 5555
Email: info@yarracity.vic.gov.au
DX: 30205

Deliver application in person, by fax, or by post:

Print Form — Make sure you deliver any required supporting information and necessary payment when you deliver this form to the above mentioned address. This is usually your local council but can sometimes be the Minister for Planning or another body.

Save Form:

Save Form To Your Computer — You can save this application form to your computer to complete or review later or email it to others to complete relevant sections.

Attachment 3 - 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots



No. 293 Church Street, Richmond Victoria 3121

City of Yarra
October 2016

Prepared by:

1/25 Garfield Street
Richmond Vic 3121
Ph: 0412 149 880

Attachment 3 - 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots

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Attachment 3 - 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots

INTRODUCTION

This submission has been prepared on behalf of the vendees of 293 Church Street, Richmond. This submission is an application under Section 57a of the planning and environment act to amend the existing development application PLN16/0509, to include subdivision of the existing single lot into 7 individual lots. The proposed subdivision will be in keeping with the plans previously submitted and will include 1 lot containing the existing dwelling, with the remaining 6 lots to contain 1 of each of the proposed new townhouses.

WRITTEN ASSESSMENT AGAINST CLAUSE 56 – RESIDENTIAL SUBDIVISION

The proposal complies with the majority of the standards contained within Clause 56, and where there is non-compliance, the proposal is consistent with the overall objectives of the clause. The following report is only concerned with objectives that have not been covered in the original development application and therefore should be read in conjunction with the original submission.

56.01 SUBDIVISION SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

56.01-1 Subdivision Site and Context Description

Please refer to the information as provided in the Neighbourhood and Site description as provided in the original development application submission.

Also refer to the sketch in the appendix to this report which shows the Existing Pattern of Subdivision in the direct vicinity to the site.

56.01-2 Subdivision Design Response

For the detailed design response, please refer to the information as provided in the original development application submission.

The proposal for subdivision is in direct response to the proposed development detailed in the original development application submission. This can be verified by the note on the Draft Plan of Subdivision that has been included in the appendix to this report. The note states "THIS IS A PRELIMINARY PLAN. It has been prepared from Architectural Drawings....."

In direct relation to subdivision, please refer to dimensions provided on the proposed plans and note the proposed subdivision areas:

- Proposed lot containing Existing Dwelling (note this lot is exempt from the requirements of clause 56) = 608 sqm
- Proposed lot for new House 1 = 80 sqm
- Proposed lot for new House 2 = 105 sqm
- Proposed lot for new House 3 = 79 sqm
- Proposed lot for new House 4 = 78.5 sqm
- Proposed lot for new House 5 = 104.5 sqm
- Proposed lot for new House 6 = 80.5 sqm
- **Area of existing lot = 1,135.5 sqm**

Attachment 3 - 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots

56.02 POLICY IMPLEMENTATION

56.02-1 Strategic implementation objective

As per the table in Clause 32.09-2 – Subdivision (within a Neighbourhood Residential Zone), this application is not required to meet the Objectives and Standards of this particular Clause.

56.03 LIVABLE AND SUSTAINABLE COMMUNITIES

56.03-1 Compact and walkable neighbourhoods objectives

As per the table in Clause 32.09-2 – Subdivision (within a Neighbourhood Residential Zone), this application is not required to meet the Objectives and Standards of this particular Clause.

56.03-2 Activity centre objective

As per the table in Clause 32.09-2 – Subdivision (within a Neighbourhood Residential Zone), this application is not required to meet the Objectives and Standards of this particular Clause.

56.03-3 Planning for community facilities objective

As per the table in Clause 32.09-2 – Subdivision (within a Neighbourhood Residential Zone), this application is not required to meet the Objectives and Standards of this particular Clause.

56.03-4 Built environment objective

As per the table in Clause 32.09-2 – Subdivision (within a Neighbourhood Residential Zone), this application is not required to meet the Objectives and Standards of this particular Clause.

56.03-5 Neighbourhood character objective

Refer to the written response to Clause 55.02-1 Neighbourhood Character Objectives and Clause55.03-8 Landscaping objectives as provided in the original development application submission.

56.04 LOT DESIGN

56.04-1 Lot diversity and distribution objectives

Due to the size and nature of the subdivision, on an infill site within an established neighbourhood, this objective is not entirely relevant to the application. It should however be noted that the proposed subdivision allows for 3 different lot sizes that accommodate a variety of dwelling types including:

- The existing dwelling
- 2 x 3bedroom with 2 car spaces
- 2 x 2 bedroom with 1 car space
- 2 x 3 bedroom with 1 car space

The site is also well located within the established neighbourhood, being within easy walking distance from the two main activity centres of Bridge Road (270 meters) and Swan street (550 meters).

Attachment 3 - 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots

56.04-2 Lot area and building envelopes objective

The original development application submission shows how a dwelling may be constructed on each proposed new lot of either 80sqm or 105sqm. The original submission is a carefully thought out design response that considers all the objectives of Clause 55 and therefore also meets this objective. Refer to the previously submitted application in its entirety.

56.04-3 Solar orientation of lots objective

Due to the orientation of the existing lot, the proposed subdivision allows for excellent solar orientation of the proposed dwellings. Refer to the written response to Clause 55.05-3 Daylight to new windows objective and Clause55.05-5 Solar Access to open space objective as provided in the original development application submission.

56.04-4 Street orientation objective

Due to the nature of the subdivision, at the rear of an existing dwelling, the proposed lots are not orientated towards Church Street. They are however orientated towards the existing driveway/unnamed lane. Refer to the written response to clause 55.02-5 Integration with the street objective and clause 55.03-7 Safety objective and clause 55.03-9 Access objectives and clause 55.05-2 Dwelling entry objective as provided in the original development application submission.

56.04-5 Common area objectives

Due to the size and nature of the subdivision no common areas are proposed. This objective is therefore not applicable. Refer to the written response to clause 55.06-3 Common property objectives as provided in the original development application submission.

56.05 URBAN LANDSCAPE

56.05-1 Integrated urban landscape objectives

Due to the nature of the subdivision, at the rear of an existing dwelling, with access via an existing driveway / unnamed lane, this objective is not entirely relevant to the application. It should however be noted that landscaping has been considered in the proposal. Refer to the written response to clause 55.03-8 Landscaping objectives as provided in the original development application submission.

56.05-2 Public open space provision objectives

As per the table in Clause 32.09-2 – Subdivision (within a Neighbourhood Residential Zone), this application is not required to meet the Objectives and Standards of this particular Clause.

56.06 ACCESS AND MOBILITY MANAGEMENT

56.06-1 Integrated mobility objectives

As per the table in Clause 32.09-2 – Subdivision (within a Neighbourhood Residential Zone), this application is not required to meet the Objectives and Standards of this particular Clause.

Attachment 3 - 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots

56.06-2 Walking and cycling network objectives

Due to the size and nature of the subdivision, on an infill site within an established neighbourhood, with direct vehicular, bicycle and walking access via the existing driveway / unnamed lane, this objective is not entirely relevant to the application. It should however be noted that the existing neighbourhood has a well-established network of footpaths and cycling networks in the immediate vicinity. Along with footpaths on either side of the road, Church Street also includes a formal on-road bike lane. Both are easily accessible to the proposed subdivision via the existing driveway / unnamed lane.

56.06-3 Public transport network objectives

As per the table in Clause 32.09-2 – Subdivision (within a Neighbourhood Residential Zone), this application is not required to meet the Objectives and Standards of this particular Clause.

56.06-4 Neighbourhood street network objective

Due to the size and nature of the subdivision, on an infill site within an established neighbourhood, with direct vehicular, bicycle and walking access via the existing driveway / unnamed lane, this objective is not entirely relevant to the application. It should however be noted that the existing neighbourhood has a well-established network of streets in the immediate vicinity.

56.06-5 Walking and cycling network detail objectives

The proposed subdivision does not include the construction of any footpaths, shared paths or cycle paths, therefore this objective is not applicable to the application.

56.06-6 Public transport network detail objectives

As per the table in Clause 32.09-2 – Subdivision (within a Neighbourhood Residential Zone), this application is not required to meet the Objectives and Standards of this particular Clause.

56.06-7 Neighbourhood street network detail objective

The proposed subdivision does not include the construction of any street carriageways or verges, instead it makes use of the existing driveway / unnamed lane, therefore this objective is not applicable to the application.

56.06-8 Lot access objective

Access to the proposed subdivision will be via the existing side driveway / unnamed lane and does not include any additional vehicular access other than a 1metre long transition from the existing driveway to each of the proposed garages. The transition length has been designed to allow a safe and easy turning area between the driveway and garages.

56.07 INTEGRATED WATER MANAGEMENT

56.07-1 Drinking water supply objectives

The location of the proposed subdivision allows for the supply of drinking water from the existing supply to the south boundary of each proposed lot. Refer to the written response to clause 55.06-4 Site services objectives as provided in the original development application submission.

Attachment 3 - 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots

56.07-2 Reused and recycled water objective

There is no reused or recycled water supply available to the proposed subdivision, therefore this objective is not applicable to the application. It should be noted however that the original development application includes the provision of 6 x 1200lt rainwater tanks (1 per lot), each to collect water from the roofs of the proposed dwellings for use in the proposed toilets and washing machine taps.

56.07-3 Waste water management objective

The location of the proposed subdivision allows for the provision of reticulated waste water connection from the existing system to the south boundary of each proposed lot.

56.07-4 Urban run-off management objectives

The location of the proposed subdivision allows for the provision of stormwater connection from the existing supply to the south boundary of each proposed lot. Refer to the written response to clause 55.06-4 Site services objectives as provided in the original development application submission.

Note also that the originally submitted development application includes measures to minimise the impact on the existing stormwater system by the proposed development. Refer to the written response to clause 55.03-4 Permeability objectives and the STORM rating report as provided in the original development application submission.

56.08 SITE MANAGEMENT

56.08-1 Site management objectives

Due to the nature of the proposed subdivision there will be no subdivision construction works required prior to the commencement of the development construction works. It is considered a standard site management procedure to undertake a:

- Site Management Plan
- Clean Site Checklist
- Waste Management Plan

These standard procedures are designed to protect the site and the surrounding area and infrastructure from any degradation or nuisance during construction.

56.09 UTILITIES

56.09-1 Shared trenching objectives

Due to the proposed location of the supply of services to the proposed lots, from the established infrastructure, shared trenching will be possible in the supply of the services to site.

56.09-2 Electricity, telecommunications and gas objectives

Electricity, telecommunications and gas services are all existing and available to the proposed lots and will be supplied in accordance with the relevant supply agency and authority.

Attachment 3 - 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots

56.09-3 Fire hydrants objective

Due to the size and location of the proposed subdivision, no additional fire hydrants are required. Refer to the Plan of Site Analysis Survey as previously provided in the original development application which shows that there is an existing fire hydrant on Church street, to the north of the site, well within 120m from the rear of the farthest proposed lot.

56.09-4 Public lighting objective

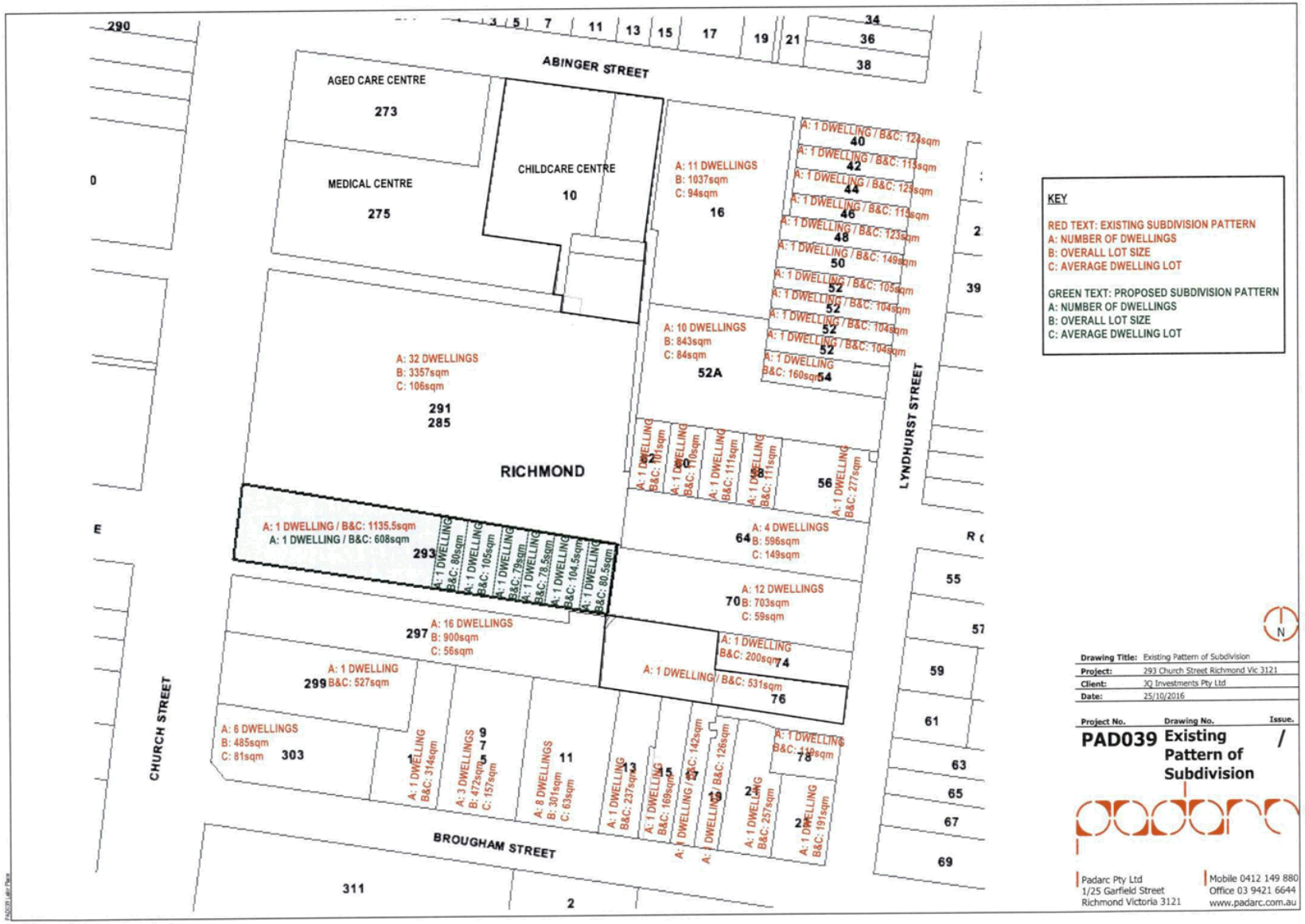
The proposed subdivision does not include any public or common areas, streets or paths, therefore this objective is not applicable to the application.

APPENDIX

Existing Pattern of Subdivision sketch

Draft Plan of Subdivision

Attachment 3 - 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots



Attachment 3 - 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots

PLAN OF SUBDIVISION

EDITION 1 | PS 805788Q

LOCATION OF LAND

PARISH: JIKA JIKA
TOWNSHIP: -
SECTION: -
CROWN ALLOTMENT: -
CROWN PORTION: 27 (PART)
TITLE REFERENCE: VOL: 11010 FOL: 342

LAST PLAN REF: LOT 1 ON TP888367K
POSTAL ADDRESS : 293 CHURCH STREET
(at time of subdivision) RICHMOND, 3121

MGA 94 CO-ORDINATES: E 323 910 ZONE 55
(of approx centre of land in plan) N 5 812 160 GDA 94

COUNCIL NAME: CITY OF YARRA

VESTING OF ROADS OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

NOTATIONS

DEPTH LIMITATION: DOES NOT APPLY

SURVEY:
THIS PLAN IS BASED ON SURVEY

STAGING:
THIS IS NOT A STAGED SUBDIVISION
PLANNING PERMIT NO:

THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS:

IN PROCLAIMED SURVEY AREA NUMBER:

NOTATIONS

BOUNDARIES SHOWN BY THICK CONTINUOUS LINES ARE DEFINED BY BUILDINGS

LOCATION OF BOUNDARIES DEFINED BY BUILDINGS:

MEDIAN: BOUNDARIES MARKED M
EXTERIOR FACE: ALL OTHER BOUNDARIES

LOTS ON THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS.

SEE OWNERS CORPORATION SEARCH REPORT(S) FOR DETAIL

EASEMENT INFORMATION

LEGEND: A - APPURTENANT EASEMENT E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD)

EASEMENTS PURSUANT TO SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLY TO THE LAND IN THIS PLAN

EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/IN FAVOUR OF
A-1	CARRIAGEWAY	SEE DIAG.	INSTUMENT 30597	LOT 1 ON TP 888367K
A-2	DRAINAGE	SEE DIAG.	INSTRUMENT 224835	LOT 1 ON TP 888367K

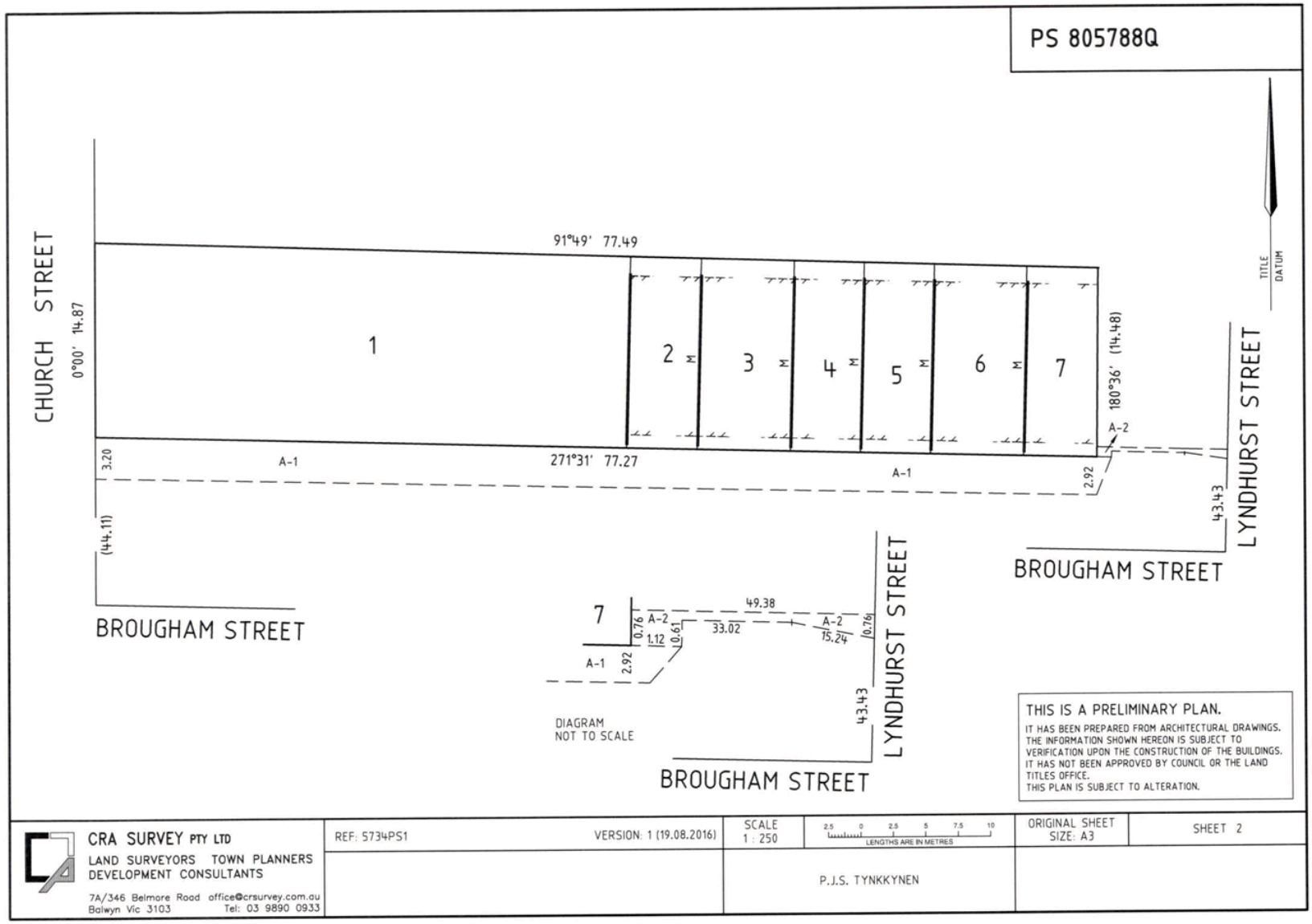
THIS IS A PRELIMINARY PLAN.
IT HAS BEEN PREPARED FROM ARCHITECTURAL DRAWINGS. THE INFORMATION SHOWN HEREON IS SUBJECT TO VERIFICATION UPON THE CONSTRUCTION OF THE BUILDINGS. IT HAS NOT BEEN APPROVED BY COUNCIL OR THE LAND TITLES OFFICE.
THIS PLAN IS SUBJECT TO ALTERATION.

CRA SURVEY PTY LTD
LAND SURVEYORS TOWN PLANNERS
DEVELOPMENT CONSULTANTS
7A/346 Belmore Road office@crsurvey.com.au
Balwyn Vic 3103 Tel: 03 9890 0933

REF: 5734PS1 VERSION: 1 (19.08.2016)
ORIGINAL SHEET SIZE: A3
SHEET 1 OF 2

P.J.S. TYNKKYNEN

Attachment 3 - 293 Church Street Richmond - Section 57A Application to include subdivision into 7 lots



Attachment 4 - Engineering Referral advice

CITY OF YaRRA

MEMO

To:	**John Theodosakis**	
From:	**Mark Pisani**	
Date:	**10 October 2016**	
Subject:	**Application No:**	**PLN16/0509**
	Description:	**Residential Development**
	Site Address:	**293 Church Street, Richmond**

I refer to the above Planning Application received on 6 September 2016 in relation to the proposed development at 293 Church Street, Richmond. Council's Engineering Services unit provides the following information:

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	2	1 space per dwelling	2	2
Three-bedroom dwelling	4	2 spaces per dwelling	8	6
Residential visitors	6 Dwellings	1 space per 5 dwellings	1	0
		Total	**11 Spaces**	**8 Spaces**

Since eight on-site spaces would be provided, the development would have a shortfall of five spaces in the car parking requirement (two resident spaces and one residential visitor space).

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

Car Parking Demand Assessment

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

- *Parking Demand for Dwellings*. The on-site car parking provision for the two-bedroom dwellings satisfies the requirements of Clause 52.06-5. Two of the three-bedroom dwellings would be provided with two on-site car parking spaces and the remaining two three-bedroom dwellings would each be provided with one on-site car parking space. This would equate to a parking rate of 0.5 spaces per three-bedroom dwelling. Car ownership rates for three-bedroom dwellings in Richmond have been sourced from the 2011 census conducted by the Australian Bureau of Statistics. For townhouse type dwellings of two or more storeys, the car ownership rate for three-bedroom townhouses in Richmond is 1.5 cars. The proportion of

Attachment 4 - Engineering Referral advice

three-bedroom townhouses in Richmond owning one vehicle is 43% (compared with 50% for the proposed development). The proportion of three-bedroom townhouses owning two cars is 41%. The statistics suggest that there is a sizeable proportion of three-bedroom townhouses in Richmond that own at least one car. The car parking provision for the proposed three-bedroom dwellings is considered appropriate and is fairly consistent with the statistical average for this dwelling type.

- *Residential Visitor Parking Demand*. Peak parking for residential visitors generally occurs on weekday evenings and at weekends. The development would have a residential visitor parking demand of one space. The property cannot practically accommodate visitor parking on-site. Visitor parking would be accommodated on-street.
- *Availability of Public Transport in the Locality of the Land*. The site is within walking distance of tram services along Church Street, Bridge Road and Swan Street.

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 Alternative Car Parking*. Church Street would provide opportunity for visitors to park within short-stay time restricted parking spaces.
- *Other Relevant Considerations*. All occupants of the new dwellings will be ineligible to apply for on-street resident and visitor parking permits.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of two resident spaces and one residential visitor parking space is considered appropriate in the context of the development and the surrounding area. The residential visitor parking associated with the site would have a negligible impact on existing parking conditions along Church Street.

Engineering Services has no objection to the waiver of car parking.

TRAFFIC GENERATION
By conservatively adopting a traffic generation rate of 4 trips per dwelling per day, the development would generate a daily traffic volume of 24 vehicle trips. The peak hour volume would be 10 per cent of the daily traffic volume. In this case, the peak hour traffic generation would be around 3 trips. These volumes are not unduly high and should not adversely impact on the operation or safety of the carriageway easement.

DEVELOPMENT LAYOUT DESIGN

Item		Assessment
Access Arrangements	Accessway Width – Carriageway easement	Carriageway easement has a width of 3.2 metres at its west end and 2.92 metres at the east end. Generally satisfies *Design standard 1 – Accessways* in Clause 52.06-8.
	Garage Doorways and Setbacks	Doorways (not dimensioned on the drawings) are set back from the carriageway easement by 1.0 metre. No swept path diagrams have been provided.
	Headroom Clearance	Not dimensioned on the drawings. Must be a minimum of 2.1 metres as per *Design standard 1*.
	Ramp Grade of Setback Area	Must not be less than 1 in 20 for a car parking module as per AS/NZS 2890.1:2004.

Attachment 4 - Engineering Referral advice

Car Parking Modules	Garages	The internal dimensions satisfy *Design standard 2: Car parking spaces*.
	Clearances for Parking Spaces	Requirements of *Diagram 1 Clearance to car parking spaces* in Clause 52.06-8 have been satisfied.

Design Items to be Addressed

Item	Details
Garage Doorways and Setbacks	The applicant must provide swept path diagrams using the B85 design vehicle demonstrating vehicle entry and exit movements into and out of the garages via the carriageway easement. Vehicles must not encroach the concrete apron (297 Church Street) on the south side of the carriageway easement.
Headroom Clearance	To be dimensioned on the drawings for the garage doors.
Ground Clearance of Garages	A ground clearance check using the B85 design vehicle must be carried out for the garages entering and exiting via the carriageway easement. The profile of the carriageway easement must be accurately drawn.

ENGINEERING CONDITIONS

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

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.

Construction Management Plan

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

- The Construction Management Plan for the site must also take the following into account:
    - If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority.
    - Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.

Attachment 4 - Engineering Referral advice

- A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.

NON-PLANNING ADVICE FOR THE APPLICANT
Drainage – Legal Point of Discharge

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

Provision of Underground Utility Services
The applicant must consult the Owners Corporation of 297 Church Street in relation to the laying of underground services in the carriageway easement. Laying underground services may require the creation of an easement or entering into an agreement with the Owners Corporation of 297 Church Street.

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 5 - Urban Design Advice - 293 Church Street, Richmond

CITY OF YaRRA

MeMO

TO:	John Theodosakis
FROM:	Amruta Pandhe
DATE**:**	20 September 2016
SUBJECT:	293 Church Street, Richmond
APPLICATION NO:	PLN16/0509
DESCRIPTION:	Development of the land with six, three-storey dwellings, including a reduction in the associated car parking requirement of the Yarra Planning Scheme. The extent of demolition considered as part of the application is limited to the removal of the carport and single-storey brick garage at the north-east corner, including rear and side fences. Heritage matters in relation to the existing former Lalor House are dealt with by Heritage Victoria.

Urban Design comments have been sought on:

- Articulation and presentation of the development as presented to the laneway; and
- Height, scale and massing when compared to surrounding built form and neighbourhood character.
- Are there any capital works approved or proposed within the area of the subject site (as relevant to the planning application). If so, please provide details and a copy of the plans associated with these works.

COMMENTS SUMMARY

There are currently no capital works approved or proposed within the area.

The proposal is supported in principle, provided below changes are made:

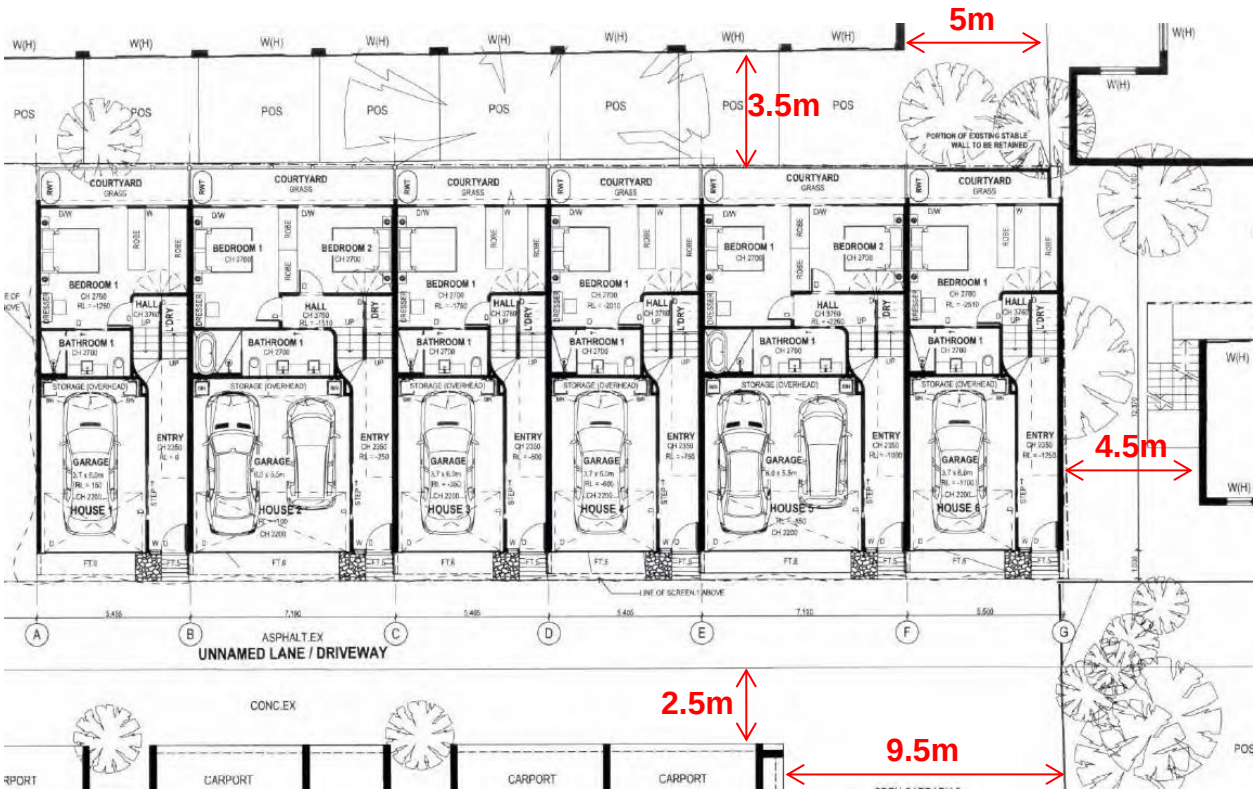
- There is no setback provided on the eastern boundary, which does not respond to the existing backyard character. We recommend providing a 4m setback from the eastern boundary to respond to the character, this will also reduce the visual bulk impact on the neighbours. This setback will provide an opportunity for soft landscaping as required in Clause 21.05 and 21.08.
- Provide habitable rooms fronting the lane which will contribute in creating a positive environment along the lane rather than a row of garage frontages.
- The proposed façade along the lane will present a blank wall with garage door on the ground floor and the screens above when close. This will create a very dark and monotonous building form along the boundary which is not acceptable.

Attachment 5 - Urban Design Advice - 293 Church Street, Richmond

Development Proposal

Building Layout and Form:

The proposal provides six dwellings fronting the lane. It proposes to build a three storey wall on the eastern boundary and a 1.5m setback on the northern boundary. As per schedule to NRZ1 a subdivision proposal has sufficient land area and minimum dimensions to be in keeping with the surrounding subdivision and development patterns. The current proposal does not comply with this guideline as none of the properties abutting the site are built to the boundary (as shown below).



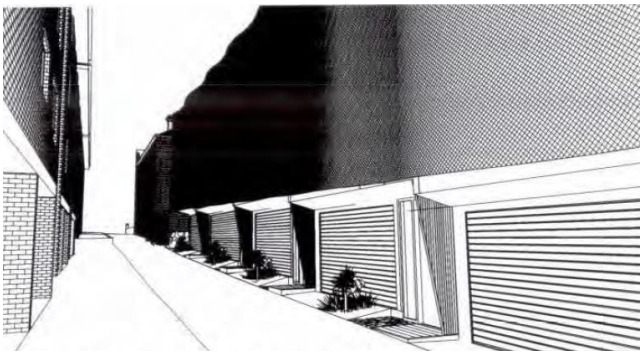
Ground Floor Plan showing dimensions of existing setbacks of the properties directly abutting the subject site

We recommend the proposal to setback at least by 4m from the eastern provide to respond to the existing backyard character. This setback will provide an opportunity to provide soft landscaping which will comply with objectives of Clause 21.05 and 21.08.

The development proposes to dominate the lane with garage frontages and vehicle access. Providing vehicle access from this lane is acceptable as this will be the only access point for these properties. However, this lane will be providing both vehicular and pedestrian access. Lack of activation and too many garages reduce the safety of pedestrian activity hence detracting the appearance and activeness of the public realm. We recommend providing some habitable rooms (at least 2) fronting the lane and increasing the contribution of building to the lane. This will also create an opportunity to provide soft landscaping which will contribute in creating a positive environment along the lane rather than a row of garage frontages.



Existing character of laneway



Proposed character of laneway

Attachment 5 - Urban Design Advice - 293 Church Street, Richmond

The proposed three storey wall on the eastern edge will present a visually bulky building impacting the amenity of the private open spaces of the abutting properties. As recommended above a setback from this boundary will create a built form that less dominant.

Façade Design and Material:

The proposal presents screen to level 1 and 2 and the ground floor presents timber cladding garage doors on the southern elevation. The use of timber for the garage frontages is supported, however, the screens on the upper levels will present a blank wall along the southern boundary unless they are open. As there is no articulation the façade will create a very dark and monotonous building form along the boundary. If the screens are used for certain parts of the façade it is acceptable, however, the existing proposal does not provide an acceptable design.

We believe the proposal will benefit from using more articulation and/or movable screens for majority of the façade to present an interesting composition (see below example).



Example of a building with movable louver screens

Attachment 6 - ESD Referral - 293 Church St

Sustainable Design Assessment (SDA)

Referral Response by Yarra City Council

Assessment Summary:

Responsible Planner:		John Theodosakis	
ESD Advisor:		Euan Williamson	
Date:	05.10.2016	Planning Application No:	PLN16/0509
Subject Site:		292 Church Street, Richmond	
Site Area:	Approx. 600m^2	Site Coverage:	100%
Project Description:		Six three storey townhouses	
Pre-application meeting(s):		No ESD involvement.	

This application 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:

- Good standard of access to daylight.
- Energy efficient heating / cooling and lighting systems.
- Water efficient fixtures throughout.

(2) Application ESD Deficiencies:

- The applicant proposes the minimum NCC thermal energy efficiency standard only. Strongly recommend exceeding the minimum NCC requirements by 10%, or an average NatHERS rating of 6.5 across all dwellings.
- There are significant areas of glazing on north façade exposed to summer sun angles and high amounts of unwanted summer solar gain. Strongly recommend external shading such as adjustable awnings, blinds, louvers, fins or shutters.

(3) Outstanding Information:

- No STORM report has been received. The SDA refers to a STORM score of 112%. Please provide the STORM report demonstrating a 112% STORM score. Rainwater tanks can be identified in the ground floor courtyards of each dwelling. These need to be connected to toilet flushing to be used for stormwater management.
- Natural ventilation is good provided there is an operable window to all habitable rooms. Please clearly note window operability on architectural drawings.

(4) ESD Improvement Opportunities:

- Consider installing a solar photovoltaic system on each dwelling to contribute to electricity consumption.

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 7 - Subdivision Referrals

CITY OF YaRRA

MeMO

TO:	**John Theodsakis**
FROM:	**Joe Armocida**
DATE:	**13th February 2017**
APPLICATION NUMBER:	**PLN16 0509**
ADDRESS:	**293 Church Street, Richmond.**

In respect to the proposed sub-division at 293 Church Street, Richmond.

Comments:

1. Prior to the issue of a statement of compliance the developer shall provide stormwater drainage, off the property to Council's satisfaction.

2. All the existing easements must remain on new title. If subdivision involves construction of a new building, new easements must be created to ensure Council's drainage requirements are met.

3. The owner of the land must apply for a legal point of discharge Regulation 610 with Council's Building Services, located at the Richmond Town Hall. The drainage design must show the existing and proposed design into Council's drainage system.

4. Council does not accept any pits on Council land, which Serve private properties.

Joe Armocida
Engineering Services

Attachment 7 - Subdivision Referrals

Theodosakis, John

From: Melbourne Water Customer Service <ReplyService@melbournewater.com.au>
Sent: Wednesday, 8 February 2017 1:36 PM
To: Theodosakis, John
Subject: New Case Number S-37382 LD285606 293 Church Street Brighton
Attachments: 293 Church.pdf

Dear John ,

Please find attached Melbourne Water response to the application received for the above property.

Melbourne Water tracks our customer enquiries. To ensure all future correspondence is attached to your initial enquiry, please click reply to this email. If you have any further queries regarding this application please contact us on 9679 7517, quoting the above Case Number and we will be happy to assist.

Kind regards

Louise Ripper | Development Services Planner, Land Development | **Melbourne Water**
T: (03) 9679 7517 | 990 Latrobe Street, Docklands, VIC 3008 | PO Box 4342 Melbourne VIC 3001 | melbournewater.com.au

Enhancing Life and Liveability

Please note: As part of our commitment to improving the customer experience and providing digital solutions, Melbourne Water will be launching a further 20 online development applications in early 2017. Once our new system DevConnect is launched, all new development applications will need to be submitted online via the Planning and Building section of our website. Applications sent to personal email addresses after this date may take longer to process. *(Note: Local Councils who currently use SPEAR for subdivision referrals can continue to use this channel).*

Learn about Melbourne Water's new Strategic Direction

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Please consider the environment before printing this email

Attachment 7 - Subdivision Referrals

286506_660723_379255.pdf

Melbourne Water

08 February 2017

Mr John Theodosakis
Yarra City Council
P.O. Box 168
Richmond, VIC 3121

Dear Mr John Theodosakis

Property: 293 Church Street Richmond 3121
Council Ref: PLN16/0509
Melb Water Ref: 286506

Thank you for your letter of 30 January 2017 regarding a town planning application referral with the above details.

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 and footnotes:

Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

Footnote(s) to be placed on Permit

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference **286506.**

If you have any enquiries, please contact me on telephone 9679 7517 or e-mail louise.ripper@melbournewater.com.au.

Yours sincerely

L. Ripper

Louise Ripper
Customer and Planning Services

Melbourne Water Corporation
990 La Trobe Street
Docklands VIC 3008 Australia
PO Box 4342 Melbourne VIC 3001 Australia
Telephone 131 722
Facsimile 03 9679 7099
ABN 81 945 386 953
Printed on Australian 100% recycled paper

VICTORIA State Government

Attachment 7 - Subdivision Referrals

Theodosakis, John

From: designs@citywestwater.com.au
Sent: Thursday, 9 February 2017 1:46 PM
To: Theodosakis, John
Subject: Application CWW Ref# LND/17/00082. 293 CHURCH STREET, RICHMOND + MM
Attachments: 02092017130513_TP Response LND 17 00082.PDF

Please see attached documents as per your application.

Regards,

Mina Moussa
Development Officer, Land Development
T 9313 8764 | M
E Mina.Moussa@citywestwater.com.au
City West Water
Locked Bag 350 | Sunshine, Vic 3020
DX 30311 | Sunshine

Attachment 7 - Subdivision Referrals

City West Water™

City West Water Corporation
ABN: 70 066 902 467
1 McNab Avenue
Footscray Vic 3011 Australia
Locked Bag 350 Sunshine Vic 3020
DX 30311 Sunshine
citywestwater.com.au
Telephone (03) 9313 8422
Facsimile (03) 9313 8417

07 February 2017

Coordinator - Statutory Planning
Urban Planning Branch
City of Yarra
PO Box 168
Richmond Vic 3121

Attention: Peter Louden

Dear Mr Louden,

TOWN PLANNING PERMIT APPLICATION

Property : 293 CHURCH STREET, RICHMOND
Our Reference : LND/17/00082
Your Reference : PLN15/0509

Thank you for your referral dated 30 January 2017. City West Water advises that as the water supply and sewerage authority we consent to the granting of a town planning permit subject to the following conditions.

WATER

It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.

SEWER

It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.

Prior to certification, the Plan of Subdivision must be referred to City West Water in accordance with Section 8 of the Subdivision Act 1988.

The following is for information purposes only and should not form part of the permit.

1. The applicant should be made aware that a Plumbing application for Residential Developments (2-10 lots only) is required to be lodged with City West Water in order to obtain our servicing requirements. The Application can be downloaded from our website at www.citywestwater.com.au in the Plumbers and Developers section.

It would be appreciated if City West Water's reference number could be quoted on all correspondence.

If further information is required, please contact Mina Moussa on 9313 8764.

Yours faithfully

Steve Webb
Manager Land Development
Water Solutions

Attachment 7 - Subdivision Referrals

Ray, Rebecca

From: Subdivisions <Subdivisions@apa.com.au>
Sent: Tuesday, 31 January 2017 8:39 AM
To: City of Yarra Info
Subject: RE: Subdivision Referral 293 CHURCH STREET RICHMOND VIC 3121

APA GROUP
APT O&M Services Pty Ltd (APT) is a company under the APA Group.

Our Reference: er 310117-1

Enquires: Enzo Rio
Telephone 9463 8407

Dear Sir/Madam,

Re: APPLICATION FOR PLANNING PERMIT
293 CHURCH STREET RICHMOND VIC 3121
Plan No. :

Reference is made to the above correspondence dated 30/01/2017 and accompanying plan.

APT pursuant to Section 56 (1) (b) of the Planning and Environment Act 1987 has no objection to the granting of a permit.

APT does not require the plan to be forwarded under Section 8 of the Subdivision Act 1988, and consents to the issue of a statement of compliance at the appropriate time.

Yours faithfully,

RECEIVED
31 JAN 2017

Per
Rebecca May
Planning Manager
Planning & Engineering

1

Attachment 7 - Subdivision Referrals

Theodosakis, John

From: Theodosakis, John
Sent: Friday, 17 February 2017 2:22 PM
To: Theodosakis, John
Subject: TRIM: FW: 293 CHURCH STREET, RICHMOND.

HP TRIM Record Number: D17/20220

From: Rice, Kevin [mailto:KRice@citipower.com.au]
Sent: Thursday, 16 February 2017 10:25 AM
To: Theodosakis, John
Subject: RE: 293 CHURCH STREET, RICHMOND.

Hi John,

The wording should be along the lines.

"Clear access to the substation located in the property at 297 Church Street, Richmond, which is accessed via the laneway between 293 & 297 Church Street is to be maintained at all times. "

Regards,

Kevin Rice
Customer Request Officer
Customer Requests Urban

Phone: (03) 9297 6619 Fax: (03) 9683 5110
Email: cru@powercor.com.au

1

1.2 PL06/0973.08 - 218 - 222 Brunswick Street Fitzroy - Amendment to the permit to increase the hours of operation to 1am seven days a week (condition 4), increase patron numbers from 300 to 400 (condition 5) with an associated reduction in car parking requirements, allow a DJ to play music on site (condition 13), delete and/or amend conditions 1, 14, 15 and 17 and amendment to the plans to increase the red line plan.

Executive Summary

Purpose

1. This report provides an assessment of planning permit application PL06/0973.08 for land at 218 - 222 Brunswick Street, Fitzroy, and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 34.01 – Commercial 1 Zone;
   (b) Clause 52.27 – Licensed premises;
   (c) Clause 52.06 – Car Parking;
   (d) Clause 11.01-1 Activity centre network;
   (e) Clause 11.01-2 Activity centre planning;
   (f) Clause 21.04-2 – Activity Centres;
   (g) Clause 22.05 – Interface Uses Policy; and
   (h) Clause 22.09 – Licenced premises.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Liquor licence policy;
   (b) Off-site amenity impacts;
   (c) Car parking; and
   (d) Objector concerns.

Objector Concerns

4. 11 objections were received to the application, these can be summarised as:
   (a) Excessive music and patron noise exacerbated by increase in patrons and hours;
   (b) Insufficient acoustic attenuation;
   (c) Anti-social behaviour from patrons on the street;
   (d) Cumulative impact on residential amenity associated with increased number of licences in the area;
   (e) Creating additional pressure on existing on-street car parking; and
   (f) Bins being stored and blocking the footpath within Kent Street.

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

CONTACT OFFICER: **Alicia Mora**
TITLE: **Statutory Planner**
TEL: **92055139**

1.2 PL06/0973.08 - 218 - 222 Brunswick Street Fitzroy - Amendment to the permit to increase the hours of operation to 1am seven days a week (condition 4), increase patron numbers from 300 to 400 (condition 5) with an associated reduction in car parking requirements, allow a DJ to play music on site (condition 13), delete and/or amend conditions 1, 14, 15 and 17 and amendment to the plans to increase the red line plan.

Trim Record Number: D17/17860
Responsible Officer: Principal Planner

Proposal:	Amendment to the permit to increase the hours of operation to 1am seven days a week (condition 4), increase patron numbers from 300 to 400 (condition 5) with an associated reduction in car parking requirements, allow a DJ to play music on site (condition 13), delete and/or amend conditions 1, 14, 15 and 17 and amendment to the plans to increase the red line plan.
Existing use:	Hotel (Fitzroy Social)
Applicant:	RSG (Fitz) Pty Ltd & Gary Prince
Zoning / Overlays:	Commercial 1 Zone Heritage Overlay (Schedule 311) Environmental Audit Overlay (EAO)
Date of Application:	21/09/2016
Application Number:	PL06/0973.08

Planning History

1. Planning permit 2875 was issued 24 May 1994 for "Painting of the building".

2. Planning permit 1706 was refused by Council on 28 September 1992 for *"To erect an awning".*

3. Planning Permit PL06/0973 was approved by Council on 8 June 2007 for "*Use of the land as a hotel, warehouse and office, including general liquor license and waiver of car parking requirements, bicycle requirements and partial waiver of the requirements of clause 52.07 - loading and unloading of vehicles. Buildings and works to the existing building, including part demolition*".

4. Planning Permit PL06/0973 has since been amended multiple times (pursuant to Section 72 of the *Planning and Environment Act* 1987), with the following changes:
   (i) PL06/0973.01 – amended 6 March 2008, for façade alterations, internal reconfiguration, deleting the central courtyards and relocating one courtyard to the front of the site adjacent to Brunswick Street, reduction in the overall floor space and temporary demolition of the rear wall. This permit was also corrected (due to a clerical error) on 21 April 2008 pursuant to section 71 of the *Planning and Environment Act* 1987;
   (ii) PL06/0973.02 – application withdrawn;
   (iii) PL06/0973.03 – amended 23 September 2008 for the construction of a dishwasher exhaust, a kitchen exhaust and a bathroom exhaust.
   (iv) PL06/0973.04 – amended 23 October 2009 for alterations to the entry, additional plant and additional office floor space (14.4sqm).
   (v) PL06/0973.05 – amended 3 September 2010 for alterations to the roof plan to allow for the installation of eight (8) evaporative cooler units; and installation of two (2) split system air conditioners.

(vi) PL06/0973.06 – amended 5 February 2013 for a change the front door, internal rearrangement of the front smokers to create a bike storage room, reglazing of the bi-fold doors, relocation of the fire hydrant and widening of the kitchen. (This is the most recent copy of the amended permit as it was determined after amendment PL06/0973.07).

(vii) PL06/0973.07 – amended 7 January 2013 to alter Condition 4 to increase hours of operation to allow the service of food and drink (excluding alcohol) between 7am and 10am seven days a week.

Existing Conditions

Subject Site

5. The site is located on the east side of Brunswick Street, Fitzroy between Moor Street to the south and St David Street to the north. The site is within one of the City of Yarra's five Activity Centres (AC). The site is rectangular in shape with a frontage to Brunswick Street of 15.24m, a depth of 42.9m and an overall site area of approximately 653.79sqm.

6. Occupying the site is a two-storey, Victorian-era building. The building is constructed to all title boundaries resulting in 100% site coverage. Internally the building has a large open area for the front three quarters which is set up with tables and chairs; the rear quarter of the ground floor is occupied by the kitchen, storage areas and patron amenities. There are two mezzanines, one at the front of the building and one towards the rear above the kitchen (this does not extend to the rear wall of building). The mezzanines will be used for private functions, consistent with current conditions with the rear mezzanine is currently not accessible to patrons.

7. The site is currently used as a hotel pursuant to Planning Permit PL06/0973, operating as Fitzroy Social. The applicant has stated in their supporting documents that the venue operates more like a restaurant where the primary focus is on dining (the consumption of food), the setup of the venue also supports this. The venue has a substantial food menu offering for customers.

Restrictive Covenants

8. There are no restrictive covenants shown on the Certificate of Title provided with this application.

Surrounding Land

9. The surrounding land uses are a mix of commercial along Brunswick Street with residential within Kent, St David and Moor Streets. There are also instances of residents at first floor along Brunswick Street.

10. To the north of the site is a two-storey, Victorian era building used as a 24 hour gym, known as Snap Fitness Fitzroy. Further north on the corner of Brunswick Street and St David Street is a two-storey building used to sell furniture, known as Wilkins and Kent Furniture and Design. On the opposite corner of Brunswick and St David Streets is a five to six-storey building. The building has a mixture of retail uses at ground floor with the corner tenancy being vacant. The upper levels are apartments facing onto either Brunswick or St David Streets. Within St David Street is 'Saint David Dairy' a micro dairy located on the corner of St David and Kent Streets. Further east on the south side of St David Street are two and three-storey dwellings. On the north-east corner of St David Street and Young Street (on the east side of Young Street) is the Rainbow Hotel.

11. To the south of the subject site are two, single-storey buildings. The immediately abutting building is a furniture and lighting store, known as Thomas Gannon. The sites further south are a clothing store, a two-storey building used by Chemist Warehouse. The next two buildings up to Moor Street are also two-storey, one is a clothing factory outlet and the corner site is the Perseverance Hotel. East of the Perseverance located on the north-east corner of Kent and Moor Streets in a single-storey building known as Smith and Deli, a vegan café. To the east of this double-storey, Victorian era dwellings. On the north-west corner of Kent and Moor Street behind the Perseverance is Zedi, a hairdressers. The south side of Moor Street is residential.

12. To the east (rear) of the site, directly behind the subject site within Kent Street are three-storey dwellings resulting from a warehouse conversion. To the south of the warehouse conversion are two-storey, Victorian era dwellings, like the warehouse conversions the dwellings are constructed to Kent Street. Further south is another warehouse conversion, the dwelling is constructed to Kent Street at first floor however an area of private open space is located on the north side of the site with frontage to Kent Street.

13. The west (opposite side) of Brunswick Street consists of mostly double-storey buildings with two, single-storey buildings. The uses of these premises are a mixture of cafes, restaurants, shops (clothing, florists and hairdresser), and a real estate office. Directly opposite the subject site at 213, 215 and 217 Brunswick Street are first floor dwellings above ground floor shops. Behind these premises, west of Brunswick Street are single and double-storey dwellings.

The Proposal

14. The application is to amend the current planning permit to:

    (a) increase the hours of operation required by condition 4:

    From:
    i. Sunday to Wednesday – 10.00am to 11.00pm
    ii. Thursday to Saturday – 10.00am to Midnight
    iii. The premises may also operate between the hours of 7.00am and 10.00am on any day, excluding the service of alcohol during these hours.

    To:

    i. Seven days a week - 10.00am to 1.00am
    ii. The premises may also operate between the hours of 7.00am and 10.00am on any day, excluding the service of alcohol during these hours.

    (b) Increase the number of patrons allowed by condition 5 from 300 to 400;
    (c) Amend condition 13 to allow a DJ (live music) to play music at background level:
    (d) Delete condition 14 which states ‘the operator can apply for live or amplified music only with express written consent of the Responsible Authority and no more than 2 times per year (an event must be a promotion associated with the operation of the premises)’.
    (e) Amend condition 15 to remove the requirement to print on all wine lists and menus a notice ‘to respect the needs of local residents for peace and quiet during normal sleeping hours, when patrons leave the premises;
    (f) Delete condition 17 which requires ‘security or staff are to patrol the front of the premises for 30 minutes after the close of the venue to ensure that patrons do not congregate on the footpath’; and
    (g) Increase the red line plan to include the mezzanine at the rear of the building, it is also to be used by the DJ and extend the approved area of the mezzanine at the front of the building, continuing the current use of the space.

Legislation Provisions

15. The amendment has been requested pursuant to Section 72 of the *Planning and Environment Act* 1987 [**the Act**].

16. Section 72 of the Act states:
    (1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.
    (2) This section does not apply to—
    (a) a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or
    (b) a permit issued under Division 6.

17. The original permit PL06/0973 was issued on 8 June 2007 by Council.

18. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

19. Under clause 34.01-1 of the Yarra Planning Scheme [**the Scheme**] the use of the site as a hotel is a section 1, permit not required use (nested within 'retail premises').

Overlays

Heritage Overlay (HO311 – Brunswick Street Precinct, Fitzroy)

20. Under clause 43.01-1 of the Scheme, a permit is required to construct a building or construct or carry out works. No buildings and works are proposed as part of the amendment.

Particular Provisions

Clause 52.06 – Car parking

21. Clause 52.06-2 states that before an existing use is increased by the measure specified in Column C of Table 1 at clause 52.06-5 for that use the number of car parking spaces required must be provided to the satisfaction of the Responsible Authority.

22. A permit is required pursuant to clause 52.06-3 to reduce (including reduce to zero) the number of car parking spaces required under clause 52.06-5.

23. Pursuant to the Table at clause 52.06-5 hotel has a car parking rate of 0.4 spaces per patron. The additional 100 patrons results in an additional requirement of 40 spaces. As the subject site does not provide any on-site car parking a planning permit is sought for the reduction of the additional 40 spaces.

Clause 52.27 – Licensed premises

24. A permit is required to use land to sell or consume liquor if the hours of trading allowed under a licence are to be extended, the number of patrons allowed under a licence is to be increased and the area that liquor is allowed to be consumed or supplied under the licence is to be increased. Therefore a planning permit is required under the provision.

General Provisions

Clause 65 – Decision Guidelines

25. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision.

State Planning Policy Framework (SPPF)

Clause 11.01-1 Activity centre network

26. The objective of this clause is '*To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres*'.

Clause 11.01-2 Activity centre planning

27. The objective of this clause is '*To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community*'.

28. Relevant strategies include:
    (a) *Broaden the mix of uses in activity centres to include a range of services over longer hours appropriate to the type of centre and needs of the population served.*
    (b) *Provide a focus for business, shopping, working, leisure and community facilities.*

Clause 13.04-1 – Noise abatement

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

Clause 17.01-1 – Business

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

Clause 18 – (Transport)

31. This clause provides a range of objectives to reduce private motor vehicle usage and encourage the use of public transport, cycling and walking. This in turn, will reduce pressure on road networks. In particular, clause 18.02-1 encourages sustainable personal transport, including walking, cycling and public transport.

Local Planning Policy Framework (LPPF)

Clause 21.03 – Vision

32. The following is offered in this clause:

In the City of Yarra in 2020:
Land Use

(a) *The complex land use mix characteristic of the inner City will provide for a range of activities to meet the needs of the community*
(b) *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne*

Clause 21.04-2 – Activity Centres

33. The site is located within the Brunswick Street Activity Centre. The relevant objectives and strategies of this clause are:
    (a) *Objective 4 To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
        (i) *Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*
        (ii) *Strategy 4.2 Support the regional role of the Major Activity Centres as an important component of Yarra's economy and as a metropolitan destination.*
    (b) *Objective 5 To maintain the long term viability of activity centres.*
    (c) *Objective 7 To encourage the arts and arts venues.*
        (i) Strategy 7.1 Support a diversity of arts uses such as live music venues, performance spaces, galleries and artist studios in appropriate and accessible locations.

Clause 21.04-3 – Industry, office and commercial

34. The objective of this clause is '*Objective 8 To increase the number and diversity of local employment opportunities*'.

Clause 21.06 – Transport

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

Clause 21.08-7 – Fitzroy

36. The relevant elements of this clause are:

    (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.

    …

    (b) The role of the Brunswick Street centre can be characterised as hospitality, entertainment, clothing and footwear, art galleries and studios, and non-government community services, all with a metropolitan focus.

Relevant Local Policies

37. Relevant clauses are as follows:

Clause 22.05 – Interface Uses Policy

38. This policy applies to applications for use or development within Business Zones (albeit now Commercial Zones), amongst others. The policy supports the objectives of the MSS by protecting Yarra's diverse land use mix and built form, reducing conflict between commercial, industrial and residential activities, and supporting appropriate industrial and commercial activity.

39. The policy has the following objectives:

(a) To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

Clause 22.09 – Licenced premises

40. This policy applies to all applications for new licensed premises and for the extension (including the extension of hours and the extension of patron numbers) of existing licensed premises.

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

42. This policy outlines a range of guidance at clause 22.09-3 (including location and access and hours of operation).

Other documents

Amendment C209

43. Council has recently exhibited (until 16 December 2016) amendment C209, an amended local liquor licence policy. A summary of the key differences between the revised and existing policy is offered on Council's website:

Revised policy	Existing policy
Identification of preferred locations for larger venues (over 200 patrons) within identified Late Night Precincts.	No guidance provided for different types of venues.
Preferred licensed hours no later than 8pm in Residential Zones (excluding the Mixed Use Zone, where preferred licensed hours are no later than 11pm).	Preferred licensed hours no later than 11pm in Residential Zones, including theMixed Use Zone.
Licensed premises discouraged in Residential Zones, but can locate in the Mixed Use Zone.	Licensed premises discouraged in Residential Zones, including the Mixed Use Zone.
Policy regarding cumulative impacts.	Not addressed in the current policy.
Policy regarding packaged liquor outlets.	Not addressed in the current policy.
Policy regarding smoking and outdoor areas.	Not addressed in the current policy.
Policy regarding the internal design of licensed venues (safe design principles).	Not addressed in the current policy.
Policy regarding the preferred commencement of licensed hours and preferred hours for deliveries and waste collection.	Not addressed in the current policy
Identification of application requirements relevant to the type of application and potential impacts. Noise and Amenity Action Plans, cumulative impact assessments, acoustic reports and assessments against design guidelines only required in certain circumstances.	Noise and Amenity Action Plans and cumulative impact assessments are required for nearly all applications. No guidance is provided for when an acoustic report is required. No requirement to provide assessments against design guidelines.
Identification of what to consider for amendment applications.	Not addressed in the current policy.

44. The changes would not apply to venues that have existing approvals already in place. They would only apply to new applications and amendments to existing planning permits.

Advertising

45. Pursuant to Section 52 of the Act, notice of the proposed amendment was given to surrounding landowners and occupiers. One sign was displayed on Brunswick Street and a second sign was displayed on Kent Street.

46. Council received 11 objections to the application on the following grounds:
    (a) Excessive music and patron noise exacerbated by increase in patrons and hours;
    (b) Insufficient acoustic attenuation;
    (c) Anti-social behaviour from patrons on the street;
    (d) Cumulative impact on residential amenity associated with increased number of licences in the area;
    (e) Creating additional pressure on existing on-street car parking; and
    (f) Bins being stored and blocking the footpath within Kent Street.

47. A consultation meeting was held on 31 January 2017, with planning officers, the Applicant and an Objector in attendance. No resolutions resulted from the meeting.

Referrals

48. The application was referred not required to be referred to any external parties pursuant to the Yarra Planning Scheme.

49. The application was referred internally to the following departments: Community Amenity, Community Health and Safety and Engineering Services. Council engaged SLR Consulting to provide comment on acoustic matters. The comments are attached in the appendix.

OFFICER ASSESSMENT

50. The considerations for the amendment application as are follows:
    (a) Liquor Licence Policy
    (b) Car parking
    (c) Objector Concerns

    Liquor Licence Policy

51. The decision guidelines at clause 52.27 and 22.09 are the most relevant when assessing this application.

    Location and access

52. The subject site is located within a Commercial 1 Zone, within the Brunswick Street Activity Centre. The existing use of the site is consistent with the purpose of the zone *to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses*. The continued use of the premises will positively contribute to the vibrancy of the commercial zoning.

53. The premises will continue to open during the day as the current permit shows that they have approval to open from 7am and their website states their opening time is from 10.00am.

54. Access to the premises will not alter as a result of the amendment with patrons still required to enter and exit via Brunswick Street. Given patrons will be required to leave via Brunswick Street, impacts on residents within the Mixed Use Zone to the rear of the site should be limited as patrons would be likely to move along Brunswick Street to attend other venues or to leave the area via public transport, taxis or Uber.

55. Condition 17 requires staff or security to patrol the front of the site for 30 minutes after closing and is considered to promote good operational practise for a venue. This is particularly in light of the application to increase patron numbers from 300 to 400 and increase hours to 1am seven days a week. Council submits that the retention of this condition will assist in the orderly dispersal of patrons from the premises late at night and was originally requested by Council's Community Amenity Unit, who support its retention on the permit. Concerns from objections relating to anti-social behaviour from patrons when exiting the venue can be managed by retaining this condition. The condition does not specify that security is provided exclusively, allowing the footpath to be also patrolled by staff. Therefore condition 17 will remain on the permit as it currently stands including the wording 'security' as as it will have a positive impact on the dispersal of patrons leaving the venue at closing time with the intention to reduce potential anti-social behaviour along Brunswick Street and the surrounding area.

56. Toilets for patrons are provided within the premises and due to the 100% site coverage smokers will be required to go out onto Brunswick Street. Given the venue operates more as a restaurant and not as a hotel, as the primary focus is on consumption of food and this in combination with no outside seating is likely to result with smokers only being outside for short periods of time. Given the limited residential interface (only three shop top dwellings on the opposite side of the street) with the Brunswick Street façade it is unlikely that smokers on the footpath will have a detrimental amenity impact on the surrounding area.

Hours of operation

57. The use of the land is supported by the zone as stated previously. However, clause 21.04-2 acknowledges that almost all residents are within 400m of an activity centre. This can introduce land use conflicts at these commercial/residential interfaces.

58. In this instance, dwellings are mainly located to the north and east with three shop top dwelling to the west and some residential along Moor Street to the south.

59. This application seeks permission to increase the hours for the sale and consumption of liquor to 1am seven days a week from 11pm Sunday to Wednesday and 12 midnight Thursday to Saturday.

60. Clause 22.09-3.2 attempts to deal with the residential/commercial land use conflicts by stating that licenced premises in a Business Zone, now known as Commercial Zones should not trade beyond 1am, unless the Responsible Authority is satisfied that the use will not adversely affect the amenity of the area.

61. The sale and consumption of liquor will cease at 1am in line with Council policy. It is also noted that the premises, as previously stated, operates more like a restaurant and not as a hotel. Photos of the internal layout of the premises, the website and supporting documents state that there is approximate seating for 80% of patrons expected on the premises which indicates that the operators of the venue wish to provide an atmosphere more akin to dining and not vertical drinking. The applicant has provided a copy of the menu showing that substantial meals are available for consumption in the style of a restaurant promoting a focus on food consumption over vertical drinking. They have also stated that meals will be served up to one hour prior to the venue closing, this is consistent with a request from Community Amenity to serve meals during operating hours.

    A condition can be included on the permit, should one be issued, that the House Management Plan (NAAP) be amended to formalise the seating arrangement of 80% seats at ground floor and the provision of substantial meals to patrons up to one hour prior to the venue closing. In addition to this, patrons are required to leave via Brunswick Street and condition 17 will still remain on the permit, therefore it is considered that the 1am closing time will not have an adverse impact on the amenity of the surrounding area.

62. Data collected from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) relating to the liquor licences within a 500m radius of the subject site reveals that 1am is the a common closing time within the area. The data also shows that there is a staggering of closing times within the area with some venues closing earlier and some later. This assists in reducing the number of people leaving at the same time and reducing the competition for public transport and taxis services.

63. Noise associated with this premises will be discussed in greater detail later within the report.

Patron numbers

64. The proposed increase in patron numbers from 300 to 400 can be physically accommodated within the venue due to the amount of floor space available to patrons including the addition of the rear mezzanine in the red line plan. The applicant has provided a letter from du Chateau Chun, building surveyors to support the increase. The letter states that the venue can accommodate 669 patrons using the liquor licence ratio, however, when applying BCA requirements using floor space, toilets and exit widths, the site can comfortably accommodate 400 patrons.

65. The applicant has reiterated that the premises operates more as a restaurant and not as a hotel with the main focus being consumption of food and not vertical drinking, hence the condition to amend the House Management Plan to include the minimum seating requirement and food to be served to patrons. The additional 100 patrons are considered to not unreasonably impact on the amenity of the area given patrons attending the venue know that it is primarily for a substantial meal and not for drinking like is to be expected for a bar, pub or tavern. Practise Note 61 – Licensed Premises considers that restaurants are low risk in terms of cumulative impact. The venue operates has substantial meals and strong venue management with no complaints received by Council since 2008. Therefore the increase in patrons is unlikely to have a detrimental impact on the surrounding area and can be supported.

66. The applicant also wishes to increase patron numbers so that they can host private functions for large businesses. Allowing the increase in patrons will enable the venue to host private functions. Private functions for large businesses are unlikely to have a detrimental amenity impact on the surrounding area due to fairly consistent organisation values around alcohol consumption during work hours and events.

67. The applicant proposes an amendment to condition 15 to remove part of the condition requiring the food and wine lists to include notices to patrons about respecting neighbours upon leaving the venue can be supported. They wish to have this amended because they display the notice at the front door consistent with the operation of other licenced venues and they feel that the notice gets lost in the menu given the amount of written information that patrons are exposed to on the menu. The applicant also justifies the amendment as the operators of the venue do not wish to encourage their patrons to think about leaving when they have just arrived. Given the condition still requires the notice to be displayed prominently on the site (the applicant has provided a photograph of the sign which they display at the door) this is consistent with a current condition used for licenced venues. As such the condition can be amended to remove the requirement to include the notice on menus.

68. Based on the size of the venue and how it operates it is considered that the increase in patrons to 400 will not have a detrimental impact on the surrounding area.

Noise

69. The application to amend condition 13 to allow a DJ to play on site has been supported by the applicant's acoustic report prepared by Noise Consulting & Management Pty Ltd. The applicant and the acoustic report state that DJ music will be played no louder than background level.

70. Council engaged SLR Consulting (SLR) to perform a peer review of the acoustic report. They requested that additional testing take place earlier in the week when the surrounding area is quieter, that the levels be taken at the rear at a high point due to a higher noise sensitivity for the upper residential uses and that patron noise be assessed at Leq targets.

71. The revised acoustic report (submitted 13 December 2016) addressed the concerns of SLR, however SLR believes that the testing carried out earlier in the week was not late enough, (11.15pm to 11.30pm) and should be after midnight. A condition will require that additional testing be performed at an elevated level at 15 Kent Street and that the acoustic report be amended as such.

72. The testing carried out on behalf of the applicant did reveal that the area is quieter as predicted by SLR therefore the noise limits set in the Allen and Heath music processer (installed on-site) should be set lower. A condition requires that the acoustic report be amended to show the lower limits after the post operational testing has been performed.

73. The applicant's acoustic report provides details on the Allen and Heath music processor. The processor is installed as part of the sound system and it must be operating for sound to be emitted from speakers. The system cannot be tampered with and can be password protected. The system can only be altered by a trained operator who has the correct software on their laptop. Tampering with the cables at the back of the system can result in damage to the sound system. The limiter was calibrated on 15 July 2016 and should be rechecked every 12 months to ensure that it is operating correctly according to the applicant's acoustic report. As the venue is required to operate according to the acoustic report the music limited will be required to be tested accordingly.

74. Noise associated with patrons was assessed to be within prescribed limits. However this measurement was not taken at an elevated positioned. SLR believes that the acoustic report is reasonably accurate however it recommends that additional 'post operational' testing be performed to ensure that noise limits can be set lower if needed. This will be required by condition to be addressed in the acoustic report.

75. The applicant's acoustic report also recommended that the rear door to the building remain closed at all times and the revised report goes further to state that all bottles remain inside the premises after 10pm (Council applies a standard condition to this effect which is already on the permit), that the DJ must not use monitors and the night limit must be switched on after 10pm Monday to Saturday and after 9pm on Sundays.

76. Based on the recommendations of the applicants acoustic report and the condition for additional post operation testing in addition to the way in which the venue operates more like a restaurant the proposal is considered to not have unreasonable amenity impacts on the adjoining sites. It should also be noted that Council has not received any noise complaints (music or patrons) regarding the use of the premises since 2008.

77. The applicant has requested to delete condition 14 which allows the operators of the venue to seek permission for two live or amplified music acts to perform a year. The venue does not intend to have live music only a DJ which has been regulated to play only music at background noise level.

    As such deletion of the condition will prevent live acts playing louder music and will reduce potential detrimental noise impacts therefore Council is supportive of the deletion.

78. Additional standard conditions will be imposed to ensure that the use meets SEPP N-1 and N-2 requirements.

79. To ensure any deliveries do not impact the amenity of the area, a condition will be imposed to ensure they occur between 7am and 10pm on any day. The House Management Policy (NAAP in most other instances) does not state delivery information as such it will be required to be updated.

80. The existing House Management Policy does not propose changes to the current waste management plan as such current operating conditions will remain.

Car parking

81. Car parking will discussed later within the report under the clause 52.06 assessment.

Noise and Amenity Action Plan

82. The House Management Plan will be required to be updated (via amended condition 3) to address the increase in patron numbers, the DJ and include the delivery details for the venue.

Cumulative impact

83. An assessment criteria contained at clause 52.27 not covered above is the cumulative impact of existing licensed premises and the proposed licensed premises on the amenity of the surrounding area. It is acknowledged that the mix of licensed premises in an area can influence potential cumulative impacts, with the extent of large-scale bars or nightclubs within close proximity potentially resulting in negative cumulative impacts to the immediate neighbourhood.

84. The “Corner Hotel” decision (Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors) provides an assessment methodology for considering applications that may result in cumulative impact. The decision also acknowledges that depending on the nature of the use (i.e. premise type, patron numbers and operating hours) the required level of assessment will vary.

85. Based on this decision, Council has developed an assessment tool to determine the likelihood of cumulative impact occurring as a result of a proposal based on risk factors associated with the type, size and closing hours of the premises, to help determine what level of assessment is appropriate.

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

11pm	0
12am	1
1am	**2**
2am	3
3am	3
After 3am	4

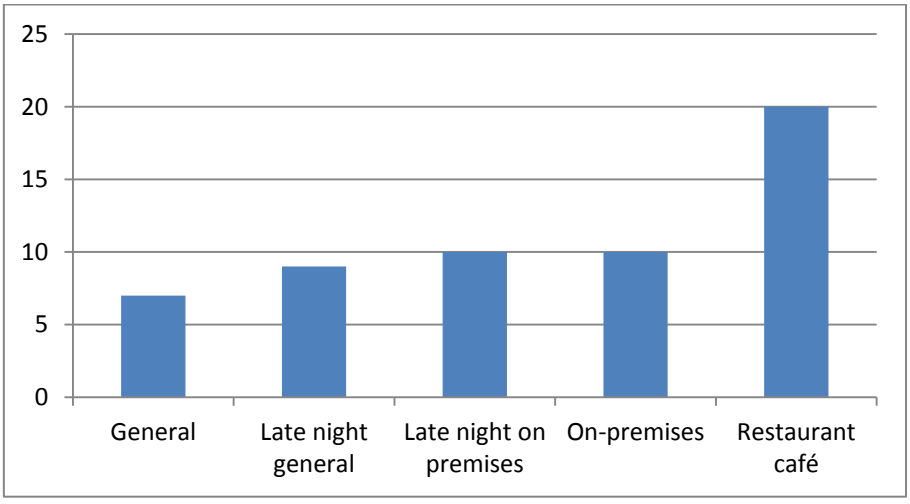
86. Applying the matrix of risk, a reasonable consideration would suggest a score of 1-3 would be no risk, higher than 3 would be a potential risk. In this instance the hotel achieves a score of 8, thus would be a venue of potential risk and as such, a cumulative impact assessment is warranted.

87. Practice Note 61 – Licensed premises: Assessing cumulative impact was released by the Department of Planning and Community Development (DPCD) in March 2011, and provides a framework for assessing cumulative impact. The Practice Note outlines the following matters to be considered when assessing the cumulative impact of licensed premises:

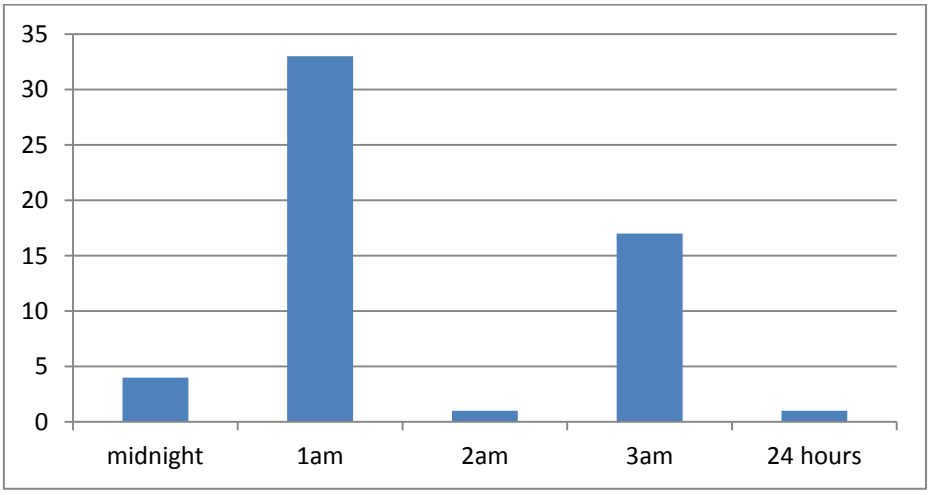
    (a) Planning policy context
    (b) Surrounding land use mix and amenity
    (c) The mix of licensed premises
    (d) Transport and dispersal
    (e) Impact mitigation

88. A number of these factors such as the policy context and land mix of the surrounding area have been discussed previously within this report, with anticipated amenity impacts also considered in detail. An assessment including the mix of licensed premises, the dispersal of patrons and potential impact mitigation will need to be undertaken in relation to 'cumulative impacts'.

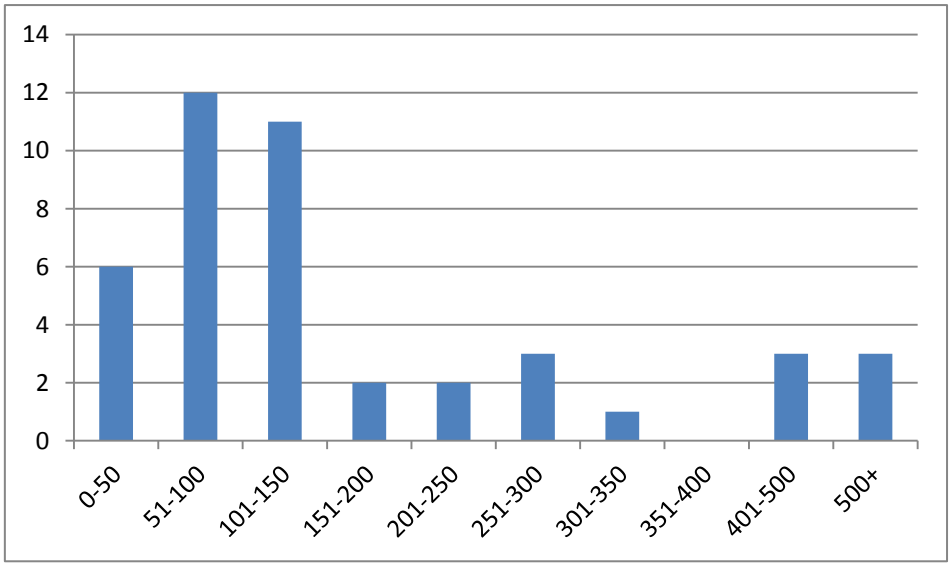
89. In order to provide a comprehensive assessment of the potential cumulative impact of the venue, Council undertook a survey of licenced premises within a 500m radius of the subject site.



Number of and licence types within a 500m radius of the subject site



Closing times of venues within a 500m radius of the subject site



Maximum patron numbers of venues within a 500m radius of the subject site

90. Note: Information gained from the Victorian Commission for Gambling and Liquor Regulation website: https://liquor.vcglr.vic.gov.au/alarm_internet/alarm_internet.asp?wci=start_alarm_internet

91. Considered to be of 'no risk' are the licence types café and restaurant; package liquor and limited licences and those venues that operate up to 11pm. Venues that close at 11pm or earlier and packaged liquor and limited licences have been excluded from the data. Of the 56 premises within the 500m radius this results in 20 licences being no risk. Premises with a restaurant and café licence have an emphasis on food being consumed with alcohol as opposed to vertical drinking, hence no risk.

92. The subject site is within an Activity Centre that is known for its restaurants, bars and taverns and the use is consistent and supported by the zoning of the site. The venue proposes to operate in line with Council's local policy by operating only until 1am. By operating more similarly to a restaurant the venue looks to reduce its conflicts between themselves and the residential uses located within close proximity to the site. Overall, the proposal is generally consistent with planning policy context.

93. Given the site's location within the Brunswick Street Activity Centre the surrounding land uses are conducive to the existing use and will not be unreasonably affected by the proposed extension to hours or increase in patron numbers.

As previously discussed amenity impacts on the residents particularly those to the rear who are closest have been considered by installing a limiter within the venue to control music noise and Council has condition additional testing to ensure that noise impacts on residents are maintained within acceptable limits. Residents on the west side of Brunswick Street are unlikely to be impacted by noise from the venue given it will be maintained at background level and they are located approximately 20m away separated by Brunswick Street. Further to this, Brunswick Street is has four lanes which are used for cars and trams to travel along the street and two lanes for parking, noise generated from vehicles traveling along Brunswick will be louder than the proposed background music and patron noise from the venue.

94. In relation to the subject site, it is to close at 1am and although it has a general licence and its use in associated with a hotel the premises has an emphasises on 'sit down' drinking with food as the majority of patrons are seated at tables and there is an extensive menu of food. It is considered that the premises as it is currently operating and proposed to operate in the future will not contribute to a cumulative impact on the area.

95. The practice note requests consideration of the dispersal routes of patrons from the premises in order to assess potential impacts on the amenity of the surrounding area, noting that how patrons leave the licensed premises at closing time can have a significant impact on the amenity of an area.

96. The majority of licensed premises are located along Brunswick Street to the north whereas to the south and east of the site are the larger pockets of residential buildings and dwellings. Patrons will disperse onto Brunswick Street because of the exit point of the venue. Further to this for those leaving the area public transport options, tram, taxis and Ubers are available along Brunswick Street drawing patrons away from the residential area.

97. With regards to impact mitigation, Council's local policy at clause 22.09 requires the submission of a Noise and Amenity Action Plan (NAAP) which outlines management procedures aimed at ensuring good patron management for inside and outside the venue.

98. The permit applicant currently operates under a House Management Policy (this will need to be updated to include the proposed changes) which documents specific management procedures to be followed at all times; including staffing levels, security operations, complaint resolution and the responsible service of alcohol. The amended House Management Plan will be endorsed to form part of any permit issued and is considered to satisfactorily respond to potential impacts associated with the venue.

99. In addition to these measures, Council's Local Law No.8 prohibits the consumption of liquor in public places and Council's Community Amenity Unit and Victoria Police are charged with ensuring these venues operate in an appropriate manner. Victoria Police generally focus on patron behaviour on the street and Council's Community Amenity Unit generally deals with issues of noise from within premises.

100. Overall, it is considered that while there are a number of existing licensed premises within the area surrounding the subject site, the increase to hours and patron numbers is unlikely to result in unreasonable cumulative impacts to the surrounding area.

Car parking

101. Pursuant to clause 52.06-5 of the Scheme, an additional 40 car parking spaces are required for the use due to the increase in patron numbers. The subject site does not have any on-site car parking due to its 100% site coverage. In this instance, the reduction of 40 car parking spaces is considered acceptable, based on the following;

(a) The site is located with the Brunswick Street Activity Centre;
(b) There is access to public transport, including trams on Brunswick, Gertrude and Nicholson Streets and buses along Victoria Parade and Johnston Street;

(c) A survey of patrons (337) over two successive weekends within the existing venue was carried out. Patrons were asked in the survey their mode of transport, if they travelled individually or as a group and if they would be visiting other venues within the area. The result found that less than 6% of patrons drove to the venue, 33.2% used public transport, 32.6% walked and 18.4% used a taxi or Uber;
(d) It was established from the survey that the expected increase in car parking generated by the increase in patrons is 6;
(e) A traffic survey conducted by Cardno on Friday 5 August 2016 found that at 9pm (peak occupancy) there was an 87% occupancy rate, as such Council's Engineers agree that the on-street parking spaces can accommodate the site's shortfall. The parking survey was conducted between 3pm and 1am when the venue expects to be at its busiest. The survey found 349 spaces it considered suitable for patrons, these spaces allowed stays for two hours or more after 6pm available to the general public (i.e. excluding permit zones, loading zones and parking for only restricted vehicles). It is noted that after 9pm occupancy of the spaces increases with 81 available at 11pm and 142 at 1am;
(f) Patrons will likely be locals who live and work in the area thus walk or cycle to the venue;
(g) Patrons who attend this venue may be in the area visiting other venues and businesses adding to multipurpose trips to the area;
(h) Given the short stay nature of on-street car parking staff and patrons are likely to be discourage from driving to the area;
(i) There are paid car parking garages within walking distance to the subject;
(j) The plans show two bicycle racks, providing space for four bikes underneath the stairs within the building;
(k) The site has excellent access to the bicycle network with bike lanes on Brunswick Street and surrounding roads;
(l) Council's planning policies provide clear support for reducing the reliance on private motor vehicles, which can be achieved by reducing the number of car spaces provided on-site in areas with good alternative modes of transport; and
(m) The application has been referred to Council's Engineering Services Unit who are supportive of the reduction.

102. Overall, it is expected the proposed use will not have an adverse impact on the car parking conditions in the area. For the reasons provided in the above assessment and based on the support of Council's Engineering Unit, the proposed reduction of 40 car spaces is considered acceptable.

Objector concerns

Excessive music and patron noise exacerbated by increase in patrons and hours

103. Noise impacts have been assessed in paragraphs 69 – 80.

Insufficient acoustic attenuation

104. The peer review of the acoustic report has not recommended that the applicant provide any acoustic attenuation measures except for post operational testing to ensure that the noise limiter is set correctly to account for quieter times during the week. This will be required by way of condition on any permit to be issued.

Anti-social behaviour from patrons on the street;

105. Paragraphs 55 and 56 discuss patron behaviour on the street. Conditions 16 and 18 on the existing permit also address patron behaviour on the footpath

Cumulative impact on residential amenity associated with increased number of licences in the area;

106. Assessed throughout this report.

Creating additional pressure on existing on-street car parking

107. Refer to the car parking assessment in paragraphs 101 and 102.

Bins being stored and blocking the footpath within Kent Street

108. Compliance relating to incorrect bin storage is carried out by Council's Compliance Branch.

Deletion of condition 1 requirements

109. The following condition 1 requirements can be deleted:

e. Demonstration that the proposed smoking courtyard will comply with the forth coming smoking regulations

110. The venue no longer provides a courtyard to allow smoking. The former smoking courtyard is now nominated as the Jungle Room on the plans. It is also noted that from 1 August 2017 smoking is banned in any outdoor dining or drinking area with a roof and walls that predominately enclose the area (https://www2.health.vic.gov.au/public-health/tobacco-reform/smoke-free-areas/outdoor-dining).

h. Three copies of a proposed roof plans, to be fully dimensioned, and to scale.

111. The roof plan currently endorsed meets the condition

l. A Noise and Amenity Action Plan to be submitted that details (but is not limited to) the following:
- *(i) The identification of all noise sources associated with the premise (including, but not limited to, music noise, entries and exits to the premise and courtyards) likely to impact on adjoining residents.*
- *(ii) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.*
- *(iii) Standard procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an "authorised officer" of the Responsible Authority or an officer of Liquor Licensing Victoria.*
- *(iv) Details of staffing arrangements including numbers and working hours of all security staff, bar staff, waiters/waitresses, on-premises manager, and other staff.*
- *(v) Details of training provided for bar staff in the responsible serving of alcohol.*
- *(vi) Hours of operation for all parts of the premises.*
- *(vii) Lighting within the boundaries of the site.*
- *(viii) Security lighting outside the premises.*
- *(ix) Details of the provision of music including the frequency and hours of entertainment provided by live bands and / or DJs.*
- *(x) Details of waste management plan including storage and hours of collection for general rubbish and bottles associated with the licensed use.*
- *(xi) Any other measures to be undertaken to ensure minimal amenity impacts from proposed licensed use.*

112. Condition 3 will be amended to refer to the amended House Management Plan (NAAP) required for the operation of the venue.

113. As a result of the deleted conditions, existing conditions 1 (c), (i) and (k) will remain and become conditions 1 (a), (b) and (c). The remaining conditions will stay on the permit as the proposed red line plan does not show compliance with the conditions and there has be no justification for their deletion.

Conclusion

114. The proposal demonstrates a good level of compliance with the policy requirements outlined in the Yarra Planning Scheme. Based on the above report, the proposal is considered to comply with relevant planning policy and is supported, subject to conditions.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Amend a Planning Permit PL06/0973 for use of the land as a hotel and office, including general liquor license and waiver of car parking requirements and bicycle requirements. Buildings and works to the existing building, including part demolition at 218 - 222 Brunswick St, Fitzroy, generally in accordance with the decision plans (received by Council on 31 October 2016) and subject to the following conditions:

Endorsed plans

1. Before the commencement of the amended hours and patron numbers, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:

(a) A total of five (5) bicycle spaces provided on site. These spaces must be appropriately identified and provided within a convenient location for patrons;
(b) A schedule of finishes (including colour samples), detailing materials and colours of external surfaces including roofs and walls;
(c) Reinstatement of the proposed crossover to the satisfaction of the Responsible Authority.

All to the satisfaction of the Responsible Authority.

2. The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority;

3. Before the commencement of the amended hours and patron numbers, an amended Noise and Amenity Action Plan (House Management Plan) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan endorsed 7 January 2013, but modified to include (or show, or address):

(a) The operation hours as per condition 8;
(b) Patron numbers as per condition 9;
(c) Delivery to the premises are only undertaken between the hours of 7am and 10pm on any day;
(d) Deletion of the previous venues name;
(e) Music to be played in accordance with condition 16 of the permit;
(f) That seating for 80% of patrons be provided at ground floor at all times; and
(g) Substantial meals be available for consumption by patrons up to one hour prior to closing.

4. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

5. Before the commencement of the amended hours and patron numbers, 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 Noise Consulting and Management Pty Ltd and dated 22 July and 13 December 2016, but modified to include (or show, or address):

(a) Post operational testing to be carried out at an elevated position at 15 Kent Street after midnight on Sunday (Monday am).
(b) Noise limits set to lower levels if the post operational testing results in lower noise limits.

6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

7. The premises may only operate between the following hours:

(a) Seven days a week - 10:00am to 1am
(b) The premises may also operate between the hours of 7am and 10am on any day, excluding the service of alcohol during these hours.

8. No more than 400 patrons are to be permitted on site at any one time.

9. The sale of liquor for consumption off the premises shall not be permitted after 10.00pm on any given day.

10. No gaming or amusement machines shall be permitted on the premises.

11. No sexually explicit entertainment shall be provided on the premises.

12. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which this permit relates during or immediately after the trading hours authorised under this permit.

13. Noise emissions must comply with the State Environment Policy or any other standard recommended by the Environmental Protection Authority to the satisfaction of the Responsible Authority.

14. The licensee shall ensure that the level of noise emitted from the premises shall not exceed:

(a) the permissible noise level from mechanical equipment as specified in the State Environment Protection Policy N-1 Control of Noise Industrial, Commercial and Trade Premises within the Melbourne Metropolitan area; and
(b) the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N2.

15. No music must be played outside the premises. No speakers must be sited outside the premises.

16. Except with the prior written consent of the Responsible Authority, the provision of music, including a DJ must be at a background noise level.

17. Deleted

18. The operator must request patrons, by prominent notices to respect the needs of local residents for peace and quiet during normal sleeping hours, and when patrons leave the premises.

19. The operator and/or security staff must request patrons to not congregate on the footpath, in front of the premises.

20. Security or staff are to patrol the front of the premises for 30 minutes after the close of the venue to ensure that patrons do not congregate on the footpath.

21. The footpath must not be obstructed by patrons entering or leaving the premises

22. There is to be no entry or egress of patrons onto Kent Street, except in the case of an emergency.

23. The amenity of the area must not be detrimentally affected by the use or development, through:

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

24. Any empty bottles associated with the use must be taken in bags and no emptying of bottles into garbage bins is permitted after 10.00pm on any night or before 7.00am on any day.

25. Garbage collections are restricted between 7.00am and 8.00pm on any day.

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

27. During all hours (whether or not liquor is served) in which the business is open to the public, entry must be made freely available to a member of the Victoria Police, an “authorised officer” of the Responsible Authority or an officer of Liquor Licensing Victoria for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.

28. During all hours (whether or not liquor is served) in which the business is open to the public, there must be present on the premises, a person above the age of 18 years, responsible for the good conduct of the premises ("the Manager").

29. The Manager must at all times be authorised by the occupier of the premises to make statements on their behalf to a member of the Victoria Police, an “authorised officer” of the Responsible Authority or an officer of Liquor Licensing Victoria regarding the conduct of the premises for the activity hereby authorised.

30. 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
(c) the amended hours and patron numbers is not commenced within five years of the date of this amended permit.

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

31. The rear brick wall is to be re-instated with matching bricks prior to commencement of the use as a hotel and office.

NOTE: These premises are required to comply with the Food Act 1984. No fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5777.

NOTE: These premises will be required to comply with the Health Act 1958. No Fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5777.

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

NOTE: A building permit must be obtained before development is commenced.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS

Date of amendment	Brief description of amendment
6 March 2008	Section 72 Amendment to allow for internal reconfiguration, deleting the central courtyards and relocating one to the front of the site adjacent to Brunswick Street; reduction in the overall floor space and temporary demolition of the rear wall – to be reconstructed prior to commencement of the use as a hotel and office. The following conditions were deleted: (a) Relocation of the proposed courtyard; (b) Deletion of the proposed warehouse/storage use; (d) The brick wall at the rear of the site is to be retained; (f) Enclosure of the walkway from the entrance to the main bar area to ensure patrons do not have to walk through the smoking area to enter the venue; (g) A demolition plan (including elevations) is required clearly detailing which sections of the existing building and/or structures are to be demolished or retained; (j) All floor plans and elevations to be submitted fully dimensioned and to scale; Condition 27 included in permit.
07 January 2013	Conditions amended as follows: Condition 4 re-worded to insert the following text, “The premises may also operate between the hours of 7am and 10am on any day, excluding the service of alcohol during these hours.” Plans amended as follows: House Management Policy, and Noise Impact Assessment prepared by Marshall Day Acoustics updated to reflect

	the increase in hours of operation.
05 February 2013	Endorsed plans amended depicting the following changes: - Change to the front door from a glass pivot door to a bi-folding door; - Internal re-arrangement of the front smokers courtyard to create a bike storage room; - Re-glazing to the front bi-fold doors; - Re-location of the fire hydrant; and, - Widening of the kitchen area.

THIS PERMIT HAS BEEN CORRECTED AS FOLLOWS

Date of correction	Brief description of correction
21 April 2008	Permit corrected to rectify clerical errors

THE FOLLOWING WILL BE ADDED TO THE AMENDED PERMIT:

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	**Brief description of amendment**
	Amendment to the permit pursuant to Section 72 of the Planning and Environment Act 1987 for the following: • **Deletion and correction to condition 1 requirements;** • **Red line plan showing an increase in the approved area for the sale and consumption of liquor;** • **Amended condition 3 and 4 for a revised House Management Plan (NAAP);** • **New condition 5 and 6 for an amended acoustic report;** • **Amended condition 7 to increase hours of operation from Sunday to Wednesday 11pm and Thursday to Saturday 12 midnight to 1am seven days a week;** • **Amended condition 8 to increase patrons numbers from 300 to 400 and an associated reduction in the car parking requirements;** • **Amended condition 16 to allow a DJ to play music;** • **Delete condition 17 which allowed the operator to apply for 2 live music events a year;** • **Amended condition 18 to remove reference to notices on menus and wine lists;** • **New condition 26 to limit delivery hours;** • **Renumbering of all conditions as a result of new conditions to the permit; and** • **Revised House Management Plan and Acoustic Report endorsed as required by permit conditions.**

CONTACT OFFICER: **Alicia Mora**
TITLE: **Statutory Planner**
TEL: **92055139**

Attachments

1 Planning Permit and Endorsed Red Line Plan
2 Plans
3 Applicant's Planning Report
4 Applicant's Traffic Report
5 Applicant's Acoustic Report
6 Applicant's Addendum to Acoustic Report
7 Applicant's Building Surveyor's Letter
8 Community Amenity Comments
9 Acoustic Comments
10 Acoustic Comments to Addedndum Acoustic Report
11 Engineering Comments

Attachment 1 - Planning Permit and Endorsed Red Line Plan

Helping you understand your planning needs

PLANNING PERMIT (Amended)

Permit No	PL06/0973
Planning Scheme	Yarra
Responsible Authority	City Of Yarra

COPY

ADDRESS OF THE LAND

218-222 Brunswick St Fitzroy VIC 3065

THE PERMIT ALLOWS

For the purpose of the following, in accordance with the endorsed plan(s).

Use of the land as a hotel and office, including general liquor license and waiver of car parking requirements and bicycle requirements. Buildings and works to the existing building, including part demolition.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:

   (a) * Deleted *
   (b) * Deleted *
   (c) A total of five (5) bicycle spaces to be provided on site. These spaces must be appropriately identified and provided within a convenient location for patrons;
   (d) *Deleted*
   (e) Demonstration that the proposed courtyard will comply with the forthcoming smoking regulations;
   (f) *Deleted*
   (g) *Deleted *
   (h) Three (3) copies of a proposed roof plans, to be fully dimensioned, and to scale.
   (i) A schedule of finishes (including colour samples), detailing materials and colours of external surfaces including roofs and walls;
   (j) * Deleted *
   (k) Reinstatement of the proposed crossover to the satisfaction of the Responsible Authority.

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21 SEP 2016

Date: 08 June 2007
Amended: 05 February 2013

Tarquin Leaver
Signature for the Responsible Authority

Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86

For more information call 9205 5555 or visit **www.yarracity.vic.gov.au**

Attachment 1 - Planning Permit and Endorsed Red Line Plan

(l) A Noise and Amenity Action Plan to be submitted that details (but is not limited to) the following:
   (i) The identification of all noise sources associated with the premise (including, but not limited to, music noise, entries and exits to the premise and courtyards) likely to impact on adjoining residents.
   (ii) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.
   (iii) Standard procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an "authorised officer" of the Responsible Authority or an officer of Liquor Licensing Victoria.
   (iv) Details of staffing arrangements including numbers and working hours of all security staff, bar staff, waiters/waitresses, on-premises manager, and other staff.
   (v) Details of training provided for bar staff in the responsible serving of alcohol.
   (vi) Hours of operation for all parts of the premises.
   (vii) Lighting within the boundaries of the site.
   (viii) Security lighting outside the premises.
   (ix) Details of the provision of music including the frequency and hours of entertainment provided by live bands and / or DJs.
   (x) Details of waste management plan including storage and hours of collection for general rubbish and bottles associated with the licensed use.
   (xi) Any other measures to be undertaken to ensure minimal amenity impacts from proposed licensed use.

All to the satisfaction of the Responsible Authority.

2. The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority;

3. The licensed premises must be managed in accordance with the Noise and Amenity Action Plan (NAAP) to the satisfaction of the Responsible Authority.

4. The premises may only operate between the following hours:

   (a) Sunday to Wednesday – 10.00 am to 11.00 pm; and
   (b) Thursday to Saturday – 10.00 am to midnight.
   (c) The premises may also operate between the hours of 7am and 10am on any day, excluding the service of alcohol during these hours.

5. No more than 300 patrons are to be permitted on site at any one time.

6. The sale of liquor for consumption off the premises shall not be permitted after 10.00pm on any given day.

7. No gaming or amusement machines shall be permitted on the premises.

8. No sexually explicit entertainment shall be provided on the premises.

9. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which this permit relates during or immediately after the trading hours authorised under this permit.

Date: 08 June 2007
Amended: 05 February 2013

Tarquin Leaver
Signature for the Responsible Authority

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Attachment 1 - Planning Permit and Endorsed Red Line Plan

10. Noise emissions must comply with the State Environment Policy or any other standard recommended by the Environmental Protection Authority to the satisfaction of the Responsible Authority.

11. The licensee shall ensure that the level of noise emitted from the premises shall not exceed:

    (a) the permissible noise level from mechanical equipment as specified in the State Environment Protection Policy N-1 Control of Noise Industrial, Commercial and Trade Premises within the Melbourne Metropolitan area; and

    (b) the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N2.

12. No music must be played outside the premises. No speakers must be sited outside the premises.

13. No live or amplified music is to be played on the premises other than pre-recorded background music or acoustic music.

14. The operator can apply for live or amplified music only with the express written consent of the Responsible Authority and no more than 2 times per year (an event must be a promotion associated with the operation of the premises)

15. The operator must request patrons, by prominent notices, including on all wine lists and menus, to respect the needs of local residents for peace and quiet during normal sleeping hours, and when patrons leave the premises.

16. The operator and/or security staff must request patrons to not congregate on the footpath, in front of the premises.

17. Security or staff are to patrol the front of the premises for 30 minutes after the close of the venue to ensure that patrons do not congregate on the footpath.

18. The footpath must not be obstructed by patrons entering or leaving the premises

19. There is to be no entry or egress of patrons onto Kent Street, except in the case of an emergency.

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

21 Any empty bottles associated with the use must be taken in bags and no emptying of bottles into garbage bins is permitted after 10.00pm on any night or before 7.00am on any day.

22. Garbage collections are restricted between 7.00am and 8.00pm on any day.

Date: 08 June 2007
Amended: 05 February 2013

Tarquin Leaver
Signature for the Responsible Authority

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Attachment 1 - Planning Permit and Endorsed Red Line Plan

23. During all hours (whether or not liquor is served) in which the business is open to the public, entry must be made freely available to a member of the Victoria Police, an "authorised officer" of the Responsible Authority or an officer of Liquor Licensing Victoria for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.

24. During all hours (whether or not liquor is served) in which the business is open to the public, there must be present on the premises, a person above the age of 18 years, responsible for the good conduct of the premises ("the Manager").

25. The Manager must at all times be authorised by the occupier of the premises to make statements on their behalf to a member of the Victoria Police, an "authorised officer" of the Responsible Authority or an officer of Liquor Licensing Victoria regarding the conduct of the premises for the activity hereby authorised.

26. This permit will expire if the use and development is not commenced within two years from the date of this permit. All development must be completed within four years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

27. The rear brick wall is to be re-instated with matching bricks prior to commencement of the use as a hotel and office.

NOTE: These premises are required to comply with the *Food Act* 1984. No fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5777.

NOTE: These premises will be required to comply with the *Health Act* 1958. No Fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5777.

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

NOTE: A building permit must be obtained before development is commenced.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS

Date of amendment	Brief description of amendment
6 March 2008	Section 72 Amendment to allow for internal reconfiguration, deleting the central courtyards and relocating one to the front of the site adjacent to Brunswick Street; reduction in the overall floor space and temporary demolition of the rear wall – to be reconstructed prior to commencement of the use as a hotel and office.

Date: 08 June 2007
Amended: 05 February 2013

Tarquin Leaver
Signature for the Responsible Authority

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Attachment 1 - Planning Permit and Endorsed Red Line Plan

	The following conditions were deleted: (a) Relocation of the proposed courtyard; (b) Deletion of the proposed warehouse/storage use; (d) The brick wall at the rear of the site is to be retained; (f) Enclosure of the walkway from the entrance to the main bar area to ensure patrons do not have to walk through the smoking area to enter the venue; (g) A demolition plan (including elevations) is required clearly detailing which sections of the existing building and/or structures are to be demolished or retained; (j) All floor plans and elevations to be submitted fully dimensioned and to scale; Condition 27 included in permit.
07 January 2013	<u>Conditions amended as follows:</u> Condition 4 re-worded to insert the following text, "*The premises may also operate between the hours of 7am and 10am on any day, excluding the service of alcohol during these hours.*" <u>Plans amended as follows:</u> *House Management Policy*, and *Noise Impact Assessment* prepared by Marshall Day Acoustics updated to reflect the increase in hours of operation.
05 February 2013	Endorsed plans amended depicting the following changes: - Change to the front door from a glass pivot door to a bi-folding door; - Internal re-arrangement of the front smokers courtyard to create a bike storage room; - Re-glazing to the front bi-fold doors; - Re-location of the fire hydrant; and, - Widening of the kitchen area.

THIS PERMIT HAS BEEN CORRECTED AS FOLLOWS

Date of correction	Brief description of correction
21 April 2008	Permit corrected to rectify clerical errors

Date: 08 June 2007
Amended: 05 February 2013

Tarquin Leaver
Signature for the Responsible Authority

Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86

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Attachment 1 - Planning Permit and Endorsed Red Line Plan

PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

* from the date specified in the permit; or

* if no date is specified, from—

(i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or

(ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.

2. A permit for the use of land expires if—

* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or

* the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or

* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or

* the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—

* the use or development of any stage is to be taken to have started when the plan is certified; and

* the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

* The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.

* An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.

* An application for review is lodged with the Victorian Civil and Administrative Tribunal.

* An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.

* An application for review must state the grounds upon which it is based.

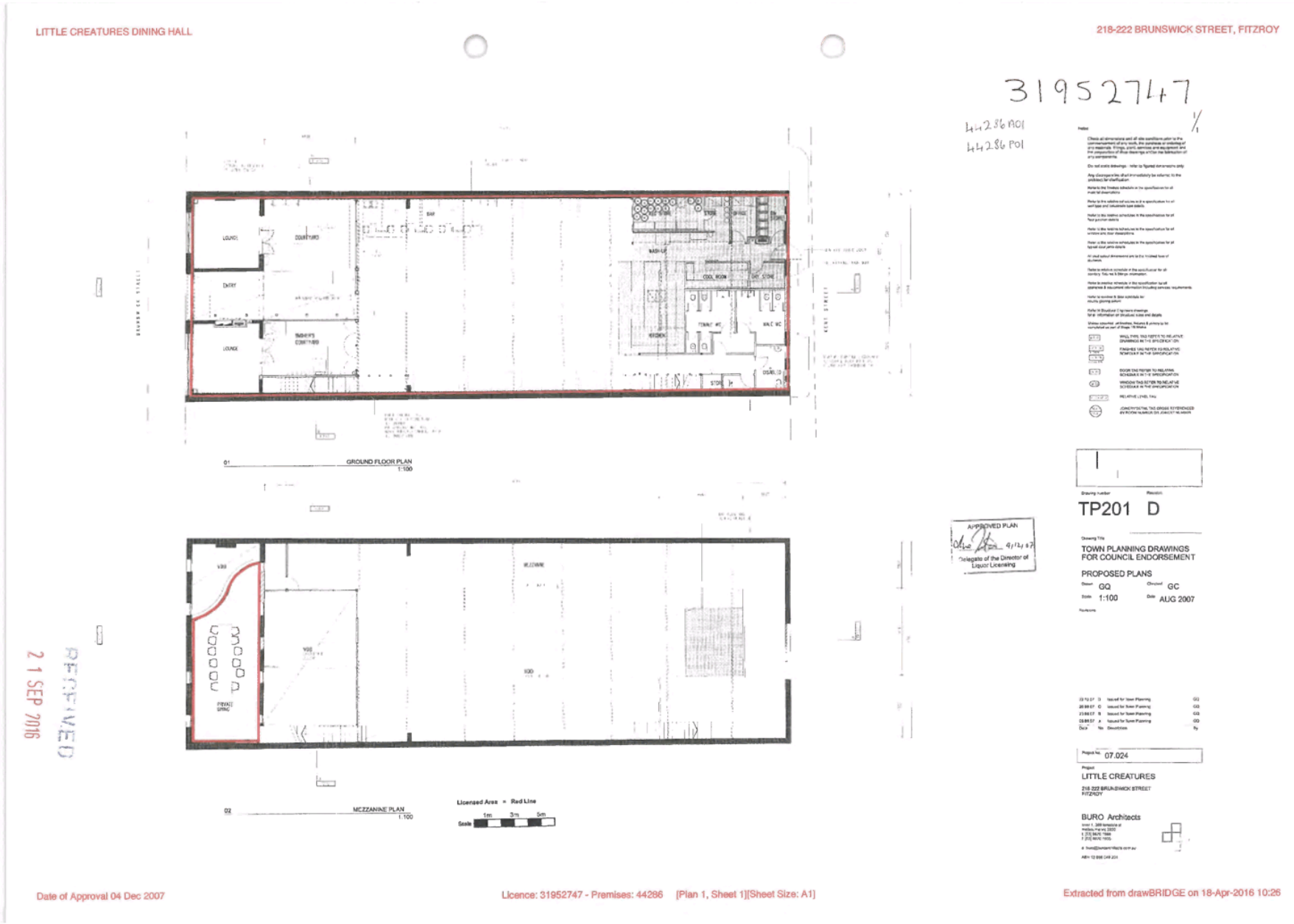
* An application for review must also be served on the Responsible Authority.

* Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

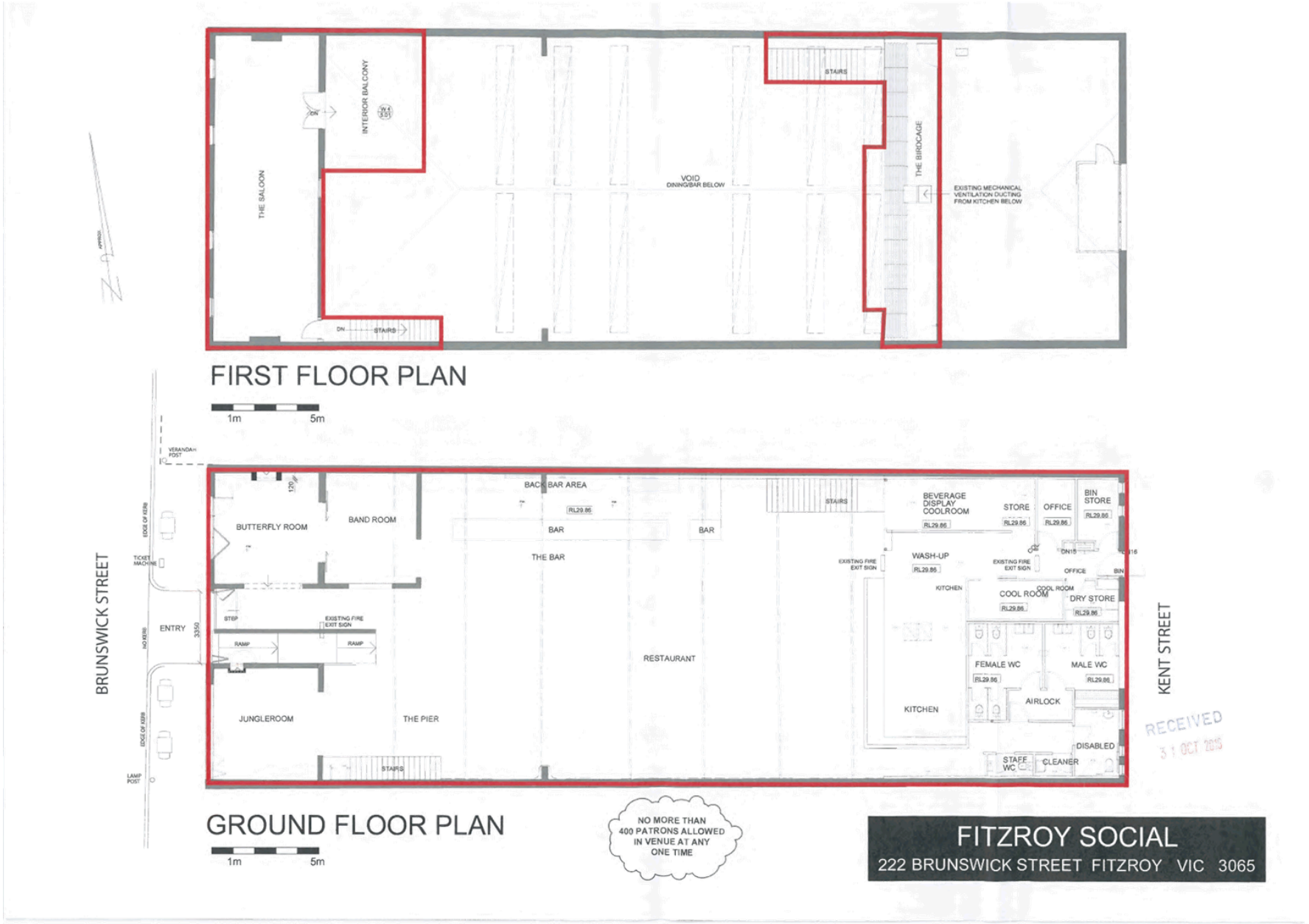
Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86

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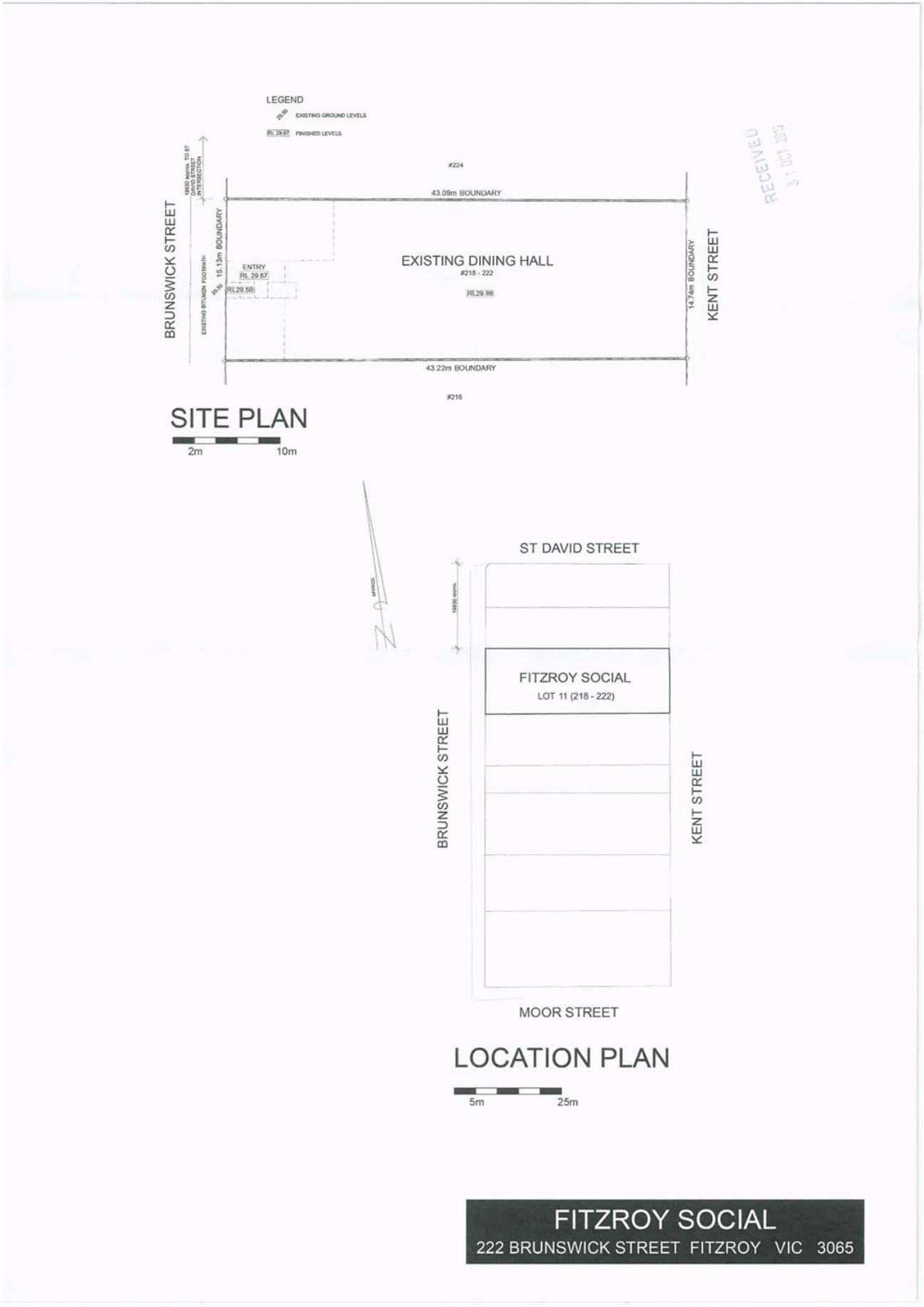
Attachment 1 - Planning Permit and Endorsed Red Line Plan



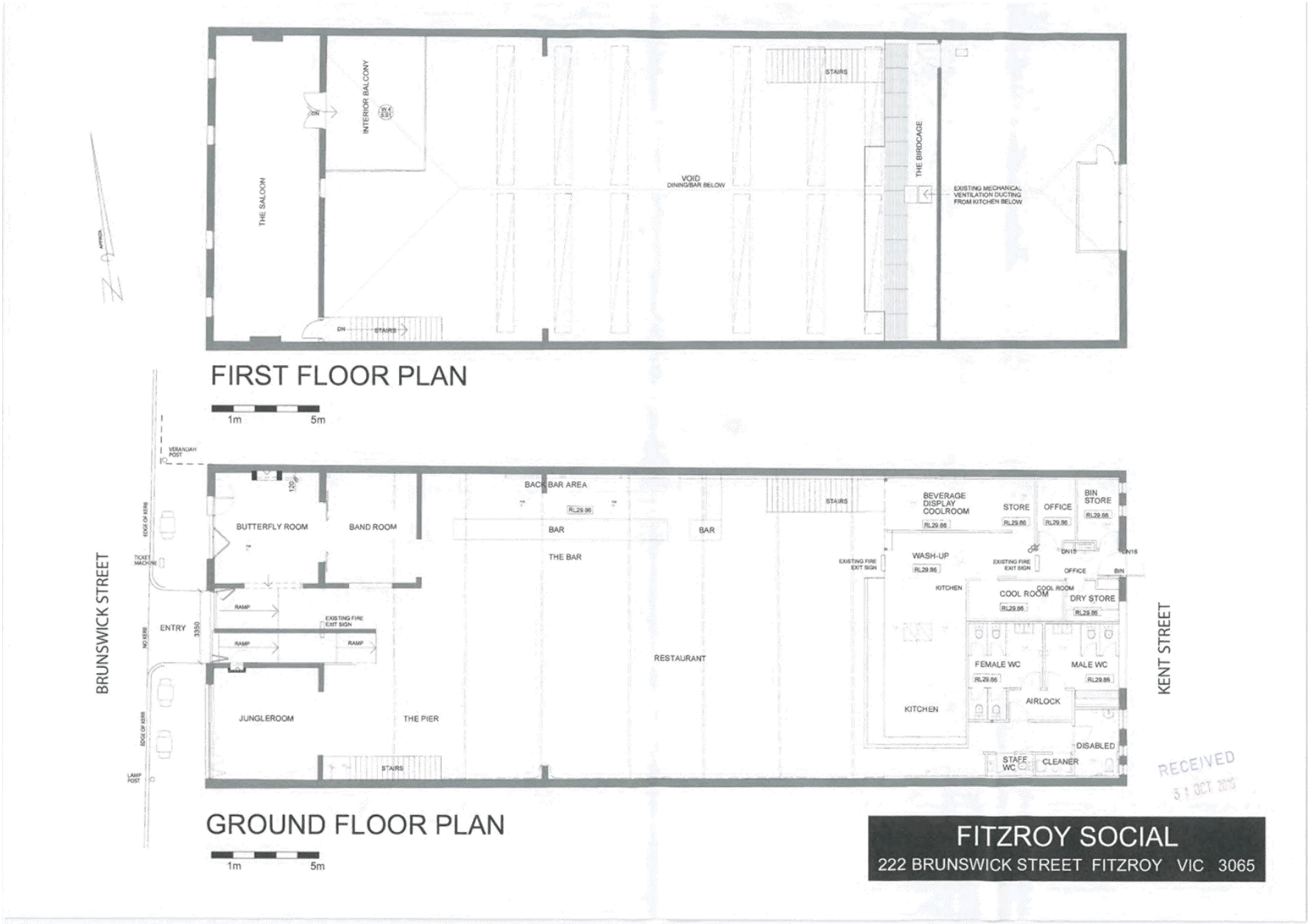
Attachment 2 - Plans



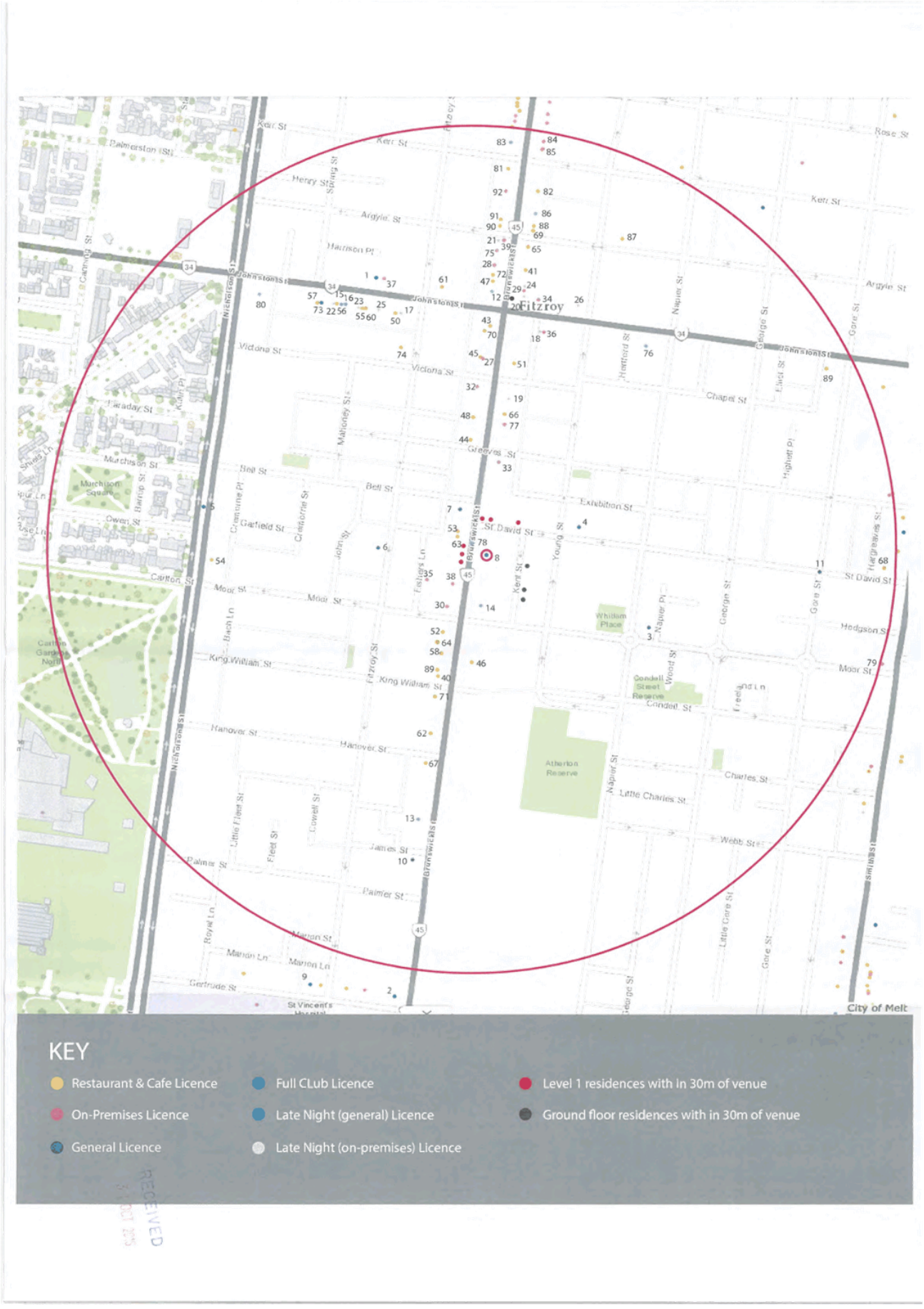
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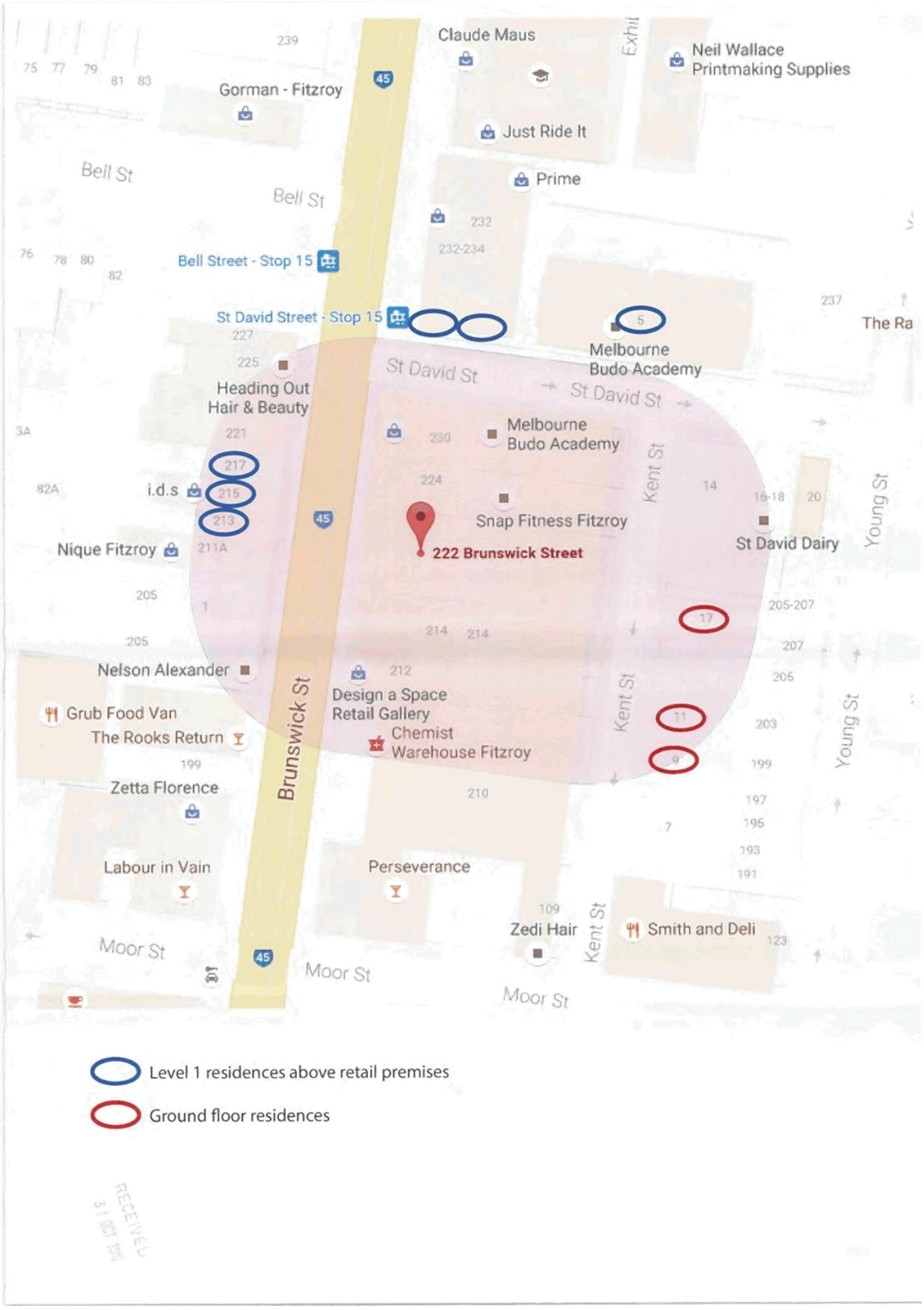
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Attachment 2 - Plans



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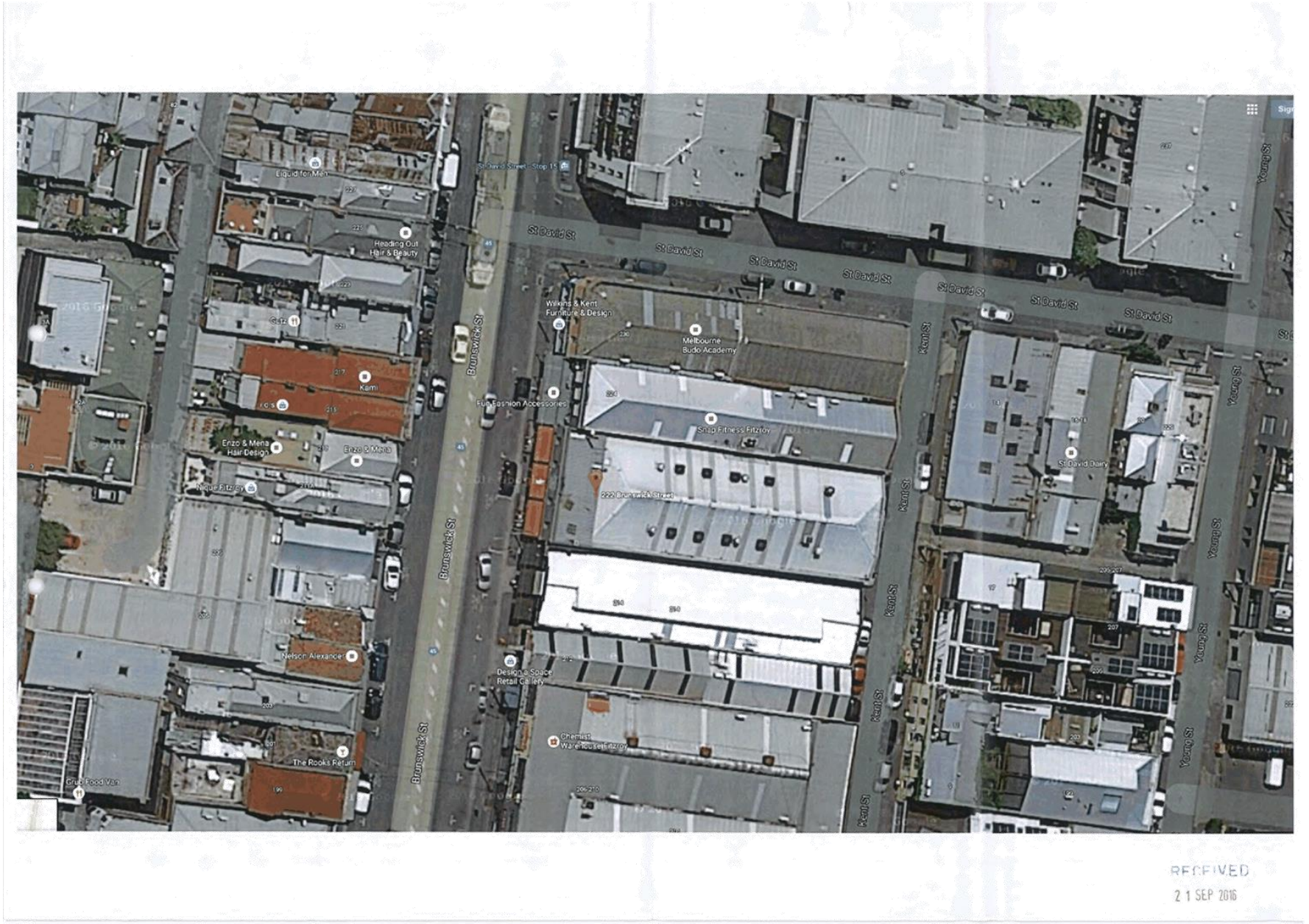


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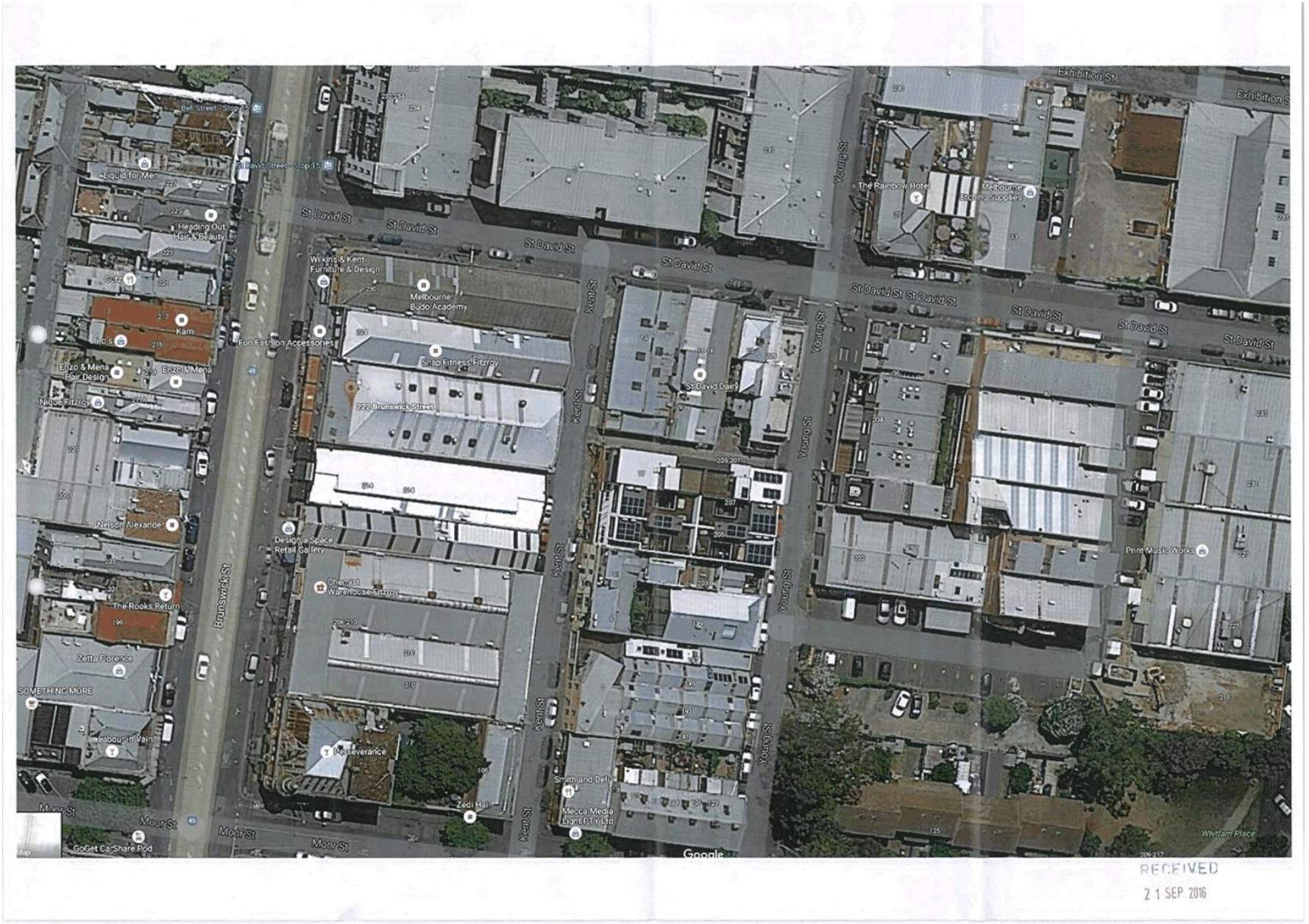


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Attachment 2 - Plans



Attachment 2 - Plans



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Attachment 3 - Applicant's Planning Report

GARY PRINCE - SOLICITOR
LIQUOR AND HOSPITALITY INDUSTRIES CONSULTANT
21 Harvey Street
East Prahran
Vic 3181
Mobile 0425 790 095
Fax (03) 9525 1114
garyprince@ozemail.com.au

21 September 2016

Statutory Planning Department
City of Yarra
333 Bridge Road
Richmond
Vic 3121

Dear Sir

Application to Amend Permit PL06/0973

- **Extension in trading hours to 1.am the following day seven days a week (Condition 4)**
- **Increase in patron numbers to 400 (condition 5)**
- **Increase in the area that liquor is allowed to be consumed or supplied through the completion of the licensing of all of the function room and two internal balconies as shown on the lodged plans**
- **Reword condition 13 so that it reads "No live or amplified music is to be played on the premises other than background music that is to be played in accordance with the recommendations contained in the Noise Consulting Acoustic Report dated 22 July 2016."**
- **Delete condition 14**
- **Substitute Noise Consulting Acoustic Report dated 22 July 2016 for Marshall Day Acoustic Report dated 13 December 2012 as attachment to planning permit**
- **Delete condition 17**
- **Sundry amendments to condition 1 to bring permit up to date.**
- **Waiver of car parking requirements**
- Amend cond 15 so it does not apply to menus & wine lists

Application under cl 52.27 of the Yarra Planning Scheme

- **Extension in trading hours to 1.am the following day seven days a week (Condition 4)**
- **Increase in patron numbers to 400 (Condition 5)**
- **Increase in the area that liquor is allowed to be consumed or supplied through the completion of the licensing of all of the function room and two internal balconies as shown on the lodged plans**

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Applicant : RSG (FITZ) PTY LTD (ACN 611 986 442) trading as the Fitzroy Social at 218-222 Brunswick Street Fitzroy

I act for RSG (FITZ) PTY LTD the licensee of the Fitzroy Social.

Background

My client became the tenant in May 2016 when it secured the transfer of the liquor licence. Prior to that time 218-222 Brunswick Street traded under the name Little Creatures Dining Hall.

Investigations revealed that the endorsed plans were not accurate in that they showed a front courtyard which to the applicant's knowledge never existed.

The office area shown on the first floor extended from the south boundary wall to the north boundary wall. There was no void as shown on the endorsed plans.

The endorsed plans showed that there existed a mezzanine area that was sought to be demolished. What existed when my client took over was a meeting room that ran off the function room and attached to that a small balcony. There was also an unused area directly above the kitchen filled with junk. That has now been turned into a balcony.

Before concentrating on the first three dot points above which seek the greatest amendments, there are a number of smaller and less significant amendments which I will first address.

Conditions 13 & 14

In a pre-application meeting with Patrick Sutton Senior Statutory Planner and Alicia Mora Statutory Planner, it was agreed that the wording of condition 13 was ambiguous given that pre-recorded music is amplified music. As suggested at that meeting the wording of that condition was a product of its time.

Also condition 13 was based on the recommendations made in the Marshall Day Acoustics Report dated 14 December 2012, whose recommendations were extrapolated from acoustic readings of like or similar premises and as such were based on estimates.

Noise Consulting Acoustic Report dated 22 July 2016

The Noise Consulting Acoustic Report dated 22 July 2016 commissioned by the licensee was not based on estimates but on actual music/noise readings from the premises. It is therefore the more accurate report and the closest in time and is therefore to be preferred to the Marshall Day Acoustic Report as forming part of the planning permit.

Condition 17

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Delete condition 17 as there is no condition on the liquor licence to have security and at present time there is no need for same. The premises are not run as a nightclub nor a live entertainment venue. Patrons do not congregate outside the premises after closure and why would they?

Sundry Amendments –condition 1

Delete conditions e, h, i and k as being no longer relevant.

Clause 52.27

Under clause 52.27 the responsible authority in addition to the decision making guideline contained in cl 65 of the Yarra Planning Scheme must consider as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

These guidelines are equally applicable in determining whether the proposed amendments to permit No.PL06/0973 should be granted. They form part of the Cumulative Impact Assessment Report.

Extension of trading hours, increase in patron numbers and size of the licensed premises

I will turn first to investigating the cumulative impact the proposed variation of the permit to extend trading hours, patron numbers and size of the licensed premises will have on the amenity of the surrounding area, for in deciding that issue one must have regard to the issues set out in cl 22.09 concerning licensed premises. To try and gauge the cumulative effect one must first ascertain the impact any proposed amendment to the permit will have on the amenity of the area.

Practice Note 61

Practice Note 61 published by the Department of Planning and Community Development provides guidance on preparing and assessing an application. It is assumed that the reader is thoroughly across PN 61 and that large chunks of it do need to be restated.

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It should be kept in mind that PN 61 itself states that the extent of the assessment should be proportional to the likely impact of the proposal. A modest proposal would not require a detailed analysis, but there are instances where a more robust assessment of cumulative impact is required.

Proposed increase trading hours for consumption on the premises to 1.00 am the following day.

In the present case it is proposed to increase trading hours for consumption on the premises to 1.00 am the following day. The current hours of trading for consumption on the licensed premises is 10am to 11 pm Sunday to Wednesday and 10am to 12 midnight Thursday to Saturday. The proposal represents two extra hours of trading between Sunday and Wednesday night and one hour of extra trading between Thursday to Saturday night.

This is not a significant increase. It is important to note that the premises will not be trading past 1.00 am. According to the Decision-Making Guidelines published in the Victoria Government Gazette on 26 June 2015 No. S 178 which in effect continues the trade freeze of retail licensed premises (save holders of restaurant & Café licenses) in inner Melbourne municipalities such as the City of Yarra to 1am, "there is a correlation between anti-social behaviour in the early hours of the morning and the operation of licensed premises that supply liquor after 1.00 am." There hangs the justification for the freeze. By contrast, this application does not seek trading hours for consumption on the premises past 1.00 am.

As for the trading hours for supplying liquor for consumption off the premises, they will remain unchanged and continue to 10 pm only which is a modest time given that "ordinary trading hours" for a general or packaged liquor licence under the *Liquor Control Reform Act 1998* finishes at 11pm.

The cumulative assessment report will therefore not concern itself with off sales or packaged liquor licence outlets or off sales authorized under certain licenses such as a general licence, as the application to amend the permit leaves unchanged current off sales hours.

Increase in maximum patron numbers from 300 to 400 & size of licensed premises

It is submitted for reasons dealt with further on, that the proposed increase in maximum patron numbers from 300 to 400, like the proposed increase in trading hours, will not detrimentally effect the amenity of the area given how the premises operate.

In seeking an increase in maximum capacity the private function room on the first level located at the front of the building is to be extended and in lieu of a meeting room and a small balcony, there will be a larger internal balcony that leads on from the function room. A smaller internal balcony has also been created over the kitchen area. Please see photos attached.

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The proposed extended area, which is to be licensed, is internal and of its very nature does not effect the amenity of the surrounding area. The function room and large internal balcony is located at the front of the premises adjacent to Brunswick Street, well away from the residences in Kent Street, and will be licensed to hold a maximum of 132 patrons, while the small balcony will be licensed to hold only 33 patrons. Those numbers are based on the recommendations made in the report dated 15 July 2016 from du Chateau Chun Building Surveyors, a copy of which is enclosed. Behind the small balcony is the venue's plant and equipment and a double brick wall which would act as an effective baffle to any patron noise.

Though the liquor licence held over the venue is a general licence and planning permit PL06/0973 provides inter alia, for the use of the land as a hotel and office, the venue is run more as a restaurant than bar. This is important for in Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors which dealt with the concept of cumulative impact on the amenity of the surrounding area, the Tribunal discussed evidence which showed that in respect to vertical bars, there is a very high risk for late night drunkenness and anti-social behaviour by patrons. Fitzroy Social is not a vertical bar as the enclosed pictures show.

In determining the cumulative impact on the amenity of the surrounding area the nature of the premises that is the subject of the application must first be ascertained. In other words how does the premises operate in reality. The applicant's response to the checklist of information requested in PN 61, will assist in revealing the nature of the premises and how they are run, and the impact the proposal would have on the amenity of the surrounding area.

Seating ratios

What is the ratio of seating to standing?

At present the maximum capacity under the planning permit and liquor licence is for 300 patrons. There is table seating in the main dining room for 112 patrons, while in the front of the premises there is table seating for 80, in the foyer 15 and 6 near the bar making a total seating capacity of 213 with tables. This does not count the 3 high chairs reserved for infants. At present therefore the ratio of seating to standing is over two thirds and this is mainly for table seating.
The proposed extended area which includes the function room and the adjacent balcony will also contain tables and chairs that can be configured to seat 132 patrons, depending upon demand. The small internal balcony over the front of the kitchen can hold 33 patrons and will have stools but no tables. In lieu of tables there is a shelf that sits on top of the acrylic balustrade that has been designed to be used as a table where a patron can rest his plate or drink. See photos attached.

At present the ratio of floor space on the ground floor between table seating and standing room, not including passage ways is 80/20 favouring table seating.

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The ratio of table seating to standing room should the application be successful will either remain the same or increase somewhat. It will largely be dependent upon the demands of patrons who book the function room, though based on pre-bookings food will play a large role.

Premises that provide little or no seating are associated with excessive alcohol consumption and potential for increased violence. Patrons from these venues are therefore more likely to have an adverse impact on the surrounding area. This is to be contrasted with the Fitzroy Social where by far and away the majority of the floor space is given over to table seating. See photos attached.

Meals

Are meals served or is food available?

At present food/meals are available from 10am to where the last order is taken at 10pm. The Fitzroy Social closes most days at 11 pm including Thursday to Saturday even though on those days it can remain open till 12 midnight.

It is hoped that should the application be successful the extra hours will make the venue more attractive for members of the public to remain or visit so that the premises would be able to stay open to 1pm the following morning.

This of course will largely depend upon demand. At this stage it is not envisaged, even should the application prove to be successful, that demand would cause the premises to remain open till 1.00 am 7 days a week. This is a goal for management to strive towards.

Should the application be granted it is hoped that for the time being demand may enable the Fitzroy Social to remain open till 1am on Saturday and Sunday mornings. Should that prove to be the case then the last order for a meal can be taken at 11pm. Where the premises close at midnight the last order is taken at 10pm.

Meals are integral to the profitability of the Fitzroy Social as they account for between 50% to 60% of its turnover.

The premises operate more as a restaurant than a bar which historically was also the case under its previous tenant where the premises traded under the name Little Creatures Dining Hall.

On current trends many of the patrons at Fitzroy Social are locals who used to patronize Little Creatures.

Venues that serve food or meals like Fitzroy Social are shown to be less at risk of excessive alcohol consumption than a hotel which does not put food forward as a major attraction. Here food is a major attraction throughout the

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venue's trading hours.

Management

How will the venue manage patrons entering and leaving the venue, including security and queuing?

There is no queuing at present nor is there likely to be in the future given the nature of the premises which is not a band or dance venue, but where a heavy emphasis is placed on food.

Patrons will leave via the entrance to Brunswick Street which will have little effect on the amenity of the area.

At present there is no security as the premises operate more as a restaurant where the risk to the amenity of the surrounding area is so small that having security is not justified.

Should the application be granted then security in all likelihood security will be employed at least on Friday and Saturday nights though this will depend upon demand and whether a function is being held and the nature of that function.

Music

Will the proposal feature background, live or recorded music?

The venue will on occasions play low level DJ or high level background music in accordance with the settings contained in the Noise Consulting Acoustic Report. The Fitzroy Social is not a nightclub nor is there an area set aside for patrons to dance. Fitzroy Social is more a restaurant and in part a sophisticated bar.

Capacity and hours

What is the proposed capacity and what are the operating hours?

The proposed capacity is 400 patrons an increase of 100. This corresponds with an increase in the internal licensed area by

1. extending the function room that is situated on the first floor looking down at the front of the building to Brunswick Street,
2. the internal balcony that is adjacent to the function room and a smaller balcony over the kitchen counter.

In the present case it is proposed to increase trading hours for consumption on the premises to 1.00 am the following day seven days a week. Though it is expected that most weekday the premises will close early.

Transport and car parking

What type of transport and car parking is provided?

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See Car Parking Assessment Report by Cardno dated 19 August 2016.

Please note, that in the conclusion of the report it is requests the waiving of one bicycle parking space. There is room within the Fitzroy Social to accommodate another bicycle space and that part of the conclusion is to be ignored.

The waiving of the car parking requirements as justified in the report and its conclusion remains.

Number of staff employed.

Approximately 22 staff are employed at the premises during peak times.

500 Metre radius Map

According to PN61 the cumulative impact area to be assessed is all land within a 500 metre radius of the venue.

A map has therefore been prepared which shows a total of 89 licensed premises within that 500 metre radius save for packaged liquor licenses as the application does not effect off sales from the Fitzroy Social.

As the map clearly shows there is a cluster of licensed premises within the 500 metre radius of the venue, however, given that the Fitzroy Social is in a Commercial 1 Zone where one of the purposes is "To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses" this is to be expected.

It should be noted, however, that of the 89 licensed premises that exist within the 500 metre radius, 40 in total are subject to a restaurant and café liquor licence which of their nature are low risk premises. The closest late night venues (that hold late night liquor licences) which pose a higher risk because of their trading hours and that are in the same block of the Fitzroy Social are Madam Sousou (No. 7 on the map) and the Perseverance Hotel (no.14).

The applicant has been advised that Madam Sousou is closed while the Perseverance Hotel caters for the younger crowd and provides dance music, which is the antithesis of the Fitzroy Social.

Before proceeding further, the applicant wishes to point out that it has come to its attention that a cumulative impact statement has been lodged in support of an unrelated application concerning 95-105 Victoria Street and 277-285 Brunswick Street Fitzroy for premises known as Naked for Satan. The 500 metre radius map outlined in that application significantly overlaps the 500 metre map for the present application. It stands to reason therefore that some of the responses given in Naked for Satan's Cumulative Impact Assessment may to a large extent also apply to this application, with some minor amendments, and have been used accordingly but only where relevant.

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PN 61 lists the matters which need to be considered when assessing cumulative impact of licensed premises. These are listed below with a corresponding assessment of the proposal.

What are the policy, zoning and other planning controls that are relevant to the surrounding area?

The site is in a Commercial 1 Zone (cl 34.01) under the Yarra Planning Scheme which is a perfect fit for the Fitzroy Social, where a permit is not required under cl 34.01 for the establishment of a food and drink premises (retail premises).

However, under cl 52.27 a permit is required where inter alia, the hours of trading under a licence are to be extended, the number of patrons under a licence is to be increased and the area that liquor is to be supplied under a licence is to be increased. The application qualifies for the need for such a permit on all three grounds.

The application is consistent with clause 21.08-7 of Council's Municipal Strategic Statement where it states:-

"The role of the Brunswick Street centre can be characterised as hospitality, entertainment, clothing and footwear, art galleries and studios, and non-government community services, all with a metropolitan focus."

Under Melbourne 2030 Brunswick Street is one of five major activity centres in the City of Yarra. As per cl 24.04-02 activity centres in "Yarra have a retail, hospitality, and service focus." Further down this clause states "While the Major Activity Centres will continue to be supported to grow and prosper, the need for the provision of shops and services to provide for local day-to-day needs must be met in all activity centres."

The Fitzroy Social fulfills this need in that it is not only open during the evenings but also at lunch times where shoppers as well as persons who work or live nearby frequent. It is not unusual to see young mothers with prams at Fitzroy Social for lunch.

The ultimate planning control for licensed premises is cl 22.09 which is Yarra's licensed premises policy. That policy is designed to ensure that the operation of licensed premises do not detrimentally effect the amenity of nearby properties. The application accords with the controls outlined in cl 22.09 for reasons that I will deal with below.

For a conclusive list of all Council policies and how they effect the surrounding area see paragraphs 27 to 46 of the report considered by the Internal Development Committee Approval for 218-222 Brunswick Street Fitzroy Planning Permit Application No. PL06/0973 on 11 April 2007, a copy of which is enclosed.

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Is the proposal consistent with the planning outcomes encouraged in the policy, zoning and other planning controls for the area?

It is self-evident that the proposal is consistent with Yarra's planning policy, zoning and controls. In this respect I refer to para 47 of the minutes of the report for the Internal Development Committee Approval dated 11 April 2007, which is relevant to this application.

> "The subject site is suitably located to operate as an entertainment venue in accordance with Council's policy direction of the MSS (Retailing and Activity Centres) and Retail Centres Policy (clause 22.04). However, in addressing the tensions which exist between maintaining the defined role of the centre and developing it as an entertainment and speciality retail centre, the incidence of amenity conflicts between business and residential activities must be effectively managed, particularly in relation to parking demand, noise and late night trading."

Assessment

What amenity, land use and other planning outcomes do these controls encourage?

They encourage inter alia that hospitality venues such as Fitzroy Social are situated in major activity centres within a Commercial 1 Zone and that the planning controls, and in particular cl 22.09, provide sufficient safeguards that licensed premises do not detrimentally impact on the amenity of any nearby residents. In this respect I draw your attention to para 48 of the minutes of the report considered by the Internal Development Approvals Committee meeting dated 11 April 2007 for 218-222 Brunswick Street Fitzroy, which is also equally relevant to this application.

> "The protection of the amenity of residential areas from the impacts of late night trading must be considered in the context of the level of amenity that can be reasonable expected given the zoning of the land and proximity to the activity centre. Council's Licensed Premises Policy is the relevant assessment tool for assessing whether the potential impacts are compatible or capable of being managed with the surrounding land uses."

A detailed assessment against this policy as outlined in cl 22.09 is provided within the cumulative assessment report

Existing Context

Does the land adjoin sensitive uses.

At the rear of the venue are units that run along the opposite side of Kent Street from Fitzroy Social that are in a Mixed Use Zone. Given that Fitzroy

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Social only has an emergency exit at the rear of the venue and that the public egress and exits are on Brunswick Street, patrons will not interact behind the venue.

As to noise generated inside the venue, both from music and patrons, please see the acoustic report from Noise Consulting dated 22 July 2016 where it was concluded after testing that;-

"Measurements and analysis of noise from Fitzroy Social show that it will comply with the SEPP N-2 music noise limits and that patron voice noise will not affect the acoustic amenity of nearby residences when operated until 1:00am, if the noise control recommendations are adhered to."

What is the relationship between licensed premises and other uses in the area?

There are several main types of uses within the radius of 500 meters from Fitzroy Social. They are retail, particularly restaurants, cafes, hotels, taverns, shops and miscellaneous retail and commercial uses, that run along Brunswick Street all of which are consistent with a Major Activity Centre and a Commercial 1 Zone. There are also a number of newer residential units such as those that exist in Kent Street and on the corner of Brunswick Street and St. David Streets.

There will always be constant friction between entertainment/hospitality venues and nearby residential areas, but residents who choose to live adjacent to or within an activity centre cannot expect the same level of amenity as residents who live in the leafy suburbs of Brighton. At the same time they are entitled to a certain level of amenity that allows for uninterrupted sleep at night.

The following quote from *Renburgh v Stonnington (2004) VCAT 681* is both informative and instructive and applies equally to this matter.

Renburgh v Stonnington (2004) VCAT 681

15 In relation to impacts on residential areas, I note that the apartments most impacted by entertainment venues in this part of Greville Street are located within a Mixed Use zone and are therefore an integral part of the Activity Centre. Over many years and in many cases, various divisions of the Tribunal have commented that residents living close to or abutting non-residential zones cannot expect the same level of amenity as residents living in the middle of pristine residential areas.

16 That does not mean that issues of amenity such as noise should be ignored, but rather that lower standards are both acceptable and realistic in such interface locations. Both Mr Barratt and Mr Taylor already suffer lower amenity by virtue of their apartments being behind and adjacent to shops, entertainment venues, off street car parks, hotel and other businesses along Greville Street and neighbouring streets. I deal later

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with my specific assessment of noise impacts on the Barratt property, but I consider it unreasonable for residents living within a Mixed Use zone in a Principal Activity Centre to expect to have the same level of amenity as residents living, for example, in a back street within the middle of a residential area at Malvern. There is inevitably, and quite reasonably, a trade-off between enjoying the superb convenience and proximity to one of the most significant and vibrant activity centres in metropolitan Melbourne and experiencing congestion increased noise levels and other perceived 'negative' outcomes associated with living in such a location.

What are the local crime statistics

They are not available.

Are there other premises open after 11pm?

There are 89 licensed premises including Fitzroy Social that fall within the 500 metre radius area (not counting packaged liquor outlets) though two have ceased to operate. That number includes 40 venues that hold a restaurant and café license of which around 15 trade after 11 pm. That leaves approximately further 50 venues, the great majority of which are licensed to trade after 11pm. However, a number of premises are closed Monday to Wednesday or close early during the beginning of the week.

What is the existing amenity in the area?

The level of amenity within the 500 metre radius "is that of an inner-suburban Major Activity Centre" situated in a Commercial 1 Zone. The amenity of this area is particularly effected by the retail activity along Brunswick Street and numerous licensed premises or hospitality venues that are on offer.

There are also new nearby apartments whose occupants can take advantage of what Brunswick Street has to offer and whose amenity will be effected by the Brunswick Street environment.

What are the reasonable amenity expectations in the area?

"It is a general planning principle that for land in or near commercial areas, and in particular inner suburban ones such as in this case, it is reasonable to expect a commensurate similar level of peace and quiet, not one that would be applicable to a more remote, residential location. Reasonable amenity expectations should take into account that the 500 metre radius is dominated by non-residential uses including hospitality uses." Also see quote above from *Renburgh v Stonnington (2004) VCAT 681*

Assessment

Will the proposal significantly increase the number of patrons near sensitive uses at any time?

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The short answer is no. Pedestrian access to Fitzroy Social will be from Brunswick Street. There is no reason why an increase in patron numbers from 300 to 400 would cause patrons to accumulate at the front of the venue when leaving. They do not do it now so why would they do so in the future? Furthermore, any increase in numbers or hours would not encourage patrons to walk around to the back of the venue, where there is no entrance or exit save for an emergency fire door.

Many of the patrons of Fitzroy Social are local residents as mentioned in the Car Parking Assessment report dated 19 August 2016 from Cardno. The applicant expects to attract even a greater proportion of locals the longer the Fitzroy Social trades and gains a good reputation.

Management believes that in the medium term any increase in numbers as a result of this application being granted may occur at lunchtimes over the weekend, and possibly on Friday and Saturday nights. The attractive mix of good food, table seating and general layout invites more of a family atmosphere than most hotels. The Fitzroy Social does not feel like a typical hotel nor does it have that atmosphere.

Provided the recommendations in the Noise Consulting Acoustic Report are followed, music noise and patron noise emanating from the premises will not be a problem.

There is no reason to believe patrons will exit the premises in a less orderly fashion than they do now given the increase in numbers.

Given the location and planning policy context, will the proposal generate amenity impacts beyond what is reasonable?

To increase numbers of patrons by 100 and extend closing hours to 1am the following morning will not generate any observable amenity impacts (including under both state and local planning policy) for the Brunswick Street Major Activity Centre."

What is the mix of licensed premises in the area?

Restaurant & Cafe Licence	40
On-Premises Licence	17
General Licence	11
Full Club Licence	1
Late Night General Licence	10
Late Night On-Premises Licence	10

It should be noted that only one late night licensed premises being the Perservance Hotel is situated in the same block as the Fitzroy Social, and that

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its patronage is a younger crowd.

The 500 metre radius map shows that the majority of general and late night licences are situated along Johnston Street and that end of Brunswick Street past Johnston Street, a good walking distance from the Fitzroy Social.

It should be noted that the majority of licensed venues nearest to the vicinity of the Fitzroy Social are restaurants and cafes.

Do any licensed premises cater for more than 200 patrons?

Some 18 licensed premises have maximum capacity numbers endorsed on their licence that are equal to or exceed 200 patrons.

What distinguishes the Fitzroy Social is that it is following on from the trend set by its predecessor the Little Creatures Dining Hall, but here the supply of food is put ever more in the forefront of what the venue has to offer with the consequential increase in tables and chairs.

How many and what type of licensed premises (especially high capacity venues) operate after 11pm?

As the Licensed Venue 500 Metre Radius Table indicates many licensed premises trade less than their trading hours endorsed on their liquor licence especially on weekdays.

One can say with some confidence that apart from restaurants and cafes, nearly all licensed venues within the 500 metre radius generally trade beyond 11pm, and that of the 40 venues that are subject to a restaurant and café licence approximately 17 can trade past 11pm.

There is a wide spread of closing hours as the 500 Metre Radius Table shows, with the three main closing hours 11pm, 1am and 3am. However, under the *Liquor Control Reform Act 1998* patrons have 30 minutes after trading hours have ceased to finish consuming their liquor. This further encourages the orderly dispersal of patrons, and discourages everyone leaving on mass at closing time.

Do closing hours between venues coincide closely or is there a spread of closing hours?

See above.

Is there a high number of patrons on the streets after 11pm?

On most weekdays save for Friday there would not be a high number of patrons on the streets after 11pm but this changes over Friday and Saturday nights which is what is to be expected for a Major Activity Centre.

What public transport is available to patrons leaving the licensed premises at closing time?

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"Public transport near the site includes trams along Brunswick Street and buses along Johnston Street, both of which are part of the Principal Public Transport Network (PPTN)."

The last trams run along Brunswick Street Monday-Thursday around 12.15am, Friday 1.20am, Saturday 1.25am and Sunday 12.20am.

Night Trams run all night on weekends (Friday and Saturday nights) every 30 minutes, providing services within the CBD and to St Kilda, Coburg, Bundoora, Port Melbourne, Carnegie, Box Hill, Vermont South and Brunswick. This includes Route 86 which runs along Smith Street and Route 96 which runs along Nicholson Street. See website for details https://www.ptv.vic.gov.au/getting-around/night-network/night-tram/

Night buses that operate on the Night Network, which replace Nightrider buses, operate on weekends which provides a further service patrons can use. See website for details https://www.ptv.vic.gov.au/getting-around/night-network/

Also see paras 2.5.1 and 2.5.2 of the Car Parking Report prepared by Cardno (enclosed) for further detail.

Are taxi ranks conveniently available to patrons leaving the licensed premises at closing time?

Yes – there is a taxi rank a few doors up near the Perseverance Hotel.

Is there car parking available and where is it located?

There are 349 car spaces within walking distance from Fitzroy Social. Please see para 2.4 of the Car Parking Report prepared by Cardno (enclosed) for further detail.

How do people disperse from the area after leaving a licensed premises?

People leaving licensed premises within the 500 metre radius of Fitzroy Social would do so mainly by foot, private motor vehicle, taxi, or public transport.

Is the movement of patrons through the area known to be an existing problem?

There are no apparent patron movement problems: the 500 metre radius area has a dispersed street pattern with wide footpaths, good pedestrian connectivity and no major bottle-necks such as bridges.

Are there any identified issues with accessing public transport such as frequency or capacity of services?

The relatively central location of the 500 metre radius area to the public transport network means that trams and buses would be readily available at all times when running, night buses and night trams after that (on Friday and

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Saturday nights), and taxis at all times.

Assessment

Is the proposed licensed premises' location or characteristics such as operating hours likely to contribute to any problems for patron dispersal?

The 500 metre radius area is well connected by public transport (including taxis) and road to other parts of Melbourne. There are a number of dispersal options available to patrons leaving the Fitzroy Social whether by road, foot or public transport. The footpath on Brunswick Street is wide, and provides excellent good patron dispersal.

An increase in maximum capacity numbers of 100 and an extension of trading hours to 1am will not alter this fact or cause any patron dispersal problems.

Will the proposal reinforce any existing or create any new impacts arising from licensed premises closing times and patron dispersal within the area?

The proposed increase in maximum capacity numbers of 100 is relatively small as a proportion of the combined capacity of all existing licensed premises that fall within the 500 metre radius area, while the extension of trading hours to 1am is fairly modest remembering that in accordance with the decision making guidelines published in the Government Gazzette No. S 178, the correlation between anti-social behavior in the early hours of the morning and licensed premises exist in respect to those licensed premises that supply liquor after 1.00 am. In fact the vast majority of licensed premises within the 500 metre radius trade to at least 1am and there is a movement amongst holders of restaurant and café licenses to increase trading hours to 1am as Melbournians continue to go out later. For example, of the 40 restaurant and café licenses that exist within the 500 metre radius area 17 already trade past 11pm of which 14 trade to 1.00 am.

Given the location and characteristics of the Fitzroy Social where food is a major emphasis, it is highly unlikely that the proposed increase in trading hours and maximum capacity will create patron dispersal problems. The Fitzroy Social is not a vertical bar.

Are there sufficient public amenities available for patron use, including toilets and rubbish disposal?

According to the National Public Toilet Map website, there are two (24 hour) public toilets located within the 500 metre radius area. Both are approximately one block away from the venue. See website https://toiletmap.gov.au/find

There are public rubbish bins located throughout the 500 metre area.

Are there any relevant public safety or enforcement initiatives in the area?

- Drinking alcohol in unlicensed areas on the streets of Yarra at any time of the day is banned under Council's Local Laws.

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- The Council also has an Alcohol Management Plan, March 2010, which seeks to "Ensure the sustainability of our diverse and vibrant municipality through a cross-organisational response to effectively manage alcohol- related issues and minimise the impacts".
- The site is in a "Designated Area" under the Liquor Control Reform Act 1998. According to the VCGLR website http://www.vcglr.vic.gov.au/utility/community/government+initiatives/designated+areas/,

"The VCGLR can declare an entertainment precinct where alcohol-related violence and antisocial behaviour has occurred, to be a 'designated area'.

Victoria Police have the power to ban people from licensed premises and designated areas for up to 72 hours for offences including drunkenness, physical assault, destroying or damaging property and failure to leave licensed premises.

Police also have the power to seek a court order to ban repeat offenders from designated entertainment precincts for up to 12 months".

A "moratorium" also applies to the granting of new licences or varying existing licenses for trading after 1:00 am in the City of Yarra.

Fitzroy Police Station is located at 13 Condell Street, Fitzroy, a few minutes drive from the venue, if that.

Has the area been developed according to principles of good urban design and safe design?

Council is in a better position to answer this question than the applicant.

Assessment

Will the proposal provide mitigation measures to address any negative cumulative impacts?

The proposal will provide impact mitigation measures by:

Providing tables and chairs for at least 70% - 80% of patrons at all times. The Fitzroy social is not a "vertical bar" but a mainly sit-down, food-driven licensed premises with a large kitchen that is a stand out feature of the interior design.

Having Brunswick Street as the only access and egress point.

The upstairs function room is located on the Brunswick Street side of the venue away from residences.

To date there has been no queuing and management does not expect there to be given that music is background only, and that it is the food and general family ambience of the venue that attracts patrons.

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The Fitzroy Social is neither a live music venue nor a nightclub but provides background music only in accordance with the guidelines set down in the Noise Consulting Acoustic Report that accompanied this application.

There are 15 CCTV cameras presently operating in the venue, while there are a further 2 in the function room and one over the adjacent balcony, waiting to be activated upon the variation to the liquor licence being granted.

To ensure the venue operates in accordance with State Environment Protection Policy for *Music Noise from Public Premises* No. N-2 the applicant commissioned Noise Consulting and Management Pty Ltd to provide a report with recommendations based on actual readings. On instructions the report also assesses patron noise and finds that it will not adversely effect the amenity of nearby residences.

The venue operates under a Noise and Amenity Action Plan.

At present there has been no need for security given the set-up, style and patronage of the venue. Many patrons are locals who patronized the venue when it was trading as Little Creatures Dining Hall and many are new to the premises.

Can any identified negative cumulative impact be satisfactorily reduced by changes to the proposal?

No. The proposal is a modest extension to existing licensed premises where the emphasis is on food and the proposal itself does not produce any identifiable negative cumulative impact.

In support of the application I enclose the following:

1. Three copies of floor plans and a further copy of the floor plans with the red line plan superimposed;
2. Copies of the location plan;
3. Copies of the site plan at various scales;
4. Folder showing

    a The 500 metre radius area detailing the number of licensed premises that are caught within;
    b Xcel table showing the details of those licensed premises such as the type of licence, hours of trade and maximum capacity;
    c Copies of those actual licenses.

5. Copy of Minutes of the Internal Development Approvals Committee Meeting dated 11 April 2007 concerning 218-222 Brunswick St Richmond;
6. Car Parking Report prepared by Cardno dated 19 August 2016;
7. Noise Consulting Acoustic Report dated 22 July 2016;
8. Noise and Amenity Action Plan;
9. Photos of the Fitzroy Social; and

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10. Extract of Title search & Plan
11. Current red line plan
12. Copy of General licence

Should you require any further information or wish to discuss this matter please feel free to contact me either by email or mobile.

Yours faithfully

Gary Prince

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ADDENDUM

Since writing this report the management of Fitzroy Social has not remained static but have moved on increasing the seating available to 320 further emphasising that the Fitzroy Social is not an entertainment venue. Rather, it is totally unique where a patron can sit, relax, admire the décor including the works of graffiti painted by David Bromley while enjoying great food.

Band room- 9 booth, 9 ghost chairs and 9 tables
TOTAL: 18 seats

Butterfly room- 10 stools at the bench, 4 round high tables with 10 ghost stools
TOTAL: 20 seats

Jungle room- 20 ghost chairs, 10 tables

The pier- 21 ghost chairs, 6 tables

The bar-15 ghost stools, 5 square high tables

Restaurant:
Table numbering
-100's: 14 booth seats, 14 ghost chairs 14 tables
-200's: 28 ghost chairs, 14 tables
-300's: 28 ghost chairs, 14 tables
-400's: 26 ghost chairs, 13 tables
-TOTAL: 96 ghost chairs and 14 booth = 110 seats

The saloon- 17 ghost chairs, 9 ghost stools, 7 tables, 4 round high tables
TOTAL: 26 seats

TOTAL FOR VENUE: 320

Add 3 baby chairs

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General Licence *Licence No. 31952747*

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2016

Licensee	RSG (FITZ) PTY LTD		
Address for service of notices	PO BOX 2010 RICHMOND 3121	Licensed premises address	218-222 BRUNSWICK STREET FITZROY 3065
Trading as	FITZROYSOCIAL		

TYPE OF LICENCE
This licence is a general licence and authorises the licensee to supply liquor on the licensed premises for consumption on and off the licensed premises during the trading hours specified below.

AMENITY
The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.
The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No.N-2.

MAXIMUM CAPACITIES
Internal (300 patrons) External (112 patrons) Overall maximum (300 patrons)

TRADING HOURS
FOR CONSUMPTION OFF THE LICENSED PREMISES -

Good Friday & Anzac Day	Between 12 noon and 10pm
On any other day	Between 10am and 10pm

FOR CONSUMPTION ON THE LICENSED PREMISES -

Good Friday & Anzac Day	Between 12 noon and 11pm
Sunday to Wednesday	Between 10am and 11pm
Thursday to Saturday	Between 10am and 12 midnight

End of Conditions - Printed on 08/06/2016

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Restaurant:

14 booth seats, 14 ghost chairs 14 tables
28 ghost chairs, 14 tables
28 ghost chairs, 14 tables
26 ghost chairs, 13 tables
TOTAL: 96 ghost chairs and 14 booth = 110 seats







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Jungle room

20 ghost chairs

10 tables

TOTAL: 30 seats







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Butterfly Room

- 10 stools at the bench
-4 round high tables with 10 ghost stools
TOTAL: 20 seats







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Band Room
-9 booth
-9 ghost chairs
-9 tables
TOTAL: 18 seats





The Pier
-21 ghost chairs
-6 tables
TOTAL: 27 seats





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The Saloon

17 ghost chairs, 9 ghost stools, 7 tables, 4 round high tables

TOTAL: 26 seats





The Bar:

15 ghost stools (5 square high tables)

TOTAL: 15 seats



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Fitzroy Social Venue Seating Breakdown

Restaurant:
14 booth seats, 14 ghost chairs (14 tables)
28 ghost chairs (14 tables)
28 ghost chairs (14 tables)
26 ghost chairs (13 tables)
TOTAL: 96 ghost chairs and 14 booth = 110 seats

Jungle Room:
-20 ghost chairs (10 tables)
TOTAL: 20 seats

Butterfly Room:
10 stools at the bench, 4 round high tables with 10 ghost stools
TOTAL: 20 seats

Band Room:
9 booth, 9 ghost chairs (9 tables)
TOTAL: 18 seats

The Pier:
21 ghost chairs (6 tables)
TOTAL: 21 seats

The Saloon:
17 ghost chairs, 9 ghost stools (7 tables & 4 round high tables)
TOTAL: 26 seats

The Bar:
15 ghost stools (5 square high tables)
TOTAL: 15 seats

TOTAL FOR VENUE: 320 (+3 baby chairs)

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SCHEDULE

Application to Amend Permit PL06/0973

- **Extension in trading hours to 1.am the following day seven days a week (Condition 4)**
- **Increase in patron numbers to 400 (condition 5)**
- **Increase in the area that liquor is allowed to be consumed or supplied through the completion of the licensing of all of the function room and two internal balconies as shown on the lodged plans**
- **Reword condition 13 so that it reads "No live or amplified music is to be played on the premises other than background music that is to be played in accordance with the recommendations contained in the Noise Consulting Acoustic Report dated 22 July 2016."**
- **Delete condition 14**
- **Substitute Noise Consulting Acoustic Report dated 22 July 2016 for Marshall Day Acoustic Report dated 13 December 2012 as attachment to planning permit**
- **Delete condition 17**
- **Sundry amendments to condition 1 to bring permit up to date.**
- **Waiver of car parking requirements**
- Amend cond 15 so that it does not apply to menus & wine lists

Application under cl 52.27 of the Yarra Planning Scheme

- **Extension in trading hours to 1.am the following day seven days a week (Condition 4)**
- **Increase in patron numbers to 400 (Condition 5)**
- **Increase in the area that liquor is allowed to be consumed or supplied through the completion of the licensing of all of the function room and two internal balconies as shown on the lodged plans**

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Map Ref	Lic. No	Premises	Address1	Address2	Category	Maximum Capacity	actual opening hours	licenced opening hours
1	32103896	HOGAR ESPANOL CLUB	59-61 JOHNSTON STREET		Full Club Licence		Not Open at the moment	Mom - St: At any time / Sunday between midnight and 1am; also 10am and 11.30pm
2	31912098	THE WORKERS CLUB	51 BRUNSWICK STREET		General Licence	340	Monday - Tuesday 4PM-1AM, Wednesday - Sunday 12PM-1AM	Sunday 10am - 1am / On any other day 7am - 1am
3	31909362	NAPIER HOTEL	210 NAPIER STREET		General Licence	140	Monday - Thursday 3PM-11PM, Friday 12PM-1AM, Saturday 12PM-11PM, Sunday 1PM-11PM	Sun 10am - 11pm / Mon-Wed 7am - 11pm / Thurs 7am - midnight / Fri & Sat 7am- 1am
4	31911759	FITZROY RAINBOW HOTEL	27 SAINT DAVID STREET		General Licence	150	Monday - Thursday 3PM-11PM, Friday - Saurday 12PM-1AM, Sunday 12PM-11PM	Sun 10am - 11pm / Any other day 7am - 11am
5	31913824	THE PUMPHOUSE HOTEL	128 NICHOLSON STREET		General Licence	229	Sunday - Thursday 12PM-10PM, Friday - Saturday 12PM-11:30PM	Sun 1am - 11.30pm / Any other day 7am - 1am
6	31913913	THE STANDARD HOTEL	293 FITZROY STREET		General Licence	200	Thursday12PM–11PM, Friday 12PM–11PM, Saturday 12PM–11PM, Sunday 12PM–10PM Monday 3–10PM, Tuesday 3PM–11PM Wednesday 12PM–11PM	Sun 10am -11pm / Any other day 7am - 11pm
7	31920790	MADAM SOUSOU	231 BRUNSWICK STREET		General Licence	72	Permanently Closed	Sunday 10am - 1am / On any other day 7am - 1am
73	31920669	136	36 JOHNSTON STREET		General Licence			Sunday 10am - 11pm / Any other day 7am - 1am
8	31952747	FITZROY SOCIAL	218-222 BRUNSWICK STREET		General Licence		Monday - Thursday 11AM-11PM, Friday - Sunday 11AM-12AM	
9	31955884	CUTLER & CO	51-57 GERTRUDE STREET		General Licence	225	Monday - Closed, Tuesday - Saturday 6PM-11PM, Sunday 12PM-3PM, 6PM-11PM	Mon - Sun 7am - midnight
10	31955818	HORSES BAR	113 BRUNSWICK ST		General Licence	40	Thursday 4PM–12AM, Friday 2PM–1AM, Saturday 2PM–1AM, Sunday 1PM–12AM, Monday 4PM–12AM, Tuesday 4PM–12AM, Wednesday 4PM–12AM	10am - 1am Everyday
11	31915127	UNION (BAR & GRILL) CLUB HOTEL	164 GORE STREET		General Licence	150	Monday - Wednesday 3PM-9:30PM, Thursday - Sunday 12PM-9:30PM	Sun 10am - 1am / Any other day 7am - 1am
78	31909029	BIMBO DELUXE	376 BRUNSWICK STREET		Late night (general) Licence	350 (ground floor) 20 (terrace) 40 (beer garden)	11:30AM - LATE Everyday	Sun 10am - 3am / Any other day 7am - 3am
12	31910931	PROVINCIAL HOTEL	299 BRUNSWICK STREET		Late night (general) Licence	501	Sunday - Thursday 12PM-1AM, Friday-Saturday 12PM-3AM	Sun 10am - 1am / Mon - wed 7am - 1am / Thur-Sat 7am - 3am
13	31912763	ICHI NI NANA IZAKAYA	127 BRUNSWICK STREET		Late night (general) Licence	478	Sunday - Thursday 12PM-11PM, Friday-Saturday 12PM-1AM	Sun 10am - 11pm / Any other day 7am - 3am
14	31910389	PERSEVERANCE HOTEL	196 BRUNSWICK STREET		Late night (general) Licence	510	Sunday - Wednesday CLOSED, Thursday-Friday 5PM-3AM, Saturday 4PM-3AM	Sun 10am - 11pm / Any other day 7am - 3am
15	31921047	LA SANGRIA BAR	46 JOHNSTON STREET		Late night (general) Licence	120	Sunday - Wednesday CLOSED, Thursday-Saturday 9PM-1AM	Sun 10am - 3m / Mon - Wed 7am - 2am / Thurs- Sat 7am - 3am
16	31921322	LAUNDRY FITZROY	48-50 JOHNSTON STREET		Late night (general) Licence	272	Sunday - Wednesday CLOSED, Thursday-Saturday 9PM-3AM	Sun 10am - 3am / Any other day 7am - 3am
76	31914804	TOWN HALL HOTEL FITZROY	166 JOHNSTON STREET		Late night (general) Licence	128	Sunday - Thursday 11AM-11PM, Friday - Saturday 11AM-1AM	Sun 10am - 1 am / Mon-Wed 7am - 1am / Thurs 7am - 2 am / Fri & Sat 7am - 3am
80	31914325	TANKERVILLE ARMS HOTEL	230 NICHOLSON STREET		Late night (general) Licence	Ground Floor: Adult bar 140, Lounge 200, Gaming room 110. First floor: 150. MAXIMUM 600	Sunday 10am - midnight. Mon-Sat 7am-midnight	Sun 10am - midnight / Any other day 7am - midnight
83	31905287	EVELYN HOTEL	351 BRUNSWICK STREET		Late night (general) Licence	350	12.30pm - 1.30am Everyday	Sun 10am-1.30am, Mon-Sat 7am-1.30am
86	31920685	THE RUM DIARY BAR	334 Brunswick St		Late night (general) Licence	56	thurs - sun 5pm - 3am / mon - wed 5pm - 1am	Sun 10am-3am, Mon-We 7am-1am, Thur-Sat 7am-3am
17	32227399	THE OLD BAR	74-76 JOHNSTON STREET		Late night (on-premises) Licence	175	Monday - Friday 4PM-3AM, Saturday - Sunday 2PM-3AM	Sun 10am - 3am / Any other day 12 noon - 3am
18	32228256	GEORGE'S BAR AT 120 JOHNSTONE STREET	GROUND FLOOR	120 JOHNSTON STREET	Late night (on-premises) Licence	143	Friday 6PM–3AM, Saturday 6PM–3AM, Sunday 6PM–1AM, Monday - Tuesday Closed, Wednesday 6PM–1AM, Thursday 6PM–1AM	Sun 6pm - 1am / Mon-Wed 6pm - 1 am / Thur-Sat 6pm-3am
19	32235847	THE KODIAK CLUB	272 BRUNSWICK STREET		Late night (on-premises) Licence	140	Wednesday - Saturday 5PM-3AM, Sunday-Monday 6PM-1AM, Tuesday Closed	Sun 10am - 1am / Mon-Thur 7am-1am / Fri & Sat 7am - 3am
20	32239833	THE BLACK PEARL BAR	304 BRUNSWICK STREET		Late night (on-premises) Licence	170	EVERYDAY 5PM-3AM	Sun 10am -1am / Mon-Wed 7am - 1am / Thur-Sat 7am - 3am
21	31821996	BAR OPEN	317 & 1ST FLOOR 319 BRUNSWICK ST		Late night (on-premises) Licence	200	EVERYDAY 3PM-3AM	Sun 10am - 2am / Any other day 7am - 3am
22	31822625	THE BROTHERS PUBLIC HOUSE	42 JOHNSTON STREET		Late night (on-premises) Licence	83		Sun 10am - 11pm / Mon-Thur 10am - 1am / Fri & Sat 10am - 3am
23	32256314	KANELA BAR RESTAURANT	56 JOHNSTON STREET		Late night (on-premises) Licence	60	Tuesday - Thursday 5PM-1AM, Friday - Saturday 5PM-3AM, Sunday 5PM-11PM, Monday Closed	Sun 10am - 11pm / Any other day 7am - 3am
24	32264032	THE STONE HOTEL	298 BRUNSWICK STREET		Late night (on-premises) Licence	150	Monday - Thursday 11:30AM - 1AM, Friday - Saturday 11:30AM - 3AM, Sunday 11AM-11PM	Sun 10am - 11pm / Mon-Wed 10am - 1am / Thur-Sat 10am - 3am
25	32290855	THE LUWOW	62-70 JOHNSTON STREET		Late night (on-premises) Licence	266	Wednesday - Saturday 5PM-12AM, Sunday - Tuesday CLOSED	Sun - Wed 1pm - 1am / Thur-Sat 1pm - 3am
26	32236631	THE NIGHT CAT	141 JOHNSTON STREET		Late night (on-premises) Licence	471	Friday - Saturday 9PM-3AM, Sunday 7PM-3PM, Monday - Thursday CLOSED	Mon-Wed 6pm-1am / Thur-Sun 6pm - 3am

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27	32224147	NAKED FOR SATAN	285 BRUNSWICK STREET		On-Premises Licence	500	Sunday - Thursday 12PM-12AM, Friday - Saturday 12PM-1AM	Sun 10am - 1am / Any other day 7am - 1am
28	32205575	RICE PAPER SCISSORS	307 BRUNSWICK STREET		On-Premises Licence	100	Monday - Thuesday 6PM-12AM, Wednesday - Friday 12PM-3PM and 6PM-12AM, Saturday - Sunday 12PM-12AM	Sun 10am - 11pm / Any other day 7am - 11pm
29	32234338	BAXTER'S LOT	302 BRUNSWICK STREET		On-Premises Licence	116	Monday - Friday 4PM-1AM, Saturday - Sunday 2PM-1AM	Sun 10am - 1am / Any other day 7am - 1am
79	31820160	THE PANAMA DINING ROOM AND BAR	2ND FLOOR	231 SMITH STREET	On-Premises Licence	200	Monday - Saturday 5PM-1AM, Sunday 5PM-12AM	Everyday 10am - 1am
30	31820958	LABOUR IN VAIN	197A BRUNSWICK STREET		On-Premises Licence	150	Monday - Wednesday 3PM-1AM, Thursday - Saturday 2PM-1AM, Sunday 2PM-11PM	Sun 10am - 11pm, Mon-Sat 7am-1am
77	32251233	RIZE CHINESE RESTAURANT AND BAR	262 BRUNSWICK STREET		On-Premises Licence		Tuesday - Sunday 11:30AM - 3PM and 5:30PM-9:30PM, Monday CLOSED	11.30am - 11pm Everyday
75	31821784	SOSSA	315 BRUNSWICK STREET		On-Premises Licence			Sun 10am - 11pm / Any other day 7am - 1am
32	32253308	CHOCOLATERIA SAN CHURRO - FITZROY	275 BRUNSWICK STREET		On-Premises Licence	66	Tuesday - Thursday 11AM-11PM, Friday - Saturday 11AM-12AM, Sunday 11AM-11PM, Monday 11AM-10PM	Sun 10am - 11pm / Any other day 7am - 11pm
33	32257637	BLACK CAT COFFEE LOUNGE	252 BRUNSWICK STREET		On-Premises Licence	N/A 36 outside	EVERYDAY 10AM-1AM	Sun 10am - 1am / Any other day 9am - 11pm
34	32269074	SIR CHARLES	121 JOHNSTON STREET		On-Premises Licence	50	Monday - Friday 7AM-4PM, Saturday - Sunday 8AM - 4PM	Sun 10am - 11pm / Any other day 8am - 11pm
35	32273366	GRUBB FOOD VAN PTY LTD	87-89 MOOR STREET		On-Premises Licence	Wed-Sun 120, Tues 140, Courtyard 60	Tuesday - Friday 10AM-10PM, Saturday 8AM-10PM, Sunday 8AM-6PM	Sun-Tues 10am - 10pm / Wed-Sat 10am - 11pm
36	32280185	THE COMMONER	122 JOHNSTON ST		On-Premises Licence	100	PREMANENTLY CLOSED	Sun 10am - 1am / Any other day 7am - 1am
37	32308551	HARES AND HYENAS	63 JOHNSTON STREET		On-Premises Licence	80	Monday - Wednesday 9AM-6:30PM, Thursday - Friday 9AM-7PM, Saturday 10AM - 6:30PM, Sunday 11:30AM-6:30PM	10am - 11pm Everyday
38	32319439	THE ROOKS RETURN	201 BRUNSWICK STREET		On-Premises Licence	113	Monday - Friday 4PM-1AM, Saturday - Sunday 1PM-1AM	9am - 11pm Everyday
39	32329515	ICEBAR MELBOURNE	GROUND FLOOR	319 BRUNSWICK STREET	On-Premises Licence	69	Tuesday - Wednesday CLOSED, Thursday 11AM-10PM, Friday - Saturday 11AM-1AM, Sunday - Monday 11AM-10PM	10am - 1am Everyday
84	32221830	BABKA BAKERY CAFÉ	358 Brunswick Street		on-Premises Licence		tues-sun 7am-6pm / mon closed	Sun 10am-11pm, Mon-Sat 7am-11pm
92	32284480	FINAS VEGETARIAN CAFÉ 2	339 Brunswick		On-Premises Licence	35	mon closed / tues - sun 9.30am - 9.30pm	10am - 11pm Everyday

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40	32220981	AKARI JAPANESE RESTAURANT	177 BRUNSWICK STREET		Restaurant and cafe Licence		Monday 6PM-10:30PM, Tuesday - Friday 12PM-3PM and 6PM-10PM, Saturday 6PM-10:30PM, Sunday CLOSED	Sun 10am - 11pm / Any other day 7am - midnight
41	32244058	PIREAUS BLUES	GROUND FLOOR & FIRST FLOOR	312 BRUNSWICK STREET	Restaurant and cafe Licence		PREMANENTLY CLOSED	Sun 10am - 11pm / Any other day 7am - 1am
42	32254045	PEKO PEKO	199 SMITH STREET		Restaurant and cafe Licence	30 (ground) 15 (mezzanine)	Monday - Saturday 12PM-10PM, Sunday CLOSED	Mon - Sat 8am - 11pm
43	32259744	THAI THANI	293 BRUNSWICK STREET		Restaurant and cafe Licence	36 (ground) 64 (1st Floor)	EVERYDAY 5:30PM-10:30PM	Mon - Sun 11.30am - 3pm & 6pm - 11pm
44	32293803	BRUNSWICK ST ALIMENTARI	251 BRUNSWICK STREET		Restaurant and cafe Licence	48	EVERYDAY 8AM-6PM	8am - 11pm everyday
45	32322911	B'STILLA CANTINA	277 BRUNSWICK STREET		Restaurant and cafe Licence	24	Wednesday - Monday 12PM-12AM, Tuesday CLOSED	Sun - Thur 10am - 11pm / Fri & Sat 10am - 1am
46	32228345	BLUE CHILLIES	182 BRUNSWICK STREET		Restaurant and cafe Licence	60 (ground) 40 (1st floor)	Monday - Thursday 12PM-2:30PM and 6PM-10:30PM, Friday Saturday 12-2:30PM and 6PM-11PM, Sunday 12PM-2:30PM and 6PM-10PM	10.30am - 11pm everyday
47	32225614	MARIO'S CAFE	303 BRUNSWICK STREET		Restaurant and cafe Licence		Monday - Saturday 7AM-10:30PM, Sunday 8AM-10:30PM	Sun 7am - 1am / Any other day 7am - 1am
48	32228913	888 SAKURA	GROUND FLOOR	263 BRUNSWICK STREET	Restaurant and cafe Licence	57	Monday 11AM-3PM abd 5PM-10PM, Tuesday CLOSED, Wednesdy - Thursday 11AM-3PM and 5PM-10PM, Friday - Saturday 11AM-3PM and 5PM-11PM, Sunday 11AM-3PM, 5PM-10PM	Sun 10am - 11pm / Any other day 7am - 11pm
49	32233552	SMITH & DAUGHTERS	GROUND FLOOR	175 BRUNSWICK STREET	Restaurant and cafe Licence	61	Monday CLOSED, Tuesday - Friday 6PM-12AM, Saturday 10AM-1AM, Sunday 10AM-10:30PM	Sun 10am - 11pm / Any other day 7am - 1am
50	32235350	MOO CHI IN FUSION	72 JOHNSTON STREET		Restaurant and cafe Licence	90	Sunday - Monday 11AM-3:30PM, Tuesday - Saturday 11AM-3:30PM and 5:30PM-10:30PM	Sun 10am - 11pm / Any other day 10am - 1am
51	32242933	STAGGER LEE'S	276 BRUNSWICK STREET		Restaurant and cafe Licence	50	Monday - Friday 7AM-4PM, Saturday - Sunday 8AM - 4PM	Sun 10am - 11pm / Any other day 7am - 11pm
52	32244684	BON AP	193 BRUNSWICK STREET		Restaurant and cafe Licence	53 (internal) 34 (external)	Tuesday - Saturday 10AM-11PM, Sunday 9AM-5PM, Monday CLOSED	Sun 10am - 11pm / Any other day 7am - 11pm
53	32240818	ZIAMESE THAI CAFE AND RESTAURANT	223 BRUNSWICK STREET		Restaurant and cafe Licence	64	EVERYDAY 6PM-9:30PM	Sun 10am - 11pm / Any other day 7am - 11pm
54	32248230	MON AMI RESTAURANT & GALLERY	UNIT 5, 144 NICHOLSON STREET		Restaurant and cafe Licence		Tuesday - Thursday 5PM-10PM Friday- Saturday 12PM-10PM, Sunday - Monday CLOSED	Sun 10am - 9pm / Any other day 7am-10pm
55	32245397	CAFE 58	58 JOHNSTON STREET		Restaurant and cafe Licence		Monday - Friday 11AM-3PM and 5PM-11PM, Saturday 5PM-11PM, Sunday CLOSED	Sun 10am - 11pm / Any other day 7am - 11pm
56	32271584	FITZ CURRY CAFE	44 JOHNSTON STREET		Restaurant and cafe Licence		EVERYDAY 5PM-10PM	Mon-Sun 5pm - 11pm
57	32273798	LOS AMATES MEXICAN KITCHEN	34 JOHNSTON STREET		Restaurant and cafe Licence		Tuesday - Friday 6PM-10PM, Saturday 5PM-10PM, Sunday 11AM-3PM and 5PM-10PM, Monday CLOSED	Sun 10am - 11pm / Any other day 7am - 11pm
58	32290499	UPTOWN JAZZ CAFE	LEVEL 1	177 BRUNSWICK STREET	Restaurant and cafe Licence		Wednesday - Saturday 7PM-12AM, Sunday - Tuesday CLOSED	Mon & Sun noon - 11pm, Tues-Sat noon - midnight
60	32305294	GIRASOLE PIZZERIA	60 JOHNSTON STREET		Restaurant and cafe Licence	50	Monday - Thursday 5:30PM-10PM, Friday - Saturday 5:30PM-11PM, Sunday CLOSED	12 noon - 11pm everyday
62	32308103	SLOWPOKE ESPRESSO	157 BRUNSWICK STREET		Restaurant and cafe Licence	30	Monday - Friday 7AM-4PM, Saturday - Sunday 8AM - 4PM	Sun 8am - 11pm / Any other day 7am - 11pm
63	32304604	GUTZ CAFE	221 BRUNSWICK STREET		Restaurant and cafe Licence	50	Monday - Friday 7AM-4:30PM, Saturday 8AM-4:30PM, Sunday 9AM-4:30PM	Sun 10am - 11pm / Any other day 7am - 11pm
64	32303187	PHO 54 MANDALAY BAY	183 BRUNSWICK STREET		Restaurant and cafe Licence	53	EVERYDAY 12PM-10PM	11am - 11pm everyday
65	32310338	MR BURGER	320 BRUNSWICK STREET		Restaurant and cafe Licence	43	Monday - Friday 11AM-2AM, Saturday - Sunday CLOSED	Sun-thur 11am - 11pm / Fri & Sat 11am - 1am
66	32319065	MEATBALLS & SONS	266 BRUNSWICK STREET		Restaurant and cafe Licence	70	PREMANENTLY CLOSED	Sun 10am - 11pm / Any other day 7am - 11.30pm
67	32310786	ARGOS LOVES COMPANY	149 BRUNSWICK STREET		Restaurant and cafe Licence	35	Monday - Friday 7AM-3PM, Saturday - Sunday 8AM-3:30PM	Sun 10am - 11pm / Any other day 7am - 11pm
68	32313857	JIMMY GRANTS	113 ST DAVID STREET		Restaurant and cafe Licence	40	Sunday - Thursday 11AM-10PM, Friday - Saturday 11AM-11PM	9am - 11pm everyday
69	32312958	SHAWCROSS PIZZA	324 BRUNSWICK STREET		Restaurant and cafe Licence	44	Monday - Thursday 4:30PM-12AM, Friday-Saturday 4PM-3:30AM, Sunday 4PM-12AM	11am - 11pm everyday
70	32324117	ROADHOUSE BURGERS	295 BRUNSWICK STREET		Restaurant and cafe Licence	40	Sunday-Wednesday 12PM-10PM, Thursday 12PM-12AM, Friday - Saturday 12PM-3AM	Sun-Wed 12noon - 11pm / Thur-Sat 12noon - 1am
74	32325066	ENDIS CAFE	69-71 VICTORIA STREET		Restaurant and cafe Licence	35	Monday - Saturday 7AM-4PM, Sunday CLOSED	10am - 10pm everyday
71	32236932	CAFE UMAGO	171-173 BRUNSWICK STREET		Restaurant and cafe Licence	71	Sunday - Thursday 11AM-9:45PM, Friday - Saturday 11AM-10:45PM	Sun 10am - 11pm / Any other day 7am - 1am
72	32239477	FITZROY YACHT CLUB	301 BRUNSWICK STREET		Restaurant and cafe Licence	30	Monday- Tuesday CLOSED, Wednesday - Thursday 8AM-11PM, Friday-Saturday 8AM-1AM, Sunday 8AM-11PM	Sun 10am - 11pm / Any other day 7am - 1am
81	32224171	THE FITZ	347 Brunswick Street		Restaurant and cafe Licence		7am - 10pm	Sunday 10am-11pm, Mon-Sat 9am-1am
82	32222797	ALPHA OUZERI	12 Yarra Street	Abbotsford	Restaurant and cafe Licence	Ground floor: 85 First Floor: 116	fri & sat 12-3, 6-11pm / sun 12-11pm / mon-wed 5-11pm / thurs 12-3pm, 5-11pm	Sun 10am-1am, Mon-Sat 7am-1am
85	32320309	NYALA AFRICAN RESTAURANT	Level 1	356 Brunswick Street	Restaurant and cafe Licence	77	6pm - 11pm Everyday	Sun 10am-11pm, Mon-Sat 7am-11pm
87	32307660	BACKSTREET BIRDMAN	152 Kerr Street		Restaurant and cafe Licence	30 (ground) 15 (mezzanine)	mon-tues 7am - 4pm / wed-thurs 7am - 10pm / fri 7am - 11pm / sat 8am - 11pm / sun 8am - 4pm	Sun-Fri 10am-11pm, Sat 7am-11pm
88	32234744	NOODLE PALACE (FITZROY)	328 Brunswick St		Restaurant and cafe Licence	40	permanently Closed	Sun 10am-1am, Mon-Sat 7am-1am
89	32318344	ROCKWELL AND SONS	234 Johnston St		Restaurant and cafe Licence	Ground 49, First 34, Courtyard 70, Overall MAX 100	mon-tues closed / wed - thurs 6pm-10pm / fri 12-3pm, 6-11pm / sat 12-4pm, 6-11pm / sun 12-4pm, 6-10pm	Sun 11.30am - 11pm, Mon-Sat 11am - 1am
90	32240834	CHINA BAR (BRUNSWICK)	325 Brunswick Street		Restaurant and cafe Licence	60 (ground) 40 (1st floor)	mon-thurs 11am-3am / fri - sat 11am - 5am / sun 11am - 12am	Sun 10 - 11pm, Mon-Sat 7am-1am
91	32246165	THE AFGHAN GALLERY RESTAURANT	327 Brunswick Street		Restaurant and cafe Licence		6pm - 11pm Everyday	Sun 10am-11pm, Mon-Sat 9am-11pm

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Car Parking Assessment

Fitzroy Social

V161319T



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Retail Savvy Group

25 October 2016

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Contact Information

Cardno Victoria Pty Ltd
Trading as Cardno
ABN 47 106 610 913

Level 4
501 Swanston Street
Melbourne
Victoria 3000 Australia

Telephone: (03) 8415 7777
Facsimile: (03) 8415 7788
International: +61 3 8415 7777

victoria@cardno.com.au
www.cardno.com

Document Control

Version	Date	Author	Author Initials	Reviewer	Reviewer Initials
F02	25/10/16	David O'Connor	DO	Ernie Mensforth	

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1 Introduction

Cardno was retained by Retail Savvy Group to provide an assessment of the car parking impacts of the proposal to refurbish the existing premises at 218-222 Brunswick Street Fitzroy for its continued use as a Restaurant / Bar, but with extended trading hours and an increase to the maximum number of patrons allowed at the venue.

In the course of preparing this assessment, the subject site and its environs have been inspected, plans of the development examined, and all relevant parking data collected and analysed.

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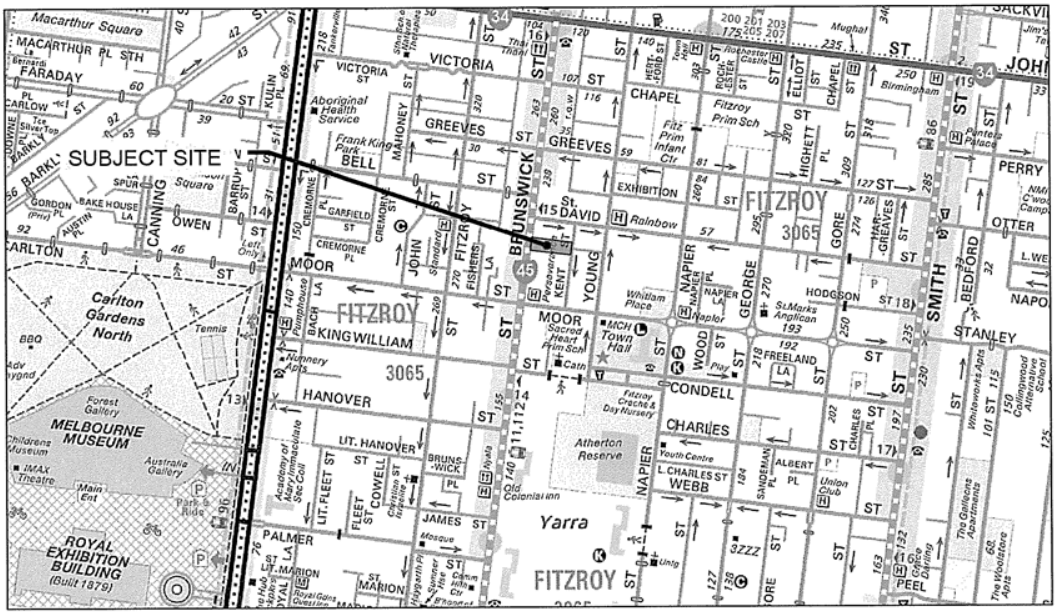
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2 Background and Existing Conditions

2.1 Location and Land Use

The subject site is located 218-222 Brunswick Street, Fitzroy as shown in Figure 2-1, with street frontages to Brunswick Street and Kent Street.

Figure 2-1 Site Location



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Internal renovations and refurbishment of the existing building at the subject site have recently been completed and its use as the "Fitzroy Social" Restaurant / Bar commenced in late July 2016. Cardno is advised that the current planning permit for the site (PL06/0973) includes conditions that:

- Waive the car parking requirements and bicycle requirements;
- Limit the hours of operation to:
  a) Sunday to Wednesday – 10:00am to 11:00pm; and
  b) Thursday to Sunday – 10:00am to midnight
  c) The premises may also operate between the hours of 7am and 10am on any day, excluding the service of alcohol during these hours; and
- Permit no more than 300 patrons within the site at any one time.

Land use surrounding the site is generally a mix of commercial and retail premises. Of note, Carlton Gardens is located to the south-west of the site. Land uses further from the subject site are generally residential in nature.

The subject site is rectangular in shape with an approximate area of 640m^2 with approximately 15m site frontage to Brunswick Street and 15m to Kent Street. The site abuts building a 24/7 gym to the north and a retail premises to the south.

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2.2 Planning Zones

Figure 2-2 shows the location of the site and the Yarra Planning Scheme Zones.

Figure 2-2 Planning Scheme Zones



Figure 2-2 shows that the subject site is located within the Commercial 1 Zone (C1Z). The permitted uses for the C1Z are listed in Clause 34.01 of the Yarra Planning Scheme.

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2.3 Road Network

2.3.1 Brunswick Street

Brunswick Street is a local road running north-south between Victoria Parade to the south and St Georges Road in the north.

Brunswick Street in the vicinity of site comprises a 17 metre wide pavement that provides a shared tram/traffic lane, and a shared bicycle / parking lane in both directions, as shown in Figure 2-3.

At the frontage of the subject site, a speed limit of 40km/h applies.

Figure 2-3 Brunswick Street, looking north beyond the subject site



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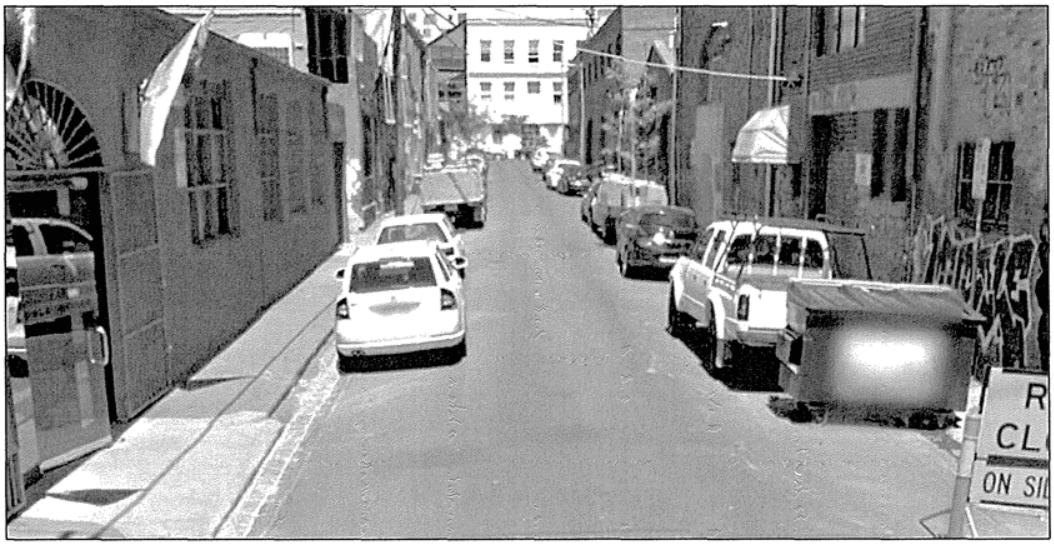
2.3.2 Kent Street

Kent Street is a local road running north-south between St David Street in the north and Moor Street in the south.

Kent Street comprises a 7 metre wide pavement that provides a single one-way traffic lane and a parallel parking lane in both directions, as shown in Figure 2-4.

At the frontage of the subject site, a speed limit of 50km/h applies.

Figure 2-4 Kent Street, looking south beyond the subject site



2.4 Car Parking

There are no car parking spaces supplied on-site.

Public car parking supplies convenient to the subject site are primarily those on Brunswick Street and other local streets nearby. The use of such on-street parking is subject to various restrictions including parking metres/ticket machines, time of day and duration of stay restrictions and in the case of parking spaces along Brunswick Street, "Clearway" controls during the commuter peak periods, both AM and PM. The 'Bullring' commercial car park at 95 Johnston Street also provides a total of 121 off-street car parking spaces that are available for public use.

Surveys of the current utilisation of public parking on the streets closest to the subject site were undertaken by Nationwide Traffic Surveys on behalf of Cardno, on Friday 5th August 2016 between 3:00pm and 1:00am to quantify the availability of public parking at the times both when patronage of the Fitzroy Social Restaurant / Bar is expected to be highest (i.e. from the early evening hours until late) and between 11:00pm and 1:00am (i.e. the period of the proposed extended trading hours). The streets / areas in which the surveys were completed is shown in Figure 2-5.

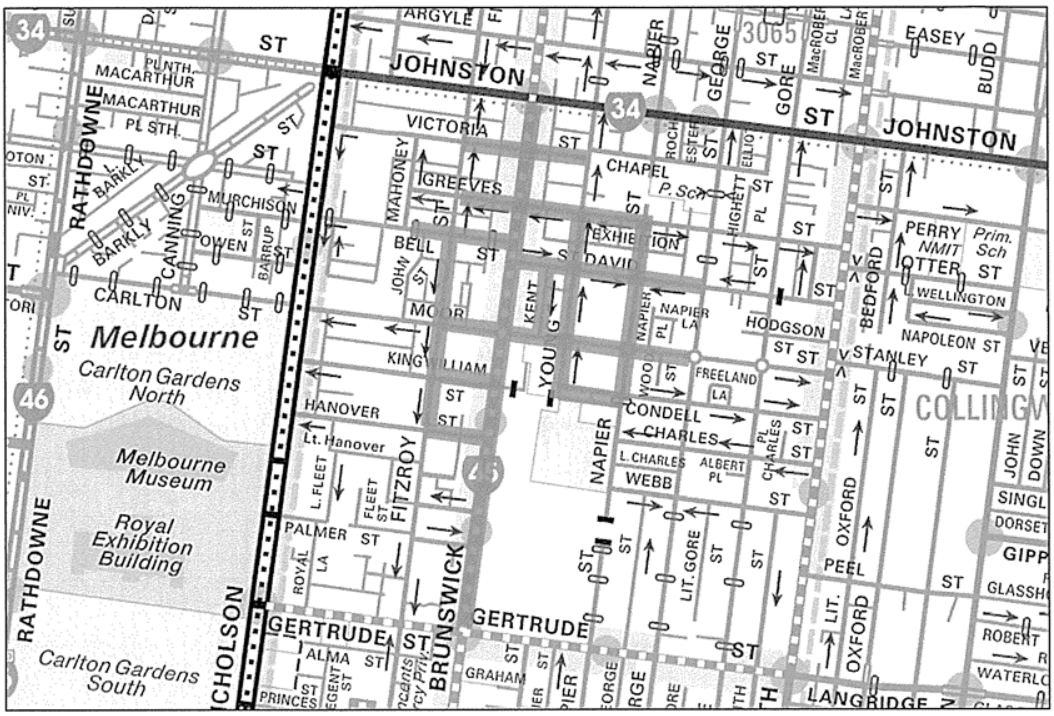
The surveys recorded the use / availability of a total of 732 kerbside "parking spaces" many of which are subject to restrictions such as "Permit Zone", "No Stopping – Police Vehicles Excepted" and various other restrictions that prohibit their use by unauthorised motorists. Other on-street spaces within the survey area are subject to duration of stay restrictions of less than 2 hours that, for the purposes of this assessment, are also deemed unsuitable for the use of patrons of the Fitzroy Social Restaurant / Bar.

The parking spaces considered unsuitable for the use of patrons of the Fitzroy Social Restaurant / Bar are therefore excluded from the following analyses of the availability of public parking close to the site. This leaves a reduced total of 349 spaces in the survey area, within which parking for a stay of two hours or longer, after 6:00pm, is permitted by the public in general.

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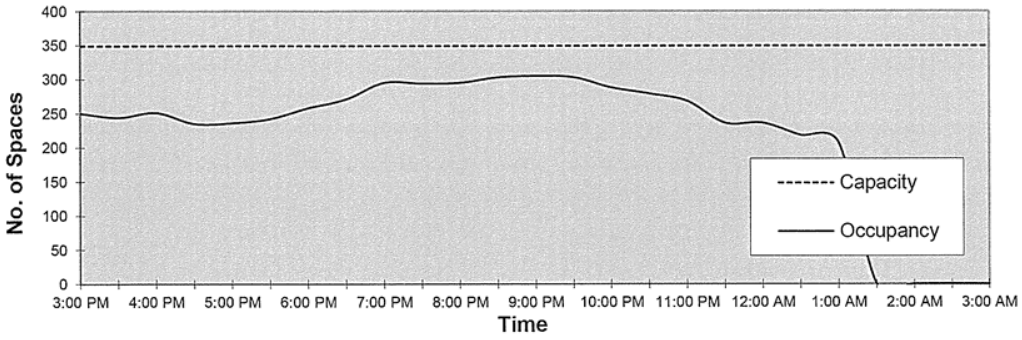
Figure 2-5 Parking Survey Areas



There is a reduced total of 349 spaces in the survey area, within which parking for a stay of two hours or longer, after 6:00pm, is permitted by the public in general.

The survey results, for those 349 'suitable' parking spaces only, have been reviewed with the results of that review plotted and shown in Figure 2-6.

Figure 2-6 Parking Survey Results



The review of the use of the 'suitable' spaces only revealed that the peak occupancy of those spaces occurred at 9:00pm at which time 44 'suitable' spaces remained vacant.

It is further noted that the number of cars parked in 'suitable' spaces steadily declines after 9:00pm to the extent that at 11:00pm, 81 spaces were vacant and at 1:00am no fewer than 142 'suitable' spaces were unoccupied.

The full survey results are attached in Appendix A.

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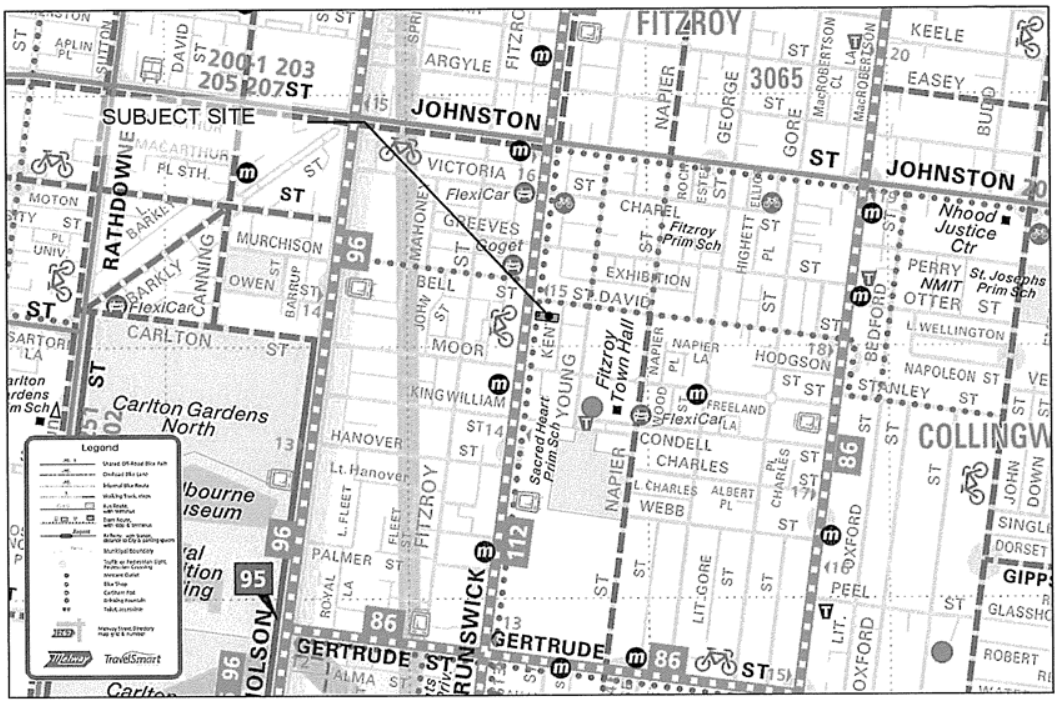
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2.5 Sustainable Transport

2.5.1 TravelSmart Map

The TravelSmart map for the City of Yarra in the vicinity of the site is shown in Figure 2-7.

Figure 2-7 TravelSmart Map



It shows that there are several existing tram services that could be used for travel to and from the subject site and that bicycle lanes have been designated along a network of local streets close to and around the site.

2.5.2 Public Transport

The site has excellent public transport accessibility, with the number 11 tram stop located within 50 metres of the site.

A list of the public transport services that could be used for travel to and from the subject site is provided in Table 2-1.

Table 2-1 Public Transport Provision

Service	Route No's	Route Description	Nearest Stop
Tram	11	West Preston - Victoria Harbour Docklands	<50m
	86	Bundoora RMIT - Waterfront City Docklands	550m
	96	East Brunswick - St Kilda Beach	400m
Bus	200	City - Bulleen	300m
	207	City - Donvale via Doncaster Road	300m
	966	Night Bus - City - Kew - Doncaster Rd - Box Hill	300m

Each of the listed tram routes provide a link to the Melbourne CBD and all of the train, bus and tram services available therein, for access to the wider Melbourne metropolitan area.

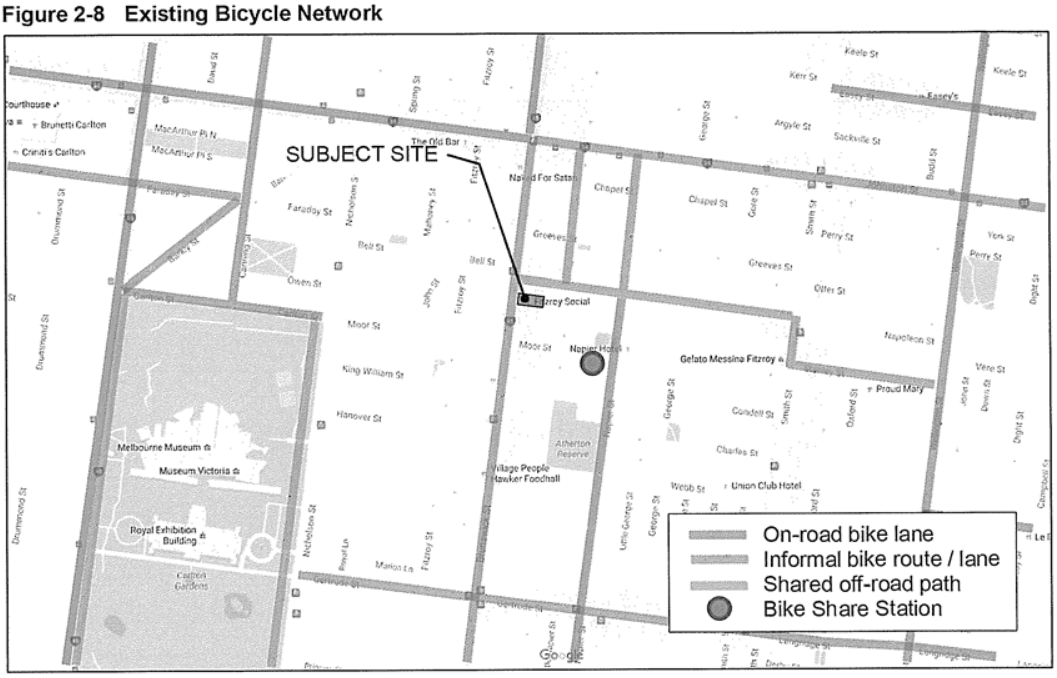
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2.5.3 Bicycle Network

The subject site has excellent access to the Melbourne bicycle network, including the existing shared bicycle / parking lanes along Brunswick Street across the frontage of the site. Bicycle 'links' are available in all directions as shown in Figure 2-8.

Figure 2-8 Existing Bicycle Network



2.5.4 Melbourne Bike Share

In addition to the excellent access to the bicycle network, a bike share station is located on Moor Street and within 200 metres of the subject site, as shown in Figure 2-8.

Bike sharing is growing in popularity as a means of public transportation in a number of cities around the world. Melbourne Bike Share aims to provide convenient transportation options to inner city residents and commuters, by providing bicycle share centres at key locations in inner Melbourne. Bikes are available for hire for short trips, with bikes able to be picked up at one bike dock and dropped off at another location for periods up to a maximum of 24 hours. Yearly memberships are available, with bicycle usage charges based on the duration of hire, with daily and weekly access passes are also available.

The aim of the Melbourne Bike Share is to provide a Public Bicycle System for workers, commuters, residents, students, and visitors to inner Melbourne. The objectives of Melbourne Bike Share are:

- to support the Victorian Government's goals for social sustainability within an integrated public transport system;
- to provide a viable sustainable transport alternative for inner Melbourne which will help relieve crowding on the transport systems in the inner city and assist in managing the growth of travel demands in Melbourne;
- to assist in the promotion of cycling for trips under 10 kilometres in and around central Melbourne;
- to extend the reach of the public transport system, particularly at the "destination" end, as cycling provides an option that is faster than walking and more flexible than trams and other route-based public transport;
- to aid the promotion and growth of cycling mode share, in order to contribute to positive health and well-being benefits for Victorians; and
- to assist State and Local Government in reaching targets to reduce greenhouse gas emissions.

There are currently 51 bike station and 600 bikes situated in and around the Melbourne CAD.

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3 Proposed Changes to the Existing Operations

3.1 General

Cardno is advised that approval is sought to:

a) Extend the existing Restaurant / Bar's allowed hours of operation from the existing 10:00am to 11:00pm, Sunday to Wednesday and 10:00am to midnight, Thursday to Saturday; to 10:00am to 1:00am the following day, Sunday to Saturday (inclusive); and

b) Increase the maximum number of patrons permitted within the site at any one time from the current 300 patrons, to 400 patrons.

It is also noted that internal renovations completed at the subject site have opened up existing mezzanine level floor areas totalling 100m^2, that were previously used as storage and Office spaces, for use by patrons.

No other changes are proposed to the current operations of the existing Fitzroy Social Restaurant / Bar.

3.2 Car Parking

Clause 52.06-6 of the Yarra Planning Scheme states that a permit may be granted to reduce or waive the number of spaces required to below the likely demand assessed by the Car Parking Demand Assessment, giving consideration to the following, as appropriate:

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plan.
- The availability of alternative car parking in the locality of the land, including:
  - Efficiencies gained from the consolidation of shared car parking spaces.
  - Public car parks intended to serve the land.
  - On street parking in non-residential zones.
  - Streets in residential zones specifically managed for non-residential parking.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any car parking deficiency associated with the existing use of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- Access to or provision of alternative transport modes to and from the land.
- Any other relevant consideration.

A waiver of the Clause 52.06 parking requirement is also sought and can be justified, as follows, primarily on the basis of factors that include the availability of alternative public parking close to the subject site (as discussed in section 2.4 of this report), the minimal extent to which parking demands are likely to be increased and the accessibility of the subject site by transport modes other than a private car.

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4 Bicycle Parking Considerations

Clause 52.34 of the Yarra Planning Scheme (YPS) states that a new use must not commence or the floor area of an existing must not be increased until the required bicycle facilities have been provided.

The YPS also provides for a permit to be granted to vary, reduce or waive any bicycle parking requirement.

As previously discussed, mezzanine level spaces at the subject site that were previously used as an Office and for storage, have been opened up for the use of patrons of the Fitzroy Social Restaurant / Bar thereby increasing the floor area available to the public at the subject site, by approximately 100m^2.

For a Restaurant use, the bicycle parking supply requirement is 1 to each 100m^2 of floor area available to the public, which for the 100m^2 of added floor area equates to a requirement for 1 bicycle parking space.

Conversely if the added floor space is regarded as additional Bar floor area, it attracts a requirement for bicycle parking at a rate of 1 space for each 25m^2 for both employees and patrons, i.e. a total of 8 bicycle parking spaces.

The proposed building works therefore attract a bicycle parking requirement of either 1 or 8 bicycle parking spaces depending on whether the extra useable floor space is classified as Restaurant or Bar floor area.

It is however noted that no bicycle parking is proposed within the site as part of the current proposal.

It is also noted that the current planning permit for the use of the subject site as a Hotel and Office (PL06/0973), includes a waiver of the car parking requirements and the bicycle requirements.

A similar waiver of one bicycle parking space is therefore sought.

Alternatively, subject to City of Yarra approval, Cardno is advised that the permit applicant would be prepared to install up to 4 (two-sided) bicycle parking 'hoops' at the Brunswick Street frontage of the subject site, as a condition of any planning permit issued in response to the subject permit application.

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5 Car Parking Considerations

5.1 Statutory Car Parking Requirements

5.1.1 Car Parking Requirements – Clause 52.06

Clause 52.06 of the Yarra Planning Scheme specifies that:

'Where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced'

The parking requirements under the Planning Scheme therefore only apply to the additional 100 patrons as shown in Table 5-1.

Table 5-1 Planning Scheme Car Parking Requirements – Clause 52.06-5

Use	Area/ No.	Rate	Car Parking Measure	Total
Restaurant or	100 patrons	0.4	to each patron permitted	40
Bar	100 patrons	0.4	to each patron permitted	40

The increase proposed to the number of patrons allowed at the site, whether the Use is regarded as a Bar or a Restaurant, therefore attracts a statutory car parking requirement of 40 car parking spaces.

5.2 Proposed Car Parking Provision

As no on-site car parking spaces are proposed a planning permit is sought to waive the car parking requirement.

Clause 52.06-6 of the Yarra Planning Scheme states that an application to reduce or waive the requirement for car spaces must be accompanied by a Car Parking Demand Assessment that includes an assessment of:

- The short-stay & long-stay car parking demands likely to be generated by the proposed use over time.
- 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.
- Any empirical assessment or case study.

5.3 Car Parking Demand Assessment

5.3.1 City of Yarra Strategic Transport Statement 2006

Various Council Plans and Statements relate to the reduction in the use of cars and promote cycling, walking and public transport use within the City of Yarra.

The Strategic Transport Statement is a document prepared by Yarra Council which includes a vision and seven strategic transport objectives. A summary of the vision and objectives is:

Vision: To create a city which is accessible to everyone irrespective of levels of personal mobility and where a fulfilling life can be had without the need for a car.

The Strategic Transport Objectives to achieve this vision are to:

- Create a city which is a great and safe place to walk and increase the numbers of those walking in Yarra.
- Create the most bicycle friendly city in Australia and increase the numbers of those cycling in Yarra.
- Advocate for increased performance of public transport across Melbourne and thereby reduce the number of car trips and through traffic by both Yarra and non-Yarra residents.
- Ensure that any new road construction is not in conflict with encouraging more sustainable transport use.

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- Ensure Council's response to parking demand is based on Yarra's parking hierarchy and sustainable transport principles.
- Work to limit freight movement to arterial roads and freeways within Yarra and work to reduce freight movement through Yarra.
- Encourage Council staff to use more sustainable transport for their travel and increase the capacity of the Council as a whole to respond to and initiate positive actions to further strategic transport objectives 1 to 6.

5.3.2 Anticipated Parking Demand Increases

The location of the subject Fitzroy Social Restaurant / Bar within the popular Brunswick Street restaurant / shopping strip centre, its very high level of accessibility by tram and other sustainable modes of travel and its existing patron mix that includes a high proportion of Fitzroy residents and nearby suburbs, all are influences that suggest that a significant proportion of the patrons of the Fitzroy Social Restaurant / Bar, are likely to travel to and from the site via means other than as a car driver.

To quantify the extent to which those influences will likely impact on the parking demands generated by the 100 additional patrons, for which approval is sought, Cardno arranged the conduct of surveys of travel modes used by the current patrons of the Fitzroy Social Restaurant / Bar on successive Fridays and Saturdays on 30 & 31 July 2016 and 5 & 6 August 2016. On those evenings patrons were asked queries regarding the travel mode used to attend the site, whether they travelled alone or as part of a group, and whether they had visited / patronised other local venues in Brunswick Street (or nearby) that evening, with their responses recorded on the surveys sheet, a copy of which is attached as Appendix B to this report.

In total 337 staff and patrons were surveyed and the mix of travel modes used by those staff and patrons are shown in Table 5-2.

Table 5-2 Transport Mode Survey

Travel Mode	Number	Percentage
Car Driver	20	5.9%
Car Passenger	22	6.5%
Taxi / Uber	62	18.4%
Public Transport	112	33.2%
Bicycle	11	3.26%
Walked	110	32.6%

Notably, just 20 of the 337 patrons (i.e. less than 6%) who responded to the questionnaire drove a car to the Brunswick Street area when visiting the Fitzroy Social Restaurant / Bar.

The relevance of this case study result to assessing the car parking demands likely to be generated by allowing an additional 100 patrons and the same venue where the surveys were completed, cannot be overstated.

It is therefore confidently estimated that if the allowable patronage of the Fitzroy Social Restaurant / Bar is increased (from the existing 300 patrons) to 400 patrons as proposed, without any changes to the parking supplies either within or proximate to the subject site, the total parking demands in the vicinity of the site will increase by no more than 6 car parking spaces.

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5.3.3 Justification for a Waiver of the Car Parking Requirement

The surveys that recorded the travel modes of current patrons of Fitzroy Social Restaurant / Bar that are discussed in section 5.3.2 of this report, clearly confirm the availability and indeed, utilisation of transport modes other a private car for travel to and from the Fitzroy Social Restaurant / Bar. This provides objective case study data to justify a reduction of the car parking requirement otherwise generated by the proposed increase to the number of patrons allowed at the venue at any one time.

Further justification to totally waive the parking requirement is evident from a review of the parking utilisation surveys discussed in section 2.4 of this report that confirmed that no fewer than 44 on-street parking spaces suitable for the use of patrons of Fitzroy Social Restaurant / Bar were available at all times on a typical Friday afternoon and evening. Those surveys also confirmed that parking availability in the vicinity of the Fitzroy Social Restaurant / Bar site is even higher than that, at the times of the proposed extended trading hours, i.e. between 11:00pm and 1:00am the following day.

Clearly, the anticipated increased parking demands generated by 100 additional patrons of the Fitzroy Social Restaurant / Bar, i.e. six parking spaces, can be accommodated in existing public parking areas close to the site, without compromising the availability of parking for other motorists who currently park in the area.

In addition, the waiver of the car parking requirement for this development is totally consistent with City of Yarra policies to encourage sustainable modes of travel in preference to the use of private cars.

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Attachment 4 - Applicant's Traffic Report

6 Conclusions

Based on the foregoing analysis it is concluded that;

- The proposed development seeks to increase the existing restaurant use of the site by 100 patrons, extend trading hours to 1:00am, Monday to Sunday;
- No car parking spaces are to be provided on-site;
- Application of the parking supply rates detailed in Table 1 of Clause 52.06-5 of the Yarra Planning Scheme to the proposed development results in a parking requirement of 40 car parking spaces;
- A waiver of the bicycle parking requirement generated by the proposal, is requested; and
- A waiver of the statutory car parking requirement is consistent with City of Yarra policies that encourage the use of sustainable modes of travel in preference to the use of private cars, and is justified based upon both an objective assessment of the likely increases to parking demand and the availability of suitable on-street parking close to the site for those few patrons who can be expected to drive to the site.

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Attachment 4 - Applicant's Traffic Report

Fitzroy Social

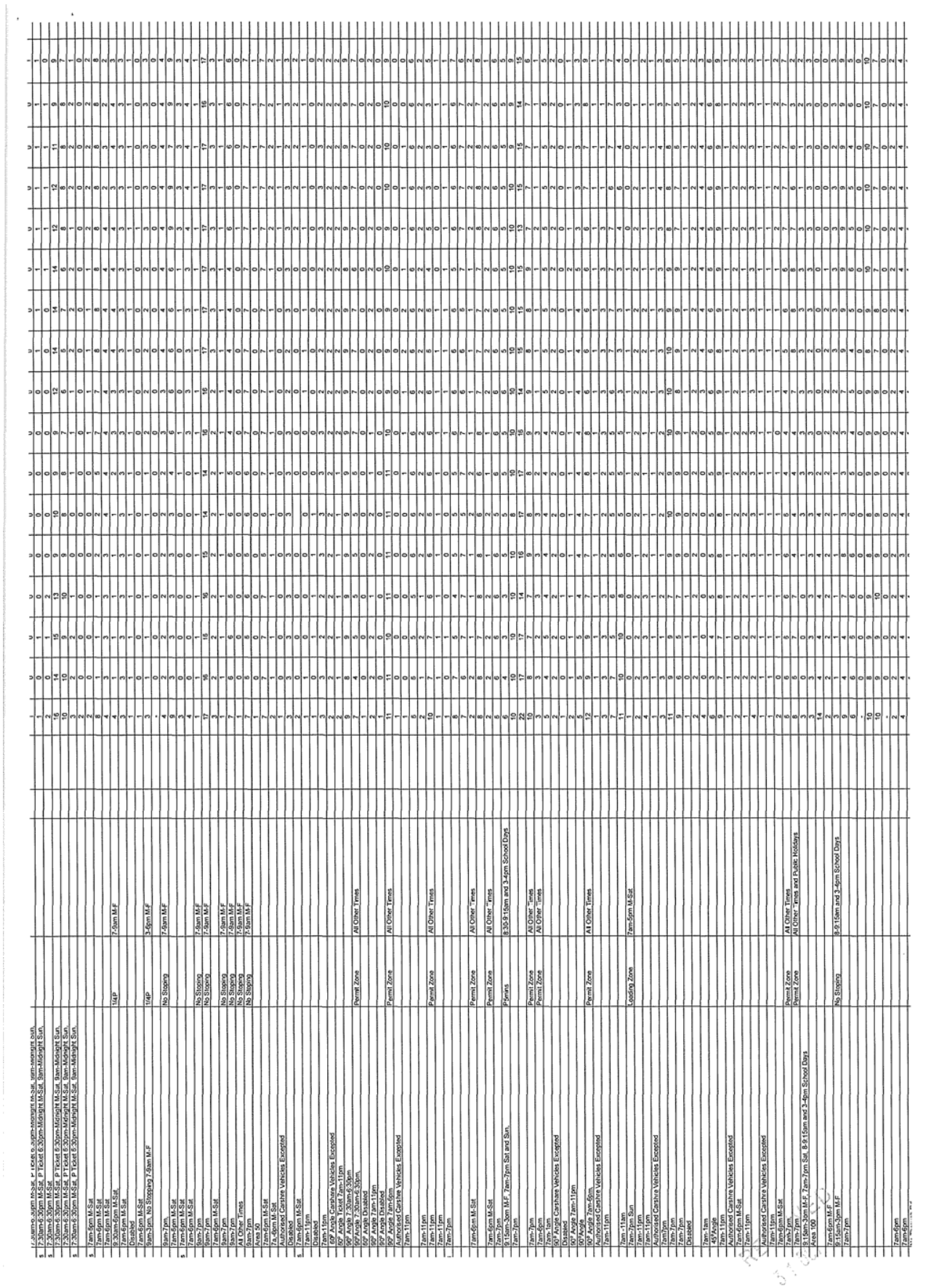
APPENDIX A

PARKING SURVEY RESULTS

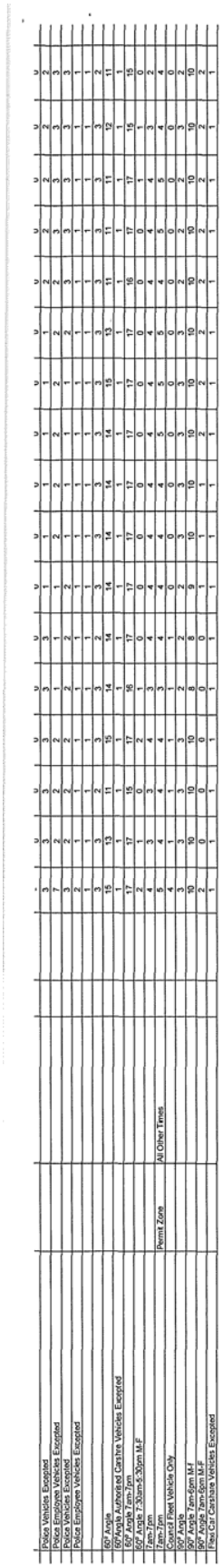
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Cardno
Shaping the Future

Attachment 4 - Applicant's Traffic Report



Attachment 4 - Applicant's Traffic Report



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31 OCT 2016

Attachment 4 - Applicant's Traffic Report

Fitzroy Social

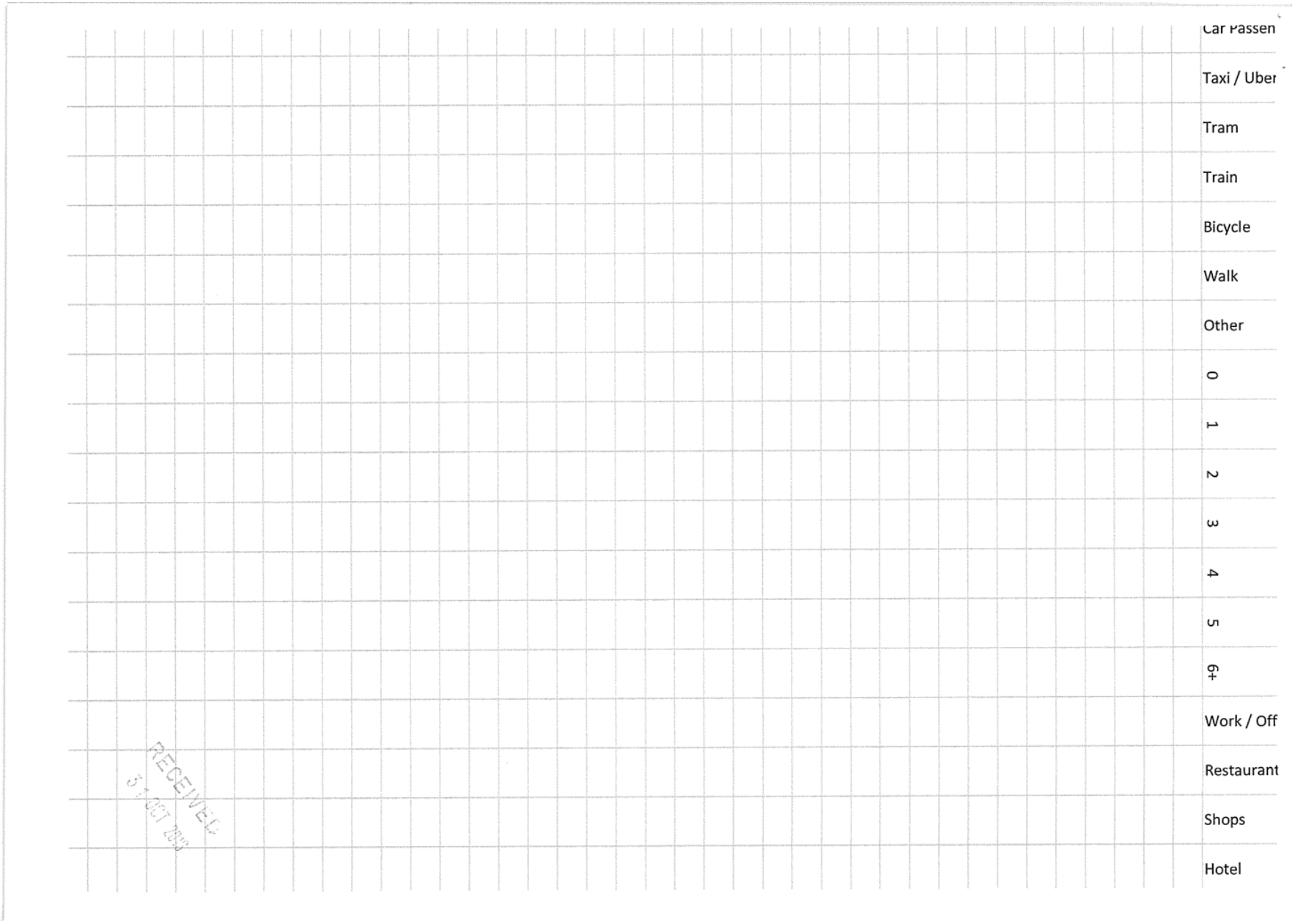
APPENDIX B

TRANSPORT MODE SURVEY TEMPLATE

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Attachment 4 - Applicant's Traffic Report



Attachment 5 - Applicant's Acoustic Report

Noise Consulting & Management Pty Ltd
PO Box 432, Bentleigh, VIC 3204
Suite 118, 283 Glenhuntly Road, Elsternwick
Ph 03 9557 3799
Fax 03 9557 3766
ABN 74 105 601 321
noise@noises.com.au

NOISE EMISSIONS FROM BAR/ RESTAURANT

FITZROY SOCIAL
222 BRUNSWICK ST, VIC

COMMISSIONED BY

FITZROY SOCIAL

Prepared by:

Andrew Rogers B App Sci
Member Australian Acoustical Society
Acoustic Consultant
Noise Consulting & Management Pty Ltd

Ref 2063
22 Jul 2016

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Attachment 5 - Applicant's Acoustic Report

Summary

Noise Consulting & Management was contracted by Fitzroy Social to determine the acoustic measures that are required to control music and patron noise from their bar/l restaurant under a proposal to operate a DJ until 1:00am.

Measurements taken and controls recommended in this report show that the music and voice noise from the venue will comply with the Council and EPA requirements until 1:00am if the recommendations are adhered to. These measurements were taken after the installation and limiting of a new sound system.

General Information

Details of the Bar/ Restaurant

It is proposed that the bar/ restaurant will extend its hours until 1:00am and play low level DJ or high level background music.

The nearest dwellings are 10m east of the rear of the venue at 15 Kent Street.

There are no speakers in the rear 1/3 of the venue. There are 4 12" QFC AD1200 speakers hanging from the roof in the main patron area and 6 smaller QCF AD56T speakers in the front rooms of the venue. The speakers are limited using an Allen and Heath IDR8 processor. This limiter was calibrated on 15 Jul 2016.

The building structure is double brick with an unlined metal roof. There are a number of evaporative coolers and other small openings in the roof.

The Kent Street exit will be closed while the venue is operating.

Noise Control Legislation, Guidelines and Standards

For residential premises affected by music noise from public premises:

> Music must comply with the EPA SEPP N-2 Policy, which specifies the Government's objectives for the control of music noise from public premises.

The policy is designed to protect normal domestic and recreational activities, particularly sleep in the night period, in residential areas.

Patron Voice Noise

There is no policy, legislation or guidelines that sets specific noise **limits** on the voice noise from outside areas.

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Attachment 5 - Applicant's Acoustic Report

Although the EPA SEPP N-1 policy for industrial, trade and commercial noise and the EPA SEPP N-2 policy for control of music noise from public premises do apply to this venue, these policies are not mandatory when assessing noise from crowds.

Sleep Disturbance

In the absence of mandatory criteria, it is important that patrons in the venue do not disturb the sleep of residents when the venue is operating at night.

A review of the available research conducted by the NSW EPA (1999, "Environmental criteria for road traffic noise", Appendix B) concluded that:

- Maximum internal noise levels below 50-55 dBA are unlikely to cause awakening reactions.
- One or two noise events per night, with maximum internal noise levels of 65-70 dBA, are not likely to significantly affect health and well-being.

A more conservative criteria has been developed by Professor Griefahn based on laboratory sleep awakening (1992, "Noise control during the night, *Acoust. Aust.* vol. 20 no. 2). This study found that maximum internal levels below 47dBA are not likely to cause sleep disturbance and levels with a maximum of 51 dBA are likely to cause disturbed sleep only if they occur more than twice per night, but will not cause awakening. Maximum levels above 54 dBA may cause awakening depending on the number of occurrences per night.

These criteria are for noise levels inside bedrooms. The residential building structure and opening and closing of windows will affect the noise level inside.

Results

SEPP N-2 Music Noise

Noise Limits

The policy defines different noise limits for different time periods. Fitzroy Social will operate during both the "day/evening" period and the "night " period.

The location and time of background measurements and the noise limits calculated from these measurements are given below. Measurements were taken under neutral conditions.

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Attachment 5 - Applicant's Acoustic Report

Location	Time	Octave Band Centre Frequency (Hz)						
		63	125	250	500	1000	2000	4000
		Night Noise Limit ($L_{oct\ 90}$ +8dB)						
15 Kent St	Sat 9 Jul 2016 23:55	64	58	54	53	52	46	37
		Day, Evening Noise Limit (LA_{90} +5dB)						
15 Kent St	Sat 9 Jul 2016 21:45	48						

Table 1: Noise Limits

There was no patron or music noise emission from the venue during this measurement.

As there are more than 3 operations per week, the night noise limit applies after 10:00pm Mon, Tue, Wed, Thur, Fri, Sat and after 9:00pm Sunday

The noise limits during the day and evening period are less severe and do not apply a frequency-based limit.

Predicted Noise Levels

On 15 Jul, with the venue unoccupied, music levels were measured simultaneously at the noise sensitive location and areas within the venue. The music levels inside the venue that achieve the noise limit at the noise sensitive location was calculated and are given below:

Location / Comments	Octave Band Centre Frequency (Hz)						
	63	125	250	500	1000	2000	4000
	Night Noise Levels (L_{eq})						
Level at bar to achieve noise limit at 15 Kent St	85	81	85	83	84	79	74
	Day / Evening Noise Levels (LA_{eq})						
	88						

These music levels are considered high background levels that may improve the ambience of the venue. The allowed music levels are not considered loud enough to be the main source of entertainment or for patrons to dance to.

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Attachment 5 - Applicant's Acoustic Report

Music Noise Limiting

The Allen and Heath music processor is installed as part of the sound system just before the final amplifiers (fixed at maximum gain). The processor must be operating for any music to be emitted from the speakers. There are no controls on the processor that can be tampered with. The processor cannot be bypassed without resoldering connecting cables hidden behind the system and risk of damage to the sound system. The processor settings can only be altered by a trained operator connecting a laptop computer installed with the correct software.

The processor can be password protected.

The noise limiting is achieved by analysing the input music signal. When the signal reaches a level that could cause exceedance of the noise, the output music signal is limited at that level no matter how high the input signal may go.

This effectively limits the maximum music level within the venue and thus the maximum levels to within the noise limits at noise sensitive areas with the following restrictions:

- If replacements or additions to speakers or amplifiers occurs, the system must be recalibrated
- The system must be checked / recalibrated every 12 months to allow for possible drift in system components
- The system is password protected
- The DJ must use headphones and not an unlimited monitor
- There are two settings on the limiter - day/evening and night. The more stringent night limiting relies on management pushing the night switch at the appropriate time.

The limiter was calibrated on July 15 2016. The highest level under a variety of music inputs, playing at the loudest level, was measured. The results of the limiting are given below:

	Measu rement	Octave Band Centre Frequency (Hz)							
		63	125	250	500	1000	2000	4000	LA_{eq}
Limited level at bar night setting	L_{eq}	78	80	83	80	81	76	74	83
Complies		y	y	y	y	y	y	y	NA
Limited level at bar day/evening setting	L_{eq}								86
Complies									y

The processor was effectively limiting the levels.

The processor output settings are given in Appendix B and are summarized below;

- Day/ Evening, 4 Speaker output limiters all set to Threshold = -5dB, attack = 3.9mS, gain =-8
- Night, 4 Speaker output limiters all set to Threshold = -9dB, attack = 3.9mS, gain =-8, output equalizer approx -9 dB below 250 Hz

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Attachment 5 - Applicant's Acoustic Report

Patron Voice Noise

The testing showed that the building structure will provide approximately 35 decibels noise reduction for patron voice noise inside the venue outside at 15 Kent Street. Additionally a partially open bedroom window of 15 Kent Street will provide another 10 decibels of noise reduction.

Based on measurements inside a similar bar/ restaurant (Bank on Collins), it is expected that the patron noise will be LAmax 90 dB inside the venue, which corresponds to a level of LAmax 45 dB inside any bedroom at 15 Kent St directly facing the rear of the venue.

This easily meets the EPA NSW criteria and will not cause awakening and also meets the more stringent Griefahn criteria for sleep disturbance.

Recommendations

The rear door must be kept closed at all times when the venue is operating.

No change to the speaker system or limiter should be made.

DJ must not use monitors.

The night limit must be switched on after 10:00pm Mon, Tue, Wed, Thur, Fri, Sat and after 9:00pm Sunday

Conclusion

Measurements and analysis of noise from Fitzroy Social show that it will comply with the SEPP N-2 music noise limits and that patron voice noise will not affect the acoustic amenity of nearby residences when operated until 1:00am, if the noise control recommendations are adhered to.

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21 SEP 2016

Attachment 5 - Applicant's Acoustic Report

APPENDIX A Terminology

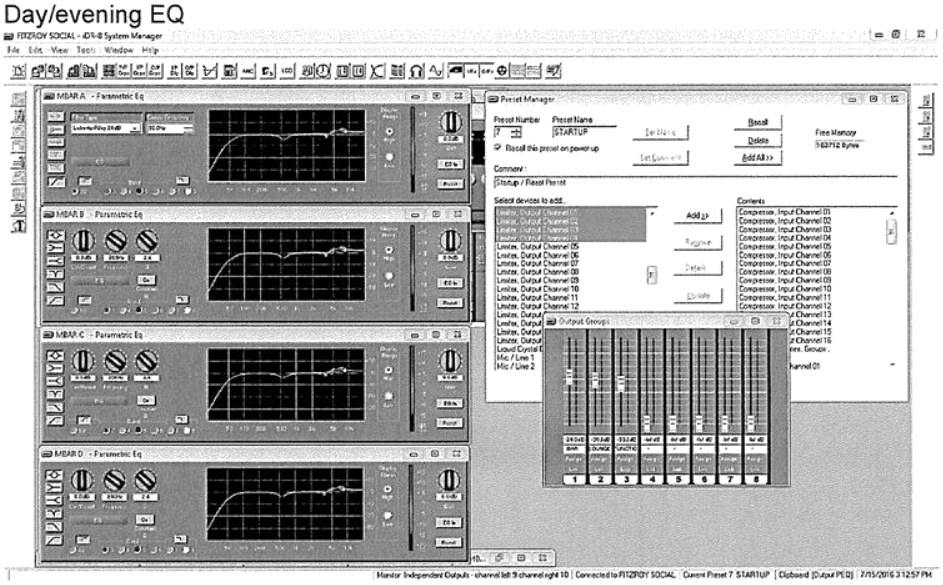
dB(A)	Unit of sound level, weighted to approximate the response of the human ear.
Leq	The continuous level over a period of time that is equal in sound energy to the varying sound level measured over the same period.
L90	A statistical measure that is equivalent to the sound level that is exceeded for 90% of the measurement period. This level represents the background noise level in the N-1/ N-2 policy.
Ambient Sound	All sound at a point, being a composite of sounds from near and far.
LAmax	The highest A weighted sound level that occurs within the measurement period.

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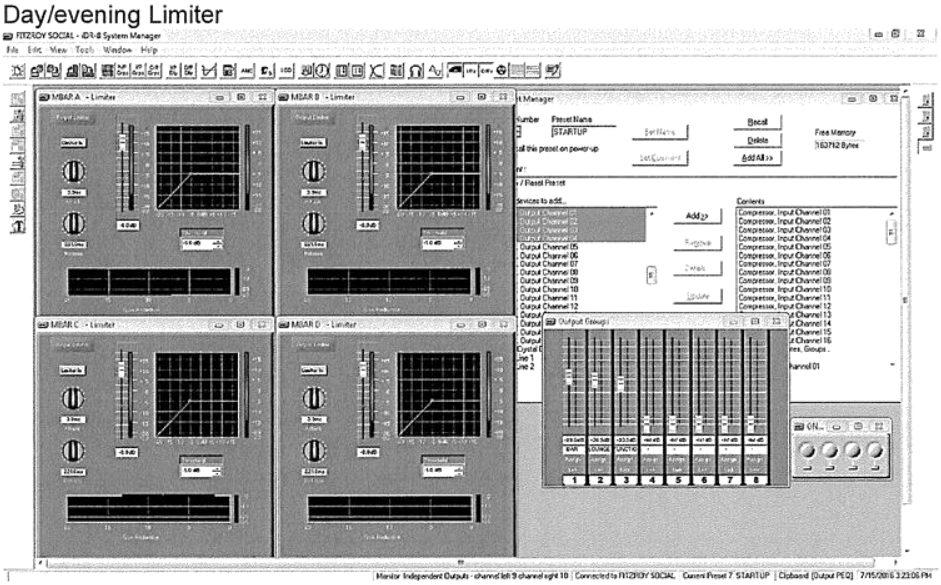
Attachment 5 - Applicant's Acoustic Report

APPENDIX B Limiter settings

Day/evening EQ



Day/evening Limiter

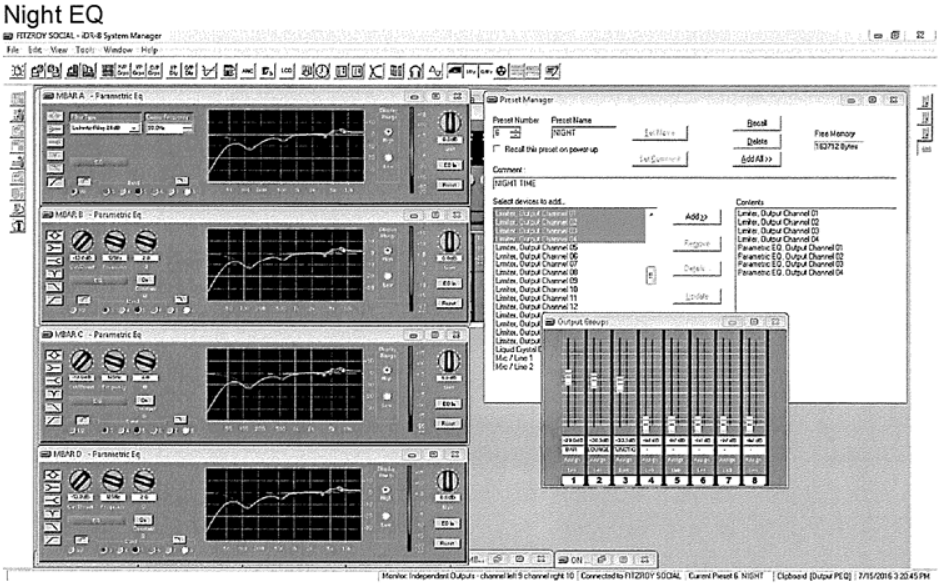


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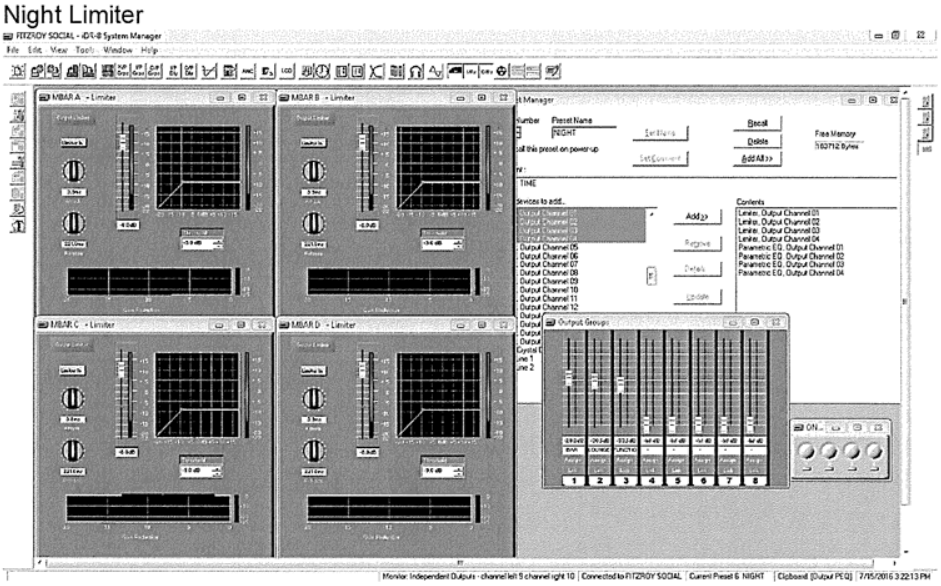
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Attachment 5 - Applicant's Acoustic Report

Night EQ



Night Limiter



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Attachment 6 - Applicant's Addendum to Acoustic Report

Noise Consulting & Management Pty Ltd
PO Box 432, Bentleigh, VIC 3204
Suite 118, 283 Glenhuntly Road, Elsternwick
Ph 03 9557 3799
Fax 03 9557 3766
ABN 74 105 601 321
noise@noises.com.au

ADDENDUM TO REPORT 2063 NOISE EMISSIONS FROM BAR/ RESTAURANT

IN RESPONSE TO COUNCIL REVIEW

FITZROY SOCIAL
222 BRUNSWICK ST, VIC

COMMISSIONED BY

FITZROY SOCIAL

Prepared by:

Andrew Rogers B App Sci
Member Australian Acoustical Society
Acoustic Consultant
Noise Consulting & Management Pty Ltd

Ref 3083
13 Dec 2016

Attachment 6 - Applicant's Addendum to Acoustic Report

Summary

This report addresses the requirements of SLR's acoustic review and should be read as an addendum to Noise Consulting & Management report 2063.

The additional work undertaken confirms that patron noise levels do not impact the amenity at noise sensitive areas and also considers the noise impact at higher levels of the nearby apartment building.

Noise limits were slightly lower on a Tuesday night than previously measured. Although the measured music levels of the operational venue complied with the noise limits at the time of the measurements, the noise limiter should be reset to the lower limits.

Results

SEPP N-2 Music Noise and Patron Voice Noise

Noise Limits

The policy defines different noise limits for different time periods. Fitzroy Social will operate during both the "day/evening" period and the "night " period.

The location and time of background measurements and the noise limits calculated from these measurements are given below. Measurements were taken under neutral conditions.

Location	Time	Octave Band Centre Frequency (Hz)						
		63	125	250	500	1000	2000	4000
		Background Noise Level ($L_{oct\ 90}$)						
15 Kent St	Sat 9 Jul 2016 23:55-00:10	56	50	46	45	44	38	29
		Night Noise Limit ($L_{oct\ 90}$ +8dB)						
15 Kent St	Sat	64	58	54	53	52	46	37
		Background Noise Level ($L_{oct\ 90}$)						
15 Kent St, level with floor of top storey balcony	Tue 6 Dec 2016 23:15-23:30	53	48	46	42	39	33	26
		Night Noise Limit ($L_{oct\ 90}$ +8dB)						
15 Kent St	Tue	61	56	54	50	47	41	34

Attachment 6 - Applicant's Addendum to Acoustic Report

Location	Time	Background Noise Level (LA_{90})
15 Kent St	Sat 9 Jul 2016 21:45-22:00	43
		SLR Patron Noise, Day, Evening Noise Limit (LA_{90} +5dB)
15 Kent St	Sat	48
		Background Noise Level (LA_{90})
15 Kent St, level with floor of top storey balcony	Tue 6 Dec 2016 23:15-23:30	44
		SLR Patron Noise, Day, Evening Noise Limit (LA_{90} +5dB)
15 Kent St	Tue	49

Table 1: Noise Limits

There was no patron or music noise emission from the venue during this measurement. The noise limit is slightly lower on Tuesday night during the night period.

SLR has recommended that Patron Noise be assessed in terms LA 90 +5dB, with these levels given in Table 1 above. There is no particular evidence, guideline or standard that suggests that this is more appropriate than Sleep Disturbance Criteria.

Measured Operating Noise Levels

On Sat 10 Dec, with the venue close to fully occupied and operating normally with 200-250 patrons the noise levels were measured simultaneously at the noise sensitive location and inside the venue. Patron voice and music noise was audible inside the venue. Patron voice and music noise was not audible outside the venue at 15 Kent Street. However, music was just audible directly outside the rear southern ground floor window of the venue. The results are given in Table 2 below.

Location / Comments	Time	Octave Band Centre Frequency (Hz)						
		63	125	250	500	1000	2000	4000
		Noise Levels (L_{oct10} dB)						
15 Kent St, 1.5 m high, no music or patron noise audible	Sat 10 Dec, 22:30-22:45	57	56	52	48	47	42	35
		Noise Levels (LA_{eq})						
		50						
		Noise Levels (L_{oct10} dB)						
15 Kent St, level with floor of top storey balcony, no music or patron noise audible at ground level	Sat 10 Dec, 22:15-22:30	59	54	49	43	44	39	33
		Noise Levels (LA_{eq})						
		48						
		Noise Levels (L_{oct10} dB)						
Music and Patron noise level inside venue near bar	Sat 10 Dec,	78	80	79	80	78	74	72

Attachment 6 - Applicant's Addendum to Acoustic Report

		Noise Levels (LA_{eq})
		83

Table 2: Noise Levels

The venue complies with the night noise limits for Tuesday and Saturday operation. As the low frequency noise limits were approximately 3 decibels lower on Tuesday than Saturday it is recommended that the operation of the limiter be rechecked and adjusted if needed.

Recommendations

The rear door must be kept closed after 10:00pm, including storing glass waste inside after 10:00pm.

The operation of the limiter should be rechecked and adjusted if needed.

Conclusion

Measurements and analysis of noise from Fitzroy Social show that it will comply with the SEPP N-2 music noise limits and that patron voice noise will not affect the acoustic amenity of the upper and lower levels of 15 Kent Street.

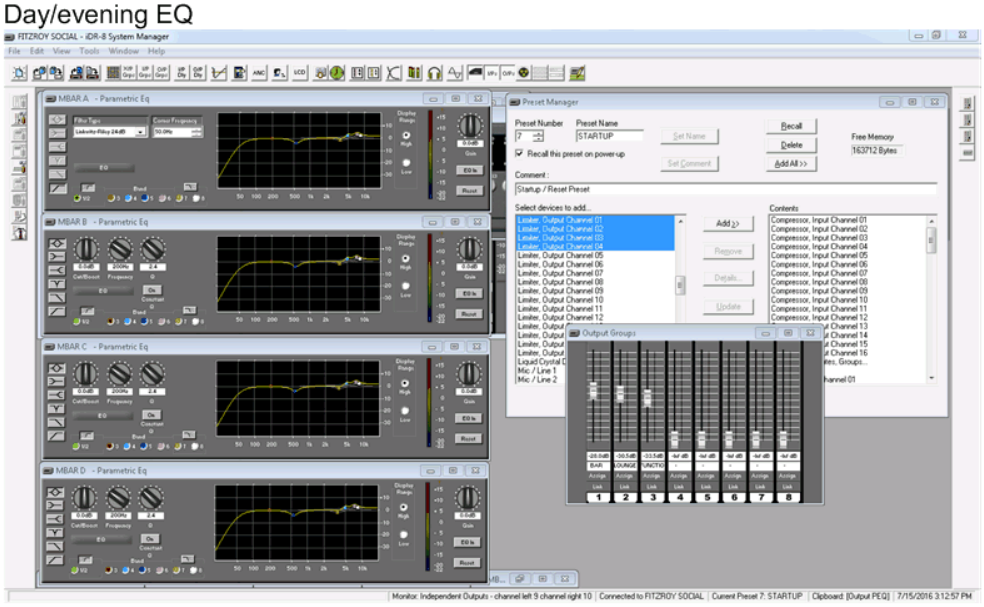
Attachment 6 - Applicant's Addendum to Acoustic Report

APPENDIX A Terminology

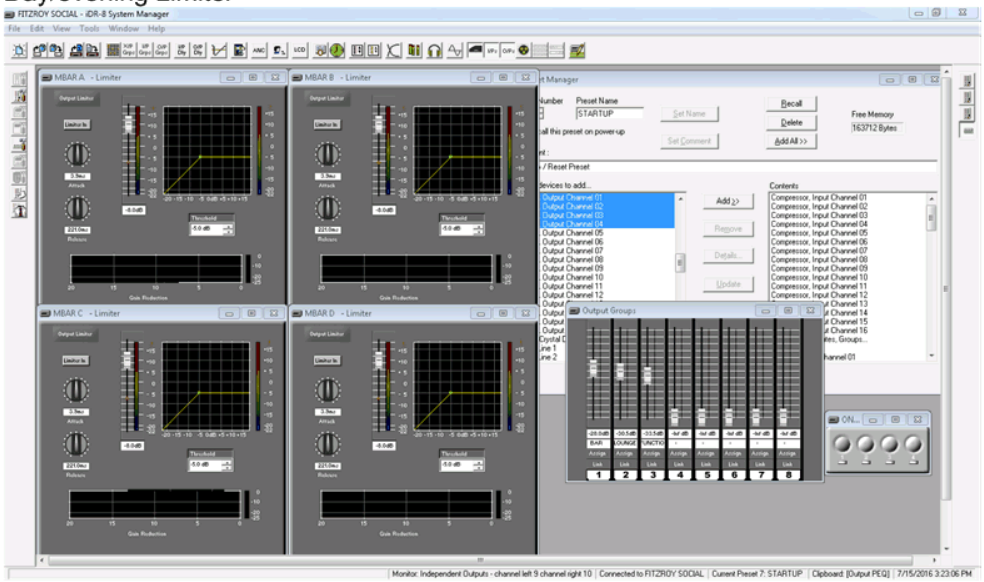
dB(A)	Unit of sound level, weighted to approximate the response of the human ear.
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Ambient Sound	All sound at a point, being a composite of sounds from near and far.
LAmax	The highest A weighted sound level that occurs within the measurement period.

APPENDIX B Limiter settings

Day/evening EQ

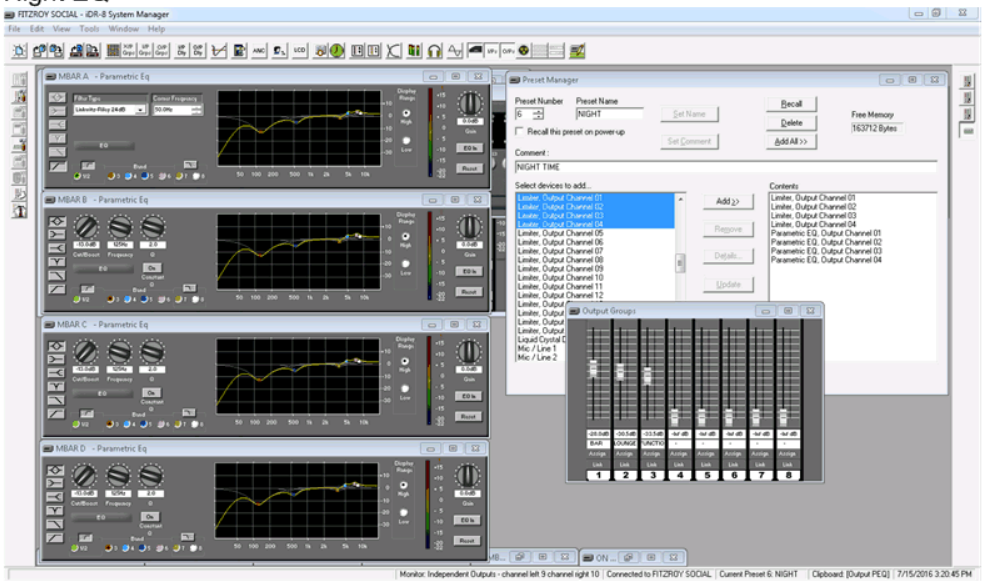


Day/evening Limiter

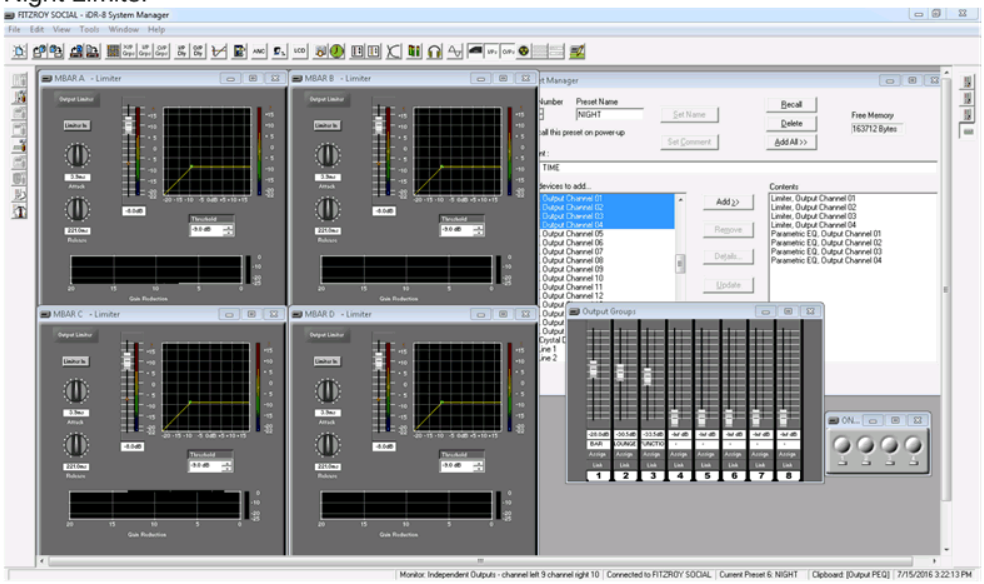


Attachment 6 - Applicant's Addendum to Acoustic Report

Night EQ



Night Limiter



Attachment 7 - Applicant's Building Surveyor's Letter

du CHATEAU CHUN

Greg du Chateau – Director
Christina Chai – Director
Philip Chun – Director
Kara Chun - Director

Melbourne
Suite 218, 838 Collins Street
Docklands VIC 3008
T: +61 3 9081 1688
E: info@duchateauchun.com

Sydney
Canberra
International

du Chateau Chun Pty Ltd
ACN 169 418 919
ABN 94 140 590 958

16187-BC-L1

15 July 2016

RSG (FITZ) Pty Ltd
218-222 Bruswick Street
FITZROY VIC 3065

Attention: Hayley Lim

Dear Hayley

DETERMINATION OF PATRON NUMBERS FOR LICENSED PREMISES

Premises: **Fitzroy Social**
Address: **218-222 Bruswick Street, Fitzroy VIC 3065**

We have reviewed the document submitted (attached) to our office in relation to the proposed patron areas and numbers for the **Fitzroy Social** located at **218-222 Brunswick Street, Fitzroy VIC 3065**

As requested, we have determined the patron capacity based on a ratio of one patron per 0.75 square meters (Liquor License ratio) for the following area available to the public.

LIQUOR LICENSING RATIO:

Location	Area	Capacity (Liquor Licence)
Ground floor		
Dining Area and Bar	370 m^2	**493**
Upper Level		
Dining Area	33 m^2	**44**
Function Room	99 m^2	**132**
Total		**669**

The above calculation is for the purposes of determining patron capacity in accordance with a Liquor License ratio only.

Attachment 7 - Applicant's Building Surveyor's Letter

dCC

FACTORS CONSIDERED UNDER BUILDING CODE OF AUSTRALIA:

Notwithstanding the above calculation for the purposes of determining patron capacity in accordance with a Liquor License ratio, the maximum number of people to be accommodated in the part of the building for the purposes of satisfying the Building Act 1993 and Building Code is **400** people taking into consideration BCA requirements with respect to the floor area, provision of sanitary facilities and the aggregate exit width available for the tenancy.

1. **Floor area**

Ground Floor - total floor area for the public	405m²
Number of patrons permissible under BCA Clause D1.13	**405**
Upper Level – total floor area for the dining area	33 m²
Number of patrons permissible under BCA Clause D1.13	**33**
Upper Level - total floor area for the function room	132m²
Number of patrons permissible under BCA Clause D1.13	**132**

2. **Sanitary Facilities**

Number of Sanitary facilities proposed	MALE		FEMALE	ACCESSIBLE
	WC	Urinal	WC	WC
	2	3	4	1
Total maximum number of patrons permissible under BCA Clause F2.3 (based on 50/50 male/female ratio)	400			

3. **Aggregate exit width**

Aggregate exit width for the tenancy	4m
Maximum Number of people permissible under BCA Clause D1.6	440

The maximum number of people to be accommodated in the part of the building for the purposes of satisfying the Building Act 1993 and Building Code is **400** people taking into consideration BCA requirements with respect to the floor area, provision of sanitary facilities and the aggregate exit width available for the tenancy. A copy of occupancy permit and Town planning permit approval have not been provided to our office.

I trust the above information is satisfactory however should you require any further information please do not hesitate in contacting the undersigned.

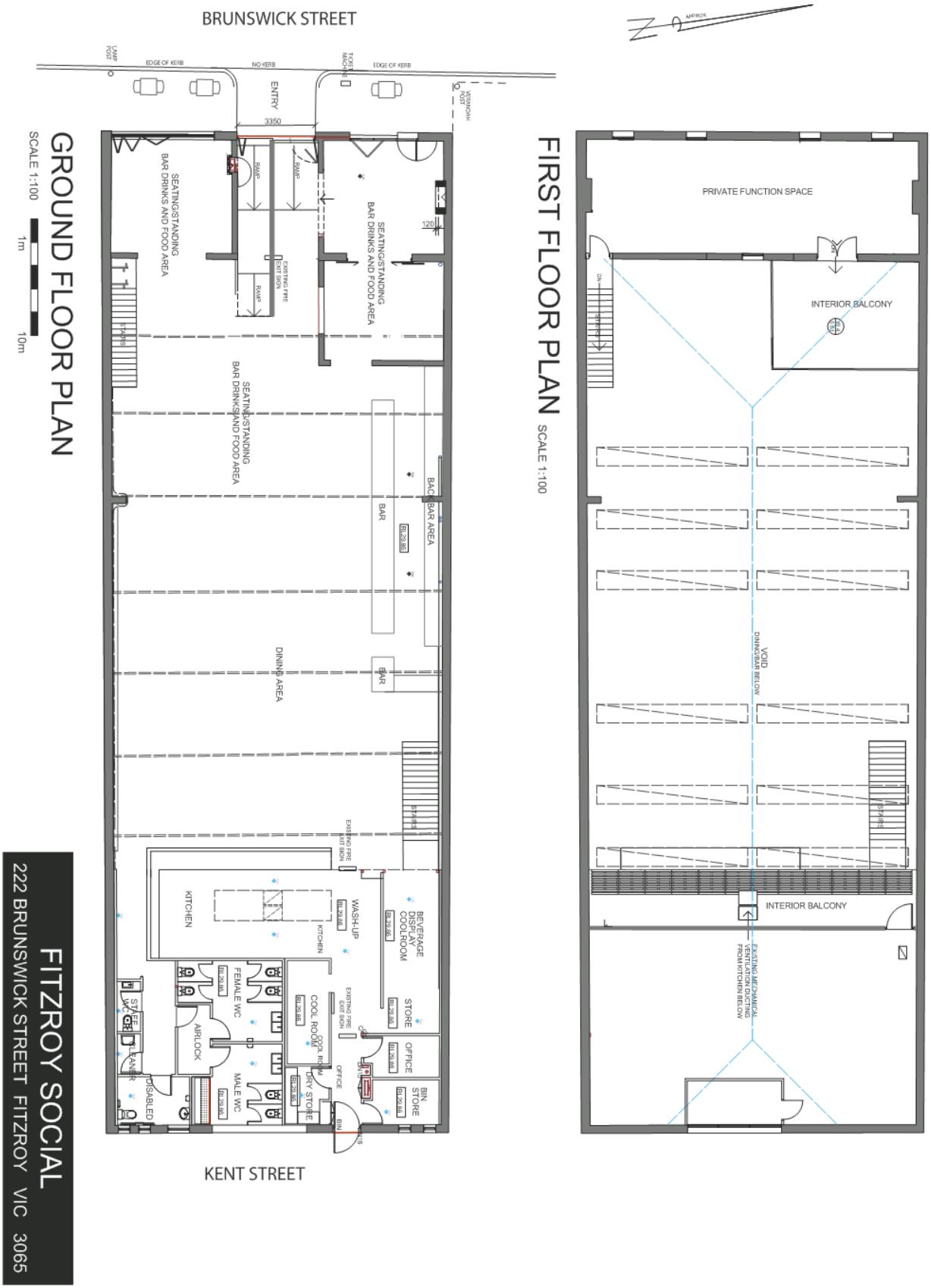
Should you have any queries with regards to the above, please do not hesitate to contact the undersigned.

Yours faithfully,

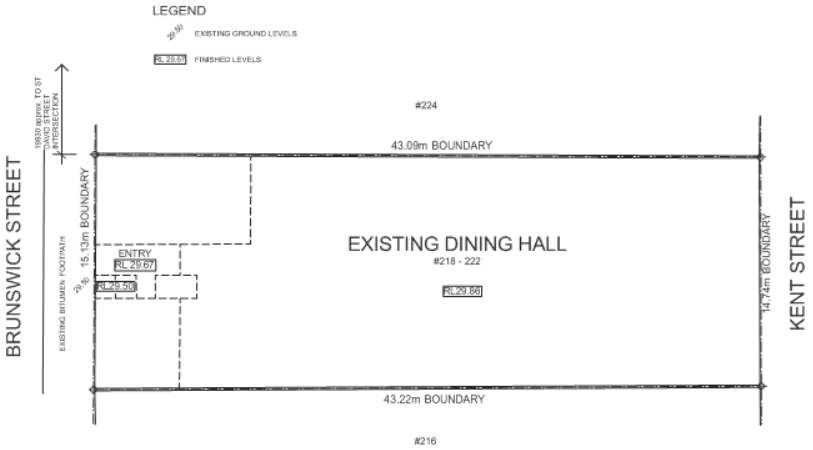
Christina Chai (BS-U14426)
du Chateau Chun Pty Ltd

www.duchateauchun.com

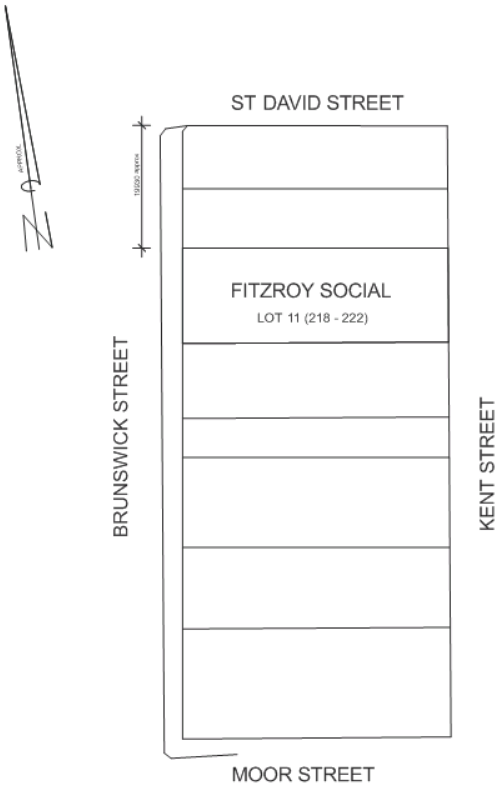
Attachment 7 - Applicant's Building Surveyor's Letter



Attachment 7 - Applicant's Building Surveyor's Letter



SITE PLAN
SCALE 1:200



LOCATION PLAN
SCALE 1:500

FITZROY SOCIAL
222 BRUNSWICK STREET FITZROY VIC 3065

Attachment 8 - Community Amenity Comments

TO:	**Alicia Mora**
cc:	
FROM:	**Steve Alexander**
DATE:	**08/11/16**
APPLICATION:	**PL06/0973.08**
SUBJECT:	**Amenity Enforcement Referral**

Dear Alicia,

Thank you for your referral dated 05 November 2016 in relation to 218-222 Brunswick Street, Fitzroy.

The Compliance Branch has not received any recent complaints in relation to amenity concerns at the above address. I've had an opportunity to review the NAAP and do not have any concerns in relation to allowing a DJ to play music on site.

Furthermore given the increase of floor space is within the premises the Compliance branch does not have an objection to the total numbers being increased to 400 nor is there an objection to increase the hours to 1am. However it's recommended that food is available at all times whilst liquor is being served.

Should you wish to discuss the application further, please feel free to contact me on 9205-5166.

Regards,

Steve Alexander
Coordinator – Civic Compliance

Attachment 9 - Acoustic Comments

24 November 2016

640.10090.04520 218-222 Brunswick St, Fitzroy 20161123.docx

City of Yarra
PO Box 168
Richmond VIC 3121

Attention: Alicia Moro

Dear Alicia

218-222 Brunswick Street, Fitzroy
Planning Assessment Acoustical Review
PLN 06/0973.08

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the tavern proposed for 218-222 Brunswick Street, Fitzroy.

Details of the report are as follows:

- Title: Fitzroy Social, 222 Brunswick St, VIC
- Reference: 2063
- Date: 22 July 2016
- Prepared by: Noise Consulting & Management Pty Ltd

The acoustic report has been prepared to support the application to:

- Increase patron numbers from 300 to 400.
- Extend closing times from 11 pm Sunday to Wednesday and midnight Thursday to Saturday, to 1 am all nights.
- Play DJ and/or high level background music. The venue is currently permitted to play 'background or acoustic music' only (Condition 13 of the 2007 permit).

1 Preliminary

The report includes the relevant details of the proposal and identifies the potential noise impacts (music and patron noise) on page 2.

The nearest noise sensitive dwellings are identified as being 10 m to the east of the venue, at 15 Kent Street. This building is 3 levels high, with residential use on the upper two levels. The dwellings overlook the venue roof.

The construction of the venue building is described on page 2 of the acoustic report. The building is solid brick and has an unlined metal deck roof with penetrations for evaporative coolers.

SLR Consulting Australia Pty Ltd Suite 6, 131 Bulleen Road Balwyn North VIC 3104 Australia
T: +61 3 9249 9400 F: +61 3 9249 9499
E: melbourne@slrconsulting.com www.slrconsulting.com
ABN 29 001 584 612

Attachment 9 - Acoustic Comments

There is a rear exit to the building, however this is not proposed to be used while the venue is operating.

Details of the sound system and speaker location are provided in the acoustic report.

SLR Comment: *The development and context is generally adequately described in the acoustic report, although it is unclear whether the three level dwelling was identified. Potential sources of noise from the subject development have been identified.*

2 Music Noise

2.1 Noise Limits

Music is proposed to be assessed to SEPP N-2. SEPP N-2 noise limits have been determined from background noise measurements conducted on Saturday 9 July 2016, at approximately midnight (duration of the measurement is not provided). The measurement was conducted in Kent Street, approximately 1.5 m above ground (information provided in conversation to SLR by Noise Consulting & Management).

SLR Comment:

The measurements conducted on a Saturday night have been used to set noise limits for earlier in the week. Lower background levels may occur earlier in the week, resulting in lower limits at that time. The measurements could also be reasonably conducted at a higher level, given that the upper level of the residential development is the most sensitive receiver location.

2.2 Noise Assessment

Music noise has been predicted to the nearest residential receiver location by conducting noise reduction tests between the venue and 15 Kent Street. The results have been used to determine allowable music levels within the venue. Measurements in Kent Street were conducted at a height of 1.5 m above ground.

SLR Comment:

The general approach represents best practice for quantifying the noise reduction between the venue and the outdoor area, however the ground level measurement location at 15 Kent Street may not fully quantify the noise impacts to Level 3 of that building. Measurements of music at Kent Street were conducted at ground level, whereas there are now dwellings on level 3. Due to the fact that most noise emissions are likely via the roof, it is recommended that the tests be conducted at a location representative of the level 3 apartments. This may result in lower allowable music levels within the venue.

2.3 Music Noise Control

Advice is provided for the control of music from the venue on page 5 of the acoustic report. The advice includes recommended music levels and administrative controls for ensuring that SEPP N-2 limits are not exceeded.

SLR Comment:

As the report indicates, the proposed measures for controlling music noise emissions are not fail-safe – the limiter levels can be manually over-ridden and any changes to the sound system have the potential to result in higher music levels. However the advice provided is detailed and represents good practice. Our main concern is that the allowable music levels may be lower than have been identified in the acoustic report.

Attachment 9 - Acoustic Comments

3 Patron Noise

Patron noise is proposed to be assessed to sleep disturbance criteria. Both the NSW sleep disturbance targets for road traffic noise (L_{max} levels of 50-55 dBA at a person's ear), and the more stringent Griefhan targets (47 dBA L_{max} at the ear) are considered.

SLR Comment:

The lower sleep disturbance targets considered by NC&M (47 dBA L_{max}, indoors assuming an open window) are reasonable and will adequately address the issue of sleep disturbance from patron noise.

An assessment of patron noise to Leq targets has not been provided in the acoustic report. An Leq assessment is more effective at quantifying the potential annoyance caused by large groups of patrons, as opposed to sleep disturbance only.

While there are no mandatory limits for patron noise, it is usual practice by AAAC member and in the City of Yarra planning assessments to conduct an Leq assessment to either SEPP N-1 limits or to the Marshall Day Acoustics in-house 'background + a margin' targets. For the night period, the MDA target is 'background + 5 dB'. These limits are applied externally.

Predictions of patron noise provided in the report are to the ground level of 15 Kent Street, whereas the upper level is likely to be more impacted location.

4 SLR Summary

The acoustic report prepared for 218-222 Brunswick Street, Fitzroy considers potential patron and music noise impacts from the proposed change of use to the nearest residential receiver location.

The issues we would like further information on, or addressed in further detail are listed below:

- Noise limits are based on background noise measurements conducted on a Saturday night, whereas the venue is applying for a license to operate until 1 am all nights of the week. It is recommended that additional background measurements be conducted on a Sunday or Monday night, between midnight and 1 am, in order to set limits for Sunday to Wednesday. The duration of the background noise measurement should be provided in the acoustic report, and should be at least 15 minutes.

  If practical, measurements could be conducted at an elevated located representative of the upper level apartment at 15 Kent Street, as this appears to be the potentially most impacted dwelling.

- Noise reduction measurements conducted to determine the allowable levels of music and patron noise have been made at 1.5 m above ground in Kent Street, and do not fully quantify emissions from the venue roof to level 3 of the residential development. It is recommended that the measurements be repeated at the upper level of the dwellings at 15 Kent Street, or at a representative location.

- An Leq assessment of patron noise has not been conducted. Given the number of patrons proposed, the proximity of the nearest dwellings, and the low level of sound insulation provided by the venue roof, there is potential for patron noise to cause loss of amenity at the nearest residential dwellings. It is recommended that an Leq assessment be conducted to either SEPP N-1, or the MDA in-house target for the night period of 'background+5 dB'.

Yours faithfully,

Checked by: JA

Dianne Williams
Associate - Acoustics

Attachment 10 - Acoustic Comments to Addedndum Acoustic Report

Mora, Alicia

From: Dianne Williams <dwilliams@slrconsulting.com>
Sent: Thursday, 22 December 2016 10:03 AM
To: Leaver, Tarquin
Cc: Mora, Alicia; Jim Antonopoulos
Subject: FW: TRIM: PLN 06/0937.08 218-222 Brunswick Street Fitzroy - Peer review of acoustic report

Hi Tarquin,
The issues we raised with regard to this project are shown in **bold** and comments on the extent to which they have been addressed are provided below.

Noise limits for earlier in the week / later in the night
Background noise measurements have been conducted earlier in the week generally as we requested. The measurements were not conducted quite as late as we suggested (measurements were undertaken at 11:15 to 11:30 pm instead of after midnight). The resultant noise limits may have been marginally lower if the measurements had been conducted later. The identified noise limits are nevertheless several decibels lower than were provided in the earlier report, and the consultant recommends that the music noise limiter be checked and adjusted to ensure that the lower limits are met.

Assessment at an elevated location more representative of dwellings with a line of sight to the venue roof (the venue has a very lightweight roof)
Music and patron noise from the venue has been measured at an elevated location more representative of the overlooking receptors (the original measurements were conducted at ground level). The measurements were conducted at the floor level of the upper most storey of the residential building at 15 Kent Street. This is a reasonable approach.

Patron noise assessment to Leq targets
An assessment of patron noise to Leq targets has been presented in the report, and the venue is shown to comply with a 1 dB margin. The noise limit at the elevated location is 49 dBA (based on background + 5dB) and measured noise during operation of the venue was 48 dBA. This measured level potentially includes contribution from unrelated noise sources (the consultant was at ground level and could not hear any patron noise). This assessment was conducted when the venue was reasonably full (200 to 250 patrons). The application is for 400 patrons so, if most of the measured noise was due to patrons, we could expect a further increase in the order of 3 dB. The increase would be less if the dominant source of noise at the measurement location was music (which should not increase with patron numbers). It would have been helpful if observations of the noise source could have been made at the elevated location, either by direct observation or by listening to recorded audio at that location, as thst may have helped to determine whether patron noise was the dominant source.

In summary, the revised report goes a considerable way towards addressing our concerns. There would nevertheless still appear to be some potential for noise from this proposal to exceed acceptable levels due to the fact that the report may still underestimate impacts (eg. slightly lower noise limits may apply later in the night and increased levels of patron noise due to the proposed additional numbers could combine to result in a non-compliant scenario).

In this marginal situation would it be possible to call for post operational acoustic testing for this proposal to demonstrate compliance with SEPP N-2 and patron noise targets?

Regards,
Dianne.

Dianne Williams
Associate

1

Attachment 11 - Engineering Comments

CITY OF YaRRA

MEMO

To:	**Alicia Mora**	
From:	**Artemis Bacani**	
Date:	**9 December 2016**	
Subject:	**Application No:**	**PL06/0973.08**
	Description:	**Amendment; Increase the Number of Patrons from 300 to 400**
	Site Address:	**218-222 Brunswick Street, Fitzroy**

I refer to the above Planning Application received on 7 November 2016 and the accompanying Car Parking Assessment report prepared by Cardno in relation to the proposed development at 218-222 Brunswick Street, Fitzroy. Council's Engineering Services unit advises the following:

Amended Proposal
The amendment to Permit PL06/0973.08 seeks to increase the patron numbers from 300 to 400 and increase the hours to 1am seven days a week. No additional car parking will be provided on-site.

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

Proposed Use	No. of Patrons	Statutory Parking Rate	No. of Spaces
Restaurant	100	0.4 spaces to each patron permitted	40
		Total	**40 spaces**

Since no additional car spaces will be provided on-site for this amendment, a waiver of the full car parking requirement is sought by the applicant.

Car Parking Demand Assessment
To reduce the number of parking spaces required for the proposed development, the Car Parking Demand Assessment must assess the following:

- *Parking Demand Associated with the Restaurant*

  Cardno carried out travel mode surveys for the existing venue at this location to determine the travel modes used to attend the site. The results of the survey indicate that less than 6 % of patrons drove a car to the Brunswick Street area. Applying this rate for the restaurant would generate a parking demand of 6 spaces. Given the area's coverage of 1P, 2P, and 4P spaces, any shortfall with the development's car parking should be accommodated in the surrounding streets.

- *Availability of Public Transport in the Locality of the Land*.
  The site is within walking distance of tram services along Brunswick Street, Nicholson Street, and Smith Street. Bus services can also be accessed along Johnston Street.

Attachment 11 - Engineering Comments

- *Multi-Purpose Trips within the Area*.
  Patrons to the restaurant may combine their visit to the development by engaging in other activities or business whilst in the area.

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 in the Area*.

  Cardno had commissioned on-street parking surveys of the surrounding area on Friday 5 August 2016 between 3:00pm and 1:00am. The extent and duration of the survey was considered reasonable for this proposal. With the exception of Brunswick Street, the survey encompassed an area of around 100 metres' radius of the site.
  An inventory of 349 spaces was identified. The peak parking occupancy occurred at 9:00pm, with 87 % of spaces occupied (leaving 44 spaces vacant). The surveys provide a good guide to the parking conditions in the immediate area.

  In summary, the short-stay parking from the subject site could be accommodated on-street.

  Since the area is predominantly covered in short-stay parking and demand for parking is high, it would encourage staff and patrons to travel to the restaurant by alternate mode of transport such as utilising the tram/bus services or ride a bicycle to the site or walk to the site.

- *Convenience to Pedestrian and Cycling Access to the Site.*
  It is highly probable that some patrons to the site would either live or work locally. The existing pedestrian and bicycle infrastructure in front of the site and in the surrounding streets would provide patrons adequate access to the site.

- *Access to or Provision of Alternative Transport Modes*.
  The site has very good access to public transport and the on-road bicycle network. Patrons would be inclined to use alternative transport modes as the site is licensed. The stringent enforcement of drink driving laws would influence patrons travel responsibly to the venue (e.g. public transport, taxi, private driver service etc.) if they intend to imbibe alcohol.

Adequacy of Car Parking
From a traffic engineering perspective, the waiving of parking for the restaurant is considered appropriate in the context of the development and the surrounding area. The development's off-site parking demand is primarily short-stay parking which could be accommodated on-street.

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

Capital Works Programme
A check of the Capital Works Programme for 2016/17 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

1.3 Planning Application - PLN16/0603 345 Swan Street, Richmond - Development of the land for a seven-storey office building, including use of the ground floor as a Food and Drinks Premises (cafe) and Shop, alteration of access within a Road Zone Category 1, reduction in car parking requirements and waiver of loading bay requirements.

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Application PLN16/0603 at 345 Swan Street, Richmond and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 21.05 – Built Form;
   (b) Clause 22.05 – Interface Uses Policy;
   (c) Clause 22.10 – Built Form and Design Policy;
   (d) Clause 34.02 – Commercial 2 Zone; and
   (e) Clause 52.06 – Car Parking

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic justification;
   (b) Built form;
   (c) On-site amenity;
   (d) Off-site amenity;
   (e) Traffic, access and car parking reductions; and
   (f) Objector concerns.

Objector Concerns

4. Ten objections were received to the application, these can be summarised as:
   (a) Excessive building height;
   (b) Development would be out of character with the area;
   (c) Overshadowing;
   (d) Visual bulk;
   (e) Increased traffic;
      (i) Disruption to Beissel Street;
      (ii) Waste collection issues;
   (f) Inadequate on-site parking;
   (g) Lack of on-site loading bay; and
   (h) Inadequate ESD response.

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to conditions.

CONTACT OFFICER: **Patrick Sutton**
TITLE: **Senior Statutory Planner**
TEL: **9205 5357**

1.3 Planning Application - PLN16/0603 345 Swan Street, Richmond - Development of the land for a seven-storey office building, including use of the ground floor as a Food and Drinks Premises (cafe) and Shop, alteration of access within a Road Zone Category 1, reduction in car parking requirements and waiver of loading bay requirements.

Trim Record Number: D17/14682
Responsible Officer: Principal Planner

Proposal:	Development of the land for a seven storey office building, including use of the ground floor as a Food and Drinks Premises (café) and Shop, alteration of access within a Road Zone Category 1, reduction in car parking requirements and waiver of loading bay requirements.
Existing use:	Warehouse/Restricted Retail Premises (Richmond Second Hand Building Materials)
Applicant:	Periphery Pty Ltd C/- Contour Consultants
Zoning / Overlays:	Commercial 2 Zone, Design and Development Overlay (Schedule 5)
Date of Application:	7 July 2016
Application Number:	PLN16/0603

Planning History

1. There are no previous planning applications which are relevant to the proposed development.

Background

2. The application was lodged on the 7th of July 2016 for development of the land for a seven storey office building. Following the submission of further information, the application was advertised and ten (10) objections were received.

3. A consultation meeting was held on the 13th of December 2016 and was attended by the applicant, objectors and council officers.

4. In response to the issue discussed in the meeting and issues raised by council officers, a set of 'sketch' plans were submitted to council on the 1st of February 2017. These drawings made the following modifications to the proposed development:

   (a) Garbage storage and collection relocated/revised to be provided within the basement.
   (b) Bicycle parking introduced to Ground Floor with entry from Beissel Street, including introduction of Ground Floor M/F and Disabled Shower facilities.
   (c) Increase in Bicycle parking (from 47 to 51);
   (d) Revised Commercial entry to Swan Street (office entrance widened from 2.2m to 5.5m);
   (e) Upper level floor areas reduced;
   (f) Levels 4 and 5 setback 2.1m from West parapet;
   (g) Laneway paved surface treatment revised (deletion of steps);
   (h) Revisions to roof terrace plan to introduce a roof garden to north edge;
   (i) Installation of a self-closing flood barrier to the basement entrance.

5. These drawings have not been formally introduced to the application material but will be utilised for discussion purposes through the body of this report. The plans have been circulated to all registered objector parties.

6. The assessment undertaken in this report is based on the advertised material (dated 15 September, 2016).

Existing Conditions

Subject Site

7. The subject site is located on the northern side of Swan Street, between Edinburgh Street to the east and Lord Street to the west. Beissel Street runs adjacent to the rear (northern) boundary of the subject site between these two streets. A pedestrian laneway runs north-to-south, adjacent to the western boundary of the subject site and provides thoroughfare between Swan Street and Beisell Street to the north.

8. The lot itself is rectangular in shape with a frontage to Swan Street of approximately 19m, a depth of 40.2m and covering a total area of approximately 763m^2.

9. The lot is occupied by a double-storey, brick warehouse. At grade car parking areas are located to the rear of the building, accessed via Beissel Street with loading areas utilising two vehicle cross-overs into Swan Street with an indented loading area within the site's frontage.

Surrounding Land

10. The areas along Swan Street fall within the Swan Street Activity Centre as identified under Figure 23 – *Neighbourhood Character Map (Central Richmond)* of clause 21.08 of the Scheme. These areas are characterised by commercial land uses along Swan Street with Residentially zoned land located to the north on the opposite side of Beissel Street.

11. Residentially zoned land to the north of the subject site consists of properties fronting onto Glass Street which is a two-way street running north-to-south between Boyd and Beissel Streets respectively. The southern end of Glass Street is characterised by robust residential developments (generally three and four-storeys), typically utilising on-boundary construction and prominent car parking access areas fronting onto Glass Street.

12. The development further north along Glass Street is somewhat reduced in intensity, with some single-storey dwellings having been retained, interspersed between more recent double-storey, infill.

13. This portion of Swan Street (generally bound by Coppin Street 180m to the west and Burnley Street 170m to the east) is characterised by hard-edged commercial buildings of varying eras and styles. These properties mostly contain vehicle access to the rear via Beissel Street which functions more as a laneway or vehicle access to Swan Street properties rather than a Street in its own right.

14. Swan Street itself contains on-street parking on both sides which is subject to various clearway restrictions (weekdays). Street trees are planted on both sides of the street, with one canopy tree located directly outside of the subject site.

15. An on-street loading zone is located directly outside of the western abutting property (No.341 Swan Street) which operates between 8:30am and 4:30pm (weekdays).

16. The immediately adjoining properties can be summarised as follows:

North – Glass Street Properties

17. No's 63 & 65 Glass Street which are located on the eastern side of the street are located directly to the north of the subject site. These properties are currently being developed in association with Planning Permit PLN14/0581 for construction of a four storey apartment building (plus basement) and a reduction in the car parking requirements.

18. Figure 1 below shows the western elevation to Glass Street of the approved development (Beissel Street being on the right hand side of the image). A copy of the endorsed plans under PLN14/0581 have been included as an attachment to this report.

19.



20. To the north-east is No.78 Edinburgh Street which contains a single-storey dwelling with first floor additions to the rear. An area of private open space is located to the rear of the dwelling which is mostly covered by a pitched roof which extends from the rear (west-facing) wall at first floor. Covered car parking areas are located adjacent to the rear boundary which is located approximately 7m east of the rear corner of the subject site.

21. To the north-west is No.64 Glass Street which contains a series of single-storey, lean-to structures which are utilised as storage in association with the business at the subject site. This property along with the land at No's 60 & 62 Glass Street (currently vacant) to the north is being processed under Planning Permit PLN16/0358 for development of the land for the construction of 18 dwellings (two and three-storey) and a reduction in the car parking requirements.

22. No decision has been made on this application at the time of writing this report.

South – opposite side of Swan Street

23. Properties on the southern side of Swan Street, opposite the subject site, contain vehicle sales/show rooms. These properties present as contemporary, single and double-storey buildings with hard edges to the street with the exception of vehicle entrance and parking areas.

East – No.349 Swan Street

24. This property contains a single-storey commercial building (presenting as a double-storey height) which is operating as a warehouse for the Swan Street Auction and Sales premises which operates from its main premises further east at No.365 Swan Street (past Edinburgh Street). The building occupies the entire lot with the exception of a car parking/loading area within the Swan Street frontage.

25. This property contains a double-width vehicle crossover into Swan Street with additional vehicle access from the rear of the building into Beissel Street.

West – No.341 Swan Street

26. This property contains a single-storey commercial building which occupies the entire lot. This building currently operates as a furniture store.

The Proposal

27. The proposed development is for a seven storey office building, including use of the ground floor as a Food and Drinks Premises (café) and Shop, alteration of access within a Road Zone Category 1, reduction in car parking requirements and waiver of loading bay requirements. The key elements of the development can be summarised as follows:

Use

28. The building would contain 2702m^2 of floor area designated for offices at levels 1 to 6.

29. At ground floor, 240m^2 of floor area is designated as a shop which is proposed to operate between the hours of 7:00am to 11:00pm (seven days a week).

30. A 150m^2 Food and Drinks premises is proposed at ground floor which is proposed to operate between the hours of 7:00am to 11:00pm (seven days a week).

Buildings and works

31. The proposed building would contain the following characteristics:

    (a) A simple two-part massing rising to approximately 26.4m high. Comprising of a lower base occupying the full extent of the site, (The west-facing walls at ground to level 3 would be set back into the site between 0.5m and approximately 1.3m), rising sheer to 4 storeys with an upper cap recessing 3.95m from the north and south and projecting to a final height of 7 storeys;
    (b) A glazed retail ground floor comprising of a centrally positioned shop and thin café premises running along the western boundary, fronting the laneway. Services, waste room and substation would be positioned to the rear of the building;
    (c) Vehicular access to two (2) basement floors would be available via a single crossover off Beissel Street;
    (d) A recessed pedestrian entrance at the eastern end of the Swan Street frontage would provide access to an entry airlock and lobby with single lift core and stairwell to upper floors;
    (e) Office space provided across a further five (5) storeys with circulation core and amenities positioned in a central position to the eastern boundary.
    (f) Provision of a communal rooftop terrace at the top floor;
    (g)
    (h) External walls would be constructed with light coloured concrete and perforated, metal panels at ground floor, levels 1 to 3 and with the upper portions of the building treated with dark perforated, metal panels.
        (i) The perforated panels would be operable, allowing openings in the building façade as illustrated in the perspective image below:



Car parking, bikes and waste

32. Two basement levels would contain a total of thirty-five (35) car parking spaces with access via Beissel Street.

33. Forty-seven (47) bicycle parking spaces would be located across the basement levels;

34. Bins would be stored at within a waste room at ground floor, adjacent to the northern boundary.

ESD Features

35. The proposed development would incorporate the following ESD commitments:

(a) Access to natural ventilation through operable windows.
(b) Reasonable floor depths of offices providing access to daylight. Daylight factor of 2% to 35% of office floor area.
(c) Exceeding minimum BCA/NCC energy efficiency standards.
(d) Exterior shading to assist with heat gain, glare and thermal comfort.
(e) A STORM report with a score of 137% has been received which relies on the entire 789m2 of roof connected to all toilets for flushing.
(f) A min 3.5 kW solar PV array installed on the rooftop.
(g) High efficiency VRV heating and cooling system.
(h) Energy efficient lighting with occupancy/daylight sensor controls throughout.
(i) Water efficient fixtures throughout.

Planning Scheme Provisions

Zoning

Clause 34.02 – Commercial 2 Zone

36. Pursuant to Clause 34.02-1 of the Yarra Planning Scheme (the Scheme), a planning permit is not required for the use of the land for offices.

    (a) Under Table 1 of clause 34.02-1 of the Scheme, a 'Food and Drinks Premises' is a Section 1 – no permit required use unless the leasable floor area would exceed 100m^2. The proposed café has a floor area of 150m^2 and therefore triggers a permit under the zone.

    (b) Pursuant to clause 34.02-1, a planning permit is triggered for use as a Shop unless the following requirements are met:

        (i) Must adjoin, or be on the same land as, a supermarket when the use commences.
        (ii) The combined leasable floor area for all shops adjoining or on the same land as the supermarket must not exceed 500 square metres.
        (iii) *The site must adjoin, or have access to a road in a Road Zone*.

    (c) The proposed shop would not adjoin or be on the same land as a supermarket and therefore a planning permit is triggered for the shop use.

37. Pursuant to Clause 34.02-4 (buildings and works) of the Scheme, a planning permit is required to construct a building or construct or carry out works.

    Overlays

    Design and Development Overlay (DDO-5)

38. Under Clause 43.02 of the Scheme, a planning permit is not required for use of the land or buildings and works. The purpose of DDO5 is to ensure that the development of land around the City Link exhaust stack is not adversely affected by – and does not affect – the operation of the stack. The DDO5 triggers referral of development applications to CityLink, VicRoads and the Environmental Protection Authority.

    Particular Provisions

    Clause 52.06 – Car parking

39. 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.

40. A permit is required to reduce the requirement to provide the number of car parking spaces required under this clause.

41. 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.

42. The table below outlines the car parking requirements for the office, shop and café facets of the development and the allocation of car parking which would be provided in association with each use.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Office	2702m^2	3.5 car parking			

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
	net floor area	spaces per 100m^2 net floor area	94	33	61
Food and Drinks	150m^2 leasable floor area	3.5 car parking spaces per 100m^2 leasable floor area	6	1	5
Shop	240m^2 leasable floor area	4 car parking spaces per 100m^2 leasable floor area	9	1	8
Total			**109**	**35**	**74**

43. A total of thirty-nine (39) car spaces are proposed on site, therefore the application seeks a reduction of seventy-four (74) car spaces.

Clause 52.07 - Loading and Unloading of Vehicles

44. Clause 52.07 of the Scheme states: no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:

(a) Space is provided on the land for loading and unloading vehicles as specified in the table below.
(b) The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.
(c) *The road that provides access to the loading bay is at least 3.6 metres wide.*

45. The application has not proposed any loading facilities in association with the proposed shop and/or café and accordingly a waiver is sought.

Clause 52.34 – Bicycle facilities

46. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces. A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

47. The table below outlines the bicycle parking requirements for the proposed uses:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Office	2702m^2 net floor area	1 to each 300m^2 net floor area (if the net floor area exceeds 1000m^2) 1 Visitor space to each 1000m^2 of net floor area (if the net floor area exceeds 1000m^2)	9 2	47	Surplus of 38
Food and Drinks	150m^2 leasable floor area	N/A	N/A	N/A	N/A

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Shop	240m^2 leasable floor area	1 to each 600m^2 leasable floor area (if the net floor area exceeds 1000m^2)	N/A	N/A	N/A
Total					

48. As indicated in the table above, the proposal would provide a surplus of thirty-eight (38) bicycle parking spaces above the requirements of this clause.

General Provisions

Clause 65 – Decision Guidelines

49. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any local policy, as well as the purpose of the zone, overlay or any other provision.

State Planning Policy Framework (SPPF)

Clause 11.01 – Activity Centres

50. The objective of this policy is: *To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres*.

Clause 11.04 – Metropolitan Melbourne

51. The vision outlined under this policy is that Melbourne will be a global city of opportunity and choice. The relevant objective is: to create a city structure that drives productivity, supports investment through certainty and creates more jobs.

Strategies under the policy are:

(a) Define a new city structure to deliver an integrated land use and transport strategy for Melbourne's changing economy.
(b) Strengthen the competiveness of Melbourne's employment land.
(c) Improve decision making processes for State and regionally significant developments.
(d) Plan for the expanded central city to become Australia's largest commercial and residential centre by 2040.
(e) *Plan for jobs closer to where people live*.

Clause 13.04-1 – Noise abatement

52. The objective under this clause is to assist the control of noise effects on sensitive land uses.

Clause 15.01-1 – Urban Design

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

Clause 15.01-2 – Urban design principles

54. Policy objective is to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

    (a) The strategy to achieve this is to apply the listed strategies to development proposals for non-residential development.
        (i) The strategies include the application of design principles to the proposed development relating to context, public realm, safety, pedestrian spaces, energy and resource efficiency, architectural quality and landscape quality.

Clause 15.01-4 – Design for safety

55. The objective is to improve community safety and encourage neighbourhood design that makes people feel safe. The clause includes several strategies to achieve this objective.

Clause 15.01-5 – Cultural identity and neighbourhood character

56. The objective is to recognise and protect cultural identity, neighbourhood character and sense of place.

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

57. The objective is to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

    The clause has the following strategies:

    (i) Ensure that buildings and subdivision design improves efficiency in energy use.
    (ii) Promote consolidation of urban development and integration of land use and transport.
    (iii) Improve efficiency in energy use through greater use of renewable energy.
    (iv) *Support low energy forms of transport such as walking and cycling*.

Clause 17.01-1 – Business

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

Clause 18.02-2 – Cycling

59. It is an objective to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.

60. The clause includes several strategies to achieve this objective including requiring the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals.

Clause 18.02-5 – Car parking

61. The policy is relevant to the proposal because the application seeks a reduction in the standard car parking requirement of the Scheme. The objective is to ensure an adequate supply of car parking that is appropriately designed and located.

It is also required to 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. Proposals are also encouraged to facilitate the use of public transport.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement

62. The MSS provides a broad demographic overview of the municipality and is structured into four themes at clause 21.03 consisting of 'land use', 'built form', 'transport' and 'environmental sustainability'.

Relevant clauses are as follows:

Clause 21.04-3 – Industry, office and commercial

63. Within Yarra the volume of commercial and associated uses is so significant that they form clusters of interrelated activity. The commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base. The objective of this clause is to increase the number and diversity of local employment opportunities.

Clause 21.05-3 – Built form character

64. New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity.

(a) The general objective of this clause is to maintain and strengthen the identified character of each type of identified built form within Yarra.

(i) Strategy 23.1 - *Require applicants for planning permits to identify the Built Form Character Types in which the subject site is located by reference to Maps in clause 21.08 Neighbourhoods and to identify how the proposed development responds to the Built Form Character Type*.

Clause 21.06-3 – The road system and parking

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

(a) To reduce the reliance on the private motor car.
(b) To reduce the impact of traffic.
(c) *Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks*.

Clause 21.07 – Environmental sustainability: Ecological Sustainable Development

66. This clause seeks to promote ecologically sustainable development with the following strategies:

(a) Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.

Clause 21.08 – Neighbourhoods (Central Richmond)

67. Figure 24 – Built Form Character Map under clause 21.08 of the Scheme identifies the subject site being located within a 'Main Roads' area which includes the objective to:

    (a) Maintain the hard edge of the strip.

    Relevant Local Policies

    Clause 22.05 – Interface Uses Policy

68. Pursuant to Clause 22.05 of the Scheme, this policy applies to applications for use or development within Mixed Use, Business and Industrial Zones (amongst others). The policy contains the following relevant objective:

    (a) To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

    Clause 22.07 – Development abutting laneways

69. This policy applies to applications for development that is access from a laneway or has laneway abuttal. The objectives under this policy are:

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

    Clause 22.10 – Built Form and Design Policy

70. Pursuant to Clause 22.10 of the Scheme, this policy applies to all new development that is not included within a heritage overlay. The policy comprises design elements to guide the scale, form and appearance of new development, of which the following are relevant to this application:

    (a) Setbacks and building heights;
    (b) Street and public space quality;
    (c) Environmental sustainability;
    (d) On-site amenity;
    (e) Off-site amenity;
    (f) Landscaping and fencing; and
    (g) Parking, traffic and access.

71. The policy has the following objectives:

    (a) Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood.
    (b) Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.
    (c) Limit the impact of new development on the amenity of surrounding land, particularly residential land.
    (d) Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.
    (e) *Encourage environmentally sustainable development.*

Clause 22.16 – Stormwater Management

72. The objectives under this clause are:

    (a) To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).
    (b) To promote the use of water sensitive urban design, including stormwater re-use
    (c) 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.
    (d) To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.
    (e) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well being.*

73. It is policy under this clause:

    (i) Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended)
    (ii) Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:
        - *collection and reuse of rainwater and stormwater on site*
        - *vegetated swales and buffer strips*
        - *rain gardens*
        - *installation of water recycling systems*
        - *multiple uses of water within a single manufacturing site*
        - *direction of flow from impervious ground surfaces to landscaped areas.*
    (iii) Encourage the use of measures to prevent litter being carried off-site in stormwater flows, including:
        - *appropriately designed waste enclosures and storage bins, and the use of litter traps for developments with the potential to generate significant amounts of litter.*
    (iv) Encourage the use of green roofs, walls and facades on buildings where practicable (to be irrigated with rainwater/stormwater) to enhance the role of vegetation on buildings in managing the quality and quantity of stormwater.

Clause 22.17 – Environmentally Sustainable Development

74. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit in accordance with the thresholds in Table 1 of this Policy.

75. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation

<u>Other documents</u>

Swan Street Structure Plan

76. Council adopted the Swan Street Structure Plan (Structure Plan) at its Council meeting in December 2013. This Structure Plan is applicable in assessing the subject proposal as the site is within the 'Swan Street East' precinct.

77. The intent of the Structure Plan is to be used as a guide for Council in the consideration of planning applications for new development in the area; and will also be used to improve planning controls for the study area. At this stage, the Structure Plan does not form part of the Scheme.

78. The Structure Plan for the Swan Street Major Activity Centre and its surrounds was prepared to set out a vision for the future of the activity centre. The Structure Plan outlines a study area which includes the shopping and commercial areas located along Swan Street and adjoining areas, and is divided into several precincts.

79. The Structure Plan outlines the overall spatial framework for development in the area. Further guidance on the character and form of development within each precinct is outlined in core themes of land use; built form; access and movement; and, public spaces.

80. The subject site is located within the Swan Street East Precinct (Precinct 4) which contains the following vision statement:

> *A bustling precinct offering a variety of retail, commercial and residential uses.*
>
> *New buildings have established over time, particularly on the south side of Swan Street through opportunities for redevelopment. This change is represented by intensified built form and the mix of uses, including residential activity, brining increased vitality and activity to the precinct.*

81. The Built Form Map for Precinct 4 illustrates a preferred height of four to five storeys (16m) for the subject site. In terms of built form, the following objectives and strategies are of note:

    (a) *To ensure built form provides passive surveillance of the street.*
    (b) *To ensure new built form provides adequate on site amenity and minimises adverse off-site impacts;*
    (c) *Provide active frontages to the street;*
    (d) *Rebuild/Reinforce the street wall height along Swan Street to create a continuous and consistent 3 storey built form scale;*
    (e) *Buildings should be built to the street edge and extend the full width of the property at lower levels;*
    (f) *Development above the street wall level should be set back and visually recessive;*
    (g) *Ensure new development on the north side of Swan Street does not unreasonably overshadow the footpath on the south side of Swan Street. Solar access should be maintained to the footpath for a minimum of two hours between 10:00am and 2:00pm at the Equinox;*
    (h) *Ensure new development on the north side of Swan Street appropriately responds to the adjoining low scale residential areas;*
    (i) *Encourage side setbacks of upper levels to achieve appropriate visual separate between buildings.*

Advertising

82. The application was advertised pursuant to Section 52 of the *Planning and Environment Act* 1987 (the Act), by way of 374 letters sent to adjoining and neighbouring owners and occupiers and notices displayed on site, at the Swan and Beissel Street frontages.

83. A total of ten (10) objections were made to Council, the grounds of which are summarised as follows:

    (a) Excessive building height;
    (b) Development would be out of character with the area;
    (c) Overshadowing;

(d) Visual bulk;
(e) Increased traffic;
    (i) Disruption to Beissel Street;
    (ii) Waste collection issues;
(f) Inadequate on-site parking;
(g) Lack of on-site loading bay;
(h) Inadequate ESD response

Referrals

External Referrals

84. The application has been referred to Vicroads with regard to the variation of access into Swan Street (Road Zone Category 1) – the comments received outline no objection to the alteration subject to the inclusion of a condition:

    (a) *All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and chanel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use of the buildings hereby approved.*

85. A copy of the full referral comments has been included as an attachment to this report.

86. Notice of the application was provided to both the EPA and Citylink Transurban (being located within the Design and Development Overlay – Schedule 5) – no response was received from these authorities.

Internal Referrals

87. The application has been referred to council's Traffic Engineering Unit, Open Space Unit, Waste Management and ESD advisor. The comments are generally supportive but with recommendations for changes being outlined by each Unit. These comments have been included as an attachment to this report.

88. The application has been referred to Hansen Partnership for an independent review of the proposal with regard to urban design issues. The comments received from Hansen were generally supportive based around the introduction of a condition for deletion of an upper level from the building and increased setbacks at upper levels from the western boundary. These comments have been included as an attachment to this report.

OFFICER ASSESSMENT

89. The primary considerations for this application are:

    (a) Strategic justification;
    (b) Built form;
    (c) On-site amenity;
    (d) Off-site amenity;
    (e) Traffic, access, loading and car parking reductions;
    (f) Objector concerns

Strategic justification

90. The subject site is located within a Commercial 2 Zone (C2Z) which has the objective of encouraging development of commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.

91. An office use does not require a planning permit in the C2Z (indicating strong strategic support); however the construction of buildings and works does.

92. In regards to the proposed building and works, State and Local policies encourage the concentration of development in and around activity centres and intensifying development on sites well connected to public transport to ensure efficient use of existing infrastructure. Council's Swan Street Structure Plan provides further specific guidance for the preferred direction for land use and development of the Swan Street Activity Centre (AC) and the surrounding land, which reinforces current State and Local policy to increase the number and diversity of employment opportunities within and around activity centres.

93. The application proposes the construction of a seven storey office building on a site which is currently underutilized in an area identified under the Swan Street Structure Plan as a mixed commercial precinct. The proposal is highly consistent with the purpose of the zone and strategic incentives for this area that seek to encourage intensification of commercial uses and provision of diverse employment opportunities.

94. The site is well connected to public transport infrastructure being in proximity to train and tram services along Swan Street, hence encouraging the use of alternative modes of transport to and from the site rather than reliance on motor vehicles, are encouraged by clauses 18.02 – *Movement Networks*; 21.06-3 – *The Road System and Parking*; and 21.03 - *Vision*.

95. While there may be strong strategic direction for intensified development and car parking reductions within the subject site, the built form policy and direction under clause 22.05 – *Interface uses* of the Scheme also outline that consideration must be given to the design of the building and its interfaces with the surrounding area.

Shop and Food and drinks use

96. The proposed shop and food and drinks premises (café) trigger a planning permit for their use within the Commercial 2 Zone on the basis of the floor area exceeding 100m2 (under which a permit is no longer required for the use) and not being associated with a supermarket.

97. With the above point in mind, it is considered that there is a general level of support for the use of the ground floor premises for a shop and cafe where it can be demonstrated that the scale of operation would not result in unreasonable impacts to the surrounding area or erosion of the primary purpose of the Commercial 2 Zone: *to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*

98. The site is located within an employment cluster which is of importance not only to the municipality, but also to the broader metropolitan region. The area supports a growing employment base, and the proposed shop and cafe will support this by providing a venue where the local workers can obtain food and drink and other goods. On weekends, there is an expectation of increased patronage from residents of Richmond, rather than employees, as many of the commercial/industrial uses will not be operating. Again, the café and shop will play a legitimate role in meeting the needs of residents in this respect.

99. It is considered that the amount of leasable floor areas associated with the shop and cafe sought under the application reaches an acceptable outcome in terms of ensuring the development would not result in a "destination venue' and the premises is therefore afforded a general level of support under the relevant policy direction without eroding the main purpose of the zone as outlined above.

Built form

100. The relevant permit trigger for the development is the Commercial 2 Zone, and the primary considerations for the proposed development are the decision guidelines at clause 34.02-7 – *Decision Guidelines*. Furthermore, the urban design assessment for this proposal is guided by State and Local policies at clauses 15.01-2 - *Urban design principles*; 21.05 - *Urban design*; 22.05 - *Interface uses policy*; 22.10 - *Built form and design policy* and the Swan Street Structure Plan.

101. 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 height and massing, street setbacks, relationship to adjoining buildings, and existing context.

102. Consideration of the built form and design will be assessed under the following applicable headings of Clause 15.01-2 – *Urban Design Principles* of the Scheme which incorporates several relevant LPPF objectives under the headings: Context, *The Public Realm, Safety, Landmarks, views and vistas; Pedestrian spaces; Consolidation of sties and empty sites; Light and shade; Energy and resource efficiency; Architectural quality and Landscape architecture*.

Context

103. The existing character of the surrounding area is a mix of building sizes and heights varying between single and four storey buildings, with some larger commercial buildings with hard edged forms built to street frontages.

104. In order to understand the site and its context, Clause 21.08 - *Neighbourhoods* of the Scheme describes the area as being a 'main road' area with the accompanying objective included under the clause '*to maintain the hard edge of the strip'*.

105. The direct interfaces to the subject site include blank walls of one and two-storey commercial buildings, with dwellings on the opposite side of Beissel Street to the north.

106. The proposed seven storey building would be taller than the buildings immediately interfacing the site and would also be one of the taller buildings within the surrounding area. However this is not entirely at odds with the strategic direction for the Activity Centre and the level of built form change which is anticipated for Swan Street outlined earlier in this report.

107. Given the site's commercial zoning it is somewhat expected to have higher built form than the residential areas to the north, especially if development is to achieve State and Local strategic policy of increased development and employment opportunities near activity centres and public transport as outlined earlier in this report. While this may be the case, the site's context requires careful consideration of the interplay with residential areas/interfaces to the north and built form objectives for the presentation to Swan Street and the abutting laneway.

Height, scale and massing of the development

108. It is important for any assessment of building height and neighbourhood character to balance the range of influencing factors affecting this area, including policy provisions, existing height characteristics of nearby built form and preferred future character development of the area.

109. The Scheme and Structure Plan both provide guidance to assist in determining whether the proposed height is acceptable within the site context. In relation to the SPPF, building heights are best derived from specific design objectives; the aspirations for urban consolidation and issues of minimising adverse off-site amenity impacts rather than outlining arbitrary height limits.

110. With regard to policy direction under the Scheme, clause 21.05 – *Urban Design* contains Objective 17: *to retain Yarra's identity as a low-rise urban form with pockets of higher development.*

111. Strategy 17.2 (which relates to development in Activity Centres) under Objective 17 reads as follows:

    (a) Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:
    (i) Significant upper level setbacks
    (ii) Architectural design excellence
    (iii) Best practice environmental sustainability objectives in design and construction
    (iv) High quality restoration and adaptive re-use of heritage buildings
    (v) Positive contribution to the enhancement of the public domain
    (vi) Provision of affordable housing

112. Based on the policy above, the proposed development must be able to demonstrate specific benefits to gain policy support for a height which is more than six (6) storeys. The existing policy context for Activity Centres clearly considers additional heights above six storeys along Swan Street and therefore the conflicting direction under the Structure plan which suggests heights between four & five storeys is considered to hold limited weight given it is yet to progress to an amendment process.

113. While this may be the case, the comments received from Hansen Partnership also cite the height of the proposed building as being one (1) level too high with regard to the balanced hierarchy of development potential between residential areas to the north and the southern side of Swan Street which is identified under the Structure Plan as being appropriate for developments with heights between 7 to 10 storeys, stating:

    The present form's projection to 7 storeys is considered to insufficiently mediate as a transitional form and conflicts with the desired urban hierarchy. We note in sectional analysis that the proposal's rear interface between the GRZ and the C2Z results in a more abrupt and sharper escalation of scale than occurs within the Structure Plan boundaries between the subject site and the higher density development anticipated to the south of Swan Street.

114. It is considered that the height for the proposed building remains supportable in light of the policy guidance under Strategy 17.2 with the development proposing significant upper-level setbacks, architectural design excellence, best practise ESD outcomes and positive contributions to the public realm as follows:

    (a) The proposed building would provide significant upper level setbacks for levels 4 & 5 which would be set back 3.95m from both the north and southern street interfaces. Level 6, being the upper-most level would be set back 9.0m from the Swan Street frontage and presents a significantly smaller floor template than the levels below and therefore presents as a recessive 'cap' to the building.

    (b) With regards to the design detail, choice of materials and overall design excellence of the building, the comments received from Hansen Partnership are generally supportive of the development in these areas.

    (c) Council's ESD advisor has commented that the application largely meets council's best practise standards for ESD outcomes.

    (d) The comments from Hansen Partnership praise the improvements which would result from the introduction of a highly activated laneway frontage and Swan Street interface as part of the development.

115. These elements will be expanded upon in the following sections of this report, but clearly indicate that the height of the proposed building is supportable at seven storeys under the policy direction at clause 21.05 of the Yarra Planning Scheme. In light of this, it is considered unnecessary to delete a level as suggested by Hansen Partnership.

Swan Street wall

116. The comments from Hansen's Urban Design comments has outlined that the development's four-storey street wall to Swan Street is generally acceptable, stating: *We are comfortable with the proposed 4 storey street-wall, rising a level above that anticipated by the Swan Street Structure Plan*.

117. While the street wall height proposed by the development would exceed the three-storey recommendation under the Structure Plan, it would be commensurate with the objectives for the creation of appropriately scaled street walls along Swan Street.

118. At four storeys, the street wall would not result in additional shadowing to the footpath on opposite side of Swan Street at any point during the day (between 9:00am and 3:00pm) and at 15.3m in height, provides a ratio between the height of the wall and the width of the street at less than 1:1 which is supported as an established urban design outcome for streetscapes utilising street-wall.

119. These comments are reflected in the policy direction under clause 22.10-3.4 – *Street and Public Space Quality* of the Scheme which aims to ensure that developments provide pedestrian/human scaled designs at street level. It suffices to state that there is no reason to indicate that a four-storey podium is unacceptable in this particular instance.

120. Additionally, it is also worth noting that this portion of Swan Street is not covered by a Heritage Overlay and therefore the policy direction call for higher built form outcomes as opposed to other sections where a more curtailed approach is required.

Beissel Street interface

121. In regards to the Beissel Street interface to the north, it is considered that the setbacks which have been provided at levels four and above would provide for an acceptable built form outcome being presented to the street.

122. While this may be the case, the Urban Design advice from Hansen Partnership has suggested that the upper level, north-facing walls require refinement, stating:

> *The proposal's adoption of uniform setbacks at the upper floors from both north and southern boundaries inadequately differentiates between the site's higher order commercial and lower order residential interfaces. A greater recessing of the upper floors to the north is considered necessary to acknowledge this transition and we recommend an increased setback to the north at upper levels to 6m, aligning with the inset row of structural columns.*

123. With Hansen's comments supporting the four-storey, lower portion of the building, it is considered that increasing upper level setbacks to reference 'lower order residential interfaces', must be assessed against tangible benefits to the amenity of neighbouring dwellings.

124. The upper portion of the proposed building would not be visible behind the lower, four storeys (as proposed) when viewed from within Beisell Street itself and any longer views towards the subject site (i.e. form the north along Glass Street) would not result in the loss of significant view lines to heritage buildings and/or landmarks as demonstrated in the photograph below:



125. The northern interface with the development under Planning Permit PLN14/0581 for No.63-65 Glass Street will be assessed fully later in this report, but it is sufficient at this point to state that the interface between the proposed development and the residential building to the north would not result in unreasonable visual bulk (or other) impacts.

126. With the above points in mind, the setbacks provided to Beissel Street are considered to achieve an acceptable outcome and are supported at 3.95m from the northern boundary behind the lower levels which are constructed to the street.

The Public Realm & Pedestrian spaces

127. The interface of the building to Swan Street and the extensive glazing to the western elevation at street/laneway level associated with the Food and Drinks premises would substantially contribute to (and improve) surveillance and activation of Swan Street and the abutting lane. This outcome is encouraged within commercial areas, as outlined as a decision guideline of the zone at clause 34.02-7 and under the policy direction at clause 22.10-3.4 of the Scheme.

128. The comments from Hansen Partnership strongly support this outcome for the laneway, stating:

> *The ground floor interface to the pedestrian laneway is exemplary with weather protection and direct and engaging interface between café and public realm. Integration of paving with the cafe floor treatment to blur the threshold between public and private shows a highly resolved appreciation for the site condition. The design team should be commended for the comprehensive response and we are of the view that this response will succeed in transforming this link into a valuable contribution to the public realm.*

129. The building is also designed with the introduction of projecting awnings to Swan Street, to provide weather shelter outside of the subject site which in conjunction with the use of the ground floor premises for a food and drinks premises would improve the level of interaction and pedestrian experience between the subject site and the street.

130. While this may be the case, the upper-level setbacks from the western boundary (above the laneway) have been cited as problematic in the Hansen comments which state:

> *we are also concerned with the proposal's sheer rising form to the western boundary adjacent to the pedestrian link. Whilst comfortable with a massing to the boundary to 4 storeys, the presentation of a 7 storey sheer wall to this boundary will result in a canyon-like effect to the revitalised laneway, assuming a reciprocated response by future development to the west. This will result in a detrimental impact on the public realm and recommend the setting back of floors above the 3rd floor from the western boundary*

131. The Hansen advice has suggested that in light of the subject site being located at the termination of Glass Street, the upper level setbacks of the proposed building should be aligned with the western (front) boundaries of Glass Street properties to integrate with this streetscape when viewed from the north. This recommended setback would equate to the west-facing walls being set back approximately 3.7m from the western boundary.

132. This issue was communicated to the applicant who provided a response in form of sketch plans (Dated 1/2/17) showing levels 4 and 5 being set back 2.1m from the western boundary and level 6 increasing its minimum setback from 10m to 10.9m.

133. These setbacks while being less than those suggested in the Hansen comments are considered to achieve the same outcomes around integrating the rhythm of the building into Glass Street and providing a visible break in the built form to identify the location of the laneway as a pedestrian access point into Swan Street.

134. This outcome (as per the sketch plans) will be reflected in a condition of permit which requires levels 4 and 5 to be set back no less than 2.1m from the western boundary and level 6 being no closer than 10.9m to the boundary.

135. Council's Traffic Engineering Unit have requested that in light of the west-facing walls at ground floor being set within the lot boundaries, that the boundary be delineated in some method to ensure private and public space is clearly identifiable. This issue would be addressed through a condition of permit.

136. The awning provided to the footpath areas outside of the building along Swan Street are also considered to provide an improvement to the pedestrian experience, providing weather shelter to the north side of the street.

137. Additionally, the material provided with the application demonstrates that the tree protection measures being introduced during construction would allow the street tree on Swan Street to be retained within the streetscape. The arborist report has been reviewed by council's Open Space Unit who are generally supportive of the measures outlined within the report for the retention of this tree.

138. The arborist report/tree management plan supplied with the application would be endorsed to form part of the permit.

Landmarks, Views and Vistas

139. It is policy at clause 15.01-2 of the Scheme that important landmarks, views and vistas be protected or enhanced, or where appropriate, created by new additions to the built form.

Within the Richmond area, the Ball Tower of Dimmeys (Swan Street) is identified as a significant landmark to which views should be protected.

140. The proposed development does not compete with the identified landmark and is considered to be an acceptable response to the policy direction under clause 22.03-4 of the Scheme.

Consolidation of Sites and Empty Sites

141. The subject site is somewhat under-utilised land that includes car parking areas which interrupt the rhythm of built form along Swan Street where hard edged development to the street is a desired outcome (as identified under clause 21.08 of the Scheme).

142. The proposal will improve the existing conditions by filling in the at-grade car parking/loading area which provides a poor sense of street address, replacing it with an activated frontage with a hard edge to the street which is both consistent with the character of the area and appropriate in terms of achieving increased surveillance to the street.

Light and Shade

143. Due to the north-south orientation of the site the proposed development would result in overshadowing to Swan Street throughout the day. While this may be the case, the level of shadowing cast by the proposed development would only partially extend over the footpath on the southern side of the street (ie half of the footpath would retain sunlight). This modest impact to the southern footpath would dissipate shortly after 9:00am (September equinox) which is generally supportable as an urban design outcome.

144. The subject site is located in a commercial location and some degree of overshadowing is inevitable due to the hard-edge built form character which has been established. It is considered that the shadowing from the development would not affect the usability of the public realm and the amount of overshadowing is considered to be reasonable.

Energy and Resource Efficiency

145. The proposed development includes commitments to exceed the minimum BCA energy rating requirements by incorporating energy and water efficient appliances; and through the provision of water tanks to reticulate stormwater in the toilet facilities. The design of the building also accommodates window openings that will allow for cross-ventilation.

146. While outlining that the project largely meets Council's best practise ESD standard, council's ESD advisor has recommended the resolution some issues to ensure the building is designed appropriately with regard to energy efficiency.

147. These comments from council's ESD advisor are considered to address the requirements of the policy under clause 22.16 – *Stormwater Management* and clause 22.17 – *Environmentally Sustainable Development*. The following section of this report will address each of these issues:

    (a) End-of-trip facilities (showers and lockers) to be provided for staff to encourage cycle to work.
        (i) The sketch plans provided by the applicant show the introduction of shower areas at each level of the proposed office building. This is considered to provide an appropriate response to the issue. The provision of specific locker areas is considered to be unnecessary at the planning approvals stage.

    (b) Provide more information on the building shell's improvement on the minimum NCC energy efficiency standards through DTS provision JV3 modelling, or equivalent.

(i) This matter would be addressed through a condition of permit for the level of detail within the SMP to be further expanded upon to demonstrate how improvements on the NCC standards would be achieved (as opposed to this outcome just being stated).

(c) Consider providing electric vehicle charging facilities in the carpark.
(d) Consider using a percentage of recycled concrete.
(e) Recommend that all timber used onsite to be FSC accredited

(i) Points 'c' to 'e' above have been suggested by council's ESD advisor as opportunities for improvement to energy efficiency outcomes within the development. While these specific points would provide improvements it is considered onerous to require these particular points in light of the condition discussed in relation to point 'b' above which relates to the energy performance of the building as a whole.

148. Overall, it is considered that subject to the condition discussed above, that the proposed development would achieve best practice in environmentally sustainable development in accordance with the overarching objectives under clause 22.17 – *Environmentally Sustainable Development* of the Scheme.

Site Coverage

149. The proposal occupies 100% of the site area, resulting in a slightly higher level of site coverage from that of the existing conditions which currently utilise the Swan Street and Beissell Street setbacks for car parking areas.

150. While this may be the case, full site coverage is considered to be appropriate and consistent with the commercial character of the wider area that accommodates predominantly hard-edged built form with little or no areas of open space or landscaping.

Architectural Quality

151. In terms of built form, the proposal creates an on-street facade wall of four storeys to Swan Street which is considered to be acceptable as discussed earlier in this report. The extent of glazing to the façade with the sliding perforated screens reflecting the nature of the commercially styled building provides an appropriate design response to the surrounding commercial area. Hansen's Urban Design advice has supported this position in their comments stating:

> *We are generally supportive of the architectural expression of the building, which utilises a checkerboard pattern of offset concrete panels and sliding perforated screens. We are confident that these present a visually engaging interplay of activated façade elements and textural qualities - one that has been successfully realised by the architect in a number of previous projects.*

152. Overall it is considered that the proposed development would achieve a high level of architectural quality. Providing appealing aesthetics to the commercial building which significantly contributing to and improving the streetscape through active frontages and use of high quality materials.

153. The Hansen comments also include suggestions for the western elevation to: *be resolved as one with clear 'front and backs at the lower levels, more typical of an infill site, whilst the recessive upper cap retains the 'designed in the round' treatment of wrapping'.*

154. This issue relates to the presentation of the building to the west and the likely development of lots to the west. It is considered that there is no detriment or loss of development potential for adjoining lots as a result of the proposed materials as selected for the western elevation.

In conjunction with the external materials providing significant ESD outcomes for shading and natural ventilation opportunities, it is considered unnecessary to require changes to the external materials.

On-site amenity

155. In accordance with the design objectives of the On-site Amenity heading outlined in Clause 22.10 of the Scheme, the office building has been designed to include kitchens, bathrooms, and shower facilities for future users. In addition, the design incorporates openings to the north, south and western elevations, including garden areas at the rooftop terrace, allowing daylight/solar access and ventilation and recreation areas available to staff.

156. The provision of terrace space (394m^2) at the upper level provides outdoor space for users of the building which enhances the amenity of the office space. The proposed design response and full site coverage negates any landscaping or fencing provision at ground level, which is appropriate within the commercially zoned site context.

Bicycle parking

157. The development proposes enclosed car parking spaces and bicycle parking, providing adequate security measures for future users.

158. The sketch plans provided by the applicant show the relocation of twenty-four (24) bicycle parking spaces from the basement to the ground floor level which would be easily accessed via Beissel Street. This is considered to be an improved outcome in terms of accessibility of the bicycle storage areas. A condition of permit would formally facilitate this change.

159. These facilities at ground floor exceed the requirements of the Scheme for bicycle parking and with the revised location of these facilities to be (partially) located at the ground floor level, it is considered that the provision of bicycle parking for this building is generally in accordance with the objectives under clause 22.10-3.7 of the Scheme.

Off-site amenity

160. It is unlikely that the proposed Shop and/or Food and Drinks Premises (café) would result in unreasonable amenity impacts to the surrounding commercial area especially in light of the closest dwellings to the subject site (to the north) not having a direct interface with these premises.

161. The details provided by the applicant outline that the shop and food and drinks premises would operate between the hours of 7:00am to 11:00pm (Monday to Sunday). While the hours and patron numbers are not expected to result in any unreasonable impacts to the surrounding commercial developments, the hours of operation would be included as conditions of permit.

Noise

162. Policy at Clause 22.05 – *Interface uses* of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses.

163. The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given the majority of the building would be used for offices. Furthermore, the majority of the office space is enclosed and the use conducted indoors. As the office use does not require a planning permit, there is no further control that can be applied in regards to the use of offices.

164. The location of services/plant equipment is shown adjacent to the eastern boundary (approximately 18m south of the residential land to the north) which abuts commercial premises within the neighbouring building. A condition would also require that the noise and emissions from plant equipment must comply at all times with the State Environment Protection Policy – *Control of Noise from Commerce, Industry and Trade* (SEPP N1).

165. Noise associated with the operation of the Food and Drinks, shop and office premises is governed by the applicable State Environment Protection Policy – conditions to this effect would be included within the planning permit.

166. Additionally, any music associated with the proposed uses would also be subject to a condition of permit limiting any associated music noise to 'background' level only.

167. In light of the conditions discussed above and in conjunction with the proposed hours of operation, it is considered unlikely that the use of the building would result in any unreasonable amenity impacts to the surrounding area, including the residential areas to the north.

Waste management

168. It is noted that comments from council's Waste Management Unit originally objected to the collection details which proposed rubbish collection from within Beisell Street itself (ie requiring a truck to park in the street). The comments from council's Waste Management Unit outlined that an internal collection point must be utilised with collection by a private contractor.

169. These suggestions have been included within the 'sketch' plans provided by the applicant which have been revised to show garbage and recycling bin storage at Basement Level 01. The applicant has submitted a revised Waste Management Plan (WMP) from Leigh Design, (dated 19/12/2016) which specifies the collection being undertaken by a private contractor from the basement level.

170. This revised WMP has been reviewed by council's Waste Management Unit who are satisfied with the outcomes. A condition would require the waste collection to be undertaken in accordance with the revised WMP (Leigh Design, 19/12/16) to the satisfaction of the Responsible Authority.

Built form impacts

171. The policy framework for external amenity considerations is contained within 22.10-3.8 - *Off-site amenity*) and 22.05 - *Interface uses policy*. Clause 22.10-3.8 - *Off-Site Amenity* outlines objectives and decision guidelines for considering whether a development has adequate regard to the site's context and surrounding pattern of development. Following is an assessment of the development against the potential off-site amenity impacts.

Visual bulk

172. With the east, west and southern interfaces with the subject site being to commercial premises, these interfaces would not be subject to unreasonable visual bulk impacts with the height of the proposed building facing onto roofed areas of adjoining commercial premises or the shop fronts associated with car display showrooms to the south.

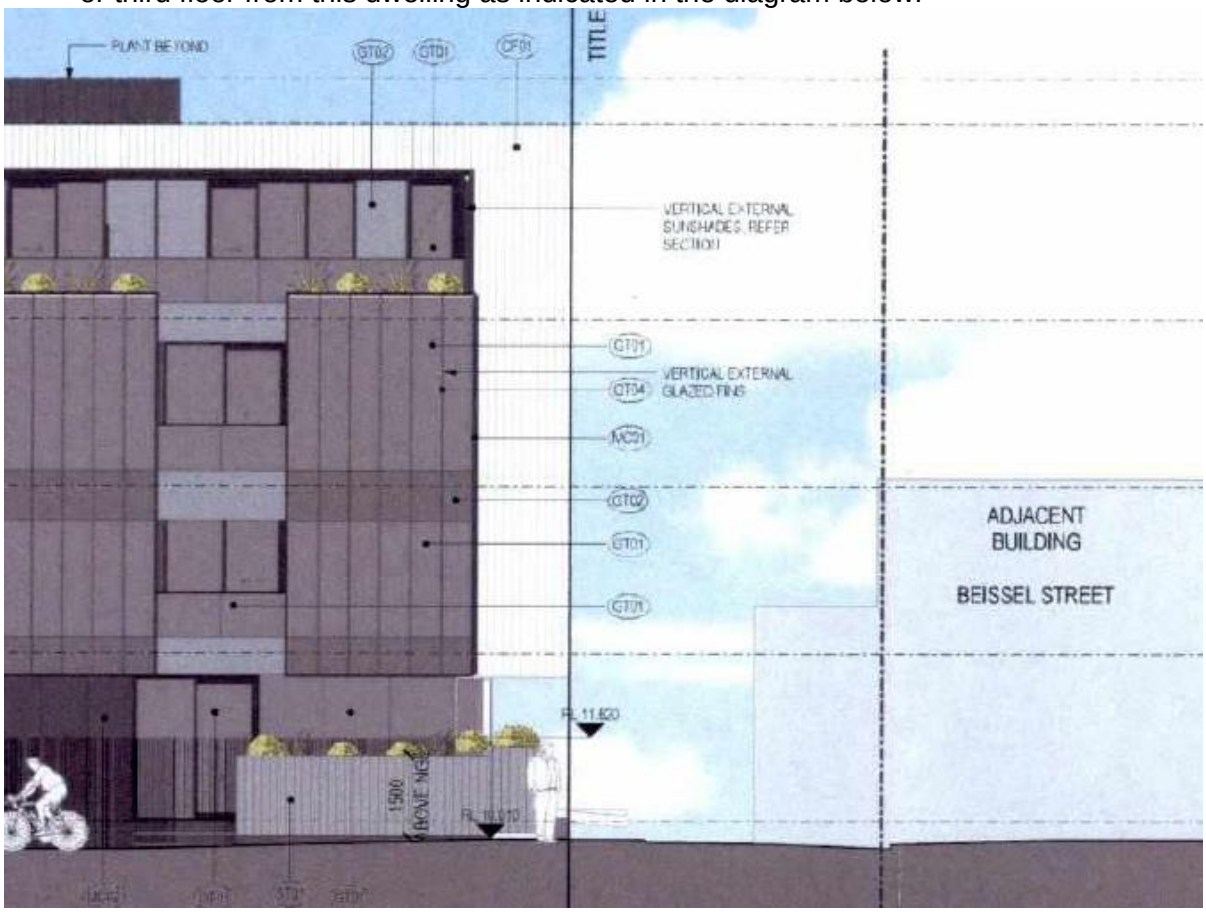
173. The primary consideration with regards to visual bulk is the approved residential development at No.61-63 Glass Street which is under construction at the time of writing this report. While the dwellings located within this approved development mostly have westerly aspects over Glass Street (and therefore not having an interface with the subject site), some dwellings do and these require particular assessment with regard to visual bulk.

174. The ground floor, southern-most dwelling has a southern aspect onto Beissel Street as indicated in the diagram below:

Ground Floor – PLN14/0581



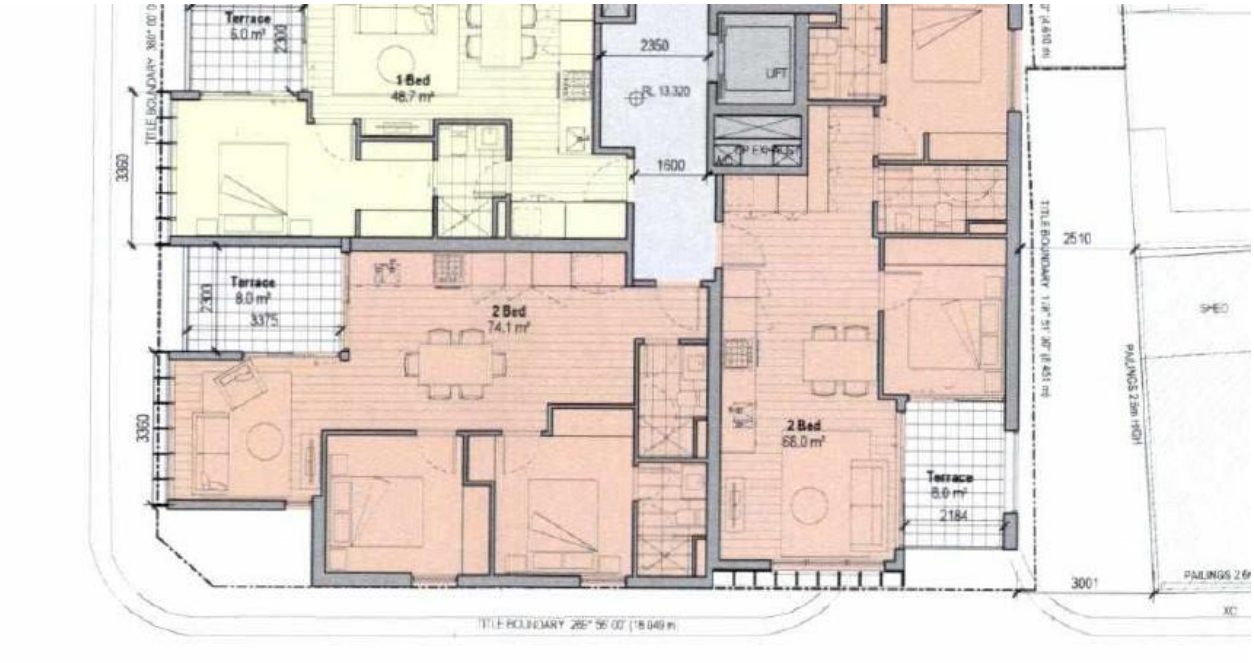
175. While this may be the case, the south-facing windows are set back from the southern boundary with the levels above overhanging and extending to the boundary creating a scenario where the height of the proposed building would not be appreciated above second or third floor from this dwelling as indicated in the diagram below:



176. With these points in mind, it is considered that the interface with this particular dwelling is acceptable.

177. The south-east facing dwelling at level 1 contains a dual aspect to the south and south-east and while its south-facing windows would partially face onto the subject site, its primary view over Beissel Street would remain unimpeded due to the angel which takes advantage of its corner location and splayed views along the street.

First Floor – PLN14/0581



178. It is considered that the south-eastern views from the lounge area and terrace provide acceptable amenity for this dwelling into the future and that any visibility of the proposed development from the south-facing windows would not be unreasonable in light of this.

179. The dwelling on the western side of the development at level 1 would be orientated to the west with an aspect over Glass Street. While bedroom windows would face directly south towards the proposed development, it is considered that the presentation of built form to bedrooms would not be unacceptable in light of their intended use (ie for sleeping) and the non-impact to the westerly aspect retained for the primary living areas.

180. At second floor the interface is much the same as the level below. This second floor interface with the proposed development is considered acceptable for the reasons outlined above.

Second floor – PLN14/0581



181. At third floor, the dwelling at the southern end of the approved development would contain two, south-facing bedroom windows which would face onto the proposed development with the primary living areas facing west over the street.

182. Again, the presentation of the proposed building to bedroom windows is not considered to result in unreasonably visual bulk impacts with the primary outlook via the west-facing living areas being unaffected by the proposed development.

Third floor – PLN14/0581



183. Overall, it is considered that the interface between the approved development to the north and the proposed building would not be unreasonable with the physical buffer provided by Beisell Street (4.7m wide) between the two buildings and the orientation of primary living areas away from a direct line of sight.

184. Given that the subject site otherwise interfaces with commercial land uses, the proposed building is considered to avoid unreasonable impacts for the reasons outlined above.

Overlooking

185. The proposed offices would obtain a direct line of sight to the approved dwellings under PLN14/0581 for the properties at No.63-65 Glass Street. While the proposed offices are a commercial use, it is considered that the views which would be obtained from the offices to habitable rooms and private open space areas associated with the approved development would be unreasonable.

186. The policy under clause 22.05 – *Interface Uses Policy* contains the direction to: *Minimise the potential for unreasonable overlooking of private open space areas and into habitable room windows of adjoining residential properties, through the use of appropriate siting, setbacks, articulation and possibly screens.*

187. A condition of permit would require that treatments or screening be introduced to the north-facing walls to avoid unreasonable overlooking, generally in accordance with the objectives under Standard B22 – *Overlooking* under clause 55 of the Scheme.

Overshadowing

188. As outlined earlier in this report, the proposed development would cast shadows over Swan Street. No additional shadowing would be cast to residential properties by the proposed development.

Traffic, access, loading and car parking reductions

189. Clause 18.02-5- *Car parking*, Clause 21.06 - *Transport*, and Clause 52.06 - *Car parking*, of the Scheme will be used to frame this car parking assessment for the proposed development.

190. Before a requirement for car parking is reduced (including reduced to zero), the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard to an assessment requirements of Clause 52.06-6. A car parking reduction is considered to be justified in this instance based on the above decision guidelines for the following reasons:

Car parking demand:

191. The site is conveniently located close to alternative modes of public and more sustainable modes of transport, including two railway stations (Burnley and East Richmond) between 300m and 700m from the site. The provision of car spaces in accordance with the rates of Clause 52.06 would increase the traffic generation and congestion in the area.

192. The Traffic Report provided with the application outlines that a reduced car parking rate of 1.22 car parking spaces per 100m^2 leasable floor area has been adopted for the proposed office development.

193. The material provided within the submitted Traffic Report outlines that the expected demand for car parking associated with the proposed development would be minimal in light of the predominant activity being undertaken on the site for offices and the proximity of the subject site to public transport infrastructure as outlined above.

194. The site is located within a constrained parking area that includes restricted off-site parking for long term users. This is expected to encourage future occupants and visitors to utilise alternative modes of transport rather than relying on private motor vehicles.

195. The proposal provides space to accommodate on-site bike parking in excess of the Scheme requirements, thereby encouraging alternative transport modes. The proposal provides forty-seven (47) on-site bike spaces with each level of the office building providing shower/change facilities for future users of the building.

196. Council's Traffic Engineering Unit have reviewed the proposed development and reduced car parking rate (ie: 1.22 spaces x 100) and have commented that the reduced rate is acceptable based on the reasons outlined above.

The availability of car parking in the surrounding area:

197. Directly in front of the site along Swan Street there are only three on-street car parking spaces available, with on-street parking within the surrounding street network being occupied at high rates. The lack of convenient long-term car parking within the area will discourage car dependent travel and encourage alternative modes of transport.

198. It is noteworthy to detail that the removal of the existing vehicle cross-overs into Swan Street would provide additional an parking area directly in front of the subject site for an additional (one) car parking space.

Availability of public transport in the locality and convenient access:

199. The subject site is well connected to public transport being closely located (within 300m) to Burnley Railway Station, directly adjacent to Swan Street tram services, and approximately 600m from Church Street tram services.

200. These public transport services are all in ready walking distance of the subject site and provide viable transport options in north-south and east-west corridors. The Swan Street Activity Centre is exceptionally well catered for with regard to public transport options.

State Policy consideration:

201. Encouraging the use of public transport as well as walking and cycling as modes of transport is central to Council's policy objectives relating to sustainable transport. Forcing developments to provide additional parking, as set out in the Scheme, will not provide any encouragement towards achieving the objectives of sustainable transport that are outlined in clauses 18.02 and 21.06 of the Scheme; and, is further ingrained in policy objectives as outlined in the Structure Plan.

Traffic and local amenity:

202. The reduced rate of on-site car parking will mean a reduced impact on traffic within the surrounding street network, which is considered a positive outcome in an area that is already experiencing significant traffic and parking congestion.

203. Reducing the rate of car parking provided for an office use is also generally in line with the policy direction under clause 21.03 – *Vision (Transport)* states that in the City Of Yarra in 2020, *most people will walk, cycle or use public transport for the journey to work.*

204. The level of traffic generated by the proposed development within Beissel Street is suggested to be in the order of sixteen (16) vehicle trips per peak hour and one hundred and sixty-five total vehicle trips per day.

The comments received from council's Traffic Engineering Unit in regard to these rates are that the volumes are not unduly high and should not compromise the operation of Beissel Street, Glass Street or any other nearby street.

205. With the above comments in mind, it is considered that the level of traffic which would be associated with the proposed development would be catered for by the existing road networks without unreasonable traffic impacts to the surrounding area.

Consent from Council's Engineering Services Unit:

206. Clause 52.06-8 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains 7 standards and requirements relating to accessway, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.

207. Comments from council's Traffic Engineering Unit advised that there are overland water runoff issues for the areas at the southern end of Glass Street. This issue had been communicated to the applicant in council's initial correspondence for the application and subsequently, the applicant had provided details of a flood-gate mechanism for the basement ramp entrance.

208. These details, along with the proposed ramp design have been reviewed by council's Traffic Engineering Unit who are generally satisfied with the arrangement subject to the inclusion of standard conditions relating to the maintenance/protection of the mechanism and council assets.

209. The issues raised within the Traffic Engineering Units review of the decision plans have been addressed through the sketch plans provided by the applicant. A condition of permit would formally require the basement levels to reflect the changes shown in the sketch plans but further modified to show parking space 01 nominated as a 'Small Car Space' as per the comments received from council's Traffic Engineering Unit on the sketch plans.

210. Overall, the proposed reduction in car parking numbers and design and configuration of access and car parking areas are considered to achieve a satisfactory outcome for the reasons outlined above.

211. A 1in20 section of the basement ramp has been requested by the Traffic Engineering Unit which would also be requested through a condition of permit to ensure vehicles entering the building would not scrape or bottom out.

Loading bay

212. The waiver of an on-site loading bay has been reviewed by council's Traffic Engineering Unit who have offered no objection to this aspect of the proposed development.

213. As outlined earlier in this report, an on-street loading bay is located almost directly adjacent to the subject site, on Swan Street. This on-street facility is considered adequate to provide for the loading/unloading activities associated with the café and shop.

<u>Objector concerns</u>

214. Objector concerns have been addressed within the body of this report, the following section provides a summary of the assessed outcomes discussed earlier:

Excessive building height

(a) The height of the proposed building has been assessed as an appropriate response to the context of the subject site within an Activity Centre and with regards to its sensitive interfaces earlier in this report under Paragraphs 108 to 126 and found to achieve an acceptable outcome.

Development would be out of character with the area;

(b) The proposed development has been assessed against the relevant character policies of the Yarra Planning Scheme earlier in this report under Paragraphs 103 to 107 and found to achieve an acceptable outcome.

Overshadowing;

(c) The proposed development would not result in unreasonable overshadowing to the southern side of Swan Street and would not create additional shadowing to any residential properties as discussed earlier in this report under Paragraphs 143 to 144.

Visual bulk;

(d) Visual bulk impacts with sensitive interfaces to adjoining lots has been assessed earlier in this report under Paragraphs 172 to 184 and found to achieve an acceptable design response.

Increased traffic;

(e) Traffic impacts associated with the proposed development have been assessed earlier in this report under Paragraphs 202 to 205 and found to achieve an acceptable outcome.

Disruption to Beissel Street;

(f) Traffic issues have been assessed earlier in this report under Paragraphs 202 to 205 earlier in this report and found to achieve an acceptable outcome.

(g) It is noted that discussions at the public consultation meeting with residents which clarified the location of an on-street loading bay area outside of the subject site within Swan Street partly allayed some concerns relating to the proposed waiver of loading bay requirements associated with the proposed development.

Waste collection issues;

(h) The applicant has provided revised drawings which demonstrate an ability to undertake all waste collection within the basement levels and therefore avoiding the need for vehicle to stop in Beissel Street for this purpose.

(i) A condition of permit would be included to formalise the basement revisions and associated Waste Management Plan details to this effect as discussed earlier in this report under Paragraphs 168 to 170.

Inadequate on-site parking;

(j) Issues relating to car parking have been assessed earlier in this report under Paragraphs 189 to 201 and found to achieve an acceptable outcome.

Lack of on-site loading bay;

(k) It is considered that the waiver of loading bay requirements for the proposed shop and food and drinks premises are appropriate in light of the existing, on-street loading area which is located adjacent to the subject site within Swan Street.

Inadequate ESD response;

(l) The application has been reviewed by council's ESD advisor who is generally satisfied with the proposal subject to the conditions outlined earlier in this report under Paragraphs 145 to 148.

Conclusion

215. The proposal is considered to be acceptable having regard to the relevant State and Local policies, the Commercial 2 Zone and relevant Particular Provisions under the Yarra Planning Scheme as outlined in the above assessment and should therefore be approved, subject to conditions.

RECOMMENDATION

That having considered all relevant planning controls and policies, it is recommended that a Notice of Decision to Grant Planning Permit PLN16/0603 be issued for development of the land for a seven storey office building, including use of the ground floor as a Food and Drinks Premises and Shop, alteration of access within a Road Zone Category 1, reduction in car parking requirements and waiver of loading bay requirements at 345 Swan Street, Richmond, generally in accordance with the decision plans dated 15 September, 2016 and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with all dimensions noted and three copies must be provided showing:

   (a) Details generally in accordance with the sketch plans (dated 1 February 2017) showing:
      (i) Garbage storage and collection located within basement level 01.
      (ii) Bicycle parking introduced to Ground Floor with entry from Beissel Street, including introduction of Ground Floor M/F and Disabled Shower facilities.
      (iii) Increase in Bicycle parking (from 47 to 51);
      (iv) Swan Street office entrance widened from 2.2m to 5.5m;
      (v) Levels 4 and 5 set back no less than 2.1m from the west parapet;
      (vi) The west-facing wall at level 6 set back no less than 10.9m from the western boundary;
      (vii) Laneway paved surface treatment revised (deletion of steps);
      (viii) Revisions to roof terrace plan to introduce a roof garden to north edge;
      (ix) Installation of a self-closing flood barrier to the basement entrance.

   and further modified to show:

   (b) Parking space 01 of Basement level 02 provided with signage indicating its designation as a 'small car space';
   (c) Swept path diagrams for space 03 in Basement level 01 using B85 design vehicle;
   (d) The western-abutting laneway reconstructed to the satisfaction of council, at cost to the permit holder;
   (e) Paving or other permanent treatments to delineate public areas from privately owned land;
   (f) treatments or screening to the north-facing walls/windows to avoid unreasonable overlooking to the dwellings as approved under Planning Permit PLN14/0581 at No.63-65 Glass Street, Richmond, generally in accordance with the objectives under Standard B22 – *Overlooking* under clause 55 of the Scheme;

(g) any requirements associated with changes to the ESD report as required by 3 of this permit.

2. The use and development 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. Before the development commences, an amended Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainability Management Plan will be endorsed and will form part of this permit. The amended Sustainability Management Plan must be generally in accordance with the Sustainable Design Assessment prepared by Wood and Grieve Engineers and dated 28/6/2016, but modified to include or show:

   (a) more information on the building shell's improvement on the minimum NCC energy efficiency standards through DTS provision JV3 modelling, or equivalent

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

5. The provisions, recommendations and requirements of the endorsed Waste Management Plan (Leigh Design, 19/12/17) must be implemented and complied with to the satisfaction of the Responsible Authority.

6. The provisions, recommendations and requirements of the endorsed Tree Management Plan by Tree Logic (8 September, 2016) must be complied with and implemented to the satisfaction of the Responsible Authority.

7. Except with the prior written consent of the Responsible Authority, the Shop and Food and Drinks (café) uses authorised by this permit may only operate between the hours of 7:00am and 11:00pm.

8. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level.

9. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.

10. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

11. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

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

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

    to the satisfaction of the Responsible Authority.

13. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

14. Prior to the commencement of works, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings) of the Beissel Street road profile (centre line of road pavement to property line). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The existing road profile of Beissel Street and the ramp inside the property (for the first 2.0 metres) must be accurately drawn. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.

15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the western-abutting laneway must be reconstructed to the satisfaction of the Responsible Authority.

16. 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.

17. 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.

18. 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) at the permit holder's cost; and
    (c) to the satisfaction of the Responsible Authority.

19. 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.

20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to Swan Street, the basement car park, laneway and Beissel Street entrances must be provided within the property boundary. Lighting must be:

    (a) located;
    (b) directed;
    (c) shielded; and

(d) of limited intensity,

to the satisfaction of the Responsible Authority.

21. 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.

22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the self-closing flood barrier must be installed to the basement ramp. Once installed, the barrier must be operated, regularly maintained and inspected in accordance with the manufacturers' specifications.

23. Before the building 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.

24. 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.

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; or
    (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

VicRoads Conditions (condition 26 only)

26. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use of the buildings hereby approved.

27. 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; or
    (c) The use is not commenced within five years from 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 maybe required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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

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

These premises will be required to comply with the Public Health and Wellbeing Act 2008. The use must not commence until registration has been granted by Council's Health Protection Unit.

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

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.

CONTACT OFFICER: **Patrick Sutton**
TITLE: **Senior Statutory Planner**
TEL: **9205 5357**

Attachments

1 Sitemap
2 Floor plans
3 Elevations and Sections
4 ESD comments
5 Engineering comments
6 Engineering comments on sketch plans
7 Urban Design Comments
8 Open Space comments
9 Waste Management comments
10 VicRoads comments
11 Sketch plans
12 PLN14/0581 63-65 Glass St - Endorsed Plans

Attachment 1 - Sitemap

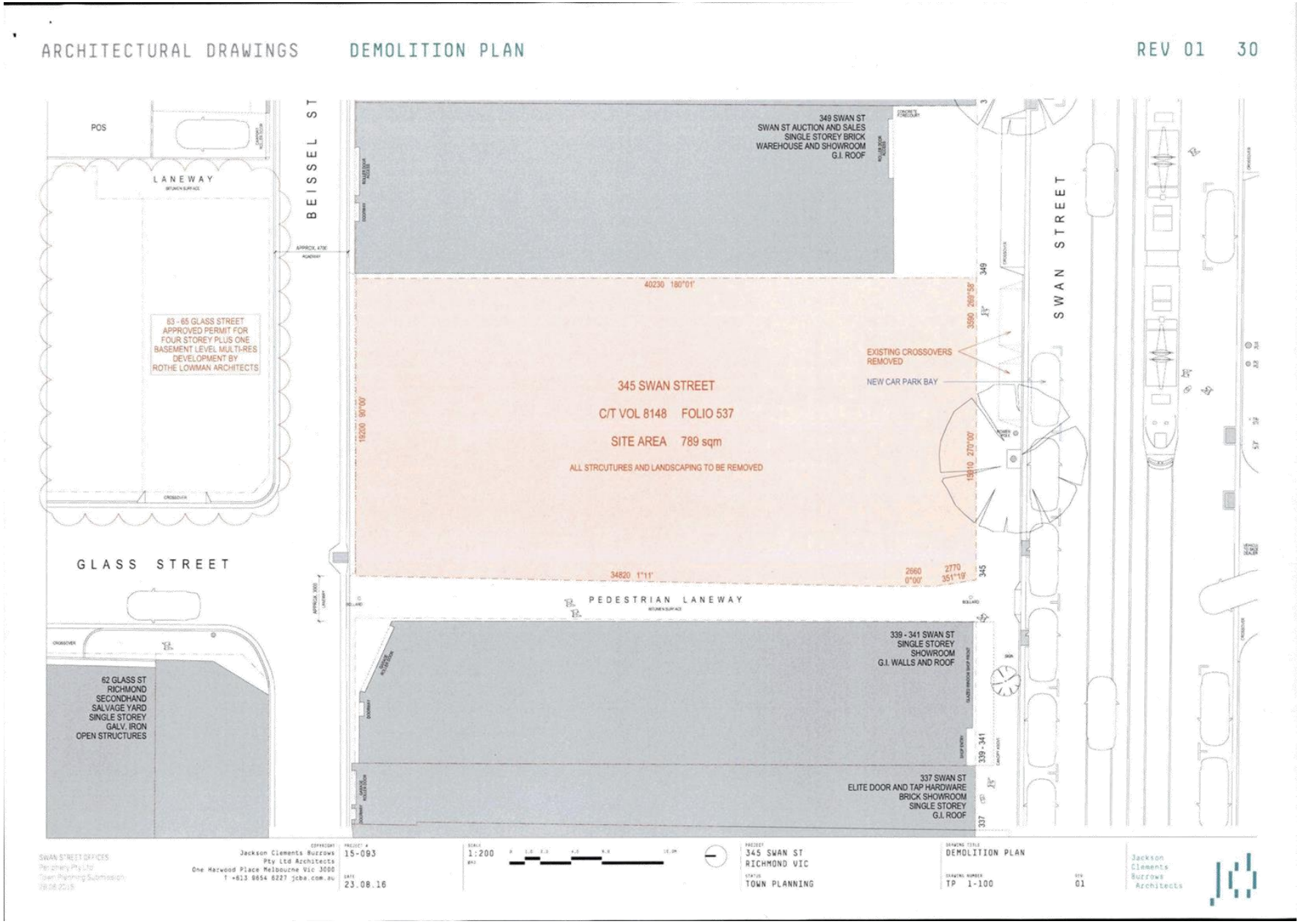
SUBJECT LAND: 345 Swan Street, Richmond



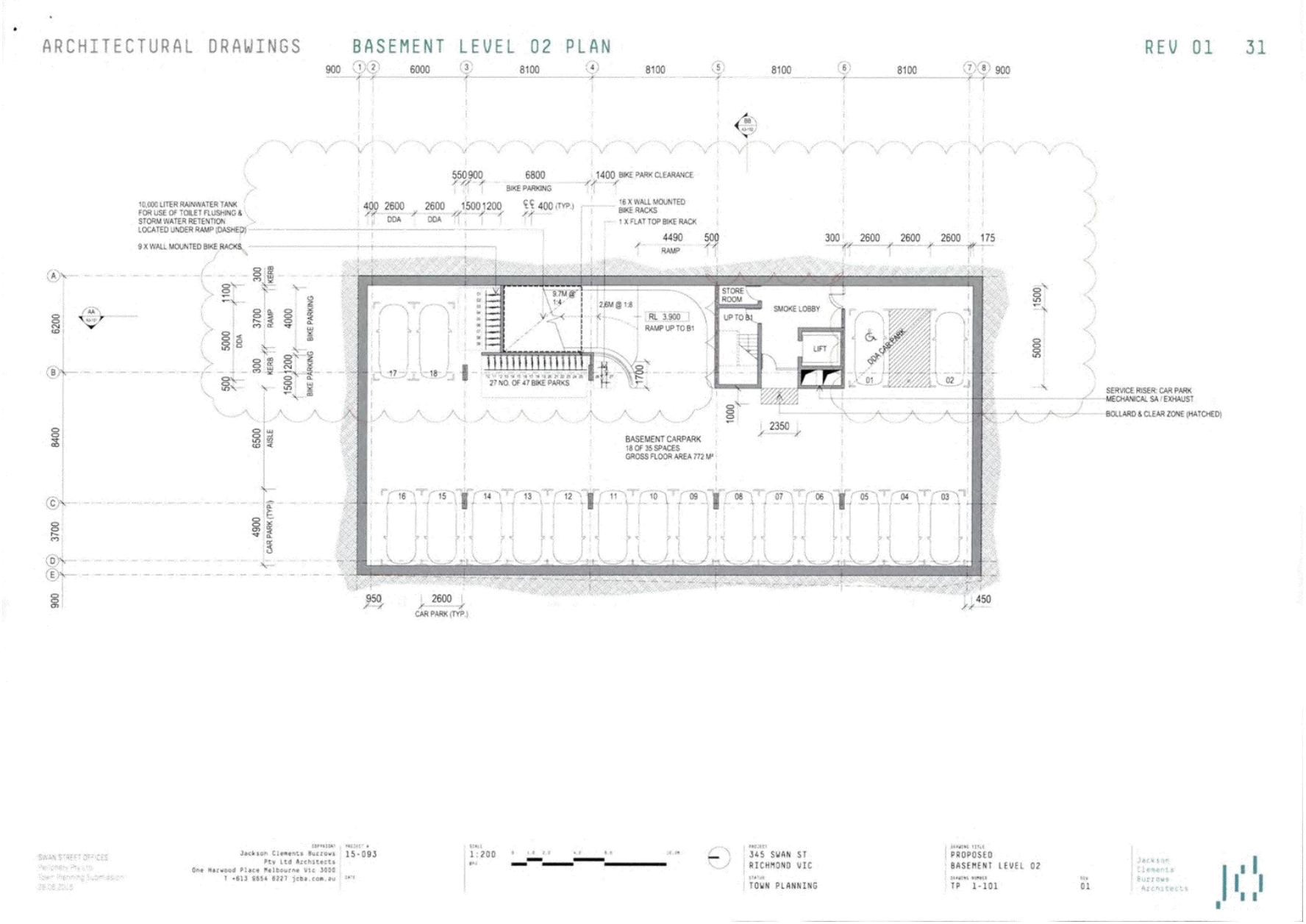
⇧ North

★Subject Site

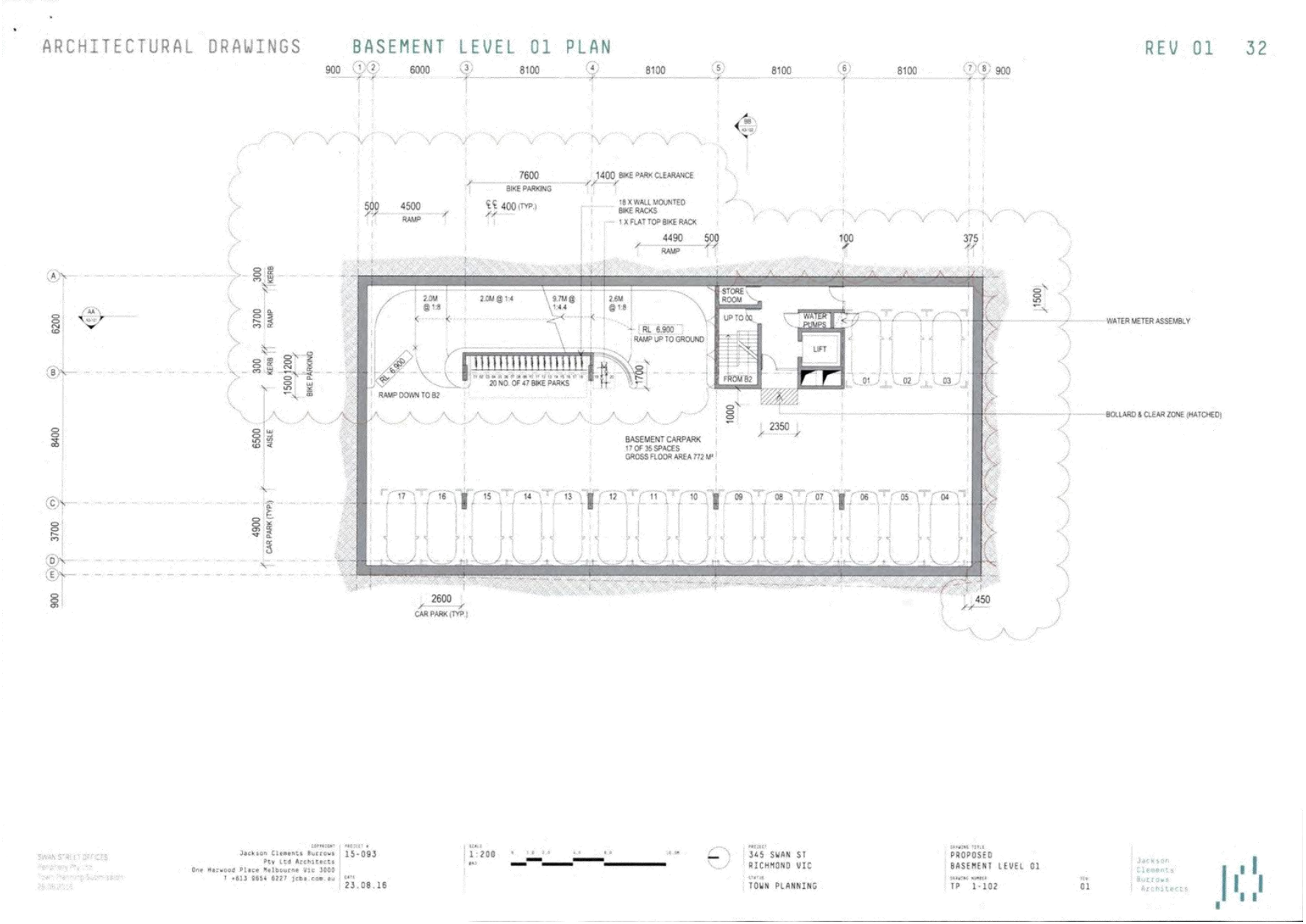
Attachment 2 - Floor plans



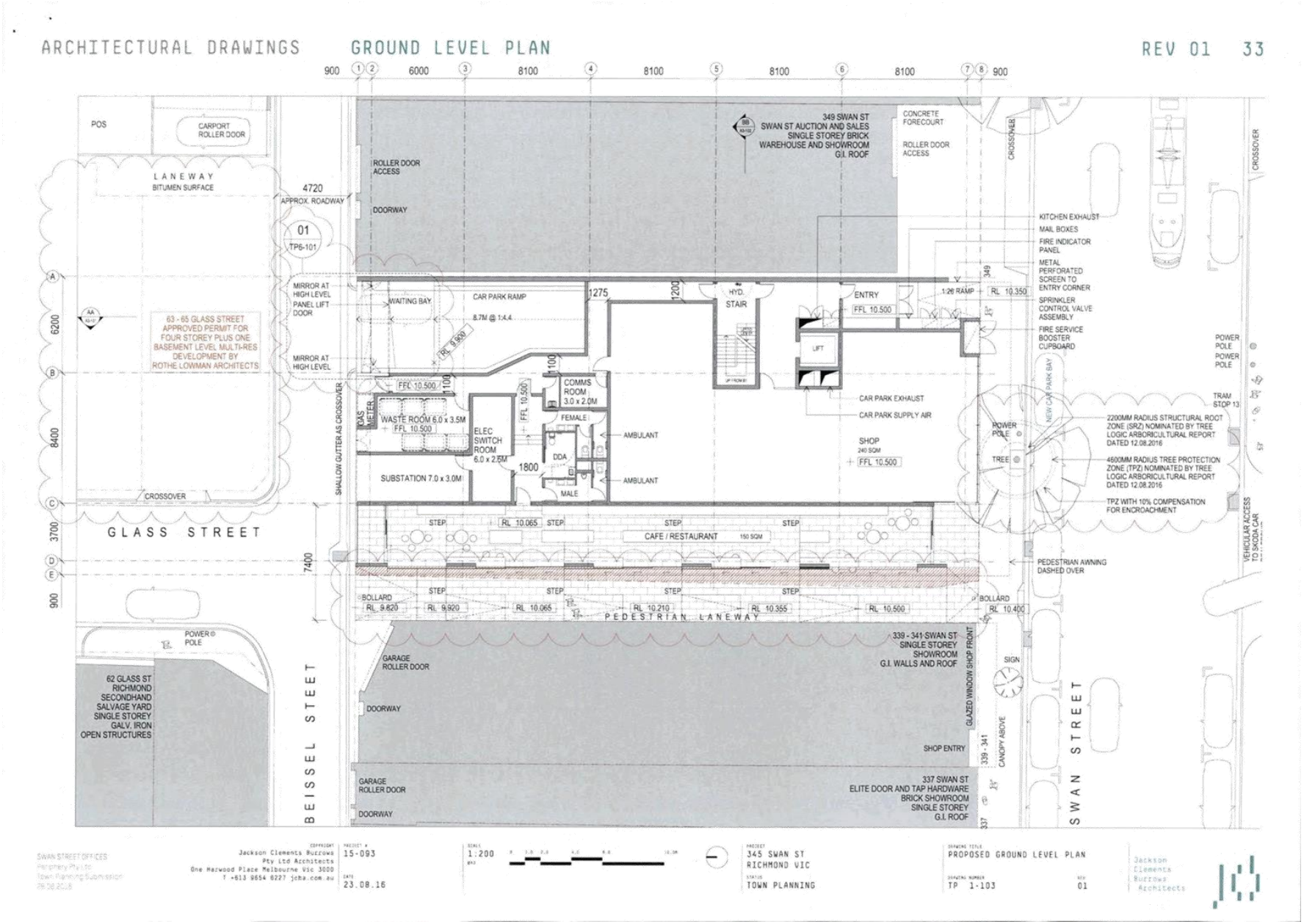
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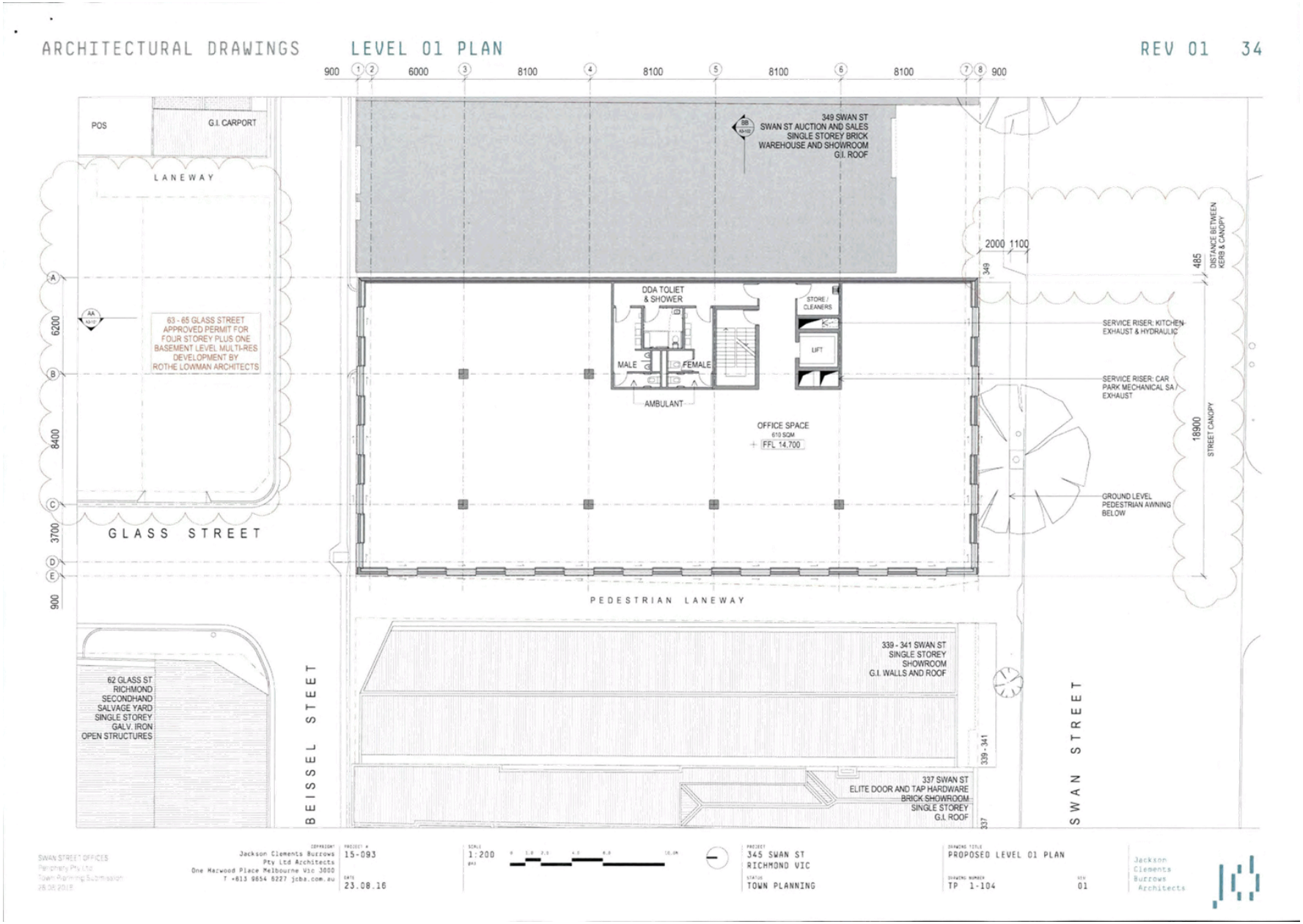
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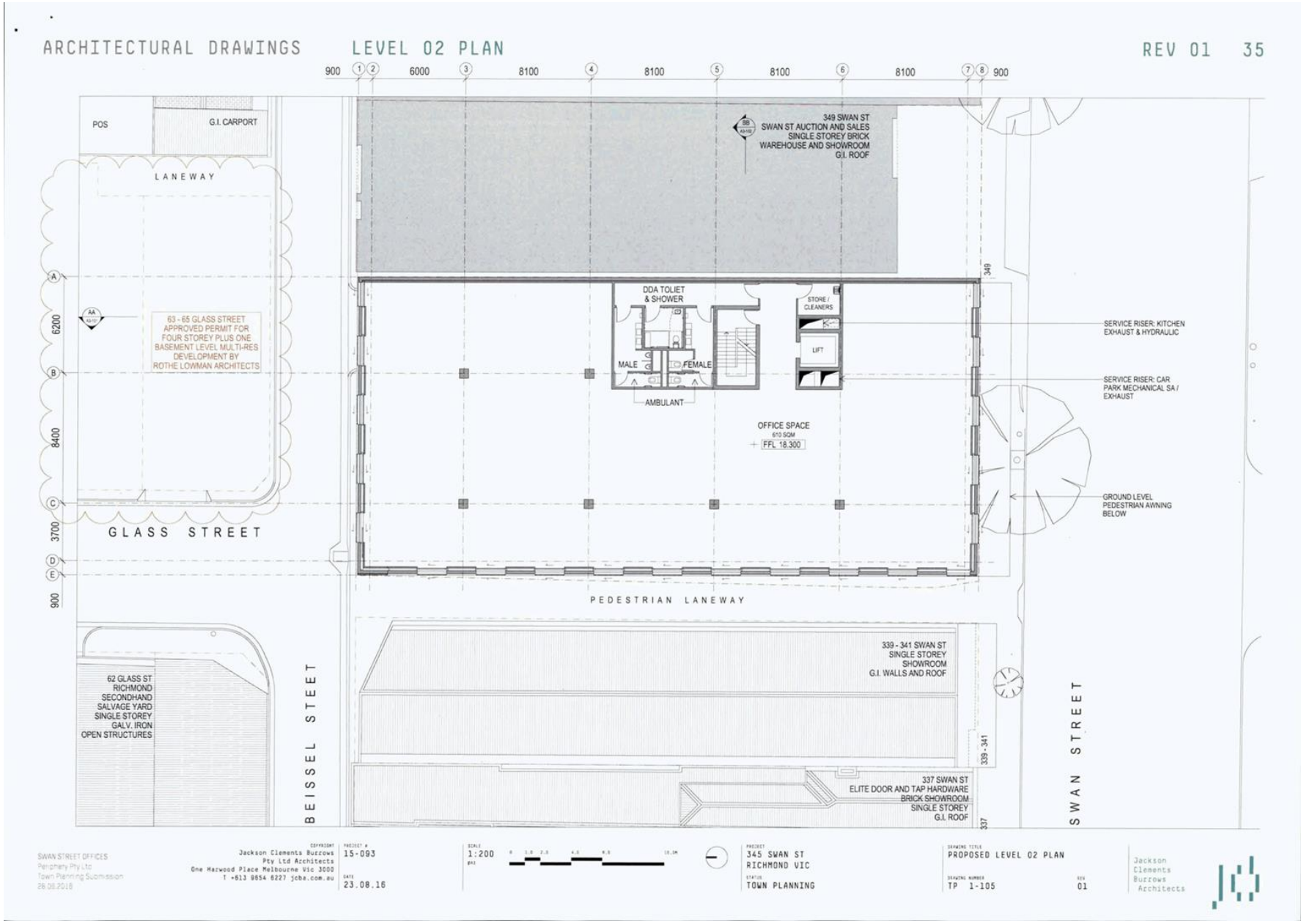
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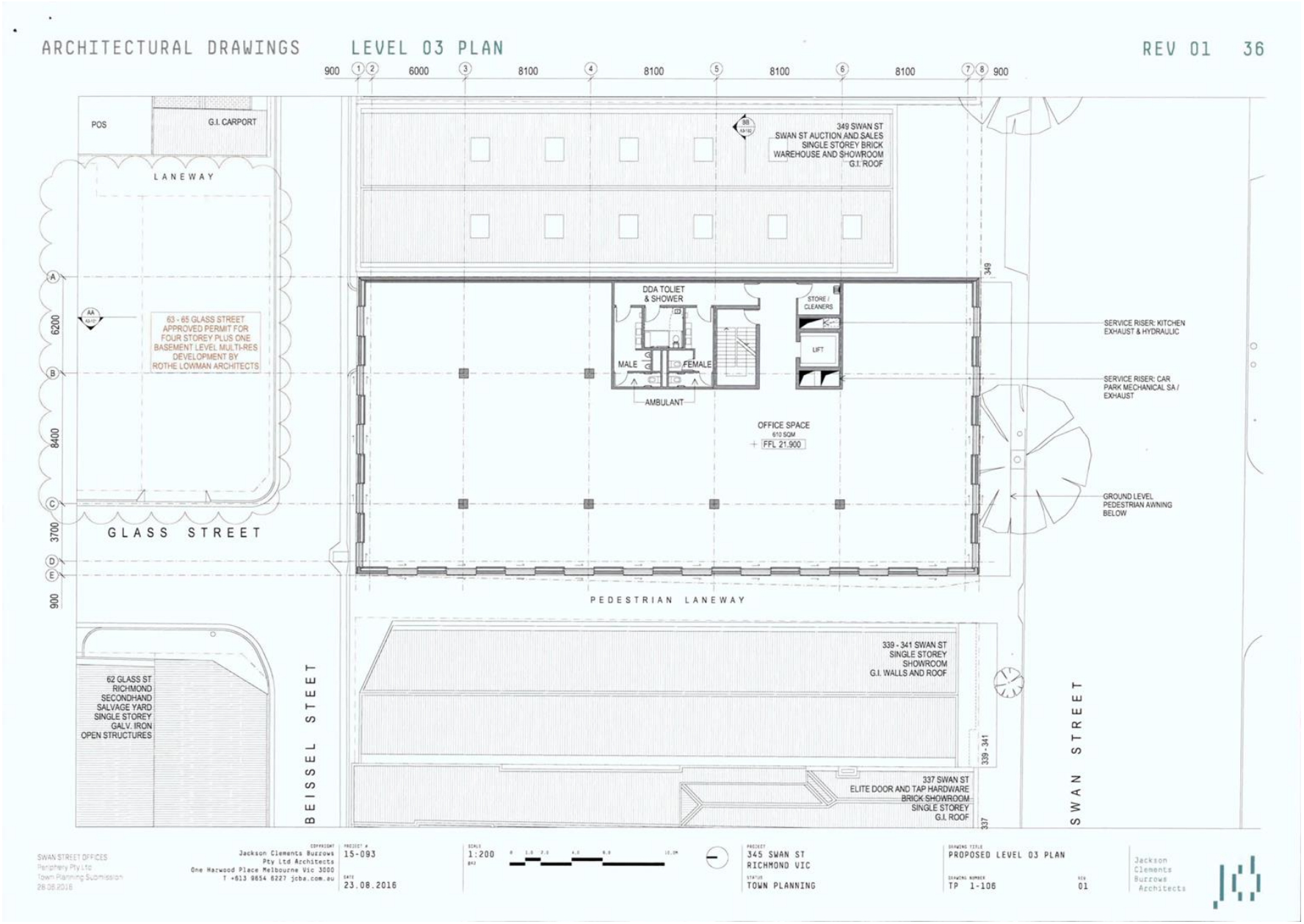
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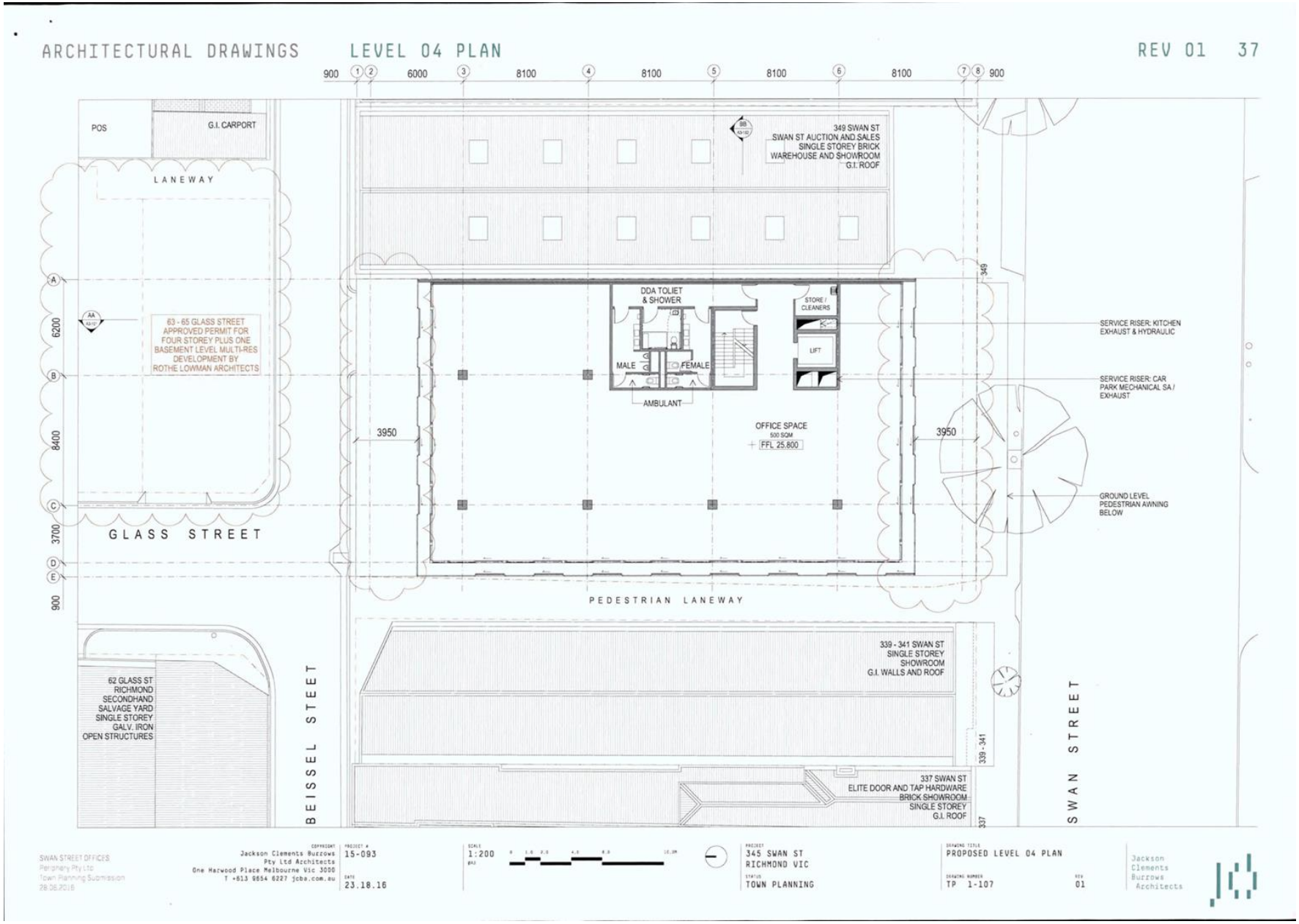
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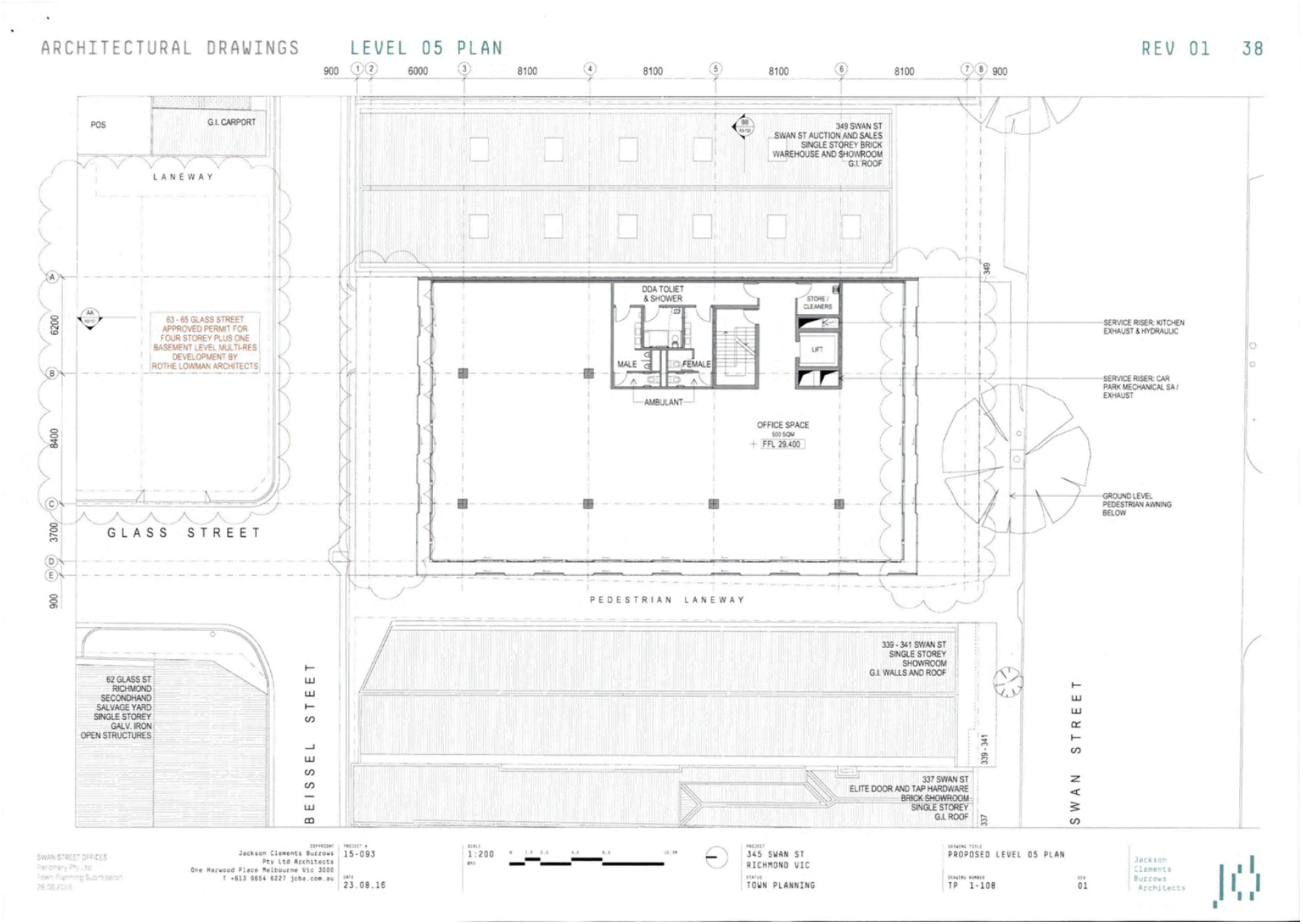
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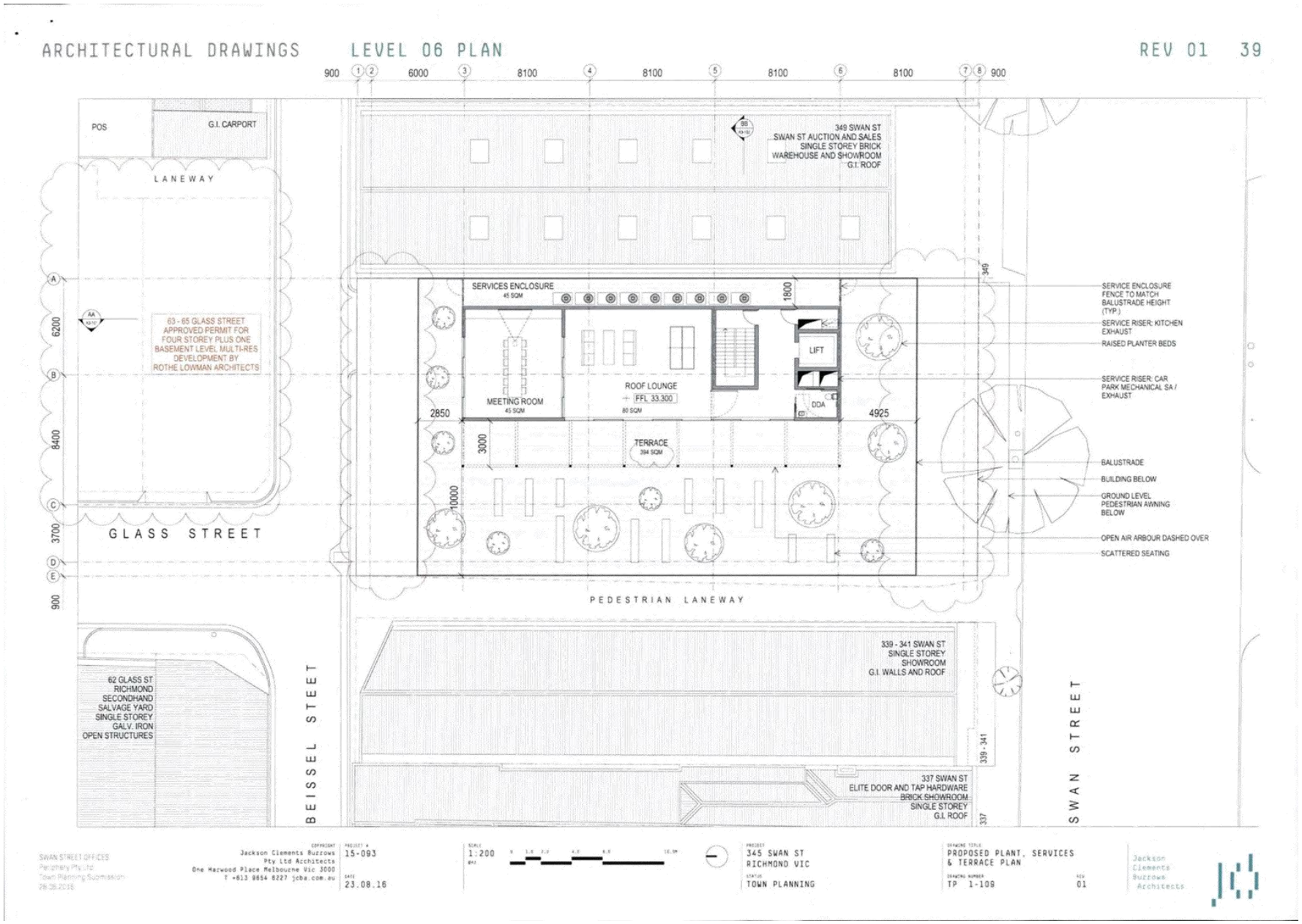
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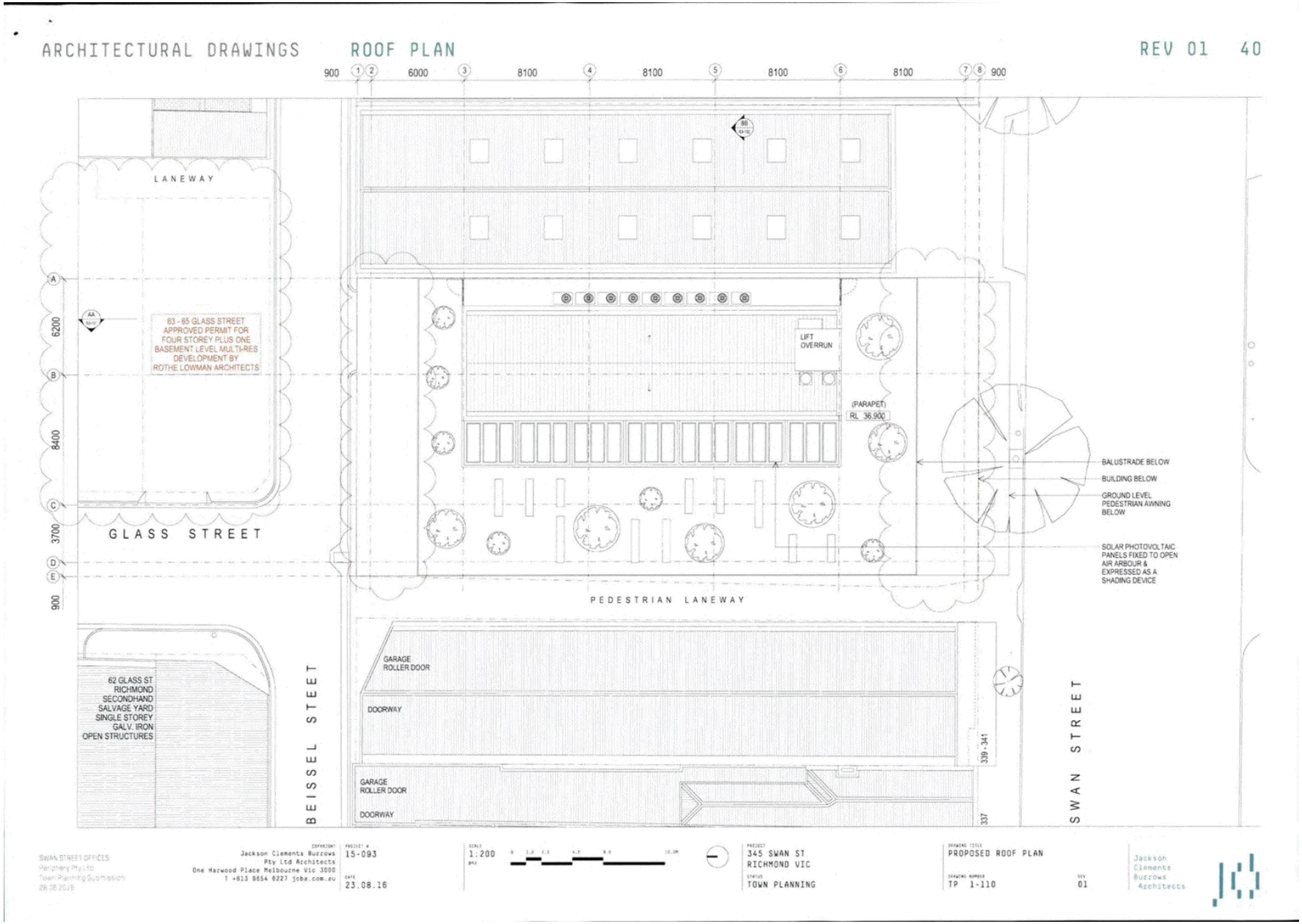
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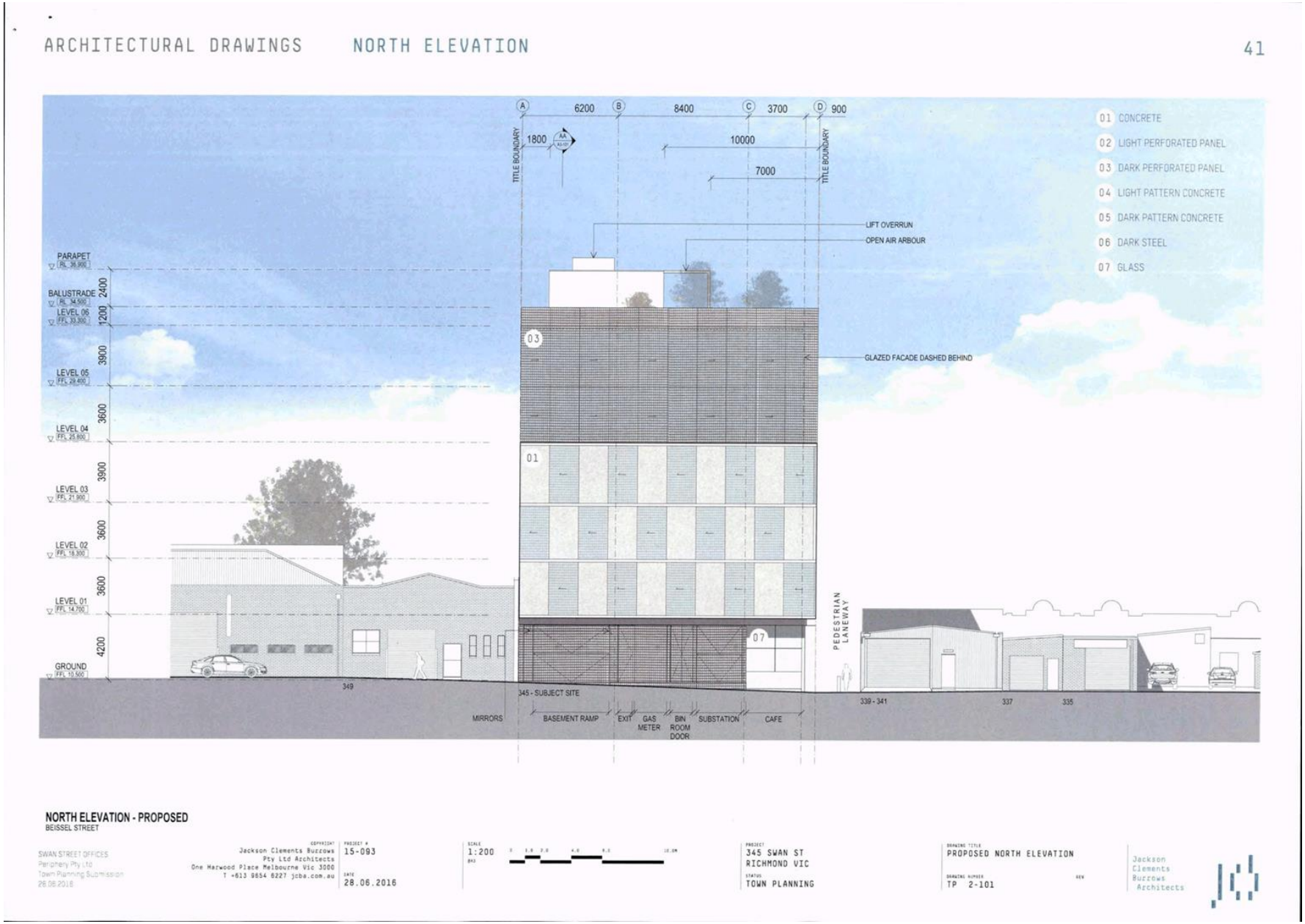
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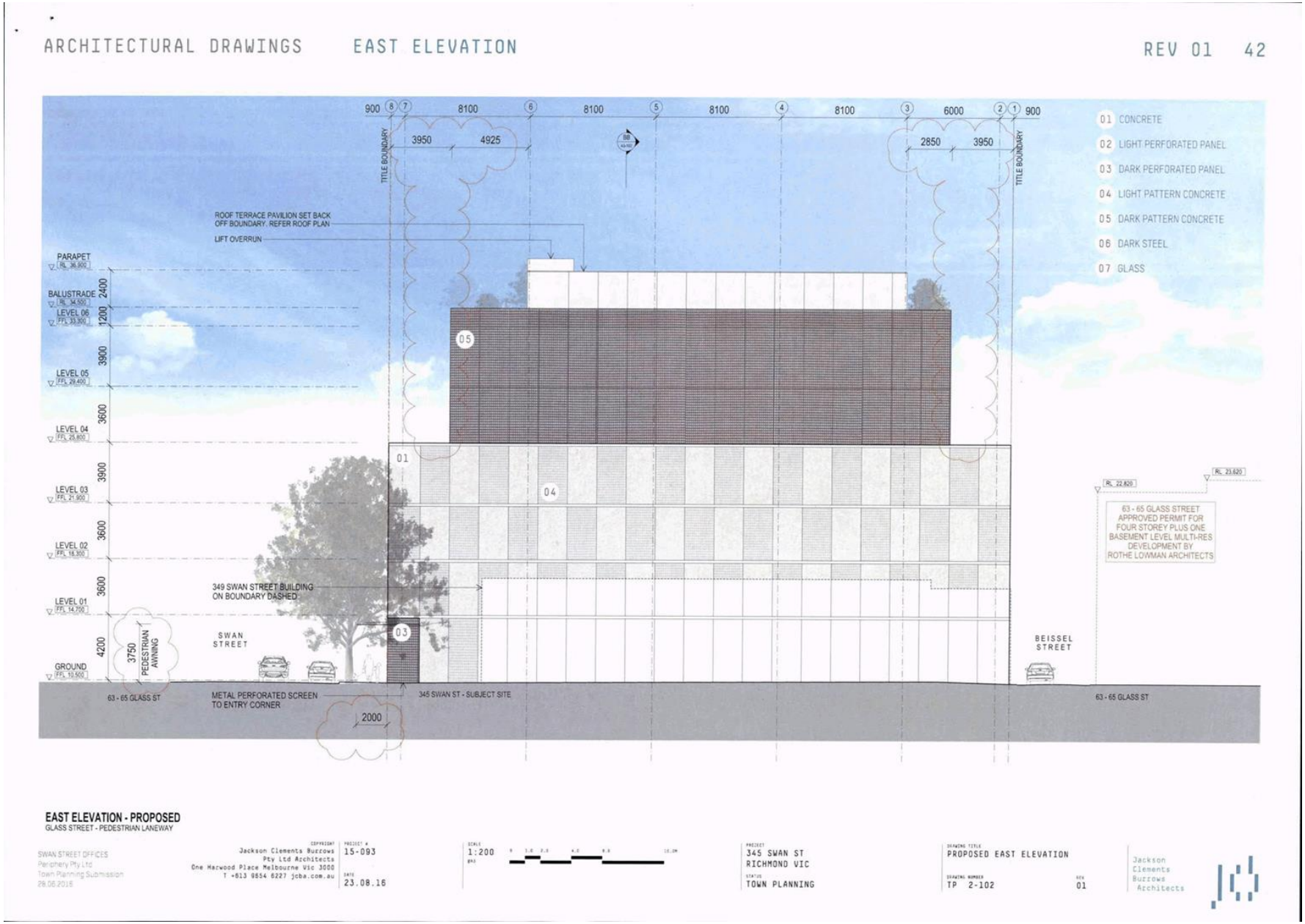
Attachment 3 - Elevations and Sections



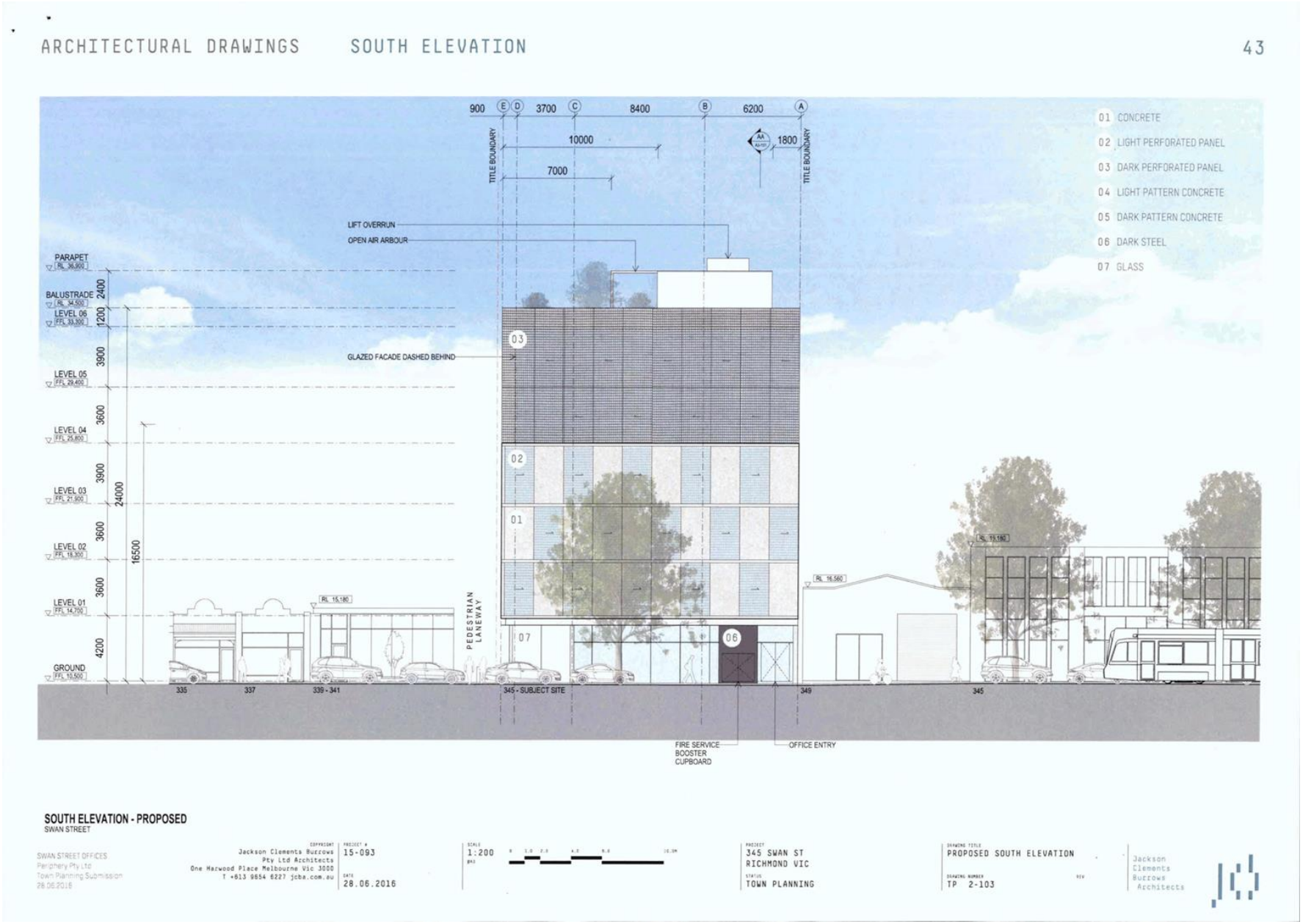
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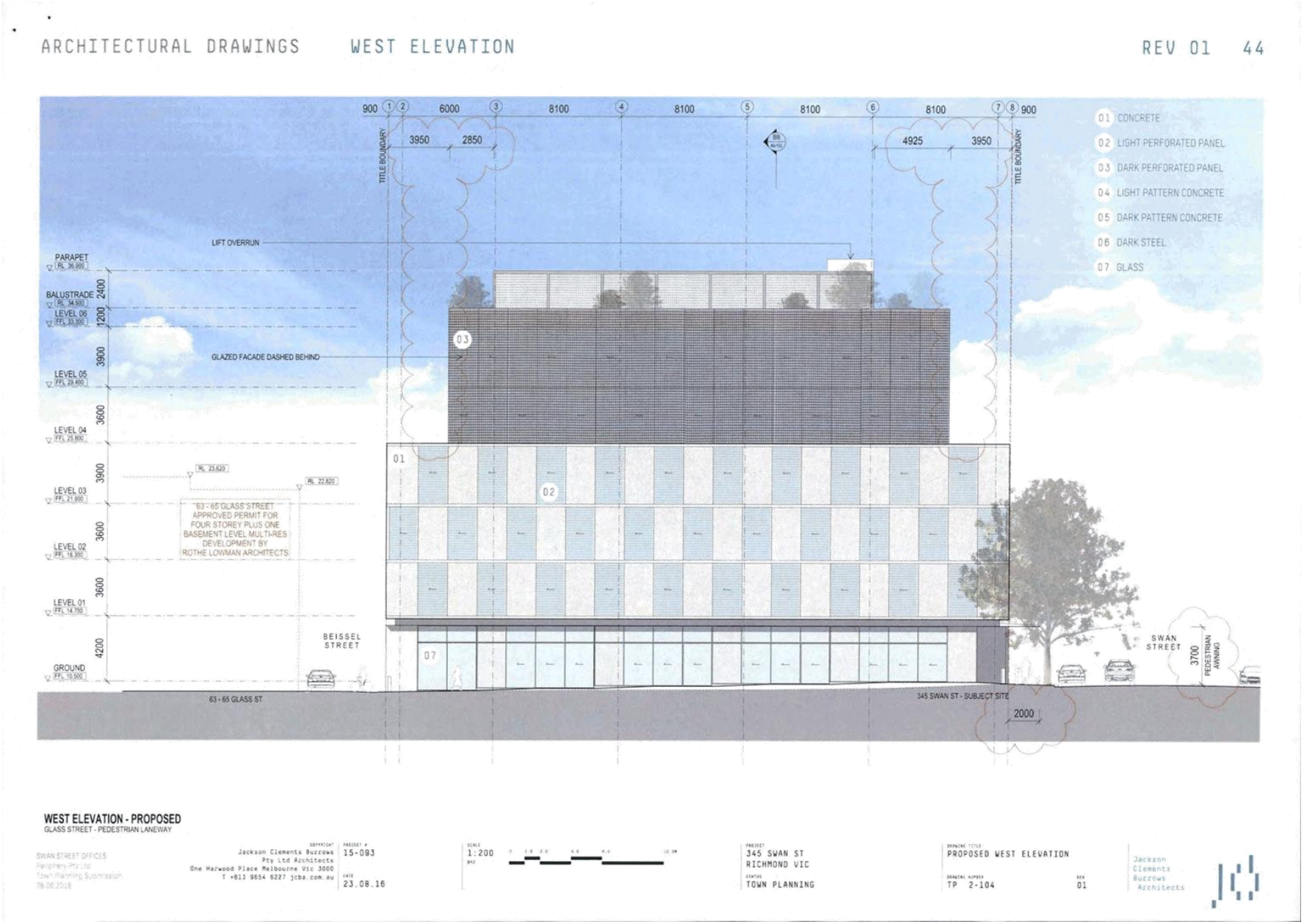
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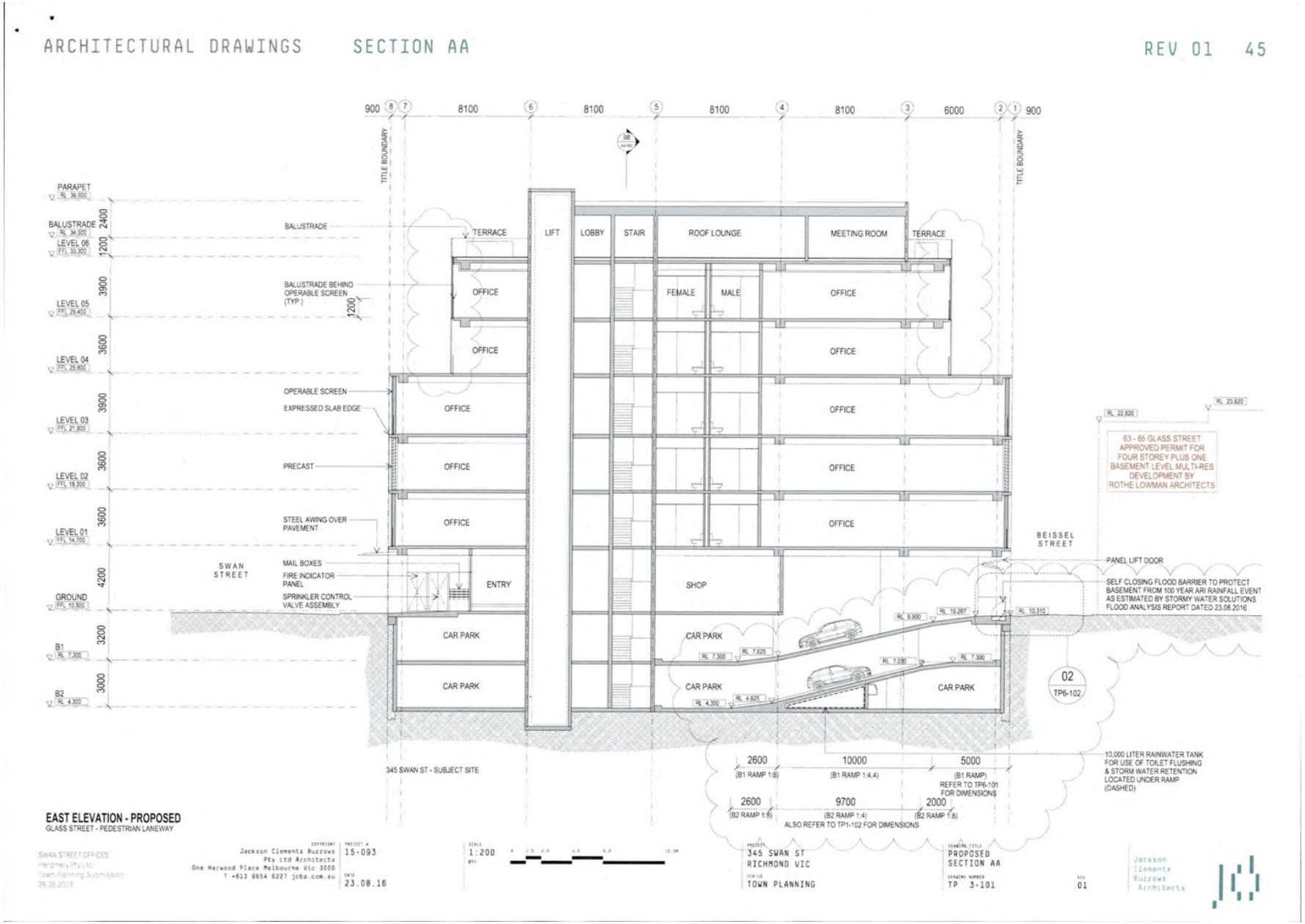
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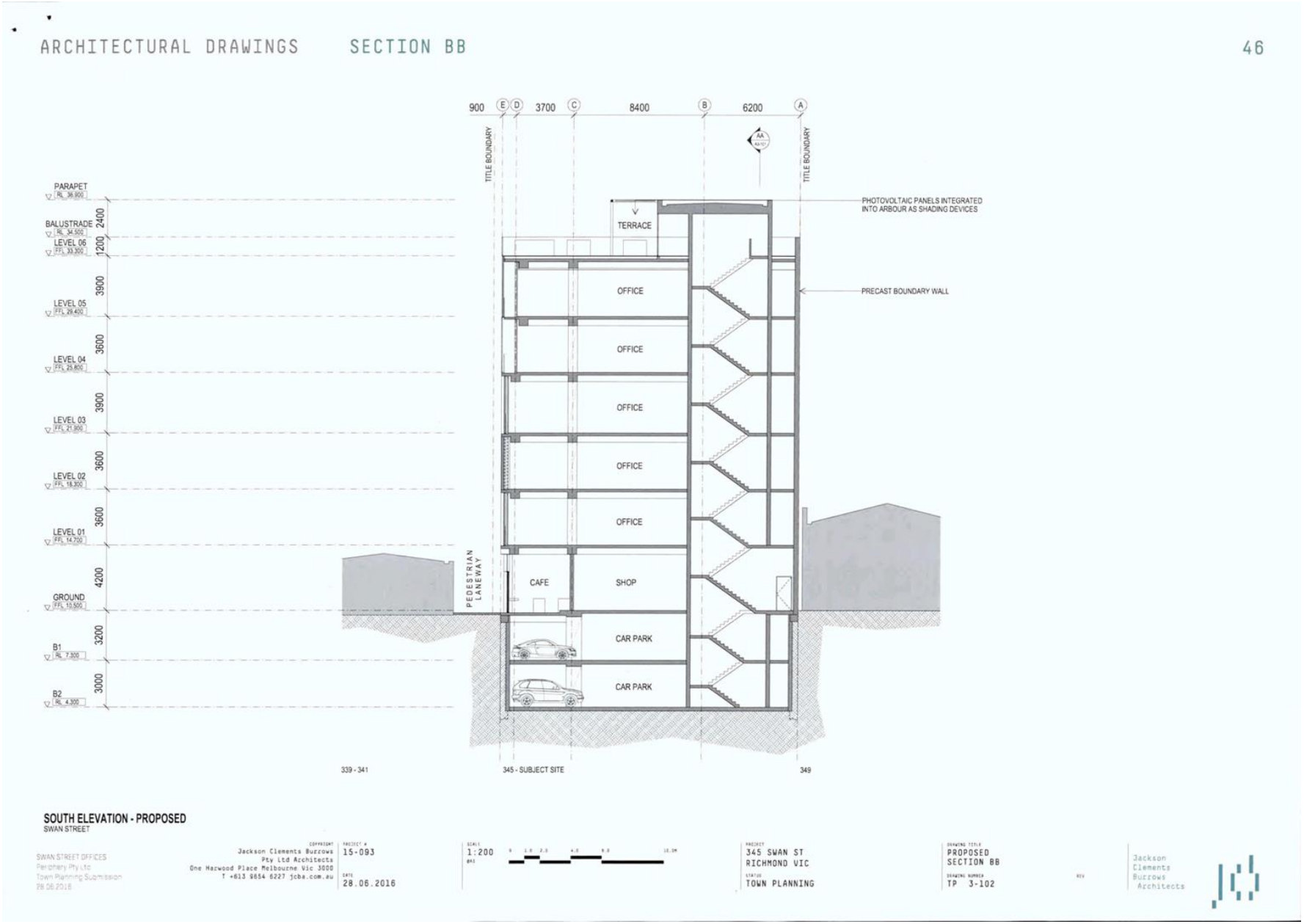
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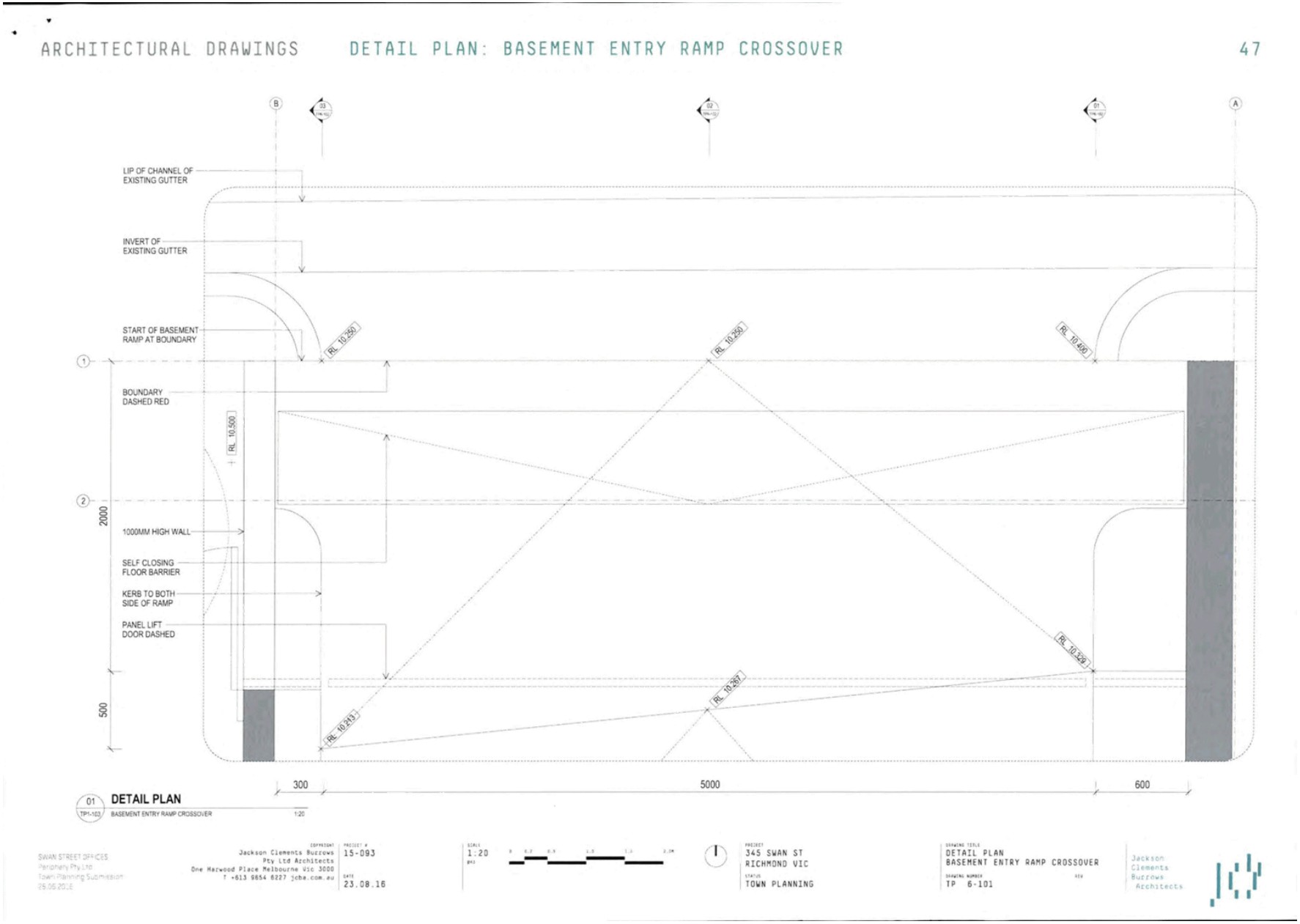
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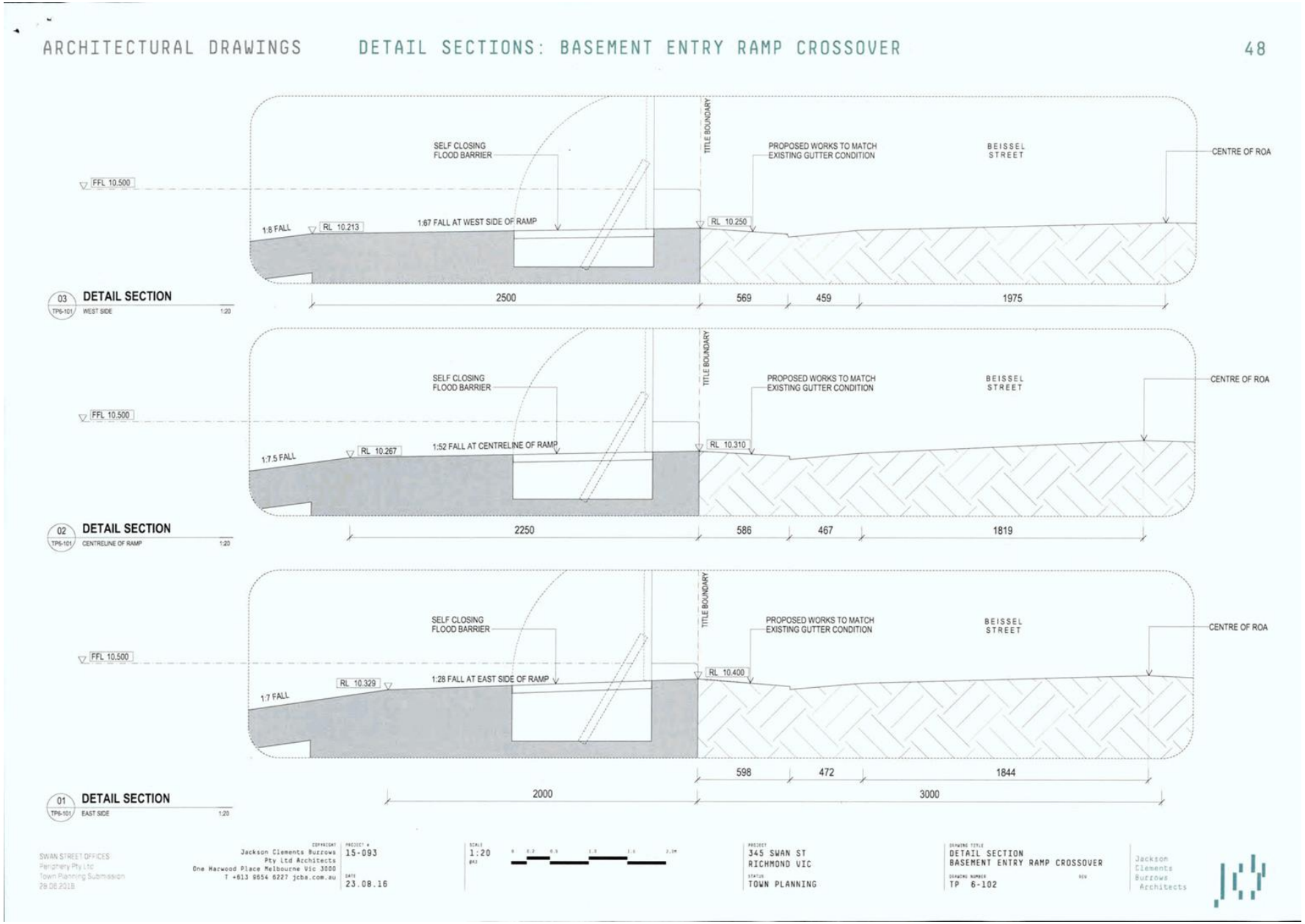
Attachment 3 - Elevations and Sections



Attachment 3 - Elevations and Sections



Attachment 3 - Elevations and Sections



Attachment 4 - ESD comments

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 'medium' planning application as it meets the category *Non-residential 1. With a gross floor area between 100 and 1000m^2*.

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.
The following comments are based on the review of the architectural drawings, prepared by *Jackson, Clements, Burrows (Received 15.09.2016)* and the accompanying SMP, prepared by *Wood & Grieves (received 07.07.2016).*

Attachment 4 - ESD comments

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



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Attachment 4 - ESD comments

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



Assessment Summary:

Responsible Planner:	Patrick Sutton
ESD Advisor:	Euan Williamson
Date: 04.11.2016	Planning Application No: PLN16/0603
Subject Site:	345 Swan Street, Cremorne
Site Area: Approx. 783m^2	Site Coverage: 100%
Project Description:	Seven storey office building with a ground floor café.
Pre-application meeting(s):	No ESD involvement.

The standard of the ESD largely meets 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:

- Excellent access to natural ventilation through operable windows.
- Reasonable floor depths of offices will have acceptable access to daylight. Daylight factor of 2% to 35% of office floor area.
- Exceeding minimum BCA/NCC energy efficiency standards. Unknown glazing and insulation specification.
- Exterior shading to assist with heat gain, glare and thermal comfort.
- A STORM report with a score of 137% has been received which relies on the entire 789m^2 of roof connected to all toilets for flushing.
- A min 3.5 kW solar PV array installed on the rooftop.
- High efficiency VRV heating and cooling system.
- Energy efficient lighting with occupancy/daylight sensor controls throughout.
- Water efficient fixtures throughout.
- 47 bicycle spaces for ~2,800m^2 of office and shop.

(2) Application ESD Deficiencies:

- Recommend that end of trip facilities (showers and lockers) are provided for staff to encourage cycling to work.

(3) Outstanding Information:

- Please provide more information on the building shell's improvement on the minimum NCC energy efficiency standards, through DTS provisions, JV3 modelling, or equivalent.

(4) ESD Improvement Opportunities:

- Consider providing electric vehicle charging facilities in the carpark.
- Consider using a percentage of recycled concrete.
- Recommend that all timber used onsite to be FSC 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

Attachment 4 - ESD comments



reference to the individual categories. The applicant is also encouraged to seek further advice or clarification from Council on the individual project recommendations.

Attachment 4 - ESD comments

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	Excellent access to natural ventilation through operable windows.	-	1
Daylight & Solar Access	Reasonable floor depths of offices will have acceptable access to daylight. Daylight factor of 2% to 35% of office floor area.	-	1
External Views	External views from most areas office spaces.	-	1
Hazardous Materials and VOC	All paints, adhesives, sealants and carpets will be low VOC type.	-	1
Thermal Comfort	Good thermal comfort is determined through a combination of good access to ventilation, balanced passive heat gains and high levels of insulation. The application proposes for the office areas: - Excellent access to natural ventilation - Exterior shading to manage heat gains - Good thermal efficiency standards.	Please refer to section on, *NCC Energy Efficiency Requirements Exceeded* and *Effective Shading*	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 4 - ESD comments

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	Exceeding minimum BCA/NCC energy efficiency standards. Unknown glazing and insulation specification.	Please provide more information on the building shell's improvement on the minimum NCC energy efficiency standards, through DTS provisions, JV3 modelling, or equivalent.	3
Hot Water System	Instantaneous electric hot water system.	-	1
Peak Energy Demand	No specific information has been provided.	-	1
Effective Shading	Exterior shading to assist with heat gain, glare and thermal comfort.	-	1
Efficient HVAC system	High efficiency VRV heating/cooling system.	-	1
Efficient Lighting	Energy efficient lighting with occupancy/daylight sensor controls throughout.	-	1
Electricity Generation	A min 3.5 kW solar PV array installed on the rooftop.	-	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: 2. Energy Efficiency
House Energy Rating www.makeyourhomegreen.vic.gov.au
Building Code Australia www.abcb.gov.au
Window Efficiency Rating Scheme (WERS) www.wers.net
Minimum Energy Performance Standards (MEPS) www.energyrating.gov.au
Energy Efficiency www.resourcesmart.vic.gov.au

Attachment 4 - ESD comments

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	The following WELS water efficiency standards have been specified: • Tapware: 5 Stars • Toilets: 5 Stars • Showerheads: 3 Star	-	1
Water for Toilet Flushing	Toilets to be connected to 10,000 litre rainwater tank for flushing.	-	1
Water Meter	Water metering for individual tenants.	-	1
Landscape Irrigation	No specific information has been provided.	Recommend using rainwater to irrigate roof landscaping.	4
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 4 - ESD comments

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 score of 137% has been received which relies on the entire 789m^2 of roof connected to a 10,000 litre tank and connected to all toilets.	-	1
Discharge to Sewer	-	-	-
Stormwater Diversion	-	-	-
Stormwater Detention	-	-	-
Stormwater Treatment	-	-	-
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 4 - ESD comments

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	No specific information has been provided.	-	1
Embodied Energy of Concrete and Steel	Recycled reinforcing steel.	Consider using a percentage of recycled concrete.	4
Sustainable Timber	No information has been provided.	Recommend that all timber used onsite to be FSC accredited.	4
Design for Disassembly	No information has been provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	1
Others	-	-	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 4 - ESD comments

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	Reduction in car parking provided.	-	1
Bike Parking Spaces	47 bicycle parking spaces have been provided for staff.	47 bicycle spaces for ~2,800m^2 of office and shop.	1
End of Trip Facilities	No information has been provided.	Recommend that end of trip facilities (showers and lockers) are provided for staff to encourage cycling to work.	2
Car Share Facilities	No information has been provided.	-	1
Electric vehicle charging	No information has been provided.	Consider providing electric vehicle charging facilities.	-

*** 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 4 - ESD comments

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	Waste Management Plan will be produced.	-	1
Operational Waste Management	Waste system with different bins for recycling and general waste streams.	-	1
Storage Spaces for Recycling and Green Waste	Area for separate waste bins at rear of the building on ground floor.	-	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: 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 4 - ESD comments

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.	-	NA
Maintaining / Enhancing Ecological Value	Rooftop terrace landscaping will marginally improve the ecological value of this site.	-	1
Reclaiming Contamin. Land	No information has been provided.	-	NA
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: 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 4 - ESD comments

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*
Significant Enhancement to the Environmental Performance	-	-	-
Innovative Social Improvements	-	-	-
New Technology	-	-	-
New Design Approach	-	-	-
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: 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 4 - ESD comments

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	Commissioning and tuning to ensure the building is completed as designed.	-	1
Building Users Guide	No information has been provided.	Consider producing a Building Users Guide detailing the sustainability features of the building and sustainable transport options in the area, and provide BUG to building users.	1
Contractor has Valid ISO14001 Accreditation	No information has been provided.	-	1
Construction Management Plan	An Environmental Management Plan will be developed by the building contractor to monitor and control activities undertaken during construction.	-	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 4 - ESD 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 5 - Engineering comments

CITY OF YaRRA

MEMO

To:	**Patrick Sutton**	
From:	**Mark Pisani**	
Date:	**25 November 2016**	
Subject:	**Application No:**	**PLN16/0603**
	Description:	**Seven Storey Office Building**
	Site Address:	**345 Swan Street, Richmond**

I refer to the above Planning Application received on 14 October 2016 and the accompanying report prepared by Traffix Group in relation to the proposed development at 345 Swan Street, Richmond. Council's Engineering Services unit provides the following information:

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
Office	2,702	3.5 spaces per 100 m^2 of net floor area	94	33
Food and Drink	150 m^2	4 spaces per 100 m^2 of leasable floor area	6	1
Retail	240 m^2	4 spaces per 100 m^2 of leasable floor area	9	1
		Total	**109 Spaces**	**35 Spaces**

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

Car Parking Demand Assessment

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

- *Parking Demand for Office Use*. Parking associated with office type developments is generally long-stay parking for employees and short term parking (say up to two hours' duration) for customers and clients. The actual parking demand generated by the office is expected to be lower than the statutory parking rate of 3.5 spaces per 100 square metres of floor space, since the area has very good access to public transport services.

  The proposed office would have a car parking provision rate of 1.22 spaces per 100 square metres (33 on-site spaces for 2,702 square metres of floor area). By comparison, an office development at 33 Balmain Street, Cremorne, was approved with an on-site car parking provision of 0.78 spaces per 100 square metres with an office floor area of 1,788.1 square

Attachment 5 - Engineering comments

metres with 14 on-site car parking spaces (Planning Permit PLN15/0309 issued on 21 October 2015). We are satisfied that the office parking rate of 1.22 spaces per 100 square metres for the proposed development is appropriate given the site's excellent accessibility to public transport services.

- *Parking Demand associated with the Retail and Food and Drink Uses*. Both the retail and food and drink premises uses have been allocated one on-site car parking each. It is agreed that these two uses would not function as specific destinations in their own right and that the shop and the café would attract persons who work or reside locally as well as visitors who are already in the Swan Street area. According to Traffix Group, the staff parking demand at these two uses would constitute 30 per cent of the parking demand. Customers would park off-site or use alternative forms of transport.
- *Availability of Public Transport in the Locality of the Land*. The site is within walking distance of tram services along Swan Street. Rail services can be obtained from Burnley railway station.
- *Multi-Purpose Trips within the Area*. Customer and clients to the development might combine their visit by engaging in other activities or business whilst in the area.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking*. Traffix Group had conducted on-street parking occupancy surveys of the area surrounding the site on Friday 26 February 2016 from 1:30pm to 8:00pm and on Saturday 27 February 2016 from 12:00pm to 8:00pm. The survey area encompassed Swan Street (Coppin St to Burnley St) and sections of Duke Street, Lord Street, Glass Street, Edinburgh Street and Beissel Street. An inventory ranging from 123 to 150 publicly available parking spaces was identified. The extent and times of the survey are considered appropriate. The results of the survey indicated that the peak parking occupancy of 91 per cent had occurred at 1:30pm on the Friday, with a minimum of 14 vacant spaces recorded. The streets within the survey area have capacity to accommodate short stay car parking demand from the site.
- *Car Parking Deficiency associated with Existing Land Use*. According to Traffix Group, the site is currently vacant and had once been used as a retail premises. With an area of around 789 square metres, the use would have generated a parking requirement of 25 spaces. The site had three on-site car parking spaces, which would have result in a parking shortfall of 22 spaces. If an empirical retail parking rate of 2 spaces per 100 square metres of leasable floor area were to be used, the site would have had an off-site parking demand of nine spaces. Historically, the site would have accommodated its short stay parking demand on-street. The proposed commercial floor spaces is less than that of the existing site and the short stay parking demand also be less. Any existing car parking credit could be potentially transferrable to the new development.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of parking for the proposal is considered appropriate in the context of the development and the surrounding area. Engineering Services has no objection to the reduction in the car parking requirement for this development.

TRAFFIC GENERATION
Traffix Group has adopted an office traffic generation rate of 0.5 trips per car space per peak hour and 5 vehicle trips per space per day. These rates would equate to 16 vehicle trips per peak hour and 165 vehicle trips per day. Staff traffic from the food and drink premises would generate 2 trips per day per space. These volumes are not unduly high and should not compromise the operation of Beissel Street, Glass Street or any other nearby street.

Attachment 5 - Engineering comments

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance	The entrance at Beissel Street has a clear width of 5.0 metres (in between the kerbs along the accessway). The entrance width satisfies *Design standard 1 – Accessways* of Clause 52.06-8.
Vehicle Passing Area	A vehicle passing area measuring 5.0 metres by 7.0 metres has been provided just inside the property as required by Design standard 1. The swept path diagrams showing the B99 design vehicle and the B85 design vehicle passing one another at the entrance and via Beissel Street are considered satisfactory.
Visibility at Entrance	Pedestrian sight triangles have not been provided. The installation of convex mirrors on both sides of the entrance is considered acceptable.
Vehicle Ground Clearance Check	The ground clearance check provided by Traffix Group adequately demonstrates entry and exit movements via Beissel Street using the B99 design vehicle.
Headroom Clearance at Entrance	Not dimensioned on the drawings.
Self-Closing Flood Barrier	
Specifications or Written Confirmation from Manufacturer	In principle, we have no objection to the use of a self-closing flood barrier. No details or specifications on the barrier have been provided.
Car Parking Modules	
Car Parking Spaces and Aisles	The dimensions of the car parking spaces and aisles satisfy design standard 2: Car parking spaces.
Accessible Car Parking Spaces	The dimensions of the two dedicated accessible spaces and the associated shared area satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009.
Headroom Clearance for Accessible Parking Spaces	Not dimensioned on the drawings. Should be 2.5 metres above the space as required by AS/NZS 2890.6:2009.
Column Setbacks and Depths	Not dimensioned on the drawings.
Clearance to Walls	With the exception of accessible space 02, spaces adjacent to walls have been provided with at least 300 mm clearances.
Access into and out of Space 2 – Basement Level 02	The car park detail for the swept path diagrams is very feint. Should be resubmitted to clearly show the outline of car parking bays and the outline of the internal ramps.
Turning Movements into and out of Space 03 – Basement Level 01	Swept path diagrams not provided.
Headroom Clearance - Car Parks	Not dimensioned on the drawings.

Attachment 5 - Engineering comments

Item	Assessment
Ramps and Gradients	
Ramped Accessway Width	Each ramped accessway has a clear width of 3.7 metres with 300 mm kerbs on either side. The widths satisfy the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Grade for first 5.0 metres inside Development	Along the centreline of the entrance ramp, the first 2.25 metres has a grade of 1 in 52 followed by a transition grade of 1 in 7. The average grade over the 5.0 metre length would be no more than 10%, which satisfies *Design standard 1*.
Ramp Grades and Changes of Grade	The ramp grades and changes of grade throughout the car park satisfy *Design standard 3: Gradients*.
Transition Grades	Transition grades at the base of the ramp have been provided at 2.6 metres in length in order to enable the B99 design vehicle to traverse.
Ramp Circulation – vehicle Passing	The car park detail for the swept path diagrams is very feint. Should be resubmitted to clearly show the outline of car parking bays and the outline of the internal ramps.
Visibility around Corners of Internal Ramp	None provided.

Design Items to be Addressed

Item	Details
Headroom Clearance at Entrance, along Ramped Accessways and above Accessible Spaces	To be dimensioned on the drawings prior to endorsement
Specifications or Written Confirmation from Manufacturer	The applicant must provide specifications or written confirmation from the manufacturer regarding the self-closing flood barrier.
Accessible Car Parking Spaces	It recommended that the associated shared area be reduced in width to 2.4 metres. This would increase the clearance between the wall and accessible space 02 in Basement level 02.
Column Setbacks and Depths	To be dimensioned on the drawings prior to endorsement.
Turning Movements into and out of Space 03 – Basement Level 01	Swept path diagrams are to be provided for space 03 in Basement Level 01 using the B85 design vehicle.
Visibility around Corners of Internal Ramps	Convex mirrors should be provided along the internal ramps to assist motorists.
Right of Way	All annotations of Steps and the reduced levels within the laneway must be deleted from the drawings. Altering the grades and surface levels of the laneway will adversely affect overland and disability access. The overland flow path must not be adversely affected by the proposed development works. An engineering investigation and design must be prepared for the Right of Way after the Planning Permit has been issued. Materials to be used must comply with Council's *Road Infrastructure Materials Policy*.

Attachment 5 - Engineering comments

IMPACT ON COUNCIL ROAD ASSETS

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

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

Right of Way Works

The Right of Way abutting the west side of the development is a Council controlled road and functions primarily as an overland flow path. The Right of Way has a secondary function as a pedestrian link.

The 'Steps' and level alterations within the Right of Way must be deleted from the drawings and must not be endorsed. The applicant must provide the following annotation on the drawings:

"*Right of Way to be reconstructed to Council's satisfaction and at Permit Holder's cost*".

ENGINEERING CONDITIONS

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

Civil Works – Beissel Street

- Upon the completion of all building works and connections for underground utility services, the existing concrete layback (crossing) immediately outside the property's Beissel Street road frontage must be demolished and reinstated with kerb, channel and concrete infill to Council's satisfaction and at the Permit Holder's expense.
- The full-width road pavement immediately outside the development's Beissel Street road frontage must be profiled and re-sheeted to Council's satisfaction and at the Permit Holder's expense.

Civil Works – Swan Street

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Swan Street road frontage must be re-sheeted in asphalt to Council's satisfaction and at the Permit Holder's expense.
- All redundant vehicle crossings must be demolished and reinstated to Council's satisfaction and at the Permit Holder's expense.
- All tree protection measures must be carried out to the satisfaction of Council's Open Space branch.

Right of Way Reconstruction

- Upon the completion of all building works and connections for underground utility services, the Right of Way abutting the property's western boundary must be reconstructed to Council's satisfaction and at the Permit Holder's expense.
- The applicant must prepare a detailed civil engineering design for the Right of Way works for Council assessment and approval.
- All annotations and references to steps, grades and levels within the Right of Way must be deleted from the drawings.
- The annotation - "*Right of Way to be reconstructed to Council's satisfaction and at Permit Holder's cost*" – must be provided on the drawings prior to endorsement.

Attachment 5 - Engineering comments

- The applicant must provide a clear delineation between the Public Highway and private space, to Council's satisfaction.
- The redundant vehicle crossing at the south end of the Right of Way (along the north side of Swan Street) is to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

Public Lighting

- The applicant must provide an adequate level of public lighting for pedestrian traffic in the Right of Way. All costs associated with the installation and supply of public lighting shall be borne by the Permit Holder.
- The developer must ensure that light projected from any existing, new or modified lights does not spill into the windows of any nearby dwellings. Any light shielding that may be required shall be funded by the Permit Holder.

Vehicle Crossing – Beissel Street

- The new vehicle crossing must be constructed in accordance with Council's *Infrastructure Road Materials Policy*, Council's Standard Drawings and engineering requirements.
- The applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings) of the Beissel Street road profile (centre line of road pavement to property line). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The existing road profile of Beissel Street and the ramp inside the property (for the first 2.0 metres) must be accurately drawn. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.

Self-Closing Flood Barrier

- The self-closing flood barrier must be installed, operated and regularly maintained and inspected in accordance with the manufacturer's specifications.

Preparation of Detailed Road Infrastructure Design Drawings

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

Construction Management Plan

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

Attachment 5 - Engineering comments

Road Asset Protection

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

Impact of Assets on Proposed Development

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

NON-PLANNING ADVICE FOR THE APPLICANT

Legal Point of Discharge

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

Protection of Basement

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

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

The excavation for the basement would be to a depth of in excess of 6.0 metres and it is possible that groundwater would be encountered. It is also quite probable that any groundwater discovered by the developer could be contaminated.

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

Clearances to Electrical Assets – Swan Street Road Frontage

Overhead power lines run along the north side of Swan Street, close to the property boundary.

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

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

Attachment 5 - Engineering comments

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 6 - Engineering comments on sketch plans

CITY OF YaRRA

MEMO

To:	**Patrick Sutton**	
From:	**Mark Pisani**	
Date:	**11 January 2017**	
Subject:	**Application No:**	**PLN16/0603**
	Description:	**Revised Basement Layout**
	Site Address:	**345 Swan Street, Richmond**

I refer to the above Planning Application received on 29 December 2016 in relation to the proposed development at 345 Swan Street, Richmond. Council's Engineering Services unit provides the following information:

DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance and Vehicle Passing Area	Consistent with the original proposal.
Self-Closing Floor Barriers	In principle, there is no objection to the use of self-closing flood barriers. The applicant must install and regularly maintain and monitor the flood barrier in accordance with the manufacturer's specifications.
Headroom Clearance at Entrance	A headroom clearance of at least 2.5 metres has been provided at the entrance. Complies with the Australian/New Zealand Standard AS/NZS 2890.1:004.
Car Parking Modules	
Accessible Car Parking Spaces	The accessible parking spaces and shared area satisfy AS/NZS 2890.6:2009. These spaces have also been provided with minimum clearances of 300 mm to the adjacent walls.
Headroom Clearance for Accessible Parking Spaces	Has now been provided at 2.5 metres.
Column Setbacks and Depths	Columns have been setback from the aisle by 200 mm and have depths of 1050 mm. The column positions generally satisfy *Diagram 1 Clearance to car parking spaces* from Clause 52.06-8. Columns are generally set back 250 mm from the aisle. The slight variation in the position of these columns is not considered critical.
Parking Space 01 in Basement Level 02 Car Park	This space abuts the wall of lift core and has a clearance of 100 mm. This space should be designated as a Small Car Space.

Attachment 6 - Engineering comments on sketch plans

Item	Assessment
Visibility around Corners of Internal Ramp	Convex mirrors have now been provided as requested By Engineering Services.

ENGINEERING CONDITIONS

The engineering conditions specified in our referral comments of 25 November 2016 still stand and must form part of the Permit.

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 7 - Urban Design Comments

hansen

urban design review

to:	Patrick Sutton	date:	18/10/2016
company:	City of Yarra	from:	Hansen Urban Design
re:	345 Swan Street, Richmond		

Thank you for the opportunity to review the application package for the proposed 7 storey office development at **345 Swan Street, Richmond**, as outlined in the development plans prepared by Jackson Clements Burrows dated 23rd August 2016. Following our site inspection, we have reviewed the relevant background drawing upon planning policy, strategic documents such as the Swan Street Structure plan and our own intimate knowledge of the Richmond area.

We provide the following assessment in relation to urban design matters:

site and context

The subject site is located on the northern side of Swan Street, between the intersections of Burnley and Coppin Streets. The site is a rectangular shaped allotment with a 19.5m frontage to Swan Street and a depth of 40.2m, resulting in a total area of 789m^2. The site possesses three 'street' frontages with its northern boundary facing Beissel Street - a narrow side street immediately behind the site – while the western boundary abuts a pedestrian laneway that runs north-south between Swan and Beissel Streets. The pedestrian laneway aligns with Glass Street to the north, which quickly transitions to a fine grain, lower scale residential hinterland.



site identification

The site is occupied by a 2 storey brick warehouse, setback to the north and south to provide a concrete apron parking. Streetscape conditions to the site's various frontages are diverse, with Beissel Street dominated by back-of-house facilities of properties fronting Swan Street and the pedestrian laneway flanked by boundary walls to either side. Swan Street presents a diverse building stock of narrow remnant Victorian terraces, post-war office/retail as well as more recent and wider 'big-box' showrooms infill, often immediately preceding one another. A consistent streetwall is not evident with buildings rising to 1-2 storeys or providing short setbacks for concrete apron parking.

hansen partnership
melbourne | vietnam

level 4 136 exhibition st
melbourne vic 3000
t 03 9654 8844 f 03 9654 8088
e info@hansenpartnership.com.au
w hansenpartnership.com.au

urban planning | urban design | landscape architecture

Attachment 7 - Urban Design Comments

hansen

The key site interface conditions are as follows:

- To the **east** lies a tall, single storey brick warehouse (349 Swan Street) which rises to an equivalent 2-storey height. A concrete apron provides for parking in the front setback.
- To the **north** lies Beissel and Glass Streets. Beissel Street, running east-west is a narrow side street with no pedestrian pavement historically utilised to provide back-of-house access to the industrial/commercial allotments facing Swan Street. It is characterised by rear boundary walls and roller doors and marks the northern boundary of the Commercial 2 Zone. Glass Street, running away from the site in a northerly direction, is a wider residential side-street which exhibits a mixture of uses from retrofitted office, to newly constructed townhouse and lower-scale apartment infill located within the General Residential Zone. The presence of remnant terrace housing increases as one travels further north.
- To the **west** is an unnamed pedestrian laneway connecting Swan and Beissel Streets. It approximately 3m wide at its northern end, tapering to Swan Street and is presently flanked by blank brick boundary walls. Beyond the laneway is 341 Swan Street, which contains a single storey commercial building.
- To the **south** is Swan Street, a significant 4-lane, east-west arterial road located within the Road Zone Category 1. The opposite side of Swan Street is distinguishable from the northern side by significantly larger commercial allotments dominated by large-format commercial showrooms to equivalent 2 storeys.



349 Swan Street, to immediate east



Beissel Street, rear laneway to immediate north, looking east



View along Glass Street, from north toward rear of site



Unnamed pedestrian laneway to immediate west, looking south



Frontage of 341 Swan Street and pedestrian laneway to the west

Attachment 7 - Urban Design Comments

hansen

the proposal

The proposal comprises the demolition of all structures on the site and the construction of a 7 storey office building with the following characteristics:

- A glazed retail ground floor comprising of a centrally positioned shop and a long thin café premises running along the western boundary, fronting the laneway. Services, waste room and substation are positioned behind, within the envelope.
- Vehicular access to 2 basement floors of secure parking from the rear of the site via a single crossover off Beissel Street;
- A recessed pedestrian entry at the eastern end of the Swan Street frontage providing access to an entry airlock and lobby with single lift core and stairwell to upper floors.
- Office space provided across a further 5 storeys with circulation core and amenities positioned in a central position to the eastern boundary.
- Provision of a communal rooftop terrace at the top floor with arbour, raised planter, seating and communal meals area and meeting room.
- A simple two-part massing rising to approximately 26.4m. Comprising of a lower base occupying the full extent of the site, rising sheer to 4 storeys, and an upper cap recessing 3.95m from the north and south and projecting to a final height of 7 storeys.
- The proposal adopts a contemporary architectural style utilising a restrained palette of precast concrete panels arranged in checkerboard fashion, expressed floor plates, curtain wall glazing and perforated metal sliding screens. Subtle variation is introduced with perforated screens at upper storeys finished in darker charcoal tones to the lighter gray of the lower base. Curtain wall glazing is recessed behind the perforated screen wall at upper levels allowing for juliette-style balconies off the office floors. Constructed to the eastern boundary, the proposal presents a sheer boundary wall to this elevation, delineated in light and dark concrete panels.



Architect's rendering as viewed from Swan Street (panels shown in both closed and open positions)

Attachment 7 - Urban Design Comments

hansen

planning policy

The subject site is located within the **Commercial 2 Zone (C2Z)** which seeks;

- *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

Key decision guidelines pertinent to the proposed development include the movement of pedestrians and cyclists, the treatment of the fronts and backs of buildings as well as the design of buildings to provide for solar access.

The site is also subject to the **Design and Development Overlay Schedule 5** – CityLink Tunnel Exhaust Stack but the proposed development does not trigger the need for a planning permit under this provision. The properties boundary to Swan Street also appears to align with the edge of the **Special Building Overlay**.

The site is identified within the strategic policy document, the Swan Street Structure Plan (January 2014) which provides increased guidance on the desired urban outcomes within this precinct.

The Swan Street Structure Plan identifies the site within Precinct 3: Swan Street East identifying:

- The site and other properties along the northern side of the Swan Street corridor to be redeveloped in the order of 4 storeys (13-16m);
- The development of the southern side of Swan Street, opposite the site to an envisaged scale of 7-10 storeys;
- The re-establishment of a robust street-wall to 3 storey (10m) in height, with upper storeys further recessed;
- The need to manage a transition in form to lower-scale residential uses outside the Activity Centre to the north;
- Increased active uses at street level, improve weather protection and explore opportunities for public realm improvements;
- Reinforce a mixed character of commercial and residential activity in the area;
- Seek a desired building separation (where applicable) of 12m between buildings up to 4 storeys before increasing to 20m from 4-8 storeys.

The following State and Local planning policies are considered relevant:

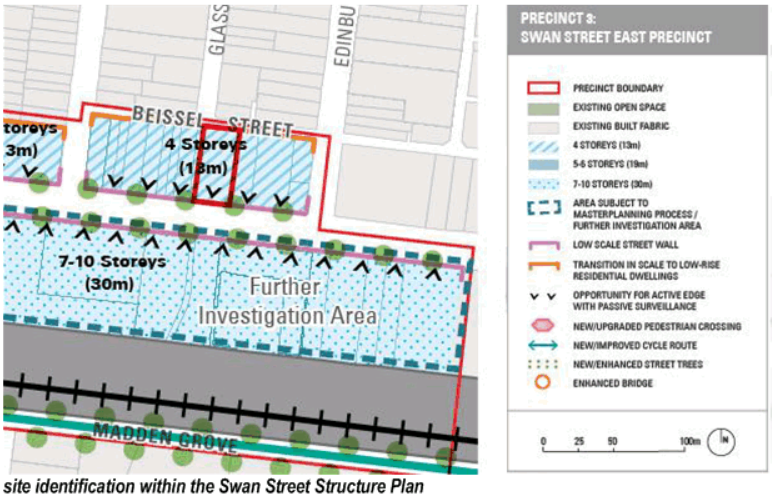
- Clause 09 – Plan Melbourne;
- Clause 17 – Economic Development;
- Clause 21.03 – Vision;
- Clause 21.05 – Built Form;
- Clause 21.07 – Environmental Sustainability;
- Clause 21.08 – Neighbourhoods; and
- Clause 22.10 – Built Form and Design Policy.

Attachment 7 - Urban Design Comments

hansen

Other relevant documents:

- Swan Street Structure Plan (2014);
- City of Yarra Urban Design Strategy (2011);
- City of Yarra Built form Review (2003);
- Victorian Urban Design Charter (2010); and
- Plan Melbourne.



site identification within the Swan Street Structure Plan

Beyond the general guidance afforded by zoning and local planning policy, the Swan Street Structure Plan provides the greatest policy guidance in relation to the site, giving clear support for a commercial development around a preferred height of 4-5 storeys (16m). In proposing to project to a height of 7 storeys (26.4m), significantly above this preferred maximum, the proposal needs to closely considered to ensure the objectives of policy are demonstrably achieved. Particular regards needs to be given in relation to the site's strategic context, the building's implications for amenity and equitable development rights and the perceived quality of the design's architectural outcome.

Attachment 7 - Urban Design Comments

hansen

urban design assessment

Located along Swan Street, the principal spine of the Activity Centre, the site enjoys clear strategic support for redevelopment to an increased scale of 4-5 storeys (16m). The limited extent of remnant heritage fabric in the area, proximity to Burnley Station and the identification of the opposing side of Swan Street for future development in the order of 7-10 storeys anticipates a significant level of change and the site is a suitable candidate for development of increased scale.

The site is also influenced by a number of factors and conditions that do require careful resolution in any proposed form and temper development potential. The site's proximity to the GRZ to the north needs to be carefully managed. The site's position between anticipated 7-10 storey development to the south and this lower order residential hinterland emphasises the importance of its transitional role in mediating scale. The narrow laneway immediately to the site's west is also a valuable opportunity for public realm improvement but its narrow dimensions require careful management to preserve amenity.

The proposal presents well at street level and skilfully integrates the laneway as a legitimate north-south pedestrian access, however a number of refinements are necessary in relation to the proposal's scale massing and interface management in order to adopt an appropriately transitional form between the GRZ to the north and future higher form clustered around the Burnley Station to the south.

The following review outlines these matters in further detail:

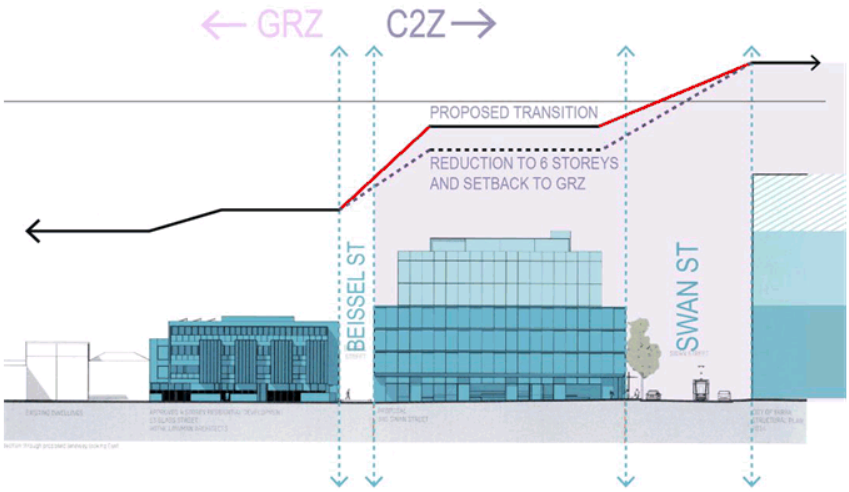
strategic context

- Whilst the Commercial 2 Zone provides clear direction on the desired land use composition for the site, the adopted Swan Street Structure Plan (the Structure Plan) and local planning policy such as Clause 22.10 – Built Form and Design Policy constitute the primary guidance in relation to the envisaged scale and urban design outcomes for development within the precinct.
- The Structure Plan provides clear direction in encouraging redevelopment of the site to increased densities to a height in the order of 4 storeys (16m).
- The site's location between the General Residential Zone to the north and the 7-10 storey scale anticipated to the south of Swan Street is important in contextualising its position within the urban hierarchy of the precinct. The envisaged change in scale between these 'high street' and 'residential hinterland' conditions is quite rapid and it is clear that the subject site and others along the northern side of Swan Street are envisaged to play an important role in providing the transitional form between the two.
- The proposal's desire to project above the preferred maximum of 4 storeys needs to be carefully considered in this context, ensuring a legible urban hierarchy is retained between the higher concentration of scale around Burnley Station to the south and finer grain development to the north.
- It is notable that the residential environment of Glass Street is also seeing increased densities with the development of a number of infill townhouse projects to 2-3 storeys including, more pertinently, a 4 storey apartment building approval immediately to the north of the site at 35 Glass Street.

Attachment 7 - Urban Design Comments

hansen

- It is reasonable to assume that development trajectory for the southern end of Glass St will continue in the order of 3-4 storeys and these developments commensurately influence the quantum of scale in determining what is an appropriate transitional form to adopt on the subject site. In this emerging context, we are comfortable with the potential for the site to accommodate a projection above the preferred maximum height of 4 storeys, given the escalated scales occurring within the GRZ to which the site is anticipated to transition towards.
- Whilst the site's context warrants a projection, we are conscious that the site remains in a mid-block position, where the intimate proximity of neighbouring properties 'cheek-to-jowl' needs to be considered and equitable development rights balanced. The site lacks the large consolidated dimensions of the sites to the south of Swan Street which justify their increased scales under the Structure Plan. Further, the pedestrian laneway poses both an opportunity to exploit at ground level as well as constraint in ensuring upper storey form doesn't detrimentally influence the amenity of any public realm improvements below.
- In light of the above, we consider the projection to a height of 6 storeys presents an appropriate response balancing the emergent trajectory of development scales to the north with the urban hierarchy clearly established for the precinct within the Swan Street Structure Plan.
- The present form's projection to 7 storeys is considered to insufficiently mediate as a transitional form and conflicts with the desired urban hierarchy. We note in sectional analysis that the proposal's rear interface between the GRZ and the C2Z results in a more abrupt and sharper escalation of scale than occurs within the Structure Plan boundaries between the subject site and the higher density development anticipated to the south of Swan Street.



Section diagram illustrating how the proposed 7 storey scale results in a sharper transition of scale to the periphery compared to the south of Swan Street. The dashed line indicates a more equal escalation of scale achieved by increased setback to the north and reduction to 6 storeys.

Attachment 7 - Urban Design Comments

hansen

site planning and internal amenity

We are generally supportive of the site planning strategy and make the following comments in this regard:

- The proposed use of the building for commercial offices is entirely consistent with the desired land uses anticipated by local policy and the Structure Plan.
- We support the building out of the allotment to the street edge which results in a strong presentation to the street in keeping with the Structure Plan's objectives of reinstating a streetwall to this end of Swan Street.
- The location of vehicular access and services to the rear of the site, off Beissel Street, is supported minimising its presence. Its positioning at the far end of the allotment also distances it from the pedestrian link assisting in avoiding pedestrian/vehicle conflicts at this link.
- The café's direct frontage along the length of the pedestrian link should be commended, taking maximum advantage of the interface. We also support the slight recessing of the café window front from Swan Street which assists in 'widening' the pedestrian link and increasing its legibility within the streetscape.
- Access to the lift lobby is discreet and logical, maximising shop frontage for an activated street edge. Its position to the eastern end of the site also assists in providing an uninterrupted retail frontage wrapping to the pedestrian link.
- The provision of bike storage in an unsecured arrangement in the basement and a lack of shower and change facilities should be addressed given the proposal's scale and the likelihood of cycling commutes in this inner city location. We recommend bicycle storage be provided in a secure arrangement (ideally at ground floor), whilst shower and change facilities be provided in place of the shop floor space located immediately behind the stair core.
- Office spaces at each floor are open and flexible with the core logically positioned to the eastern boundary. Glazing to the north, south and west will provide good natural light and cross ventilation.
- The upper communal terrace and facilities are a valuable asset and well resolved with thoughtful additions such as the shared meeting space that make the spaces versatile. We support its inclusion however note that its generous size does contribute to massing and scale concerns outlined further in this report.
- We encourage the addition of a kitchen area to the café to improve its versatility as the present format limits the capacity of the tenancy to prepare food on-site.

Attachment 7 - Urban Design Comments

hansen

massing and interface management

- The adoption of a two-part massing strategy of robust base and setback upper is a fundamentally sound response that is generally consistent with the policy objectives of the Swan Street Structure Plan.
- The ground floor interface to the pedestrian laneway is exemplary with weather protection and direct and engaging interface between café and public realm. Integration of paving with the cafe floor treatment to blur the threshold between public and private shows a highly resolved appreciation for the site condition. The design team should be commended for the comprehensive response and we are of the view that this response will succeed in transforming this link into a valuable contribution to the public realm.



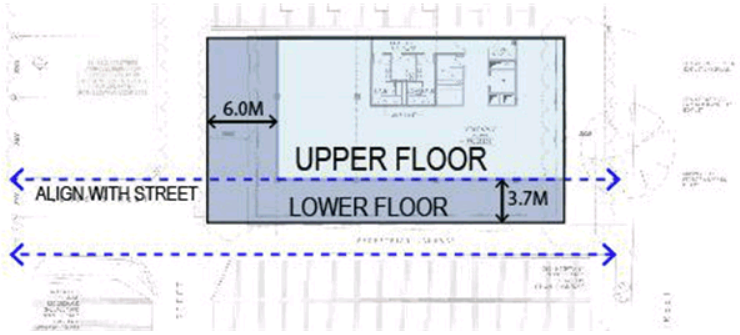
The ground floor interface makes a valuable contribution to the public realm, however will be compromised if the 7 storey boundary wall is reciprocated by future development to the west.

- We are comfortable with the proposed 4 storey streetwall, rising a level above that anticipated by the Swan Street Structure Plan, noting no clearly legible existing streetwall datum. In the future context, of 7-10 storey form emerging along the southern side of Swan Street we consider such an arrangement will integrate appropriately and remain consistent with the objectives of the Structure Plan.

Attachment 7 - Urban Design Comments

hansen

- The resolution of the upper massing is more problematic however and requires refinement. The proposal's adoption of uniform setbacks at the upper floors from both north and southern boundaries inadequately differentiates between the site's higher order commercial and lower order residential interfaces. A greater recessing of the upper floors to the north is considered necessary to acknowledge this transition and we recommend an increased setback to the north at upper levels to 6m, aligning with the inset row of structural columns.
- Similarly, we are also concerned with the proposal's sheer rising form to the western boundary adjacent to the pedestrian link. Whilst comfortable with a massing to the boundary to 4 storeys, the presentation of a 7 storey sheer wall to this boundary will result in a canyon-like effect to the revitalised laneway, assuming a reciprocated response by future development to the west. This will result in a detrimental impact on the public realm and recommend the setting back of floors above the 3rd floor from the western boundary.
- In considering an appropriate setback for upper storeys from the laneway it is pertinent to note that views south down Glass Street will terminate at the development with part of its northern elevation exposed. The proposal's sheer interface to the west will be seen in full profile and needs to be addressed to integrate into the Glass Street streetscape from which it is visible. We note the internal structural columns of the building align with the front property boundaries of allotments along the eastern side of Glass Street and recommend the setting back of the upper storeys 3.7m from the western boundary to align with western side of Glass Street. This setback will help integrate the proposal into the street rhythm of Glass Street, whilst protecting amenity to the public realm below and expressing the laneway as a clearly legible visual break.



Offsetting upper floors from the north and west will serve to respond more appropriately to residential north and articulate the pedestrian link as a 'continuation' of Glass Street

- We are comfortable with the 4 storey boundary wall treatment to the Beissel Street interface, noting the approved residential development immediately to the north at 63-65 Glass Street also adopts a wall along this boundary to a similar height.
- The boundary wall arrangement to the east is generally appropriate, and expressed in a manner consistent with the architectural expression of the other facades.

Attachment 7 - Urban Design Comments

hansen

architectural expression and materiality

- We are generally supportive of the architectural expression of the building, which utilises a checkerboard pattern of offset concrete panels and sliding perforated screens. We are confident that these present a visually engaging interplay of activated façade elements and textural qualities - one that has been successfully realised by the architect in a number of previous projects.
- Whilst subtle, the application of the lighter concrete tones at the lower floor, juxtaposed to darker finishes is generally appropriate and successfully articulates a robust lower and recessive upper and should be retained in any refined proposal.
- The present application of the architectural motif wrapping the envelope, treats the building almost as an end-block site with a highly exposed western elevation. Whilst this elevation will be exposed in the medium term, the Structure Plan would anticipate its build-out by a form of 4-5 storeys in scale. In this arrangement we would recommend the architectural expression be resolved as one with clear 'front and backs' at the lower levels, more typical of an infill site, whilst the recessive upper cap retains the 'designed in the round' treatment of wrapping

Attachment 7 - Urban Design Comments

hansen

conclusion

Our independent appraisal of the development is generally supportive of the proposal's site planning, lower storey massing and ground floor interface. The proposal's treatment of the western laneway is highly considered and is commendable whilst we consider the 4 storey streetwall to contribute to re-establishing a clear streetwall that will integrate appropriately with future anticipated form. The architectural expression of the building, utilising palette of textural concrete and perforated sliding screens finished in contrasting dark and light finishes is restrained but effective.

At present however, some refinements are necessary to the development's scale, massing and interface management in order to appropriately respond to its unique transitional context and its position within the urban hierarchy of the Structure Plan. Particular regards is to be given consideration of the northern and western boundaries to ensure the development appropriately mediates scale between the lower residential to the north and the anticipated higher density development to the south. In considering the close, intimate interface to the north our recommendations are for the reduction of the development's height to 6 storeys and further recession of the upper storeys above the 3rd floor.

Such refinements need to address the following:

- Reduction in the building height to 6 storeys to adopt an appropriate transitional form between the 3-4 storey scale to the north and the envisaged 7-10 storey scale to the south of Swan Street;
- The refinement of the upper storey massing to increase setbacks from the northern boundary to 6m, aligning with the internal structural columns;
- Improvement of amenity and reduction in the prominence of upper storey massing when viewed from the north through setting back from the western boundary at upper levels to a distance of approximately 3.7m to align with the front property boundaries along the western side of Glass Street;
- Securing of bike storage facilities and incorporation of shower/change facilities at the ground floor;
- Refinement of the architectural expression to more clearly delineate 'fronts and backs' at lower levels with the recessive cap remaining 'designed in the round'; and
- Consideration of kitchen for proposed café to increase versatility.

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 9838.

Yours faithfully,

urban design team

hansen partnership pty ltd

18/10/2016

Attachment 8 - Open Space comments

Memo

To: Vicky Grillakis

Cc: Glen Williames

From: Carrie Lindsay

Date: 21/10/2016

Subject: PLN16/0603 – 345 Swan St, Richmond

diverse

vibrant

exciting

inclusive

Dear Vicky,

I have reviewed the plans submitted and provide the following comment:

- The applicant should submit landscape plans which clearly show proposed species, pot size, mature height and spread of proposed planting, planting media, irrigation and drainage for the proposed roof top garden.

With respect to protection of the existing street tree, Council's Arborist has assessed the submitted Arbricultural report prepared by Treelogic, and provides the following comments:

- Good tree report with good tree protection measures for the street tree.
- The developer will need to adhere to the tree protection measures detailed in the Arborist report during demolition and construction.
- Any pruning of the Council street tree will need to be undertaken by Council tree maintenance contractors.

There are no open space capital works proposed within the area of the subject site.

If you require any further input, or would like to discuss these comments in more detail, please don't hesitate to contact me on 9205 5725.

Kind regards,

Carrie Lindsay
Coordinator Open Space Planning and Design

Attachment 9 - Waste Management comments

Hi Patrick

The Waste Management Plan prepared by LEIGH DESIGN dated 19th Dec 2016 for 345 Swan Street, Richmond is satisfactory from the City Works Branch's perspective. This WMP supersedes all previous WMP's.

If you have any queries please give me a call.

Kind regards,

Joe Agostino
Project Officer
City of Yarra PO Box 168 Richmond 3121
T (03) 9205 5474
E Joe.Agostino@yarracity.vic.gov.au
W www.yarracity.vic.gov.au

Attachment 10 - VicRoads comments

Yarra City Council
PO Box 168
RICHMOND VIC 3121
Attention: Patrick Sutton

14 December 2016

Dear Mr Sutton,

PLANNING APPLICATION NO.: PLN16/0603
VICROADS REFERENCE NO: 19419/16
PROPERTY ADDRESS: 345 SWAN STREET, RICHMOND

Section 55 – No objection subject to conditions

Thank you for your letter referring details of the above application to the Roads Corporation (VicRoads) pursuant to Section 55 of the Planning and Environment Act 1987.

The application is for the Development of the Land for a Seven Storey Office Building (above 2x basement car parking levels), Including use of the Ground Floor as a Food and Drinks Premises (cafe) and Shop, Alteration of Access within a Road Zone Category 1, Reduction in Car Parking Requirements and Waiver of Loading Bay Requirements.

If Council regards the proposed development favourably, VicRoads would require that the following conditions be included in any Notice of Decision to issue a Planning Permit or Planning Permit:

1) All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and chanel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use of the buildings hereby approved.

Please note:

- *The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.*

Once Council makes its decision, please forward a copy of the decision to VicRoads as required under Section 66 of the *Planning and Environment Act 1987.*

Should you have any enquiries regarding this matter, please contact Nicholas Soldatos on (03) 9313 1323 or Nicholas.Soldatos@roads.vic.gov.au

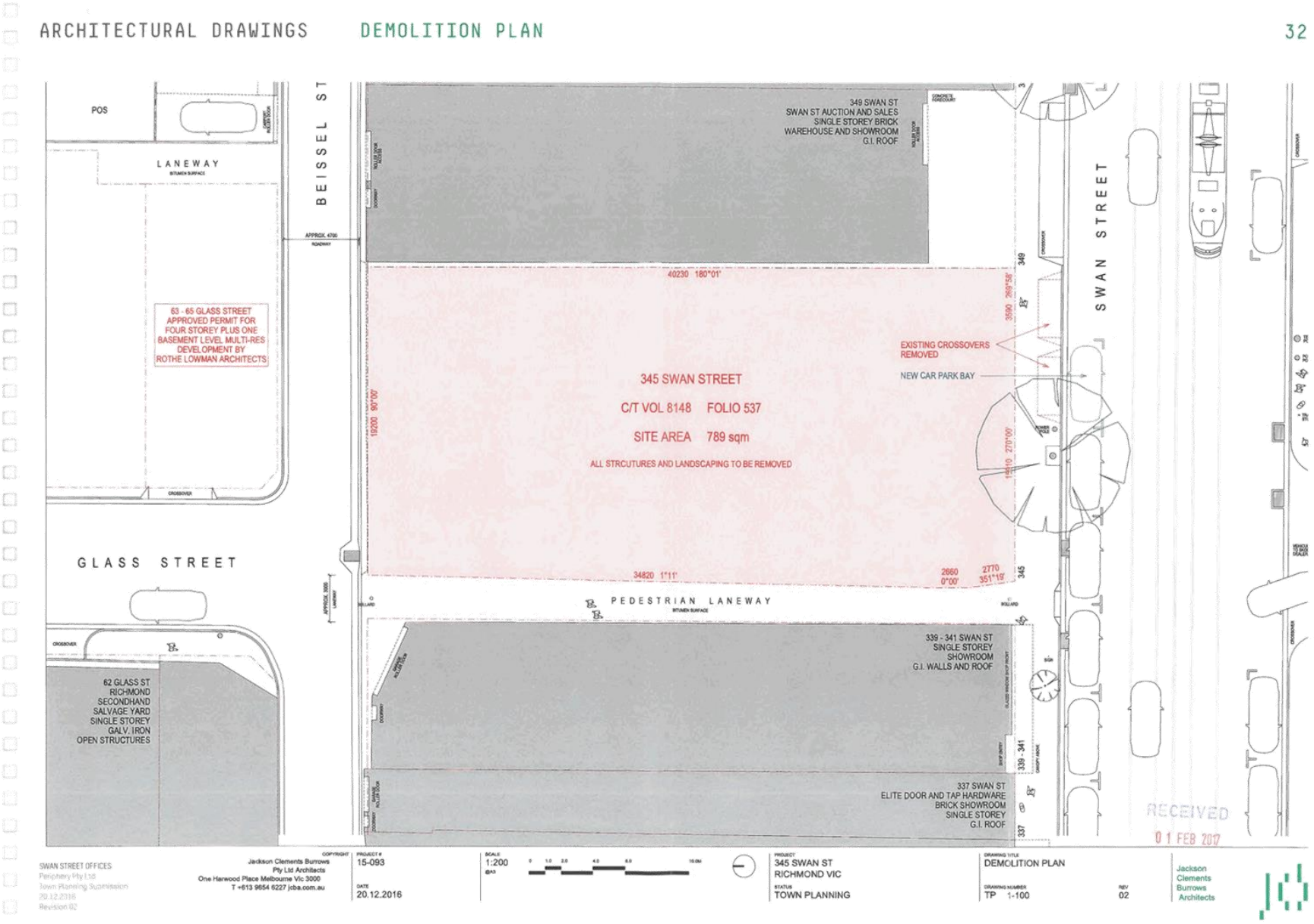
Yours sincerely

Attachment 10 - VicRoads comments

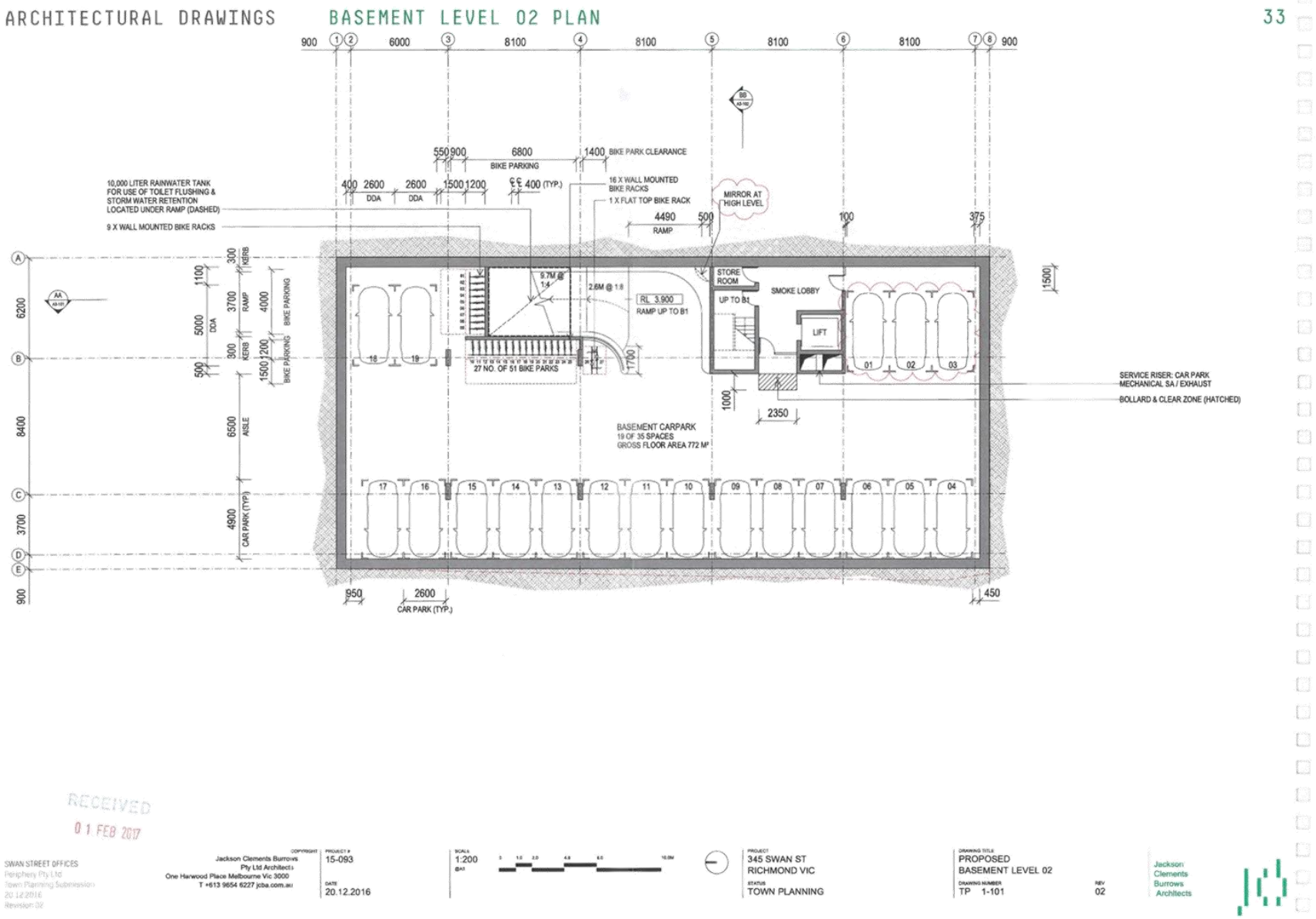


NICHOLAS SOLDATOS
URBAN PLANNER
TRAFFIC AND PLANNING

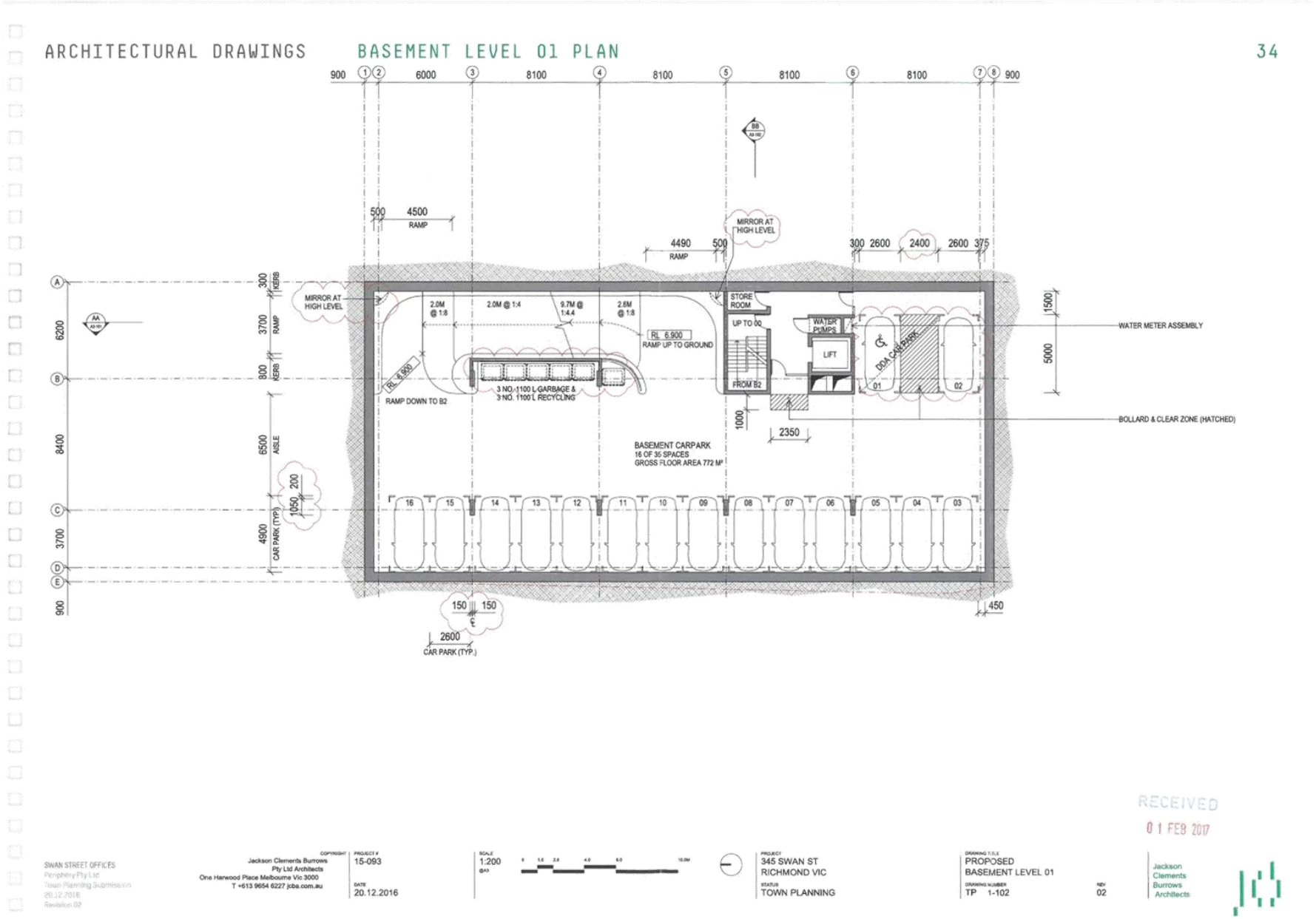
Attachment 11 - Sketch plans



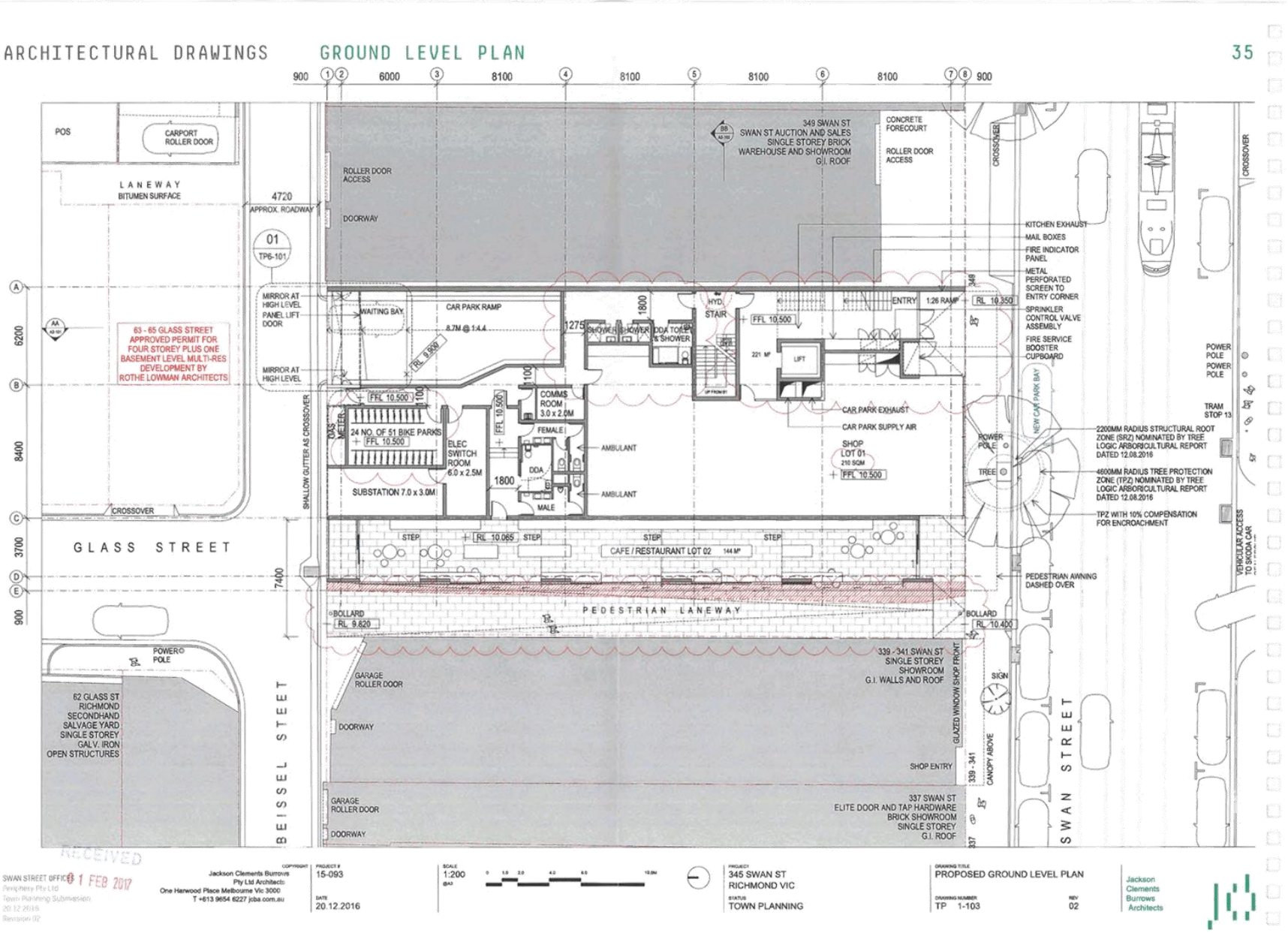
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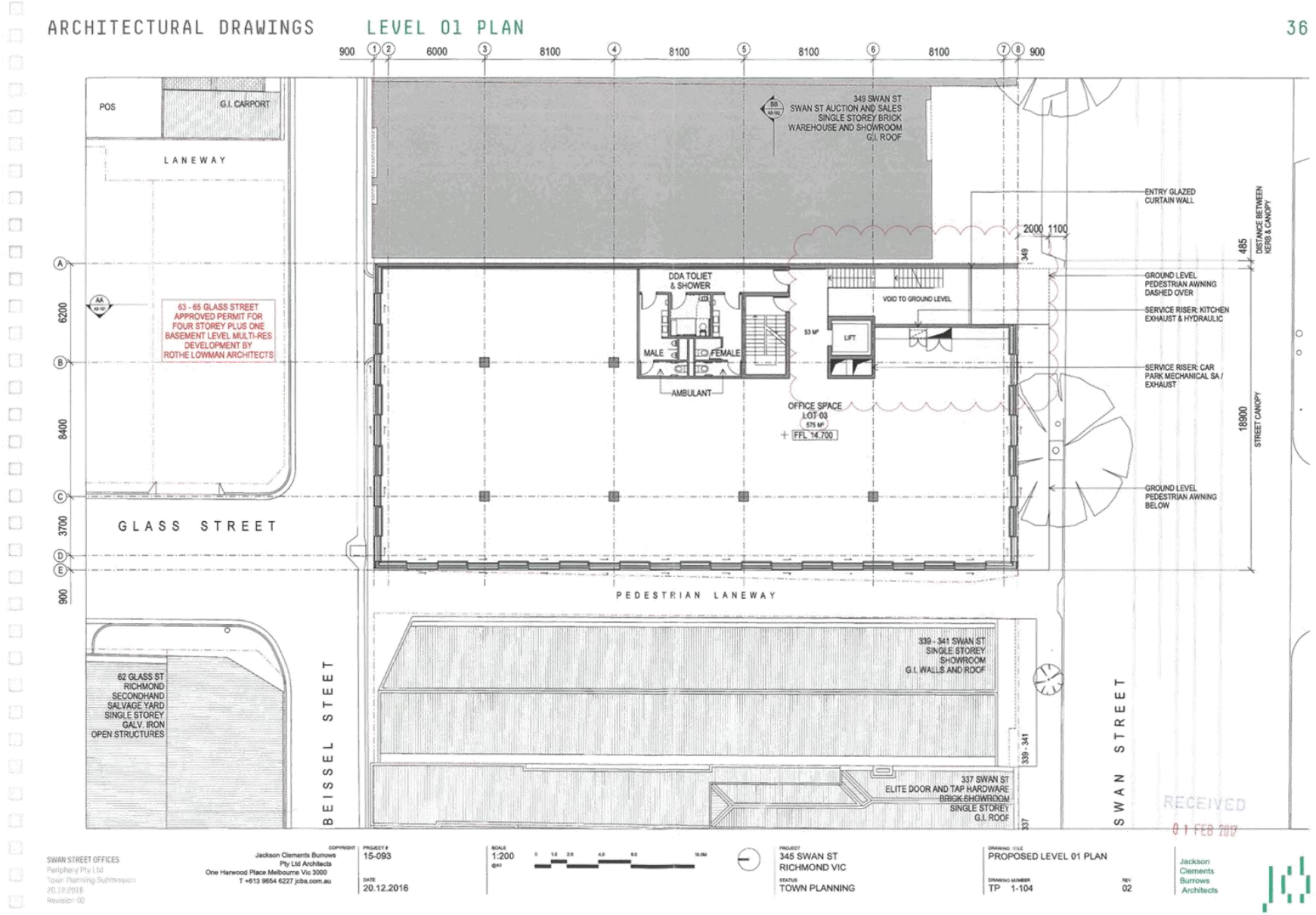
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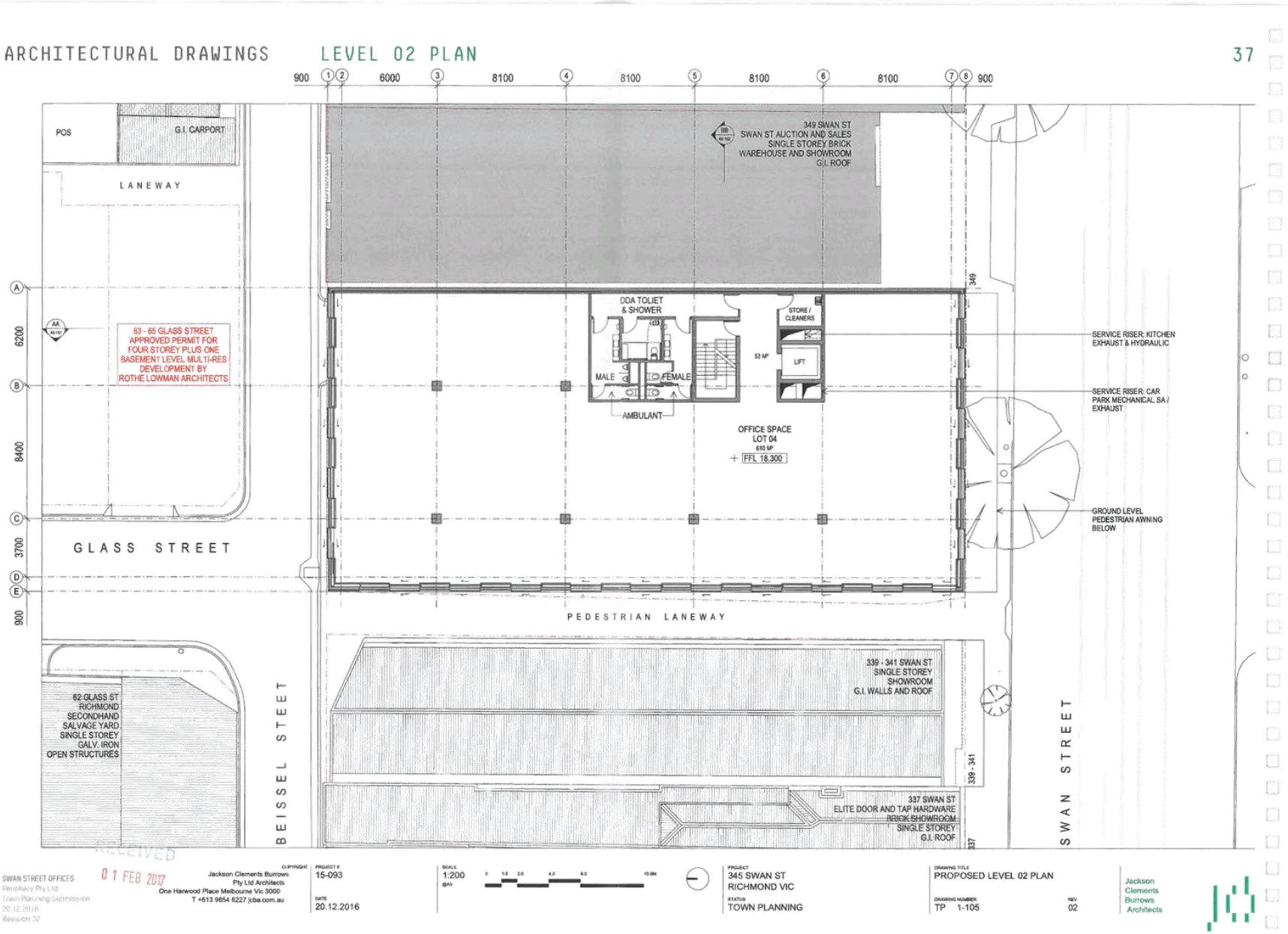
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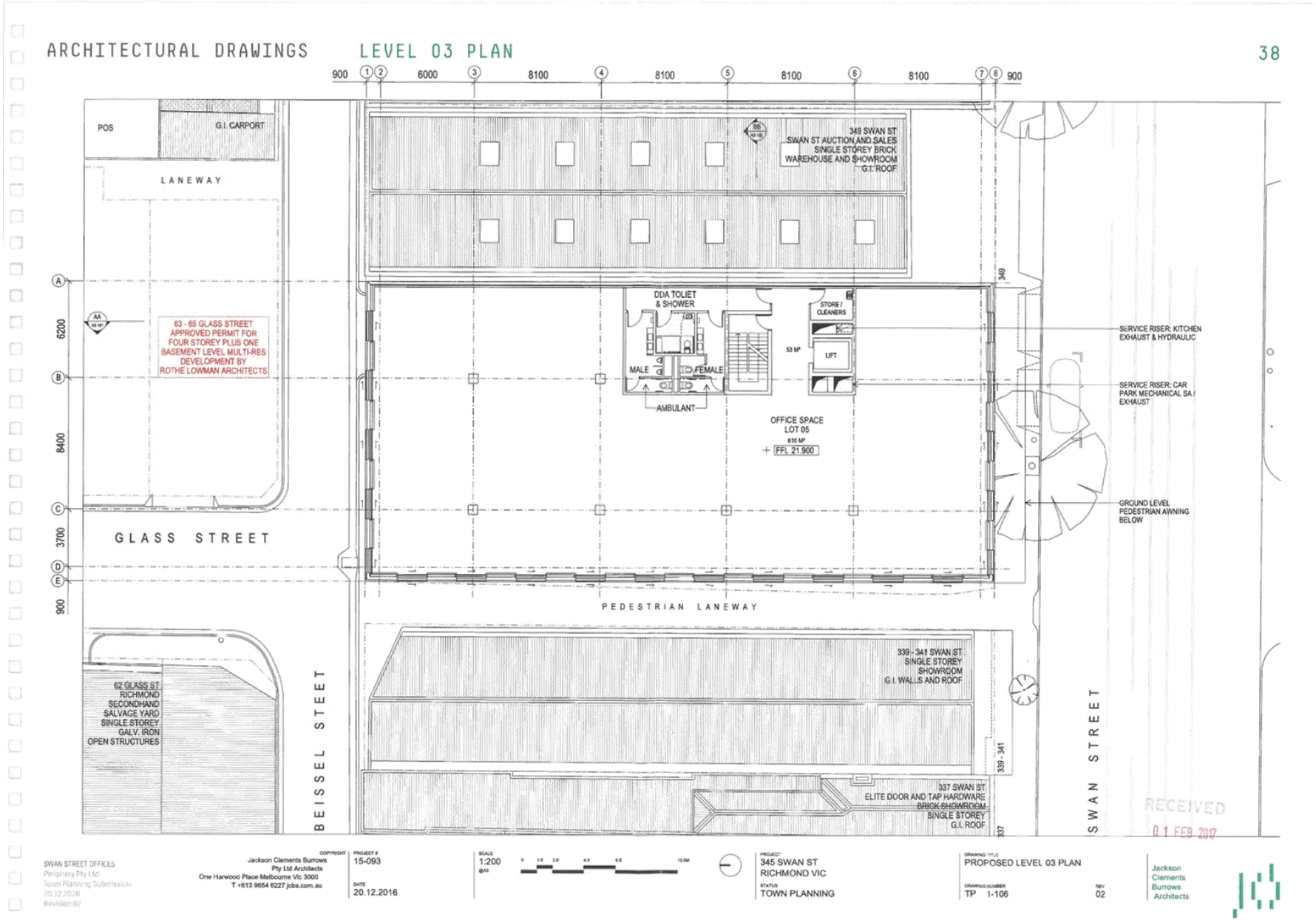
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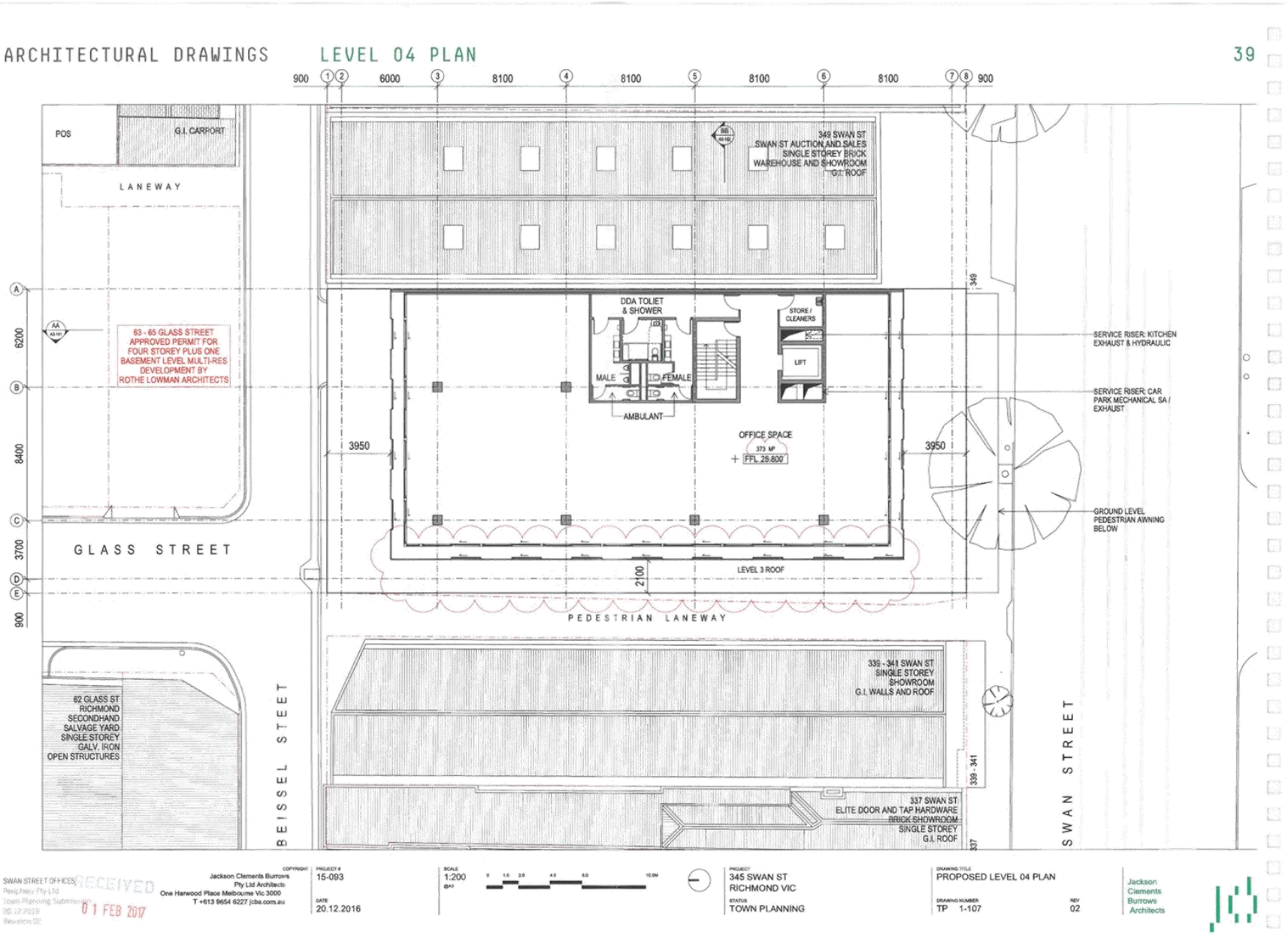
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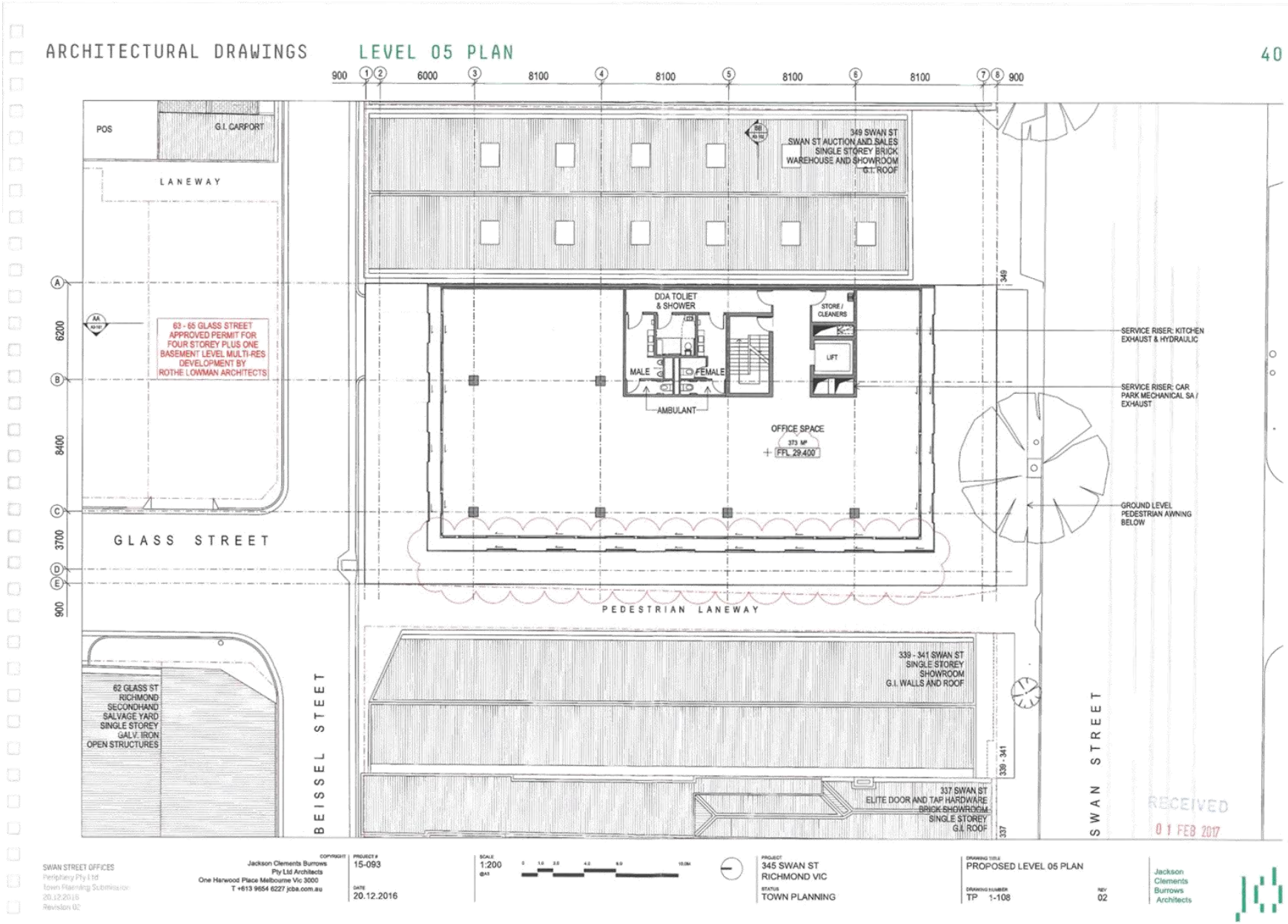
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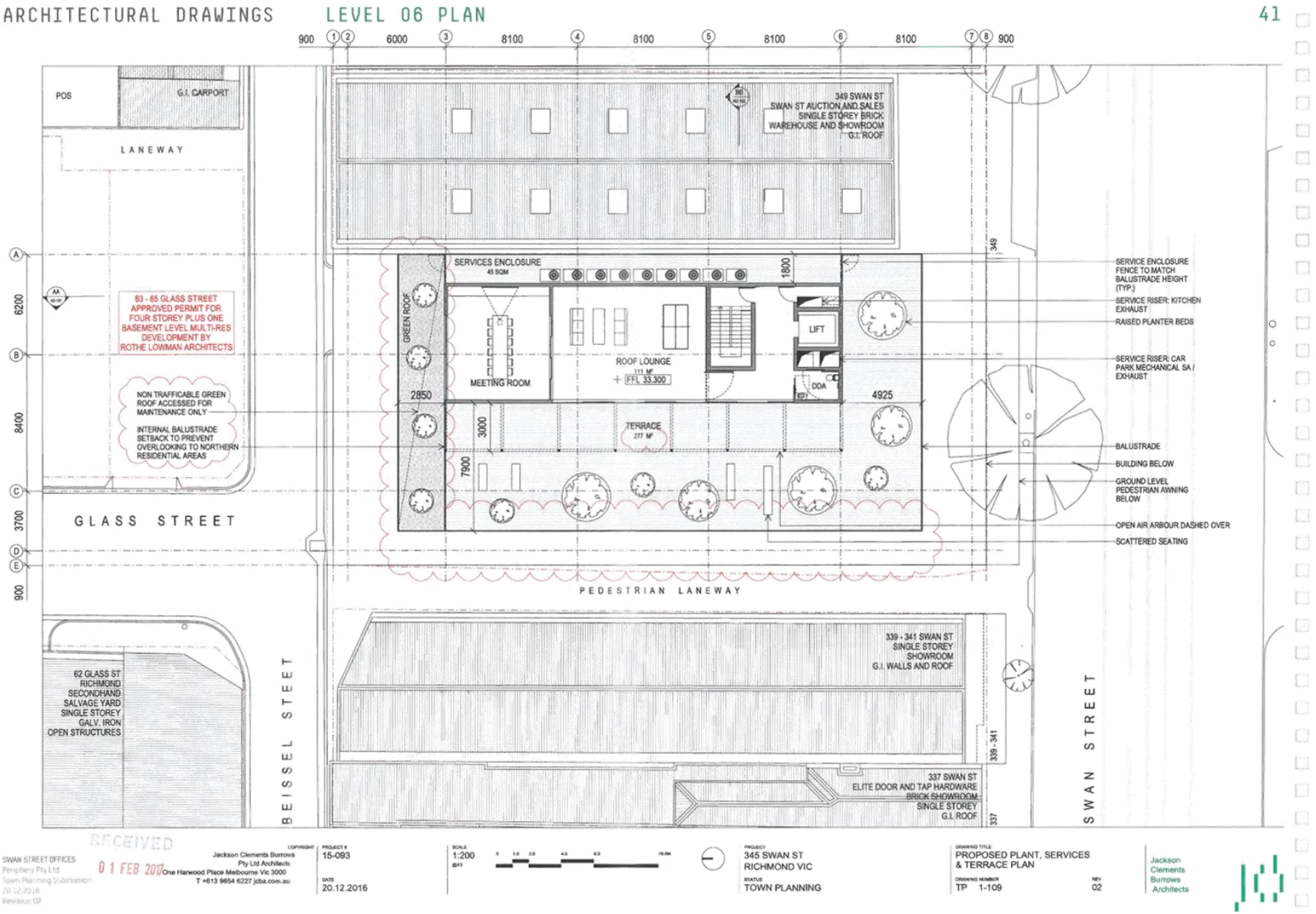
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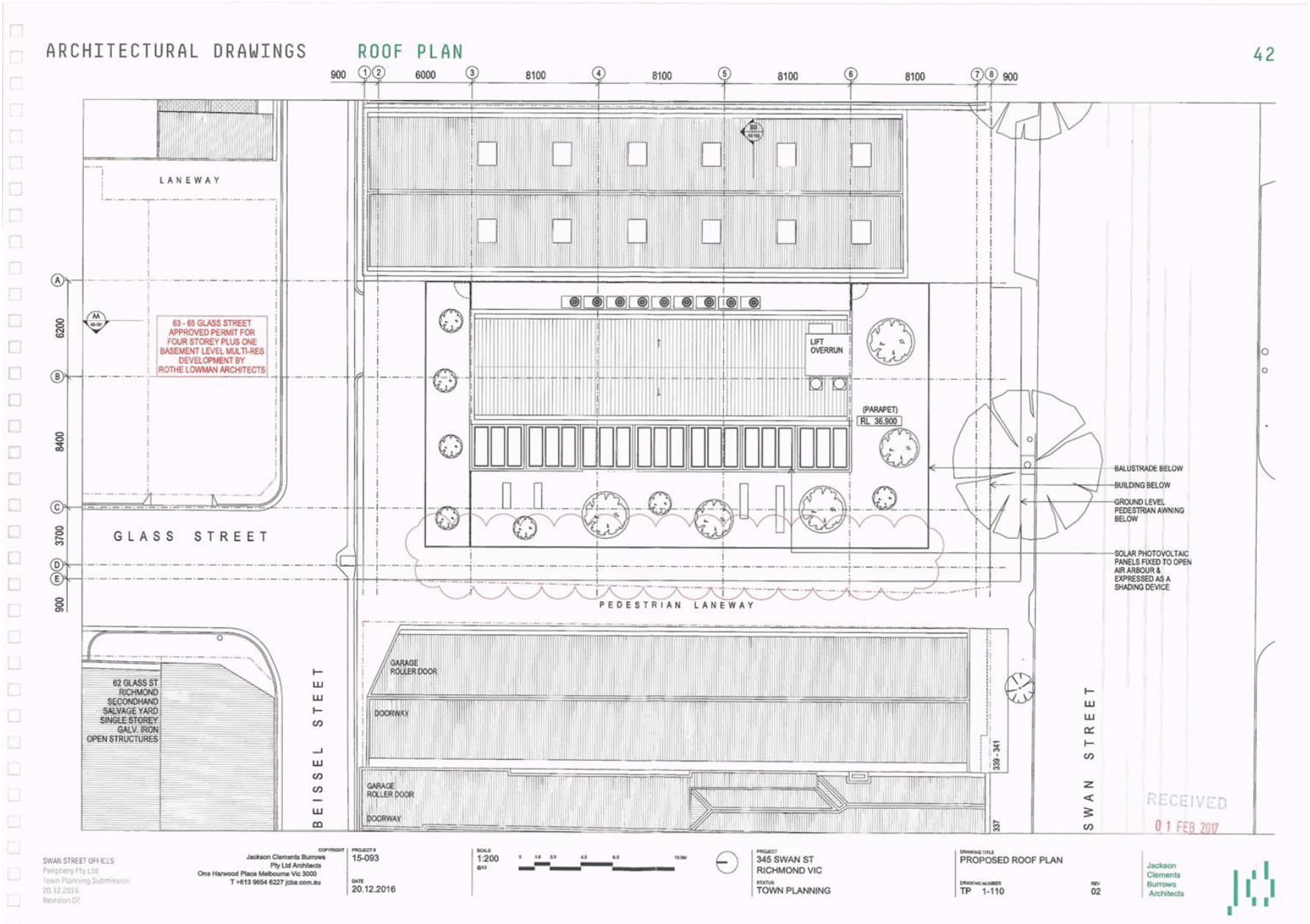
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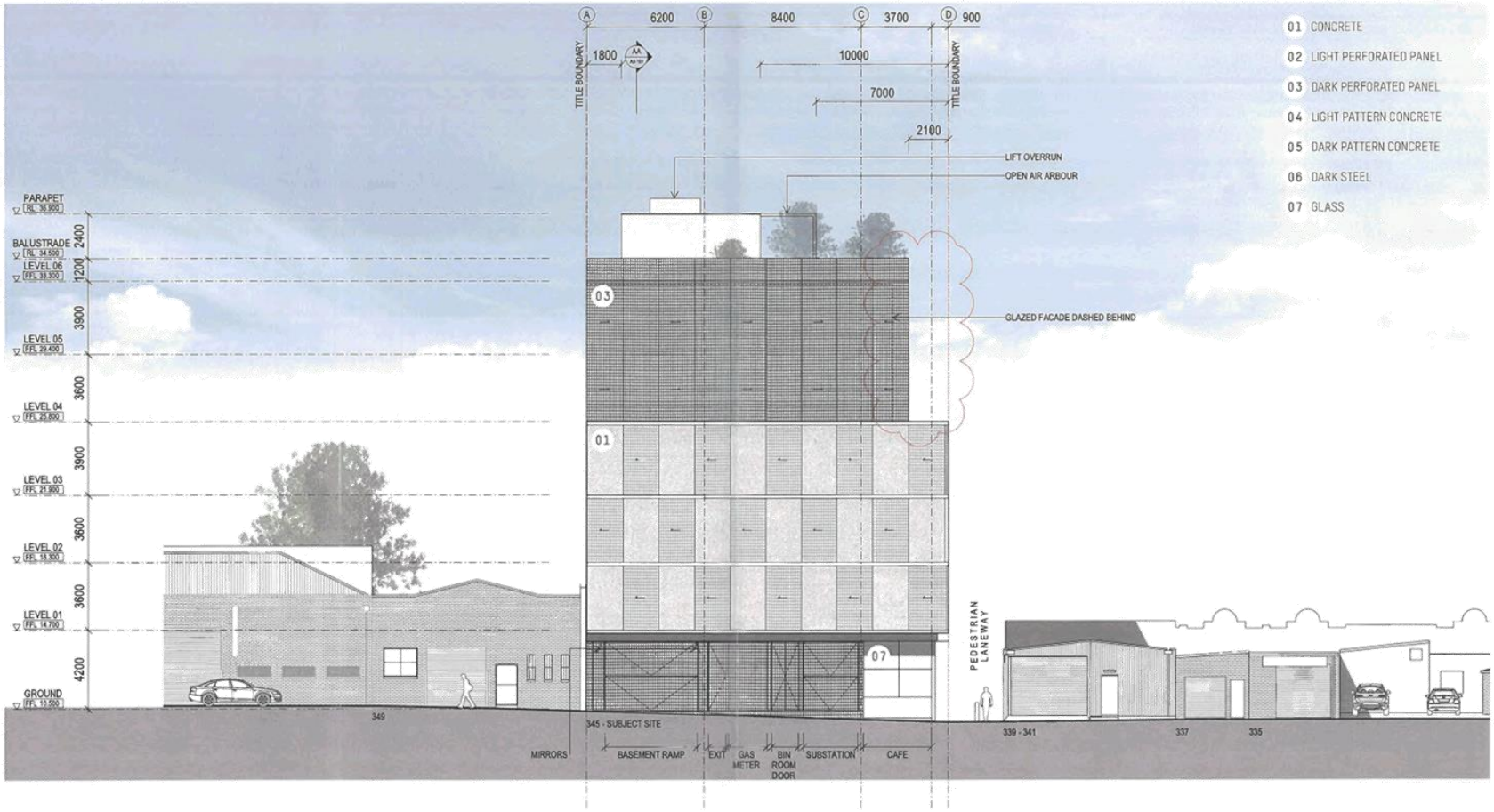


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Attachment 11 - Sketch plans

ARCHITECTURAL DRAWINGS NORTH ELEVATION 43



NORTH ELEVATION - PROPOSED
BEISSEL STREET

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01 FEB 2017

SWAN STREET OFFICES
Penthery Pty Ltd
Town Planning Submission
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Revision 02

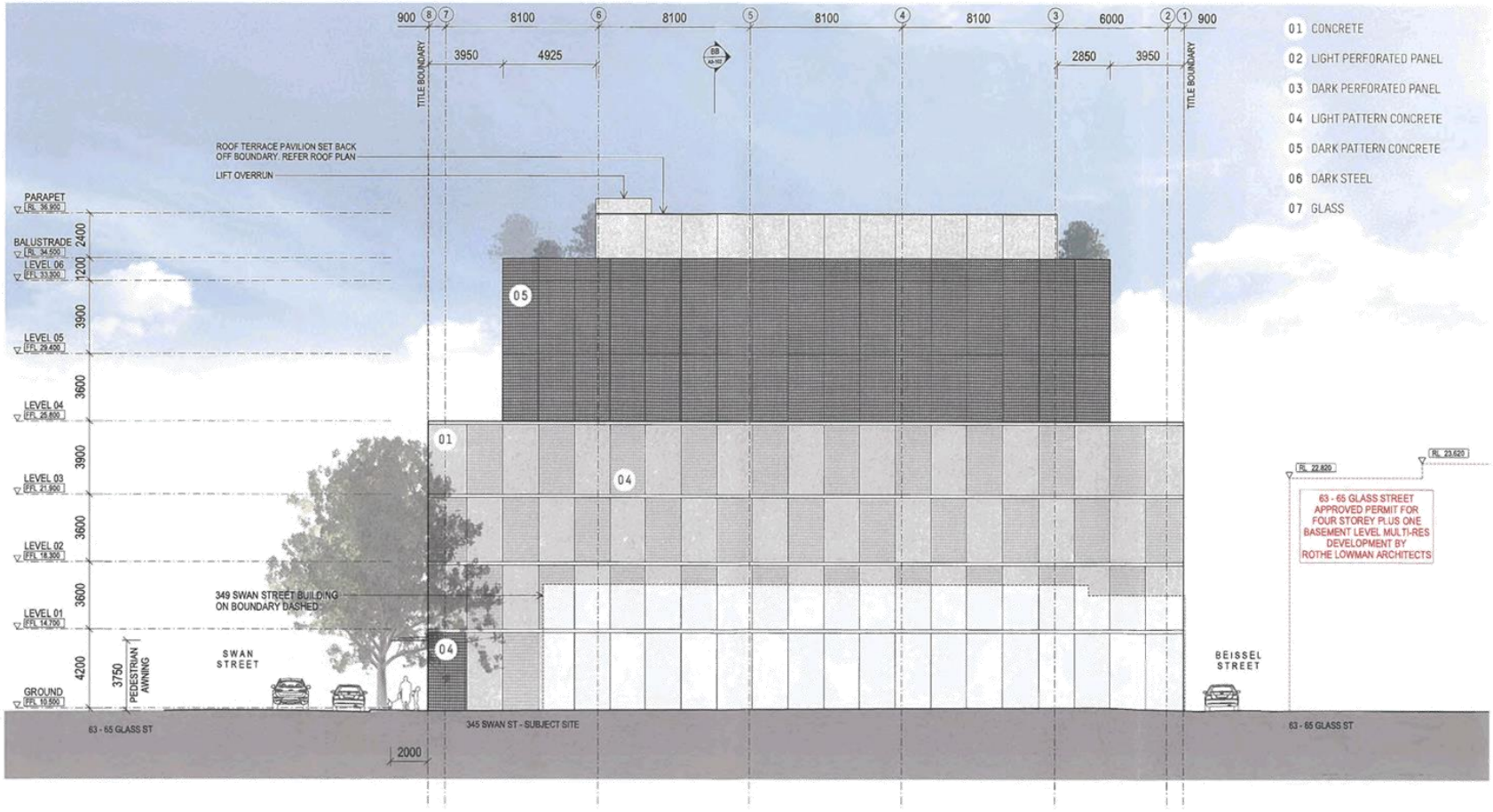
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T +613 9654 6227 jcba.com.au

PROJECT # 15-093
DATE 20.12.2016
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PROJECT 345 SWAN ST RICHMOND VIC
STATUS TOWN PLANNING
DRAWING TITLE PROPOSED NORTH ELEVATION
DRAWING NUMBER TP 2-101
REV 02

Jackson Clements Burrows Architects

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ARCHITECTURAL DRAWINGS EAST ELEVATION 44



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EAST ELEVATION - PROPOSED
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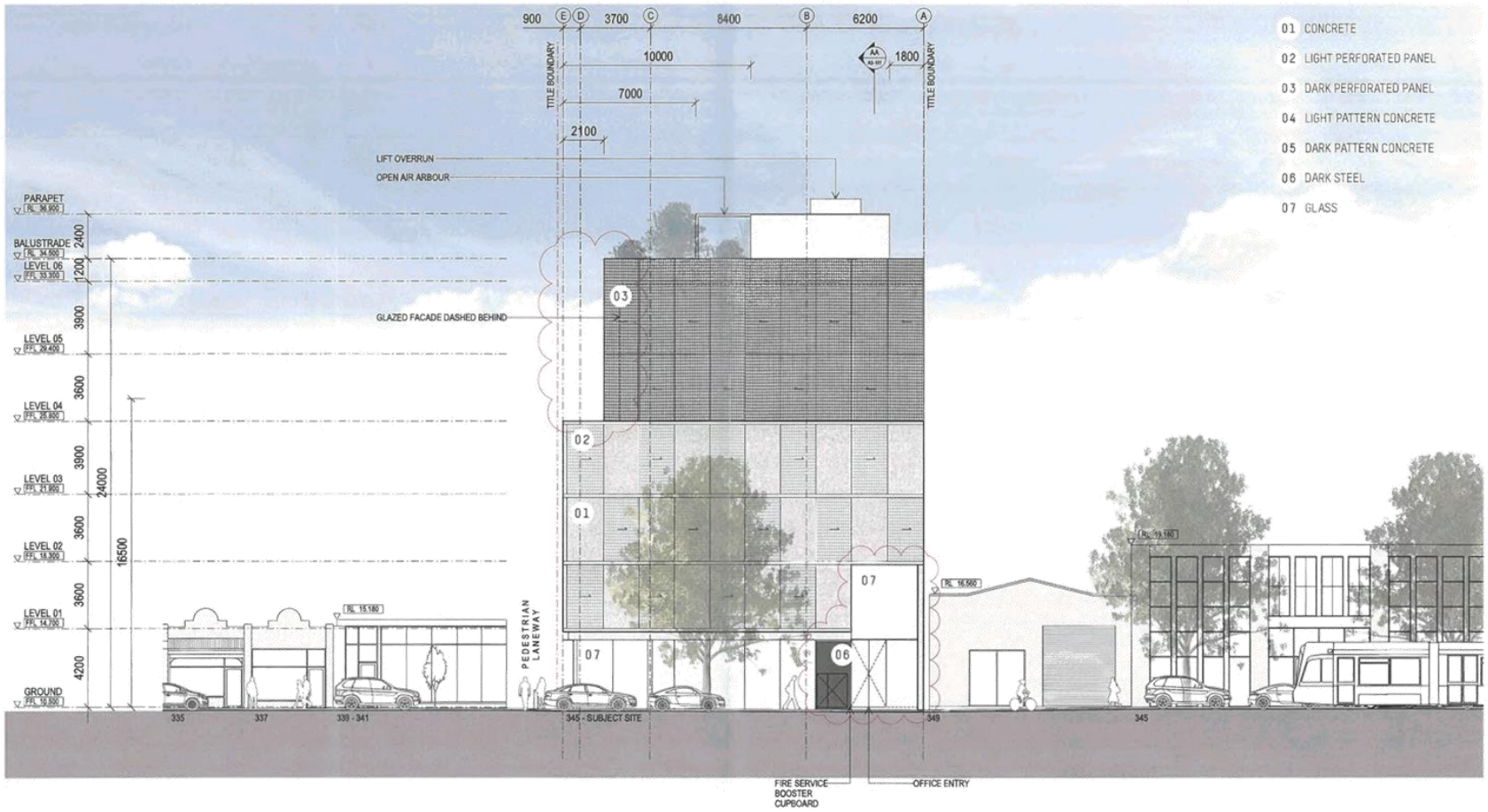
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PROJECT 345 SWAN ST RICHMOND VIC
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REV 02

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ARCHITECTURAL DRAWINGS SOUTH ELEVATION 45



SOUTH ELEVATION - PROPOSED
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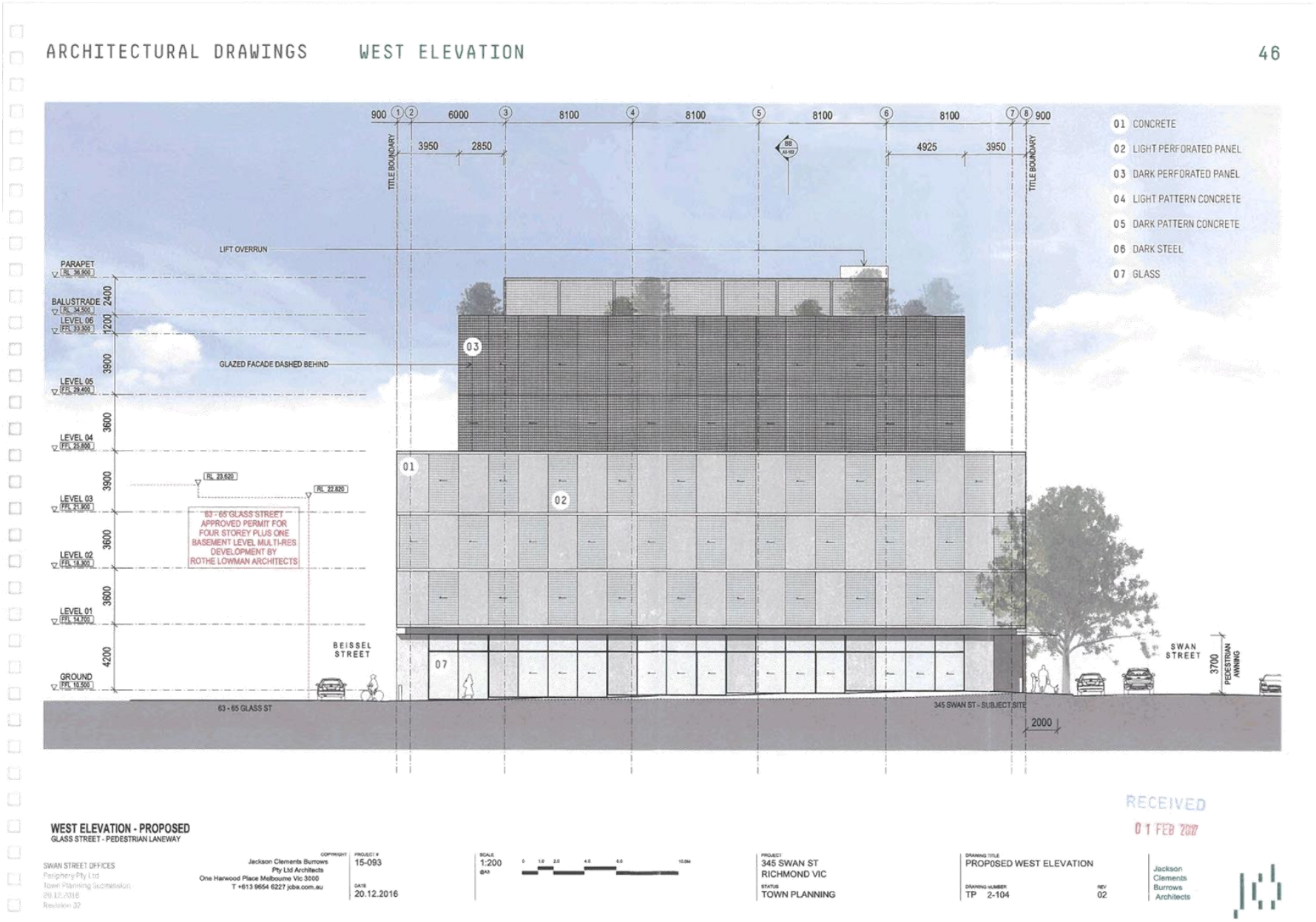
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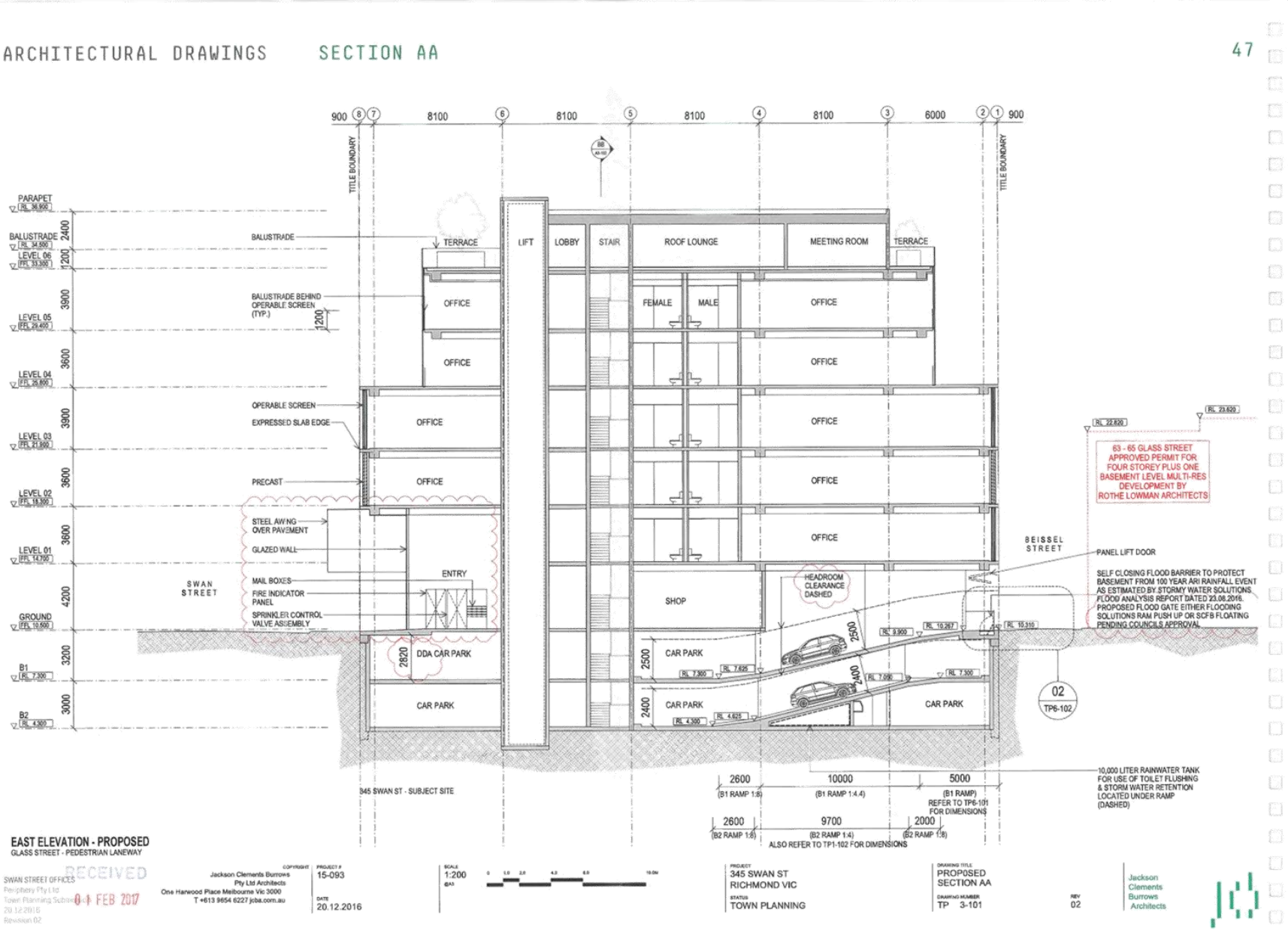
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REV 02

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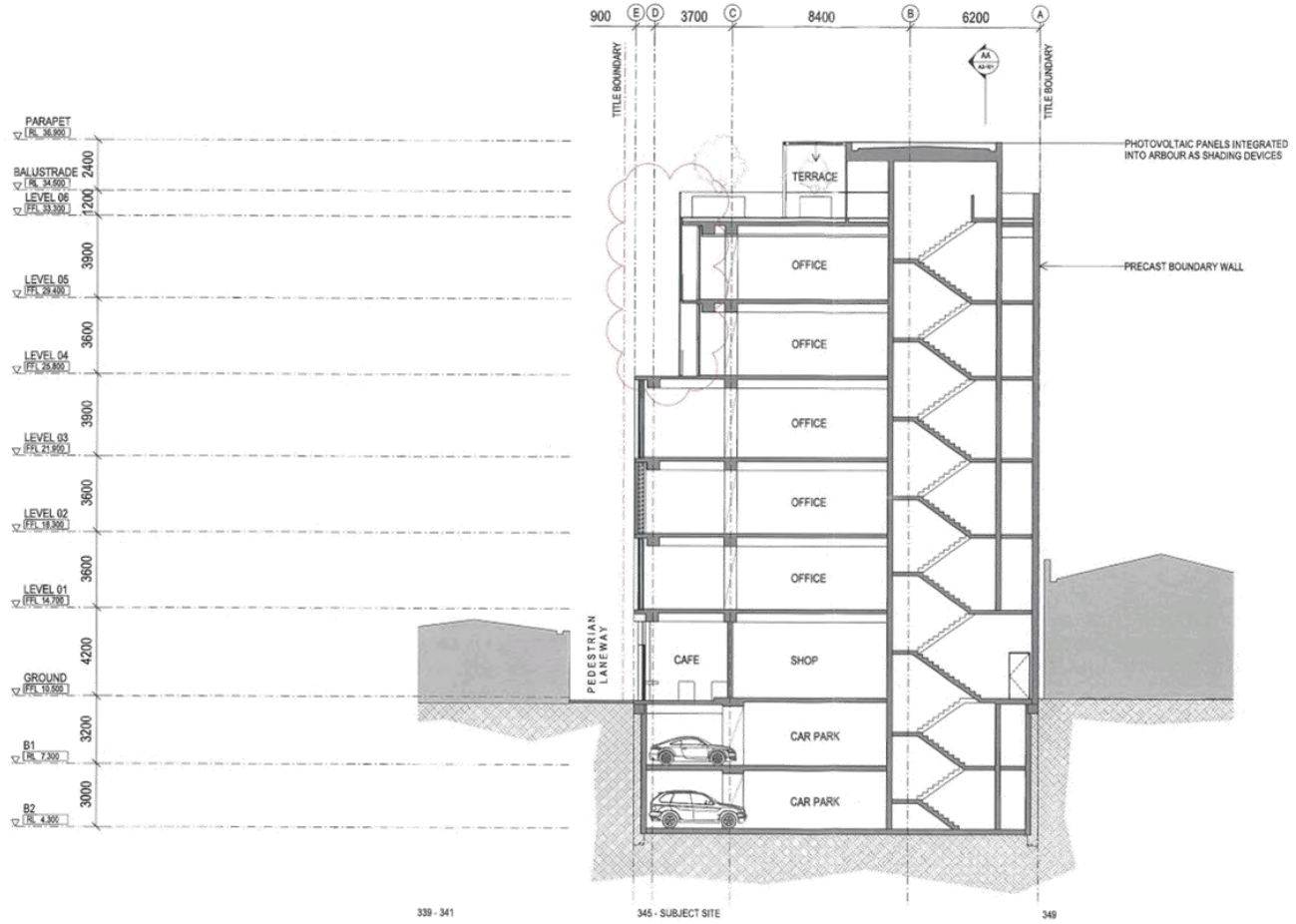


Attachment 11 - Sketch plans



Attachment 11 - Sketch plans

ARCHITECTURAL DRAWINGS SECTION BB 48



SOUTH ELEVATION - PROPOSED
SWAN STREET

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20.12.2016
Revision 02

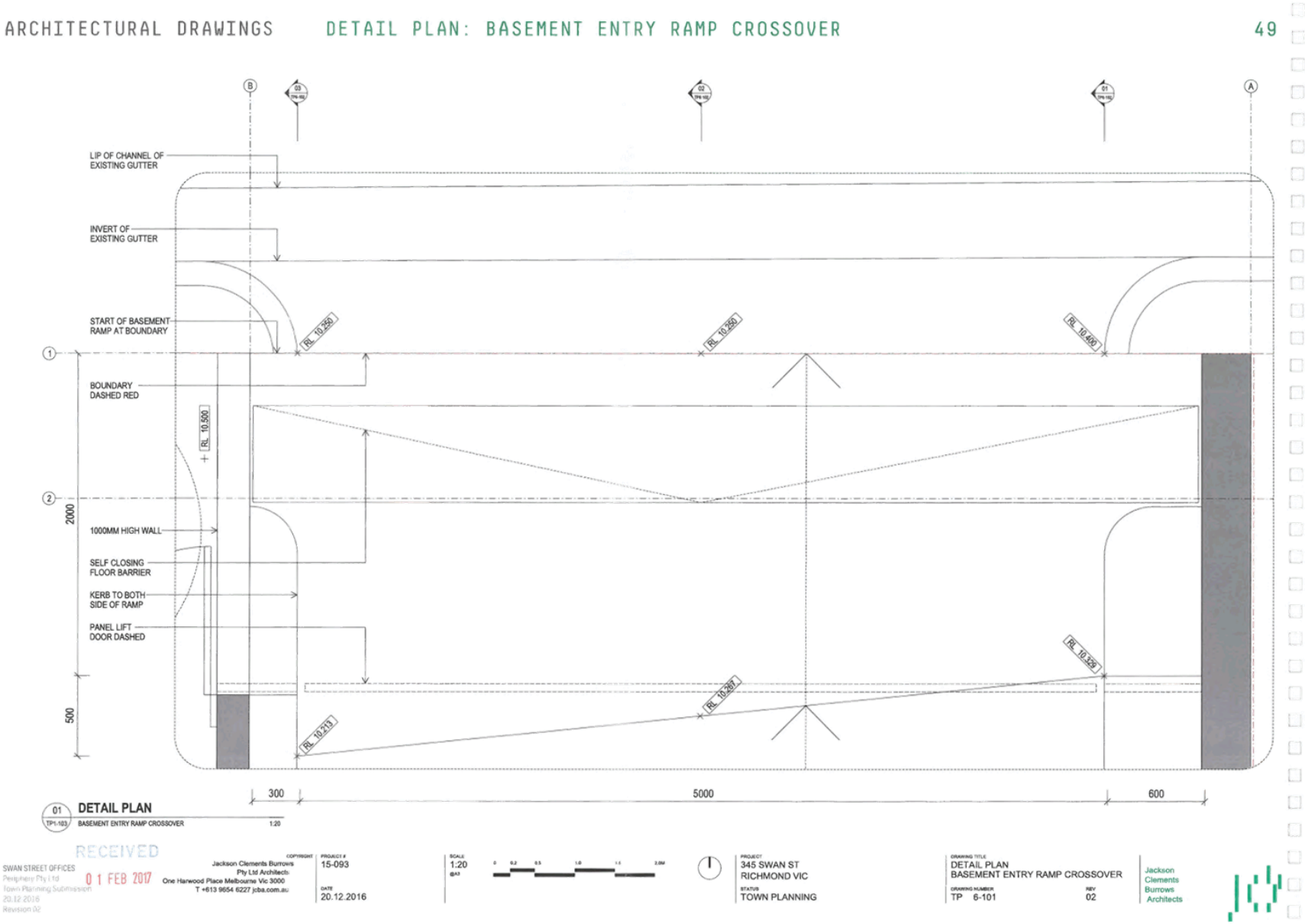
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One Harwood Place Melbourne Vic 3000
T +613 9654 6227 jcba.com.au

PROJECT # 15-093
DATE 20.12.2016
SCALE 1:200 @A3
PROJECT 345 SWAN ST RICHMOND VIC
STATUS TOWN PLANNING
DRAWING TITLE PROPOSED SECTION BB
DRAWING NUMBER TP 3-102
REV 02

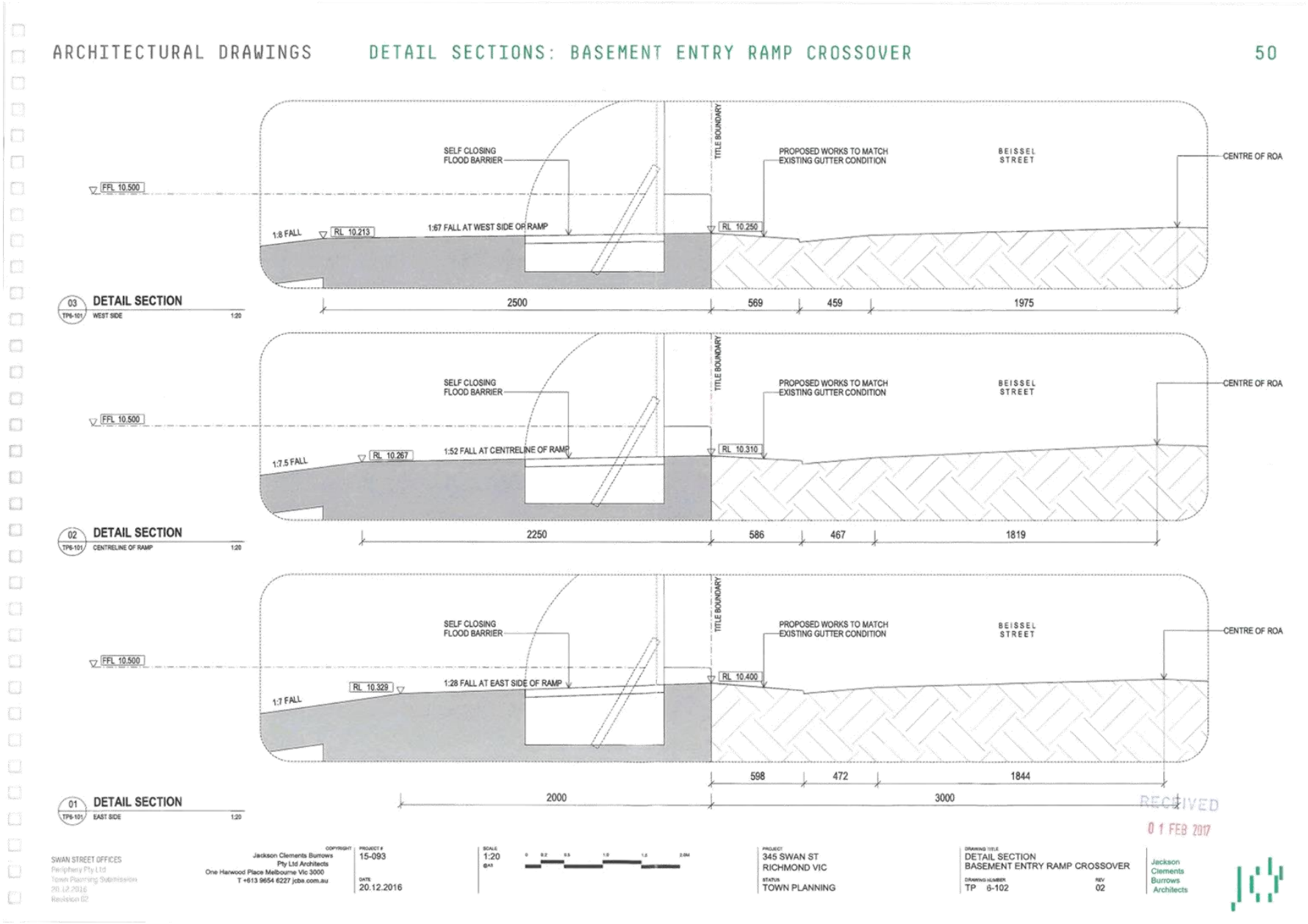
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Attachment 11 - Sketch plans



Attachment 11 - Sketch plans



Attachment 12 - PLN14/0581 63-65 Glass St - Endorsed Plans

PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Plan referred to in Permit No: PLN14/0581
relating to use/development of land.
For and on behalf of the Responsible Authority
DATE 9/9/16 PLAN 1 of 16
This is NOT Building Permit

DEVELOPMENT SUMMARY:

Level	GFA Ex. Terr. & Parking	GFA (Parking)	Car Spaces	NSA Residential	Terrace	Circulation/ Services	No. of 1 Bed	No. of 2 Bed	Total No per Level	Floor Plate Efficency
Basement	42.7 m²	483.7 m²	24			0.0 m²				
Ground	410.5 m²			281.5 m²	53.8 m²	42.7 m²	1	3	4	58.2%
Level 1	485.1 m²			430.5 m²	50.1 m²	129.0 m²	3	4	7	87.8%
Level 2	404.1 m²			350.3 m²	43.9 m²	54.5 m²	5	1	6	85.7%
Level 3	280.9 m²			239.6 m²	48.3 m²	53.7 m²	0	3	3	86.5%
SUB TOTALS:	1623.2 m²					41.2 m²	9	11	20	79.55%
TOTALS:		483.7 m²	24	1302.1 m²		321.2 m²	MIX: 68%	32%		

*For preliminary feasibility purposes. Areas are not to be used for purpose of lease or sale agreements. Layouts may not comply with building regulations or other regulatory requirements. The information contained in this schedule is believed to be correct at the time of printing. Areas are generally measured in accordance with the Property Council of Australia Method of Measurement.

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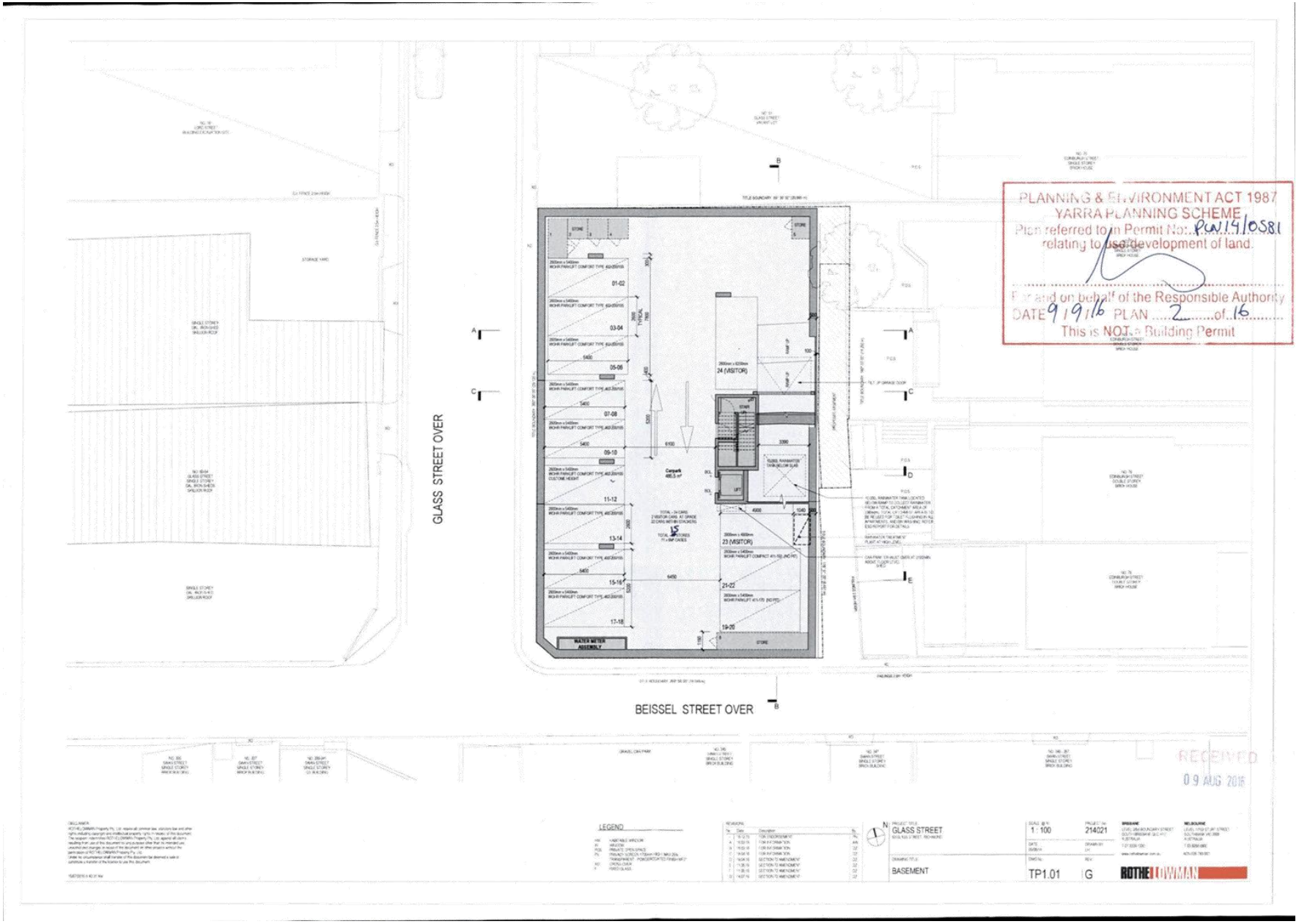
GLASS STREET

COVER SHEET

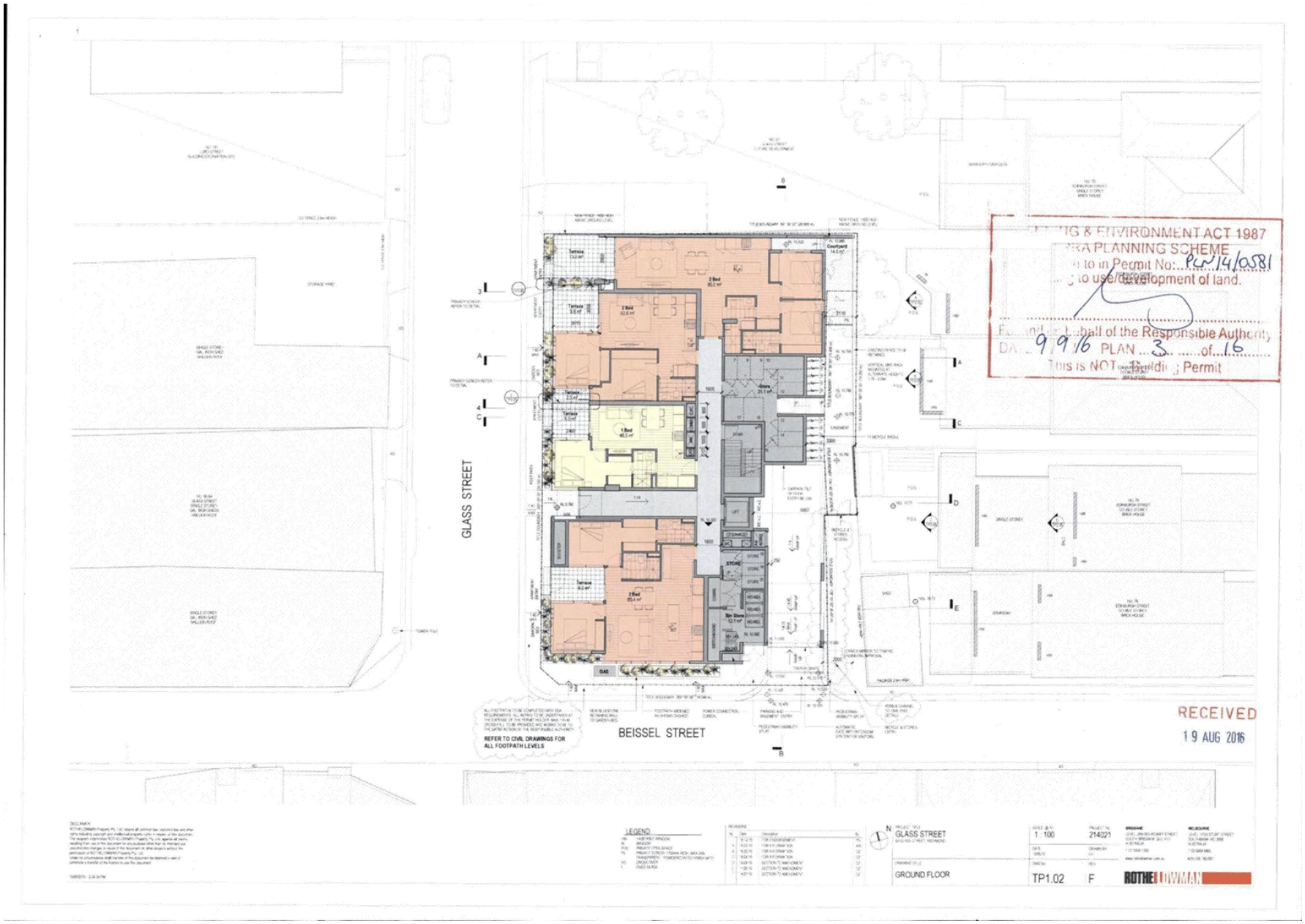
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Attachment 12 - PLN14/0581 63-65 Glass St - Endorsed Plans



Attachment 12 - PLN14/0581 63-65 Glass St - Endorsed Plans



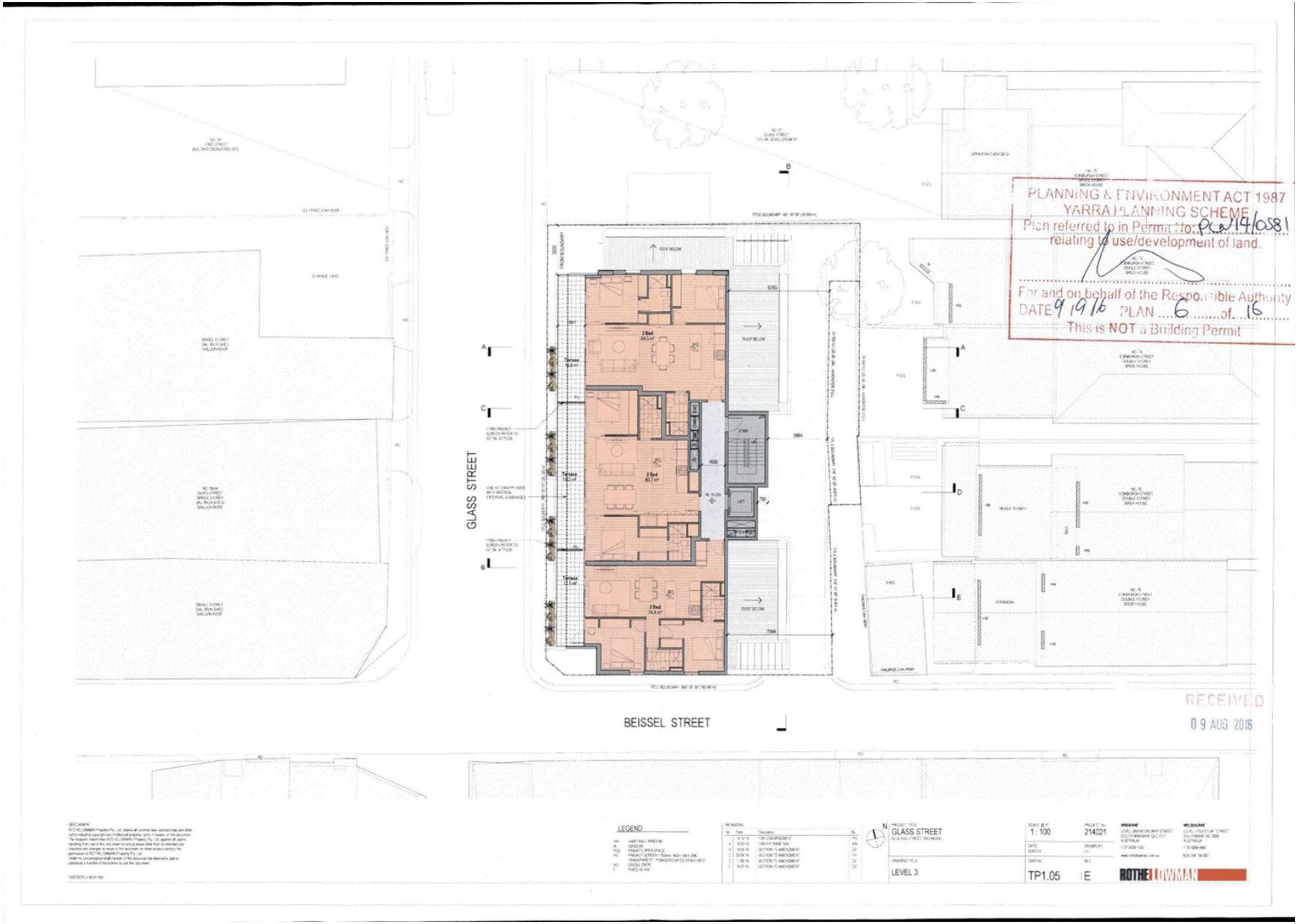
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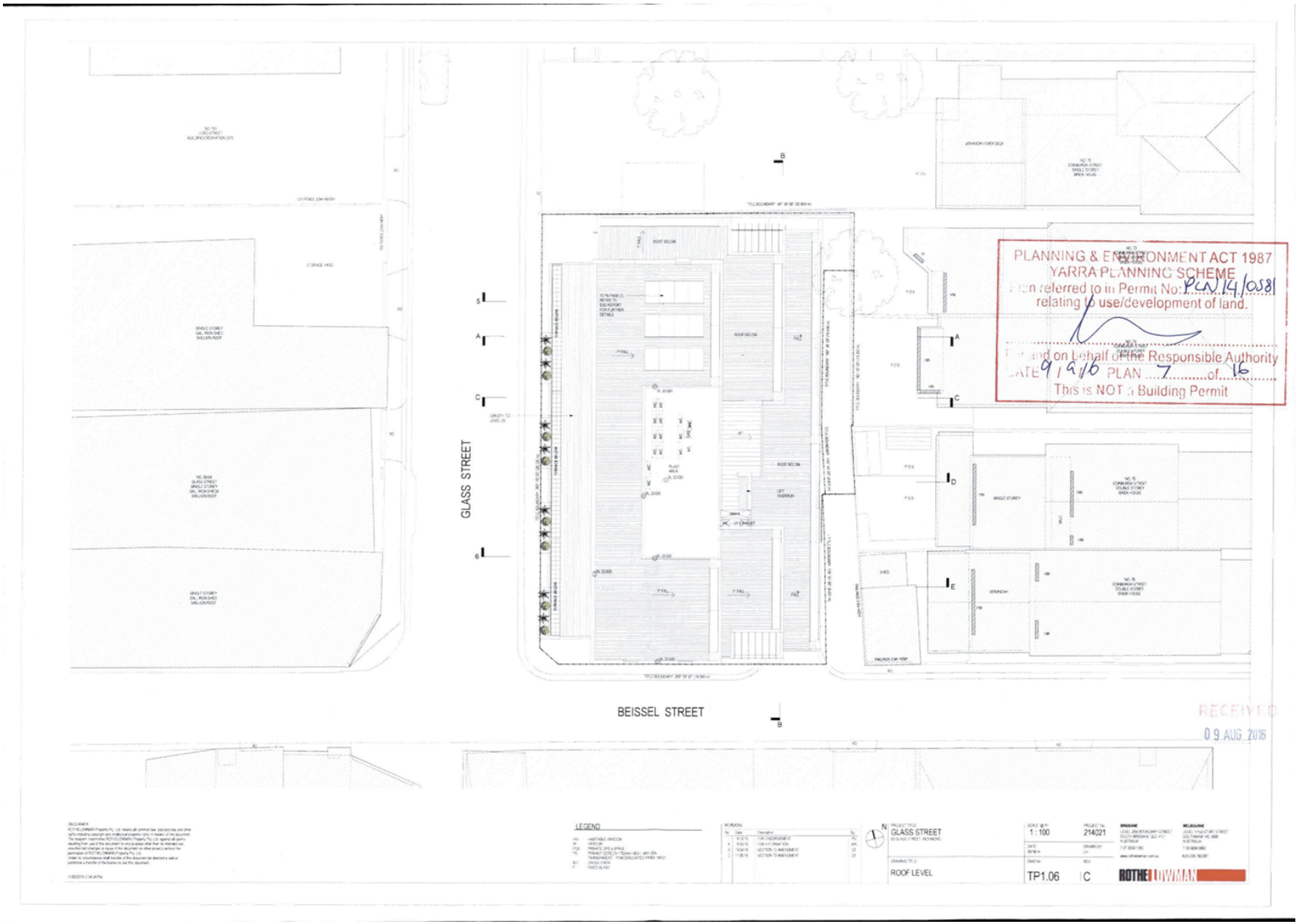
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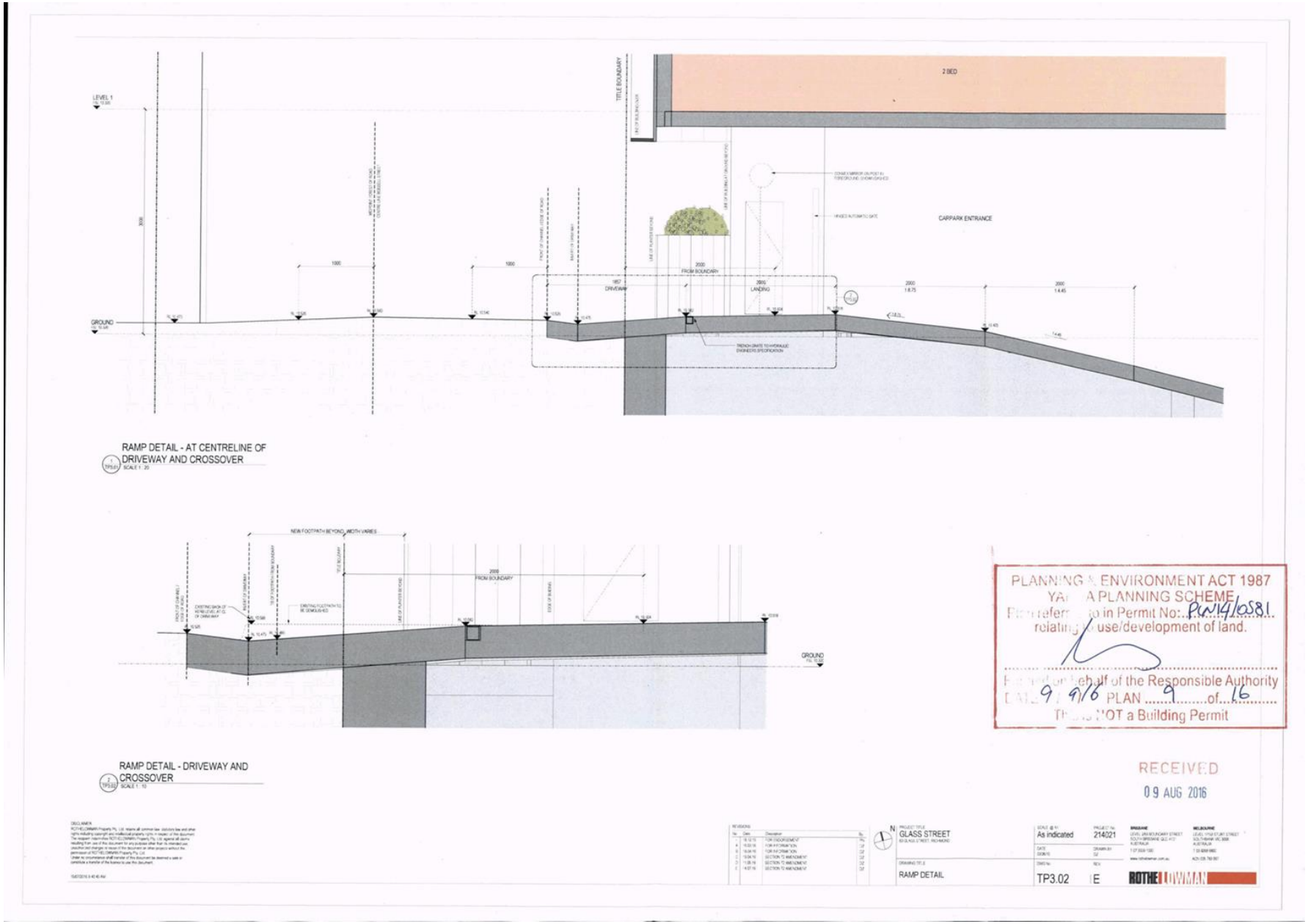
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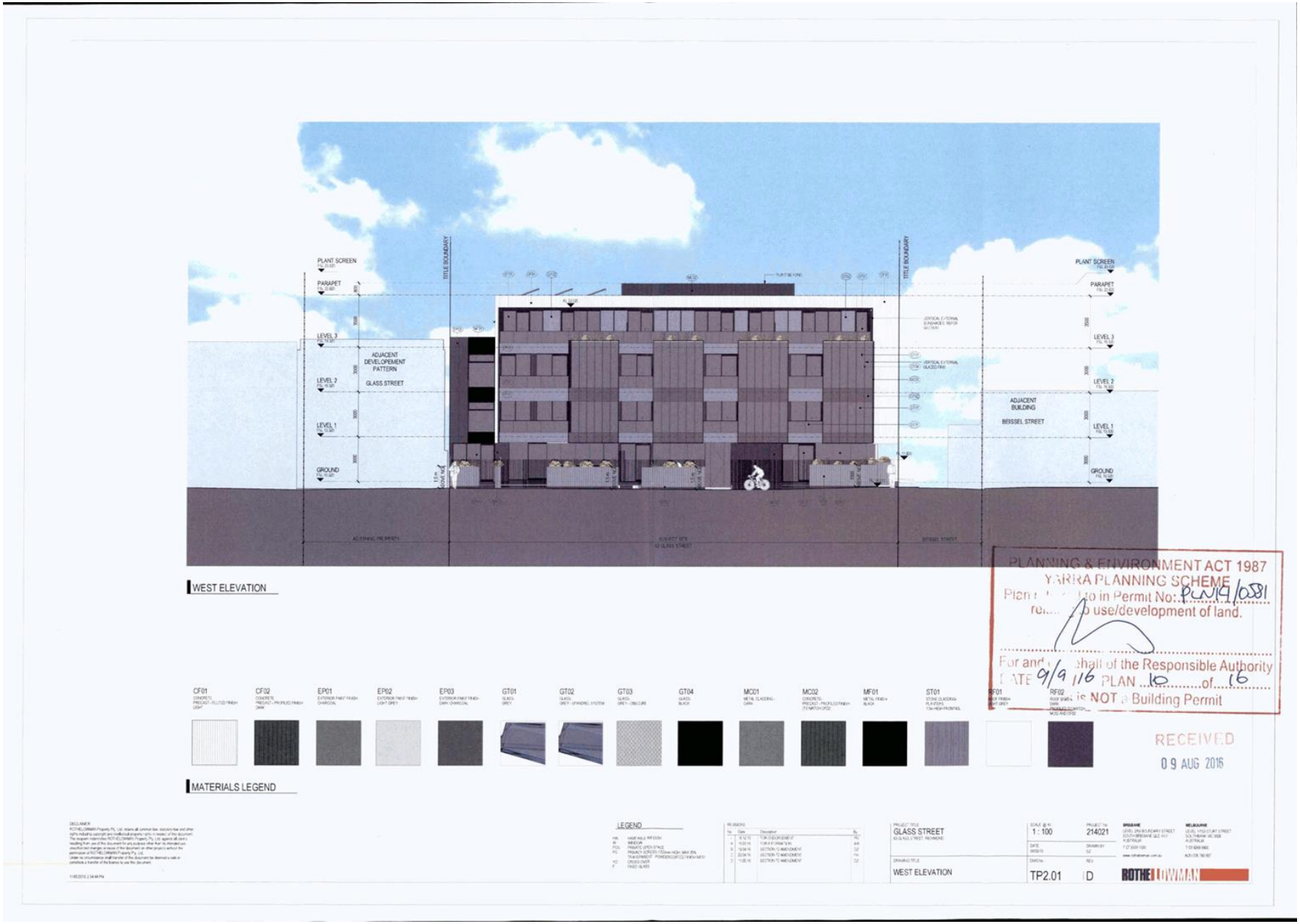
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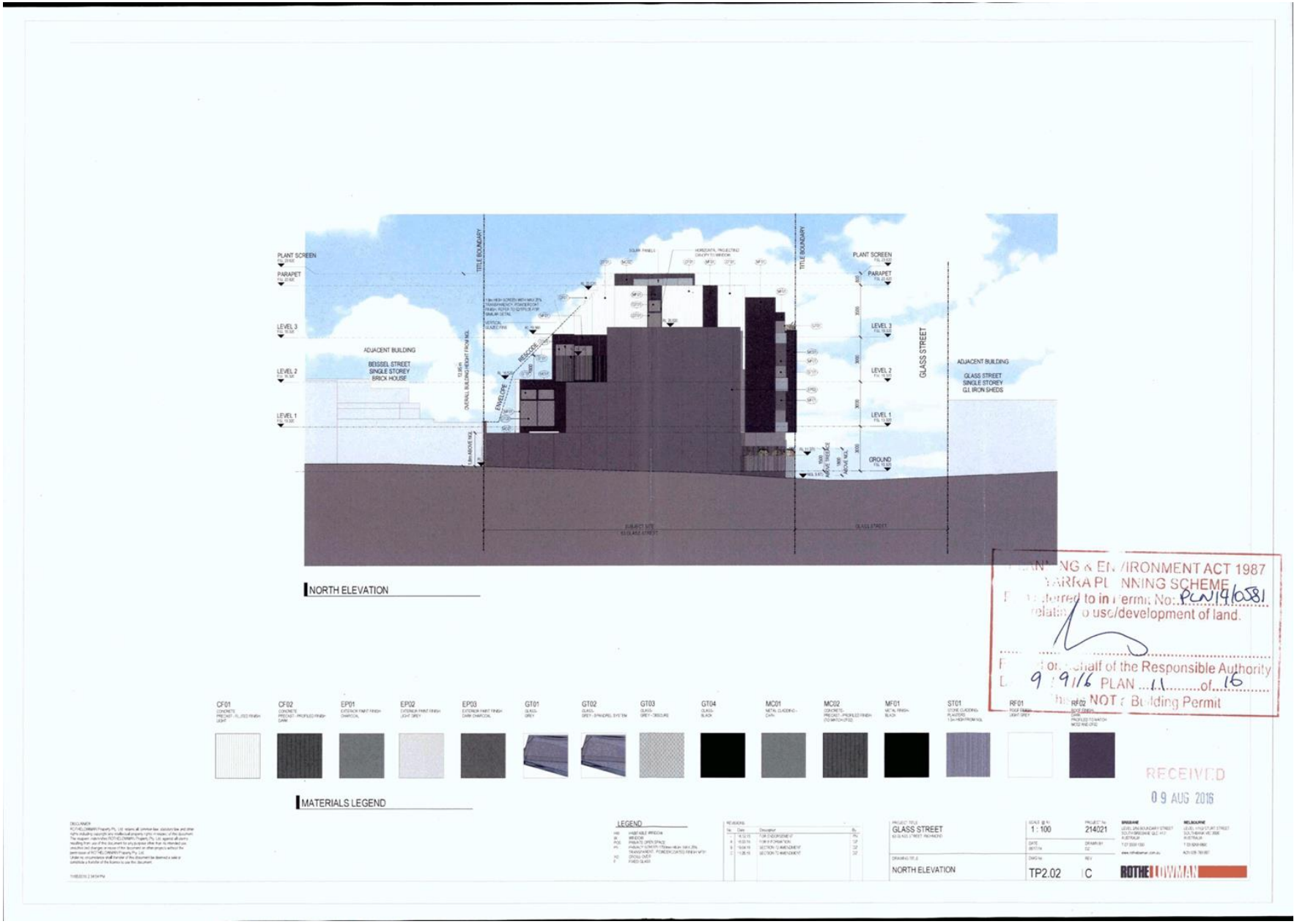
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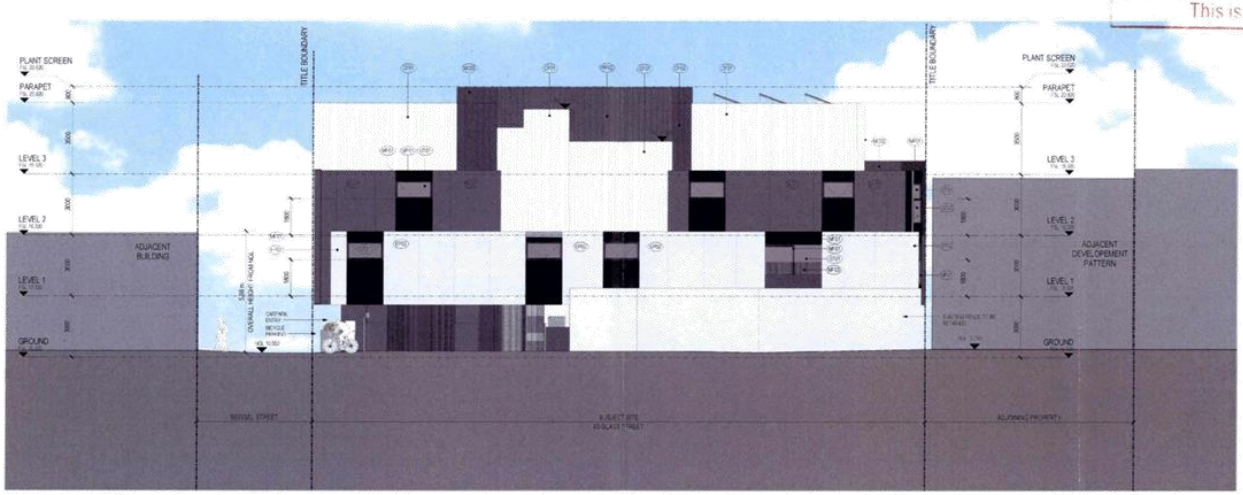


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YARRA PLANNING SCHEME
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For and on behalf of the Responsible Authority
DATE 9/9/16 PLAN 12 of 16
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EAST ELEVATION



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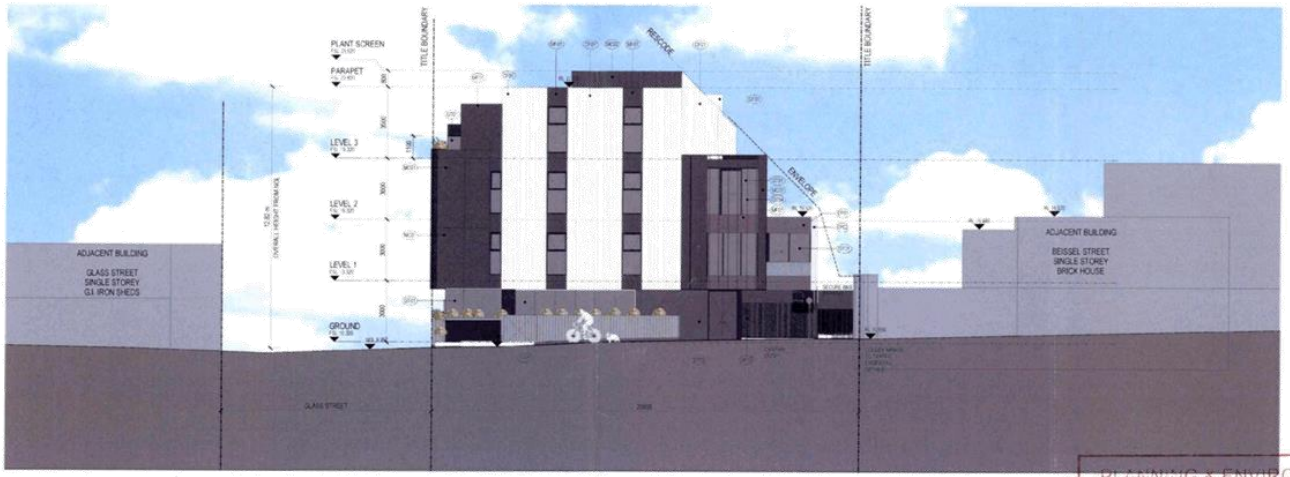
GLASS STREET

EAST ELEVATION

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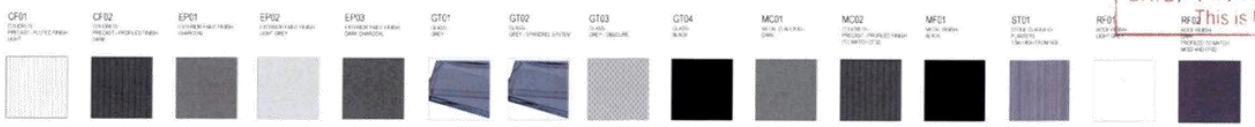
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Attachment 12 - PLN14/0581 63-65 Glass St - Endorsed Plans



SOUTH ELEVATION

PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
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MATERIALS LEGEND

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09 AUG 2016

LEGEND

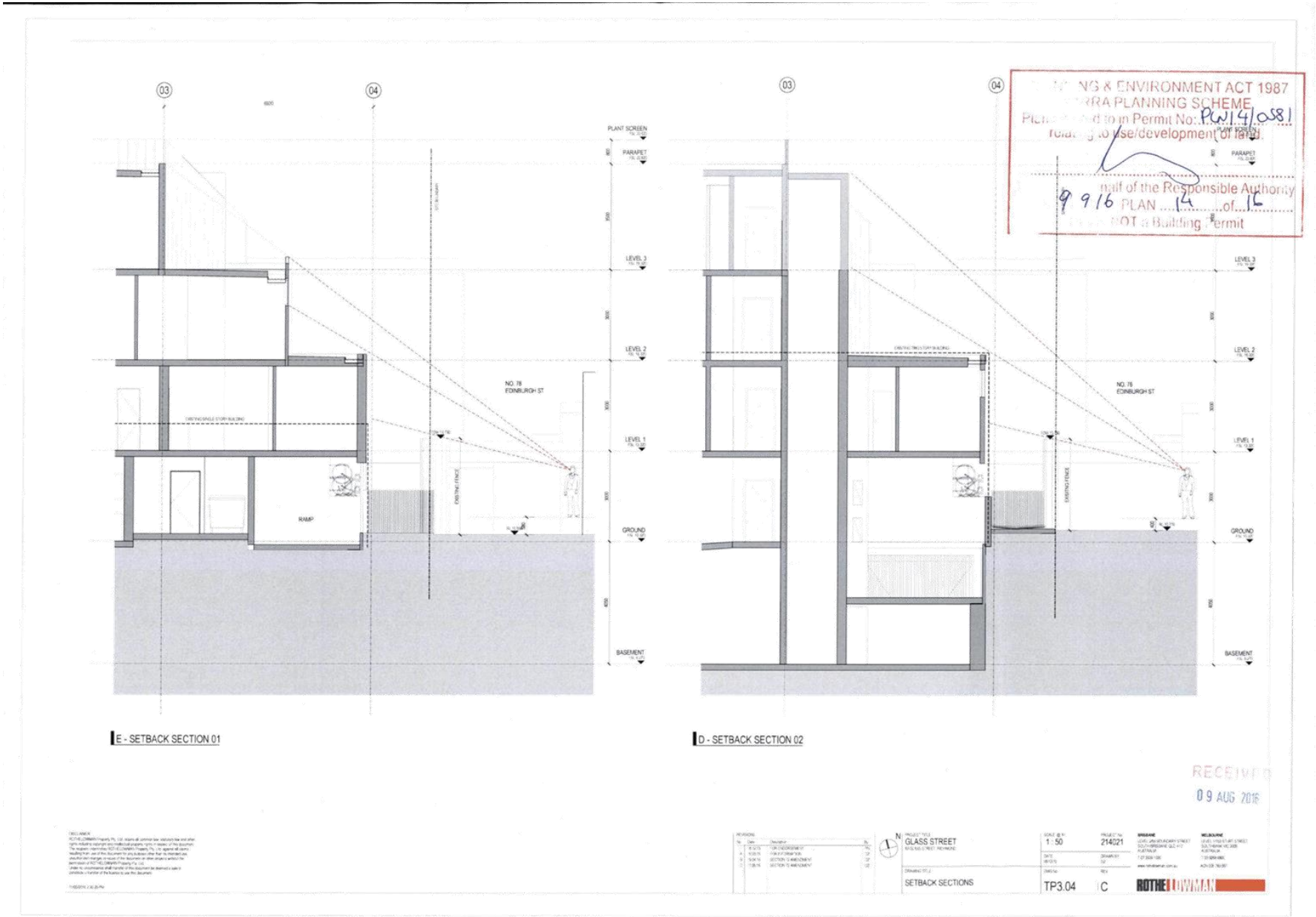
GLASS STREET

SOUTH ELEVATION

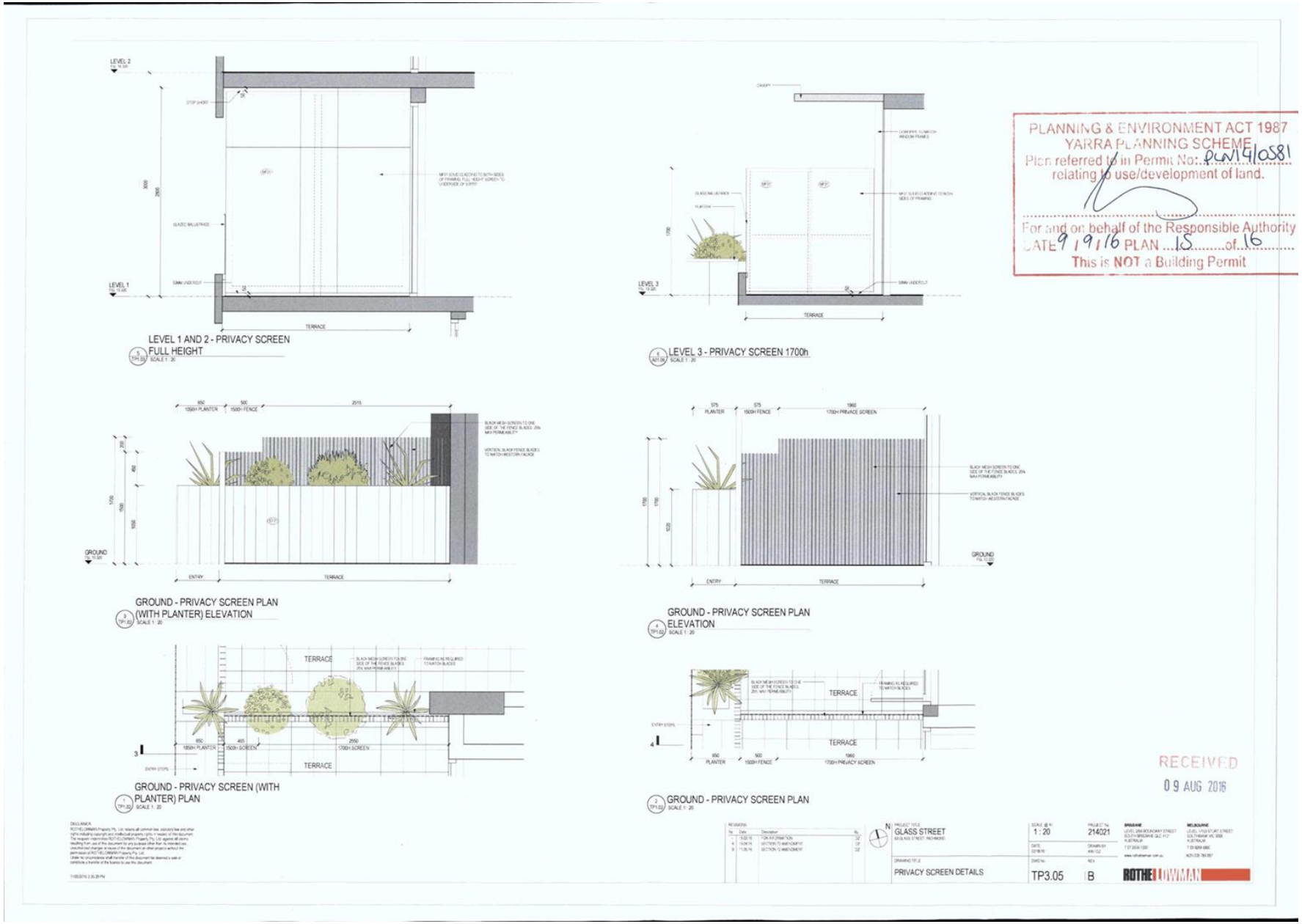
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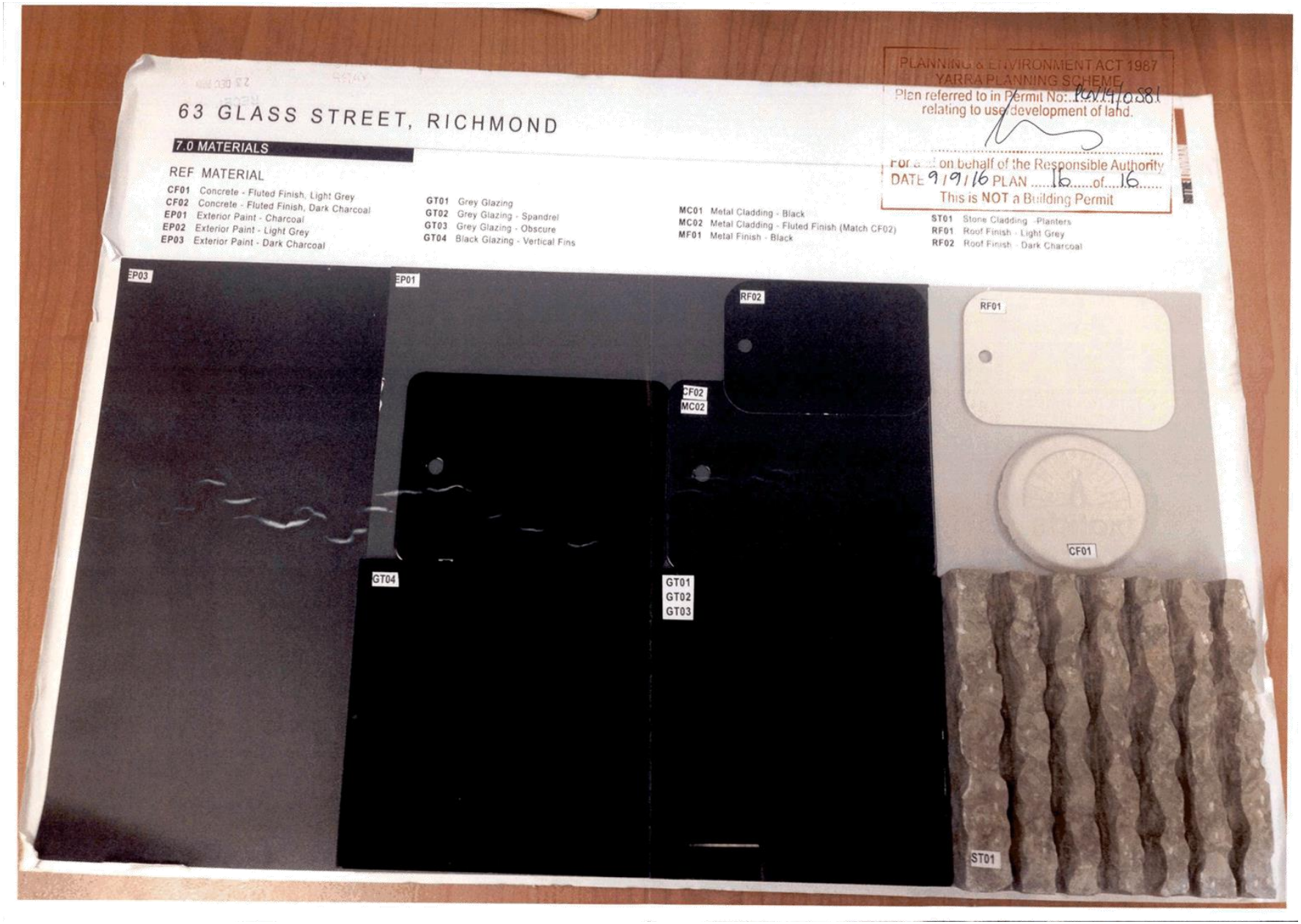
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Attachment 12 - PLN14/0581 63-65 Glass St - Endorsed Plans



1.4 Planning Permit Application No. PLN16/0366. 22 Ivan Street, Fitzroy North. Development of the land for the full demolition of the existing dwelling, construction of a part single and part double storey dwelling and associated car parking reduction.

Executive Summary

Purpose

1. This report provides an assessment of the above planning application, which seeks approval for the development of the land for the full demolition of the existing dwelling, construction of a part single and part double storey dwelling and associated car parking reduction.

Key Planning Considerations

2. Key planning considerations include:

   (a) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
   (b) Clause 32.09 – Neighbourhood Residential Zone – Schedule 1;
   (c) Clause 43.01 – Heritage Overlay; and
   (d) Clause 54 – One dwelling on a lot.

Key Issues

3. The key issues for Council in considering the proposal relate to:

   (a) State and Local Planning Policy Framework;
   (b) Clause 54 of the Yarra Planning Scheme (Rescode);
   (c) Heritage; and
   (d) Objector concerns.

Objector Concerns

4. Seven (7) objections were received to the application, these can be summarised as:

   (a) Excessive site coverage, height and setbacks to boundaries resulting in visual bulk;
   (b) Overlooking;
   (c) Overshadowing;
   (d) Removal of off-street car parking creating additional pressure on existing on-street car parking; and
   (e) Building out of character in the area.

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

CONTACT OFFICER: **Laura Condon**
TITLE: **Senior Statutory Planner**
TEL: **92055352**

1.4 Planning Permit Application No. PLN16/0366. 22 Ivan Street, Fitzroy North. Development of the land for the full demolition of the existing dwelling, construction of a part single and part double storey dwelling and associated car parking reduction.

Trim Record Number: D17/17286
Responsible Officer: Principal Planner

Proposal:	Development of the land for the full demolition of the existing dwelling, construction of a part single and part double storey dwelling and associated car parking reduction.
Existing use:	Dwelling
Applicant:	Rob Kennon Architects
Zoning / Overlays:	Neighbourhood Residential Zone (Schedule1) / Heritage Overlay (HO 327)
Date of Application:	2 May 2016
Application Number:	PLN16/0366

Planning History

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

Background

2. The application was received by Council on 2 May 2016. After the request for further information was satisfied, the application was advertised in August, 2016 with seven (7) objections received.

3. A consultation meeting was held on 11 October 2016, attended by planning officers, representatives of the permit applicant, objectors and two Councillors. In response to objector concerns, amended plans were submitted on 27 October 2016, under Section 57A of the *Planning and Environment Act 1987*. The design changes on the amended plans were as follows;

    (a) Increased the setback of the first floor addition to the rear boundary from 2.2m to 3.66m, an increase of 1.46m;
    (b) Increased the length of the first floor northern boundary wall from 3.67m to 6.17m with associated changes to internal layout;
    (c) The positions of first floor windows were altered;
    (d) The overall height of the building was reduced from 6.5m to 6.2m, and
    (e) Associated marginal changes to the dimensions of the central and rear courtyards.

4. The section 57A amended plans were advertised to objectors and adjoining properties on 01 September 2016, with no new objections received. Some existing objectors provided further submissions indicating that the revised design did not adequately address their concerns.

5. In further response to objector concerns, amended plans were submitted on 10 and 20 January 2017, under Section 57A of the *Planning and Environment Act 1987*. The labelling of rooms (including the store and bbq to the rear courtyard) have been omitted from the floor plans (which will be addressed by way pf permit condition). The design changes made to the amended plans are as follows;

    (a) Increased the setback of the first floor addition to the rear boundary from 3.66m to 4.63m, an increase of 0.97m,

(b) Increased the length of the first floor northern boundary wall from 6.17m to 10.56m,
(c) The positions of first floor windows were altered with no windows now proposed to the first floor northern wall.
(d) The ground floor internal layout is altered as follows;
    (i) The room positions and walls of the single storey building have been reversed (with wall lengths unaltered but with the 6.49m northern boundary wall now located on the south boundary and the 4.89m southern wall now located on the north boundary);
    (ii) The stairs and kitchen have been relocated from the south to the north end of the double storey building;
    (iii) The covered store and bbq have been relocated from the southern boundary to the northern boundary (rear courtyard); and
    (iv) Associated marginal changes to the dimensions of the central and rear courtyards.

6. The section 57A amended plans were advertised to objectors and adjoining properties on 23 January 2017, with no new objections received. Some existing objectors provided further submissions indicating that the revised design did not adequately address their concerns. These plans will form the basis of this assessment.

Existing Conditions

Subject Site

7. The site is located on the eastern side of Ivan Street in Fitzroy North, with Park Street 90m north and Tait Street 83.6m to the south. A 3.4m wide laneway is located to the rear of the site.

8. The site is rectangular in shape, measuring 7.6m in width (front and rear boundary) and has a depth of 30.48m and yields a total site area of 231.6sqm. The site is occupied by a single storey weatherboard dwelling that is setback approximately 1.7m from the front boundary (with the verandah setback 0.8m) and 16m to the rear boundary. The dwelling is built to both the north and south side boundaries. A single storey studio and laundry are built to the north boundary and located in the rear private open space. There is one existing car parking spaces on-site, accessed from the rear laneway.

9. The certificate of title does not show any registered restrictive covenants or caveats.

Surrounding Land

10. St Georges Road is 180m west of the site and accommodates tram services and services such as shops, a supermarket and numerous restaurants and cafes. Rushall Train Station is located 380m east of the site, with the Park Street Reserve 100m to the north. The Capital City Cycling Trial runs through this reserve. Ivan Street is a dead–end street that terminates 52m south of the subject site and accesses onto Park Street 90m north of the site. Ivan Street is 18m wide with single storey brick dwellings located on the opposite side.

11. The immediate context contains predominately single storey residential buildings with a number having rear double storey additions. To the east (on the opposite side of the eastern laneway) are two double storey dwellings with single storey lean-to's attached to the rear of the dwelling. The private open space is located to the rear of the dwellings and adjoins the laneway apart from a small outbuilding located on the rear boundary of each property.

12. To the immediate north of the subject site is a single storey dwelling with a double storey addition to the rear. The double storey addition is setback approximately 4.6m to the rear boundary and is built to the shared boundary with the subject site. The single storey section of the dwelling is setback approximately 1.2m from the shared boundary and contains 2 habitable room windows (one bedroom window and bi-fold glazing to living room).

The double storey addition contains one east and one west-facing habitable windows. Private open space is located to the rear.

13. To the immediate south is a single storey Victorian era brick dwelling. The dwelling is built to the shared boundary with the subject site (apart from a centrally located lightwell that contains 2 habitable and 1 non-habitable room windows). The dwelling is setback 7.5m from the rear boundary with two habitable room windows on the rear wall. Private open space is located in the rear setback with a shed in the south-east corner of the site.

The Proposal

14. The proposal is for the development of the land for the full demolition of the existing dwelling, construction of a part single and part double storey dwelling and associated car parking reduction. The full details of the proposal are as follows:

Demolition

15. Demolition includes all of the existing buildings on site including rear, side and front boundary fences.

Ground floor

16. While the plans have omitted to label the use of rooms. However based on the previous sets of plans and confirmation from the applicant, the floor layout is a follows (which will be confirmed by way of permit condition).

17. A bedroom with en-suite and studio are proposed in the ground floor single storey building. A covered outdoor area is located to the rear of the studio and accommodates storage for two bicycles. The building will have a pitched roof form constructed with heritage grade Z600 galvanised corrugated metal.

18. The façade of this single storey building will be setback 1.8m from the front boundary with the verandah encroaching 0.8m into this setback. The façade wall measures 2m in height and with the north and south masonry boundary walls ranging in height from 2.2m to 4.21m. The facades will be finished in timber cladding with a wooden front door and the front windows to have timber cladding shutters. A 1m high square dressed timber picket fence is proposed to the front boundary.

19. The ground floor of the double storey building contains an open plan living and kitchen areas with operable and fixed glazing surrounded by brick and galvanized steel clad walls to the east and west walls and masonry finishes to the north and south boundary walls. The ground floor walls range in height from 2.73m to 3.1m.

20. Separating the single and double storey building is a centrally located courtyard measuring 7.8m in length x 7.6m in width, with a 5000ltr water tank to the north boundary and 2.2m high masonry fences to the north and south boundary enclosing the courtyard. To the rear of the site is a second shared private open space/single car space measuring 5.59m in length and 7m in width. The courtyard is to be enclosed by 2.6m-2.82m high masonry to the north and south boundary. A 2.73 high masonry wall is proposed to the rear boundary with a 4.53m wide bi-fold garage door and pedestrian gate. A roofed store and bbq area is proposed to the north boundary, with the proposed flat roof form matching the height of the proposed boundary wall.

First floor

21. The first floor will be built to the north boundary, setback 4.63m to the rear boundary, 12m to the front and 1.95m to the southern boundary. The first floor will cantilever for a distance of 3.3m over the ground floor west wall and 0.9m over the ground floor west wall. The first floor will accommodate three bedrooms and two bathrooms.

22. The walls will measure 6.2m in height and will be a masonry finish to the north boundary, steel cladding (white metal louver) to the east wall and the same metal louver cladding applied to the outside of the first floor western glazed wall. Four operable glazed windows are proposed to the north wall with the same metal louver privacy screen to extend the full width of this wall and windows. A flat metal deck roof is proposed.

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (Schedule 1)

23. Pursuant to Clause 32.09-4 of the Yarra Planning Scheme (the Scheme), a planning permit is required to construct or extend a dwelling on a lot less than 500sqm. A development must meet the objectives of Clause 54 (Rescode) of the Scheme. Clause 32.09-8 stipulates the following:

    (a) The maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this zone. If no building height is specified, the height of a building must not exceed 8 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres.

Overlays

Heritage Overlay [HO327]

24. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish a building and to construct a building or construct or carry out works.

Particular Provisions

Clause 52.06 – Car Parking

25. Pursuant to the Car parking requirement table at clause 52.06-5 of the Scheme, dwellings are required to provide on-site car parking spaces as follows:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Dwellings - Residents	1 dwellings with 4 bedrooms and 1 studio	2 to each 3 or more bedroom/ studio dwelling;	2	1	1

Clause 54 – ResCode

26. These provisions apply to construct a building or construct or carry out works associated with one dwelling on a lot of less than 300sqm under the provisions of the NRZ1.

General Provisions

27. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision. An assessment of the application against the relevant sections of the Scheme is offered in further in this report.

28. State Planning Policy Framework (SPPF)

Clause 11.02 - Urban growth

29. The clause includes several strategies to achieve this objective including '*planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas' and 'concentrate urban expansion into growth areas that are served by high-capacity public transport.*

Clause 11.04-2 – Housing Choice and Affordability

30. The objective of this clause is *'to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services'.*

Clause 15 – Built Environment and Heritage
Clause 15.01-1 – Urban design

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

Clause 15.01-4 – Design for safety

32. The objective of this clause is *'to improve community safety and encourage neighbourhood design that makes people feel safe'.*

Clause 15.01-5 – Cultural identity and neighbourhood character

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

Clause 15.02-1 – Energy and resource efficiency

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

Clause 16 – Housing
Clause 16.01-1 – Integrated housing

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

Clause 16.01-4 – Housing diversity

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

Clause 18.02-1 - Sustainable personal transport

37. The objective of this clause is *'to promote the use of sustainable personal transport'.*

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

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

Clause 21.04 – Land Use

39. The relevant objectives and strategies of this clause are '*to accommodate forecast increases in population'* and to *'support residual population increases in established neighbourhoods'.*

Clause 21.05 Built Form
Clause 21.05-2 – Urban design

40. This clause incorporates the following relevant objectives:

    (a) *Objective 16 - To reinforce the existing urban framework of Yarra; and*

    (b) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*

Clause 21.07 Environmental Sustainability
Clause 21.07-1 – Ecologically sustainable development

41. The relevant objective of this clause is:

    (a) Objective 34 To promote ecologically sustainable development.

Clause 21.08 Neighbourhoods
Clause 21.08-8 North Fitzroy

42. The subject site is contained in the neighbourhood of Fitzroy North. The policy describes the character of Fitzroy North as a mix of commercial and residential uses notable for its parklands including The Edinburgh Gardens and Linear Park.

43. The Figure 20 "Neighbourhood Map" for North Fitzroy refers to the subject site being located in a Heritage Overlay. Therefore in this instance, the built form guidelines contained in Clause 22.02 '*Development Guidelines for sites subject to the Heritage Overlay'* and Clause 54 (ResCode) are the principal policies against which the proposal will be assessed.

Relevant Local Policies

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

44. The applicable objectives of this policy are:

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

    (b) To retain significant view lines to, and vistas of, heritage places.

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

    (d) To ensure that additions and new works to a heritage place respect the significance of the place.

    (e) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

Clause 22.02-5.1 Demolition - Full Demolition or Removal of a Building

45. *Removal of Part of a Heritage Place or Contributory Elements*

(a) Generally encourage the retention of a building in a heritage place, unless

(i) The building is identified as being not contributory.

Clause 22.02-5.7 New Development, Alterations or Additions
Clause 22.02-5.7.1 - General

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

(a) Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;
(b) Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;
(c) Be visually recessive and not dominate the heritage place;
(d) Be distinguishable from the original historic fabric; and
(e) Not remove, cover, damage or change original historic fabric.

Front Fences and Gates

47. *Encourage front fences and gates to be designed to*
(a) allow views to heritage places or contributory elements from surrounding streets
(b) be a maximum of 1.2 metres high if solid or 1.5 metres high if more than 50% transparent (excluding fence posts)
(c) be consistent with the architectural period of the heritage place or contributory element to the heritage place.

Clause 22.07 – Development Abutting Laneways

48. The objectives of this clause are:

(a) *To provide an environment which has a feeling of safety for users of the laneway;*
(b) *To ensure that development along a laneway acknowledges the unique character of the laneway; and*
(c) *To ensure that where development is accessed off a laneway, all services can be provided to the development.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

49. This policy to new buildings and extensions to existing buildings which are 50sqm in floor area or greater. The relevant objective of this policy is to achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

Other documents.

50. Pursuant to the incorporated document '*City of Yarra Review of Heritage Overlay Areas 2007, Graeme Butler and Associates 2007: Appendix 8 (revised Sept 2015) City of Yarra Heritage Database'* the site is nominated as "*not contributory*" within the Precinct.

Advertising

51. As detailed in the background section, the application was advertised three times, under the provisions of Section 52 of the *Planning and Environment Act (*the Act) by way of letters sent to surrounding owners and occupiers and by one sign to the Ivan Street frontage. A total of seven (7) objections to the application were received and are summarised as follows:

    (a) Excessive site coverage, height and setbacks to boundaries resulting in visual bulk.
    (b) Overlooking;
    (c) Overshadowing;
    (d) Removal of off-street car parking creating additional pressure on existing on-street car parking; and
    (e) Building out of character in the area.

Referrals

External Referrals

52. The application was not required to be referred (or notice given) to any referral authorities under Clause 66 of the Scheme.

Internal Referrals

53. The following internal referrals were made:
    (a) Engineering Services Unit – traffic and car parking.
    (b) Heritage advisor– building design.

54. Referral responses are contained in the appendices to this report.

OFFICER ASSESSMENT

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

    (a) Clause 54 of the Yarra Planning Scheme (Rescode);
    (b) Heritage;
    (c) Car parking reduction, and
    (d) Objector concerns.

Clause 54 of the Yarra Planning Scheme (Rescode)

56. Clause 54 (ResCode) provides an assessment tool for the appropriateness of the design on a lot of less than 300sqm. This particular provision comprises 19 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. The following provides an assessment against the relevant standards of ResCode and shows the proposal achieves a high level of compliance with relevant objectives.

Standard A1 – Neighbourhood Character

57. This standard encourages proposed development to respond to the existing neighbourhood character of the area which is characterised by predominantly single storey Victorian era dwellings. The proportion of the proposed double storey building is sufficiently modest and does not overwhelm the existing heritage streetscape, as will be discussed in detail in the following heritage assessment.

58. Further, the new single storey building to the frontage appropriately picks up on elements of buildings found in the street and at subject site, in compliance with policy objectives that seek to ensure that new development does not detrimentally impact on the existing neighbourhood character. Further Council's heritage advisor has supported the proposal which demonstrates the design is respectful of the existing neighbourhood character.

Standard A2 – Integration with the street

59. The objectives of this standard include that dwellings be oriented to the street, high front fencing be avoided and dwellings promote observation of abutting streets and public open spaces. As the front of the dwelling will generally replicate the existing dwelling, the proposal achieves compliance with the objectives of this standard. The proposed 1m high picket fence will allow for passive surveillance to the street to be retained, in compliance with the objective of this standard that discourages high front fencing.

Standard A3 – Street setback

60. The street setback will be marginally increased from 1.7m to 1.8m and since this generally replicates existing conditions, this is acceptable and in compliance with the objectives of this policy.

Standard A4 – Building Height

61. A maximum building height of 6.2m is proposed, in compliance with the standard maximum building height limit of 8m stipulated by the zone.

Standard A5 – Site Coverage

62. The proposed site coverage is approximately 93sqm or 54% and complies with the standard which recommends a maximum of 60% coverage.

Standard A6 – Permeability Objectives

63. The clause 54 report submitted with the application stipulates permeable areas comprise 25% of the site, including parts of the front garden, the rear garden and the central courtyard, in compliance with the minimum of 20% recommended by the standard. However the locations of these permeable surfaces are not identified on the plans. A condition will address this.

Standard A7 – Energy Efficiency and clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

64. Best practice stormwater management is illustrated through a 1500 litre rainwater tank plumbed to toilets achieving a 111% STORM score. However the plans do not stipulate the tank will be connected to toilets. A condition will address this.

The development has ample glazing allowing for good access to daylight and operable windows allow for natural ventilation. Reasonable shading is also provided through the external metal screens to the first floor windows and the first floor overhanging the ground floor on the double storey building and verandah roof forms on the single storey building. Given these ESD features, the proposal complies with this clause. The proposal will not unreasonably reduce the energy efficiency enjoyed by adjoining lots, as will be discussed in the following *Standard A12 – Daylight to existing windows and Standard A13 – North-facing windows objective* assessments.

Standard A8 – Significant Trees

65. No significant trees are proposed to be removed as part of this application. There is one small shrub/tree and a fig tree proposed to be removed. The applicant has confirmed that the fig tree has a trunk circumference of less than 250mm and therefore does not need a Local Law permit for its removal.

Standard A10 – Side and rear setbacks

66. The following table outlines proposed setbacks and compliance with the requirements of these standards:

Floor	**wall height above natural ground**	**Required setback**	**Proposed Setback range**	**Complies**
First floor south wall	6.2m	1.78m	1.95m	Yes
First floor east wall	6.2m	1.78m	4.63m	Yes
First floor north wall	6.2m	1.78m	1.2m	No

67. The above table demonstrates the proposal achieves a high level of compliance with the standard. The purpose of this standard is to ensure that proposed development does not present unreasonable visual bulk impacts to adjoining properties. Objectors raised concerns that the width and setback of the double storey building presenting too much visual bulk to the properties on the opposite side of the laneway and the property to the south.

68. However in response to these concerns, the applicant submitted two section 57A amendments which increased the setback from the rear boundary from 2.2m to 4.6m. Given the southern and eastern setbacks comply with the standard and the double storey building aligns with the rear wall of the double storey addition to the north, it is considered that the proposal will not generate excessive visual bulk to the properties to the south or on the opposite side of the laneway. Shadow impacts will be discussed later in this assessment.

69. In relation to the non-compliant north wall, as this wall is located to the south of the property to the north, it will not reduce daylight to the two windows located opposite. Further as there is a 2.5m high boundary wall proposed opposite these windows, the proposed boundary wall coupled with the narrow setback to the windows will ensure views to the first floor wall is limited and thus, reduces visual bulk impacts to an acceptable level.

Standard A11 – Walls on boundaries

70. To satisfy the requirements of this standard, a new wall constructed on the boundary should not abut the boundary for a length of more than 10m plus 25 per cent of the remaining boundary of the adjoining lot and should exceed an average height of 3.2m with no part higher than 3.6m unless abutting a higher existing wall.

71. In relation to the southern boundary walls, the single storey building wall measures 6.49m in length and ranges in height between 2.2m and 4.49m while the double storey building has a boundary wall measuring 3.1m in height and 9.58m in length. In order to comply with the standard, the boundary wall should not exceed a length of 15.1m. In non-compliance, the proposed combined length of the boundary walls is 16.07m.

72. However given the proposal does not comply by only 0.97m and that these walls adjoin existing boundary walls of the dwelling to south, apart from a 1.8m length of the walls to the rear of the site, it is considered that the non-compliant wall length would not result in unreasonable off-site amenity impacts (particularly when the 1.8m length of wall measures only 3.1m in height, in compliance with the standard).

73. The vast majority of the southern boundary walls comply with the height requirements of this standard apart from the apex of the single storey building boundary wall. However this non-compliance is considered acceptable as it only exceeds the existing boundary wall of the property to the south by 0.5m. With this non-compliant section of wall located adjacent to a roofed area, it will not generate unreasonable negative amenity impacts to the adjoining property. The shadow impacts of the non-compliant southern boundary walls will be discussed later in this assessment.

74. In relation to the northern boundary walls, the single storey building wall measure 6.49m in length and ranges in height between 2.2m and 4.2m, while the double storey building has a boundary wall measuring 6.2m in height and 10.5m in length. In order to comply with the standard, the boundary wall should not exceed a length of 15.1m. In non-compliance, the proposed combined length of the boundary walls is 16.8m. The wall heights also do not comply with the standard.

75. However given the proposal does not comply by only 1.7m in length and that non-compliant double storey boundary wall only extends past the existing boundary wall of the dwelling to the north by a combined length of 1m, the non-compliance is considered acceptable. Further given the proposed single storey boundary wall will replace the existing single storey boundary wall albeit will be significantly shorter than the existing wall, the non-compliant existing single storey wall is acceptable. The shadow impacts of the non-compliant northern boundary walls will be discussed later in this assessment.

Standard A12 – Daylight to existing windows

76. This standard requires that buildings opposite an existing habitable room window should provide a light court to the existing window that has a minimum area of 3sqm and minimum dimension of 1m clear to the sky, with walls in excess of 3m in height required to be setback 50 per cent the height of the wall. The proposal satisfies this requirement, apart from the 6.0m high double storey wall opposite one south-facing habitable window (full height living room glazing) at No. 24 Ivan Street.

77. In order to satisfy this standard, this wall should be setback 3m from this window. In non-compliance, the wall is setback 2.5m. This non-compliance is considered acceptable given the proposed wall is located to the south of the windows and the windows will be shaded throughout the day by their own southern wall and eve. The open gauge metal cladding (webforge) to be applied to this non-compliant wall will be a white finish which will facilitate light reflection to this window. A further condition will require that the wall underneath the open metal wall cladding is a light coloured finish to ensure maximum light reflection to this window is achieved. For these reasons and that the 2.5m setback will allow for sufficient daylight access, the proposed non-compliant wall will not unreasonably restrict daylight access to these windows.

Standard A13 – North-facing windows objective

78. This standard requires that if a north-facing habitable room window of an existing dwelling is within 3m of a boundary on an abutting lot, a building should be setback from the boundary 1m plus 0.6m for every metre of height over 3.6m up to 6.9m. The southern dwelling has no north-facing habitable room windows facing the subject site.

Standard A14 – Overshadowing open space

79. This standard requires the following:
    (a) *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 (POS) of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

80. Of relevance is effect of the development on the property to the immediate south (with no other properties affected by additional overshadowing as a result of the proposal between 9am and 3pm). The submitted shadow diagrams show that that this property is unaffected by the development at 9am, with 1.1sqm of additional shadow at noon and 1.5sqm of additional shadow at 3pm.

81. While existing conditions do not comply with the standard and so shadowing should not be increased, the extent of additional shadow is marginal. The private open space to the south measures 33sqm (not including the shed located in the south-west corner). Approximately 12sqm of the open space will retain existing sun at 9am (no reduction), 17sqm at noon (reduced by 1.1qm from 18.1sqm of full sun) and 4.5sqm at 3pm (reduced by 1.5sqm from existing 6sqm of full sun). Given the private open space receives generous access to sunlight in the morning/early afternoon and that the proposal has been designed to minimise additional show to this open space and it is considered the amenity of the open space will not be detrimentally affected by the proposal.

82. Objectors have raised concerns with the additional shadows from the proposed development in the later afternoon after 3pm to the private open space on the opposite side of the rear laneway. However this standard only allows for consideration of additional shadows up to 3pm and so additional shadow in the late afternoon is not a relevant consideration.

Standard A15 – Overlooking

83. Plans demonstrate that all first floor habitable room windows will be enclosed by a metal louver overlooking screen (webforge) with section details provided showing with downward views within the 45 degree radius overlooking limited to the roof of adjoining properties. However the section detail does not detail the dimensions of the spacing between metal louvers nor does the section specify that the louvers will be appropriately fixed to confirm compliance with the standard. This will be addressed by way of permit condition.

84. Objectors raised concerns with overlooking from the first floor east wall to the properties on the opposite side of the laneway. The section 57A amended plans removed windows to this wall.

Standard A16 – Daylight to new windows

85. The new windows would be installed immediately adjacent to open space of at least 1m clear to the sky, therefore complying with this standard which seeks to achieve adequate daylight into new habitable room windows.

Standard A17 – Private open space objective

86. The area of private open space to the rear of the dwelling (34.6sqm) and the central courtyard (53.9sqm) would be in excess of the minimum standard requirement of 40sqm of private open space, therefore complying with this standard.

Standard A18 – Solar access to open space

87. The northern boundary wall/fence to the central courtyard and the proposed shed to the north boundary of the rear private open space measures an average of 2.8m in height. To comply with this standard, the private open space areas should have a minimum width of 4.5m. In compliance with open space areas have a minimum width of 7m and 6m.

Standard A19 – Design Detail

88. The proposed dwelling addition is considered to be of a standard that does not compromise the existing neighbourhood character. The design incorporates appropriate details through the use of an articulated contemporary design and materials that will be of an appropriate height and massing to the surrounding streetscape. The roof plans note the corrugated metal finish while the elevation stipulates a metal deck roof. The applicant confirmed the elevation material notation is an error and this will be addressed by way of permit condition. The issue of design detail will be discussed in detail in the following heritage assessment.

Standard A20 – Front fences

89. The proposed front fence will be a maximum of 1m in height in compliance with the standard.

Heritage

90. The decision guidelines of the Heritage Overlay at clause 43.01 are considered to be incorporated in the requirements of clause 22.02 of the Scheme (*Development Guidelines for sites subject to the Heritage Overlay*) and an assessment is contained below. The following assesses these policies along with the recommendations made by Council's Heritage Advisor.

91. Council's heritage advisor is supportive of the proposal and has requested no changes be made to the proposal by way of permit conditions. The following extracts from the heritage comments demonstrate that the proposal achieves a high level of compliance with heritage policy and so is acceptable from a heritage perspective. The advisor refers to B1: Building 1 (single storey to the front of the site) and B2: Building 2 (double storey to the rear of the site).

Demolition

(a) As the subject property has been identified as being non-contributory, full demolition of the property is acceptable subject to an appropriate new development.

Scale/ height

(b) The proposed facade height for B1 is 2.25 metres, which is consistent with the façade height of surrounding single storey contributory buildings and is supported.

(c) …the overall height of the new development is consistent with other sympathetic second storey additions within the municipality. Given the expected low impact of B2's scale on the historic streetscape, the overall scale is supported.

Setbacks

(d) The proposed side setback for B1 is zero metres on both side boundaries. As the existing building is also built to the side boundaries, the side setbacks are supported.

(e) As the proposed side setbacks result in a narrower form, thus reducing visibility of the new build from the street front, the proposed side setbacks of B2 are supported.

Roof form

(f) B1: The proposed form is considered a contemporary interpretation of a traditional gabled roof with verandah at the front and is supported.

(g) B2: The new build is considered to be setback far enough not to adversely impact the streetscape.

Materials

(h) B1: Given the prominence of the roof, Heritage Grade Z600 is a good material selection for this element. Timber battens will appear contemporary, but mostly hidden under the verandah and complementary to surrounding weatherboard dwellings.

(i) B2: The proposed external materials for B2 will be 'Webforge' steel cladding…..The façade of B2 will have limited visibility from the street, but where visible it is considered to be a suitable material given its recessive colour, the suitable setback, and that fact that metal is commonly seen in this zone in the form of sheet metal roofing.

Appearance

(j) The appearance of B1 is considered to be a good example of a contemporary building which has taken reference from traditional building elements (thus being complementary), yet not so much so that it would be considered faux heritage. The appearance of B1 is supported.

(k) The proposed façade detailing for B2 is a solid wall toward the street front. Given the limited visibility of this façade, the proposed appearance for B2 is supported.

92. On the basis that Council's heritage advisor is fully supportive of the application, the new development will adequately respect the heritage values of the Precinct and achieves a high level of compliance with the Heritage Overlay and Policy at Clause 22.02 and clause 43.01 of the Scheme, and support is recommended for the proposal.

Car parking reduction

93. Clause 52.06-3 states that a permit may be granted to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause. The relevant decision guidelines to be considered for reducing the required car parking rates are as follows:

(a) *The availability of public transport in the locality.*
(b) *The convenience of pedestrian and cyclist access to the site.*
(c) T*he provision of bicycle parking and end of trip facilities for cyclists.*
(d) *The anticipated car ownership rates of likely or proposed occupants (residents or employees).*
(e) *Access to or provision of alternative transport modes.*
(f) *Any car parking deficiency associated with the existing use of the land.*

94. A formal reduction of 1 space is required. In compliance with policy objectives, tram services can be easily accessed from St Georges Road located 180m away. Further trains available at Rushall Station 380m east of the site, with the Capital City Cycling Trial 100m north of the site. The site also has very good access to shops, essential facilities and amenities on St Georges Road. Thus residents will not be fully reliant on cars, with it being practical to walk to these service centres given their proximity to the site. The provision of car parking also reflects existing conditions with one informal car space currently provided in the rear yard. Further, the car parking reduction has been supported by Council's Traffic Engineers. Based on Council's Traffic Engineers support for the application and the assessment provided above, it is considered that the proposed reduction of one car space is acceptable.

95. Council engineers have reviewed the proposed bi-fold gate to the rear of the site (based on the plans submitted 4 July 2016) and have indicated that it will allow for safe and efficient vehicle movements to and from the site, in compliance with policy objectives once the width of the door is increased to a minimum of 4.2m and the car space having a minimum depth of 5.4m. In response the current decision plans show the garage door to have a width of 4.53m and the car space to have a depth of 5.63m.

96. The engineers also requested any new internal concrete works to the car parking space have finished floor levels along the edge of the slab set 40 mm above the edge of the bluestone pavement of the Right of Way. Condition will address this.

Infrastructure matters

97. Council's traffic engineers have also requested that the footpath frontage to Ivan Street be re-sheeted at the developer's expense upon completion of installation of underground services the development. A standard condition will address this.

98. The engineers have also requested that any damage to the rear laneway as a result of the development is repaired. A standard condition will address this. They also requested developer must ensure that light projected from any existing, new or modified lights does not spill into the windows of any new dwellings or any existing nearby residences. Any light shielding that may be required shall be funded by the Permit Holder. It is not considered reasonable to require the developer be responsible to attach light shields to existing street lighting (particularly as the nearest streetlight is 11m away and so is unlikely to be a nuisance to the proposed development). However a standard condition will require that any new lighting is appropriately positioned and designed not to be a nuisance to nearby properties.

99. Standard notes on the permit will deal with drainage connection issues, as requested by Council engineers. A standard condition will also ensure 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, as requested by Council engineers.

Objector Concerns

100. The majority of objector concerns have been considered in the body of the report. Further discussion is outlined below:

(a) Excessive site coverage, height and setbacks to boundaries resulting in visual bulk.
   (i) These issues have been discussed in detail in Clause 54 assessment in paragraphs 61-62 and 66-75.

(b) Overlooking.
   (i) This issue has been discussed in detail in Clause 54 assessment in paragraphs 83-84.

(c) Overshadowing.
   (i) This issue has been discussed in detail in Clause 54 assessment in paragraphs 79-82.

(d) Removal of off-street car parking creating additional pressure on existing on-street car parking.
   (i) This objector refers to the proposal being for two dwellings based on the assumption that the two buildings on-site were to be used as separate dwellings, and so the objector wished to see each dwelling be provided with a car space. However as the two buildings comprise only one dwelling, and with one car space provided for this dwelling, it is considered that the proposal will not generate unreasonable additional demands on existing car parking. The proposed car parking reduction for one car space is also discussed in further detail in paragraphs 93-96.

(e) Building out of character in the area.
   (i) This issue has been discussed in detail in Clause 54 assessment in paragraphs 57-58 and in the heritage assessment in paragraphs 90-92.

Conclusion

101. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0366 for development of the land for the full demolition of the existing dwelling, construction of a part single and part double storey dwelling and associated car parking reduction, at No. 22 Ivan Street, Fitzroy North, 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 the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans received by Council on 10 and 20 January 2017 and further modified as follows:

   (a) Rooms (including the rear store and bbq) to be labelled according to their use,
   (b) The western elevations corrected to show Z600 galvanised corrugated metal roof material,
   (c) Overlooking screen sections detail updated to show that louvers are appropriately fixed with dimensions of spacing between the louvers to be noted and to demonstrate compliance with the objective of standard A15 (*Overlooking*) of clause 54 of the Yarra Planning Scheme,
   (d) The first–floor northern wall opposite the ground floor southern habitable window at No. 24 Ivan Street to be a light coloured finish below the webforge cladding,
   (e) The location and extent of permeable surfaces to be noted on the plans, demonstrating a minimum of 25% site permeability,
   (f) A notation confirming the water tank will be connected to toilets, and
   (g) A notation confirming the finished floor levels along the edge of the car space slab must be set 40 mm above the edge of the bluestone pavement of the Right of Way.

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. Before the development 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 by the re-sheeting of the entire Ivan Street footpath for the width of the property frontage if required by the Responsible Authority):

   (a) at the permit holder's cost; and
   (b) to the satisfaction of the Responsible Authority.

4. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, service structures or service 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.

5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting must be provided to the new pedestrian entrance and pedestrian walkway. Lighting must be:

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

(e) to the satisfaction of the Responsible Authority.

6. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

7. Before the development 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.

8. 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.

9. 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:
A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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

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

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

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.

CONTACT OFFICER: **Laura Condon**
TITLE: **Senior Statutory Planner**
TEL: **92055352**

Attachments

1 PLN16/0366 - 22 Ivan Street, Fitzroy North - Subject Site
2 PLN16/0366 - 22 Ivan Street, Fitzroy North - Decision plans
3 PLN16/0366 - 22 Ivan Street, Fitzroy North - Heritage advice
4 PLN16/0366 - 22 Ivan Street, Fitzroy North - Engineering comments

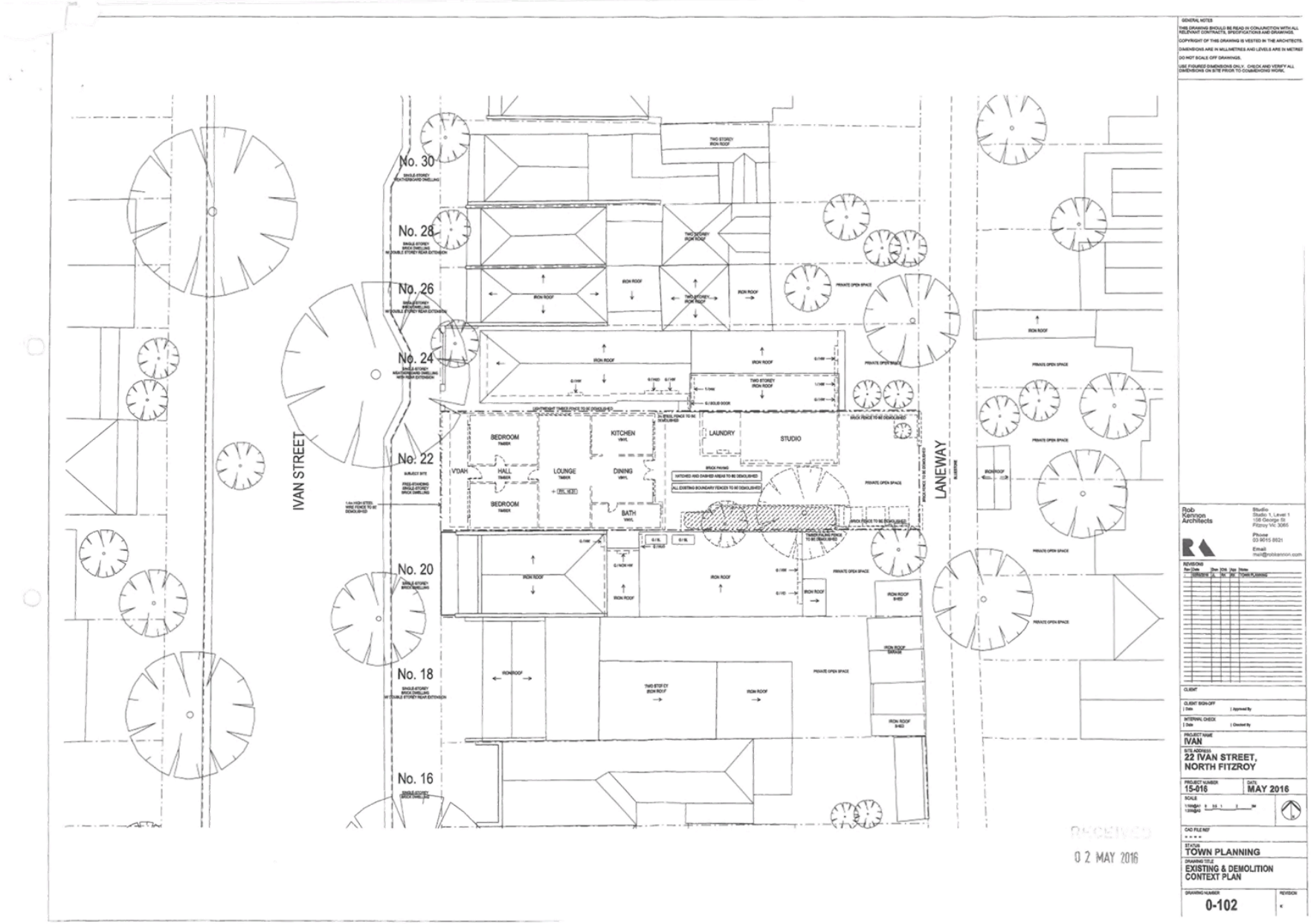
Attachment 1 - PLN16/0366 - 22 Ivan Street, Fitzroy North - Subject Site

22 Ivan Street, Fitzroy North

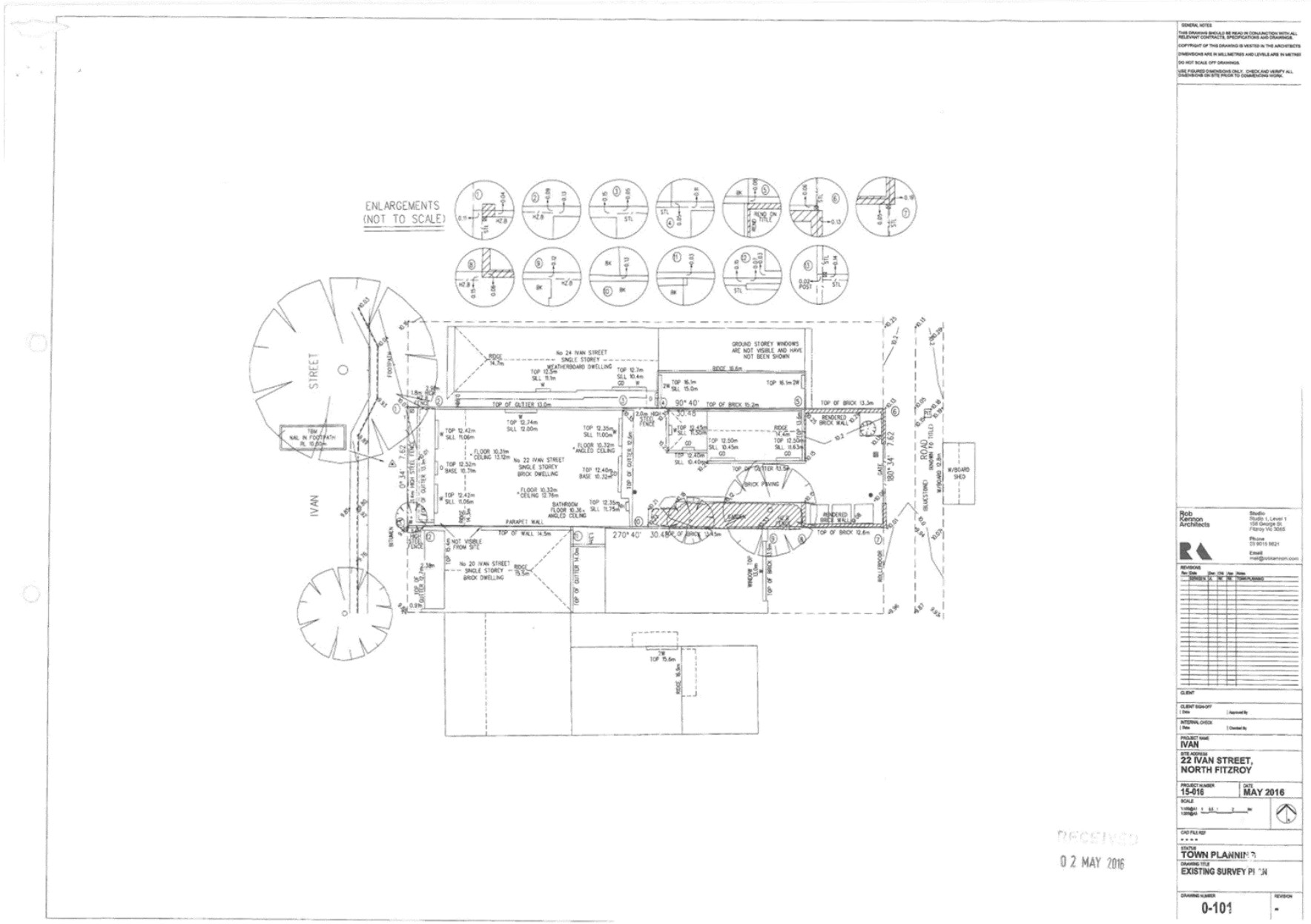
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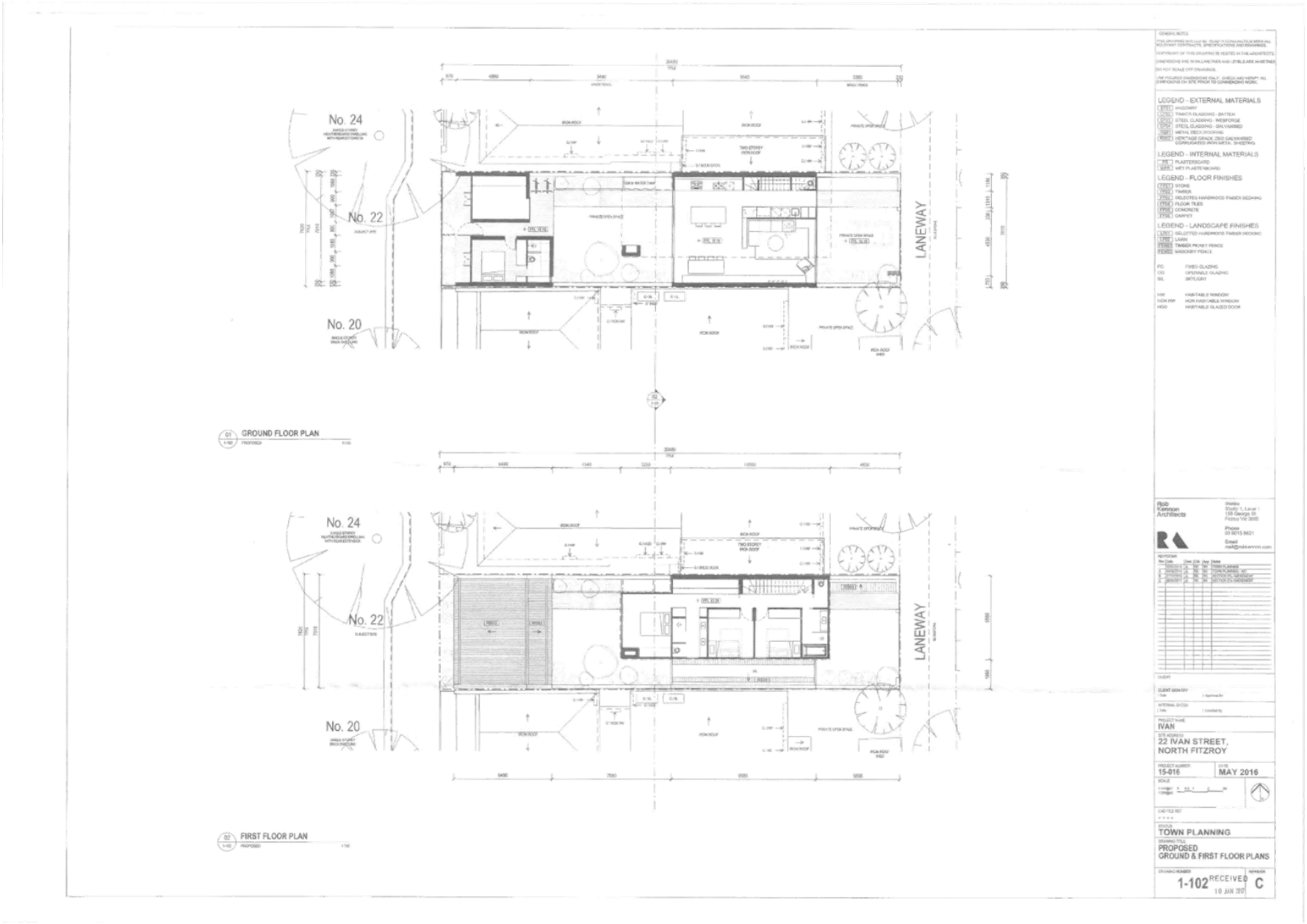
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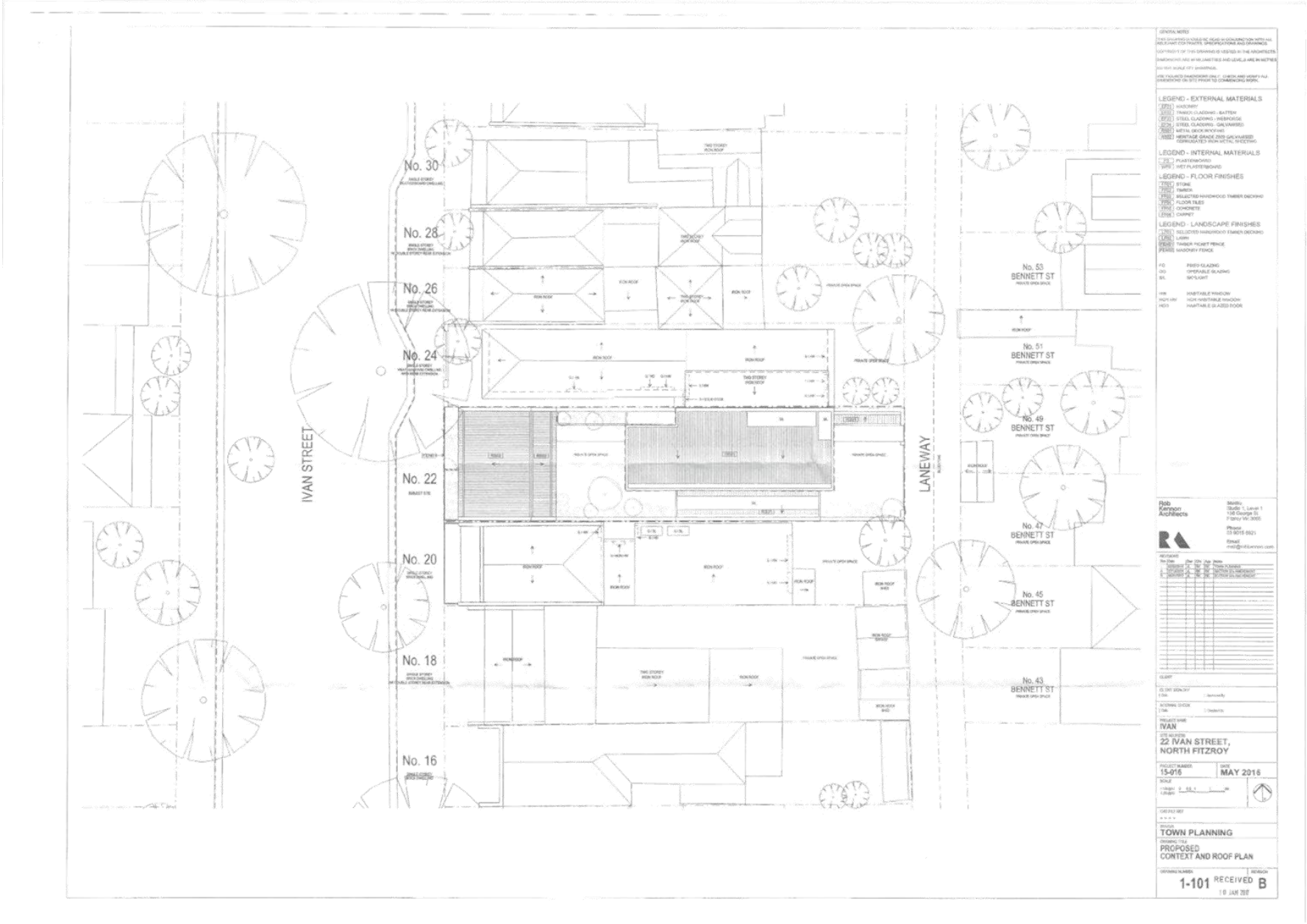
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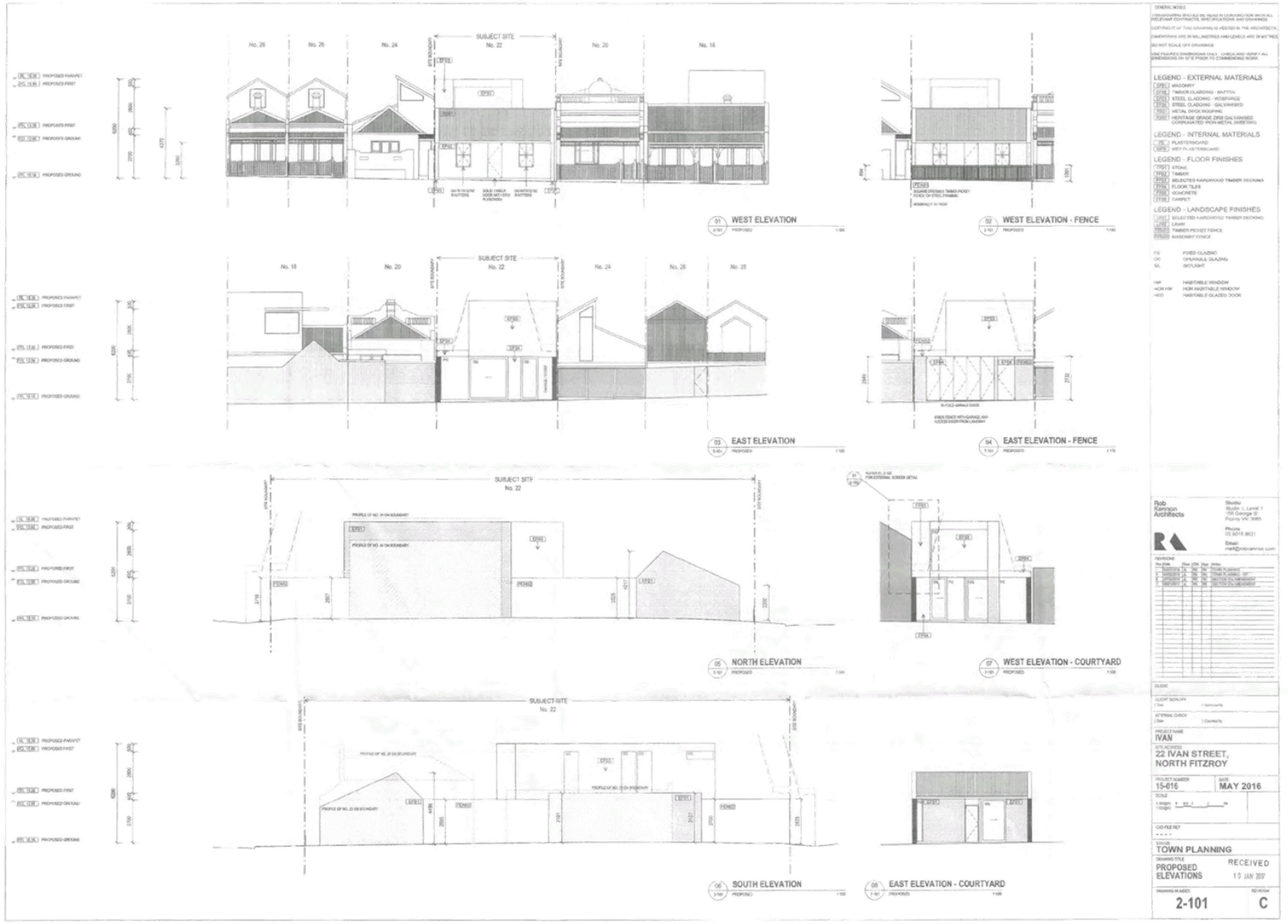
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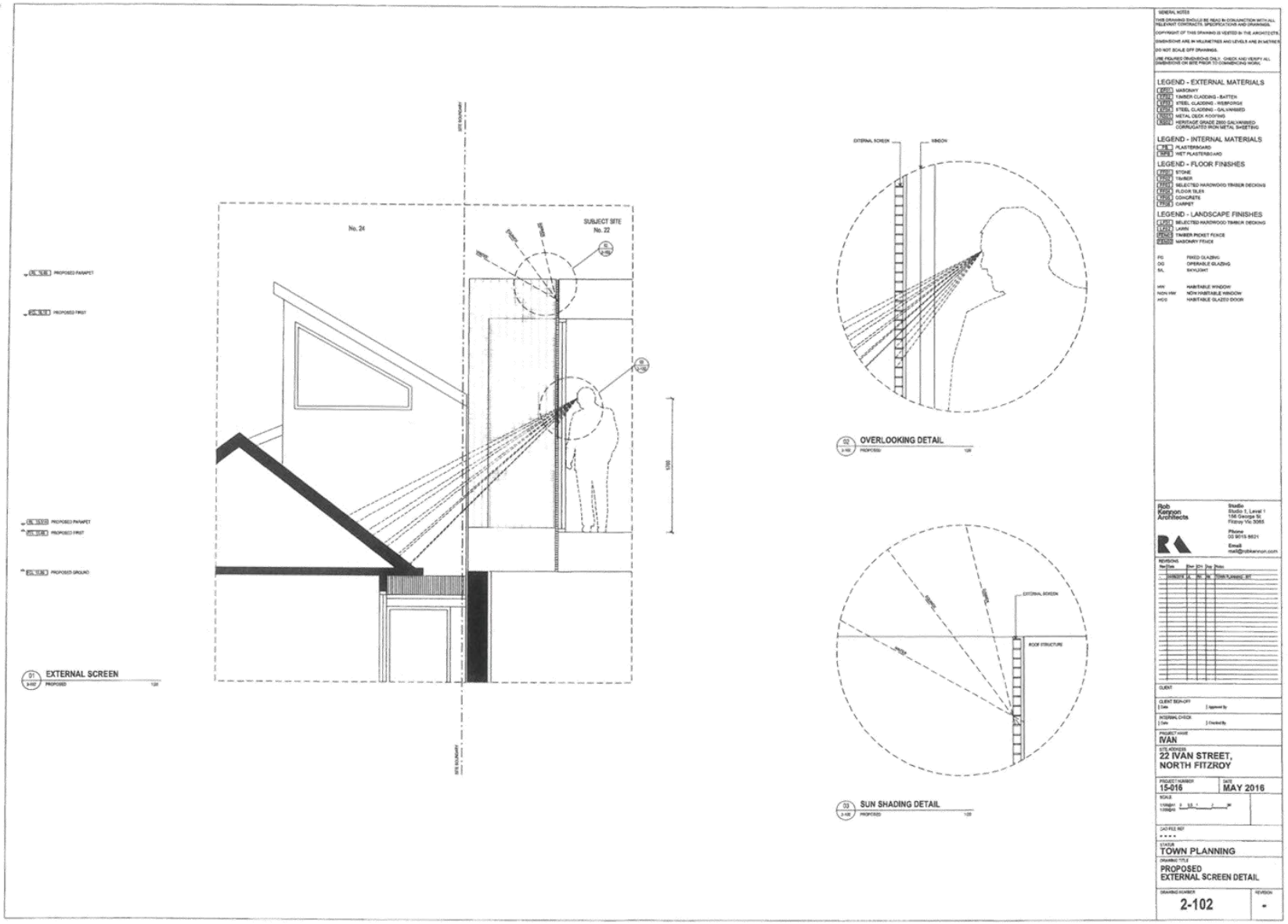
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Studio 1, Level 1
156 George Street
Fitzroy Vic 3065

03 9015 8621
mail@robkennon.com
www.robkennon.com

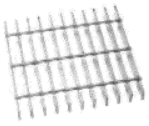
Rob Kennon
Architects Pty Ltd
ACN 600 023 854
ABN 95 600 023 854

02 May 2016

Town Planning Department
City of Yarra
PO Box 168
Richmond 3121

MATERIALS SCHEDULE – 22 IVAN STREET, FITZROY NORTH

Note: This information is to be read in conjunction with the architectural drawings included in the application.

MATERIAL	DESCRIPTION	SAMPLE
Cladding Material EF01	Masonry – Painted White	
Cladding Material EF02	Timber Cladding – Batten (Natural)	
Cladding Material EF03	Steel Cladding – Webforge (White)	
Cladding Material EF04	Steel Cladding – Galvanised	

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Attachment 2 - PLN16/0366 - 22 Ivan Street, Fitzroy North - Decision plans

Roofing Material RS01	Colourbond metal deck roofing.	
Roofing Material RS02	Heritage Grade z600 Galvanised corrugated iron metal sheeting	

THE END

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Attachment 3 - PLN16/0366 - 22 Ivan Street, Fitzroy North - Heritage advice

City of Yarra
Heritage Advice

Application No.:	*PLN16/0366*
Address of Property:	***22 Ivan Street, Fitzroy North***
Planner:	*Laura Condon*
Yarra Planning Scheme References:	*STATE POLICY:* • *Clause 15.03 Heritage* *LOCAL POLICY:* • *Clause 21.05-1 Built Form (Heritage)* • *Clause 43.01 Heritage Overlay* • *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay*
Heritage Overlay No. & Precinct:	*HO-327 North Fitzroy Precinct*
Level of significance:	*Not contributory (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007- updated Sep 2015)*
General description:	*Full demolition of existing building for construction of a single storey studio with two-storey dwelling at the rear*
Drawing Nos.:	*Set of 9 x A3 drawings prepared by Rob Kennon Architects, received by Council and date stamped 02 May 2016* *Letters from GJM Heritage to Rob Kennon Architects regarding heritage 29 June 2016 and 26 March 2016.*

CONTEXT DESCRIPTION:

The subject site is a rectangular allotment with a principal frontage to Ivan Street and rear access via a bluestone laneway.

The MMBW plan from c.1904 shows a building with a similar layout as the one on site. Despite this, the dwelling has been subjected to many unsympathetic changes, rendering it non-contributory to the HO327 precinct. Despite being a non-contributory property, 22 Ivan Street is low scale and has characteristics (such as a gabled roof and façade fenestrations) which are sympathetic to the surrounding contributory buildings.

Ivan Street is a relatively intact streetscape of Victorian and Edwardian-era, single storey, mostly masonry dwellings. There are a number of second storey additions at the rear of properties. Some additions are fully concealed however some of the visible additions are quite unsympathetic in appearance.

Attachment 3 - PLN16/0366 - 22 Ivan Street, Fitzroy North - Heritage advice



Above: Current aerial of the subject site



Above: View towards subject site from across Ivan Street.

ASSESSMENT OF PROPOSED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application includes full demolition of all structures on the site.

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.

As the subject property has been identified as being non-contributory, full demolition of the property is acceptable subject to an appropriate new development.

Comments regarding new development, alterations and additions:

The extent of new works proposed by this application includes development of two new buildings – a bedroom/studio/ensuite building (B1) at the front; and a main residence (B2) at the rear.

The key consideration for assessing this aspect of the works is whether the proposed development will adversely affect the significance, character or appearance of the heritage building or the broader heritage precinct.

Attachment 3 - PLN16/0366 - 22 Ivan Street, Fitzroy North - Heritage advice

Setbacks:

The proposed front setback for the principal façade of B1 is 1.8metres from the front title boundary. The setback of the principal façade for the original structure is currently 1.7metres. The proposed setback is supported on the basis that it essentially retains the same setback as the original dwelling.

The proposed front setback for the upper level façade of B2 is 12metres from the front title boundary. The front setbacks of the second storey additions at No.18, 26 and 28 Ivan Street are 10.6metres and 14.5metres respectively. The average front setback of second storey additions to contributory buildings in the immediate area appears to be about 12.5metres. When a sightline diagram is drawn it reveals that approximately 1.2metres of the façade will be visible beyond the front building.

As the proposed setback of the upper level addition of B2 is consistent with the average setback of second storey additions within the immediate area; and as a relatively small amount of the façade will be visible beyond B1, the setback is supported.

The proposed side setback for B1 is zero metres on both side boundaries. As the existing building is also built to the side boundaries, the side setbacks are supported.

The side setbacks for the upper level of B2 are 1metre from the northern boundary and 2metres from the southern boundary. As the proposed side setbacks result in a narrower form, thus reducing visibility of the new build from the street front, the proposed side setbacks of B2 are supported.

Scale/height:

The proposed facade height for B1 is 2.25 metres, which is consistent with the façade height of surrounding single storey contributory buildings and is supported.

The proposed façade height for B2 is 6.5metres, which is achieved with internal ceiling heights of 2.8metres at ground level and 2.7metres at the upper level. As mentioned previously, when a sightline diagram is drawn it is revealed that 1.2metres of façade will be visible beyond B1 and at 6.5metres the overall height of the new development is consistent with other sympathetic second storey additions within the municipality. Given the expected low impact of B2's scale on the historic streetscape, the overall scale is supported.

Roof form:

The proposed roof form for B1 will be similar to the existing building in that it is a gable roof with pitches toward the street front. The roof will have a part overhang, providing a shallow verandah at the front. The proposed form is considered a contemporary interpretation of a traditional gabled roof with verandah at the front and is supported.

The proposed roof form for B2 will be concealed behind a horizontal parapet. Whilst the form is not consistent with surrounding traditional roof forms (except for the adjoining building which has a prominent, mostly horizontal parapet) the new build is considered to be setback far enough not to adversely impact the streetscape. The proposed roof form of B2 is supported.

Appearance:

The proposed facade detailing for B1 will be a central narrow door flanked by two vertical rectangular windows. The central door is to be solid timber whilst the windows are operable glass with contemporary shutters to match the façade. The appearance of B1 is considered to be a good example of a contemporary building which has taken reference from traditional building elements (thus being complementary), yet not so much so that it would be considered faux heritage. The appearance of B1 is supported.

Attachment 3 - PLN16/0366 - 22 Ivan Street, Fitzroy North - Heritage advice

The proposed façade detailing for B2 is a solid wall toward the street front. Given the limited visibility of this façade, the proposed appearance for B2 is supported.

Materials:

The proposed external materials for B1 will be timber batten cladding for the façade, timber batten shutters for the windows and Heritage Grade Z600 roofing. Given the prominence of the roof, Heritage Grade Z600 is a good material selection for this element. Timber battens will appear contemporary, but mostly hidden under the verandah and complementary to surrounding weatherboard dwellings. The material palette is considered complementary to surrounding traditional materials and is supported.

The proposed external materials for B2 will be 'Webforge' steel cladding. The material is a white grated metal which will presumably be fixed to flat cement sheet. The façade of B2 will have limited visibility from the street, but where visible it is considered to be a suitable material given its recessive colour, the suitable setback, and that fact that metal is commonly seen in this zone in the form of sheet metal roofing. The proposed materials for B2 are supported.

RECOMMENDATIONS:

On heritage grounds, the works proposed in this application may be approved without specific heritage conditions.

The proposal is considered to be a contemporary interpretation of traditional forms and despite being double storey, is a development which is deemed to sit comfortably within the historic streetscape.

SIGNED:



Ruth Redden

DATED: 24 October 2016

Attachment 4 - PLN16/0366 - 22 Ivan Street, Fitzroy North - Engineering comments

CITY OF YaRRA

MEMO

To:	**Laura Condon**	
From:	**Artemis Bacani**	
Date:	**16 September 2016**	
Subject:	**Application No:**	**PLN16/0366**
	Description:	**Construction of Part Single and Part Double Storey Dwelling – Reduction in the Car Parking Requirements**
	Site Address:	**22 Ivan Street, Fitzroy North**

I refer to the above Planning Application received on 12 August 2016 in relation to the proposed development at 22 Ivan Street, Fitzroy North. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION

Proposed Development

The proposed development comprises the construction of a four-bedroom dwelling containing a single car space accessed via a rear Right of Way. The site is located on the east side of Ivan Street, approximately 190 metres east of St Georges Road.

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

Proposed Use	Quantity	Statutory Parking Rate	No. of Spaces
Four-bedroom dwelling	1	2 spaces to each three or more bedroom dwelling	2

Since the site has a statutory car parking requirement of two spaces and one space would be provided on site, a parking dispensation of one space is sought by the applicant.

Car Parking Demand

To reduce the number of parking spaces required for the proposed development, an assessment of the car parking demand for the site needs to consider the following:

- *Short-stay and Long-stay Parking Demand*
  Long-stay parking would comprise of residents' parking. It is recognised that car ownership is influenced by a number of factors (public transport access, proximity to employment and education centres, affordability issues, environmental concerns, and access to services) and that in inner areas many households do not own a car for a range of reasons. Short-stay parking at the site would comprise of visitors and tradespeople. The area's coverage of unrestricted parking would provide opportunities for visitors to find parking close to the site.

Attachment 4 - PLN16/0366 - 22 Ivan Street, Fitzroy North - Engineering comments

- *Availability of Public Transport in the Locality of the Land*.
  The site is very well positioned near tram services along St Georges Road (Route 11) and bus services along Rushall Crescent (Routes 251 and 251) and Michael Street (Route 504). Train services can be access from Rushall railway station. Easy access to public transport services would reduce the demand for parking on-site.

- *Convenience of Pedestrian and Cyclist* Access to the Land
  Pedestrians and cyclists should be able to access the site conveniently by using the existing infrastructure in front of the site and the surrounding streets. It is highly probable that some visitors to the site would either live or work locally. The site is positioned near the St Georges Road Activity Centre which has a very high serviceability for pedestrians. Access to the on-road and off-road bicycle network are relatively good.

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* in the Area.
  Ivan Street and the streets in the surrounding area contain unrestricted parking. The occupants and visitors to the site should easily find parking near the site. Since the site will continue to accommodate a single dwelling, the number of visitor to the site will remain unaltered.

- *Access to or Provision of Alternative Transport Modes*.
  The site has very good accessibility to public transport and the on-road and off-road bicycle network. Carshare pods are available within walking distance of the site and provide an alternate mode of transportation for residents and visitors.

- *Other Relevant Considerations.*
  The occupants of the dwelling will continue to be eligible to apply for on-street residential and visitor car parking permits.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of one car space for this development is considered appropriate given the context and scale of the site, the likelihood of multi-purpose trips to the area, the proximity to sustainable transport options and the site's position relative to the St Georges Road Activity Centre. The parking generated by the dwelling should not have a detrimental effect on existing parking conditions in the surrounding area.

Engineering Services has no objection to the proposed waiver of car parking.

DEVELOPMENT LAYOUT ACCESS

Access Arrangements

A site inspection of the rear Right of Way revealed that it is comprised of bluestone pavement with a bluestone central invert and has an effective carriageway width of approximately 3.57 metres. The proposed doorway for the car space is approximately 3.5 metres wide.

Off a 3.57 metre apron width, the proposed 3.5 metre wide doorway is considered insufficient for an 85th percentile vehicle. The doorway should be widened to at least 4.2 metres to provide sufficient access for a B85 design vehicle off the Right of Way (please see graph for derivation of minimum allowable design width).

Attachment 4 - PLN16/0366 - 22 Ivan Street, Fitzroy North - Engineering comments

Internal Layout
The internal length of the open car space should be a minimum of 5.4 metres to comply with AS/NZS 2890.1:2004.

For any new internal concrete works, the finished floor levels along the edge of the slab must be set 40 mm above the edge of the bluestone pavement of the Right of Way – Council Infrastructure Requirement.

Summary of Design Items to be Addressed

Item	Details
Garage Door Width	The doorway should be widened to at least 4.2 metres to provide sufficient access for a B85 design vehicle off the Right of Way (please see graph for derivation of minimum allowable design width).
Internal Dimensions of Garage	The internal length of the open car space should be a minimum of 5.4 metres to comply with AS/NZS 2890.1:2004.

Capital Works Programme
A check of the Capital Works Programme for 2016/17 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.

ENGINEERING CONDITIONS

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

Civil Works – Ivan Street

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Ivan Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.

Civil Works – Right of Way

- Any damage to the Right of Way during the construction works must be repaired to the satisfaction of Council and at the Permit Holder's expense.

Public Lighting

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

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.

Attachment 4 - PLN16/0366 - 22 Ivan Street, Fitzroy North - Engineering comments

Drainage

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

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

1.5 81 Buckingham Street, Richmond. Planning Permit Application No. PLN16/0478. Buildings and works including the construction of three (3), triple storey dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme.

Executive Summary

Purpose

1. This report provides an assessment of the above planning application, which seeks approval for buildings and works including the construction of three (3), triple storey dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme.

Key Planning Considerations

2. Key planning considerations include:

   (a) State and Local Planning Policy Frameworks;
   (b) Clause 22.10 – Built Form and Design Policy;
   (c) Clause 22.13 – Residential Built Form Policy;
   (d) Clause 52.06 – Car Parking;
   (e) Clause 55 – ResCode; and
   (f) Objector Concerns.

Key Issues

3. The key issues for Council in considering the proposal relate to:

   (a) Built form and Urban Design principles;
   (b) Off-site amenity;
   (c) Loss of on-street car spaces and car parking reduction; and,
   (d) Objector concerns.

Objector Concerns

4. Seven (7) objections were received to the application. These can be summarised as follows:

   (a) Overdevelopment (excessive building height and site coverage);
   (b) Out of character in the street/ loss of garden character;
   (c) Negative amenity impacts (visual bulk and overshadowing); and
   (d) Insufficient provision of car spaces / loss of on-street car parking spaces / increased demand for on-street car parking spaces.

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

CONTACT OFFICER: **Laura Condon**
TITLE: **Senior Statutory Planner**
TEL: **92055352**

1.5 81 Buckingham Street, Richmond. Planning Permit Application No. PLN16/0478. Buildings and works including the construction of three (3), triple storey dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme.

Trim Record Number: D17/17295
Responsible Officer: Principal Planner

Proposal:	Buildings and works including the construction of three (3), triple storey dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme.
Existing use:	Dwelling
Applicant:	Priority Planning
Zoning / Overlays:	General Residential Zone (Schedule 2)
Date of Application:	30 May 2016
Application Number:	PLN16/0478

Planning History

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

Background

2. The application was received by Council on 30 May 2016. Following the submission of further information, the application was advertised on 26 September 2016. To date, a total of seven (7) objections have been received. A planning consultation meeting was held on 21 December 2016, attended by planning officers, two councillors and objectors.

Existing Conditions

Subject Site

3. The subject site is located on the north side of Buckingham Street and runs through to Laity Street to the north, with Johnson Street to the east and Lambert Street to the west, in Richmond. The site has a battle-axe configuration with a frontage to Buckingham Street of 9.14m, a frontage of 5.05m to Laity Street and side boundaries of 42m, yielding a site area of 309sqm. There is a sewage easement running adjacent to part of the eastern boundary and a section of the northern boundary (with the easement forming part of the land at No. 86-88 Laity Street).

4. The site contains a single storey weatherboard dwelling with a tiled hipped roof. The verandah is setback a minimum of 2m from the front boundary, the façade is setback 3.5m, with the dwelling setback 1m from the east boundary and built to the western boundary. The dwelling is setback 32m from the rear boundary with lean-to's attached to the rear of the dwelling abutting the western boundary, a garage abutting the Laity Street frontage and with the remainder of the rear of the site occupied by private open space (POS).

5. The certificate of title shows caveat AG886199E. The caveator is City West Water. Caveats do not restrict the issuing of planning permits with the application not required to be referred to City West Water as a result of the caveat pursuant to the requirements of the Yarra Planning Scheme.

Surrounding Land

6. The surrounding area is characterised by residential development, with a mixture of dwelling design styles of predominantly single and double storey scales. There is an emerging character of contemporary architectural styles in the area.

Eastern side to Buckingham Street

7. Abutting the south end of the east boundary is a pair of Victorian era, single storey brick dwellings (Nos. 83 and 83A Buckingham Street). Based on the endorsed plans associated with Planning permit PL03/1030 for these dwellings, No. 83 is built to the shared boundary with the subject site, apart from the rear living room that is setback 1m from the shared boundary. This setback accommodates one west-facing living room window and a north-facing kitchen window. To supplement the west-facing living room window, this room is also serviced by a bank of full height glazed doors facing the rear POS to the north. A centrally located light court on the shared boundary services a west-facing bathroom window and a north-facing bedroom window. The POS is located to the rear of the dwelling and measures approx. 13sqm. To the east of No. 83A Buckingham Street are two double storey townhouses with one recessed car space/under-croft each within their front setbacks.

Western side to Buckingham Street

8. Abutting the south end of the west boundary is No. 79 Buckingham Street which is a single storey weatherboard dwelling that is built to the shared boundary with the subject site. POS is located to the rear of the dwelling and includes a large terrace attached to the rear of the dwelling with an angled and translucent polycarbonate roof (combined POS measuring approx. 70sqm).

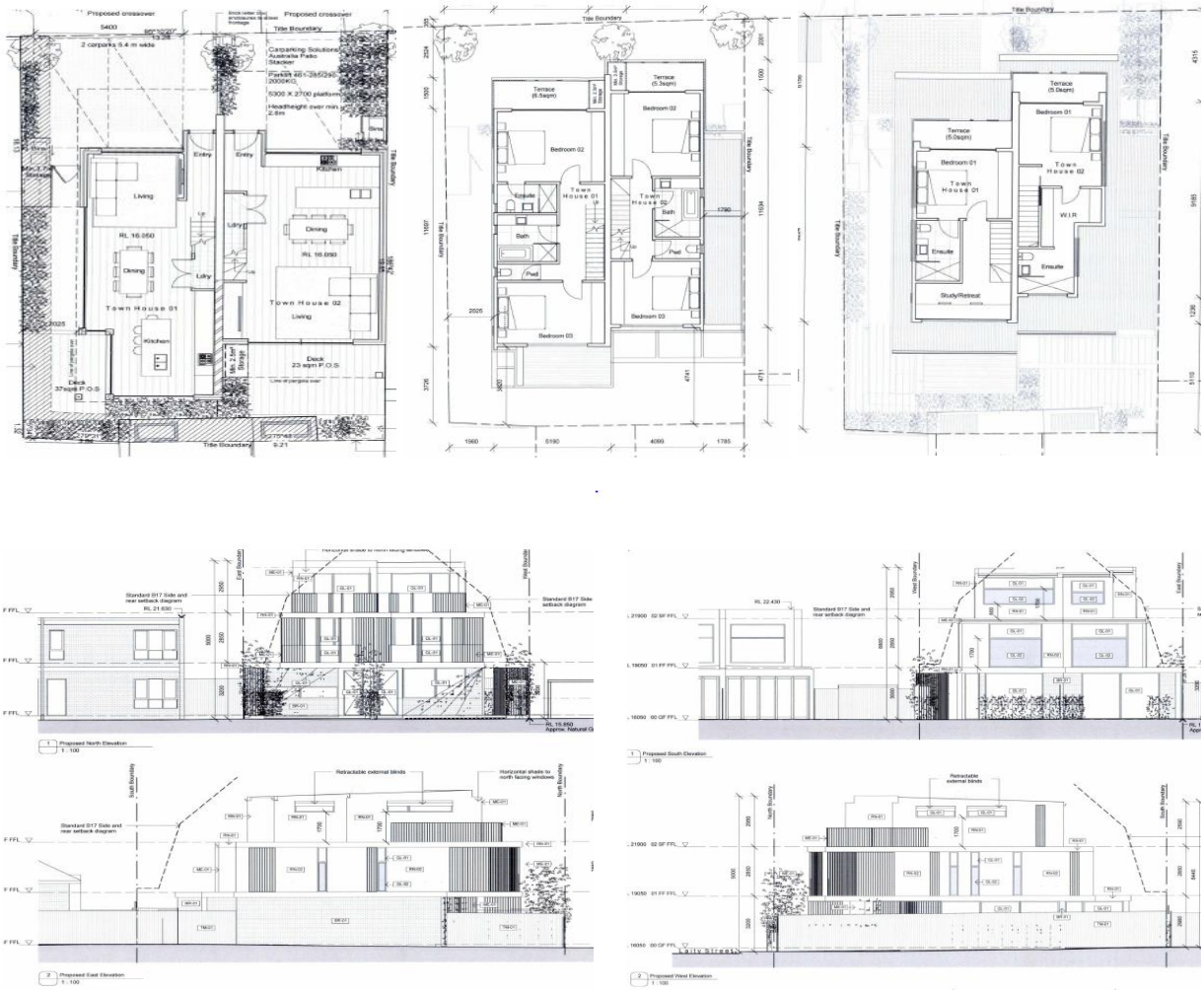
South side of Buckingham Street

9. Directly opposite the site across Buckingham Street is a three storey 1970's era apartment building that has been renovated giving it a modern appearance. The ground floor facade accommodates a triple-width garage door and associated hard stand crossover within the front setback.

Eastern side to Laity Street

10. Abutting the north end of the east boundary is No. 86 Laity Street which is one of a pair of single storey weatherboard dwellings. There is a 1.2m wide drainage easement running along the western side of No. 86 Laity Street, along the shared boundary with the subject site. The dwelling is setback a further 1m from this easement resulting in this dwelling being setback 2.2m from the subject site. There are two windows on the west wall of this dwelling, with POS located to the rear of the dwelling (measuring approx. 35sqm).

11. A Notice of Decision to grant a planning permit for planning application (PLN16/0039) issued for Nos. 86-88 Laity Street on 31 January 2017 for the *construction of two, three storey dwellings on a lot*. At the time this report was finalised (21 February 2017) Council had not been informed of any appeals having been lodged with the Victorian Civil and Administrative Tribunal. The development incudes four cars spaces/under-croft with the third level recessed from the street, as detailed below:



12. To the immediate east of Nos. 86-88 Laity Street are a pair of double storey modern townhouses with a car space each within the front setback.

Western side to Laity Street

13. Abutting the north end of the west boundary is No. 82 Laity Street, one of a pair of two recently constructed double storey townhouses. Both townhouses have one car space/ under-croft each in their front setback. No. 82 Laity Street is built to the shared boundary with the subject site at ground floor and setback an average of 1m at first floor with two highlight (bathroom and bedroom) and an obscure glazed window (en-suite) on this wall. POS is located to the rear and measures 11sqm.

Northern side of Laity Street

14. On the opposite side of Laity Street are five double storey townhouses and one single storey dwelling, with 4 of the townhouses having recessed car spaces/under-crofts in their front setbacks.

15. The subject site is located approximately 300m south of the Victoria Street Activity Centre and 550m north of Bridge Road Activity Centre, which offer a variety of restaurants, cafes, shops and community services. The site is also located approximately 350m east of Church Street which also supports a mix of residential and commercial uses. Public transport options (trams) are readily available along Victoria Street, Bridge Road and Church Street.

The Proposal

16. The proposal is for buildings and works including the construction of three (3), triple storey dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme. Two dwellings front Buckingham Street and are labelled on the plans as unit 1 and 2 with until 3 facing Laity Street. The floor layout of the dwellings are very similar to each other and are arranged as follows:

Ground floor

(a) Each unit will contain a car space/under-croft in the front setback measuring 4.9m in length and 2.8m in width with bluestone pavers to the car spaces and pedestrian walkways. A 0.9m high fence will separate the car spaces of unit 1 and 2.
(b) Each dwelling will contain a shared kitchen, living and dining area with laundry/study and WC at ground floor.
(c) Private open space is located to the rear of each dwelling and will measure between 15.8sqm and 19.6sqm in area.
(d) The dwellings will be built to their respective boundaries at this level with boundary walls measuring between 12.5m and 15.1m in length.
(e) No fences are proposed to the front boundaries.

First floor

(f) Each dwelling will contain 3 bedrooms (one with an en-suite) and a bathroom, with 0.65m deep balconies to their facades.
(g) Unit 1 and 2 will measure 18.8m in length at this level and will be built to their side boundaries (apart from a 1.38m wide and 3.6m long setback to the rear of unit 1 and a 1.2m wide and 6.97m long setback to the rear of until 2). The dwelling facades will be setback 2.9m from Buckingham Street.
(h) Unit 3 will be built to the west boundary (apart from a 0.83m x 1.12m setback on the north end) and will be setback between 1m and 1.8m from the east boundary.

Second floor

(i) Each unit will contain a lounge with WC and terrace.
(j) The lounges for unit 1 and 2 will be setback 7.7m from the front boundary (and 5.6m behind the façade of the first floor) and built to their side boundaries apart from a 6.2m long and 1.2m wide setback for unit 2 to the north end of the east boundary. The rear terraces measure approx. 2.5m in width and are recessed approx. 1.7m behind the rear wall of the first floor.
(k) The terrace for unit 3 is setback 5.79m from the front boundary (and 4m behind the first floor façade), with the lounge façade setback 7.2m Laity Street.
(l) The lounge is setback 1.5m to the east boundary and is built to the west boundary apart from a 1m wide x 0.8m long setback to the rear.

Materials

(m) Materials finishes include standing seam zinc cladding, black timber wall cladding and white rendered walls and balcony screens with obscure glazed and louvered overlooking screens.
(n) Flat metal deck roof forms are proposed.

Planning Scheme Provisions

Zoning

General Residential Zone (Schedule 2)

17. Pursuant to Clause 32.08-4 of the Yarra Planning Scheme (the Scheme), a planning permit is required to construct two or more dwellings on a lot. A development must meet the objectives of Clause 55 (ResCode) of the Scheme. Clause 32.08-3 specifies a maximum building height of 9m for a dwelling or residential building.

Overlays

18. The subject site is not covered by any overlays.

Particular Provisions

Clause 52.06 – Car Parking

19. Pursuant to the Car parking requirement table at clause 52.06-5 of the Scheme, dwellings are required to provide on-site car parking spaces as follows:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Dwellings - Residents	2 dwellings each with 3 bedrooms	2 to each 3 or more bedroom dwelling;	6	3	3

Clause 55 – Two or more dwelling on a lot and residential buildings

20. This clause applies as the development is for the construction of two or more dwellings on the lot. A development should meet all the standards and must meet all the objectives.

General Provisions

21. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision.

State Planning Policy Framework (SPPF)

Clause 15.01 - Built Environment and Heritage: Urban environment

22. The objective of Clause 15.01-1 (Urban design) of the Scheme is *"to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity"*.

Clause 15.01-2 - Urban design principles

23. The objective of this clause is *"to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties".*

Clause 15.01-4 - Design for safety

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

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

25. It is an objective *"to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions".*

Clause 16.01-1 - Residential development: Integrated housing

26. It is an objective *"to promote a housing market that meets community needs".* The clause has the following strategies.

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

27. It is an objective *"to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport".*

Clause 16.01-4 - Housing diversity

28. It is an objective *"to provide for a range of housing types to meet increasingly diverse needs".* The clause has the following strategies:

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

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

Clause 21.04-1 – Accommodation and housing

30. In accommodating new development, amenity impacts must be managed. Housing choice and diversity must also be protected. Strategies aimed at delivering this vision that are relevant to this application include:

Strategy 1.1: Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in Clause 21.08.
Strategy 1.3: Support residual population increases in established neighbourhoods.

Clause 21.05-2 – Built Form: Urban Design

31. This clause incorporates the following objectives:

Objective 15: To reinforce the existing urban framework of Yarra.
Objective 16: To retain Yarra's identity as a low-rise urban form with pockets of higher development.
Objective 17: To retain, enhance and extend Yarra's fine grain street pattern.
Objective 19: To ensure that new development contributes positively to Yarra's urban fabric.

Clause 21.05-3 – Built Form Character

32. The objective of this clause is to *"require applicants for planning permits to identify the Built Form Character Types in which the subject site is located by reference to Maps in clause 21.08 Neighbourhoods and to identify how the proposed development responds to the Built Form Character Type".*

Clause 21.07.1 – Environmental Sustainability: Ecological Sustainable Development

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

Clause 21.08 Neighbourhoods

34. The subject site is in the 'North Richmond' neighbourhood. The clause identifies the land use character as being predominantly residential.

35. Figure 22 of this clause identifies this site as *'Inner Suburban Residential Mix'* and defines the subject site as being in an area where the existing pattern of front setbacks should be maintained and where there is a focus on limiting *"variations in height to a maximum of one storey compared to the adjacent properties on single houses / small development sites in area with generally consistent building heights".*

Relevant Local Policies

Clause 22.10 Built Form and Design Policy

36. The objectives of this policy are to:

    (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
    (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
    (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*

37. The relevant components of this policy include:

    (a) *Urban form and character* at Clause 22.10-3.2
    (b) *Setbacks and building heights* at Clause 22.10-3.3
    (c) *Street and public space quality* at Clause 22.10-3.4
    (d) *Environmental sustainability* at Clause 22.10-3.5

Clause 22.13 Residential built form policy

38. This policy applies to the Residential 1 Zone (now General Residential Zone) in areas not covered by a Heritage Overlay and refers to the Built Form Character Type as set out in the Built Form Character Maps in Clause 21.08. It is policy that development within each of the character types responds positively to the matters set out in Clauses 22.13-3.1 to 22.13-3.2 referable to the location of the development.

39. As noted above at Clause 21.08 this site is located within the North Richmond neighbourhood and is categorised as an '*Inner Suburban Residential'* built form type. At Clause 22.13-3.2 Inner Suburban Residential areas are described as:

    (a) "*Built form dominated residential areas with small gardens (if any) and minimal front and side setbacks."*

40. The following design response is sought in this area:
    (a) Maintain the existing pattern of front setbacks.
    (b) Landscape the front setback in a style that reinforces the garden character (if any) of the streetscape.
    (c) Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.
    (d) Provide front fencing that is open (unless the building is zero front setback).
    (e) On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties.

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

41. This policy to new buildings and extensions to existing buildings which are 50sqm in floor area or greater. The relevant objective of this policy is to achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

Clause 22.17 – Environmentally sustainable development

42. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

43. The following objectives should be satisfied where applicable:

(a) Energy performance;
(b) Water resources;
(c) Indoor environment quality;
(d) Stormwater management;
(e) Transport;
(f) Waste management;
(g) Urban ecology.

Advertising

44. The application was advertised in accordance with Section 52 of the *Planning and Environment Act* 1987 [the Act] by way of letters sent to the surrounding property owners and occupiers, and a sign placed on the Buckingham Street and Laity Street frontages. A total of seven (7) objections were received to the application. The grounds of objection are summarised as follows:

(a) Overdevelopment (excessive building height and site coverage);
(b) Out of character in the street / loss of garden character;
(c) Negative amenity impacts (visual bulk and overshadowing); and
(d) Insufficient provision of car spaces / loss of on-street car parking spaces / increased demand for on-street car parking spaces.

Referrals

External Referrals

45. The application was not required to be referred (or notice given) to any referral authorities under Clause 66 of the Scheme.

Internal Referrals

46. The following internal referrals were made:
(a) Engineering Services Unit – traffic and car parking.
(b) Urban Design Unit – building design.
(c) Open Space – street tree removal.

47. Referral responses are contained in the appendices to this report.

OFFICER ASSESSMENT

48. The key planning considerations for Council in considering the proposal relate to:

(a) State and Local Planning Policy Frameworks;
(b) Clause 55 – ResCode; and

(c) Objector Concerns.

State and Local Policy Frameworks

49. In relation to the Yarra Planning Scheme, particularly transport use (Clause 18) and housing (Clause 21.04), the subject site is well located to take advantage of a range of facilities, such as good public transport, two major activity centres (Victoria Street and Bridge Road) and other amenities such as public open space along the Yarra River (to the east).

50. The residential use of the site is 'as-of-right', with no permit required for the proposed use as dwellings. The residential use accords with a number of key strategic policies within the Scheme, in particular clause 11.01-1, by providing housing with connections to public transport and cycling networks and clauses 16.01-1 and 16.01-2, by increasing and consolidating the supply of housing in existing urban areas; particularly in close proximity to activity centres and on underutilised land.

51. In relation to urban design and neighbourhood character issues, Clauses 15.01-2 and 15.01-2 note that development must take into account the natural, cultural and strategic context of its location, aiming to ensure that buildings respond creatively to their existing context. Clause 22.10 (*Built form and design policy*) and clause 22.13 (*Residential Built Form Policy*) provide specific guidance on assessing appropriate height and scale of new developments in residential contexts. Clause 22.10 provides specific design guidelines at clause 22.10-3.2 (*Urban form and character*), clause 22.10-3.3 (*Setbacks & building heights*) and clause 22.10-3.4 (*Street and Public Space Quality*).

Landscaping objectives and loss of street tree

52. Clause 22.13 encourages the following;
    (a) *Landscape the front setback in a style that reinforces the garden character (if any) of the streetscape.*
    (b) *Provide front fencing that is open (unless the building is zero front setback).*

53. Given the established character of the street predominately contains gardens in the front setback, of concern is the extent of hard surface in the front setbacks to accommodate the car spaces. To address this issue the applicant has also incorporated high quality bluestone pavers, with spacing between the bluestones to accommodate suitable plants between the pavers to improve the vegetated quality of the frontage (with appropriate notes provided on the plans). This will ensure that front setback will have an interesting landscape quality that will positively contribute to the established garden character of the street.

54. Of further concern is the proximity of the landscape beds to the under-croft car spaces. Given that the car spaces are narrow, it is likely that the occupants will walk on the landscape spaces to get in and out of the car doors which will prevent the landscape beds becoming established. To address this, a condition will require the landscape beds to be relocated to the opposite side of the pedestrian entry paths and that a small canopy tree is provided to each landscape bed. Conditions to this effect will ensure the development contributes to the garden character of the street. Further (as detailed in the *Site and Surrounds* Section) under-croft car spaces with no front fences in the front setbacks are very common in the immediate context of site and so form part of the character of the street.

55. The proposal will also result in the removal of a street tree to Buckingham Street. The plans show 2 replacement trees, one to the Laity Street and one to the Buckingham Street frontage. Council arborists indicated that the tree removal is acceptable provided a new street tree be planted to the west side of the Buckingham Street frontage. The tree to Laity Street is not supported by Council's arborist and a condition will require its removal from the plans. A further replacement tree is to be paid for by the applicant with Council's arborists to determine where it is to be planted in Buckingham Street.

Council arborists will also remove the existing street required to accommodate the proposed crossover to Buckingham Street (combined cost for two replacement trees and replanting of $2,200). A condition will address this. Therefore whilst one street tree is being removed, the proposal will result in 2 new street trees to Buckingham Street. Council's open space unit supports this.

Setbacks to side boundaries

56. Policy objectives at clause 22.13 encourage a setback to side boundaries as follows:

    (a) *Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.*

57. Unit 3 complies with this policy however the first floors of units 1 and 2 are built to both side boundaries. To address this, Council's urban design team recommended that the robes to bedroom 1 of units 1 and 2 be deleted to allow for side setbacks at first floor. The applicant has agreed to a condition to this effect.

Limit variations in height to the adjacent properties.

58. The remaining significant policy objective at clause 22.13 relates to the height differentiation between the proposal and nearby dwellings with these policies recommending the following:

    (a) *On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties.*

59. As outlined in the *Site and Surrounds* section, there are numerous double townhouses in Laity Street (including immediately abutting). In this context the third storey complies with this policy and the recessed third storey will not appear out of context in Laity Street (particularly as the recessed third story will allow for the dwelling to appear as double storey, with the recessed third storey only coming becoming visible from more distant views).

60. However of more concern is the three storey presentation of the unit 1 and 2 to Buckingham Street where the site is flanked by single storey dwellings. Consideration must be given to whether the single to three storey differentiation is appropriate and supported by policy objectives. While the policy encourages a height differentiation of one storey to adjoining dwellings, the policy also qualifies this objective by stipulating that this only applies '*in areas with generally consistent building heights'*.

61. This cannot be said to apply this area with numerous examples of existing 2 and 3 storey buildings in the immediate context. This allows for consideration of taller built form typologies adjacent to single storey dwellings in this area with a mixed rather than a consistent built form character. There is a three storey apartment building immediately on the opposite side of Buckingham Street with 3 storey apartment buildings further west at No. 66 and 70 Buckingham Street.

62. This mixed character of the area has been acknowledged in recent planning approvals in the area that attempt to bridge the gap between the predominant single and double storey building character and emerging 3 storey buildings. The emerging design response to this scenario in streets with a large number of single storey dwellings is to recess the proposed third levels to minimise their visibility.

63. This approach has been adopted with this application with the second floor of units 1 and 2 having a generous setback of approx. 5.6m behind their first floor façade. The recessed third storeys will allow for the dwellings to appear as double storey with the third storey only coming becoming visible from more distant views.

This transition is considered to successfully respond to the relevant policy objectives with this reflected in Council's urban design teams support of the recessed third levels. For these reasons, support is recommended for the proposed three storey built form.

64. For these reasons (and as will be discussed in detail in the ResCode assessment), it is considered that the proposal allows for a balanced development that is reflective of the density of the development found in the area. On-balance it is considered the proposed development is a reasonable built form outcome that complies with the relevant State and Local Policy objectives.

Clause 55 - ResCode

65. Clause 55 (ResCode) provides an assessment tool for the appropriateness of the design of two or more dwellings on a lot. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate. The relevant test is whether the proposal meets the objectives. The following provides an assessment against the relevant standards of ResCode.

Standard B1 – Neighbourhood character objectives

66. Suitability of the proposed development and how it relates to the emerging character of Buckingham Street and Laity Street has been discussed in detail in the previous *State and Local Planning Policy Framework* assessment.

Standard B2 - Residential policy

67. Local policy objectives have been discussed in detail in the *State and Local Planning Policy Framework* assessment.

Standard B3 – Dwelling diversity objective

68. Not applicable.

Standard B4 – Infrastructure objectives

69. It is anticipated that the dwellings will not overload the utility services and infrastructure of the area, particularly given that the existing dwelling on-site is currently connected to utility services. The dwellings can be readily connected to the required utility services and infrastructure. No objection was raised by Council's Engineering Services Unit with respect to this development exceeding the capacity of utility services and infrastructure in the area. Further a combined capacity of 3000ltr stormwater water capture is proposed which will reduce demand generated by the proposal on existing Council underground stormwater infrastructure.

70. Council's engineers have requested the front footpath be re-sheeted after underground services have been installed. A condition will not require this as the Laity and Buckingham Street footpaths are proposed to be replaced with the new vehicle crossovers. However a standard condition will require that any damage to Council assets is repaired including the replacement of the footpath if necessary. A further condition (as requested by Council's Engineers) will require that the new crossovers are constructed in accordance with Council's requirements. These conditions satisfactorily address this issue.

71. The engineers also requested that the developer must ensure that light projected from any existing, new or modified public street lights do not spill into the windows of any new dwellings or any existing nearby residences and any light shielding that may be required to be funded by the permit holder. Given streetlights are an existing condition, it is not considered necessary or reasonable to condition the permit to this effect.

However a condition will require that proposed lighting is appropriately treated to prevent nuisance to neighbouring properties.

72. The engineers also requested that any pits/light poles/pits and services required to be altered must be done so with the consent of the relevant authority. A note will address this. Standard notes will also be placed on the permit to deal with the drainage issues raised by the engineers.

Standard B5 – Integration with the street objective

73. In compliance with the objectives of this policy, the dwellings are oriented to front the street and no high fencing is proposed to the front of the dwellings.

Standard B6 – Street setback objective

First and second floor setbacks to Laity and Buckingham Streets.

74. This standard requires that the dwelling façades be setback at least the average distance of the setbacks of the adjoining dwellings. The first floor facade to Laity Street being setback 1.1m is setback the average of the adjoining dwellings, in compliance with the standard. The first floor balconies to Buckingham Street sit marginally behind the façade at No. 79 Buckingham Street and align with the façade of No. 83 Buckingham Street in non-compliance with the standard. This non-compliance is acceptable given the differentiation is marginal they will not appear out of context in the street. The recessed second floor setbacks comply with the standard as they are setback further than the average of the adjoining dwellings.

Ground floor setback to Laity Street

75. The ground floor setback of unit 3 to Laity Street is to be setback 5.4m from Laity Street (subject to engineering condition). This proposed setback matches the 5.4m length of the existing ground floor under-croft car spaces at No.80 and 82 Laity Street (adjoining to the west). The existing dwellings at No. 86 and 88 Laity Street (adjoining to the east) are currently setback approx 1m from Laity Street. In order to satisfy the standard the proposed ground floor facades should be setback 2.7m from Laity Street.

76. However as discussed on detail *Site and Surrounds* section, PLN16/0039 issued for Nos. 86-88 Laity Street on 31 January 2017 which will allow for two under-croft car spaces measuring 5.4m in length. Should this permit issue and this development be constructed, the proposed ground floor setback at the subject site will comply with the standard. Further there are 4 existing under-croft car spaces located immediately opposite the site across Laity Street, and in this context, the proposed non-compliant setback is considered acceptable.

Ground floor setback to Buckingham Street

77. The ground floor setbacks of the dwellings to Buckingham Street (at 5.4m subject to engineering condition) do not comply with this standard. The dwelling adjoining to the east is setback 1.8m and the adjoining dwelling to the west setback 2m, resulting in a required setback of 1.9m. This non-compliance is considered acceptable as there is not an established street setback character in the street and so there is insufficient evidence to demonstrate that the proposed setback will be out of character. For example, No 77 Buckingham is setback approx. 3.8m, No. 85 and 85A Buckingham setback approx. 5.4m and No's 87, 91 and 93 Buckingham Street are all setback approx. 3.5m.

78. Given this character of irregular setbacks within the immediate vicinity of the site, the proposed non-compliant setback will not appear out of context. Further the design has taken particular care to ensure that the front setback and recessed facade make a positive contribution to the street through the incorporation of an interesting landscaping features in the front setback and full height habitable windows to the under-croft to further activate the façade. Further Council's urban design unit have indicated that this design approach successfully activates the façade and under-crofts.

79. However the urban design unit stated that the site plan and the 3D images do not accord with the floor plans, with WC's shown to the frontage on the site plan and discrepancies in the illustration of balconies. The concern being that WC's typically have smaller windows that would not allow for the activation of the under crofts. The applicant has confirmed that the site plan and the 3D images are not accurate and Council's assessment should rely on the floor plans and elevations dated 23 September 2016. As the site plan and 3D images would not form part of the approved/endorsed plans, it is not necessary to require that these plans are corrected.

Standard B7 – Building height objective

80. The standard encourages a maximum building height of 9m, with Clause 32.08-3 (GRZ2) specifying a maximum building height of 9m for a dwelling or residential building. The application has a proposed maximum building height of 9m, in compliance with this requirement.

Standard B8 – Site coverage objective

81. The estimated site coverage will be 63%. This exceeds the maximum 60% site coverage prescribed by the standard, however it is similar to the site coverage of other townhouse properties found in the immediate area (with Nos. 80 and 82 Laity Street at approx 62%) and is therefore considered acceptable in the context of the site.

Standard B9 – Permeability objectives and Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

82. The ESD report indicates that 33% of the site will be permeable surfaces, in compliance with the standard that recommends a minimum of 20% site permeability. Further, the ESD report states each dwelling will be provided with a 1000lt water tank connected to toilets and will achieve 106% STORM rating. The development plans do not show the tanks or permeable surfaces. Conditions will address this.

Standard B10 – Energy efficiency objectives and clause 22.17 – Environmentally sustainable development

83. The proposal demonstrates a reasonable level of compliance with the above policy objectives with the following initiatives proposed (as outlined in the submitted ESD report):
    (a) Each dwelling will be provided with a 1000lt water tank with each tank attached to two toilets and will achieve 106% STORM rating.
    (b) 54% BESS score (50% is required).
    (c) 79.1MJ/m2 Nathers Rating, 6 Star energy rating.
    (d) 5 star instantaneous gas water heater.
    (e) 4 star WELS rating water efficient appliances.
    (f) 4 star WELS rating for bathroom tap fixtures.
    (g) 3 star WELS rating for shower fixtures.
    (h) Outside clothes lines.
    (i) Operable windows to allow for cross ventilation.
    (j) Double glazing.

Standard B12 – Safety objective

84. This standard discourages dwelling entries that are obscured or isolated from the street and to provide lighting to internal accessways. In compliance and as discussed previously, the dwelling entries are oriented to the street and not isolated from the street. A standard condition will require lighting to the entrances to ensure they are clearly visible from the street.

Standard B13 – Landscaping objectives

85. Relevant landscaping objectives have been discussed in detail in the *State and Local Planning Policy Framework* assessment.

Standard B14 – Access objectives and Standard B15 – Parking location objectives

86. While the width of the crossovers to Laity and Buckingham Street exceeds the 40% recommended by the standard. As Laity and Buckingham Street do not have access to a rear laneway, options to provide a vehicle entry which don't face a street to the site are limited. Given that the subject site does not have the option to provide an alternative vehicle access point, and that the crossover and driveway is a character type that is repeated on many properties within the immediate vicinity of the site (as outlined in the *Site and Surrounds* assessment), the non-compliant crossovers are considered acceptable. Further in compliance with policy objectives, the previously discussed design attempts to replicate the established front garden character.

87. This policy also encourages minimisation of the loss of on-street car parking, a concern that has been raised by objectors. The proposed crossovers will result in the loss of one on-street car parking space. However as the development will allow for the provision of three spaces on-site, the net increase of car spaces is considered to compensate for the loss of the on-street parking. Further Council's engineers have not objected to the loss of on-street car space. A permit note will require that owners, occupiers and visitors to the dwellings are not eligible for on-street car parking permits, ensuring the development will not further increase demand on existing on-street car spaces.

88. The parking facilities are conveniently located and secure in compliance with the objectives of this policy. It is policy that vehicles can access the site in a safe and convenient manner. The engineers also requested that the car spaces have a minimum length of 5.4m and width of 3m. Currently the plans show the spaces to be 2.8m wide by 4.9m long. Of concern is that larger parked cars will overhang the footpath. The applicant has agreed to increase the length of the car spaces depth of 5.4m. This will be conditioned.

89. However increasing the width of the car spaces to Buckingham Street could not be achieved without decreasing the width of the pedestrian entries of unit 1 and 2 beyond what is permitted under the building regulations. For this reason, Council engineers agreed that all car spaces could have a minimum width of 2.7m with the crossover to Buckingham Street to be accordingly reduced to 5.4m with the standard 3m wide single crossover width for the Laity Street crossover. As the car spaces are not enclosed by walls, with the pedestrian walkways able to be used to accommodate the occupant's access to the vehicles, the narrower spaces are acceptable. The engineers also requested that fence between these spaces be removed to facilitate car doors opening. The plans also show that the Laity Street crossover does not align with the parking space. These issues can be addressed by way of permit conditions.

Standard B17 – Side and rear setbacks objective

90. It is policy that a new wall not built on the boundary or within 200mm of a boundary should be setback from side or rear boundaries 1m plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m. It is noted the second floor terrace floor plan contains an error on the floor plan showing it constructed to the boundary whilst the elevations show it constructed to align with the first floor wall below (ie setback 1.38m). The applicant has confirmed the elevation is correct which will be addressed by way of condition. The following assessment will be based on this terrace being setback 1.38m from the shared boundary. This will be addressed by way of a condition.

91. There are also some minor discrepancies between the east and west setbacks shown on the floor plans and elevations. The applicant has confirmed the floor plans show the correct proposed setbacks. The following assessment will be based on the setbacks depicted on the floor plans. This will be addressed by way of a condition.

92. The following table details proposed setbacks:

Wall	Height of wall	Proposed Setback	Required setback	Compliance
First and second floor northern wall setbacks of unit 1 and 2				
First floor northern wall of unit 1 and 2.	6.3m	2.49m	1.81m	Yes
Second floor northern wall of unit 1 and 2.	9m	6.58m	4.09m	Yes
Second floor northern terrace wall of unit 1 and 2.	7.8m	4m	2.89m	Yes
First floor western and eastern wall setbacks of unit 1 and 2				
First floor western wall of unit 1.	6.3m	1.38m	1.81m	No
First floor eastern wall of unit 2.	6.3m	1.2m	1.81m	No
Second floor eastern wall setbacks of unit 2				
Roof terrace eastern wall of unit 2.	7.8m	1.2m	2.89m	No
Second floor eastern wall of unit 2.	9m	1.2m	4.09m	No
Setbacks of unit 3				
First floor south wall of unit 3.	6.3m	5m	1.81m	Yes
Second floor south wall of unit 3.	9m	7m	4.09m	Yes
First floor west wall to unit 3.	6.3m	0.83m	1.81	No
Second floor west wall to unit 3.	9m	1m	4.09m	No
Second floor west terrace wall to unit 3.	7.8m	1m	2.89m	No
First floor east wall to unit 3.	6.3m	1m to 1.82m	1.81m	Partial
Second floor east wall to unit 3.	9m	1.5m	4.09m	No
Second floor east terrace wall to unit 3.	7.8m	1.5m	2.89m	No

Non-compliant western setbacks of unit 1

93. The non-compliance of the first floor western wall and second floor western terrace wall is acceptable as they are located opposite an opaque verandah roof of No.79 Buckingham Street which will reduce the visibility of these walls.

The combination of the setback, the roof terrace not being located opposite the adjoining open space and only a 0.8m length of the first floor wall being located opposite private open space, the non-compliances will not unreasonably impact this property. Further the non-compliant wall will not overshadow the private open space of this property.

Non-compliant eastern setbacks of unit 2

94. In relation to the non-compliant eastern walls of unit 2, there are two habitable north-facing (kitchen and bedroom) and one west-facing living room windows within the side setbacks on the west wall of the adjoining dwelling. As the north-facing walls do not have a direct outlook onto the non-compliant wall, it is considered they will not have an unreasonable visual bulk impact from these windows. Further the proposed 1.2m wide x 6.6m long setback opposite these windows will allow for oblique views and aspect from these windows. As the living room is serviced by full height glazed door on the north wall which provides principal aspect and outlook, it is considered that visual bulk presented by the non-compliant wall to the west-facing windows will be unreasonably compromise the amenity of the room. With no walls located opposite this property's private open space, the non-compliant walls will not have an unreasonable visual bulk impact on this adjoining private open space.

Non-compliant setbacks of unit 3

95. The non-compliant western walls of unit 3 are located opposite the front setback of the adjoining dwelling and so will not unreasonable compromise this property. The non-compliant first and second floor setbacks to the east boundary are considered acceptable as the drainage easement adjacent to the side boundary provides for additional separation that reduces visual bulk impacts to the neighbouring dwelling to the east. The existing dwelling is setback a further 1m from the drainage easement. The dwelling shown on the decision plans associated with planning application PLN16/0039 is also setback a further 1m from the drainage easement allowing for sufficient separation between the two dwellings (2.2m) to reduce negative visual bulk amenity impacts. Shadow impacts to private open spaces and impacts to windows will be discussed later in this assessment.

Standard B18 – Walls on boundaries objective

96. To satisfy the requirements of this standard, a new wall constructed on the boundary should not abut the boundary for a length of more than 10m plus 25 per cent of the remaining boundary of the adjoining lot and should exceed an average height of 3.2m with no part higher than 3.6m unless abutting a higher existing wall. The length and height of the boundary walls to unit 1 do not comply with the standard, but as they are located adjacent to the on-boundary wall and roof form of No. 79 Buckingham Street, negative amenity impacts will be generally limited to the roof and so are considered acceptable.

97. In relation to unit 2, part of the bedroom 3 boundary wall is located opposite the light well at No. 83 Buckingham Street, with the height of this wall not achieving compliance with the standard. However as the north-facing bedroom window does not face directly onto the wall and with a bathroom window opposite, the non-compliant wall is considered acceptable.

98. The first and second floor boundary walls of unit 3 do not comply with the standard. They are located opposite a second floor highlight bedroom window and two second floor non-habitable bathroom windows at No. 82 Laity Street, and so will not have an unreasonable impact, particularly as they will not be immediately visible through the highlight habitable bedroom window (with a sill height of 2.35m above FFL).

Standard B19 – Daylight to existing windows objective

99. This standard requires the addition to the existing dwelling and the new dwellings allow for light courts to the existing windows on adjoining sites with 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. The standard also requires that walls 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.

100. The setback of the eastern wall of unit 2 in relation to the north-facing windows opposite complies with the standard. However the first floor east wall (required setback 3.15m) and second floor terrace wall (required setback 3.9m) opposite the west-facing living room window do not comply with the standard (proposed setback approx. 2.4m). However, this room is serviced by full length glazed doors on the north and so the amenity and daylight access to this room will not be unreasonably compromised by the non-compliant walls opposite the west-facing living room.

101. The existing windows at No. 86 Laity Street ground floor wall are both setback a minimum of 2.2m from the shared boundary with the subject site. The first floor east wall of unit 3 is setback 3.2m from these windows and comply the standard (required setback 3.15m). The 3.7m setback of the proposed second floor east wall to does not comply with the standard (required setback 4.5m). The proposed 3.7m setback to the west-facing windows is sufficient to ensure the amenity and daylight access is not unreasonably compromised, particularly in the inner city context where full compliance with the standard is difficult to achieve on narrow lots.

Standard B20 – North-facing windows objective

102. There are no new walls proposed opposite existing north-facing habitable room windows.

Standard B21 – Overshadowing open space objective

103. Based on the submitted plans and overshadowing assessment carried out by officers, the private open space of No. 79 Buckingham Street and Nos. 80 and 82 Laity Street will not be affected by additional shadowing with additional shadow contained within existing shadow affecting these properties. Shadows as a result of the proposal to Nos. 83 and 83A Buckingham Street will be limited to the roofs of these dwellings.

104. The proposal will not shadow Nos. 86- 88 Laity Street between 9am and 1pm, with No 88 Laity receiving approximately 1sqm of additional shadow at 3pm (existing sun 8.25sqm) and No. 86 Laity fully in shade at 3pm (existing sun 14sqm) as a result of the proposal. Given additional shadow to No. 88. Laity measures only 1sqm at 3pm, with a large proportion of the open space in full sun at this time, the additional show is not considered unreasonable.

105. The additional shadow to No.86 Laity Street at 3pm is also considered reasonable as the open space will received good access to sunlight between 9am and 1pm. Further, should the development of the site under planning application PLN16/0039 go ahead at this site, the open space will be fully shaded by its own dwelling at this time. For these reasons it is considered that the additional shadowing is acceptable.

Standard B22 – Overlooking objective and Standard B23 – Internal views objective

106. Of relevance are the first floor north-facing windows to bedrooms 2 of unit 1 and 2 which are to be treated with 1.7m high louvered screens. However a section detail of the screens is not provided to ensure the louvers are appropriately fixed to prevent overlooking. A condition will address this. In relation to the window to bedroom 3 of unit 1, insufficient information is provide to show that the opaque Perspex roof to the rear of No. 79 Buckingham Street will adequately prevent overlooking into this properties private open space. A condition will address this.

107. Given the sharp angle of view lines and existing ground floor built form located between, the west-facing living room window at No. 83 Buckingham Street will not be overlooked by the window to bedroom 3 of unit 2. The existing ground floor roof form and the 8m separation from this window to the POS of No. 83 Buckingham Street POS will prevent overlooking within the 9m overlooking arc stipulated by the standard. The second floor terraces and windows to unit 1 and 2 will be treated for overlooking by the 1.7m high obscure glazed terrace screens in compliance with the standard.

108. With no windows proposed at first and second floor western and northern walls of unit 3, overlooking is a not a concern. The east-facing first and second habitable room windows are treated by either 1.7m high sill and overlooking screens. However the plans do not detail the material of the screens. A condition will address this.

Standard B24 – Noise impacts objective

109. The proposed dwellings are not located adjacent to commercial uses, busy roads or railway line, and so are not required to be treated against external noise sources. The proposed development is residential and no permit is required for the use. Any noise generated on the site would only be residential in nature and is unlikely to be a disturbance to nearby properties.

Standard B25 - Accessibility objective

110. The dwelling pedestrian entrances are at natural ground level which would suit the needs of individuals with limited mobility, in compliance with this standard.

Standard B26 – Dwelling entry objective

111. This policy encourages that dwelling entrances are visible and easily identifiable from the street and provide a sense of address to the properties and a transitional space around the entry. The dwelling entries face the street and are provided with roof canopies providing for a transitional space in compliance with policy objectives.

Standard B27 – Daylight to new windows

112. To satisfy the requirements of this standard, habitable room windows should be located to face an outdoor space clear to the sky or a light court with a minimum area of 3sqm and a minimum dimension of 1m clear to the sky. The proposed location of all habitable room windows complies with the requirements of this standard.

Standard B28 – Private open space objective

113. The standard requires at least 40sqm of private open space of which 25sqm is to be provided at the side or rear of the dwelling with at least 3m dimension, or a balcony of 8sqm with a minimum width of 1.6m and with convenient access from a living room. In non-compliance, the private open space accessed from the living areas will measure between 15.8sqm and 19.6sqm. However unit 1 will comply with the standard with a 10sqm roof terrace provided with access from a lounge area.

114. The remaining non-compliant dwellings will also be provided small first floor balconies and second floor terraces ranging from 6sqm and 7.3sqm. This will compensate for the non-compliant ground floor private open space. For these reasons, the non-compliance with considered acceptable.

Standard B29 – Solar access to open space objective

115. To satisfy the requirements of this standard, the southern boundary of the proposed open space areas should be setback at least (2+0.9h) meters, where 'h' is the height of the wall to the north. The position of the south walls of unit 3 in relation to its own ground floor open space and the ground floor open space of unit 1 does not comply with the standard. However, given the north-south orientation of the sites, it is not possible to provide these open space areas with no walls located opposite. However, given both dwellings are provided with two large north-facing terraces second floor, this adequately compensates for the non-compliant ground floor open space. Further with the ground floor open spaces open to adjoining open space areas to the east and west, this allows for adequate sunlight penetration in the morning and afternoon.

116. With a single storey dwelling located opposite the POS of unit 2, it complies with this standard.

Standard B30 – Storage objective

117. This standard requires that each dwelling be provided with a minimum of 6 cubic metres of externally accessible storage space. The dwellings are not provided with externally accessible storage areas. However given the generous proportions of the dwellings and with each dwelling provided with a laundry room that can be also used by for storage, there is adequate room inside of the dwelling to allow for occupants storage needs. The ground floor rear open spaces are also sufficiently large to allow for the storage of bicycles and bins and so it is not considered necessary to require that a externally accessible store is provided for each dwelling.

Standard B31 – Design detail objective

118. This standard encourages design detail that respects the existing neighbourhood character, including façade articulation, window and door proportions and roof forms be visually compatible with the development and neighbourhood. While remnant single storey Victorian era dwellings are visible in the street, the area is not in an Heritage overlay and there is a strong emergence of modern double storey townhouses. The proposed flat roof form and window and doors proportions, including the front balconies are reflective of the existing townhouses in the street.

119. The under-crofts and the driveway have been designed to be visually compatible with the development and neighbourhood character. It is considered that these design details allow for a visually interesting presentation to the street that is respectful of the existing neighbourhood character, and that application has been supported by Council's urban design unit.

Standard B32 – Front fences objective

120. No front fences are proposed.

B33 – Common property objectives and B34 – Site services objectives

121. A note will require that all meter storage areas are also located within title boundaries. Bins can be store in the rear yards. A condition will require this is noted on the plans to prevent the storage of bins in the front setback (with insufficient space in the front setback to accommodate a screened bin stored area). No common property is proposed.

<u>Car parking and traffic</u>

122. Clause 52.06 of the Scheme recognises that the provision of the full on-site car parking provision is not always achievable. Clause 52.06-3 states that a permit may be granted to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause.

With a total of 3 on-site car parking spaces being proposed, a formal reduction of 3 spaces is required. Each unit will be provided with a car space.

123. The car parking reduction has been supported by Council's traffic engineers and a note will indicate that residents and visitors are ineligible to obtain on-street resident or visitor car parking permits. Objectors have raised concerns that residents are likely to park on the street but this note will ensure that the development does not generate unreasonable demand for existing public on-street car parking spaces.

124. As outlined by Council's engineers, the Australian Bureau of Statistics (ABS) from 2011 for the municipality of the City of Yarra for buildings up to three storeys show 43% own a car (compared with 50% for the proposed development). This demonstrates the proposal is in line with market demand and is consistent with the statistical average for this dwelling type, particularly in inner city locations such as this where proximity to public transport options offers viable transport alternatives for residents.

125. Tram services can be easily accessed from Victoria Street, Church Street and Bridge Road. The site also has access to shops, supermarket, essential facilities, and amenities with Victoria Street to the north and Bridge Road to the south. Thus residents are not reliant on cars, with it being more practical to walk to these service centres given their proximity to the site. The site is also ideally located for bicycle access with the bicycle lanes located throughout the area. For these reasons, the proposed reduction in car parking spaces is considered acceptable. Further Council's traffic engineers are also supportive of the proposed reduction.

Objector Concerns

126. A total of seven (7) objections were received to the application. The grounds of objection are summarised as follows:

(a) Overdevelopment (excessive building height and site coverage);
    (i) These issues have been discussed at paragraphs 58-64, 80 and 81.

(b) Out of character in the street / loss of garden character;
    (i) These issues have been discussed at paragraphs 52-64, 77-79 and 118-119.

(c) Negative amenity impacts (visual bulk and overshadowing); and
    (i) These issues have been discussed at paragraphs 90-105.

(d) Insufficient provision of car spaces / loss of on-street car parking spaces / increased demand for on-street car parking spaces.
    (i) These issues have been discussed at paragraphs122-125.

Conclusion

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

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0478 for the for the construction of three (3), triple storey dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme, at No.81 Buckingham Street, Richmond, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 23 September 2017, but modified to show:
   (a) The landscape beds within the front setback of all the dwellings relocated to the opposite side of the pedestrian walkways (adjacent to the site boundaries) and to include a small canopy tree of each dwelling;
   (b) Details of the overlooking screens to the first floor, east-facing windows wall of unit 3 and first floor, north-facing windows of unit 1 and 2 and to demonstrate these windows along with the window to bedroom 3 of unit 1 comply with Standard B22 (*Overlooking*) of the Yarra Planning Scheme;
   (c) The robes to bedroom 1 of unit 1 and 2 deleted to allow for side setbacks;
   (d) All car spaces to have a width of 2.7m and length of 5.4m with a 3m wide crossover to Laity Street and 5.4m wide crossover to Buckingham Street to align with the car spaces,
   (e) The dividing fence between the car spaces of unit 1 and 2 as removed;
   (f) Each dwelling to be provided with a 1000ltr water tank connected to toilets;
   (g) The location and extent of permeable surfaces;
   (h) Bins to be stored in the rear ground floor open space areas;
   (i) Corrected setbacks on the elevations of the east and west boundary to correspond with the setbacks shown on the floor plans;
   (j) The western wall of the second floor terrace to unit 1 setback a minimum of 1.38m to the west boundary to align with the setback of the level below; and
   (k) Plans updated to remove reference to the proposed tree to the Laity Street footpath.

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. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Buckingham and Laity Street footpaths for the width of the property frontage if required by the Responsible Authority):
   (a) at the permit holder's cost; and
   to the satisfaction of the Responsible Authority.

4. Before the development commences, the permit holder must make a one off contribution of $2,200 to the Responsible Authority to be used for removal of the existing street tree to the Buckingham Street frontage and the two replacement street tree plantings that are required as a result of the development.

5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

6. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

7. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, service structures or service pits necessary to facilitate the development must be undertaken:

(a) in accordance with any requirements or conditions imposed by the relevant authority;
(b) at the permit holder's cost; and
to the satisfaction of the Responsible Authority.

8. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the existing vehicle crossover must be demolished and proposed crossover and kerb and channel constructed:
(a) in accordance with any requirements or conditions imposed by Council;
(b) at the permit holder's cost; and
to the satisfaction of the Responsible Authority.

9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting must be provided to the new pedestrian entrances. Lighting must be:
(a) located;
(b) directed;
(c) shielded; and
(d) of limited intensity, and
to the satisfaction of the Responsible Authority.

10. 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.

11. 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.

NOTE: A building permit may be required before development is commenced. Please contact Council's Building Department on Ph. 9205 55585 to confirm.

NOTE: All future property owners, residents and occupiers residing within the new dwellings approved under this permit will not be permitted to obtain resident or visitor parking permits.

NOTE: 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.

NOTE: 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.

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

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

CONTACT OFFICER: **Laura Condon**
TITLE: **Senior Statutory Planner**
TEL: **92055352**

Attachments

1 PLN16/0478- 81 Buckingham Street -Subject Site
2 PLN16/0478- 81 Buckingham Street- Decision Plans.
3 PLN16/0478- 81 Buckingham Street- Open space comments
4 PLN16/0478- 81 Buckingham Street- Engineering comments
5 PLN16/0478- 81 Buckingham Street- Urban design comments

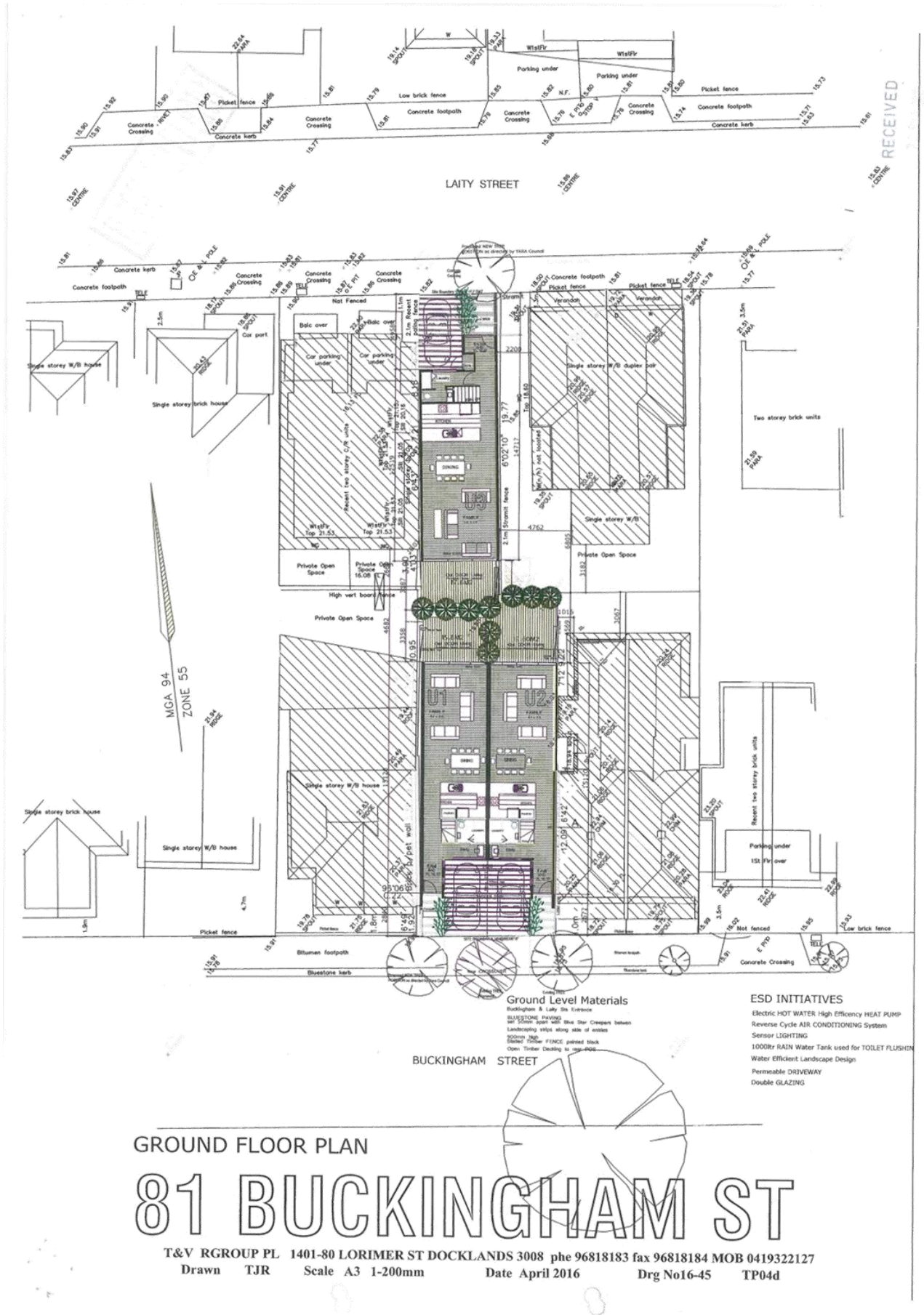
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81 Buckingham Street, Richmond.

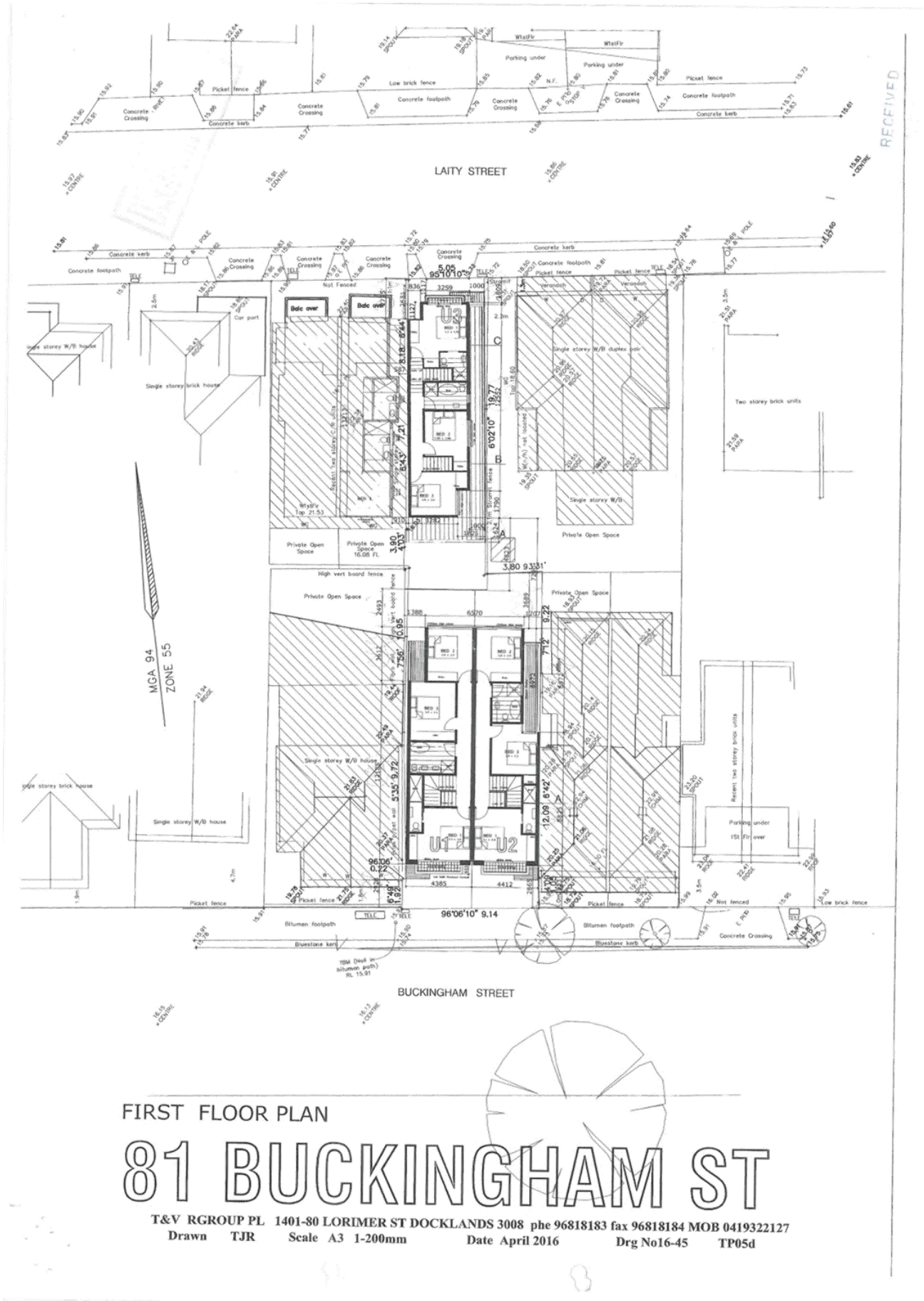
North



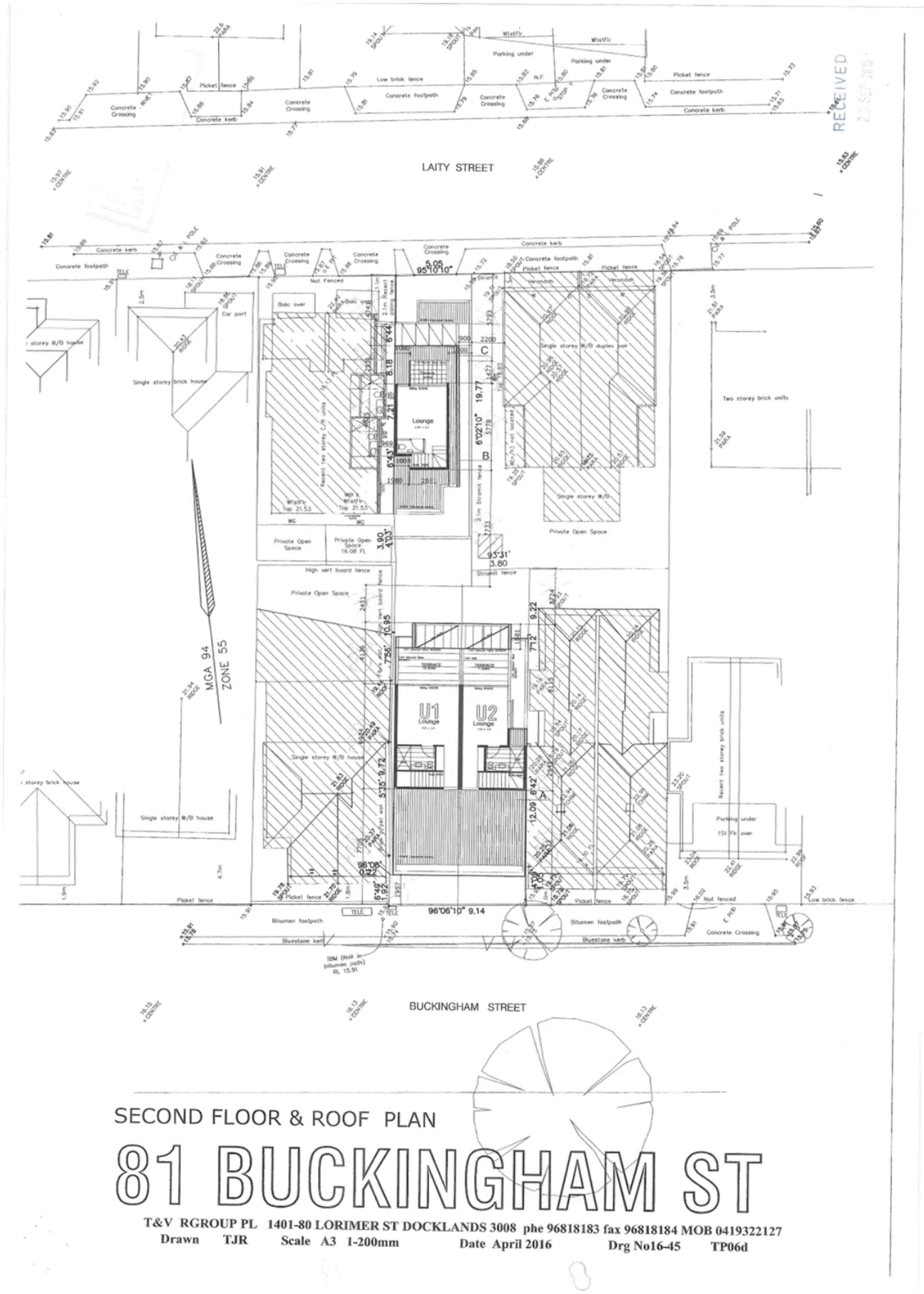
Attachment 2 - PLN16/0478- 81 Buckingham Street- Decision Plans.



Attachment 2 - PLN16/0478- 81 Buckingham Street- Decision Plans.


RECEIVED
LAITY STREET
BUCKINGHAM STREET
MGA 94 ZONE 55
Single storey W/B house
Single storey brick house
Car port
Single storey W/B duplex pair
Two storey brick units
Private Open Space
Private Open Space 16.08 FL
High vert board fence
Low brick fence
Picket fence
Not fenced
Concrete footpath
Concrete kerb
Concrete Crossing
Bitumen footpath
Bluestone kerb
Parking under
1st Flr over
Recent two storey brick units
U1
U2
U3
BED 1
BED 2
BED 3
Balc over
Veranda
Not Fenced
Single storey brick house
Single storey W/B house
Single storey W/B duplex pair
Private Open Space
Private Open Space
Private Open Space
Single storey W/B
Two storey brick units
Recent two storey brick units
Parking under
1st Flr over
Low brick fence
Not fenced
Concrete Crossing
Bitumen footpath
Bluestone kerb
Picket fence
Concrete footpath
Concrete kerb
Concrete Crossing
Low brick fence
Picket fence
Concrete footpath
Concrete kerb
Concrete Crossing
Concrete Crossing
Concrete Crossing
Concrete Crossing
Concrete footpath
Concrete kerb

Attachment 2 - PLN16/0478- 81 Buckingham Street- Decision Plans.



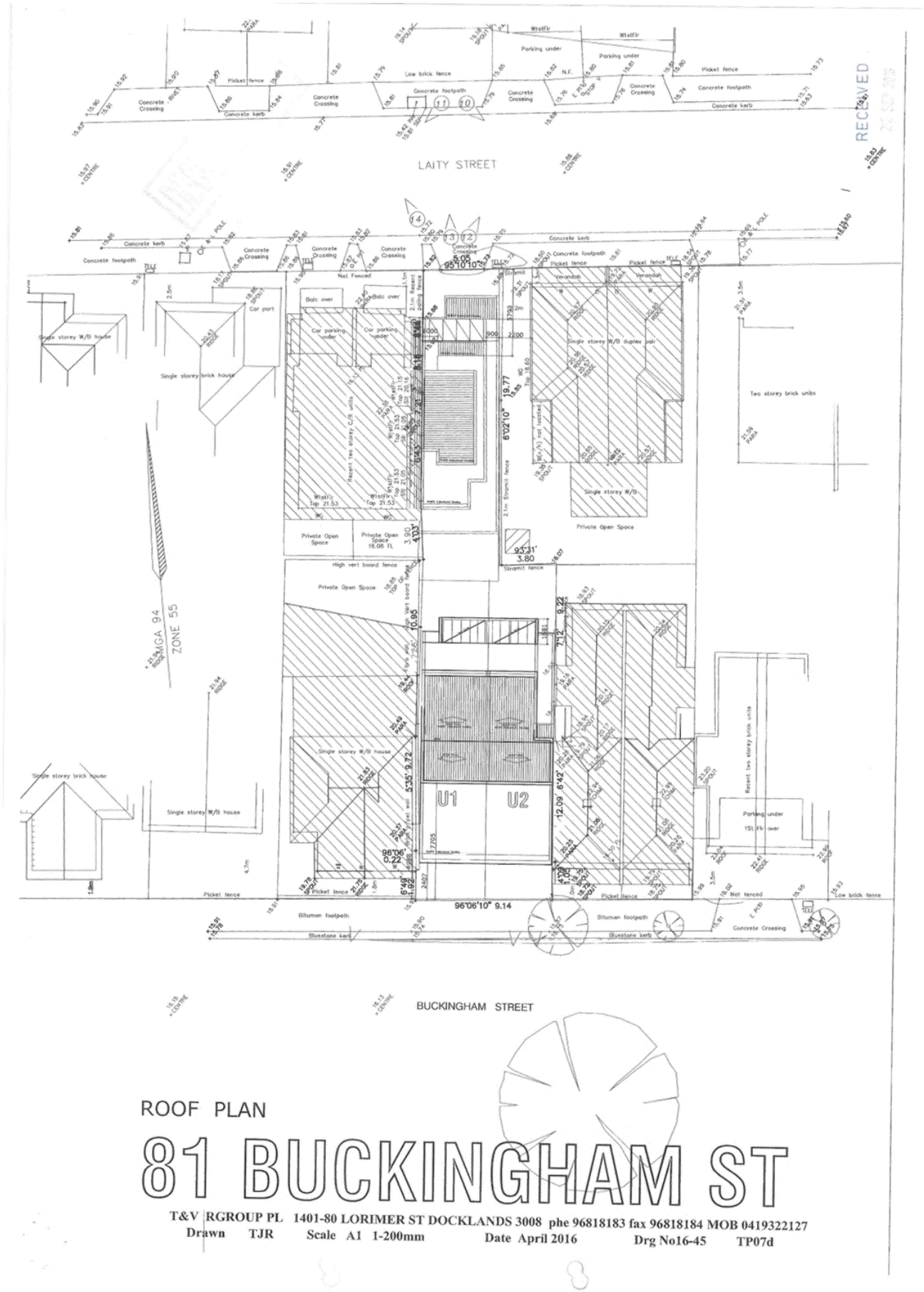
SECOND FLOOR & ROOF PLAN

81 BUCKINGHAM ST

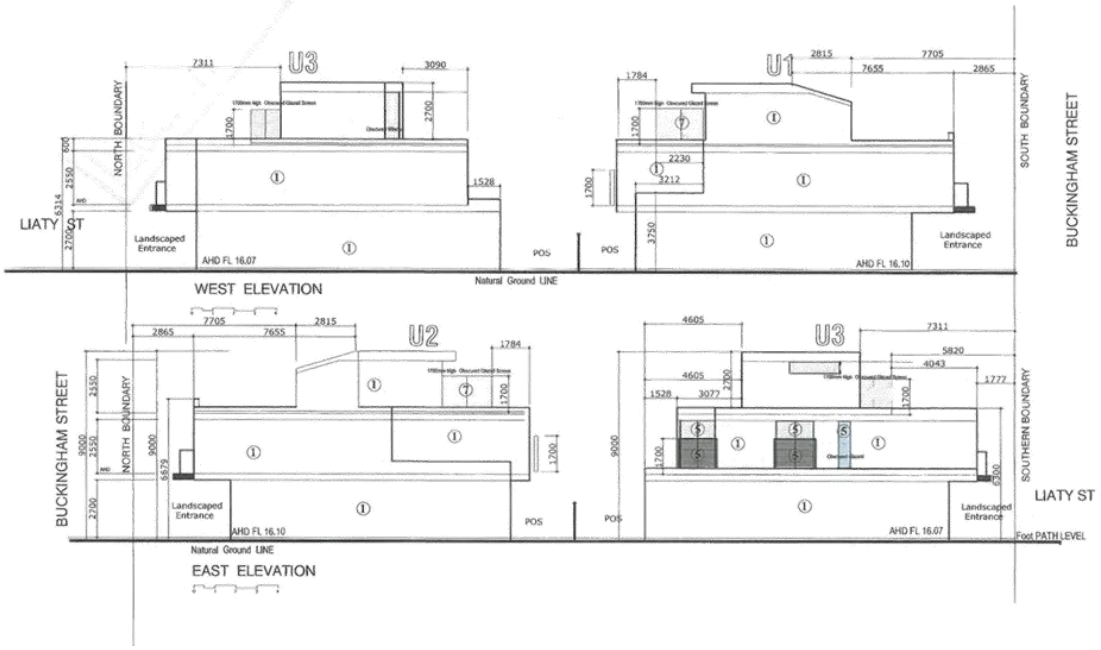
T&V RGROUP PL 1401-80 LORIMER ST DOCKLANDS 3008 phe 96818183 fax 96818184 MOB 0419322127

Drawn TJR Scale A3 1-200mm Date April 2016 Drg No16-45 TP06d

Attachment 2 - PLN16/0478- 81 Buckingham Street- Decision Plans.



Attachment 2 - PLN16/0478- 81 Buckingham Street- Decision Plans.







Taubmans Paints
MATERIAL & COLOUR SCHEDULE

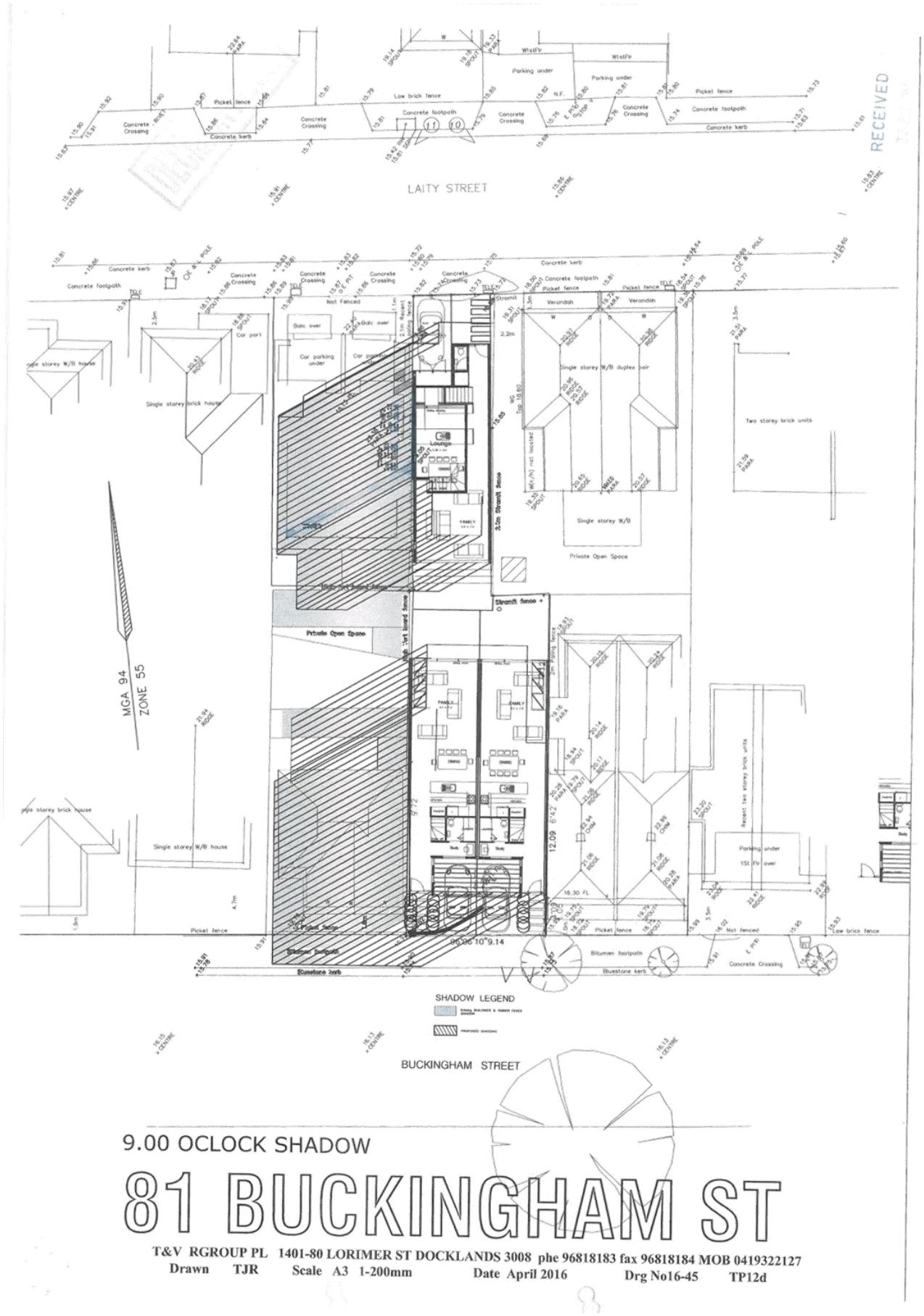
1. Walls- Rendered "OFF WHITE"
2. Walls- Rendered "GREY"
3. Walls- Standing Seam Zinc Cladding
4. Walls- "TIMBER'painted BLACK
5. Windows/screens/Pergolas- Aluminium Powder coated "BLACK" Windows Double Glazed
6. Front Doors "RED"
7. 1.7m high Oscured Glazed Screen
8. White Colourbond Roof

81 BUCKINGHAM ST

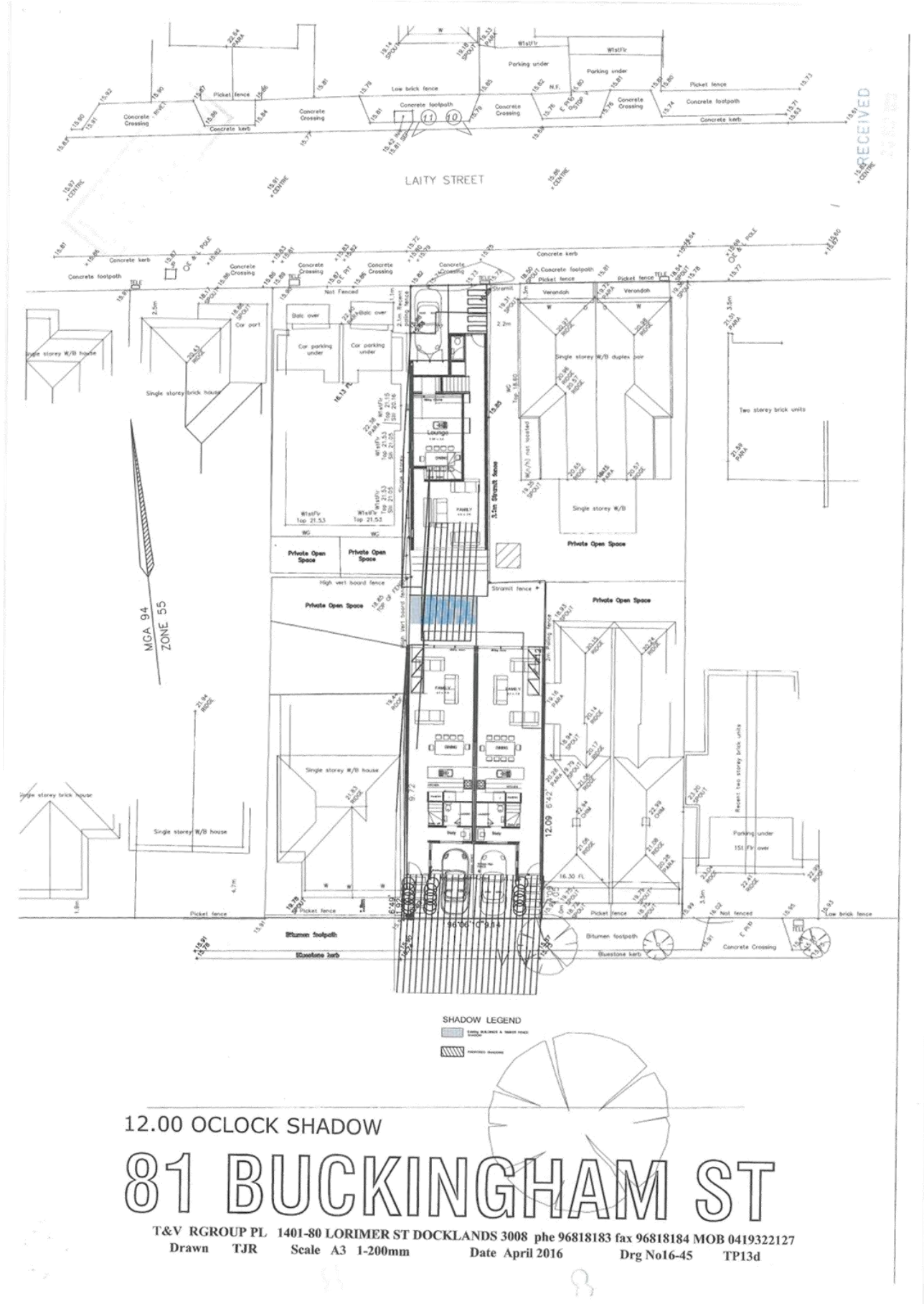
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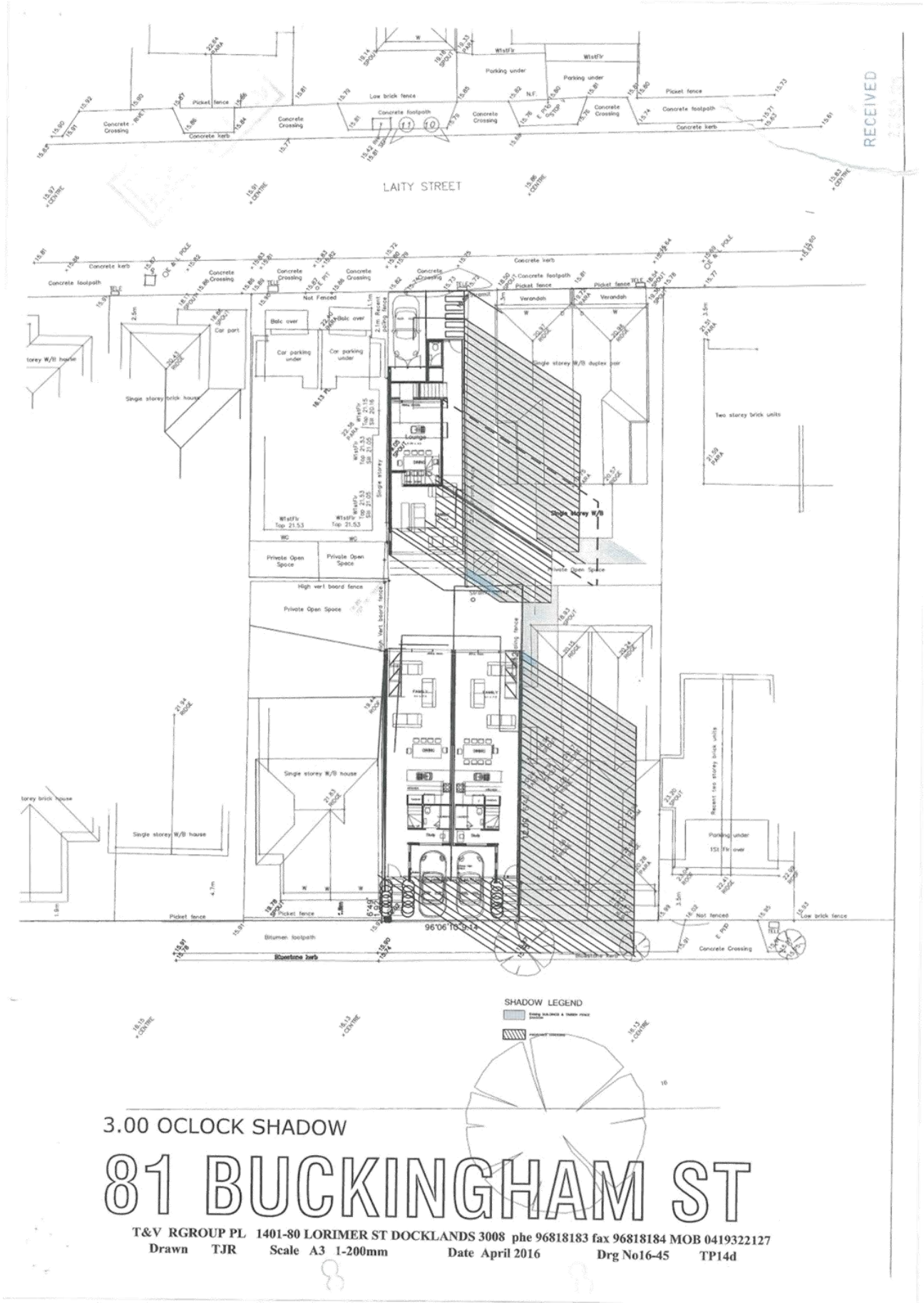
Attachment 2 - PLN16/0478- 81 Buckingham Street- Decision Plans.



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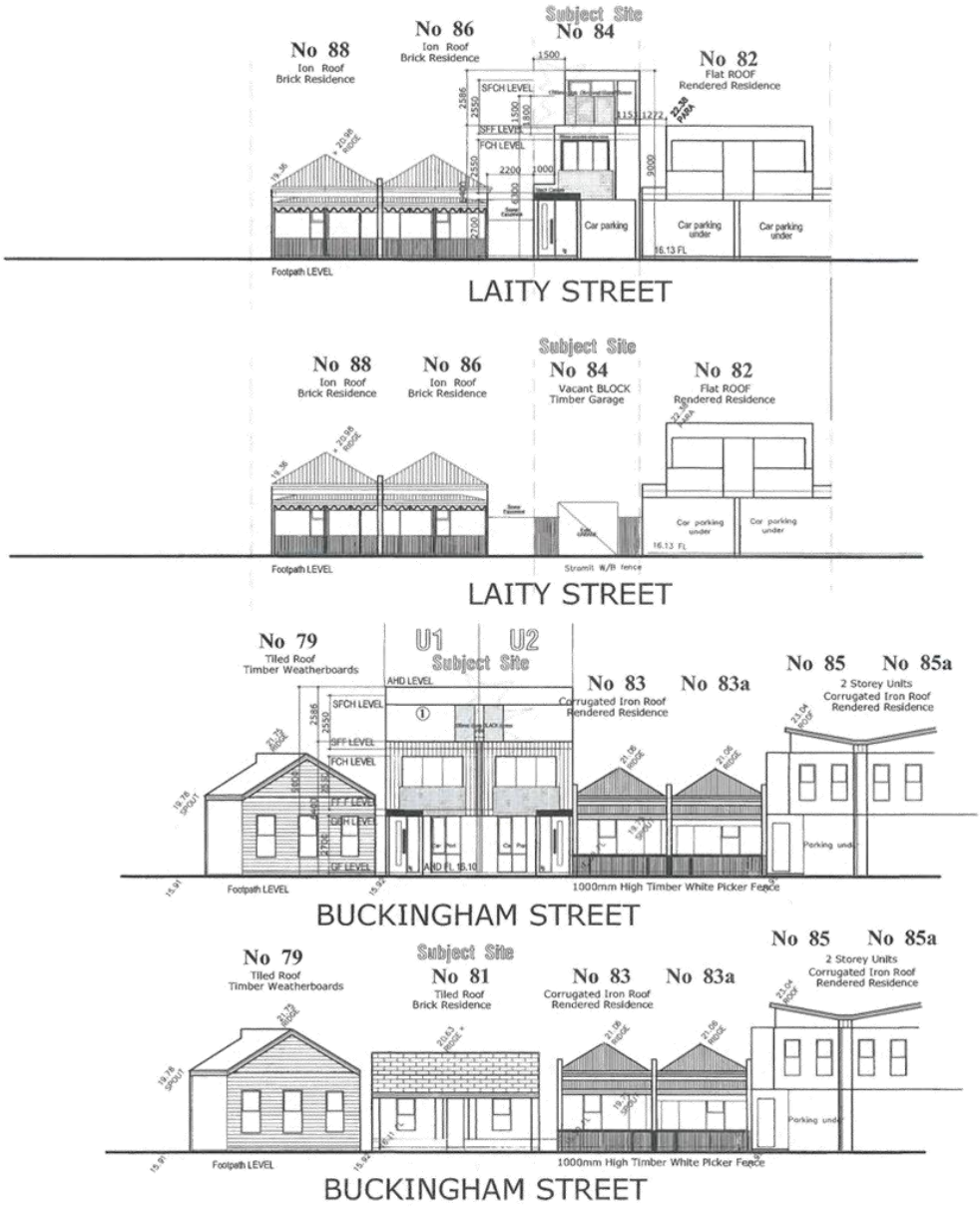


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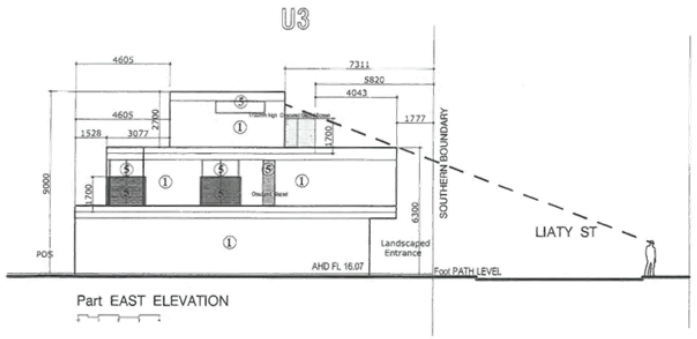
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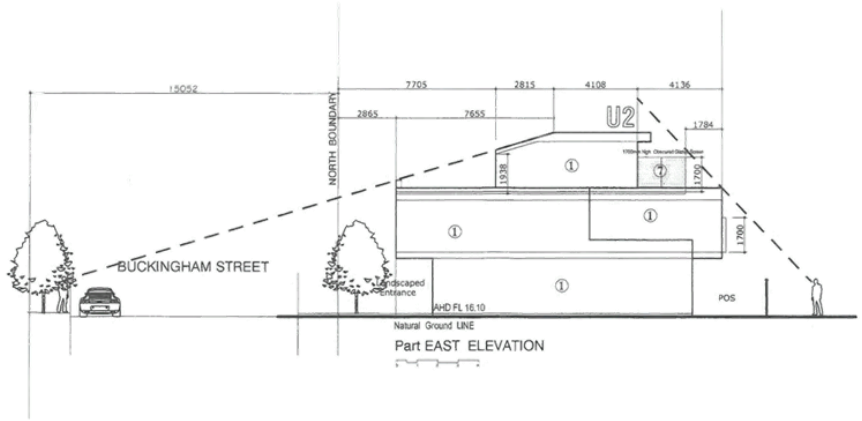


81 BUCKINGHAM ST

T&V RGROUP PL 1401-80 LORIMER ST DOCKLANDS 3008 phe 96818183 fax 96818184 MOB 0419322127
Drawn TJR Scale A3 1-200mm Date April 2016 Drg No16-45 TP15d

Attachment 2 - PLN16/0478- 81 Buckingham Street- Decision Plans.





81 BUCKINGHAM ST

T&V RGROUP PL 1401-80 LORIMER ST DOCKLANDS 3008 phe 96818183 fax 96818184 MOB 0419322127

Drawn TJR Scale A3 1-200mm Date April 2016 Drg No16-45 TP20d

Attachment 3 - PLN16/0478- 81 Buckingham Street- Open space comments

Memo

diverse

vibrant

exciting

inclusive

To: Laura Condon

Cc: Carrie Lindsay

From: Paul Whitten

Date:17/02/2017

Subject: 81 Buckingham Street Richmond – PLN16/0478

Council will seek the following regarding the nature strip trees and offsets

- Removal of one Melaleuca located out front of 81 Buckingham only
- Replacement planting of one tree to the west of the proposed driveway out front of the subject site
- Costs for the replacement planting of a secondary tree to be located at Council's discretion in Buckingham St
- Costs as previously outlined by Council's Arborist Michael Rogers to cover removal, replacements and maintenance for 2 years is $2200.00 (refer email 13/07/2016)

Paul Whitten
Arborist
City Of Yarra

Attachment 4 - PLN16/0478- 81 Buckingham Street- Engineering comments

CITY OF YaRRA

MEMO

To:	**Laura Condon**	
From:	**Artemis Bacani**	
Date:	**28 October 2016**	
Subject:	**Application No:**	**PLN16/0478**
	Description:	**Construction of a 3 Three-Storey Dwellings – Reduction in Car Parking**
	Site Address:	**81 Buckingham Street, Richmond**

I refer to the above Planning Application received on 27 September 2016 in relation to the proposed development at 81 Buckingham Street, Richmond. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION

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
Three-bedroom dwelling	3	2 spaces per dwelling	6

Since the site has a statutory car parking requirement of 6 spaces and 3 car spaces would be provided on-site, a waiver of 3 car parking spaces is sought by the applicant.

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:

- *Short-stay and Long-stay Parking Demand*
  Long-stay parking would comprise of residents' parking. According to Council's Parking Services unit, the proposed dwellings would be ineligible for residential permits. It is recognised that car ownership is influenced by a number of factors (public transport access, proximity to employment and education centres, affordability issues, environmental concerns, and access to services) and that in inner areas many households do not own a car for a range of reasons. Short-stay parking at the site would comprise of visitors and tradespeople. The area's coverage of 2P restrictions should provide regular turnover of parking and create opportunities for visitors to find parking close to the site.

- *Parking Demand for Dwellings*
  Each of the three-bedroom dwellings would be provided with one on-site car parking space. This would equate to a parking rate of 0.5 spaces per three-bedroom dwelling. Car ownership rates for three-bedroom dwellings in Richmond have been sourced from the 2011 Census conducted by the Australian Bureau of Statistics. For townhouse type dwellings of two or more storeys, the car ownership rate for three-bedroom townhouses in Richmond is 1.5 cars. The proportion of three-bedroom townhouses in Richmond owning one vehicle is 43% (compared with 50% for the proposed development). The proportion of three-bedroom townhouses

Attachment 4 - PLN16/0478- 81 Buckingham Street- Engineering comments

owning two cars is 41%. The statistics suggest that there is a sizeable proportion of three-bedroom townhouses in Richmond that own at least one car. The car parking provision for the proposed three-bedroom dwellings is considered appropriate and is fairly consistent with the statistical average for this dwelling type.

- *Availability of Public Transport in the Locality of the Land*.
  The site is very well positioned near tram services along Victoria Street (Routes 12 and 109), Church Street (Route 78), and Bridge Road (Routes 48 and 75). Easy access to public transport services would reduce the demand for parking on-site.

- *Convenience of Pedestrian and Cyclist* Access to the Land
  Pedestrians and cyclists should be able to access the site conveniently by using the existing infrastructure in front of the site and the surrounding streets. It is highly probable that some visitors to the site would either live or work locally. The site is positioned near the Victoria Street and Bridge Road Activity Centres which have a very high serviceability for pedestrians. Access to the on-road bicycle network (Johnson Street, Church Street, Burnley Street, Buckingham Street, Davidson Street, and Highett Street) and the off-road bicycle network (Main Yarra Trail and City Capital Trail) are relatively good.

- *The Likelihood of Multi-Purpose Trips within the Area.*
  The site is positioned near the Victoria Street and Bridge Road Activity Centres, as well as the Victoria Gardens Shopping Centre. It is likely that some visitors would already be in the area attending other venues, restaurants, and cafes at these Activity Centres.

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* in the Area.
  Buckingham Street contains 2P 7am-7pm Monday to Saturday and 2P 7am-6pm Monday to Friday restrictions. The majority of streets in the surrounding area contain 2P restriction; however, there are small sections of unrestricted parking within walking distance of the site that could be utilised by long-stay visitors. The demand for on-street parking throughout much of Richmond is generally high, and it is possible that some visitors would choose to make other travel arrangements such as take public transport or walk to the site or ride a bicycle to the site, since the availability of long-stay parking is very scarce.

- *Access to or Provision of Alternative Transport Modes*.
  The site has very good access to public transport and connectivity to the bicycle network. Carshare pods are available within walking distance of the site and provide an alternative mode of transportation for residents and visitors. A Flexicar pod is available in Griffiths Street, approximately 290 metres south of the site.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of 3 car spaces is considered appropriate in the context of the development and the surrounding area. Residential visitors should be able to find an on-street parking space in the area.

Engineering Services has no objections to the proposed waiver of car parking.

Capital Works Programme
A check of the Capital Works Programme for 2016/17 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.

Attachment 4 - PLN16/0478- 81 Buckingham Street- Engineering comments

DEVELOPMENT LAYOUT DESIGN

Item		Assessment
Access Arrangements	Width of Buckingham Street	A site inspection revealed Buckingham Street has an effective width of 13.0 metres.
	Width of Laity Street	A site inspection revealed that Laity Street has an effective width of 10.8 metres.
	Vehicle Crossing – Buckingham Street	Proposed 5.6 metres wide concrete vehicle crossing.
	Vehicle Crossing – Laity Street	A site inspection revealed that the existing vehicle crossing has cracks along the front of the crossing. The existing concrete vehicle crossing is 2.8 metres wide.
Internal Layout	Car spaces	The internal dimension of each car space is approximately 2.8 metres wide by 4.9 metres long.

Design Items to be Addressed

Item	Details
Vehicle Crossing - Buckingham Street	The width of the vehicle crossing should span the width of the parking space/s. Since a minimum internal car space width of 3.0 metres is required, the proposed vehicle crossing off Buckingham Street should be a minimum of 6.0 metres wide. In providing the new vehicle crossing for the site, the applicant will be required to prepare a detailed 1 in 20 scale cross sectional drawing of the new vehicle crossing. The cross sectional drawing and ground clearance check of a B85 design vehicle must be submitted to Council's Construction Management branch for assessment and approval.
Vehicle Crossing - Laity Street	The vehicle crossing is to be demolished and reconstructed in accordance with Council's *Infrastructure Road Materials Policy* and to Council's satisfaction. The works will be at the Permit Holder's expense. In providing the new vehicle crossing for the site, the applicant will be required to prepare a detailed 1 in 20 scale cross sectional drawing of the new vehicle crossing. The cross sectional drawing and ground clearance check of a B85 design vehicle must be submitted to Council's Construction Management branch for assessment and approval.
Car Spaces	The car spaces must have a minimum internal dimension of 3.0 metres wide by 5.4 metres long to comply with AS 2890.1:2004. The designer must depict the dimensions on the drawings.

Attachment 4 - PLN16/0478- 81 Buckingham Street- Engineering comments

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

Civil Works – Buckingham Street

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Buckingham Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.
- The kerb and channel must be reconstructed in accordance with Council's *Infrastructure Road Materials Policy* to Council's satisfaction and at the Permit Holder's expense.

Civil Works – Laity Street

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Laity Street road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's expense.
- The kerb and channel must be reconstructed in accordance with Council's *Infrastructure Road Materials Policy* to Council's satisfaction and at the Permit Holder's expense.

Public Lighting

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

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.

Drainage

- The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the *Building Regulations 2006* from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act 1989* and Regulation 610.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

Attachment 4 - PLN16/0478- 81 Buckingham Street- Engineering comments

NON-PLANNING ADVICE TO THE APPICLANT
The developer needs to consider the following:

Clearances from Electrical Assets
Overhead power lines run along the south side of Laity Street, close to the property line.

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

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

Existing Street Tree in Buckingham Street
The applicant must liaise with Council's Open Space unit in relation to the removal of the street tree. The Permit Holder will be responsible for the costs associated with the tree relocation or replacement.

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Further clarification comments provided 16th February 2017.

Following our discussion….

- The depths of the spaces must be no less than 5.4 metres as they immediately abut Public Highways. Spaces less than 5.4 metres would cause vehicles to partially overhang the road reserve – an offence under the *Road Safety Road Rules* 2009.
- Each space can be 2.7 metres in width since one side of the space is open and allow for car door opening.
- The double space arrangement (off Buckingham Street) should be open along its centre.
- The Laity Street vehicle crossing must be 3.0 metres and width and the Buckingham Street vehicle crossing can be 5.4 metres in width (to span the width of the parking area).

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 5 - PLN16/0478- 81 Buckingham Street- Urban design comments

CITY OF YaRRA

MeMO

TO:	Laura Condon
FROM:	Amruta Pandhe
DATE**:**	11 October 2016
SUBJECT:	81 Buckingham Street, Richmond
APPLICATION NO:	PLN16/0478
DESCRIPTION:	Buildings and works including the construction of three storey dwellings and a reduction in the car parking requirements.

Urban Design comments have been sought on:

- Are the three storey buildings height and transition acceptable in this context;
- Are the under crofts acceptable?
- Are there any capital works approved or proposed within the area of the subject site (as relevant to the planning application). If so, please provide details and a copy of the plans associated with these works.

COMMENTS SUMMARY

There are currently no capital works approved or proposed within the area.

The proposal is supported in principle, provided the below changes and clarifications are made:

- Setback the front section of the first floor of Units 1 and 2 along western and eastern boundaries to create some spacing of buildings in response to Clause 22.10.
- Provision of car parks/driveways is supported as it is proposed to have a provide permeable soft landscaping area.
- Clarify the discrepancies in the plans, elevations and 3d's.
  There is a discrepancy in the first floor plan and the elevations and 3d's. The balconies on the first floor are overhanging and have a wider gap as per the plans, however, the elevation and 3d's show that the balcony provides a zinc cladding wall around and gap between the balconies is less.
  There is a discrepancy in the ground floor plan shown on Drawing TP03d (Design Response Plan) and TP04d (Ground Floor).

Attachment 5 - PLN16/0478- 81 Buckingham Street- Urban design comments

Development Proposal

Built Form:
The development proposes a 3 storey development which is 1-2 storeys above the surrounding predominant heights. This is an acceptable outcome as the upper levels have been setback enough avoiding any impacts on the neighbourhood character.

Clause 22.10 seeks development to retain and extend the City's fine grain of street pattern and urban form. It also seeks to achieve continuity in the built form having regard to rhythm and spacing of buildings. The built form rhythm along Buckingham Street maintains an approximately 1-2m gap between buildings creating a break in buildings, rather than having a continuous wall of developments.



Spacing of buildings highlighted along Buckingham Street

The development proposes a 0m setback for Units 1 and 2 along the eastern and western boundary for all three levels. It is recommended that the first floor of Unit 1 and Unit 2 provide some setback on its western and eastern boundaries, it can be in the similar form as the new 2 storey development on 85 Buckingham Street. This will respond to Clause 22.10 requirements. The 0m setback for the second floor is acceptable as it is setback enough. The Laity Street setbacks are acceptable.



Recommended building gaps for Units 1 and 2

There is a discrepancy in the first floor plan and the elevations and 3d's. The balconies on the first floor are overhanging and have a wider gap as per the plans, however, the elevation and 3d's show that the balcony provides a zinc cladding wall around and gap between the balconies is less. This makes the building to

Attachment 5 - PLN16/0478- 81 Buckingham Street- Urban design comments

appear visually bulk. A better outcome would be to have the architectural expression of the balconies to be clearly legible rather than incorporating them as part of the front façade.

The proposed under crofts are acceptable as shown in the 3d as they are not very deep and have window openings on all sides. The provision of wide windows on the ground floor and permeable soft landscaping in the car parking area makes a positive contribution to the public realm environment and hence is supported.

There is a discrepancy in the ground floor plan shown on Drawing TP03d (Design Response Plan) and TP04d (Ground Floor). As per TP03d there are toilets and store rooms in front of the car park and as per TP04d there are no toilets and windows shown in front of the car park. The 3d's also show that there are window openings in front of the car park. The under croft space is supported only if there are wide window openings proposed.

1.6 010059.04 - 511-521 Church Street, Richmond - Amendment to increase the office floor area (no permit required for office use) with an associated reduction in the car parking requirements, along with the loss of 45 on-site car parking spaces and a reduction in the bicycle parking requirements

Executive Summary

Purpose

1. This report provides Council with an assessment of planning application 010059.04 at 511-521 Church Street, Richmond and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 52.06 – Car parking;
   (b) Clause 52.34 – Bicycle facilities;
   (c) Clause 15.01-1 – Urban Design;
   (d) Clause 15.01-2 – Urban design principles;
   (e) Clause 15.01-5 – Cultural identity and neighbourhood character;
   (f) Clause 15.02-1 – Energy and resource efficiency;
   (g) Clause 17.01-1 – Business;
   (h) Clause 18 – Transport;
   (i) Clause 21.04-3 – Industry, office and commercial;
   (j) Clause 21.05-2 – Urban design;
   (k) Clause 21.06 – Transport;
   (l) Clause 21.07-1 – Environmentally Sustainable Development;
   (m) Clause 21.08-2 – Burnley – Cremorne – South Richmond;
   (n) Clause 22.05 – Interface Uses Policy;
   (o) Clause 22.10 – Built form and Design Policy; and
   (p) Clause 22.17 – Environmentally Sustainable Development.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) buildings and works;
   (b) car parking and traffic;
   (c) bicycle parking;
   (d) objector concerns;
   (e) changes to the permit; and
   (f) changes to the plans.

Objector Concerns

4. Two objections were received to the application, these can be summarised as:
   (a) impact on car parking demand in the area;
   (b) the proposal would impact businesses in the area (including furniture stores) due to the impact on car parking;
   (c) the site adjoins residential land (zoned Neighbourhood Residential and is affected by a Heritage Overlay);
   (d) the Applicant's car parking survey should not take into account residential permit zones or the private car park along Brighton St; and
   (e) there is no evidence to support the claim that a reduction in parking would encourage people to cycle or use public transport.

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

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

1.6 010059.04 - 511-521 Church Street, Richmond - Amendment to increase the office floor area (no permit required for office use) with an associated reduction in the car parking requirements, along with the loss of 45 on-site car parking spaces and a reduction in the bicycle parking requirements

Trim Record Number: D17/18345
Responsible Officer: Principal Planner

Proposal:	Amendment to increase the office floor area (no permit required for office use) with an associated reduction in the car parking requirements, along with the loss of 45 on-site car parking spaces and a reduction in the bicycle parking requirements
Existing use:	Supermarket, offices and associated car parking
Applicant:	Contour Consultants Aust Pty Ltd
Zoning / Overlays:	Commercial 2 Zone Church Street is a Road Zone, category 1 Design and Development Overlay, Schedules 5 and part 2
Date of Application:	23 August 2016
Application Number:	010059.04

Planning History

1. On 5 July 2001, Planning Permit PL01/0423 was issued for advertising signs.

2. On 8 March 2001, Planning Permit No. 001469 was issued for alterations to the Church Street façade and use of the Church Street building for showroom/commercial display (restricted retail sales).

3. Planning Permit No. 010059 was issued at the direction of the Victorian Civil and Administrative Tribunal [VCAT] on 19 February 2002 for the construction of a building and the construction and carrying out of works, use of the land for the purpose of a restricted retail premise and café, and a reduction in the provision of car parking.

4. Subsequent to this, six extensions of time requests were approved by Council and VCAT to extend the life of the permit, with the last one requiring the development to commence no later than 1 May 2013. The development has since been completed.

5. A Section 87A amendment request was submitted to VCAT on 30 November 2012 for a number of changes including:
   (a) a revised layout of the basement car park following a reduction in the number car parking spaces from 190 to 179;
   (b) provision of 40 onsite bicycle spaces;
   (c) deletion of Condition 1(a) which requires screening to the north-facing balconies at Levels 3 and 4; and
   (d) amend Condition 13 to allow for construction works to be carried out until 3.00 pm on Saturday, in lieu of 1.00 pm as per Council's standard local law.

6. The Applicant subsequently amended the application on 26 November 2012 to remove the request to delete condition 1(a). Approval was granted by VCAT on 18 December 2012 for the changes listed at (a), (b) and (d), with an amended permit issued on 18 December 2012 in accordance with VCAT order P2814/2012 as follows:

(a) *Condition 10 is amended to read:*
Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday – Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

(b) *Condition 13 is amended to read:*
No fewer than 179 car parking spaces and 40 bicycle spaces with associated male and female change rooms must be provided on the land for the use and development.

(c) *A new condition is included as follows:*
Modified ground floor plan to reflect revised car parking and bicycle layouts in accordance with TP1.01 Rev F.

7. Council approved a number of variations to the development under secondary consent on 3 May 2013. The variations included:
   (a) increased floor area (internally only);
   (b) revised car park layout;
   (c) further reduction of car parking requirement due to increased floor area;
   (d) reduced loading area; and
   (e) various design changes to the building façades.

8. On 17 September 2013, the permit was further amended by consent of the permit applicant and the Responsible Authority by order of VCAT. The permit was amended to delete condition 1(a) with all subsequent subparagraphs re-numbered.

9. On 4 March 2014, Council approved a number of additional variations to the development under secondary consent. The variations included:
   (a) reduction in the area of the ground floor showroom (from 1004m² to 232m²);
   (b) reduction in the area of the ground floor café (from 138m² to 102m²);
   (c) addition of office space to the ground floor (828m²);
   (d) an additional 20m² of commercial floor area associated with the office/showroom/café due to inclusion of circulation space (ramp/corridor) immediately north of the lift core in the floor area calculation;
   (e) internal changes (including addition of a toilet);
   (f) further reduction of car parking requirement due to increased office floor area; and
   (g) various design changes to the building facades.

10. Planning Permit 010059 was further amended by Council on 21 August 2014. The amendment was to condition 5 to allow a reduction of patrons associated with the café from 60 to 40 patrons, due to the reduction in café floor area approved under the most recent secondary consent amendment.

11. On 3 February 2014, Planning Permit 010059 was further amended under section 72 of the Act by Council to allow internal rearrangements to the basement and ground floor levels, resulting in a reduction of 4 car parking spaces, an increase of 45 bicycle parking spaces and the installation of additional showers, lockers and change rooms.

12. On 24 June 2015, Planning Permit 010059 was amended again under Section 72 of the Act to allow a reduction in parking associated with the use of part of the ground floor as a supermarket (no permit required for supermarket use).

13. On 8 April 2004, Planning Permit PL03/1116 was issued for the display of an internally illuminated business identification sign.

14. On 5 February 2010, Planning Permit PL09/0799 was issued for the development of the land for building and works and the construction of business identification signage (including internally and externally-illuminated signs).

15. On 26 March 2013, Planning Permit SP12/0057 was issued for a two lot subdivision.

16. Planning Permit Application PLN13/1051 for advertising signage was withdrawn on 10 December 2013 at the Applicant's request (the sign did not require a planning permit due to its size).

17. On 1 August 2014, Planning Permit SP14/0035 was issued for the subdivision for the creation of a road, including removal of easement E-3 & beneficiary of easement E-1.

18. On 11 January 2015, Planning Permit PLN14/0838 was issued for the construction and display of internally-illuminated business identification signage.

19. On 7 May 2015, Planning Permit PLN15/0300 was issued for the development of the land for the construction and display of an internally illuminated business identification sign.

Background

20. This application has been called up to IDAC by Councillor James Searle.

Existing Conditions

Subject Site

21. The following remains relevant from the original delegate report:

The subject site is located on the east side of Church Street, immediately south of Gibbons Street and approximately 33m north of Kingston Street, Richmond. The site is known as lot 1A on PS714025D, with a frontage of 32.84m to Church Street and a depth of 91m. The site yields an area of 3,170m².

The site is developed with a 5 storey mixed use building.

The site is affected by a Section 173 Agreement (AK138245Q), requiring the owner to widen Gibbons Street as per Planning Permit No. 010059, landscape and provide adequate street lighting at the owners expense, in accordance with the shared road plans and to the satisfaction of Council. Once completed, the land must be vested in Council as the expense of the owner.

22. The site is currently used as offices and was recently used as a supermarket at the ground floor, however this tenancy is now vacant.

Restrictive Covenants

23. There are no restrictive covenants detailed on the certificate of title provided.

Surrounding Land

24. The following remains relevant from the original delegate report:

The site is located within a former industrial precinct of Richmond/Cremorne, with a number of offices, homeware/furniture stores, interspersed cafes and remnant industrial land uses.

To the north of the subject site, across Gibbons Street, is a single storey building used as a homewares store. This building presents a small business identification sign on the façade, along with a sign hanging perpendicular from the façade.

To the west of the subject site, across Church Street, is a row of 1 to 7 storey buildings used as offices and furniture stores. The buildings are marked with large 'X' and 'V' signs.

To the immediate south of the subject site is a two storey homewares/furniture store. This building displays simple, restrained signage above the doorway.

To the east of the subject site are the rear of properties fronting Brighton Street. To the immediate east is a two storey office building. Brighton Street however, contains a number of dwellings.

The Proposal

25. The application seeks to amend the endorsed plans to increase the office floor area (no permit required for office use) with an associated reduction in the car parking requirements, along with the loss of 45 on-site car parking spaces and a reduction in the bicycle parking requirements.

26. The office floor area proposed would be 1,300m², with 689m² created at the level 2 mezzanine and 611m² at level 2. This would result in a total office floor area of 8,200m².

27. The proposed works include the internal fit out of 2 floors of car parking for office space and external windows and curtain walling.

28. The existing 85 bicycle parking spaces would continue to be provided.

Legislative provisions

29. The amendment has been requested pursuant to Section 72 of the *Planning and Environment Act* 1987 [**the Act**].

30. Section 72 of the Act states:
    (1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.
    (2) This section does not apply to—
        (a) a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or
        (b) a permit issued under Division 6.

31. The original permit (010059) was issued on 19 February 2002 at the direction of VCAT, however the order did not direct that the Responsible Authority must not amend the permit. The permit was not issued under Division 6 of the Act.

32. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.

33. Accordingly, the relevant sections will be addressed in this report.

Planning Scheme Provisions

Zoning

Commercial 2 Zone

34. The use of the site as an office is a section 1, permit not required use under clause 34.02-1 of the Scheme.

35. Under clause 34.02-4 of the Scheme, a permit is required to construct a building or construct or carry out works. Decision guidelines include (as relevant):
    (a) *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
    (b) *The provision of car parking.*
    (c) *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.*
    (d) *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
    (e) *The availability of and connection to services.*
    (f) *Outdoor storage, lighting, and storm water discharge.*
    (g) *The design of buildings to provide for solar access.*

    Overlay(s)

    Design and Development Overlay, Part Schedule 2

36. The front, 31m of the site are within the DDO2. As the works commence over 50m behind the property frontage, this overlay is not applicable.

    Design and Development Overlay, Schedule 5

37. The DDO5 applies to the whole site. A permit is not required under this Overlay, however, under Section 4, where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice must be given under section 52(1)(c) of the Planning and Environment Act 1987 [the Act] to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause (EPA, VicRoads and CityLink).

    Particular Provision

    Clause 52.06 – Car parking

38. The purpose of this provision includes (as relevant):
    (a) *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
    (b) *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
    (c) *To support sustainable transport alternatives to the motor car.*

39. Clause 52.06-1 of the Scheme applies to an increase in the floor area of an existing use (amongst others). Clause 52.06-3 of the Scheme states that a permit is required to reduce the number of car parking spaces required under clause 52.06-5 of the Scheme (Yarra does not have any Parking Overlays).

40. The additional 1,300m² of office floor area generates a car parking requirement of 45 car parking spaces. As this application also entails the removal of 45 on-site spaces to create office floor area, a net reduction of 90 spaces must be considered.

    Clause 52.34 – Bicycle facilities

41. Clause 52.34-1 of the Scheme states that a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.

42. Under clause 52.34-2 of the Scheme, a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4. The application has a requirement of 4 staff and 1 visitor bicycle parking space. No additional spaces are being provided, therefore a reduction is sought under this provision.

General Provisions

Clause 65 – Decision Guidelines

43. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision.

State Planning Policy Framework (SPPF)

44. The following clauses are relevant:

Clause 15.01-1 – Urban Design

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

Clause 15.01-2 – Urban design principles

46. The objective of this clause is: *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties*

Clause 15.01-5 – Cultural identity and neighbourhood character

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

Clause 15.02-1 – Energy and resource efficiency

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

Clause 17.01-1 – Business

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

Clause – 18.02-1 – Sustainable personal transport

50. The objective of this clause is: *To promote the use of sustainable personal transport.*

51. Strategies 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 development provides opportunities to create more sustainable transport options such as walking, cycling and public transport.*
(d) *Ensure cycling routes and infrastructure are constructed early in new developments.*

Clause 18.02-2 – Cycling

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

Local Planning Policy Framework (LPPF)

53. The following clauses are relevant:

Clause 21.04-3 – Industry, office and commercial

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

Clause 21.05-2 – Urban design

55. The relevant objective of this clause is: *Objective 14 To protect and enhance Yarra's heritage places.*

Clause 21.06-1 – Walking

56. The objective of this clause is: *Objective 30 To provide safe and convenient pedestrian and bicycle environments.*

Clause 21.06-2 – Public transport

57. The objective of this clause is: *Objective 31 To facilitate public transport usage.*

Clause 21.06-3 – The road system and parking

58. The relevant objective of this clause is: *Objective 32 To reduce the reliance on the private motor car.*

Clause 21.07-1 – Environmentally Sustainable Development

59. The relevant objective of this clause is: *Objective 34 To promote environmentally sustainable development.*

Clause 21.08-2 – Burnley – Cremorne – South Richmond

60. The following is offered in this clause (as relevant):

This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport. The Cremorne commercial area functions as an important metropolitan business cluster which must be fostered.
……

Along Church Street is an activity centre based on furniture and homewares, professional and business services and hospitality. There is an opportunity to enhance this activity centre with consistent active frontages.

61. This clause identifies the site as being within a 'main road' area. Where the objective is to: *Maintain the hard edge of the strip.*

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

62. This policy applies to applications for development within business zones, amongst others.

63. Clause 22.05-2 of the Scheme offers the following objectives:
    (a) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

Clause 22.10 – Built form and Design Policy

64. This policy applies to all new development not included in a heritage overlay. The policy comprises ten (10) design elements to assess the scale, form and appearance of new development. The policy aims to ensure that the design of new buildings limits the impact on the amenity of surrounding land while making a positive contribution to the streetscape through high standards in architecture and urban design.

Clause 22.17 – Environmentally Sustainable Development

65. This policy applies in this instance (development with a gross floor area over 1,000m², therefore requiring a Sustainable Management Plan [**SMP**] and Green Trave Plan [**GTP**]).

66. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

Advertising

67. The application was advertised under the provisions of Section 52 of the Act by letters sent to surrounding owners and occupiers and a sign displayed on site. 2 Objections were received on the following grounds:
    (a) impact on car parking demand in the area;
    (b) the proposal would impact businesses in the area (including furniture stores) due to the impact on car parking;
    (c) the site adjoins residential land (zoned Neighbourhood Residential and is affected by a Heritage Overlay);
    (d) the Applicant's car parking survey should not take into account residential permit zones or the private car park along Brighton St; and
    (e) there is no evidence to support the claim that a reduction in parking would encourage people to cycle or use public transport.

Referrals

EPA

68. The following response was provided:
    The Environment Protection Authority has reviewed the referral and documents accompanying the application. EPA advises that we do not have concerns with the proposal given the nature of the proposed works with respect to the City Link Exhaust Stack Environs.

As such, EPA has no concerns with Council issuing this planning permit according to the information that has been provided.

CityLink

69. A response was not provided within the prescribed 14 days for a DDO5 referral.

VicRoads

70. The following response was provided:

VicRoads has considered the application and has no comments to make in relation to the proposal.

Engineering Services Unit

71. The following advice was provided:

CAR PARKING PROVISION
Amended Proposal

(a) *The application to amend Planning Permit 010050.04 seeks to increase the existing office floor area by converting part of the existing car park to office space.*
(b) *Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the additional level's parking requirements are as follows:*

Proposed Use	*Quantity/Size*	*Statutory Parking Rate*	*No. of Spaces*
Office	*1,300 m^2*	*3.5 spaces per 100 m^2 of net floor area*	*45 paces*

(c) *The additional office floor area would result in a further reduction in the car parking requirement of 45 spaces; however, this does not include the 45 spaces that were removed from the two levels of the car park to be converted into office space. Therefore, the overall reduction for the office component is actually 90 spaces.*

Car Parking Demand Assessment

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

Parking Demand for Office Use.

(e) *Parking associated with office type developments is generally long-stay parking for employees and short-term parking (say up to two hours' duration) for customers and clients. The actual parking demand generated by the office is expected to be lower than the statutory parking rate of 3.5 spaces per 100 square metres of floor space, since the area has very good access to public transport services.*
(f) *The amended office development would have a car parking provision rate of 1.56 spaces per 100 square metres (128 on-site spaces for 8,200 square metres of floor area). By comparison, the nearby development at 33 Balmain Street, Cremorne, was approved with an on-site car parking provision of 0.78 spaces per 100 square metres with an office floor area of 1,788.1 square metres with 14 on-site car parking spaces (Planning Permit PLN15/0309 issued on 21 October 2015). We are satisfied that the office parking rate of 1.56 spaces per 100 square metres for the proposed development is appropriate given the site's excellent accessibility to public transport services.*

Availability of Public Transport in the Locality of the Land.

(g) *The site has direct access to tram services along Church Street. The site is also within walking distance of tram services on Swan Street and the East Richmond railway station.*

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

(h) *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.

(i) *Cardno had commissioned parking surveys on Monday 16 May 2016 between 9.00am and 6.00pm. The survey was taken at hourly intervals. The extent and duration of the survey was considered reasonable for this proposal.*

(j) *The survey was divided into short-term (less than four hours) and long-term car spaces (more than four hours).*

(k) *An inventory of 565 short-term spaces and 53 long-term spaces were identified.*

(l) *The peak parking occupancy for the short-term spaces occurred at 10.00am with 91 % of spaces occupied (leaving 50 spaces vacant). For the long-term spaces, peak occupancy occurred at 10.00am, 2.00pm, and at 3.00pm with 98 % of spaces occupied or one space vacant.*

(m) *The demand for on-street car parking in the area is very high. Nearly all the streets in the area are blanketed in time restricted parking controls. Employees at the site would be fully aware with the limitations to on-street parking near the site and would choose to commute to the site by alternative modes of transport.*

Other Relevant Considerations.

(n) *The very high demand for on-street parking and the scarcity of unrestricted/all day on-street parking would be a disincentive for office employees to drive to the site. The excellent accessibility to public transport and range of services (rail and tram services) would make it very attractive for employees to commute to work by using public transport.*

Adequacy of Car Parking

(o) *From a traffic engineering perspective, the further reduction in the office car parking requirement is considered appropriate in the context of the development and the surrounding area.*

(p) *Engineering Services has no objection to the reduction in the car parking requirement for the amended proposal.*

TRAFFIC GENERATION

Development Traffic

(q) *According to the Cardno report, the existing recorded peak parking demand was 122 spaces. Since 131 spaces would be retained inside the car park as part of the amendment, it is probable that the remaining nine spaces that were vacant during the peak parking periods could be occupied if additional staff is employed. Cardno has indicated that an office type development typically generates a traffic rate of 0.5 trips per space during peak hours. Given the nine spaces that were previously vacant could be occupied during the peak parking periods, an additional of five vehicle movements could be generated with the amended office development.*

(r) *The volume of traffic generated by the proposal should not have a significant impact on the operation of Brighton Street or the surrounding road network.*

Capital Works Programme

(s) *A check of the Capital Works Programme for 2016/17 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.*

Urban Design Unit

72. The following advice was provided:

(a) *There are no major urban design issues with the conversion of the existing car parking spaces to additional (1,300 square metres) office floor space.*
(b) *The proposed amendments to the building maintain the constructed building envelope. Small modifications have been suggested to internal layout at Level 2 and only small portions of the building's façades to Gibbons Street, Selby ROW and the eastern elevation are being altered.*
The inclusion of additional glazing to the eastern, northern and southern facades of the building to cater to the increased office area; will help provide access to daylight and outlook to the future occupants/users of the building. There will be no negative impacts to the visual presentation of the building from Church Street.
(c) *Whilst the proposal for the provision of a ceramic frit over the glazed curtain wall to obscure views to the nearby residences can be accepted care would be required about the density of the pattern at the bottom up to the eye level. It is recommended that the applicant should confirm that the pattern up to 1.7 meters height would provide a complete cover to obscure the views and above that height the density of the dots can go down gradually.*
(d) *There are also no other amenity impacts.*

ESD Advisor

73. The following advice was provided:

(1) Applicant ESD Commitments:
(a) *4 Star Green Star standard.*
(b) *Energy efficient mechanical ventilation.*
(c) *Deep floor depths of office will have reasonable good access to daylight.*
(d) *Office building will exceed minimum BCA/NCC thermal energy efficiency standards with a 4.5 Star NABERS Energy rating.*
(e) *Heating and cooling via a VRV system with a COP of 4.1 and incorporating energy recovery ventilation and overall high standard of efficiency.*
(f) *High performance glazing to reduce heat gains.*
(g) *Energy efficient lighting.*
(h) *Water efficient fixtures.*

(2) Application ESD Deficiencies:
(a) *No stormwater management information has been provided. The application must be amended to demonstrate best practice in stormwater management and compliance with Clause 22.16. Note the trigger for compliance with 22.16 is additional floor area >50m2, not a change in site permeability.*

(3) Outstanding Information:
(a) *There is no outstanding information – except in relation to stormwater management, see above.*

(4) ESD Improvement Opportunities:
(a) *Consider a solar PV array installed on the rooftop to contribute to electricity consumption.*
(b) *Consider specifying recycled steel and concrete containing a percentage of recycled.*
(c) *Consider all timber used onsite to be FSC accredited.*
(d) *Consider incorporating some elements of landscaping to improve the ecological value of this site.*

OFFICER ASSESSMENT

74. The key issues for this assessment relate to:
(a) buildings and works;
(b) car parking and traffic;

(c) bicycle parking;
(d) objector concerns;
(e) changes to the permit; and
(f) changes to the plans.

Buildings and works

75. This section of the assessment will be framed around clause 22.10, with references to clauses 22.05, 22.16 ad 22.17, where relevant.

Urban form and character

76. The works are limited to new glass walls/windows to an existing level 2 and level 2 mezzanine car park, resulting in an additional 1,300m² of office floor area. The conversion of these 45 car parking spaces at the rear of the site would not impact the urban form of character of the area.

Setbacks and building heights

77. The proposal would infill existing car parking areas with glass walls, therefore not impacting existing setbacks or building heights.

Street and public space quality

78. The proposed works would have limited visibility from the street, therefore not unreasonably impacting street or public space quality.

Environmental sustainability

79. This assessment is made considering clauses 22.16 and 22.17 of the Scheme.

80. The application has incorporated the following ESD measures:
(a) 4 Star Green Star standard.
(b) Energy efficient mechanical ventilation.
(c) Deep floor depths of office will have reasonable good access to daylight.
(d) Office building will exceed minimum BCA/NCC thermal energy efficiency standards with a 4.5 Star NABERS Energy rating.
(e) Heating and cooling via a VRV system with a COP of 4.1 and incorporating energy recovery ventilation and overall high standard of efficiency.
(f) High performance glazing to reduce heat gains.
(g) Energy efficient lighting.
(h) Water efficient fixtures.

81. Council's ESD Advisor reviewed the application and generally supported the adopted ESD initiatives, however it was requested that the Applicant submit a STORM report as per clause 22.16. However, the wording of clause 22.16 is unclear in that it refers to extensions greater than 50m² in floor area. As the floor area of the existing building is not being increased (rather the existing car park at levels 2 and 2A would be converted to office floor area) and the permeability of the site would not be reduced as a result of this application, it is considered onerous and unreasonable in this instance to require a STORM report.

82. The following items were also suggested by Council's ESD Advisor and recommended to the Applicant.
(a) *Consider a solar PV array installed on the rooftop to contribute to electricity consumption.*
(b) *Consider specifying recycled steel and concrete containing a percentage of recycled.*
(c) *Consider all timber used onsite to be FSC accredited.*

(d) *Consider incorporating some elements of landscaping to improve the ecological value of this site.*

83. Whilst the Applicant did not agree to incorporate landscaping or solar panels as the works are limited to an office fit-out or conversion of car parking areas, they did agree to the following:
    (a) the use of low VOC materials and products; and
    (b) the use of FSC accredited timber only.
    These items can be addressed by way of permit conditions.

84. The Applicant also noted that the design has taken disassembly or recycling into account, with studwork walls, glass balustrades and handrails being easily repurposed/recycled.

85. As a result of the above and subject to the conditions contained in this report, the proposal would achieve a reasonable level of energy efficiency.

Site coverage

86. The existing site coverage would not change as a result of this application.

On-site amenity

87. The proposal incorporates large expanses of north, east and south facing windows, ensuring that adequate daylight will be permitted to enter the new office spaces.

88. It was confirmed with the Applicant if the windows would be openable for natural ventilation (this was not clarified on the plans). However, the Applicant confirmed that they would not be openable as this would '*…impact on the existing building mechanical system and Greenstar / NABERS rating'*. Given a target green star rating of 4 stars has been nominated, this is acceptable.

Off-site amenity

89. Given the proposal is generally infilling an existing parking area, with the majority of the facades being re-finished with glazing, the proposal would not unreasonably impact adjacent properties by way of visual bulk.

90. Considering that the only dwellings within 9m of the site are to the north (fronting Albert Street), overlooking must be considered from this perspective. The northern elevation would be treated with clear glazing, with 'a graduated fritted graphic to obscure views'. However, details of this frit have not been provided. A condition should therefore be imposed on any permit issued, requiring demonstration that the northern windows would be treated as per ResCode.

91. It is noted that the only advice received by Council's Urban Design Unit related to overlooking and ensuring that the privacy of nearby residents is maintained.

Landscaping and fencing

92. As the works would involve a fitout of an existing carparking area at level 2 and mezzanine 2, it is reasonable that no additional landscaping is proposed.

Parking, traffic and access

93. Parking and traffic will be assessed in the following section of this assessment.

Service infrastructure

94. Given the building is already part occupied by an office, the application does not bring rise to service infrastructure concerns.

Buildings and works summary

95. Subject to the conditions contained in this report, the proposal would not adversely affect the character of the area of amenity of nearby dwellings.

Car parking and traffic

96. This section of the assessment will be guided by clause 52.06 of the Scheme.

97. The Applicant provided a traffic report, prepared by Cardno, which offered the following in support of the 45 space car parking reduction and 45 space parking removal:
    (a) a car parking demand survey was undertaken of publicly available on-street spaces in the area on Monday, 16 May 2016. The survey separated long and short-term spaces. The peak short-term occupancy (50 spaces available) was at 10am and the peak long-term occupancy (1 space available) was at 10am, 2pm and 3pm. This suggests that there is limited to no availability for long term on-street parking for office staff, however there was a reasonable availability of short-term spaces for visitors;
    (b) peak on-site car parking demand is at 2pm, with 122 of the 176 car parking spaces being utilised. With 122 of 176 car parking spaces being utilised, the 45 space removal would not impact the existing uses as 54 spaces were available;
    (c) the peak car parking demand suggests a rate of 1.76 spaces per 100m² of office floor area. Using this rate, this application would increase parking demand by an additional 23 spaces. Even with the removal of 45 spaces, 9 of these 23 spaces could be provided on-site. This leaves an empirical anticipated demand for 14 spaces. In light of this, the Cardno report notes that the site is well serviced by public transport and there are viable walking/cycling options in this location.

98. The Cardno report was reviewed by Council's Engineering Services Unit, which noted:

    (a) *The amended office development would have a car parking provision rate of 1.56 spaces per 100 square metres (128 on-site spaces for 8,200 square metres of floor area). By comparison, the nearby development at 33 Balmain Street, Cremorne, was approved with an on-site car parking provision of 0.78 spaces per 100 square metres with an office floor area of 1,788.1 square metres with 14 on-site car parking spaces (Planning Permit PLN15/0309 issued on 21 October 2015). We are satisfied that the office parking rate of 1.56 spaces per 100 square metres for the proposed development is appropriate given the site's excellent accessibility to public transport services.*

99. Council's Engineers raised no objection to the car parking reduction sought.

100. Council's Engineers also considered the traffic impact of the proposal. Cardno offered a traffic generation rate of 0.5 trips per space in peak hours. This would equate to an additional 5 trips in peak periods (assuming the remaining 9 on-site spaces not currently used would be used by the additional office staff). This traffic generation is relatively low for this area, which was confirmed and supported by Council's Engineering Services Unit.

Bicycle parking

101. The proposal has a bicycle parking requirement under clause 52.34 of 4 staff and 1 visitor space. With no additional spaces being provided, a reduction has been sought. However, it is noted that with a proposed total office floor area of 8,600m², the existing 85 bicycle parking spaces provided still exceeds the minimum 27 space requirement under clause 52.34.

102. The Applicant's traffic report demonstrated that bicycle parking demand was relatively consistent, with a peak of 58 spaces being used at 10am (leaving 27 spaces vacant).

103. In conjunction with the car parking reduction sought, the existing 85 space bicycle parking provision is considered to be sufficient for the needs of the additional office area and is supported.

Objector concerns

- *impact on car parking demand in the area;*
- *the Applicant's car parking survey should not take into account residential permit zones or the private car park along Brighton St;*
- *the proposal would impact businesses in the area (including furniture stores) due to the impact on car parking;*

104. The previous car parking assessment has addressed the issue of car parking. However, it can be confirmed that the Applicant's traffic report did not include the private car park along Brighton Street or permit only zones (the Cardno survey included only publicly available spaces).

- *the site adjoins residential land (zoned Neighbourhood Residential and is affected by a Heritage Overlay);*

105. This context has been considered in the built form assessment.

- *there is no evidence to support the claim that a reduction in parking would encourage people to cycle or use public transport.*

106. Council's Local Policy encourages walking, cycling and public transport usage (clause 21.06). Further, Council's Strategic Transport Statement (April 2006) identifies the following:

An analysis of 2001 Census data shows that more Yarra residents walk, cycle and use public transport for their journey to work, compared with the Melbourne average:
- *9% of Yarra residents walked to work compared with the Melbourne average of 2.4%1*
- *4.5% of Yarra residents cycled compared with 0.8% for the Melbourne average2*
- *24.9% of Yarra residents used public transport compared with the Melbourne average of 11.3%3*
- *40% of Yarra residents drove to work compared to the Melbourne average of 61.7%4*
- *Yarra's Public Transport use as a percentage of all motorised trips is 35%*

107. The application supports Council's sustainable transport objectives.

Changes to the permit

108. Preamble: The preamble must be amended to include the reduction in the bicycle parking sought (associated with the increased office floor space).

109. Conditions: Additional condition 1 requirements will be added as per this report. Further, condition 13 will need to updated to refer to 130 car parking spaces

110. Condition 14 will require an amended car park management plan, along with a new condition 15 to ensure the recommendations of the plan are implemented.

111. A new condition 16 should require an amended SMP as per the recommendations of this report, along with a new condition 17 to ensure the recommendations of the SMP are implemented.

112. Condition 21 (currently condition 18) will need to be amended to enable the commencement and completion of the new works. An additional 2 years to commence and 2 years to complete will be permitted.

Changes to the plans and reports

113. The whole set of plans (including sheet 8 and the Waste Management Plan [**WMP**]) would be superseded and replaced by the amended set of plans and WMP.

Conclusion

114. Having regard to Section 72 and 73 of the Act and based on the above report, the amendment is considered to substantially comply with the relevant planning policies and therefore should be supported.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Amend a Permit to increase the office floor area with an associated reduction in the car parking requirements, along with the loss of 45 on-site car parking spaces and a reduction in the bicycle parking requirements at 511-521 Church Street, Richmond VIC 3121, generally in accordance with amended plans received by Council on 8 November 2016 with the following preamble (changes in bold):

The construction of a building and the construction and carrying out of works, use of the land for the purpose of a restricted retail premises and café, and a reduction in the car parking requirements associated with offices, supermarket, food and drinks premises (café) **and reduction in the bicycle parking requirements**

and subject to the following conditions (changes in bold):

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:

   (a) Levels 3 and 4 shall be set back 8 metres from the Church Street boundary.
   (b) Levels 3 and 4 shall be set back an additional 4.2 metres from the eastern
   (c) boundary.
   (d) The plant room shall be reduced in height from 5.0 metres to 3.5 metres,
   (e) and reduced in length from 33.0 metres to 19.8 metres.
   (f) Change of use for mezzanine level from showroom to office.
   (g) Location of tables and chairs within the cafe (not exceeding 60 patrons).
   (h) All car access to the proposed carpark is to be via Gibbons Street only.
   (i) Modified ground floor plan to reflect revised car parking and bicycle layouts in accordance with TP1.01 Rev F.
   (j) **Details of the new office windows, demonstrating they will be fixed and the graduated fritted graphic will be a maximum 25% transparent where the window could provide views into a habitable room window or private open space area within a 45 degree arc and 9m radius.**

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

3. The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.

4. Garbage collection is restricted to between 7am and 10pm on any day.

5. No more than 40 patrons shall be permitted on the café premises at any one time.

6. The amenity of the area must not be detrimentally affected by the use or development, through the:
   (a) Transport of materials, goods or commodities to or from land.
   (b) Appearance of any buildings, works or materials.
   (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the
   (d) Presence of vermin.

7. Live entertainment is not permitted on the premises without the further written consent of the Responsible Authority.

8. No emptying of bottles or cans into garbage bins is permitted after 10 pm on any night, or before 7 am on any day.

9. Liquor must only be sold or consumed between the following hours:

   7am to 11pm, Monday to Saturday (excluding Anzac Day and Good Friday);
   10am to 11pm on Sunday;
   12 noon to 11pm, Anzac Day and Good Friday

   Without the further written consent of the Responsible Authority.

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

11. The loading bay must be kept clear at all times for reception of goods.

12. A notice showing the location of car parking must be clearly placed near the entry in a clearly visible position.

13. No fewer than 130 car parking spaces and 85 bicycle spaces with associated male and female change rooms must be provided on the land for the use and development.

14. An amended car park management plan must be provided and endorsed by the Responsible Authority prior to commencement of the use to ensure that sufficient, accessible parking is provided for all proposed uses to the satisfaction of the Responsible Authority. Accordingly, all vehicle entry and exit points and internal parking arrangement must be designed in accordance with AS2890.1 including circulation isles, ramps, parking bay sizes and the provision of clearances to columns and walls.

15. The provisions, recommendations and requirements of the endorsed car park management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

16. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by WRAP Engineering Pty Ltd and dated 25/07/2016, but modified to include or show:
   (a) the use of low VOC materials and products; and
   (b) the use of FSC accredited timber only.

17. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

18. Space must be provided within the property for pits and metres to the satisfaction and requirements of the Responsible Authority.

19. Rubbish collection facilities must be provided in accordance with Council standards if Council's rubbish collection service is to be used. Alternatively the property owner can provide a private collection service at the cost of the applicant/property owner.

20. Before the use and/or development commences, the owner of the subject land must enter into an agreement under Section 173 of the Planning and Environment Act (1987) with the Responsible Authority to provide for the following:-

    (a) That part of the subject site that is to be used to widen Gibbons Street must be vested in Council and constructed to Council's road standard.
    (b) The existing section of Gibbons Street that is adjacent to the widening must be constructed to the satisfaction of Council.
    (c) The section of Gibbons Street between Church Street and the proposed car park entrance shall be reconstructed as a shared road between pedestrians and motorists. The design of the road shall incorporate adequate street lighting and landscaping with a road surface material other than asphalt to limit vehicle speeds and provide additional safety to pedestrians to the satisfaction of Council.
    (d) All costs associated with the transfer of land to Council and the reconstruction of Gibbons Street must be met by the developer.

    The full cost of the preparing, checking and approval of the agreement must be met by the applicant.

21. This permit will expire if the use or development is not commenced within two years from the date of this permit. All development must be completed within 2 years from the date of commencement. The Responsible Authority may approve extensions to these time limits if requests are made within 3 months of expiry.

22. Before construction commences, a construction management plan must be prepared by the Applicant, and approved to the satisfaction of the Responsible Authority. When approved, the construction management plan will be endorsed and will then form part of the permit. The construction management plan must be implemented to the satisfaction of the Responsible Authority, and must include the following elements:-

    (a) details of delivery and collection points for construction materials;
    (b) provision for off-street car parking by construction workers during all phases of the construction; and,
    (c) details of an appropriate 24 hour contact person.

NOTE: A building permit must be obtained before development is commenced.

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

NOTE: These premises will be required to comply with the Food and Health Acts 1984. No development is to commence until plans have been approved by Council's Community Amenity and Health Branch.

THIS PERMIT WAS ISSUED AT THE DIRECTION OF VCAT AS FOLLOWS:

Date of Order	
18 December 2012	Planning Permit 010059 was amended in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P2814/2012.
17 September 2013	Planning Permit 010059 was amended in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P1649/2013.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
21 August 2014	Pursuant to section 73 and 74 of the *Planning and Environment Act (1987)* amendment to the permit conditions, including: Amendment to condition 5 which originally read: •*No more than 60 patrons shall be permitted on the café premises at any one time.*
3 February 2014	Pursuant to Sections 73 and 74 of the *Planning and Environment Act* 1987, amendment to allow internal rearrangements to the basement and ground floor levels, resulting in a reduction of 4 car parking spaces, an increase of 45 bicycle parking spaces, and the installation of additional showers, lockers and change rooms.
24 June 2015	Pursuant to Sections 73 and 74 of the *Planning and Environment Act* 1987, amendment to allow a reduction in parking associated with the use of part of the ground floor as a supermarket (no permit required for supermarket use).
	Pursuant to Sections 73 and 74 of the Planning and Environment Act 1987, amendment to allow an increase the office floor area (no permit required for office use) with an associated reduction in the car parking requirements, along with the loss of 45 on-site car parking spaces and a reduction in the bicycle parking requirements

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

Attachments
1 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Plans_Part1
2 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Plans_Part2
3 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Existing Planning Permit
4 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Existing Endorsed Plans
5 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Traffic Assessment Report

Attachment 1 - 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Plans_Part1



EXISTING 511 CHURCH ST COMMERICAL OFFICE BUILDING

SHEET NUMBER	SHEET NAME	REVISION
TP0000	COVER SHEET AND DRAWING LIST	D
TP0001	LOCATION PLAN	D
TP0002	EXISTING CONDITIONS AND DEMOLITION PLAN - GROUND AND BASEMENT	D
TP0003	EXISTING CONDITIONS AND DEMOLITION PLAN - LEVEL 1 AND LEVEL 2	D
TP0004	EXISTING CONDITIONS AND DEMOLITION PLAN - LEVEL 2 MEZZANINE AND LEVEL 3	D
TP0005	EXISTING CONDITIONS AND DEMOLITION PLAN - LEVEL 4 AND ROOF PLAN	D
TP0006	EXISTING CONDITIONS AND DEMOLITION ELEVATION - NORTH AND WEST	D
TP0007	EXISTING CONDITIONS AND DEMOLITION ELEVATION - SOUTH AND EAST	D
TP1000	PROPOSED PLAN - LEVEL 2 AND LEVEL 2 MEZZANINE	D
TP2000	PROPOSED ELEVATIONS	D
TP3000	PROPOSED SECTIONS	D
TP9500	MATERIALS AND FINISHES	D

COVER SHEET AND DRAWING LIST

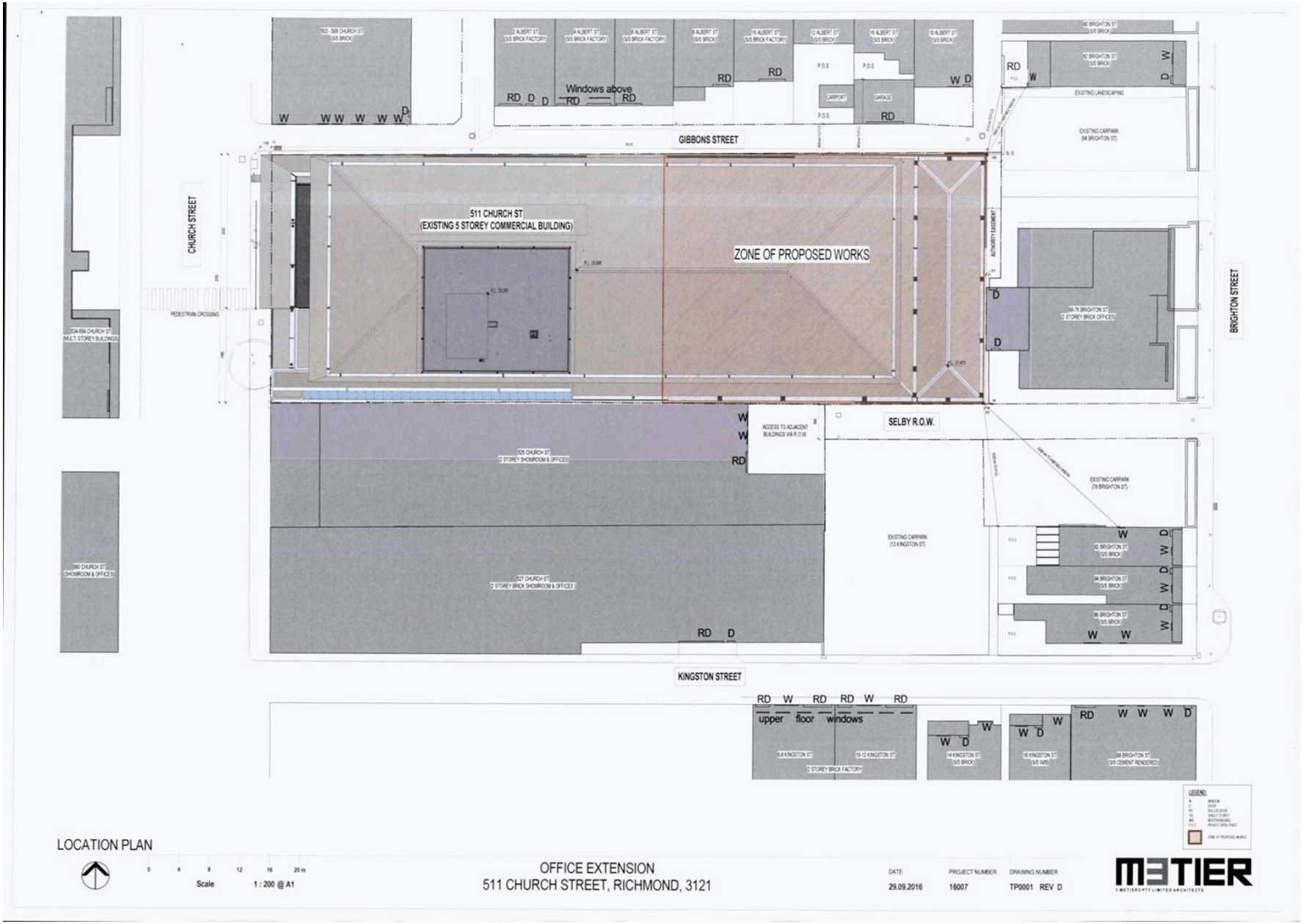
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OFFICE EXTENSION
511 CHURCH STREET, RICHMOND, 3121

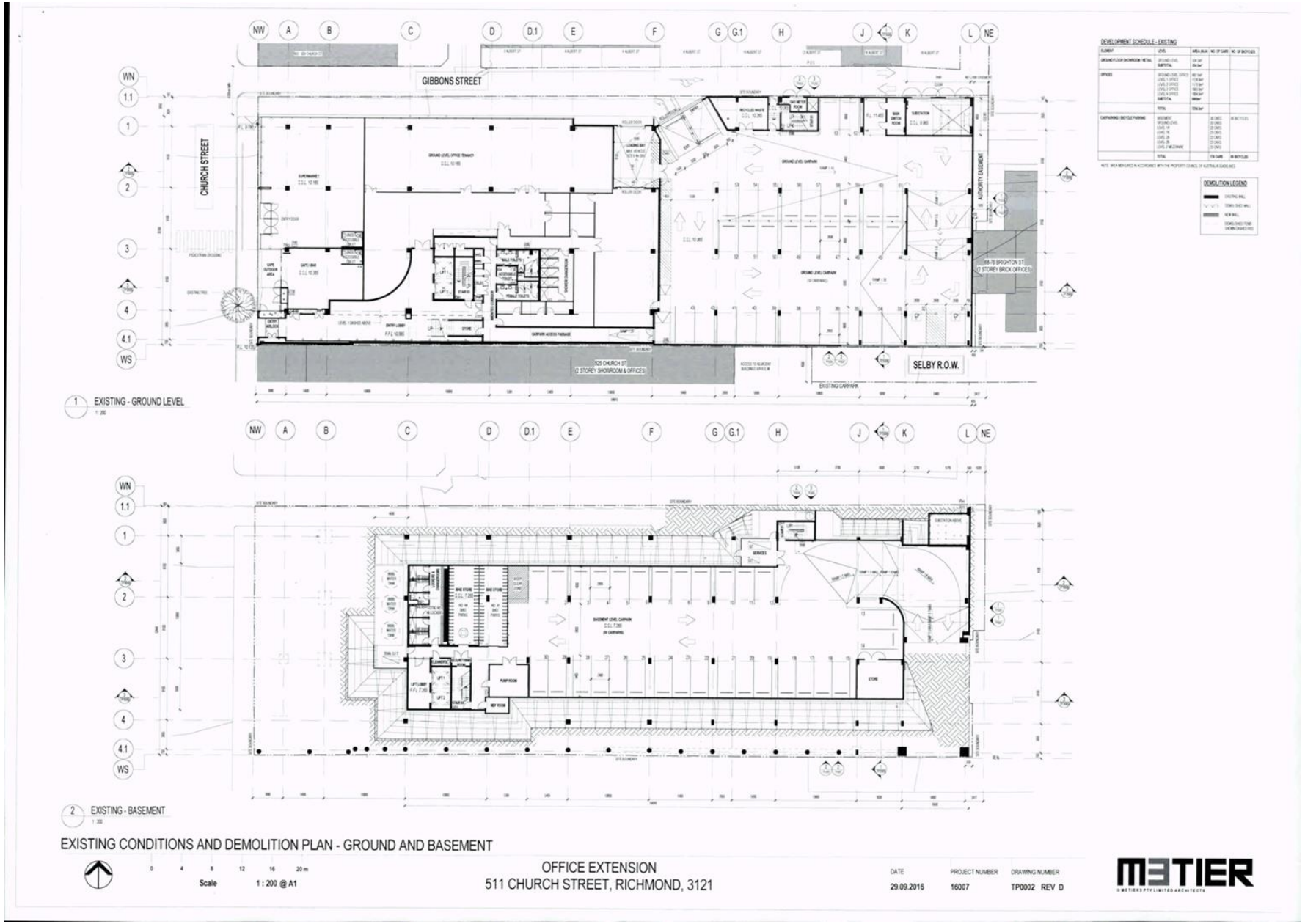
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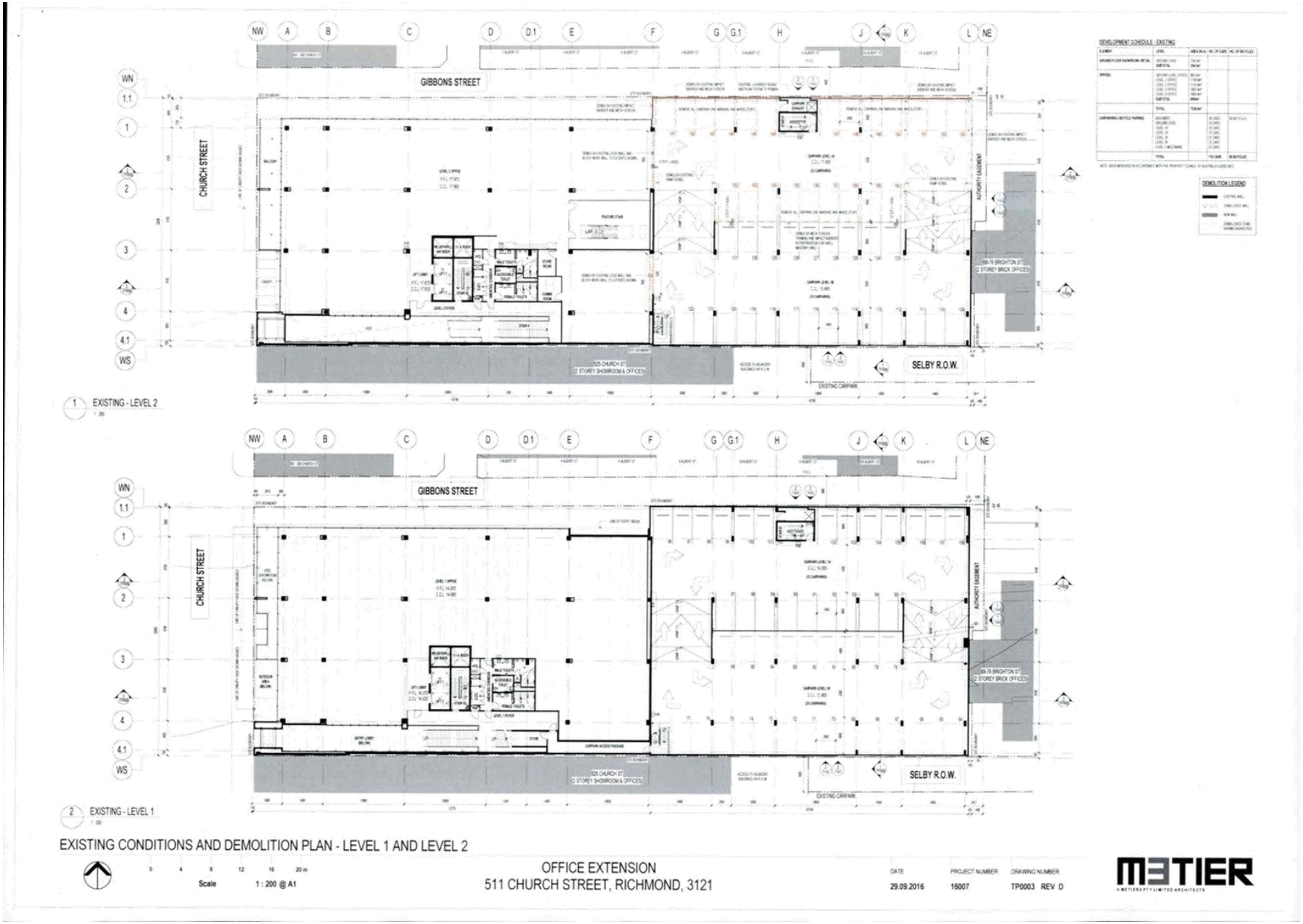
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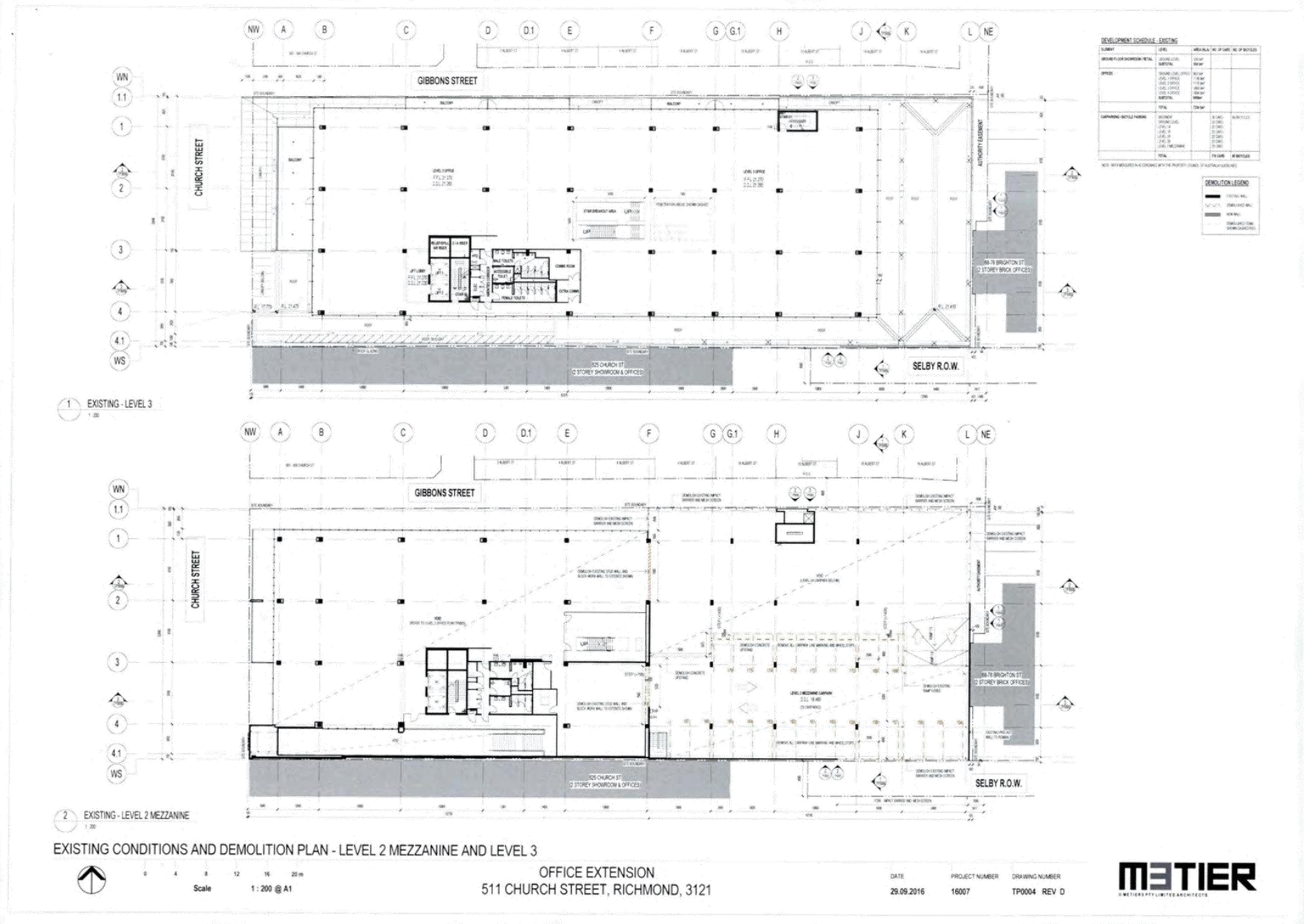
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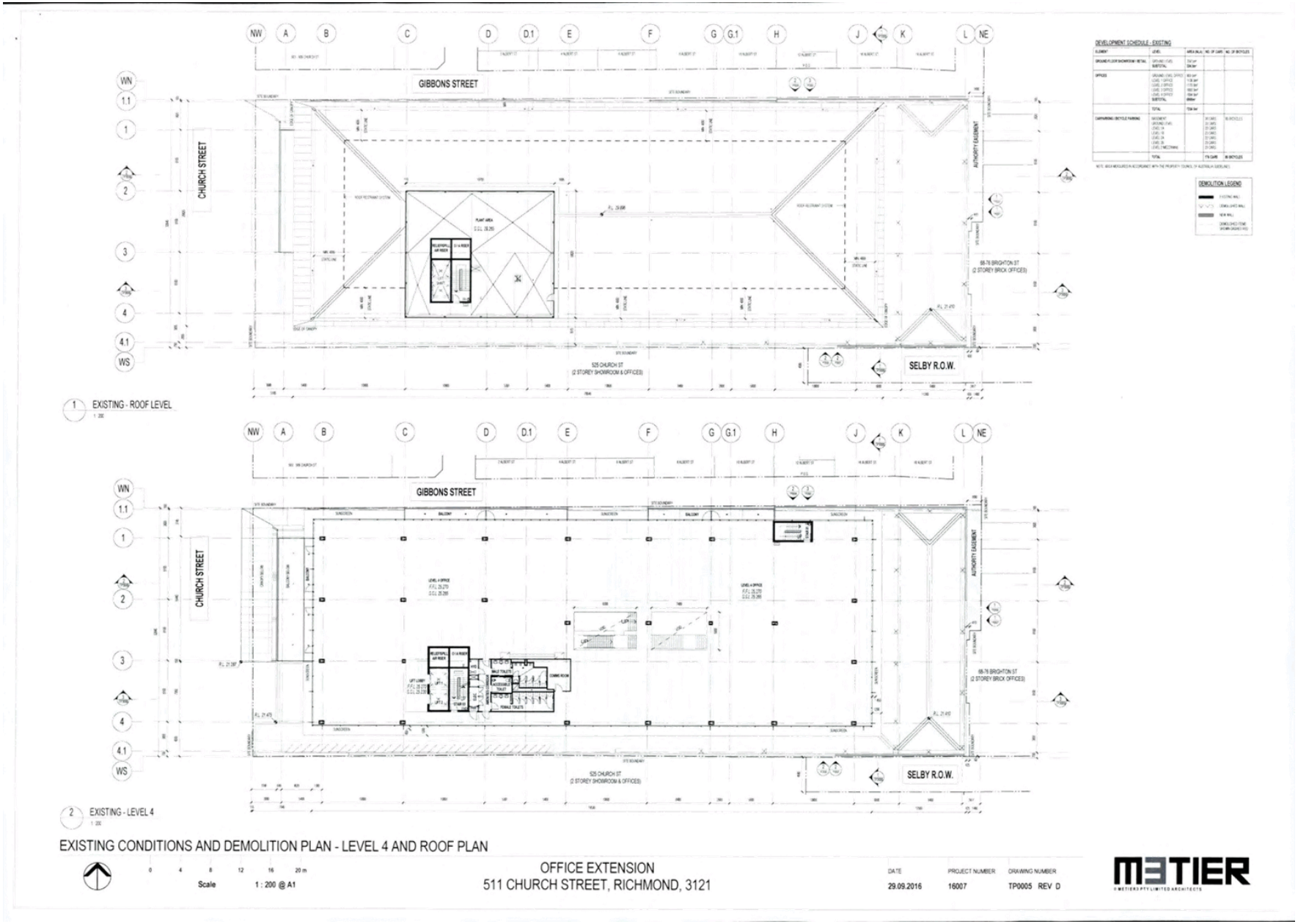
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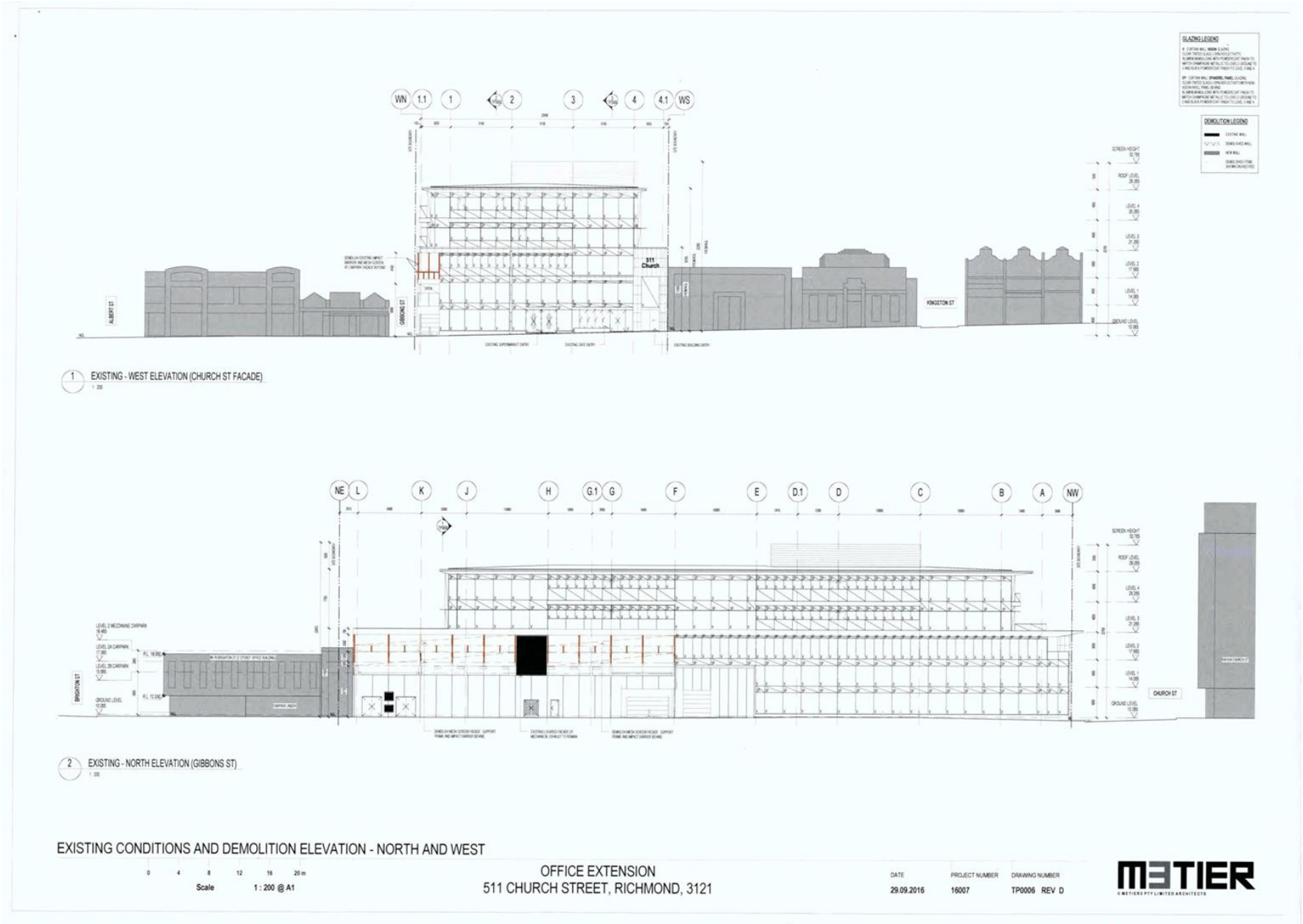
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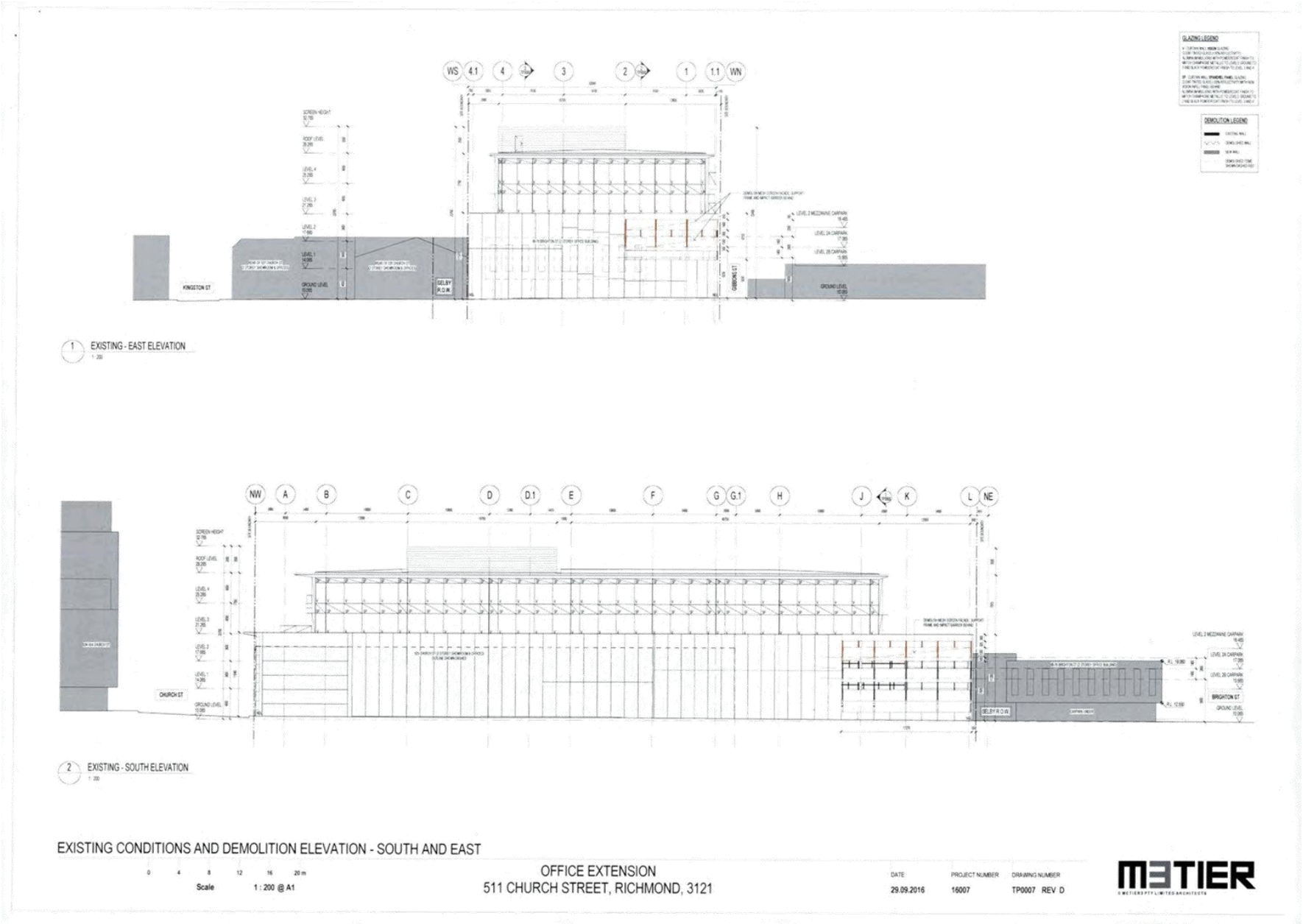
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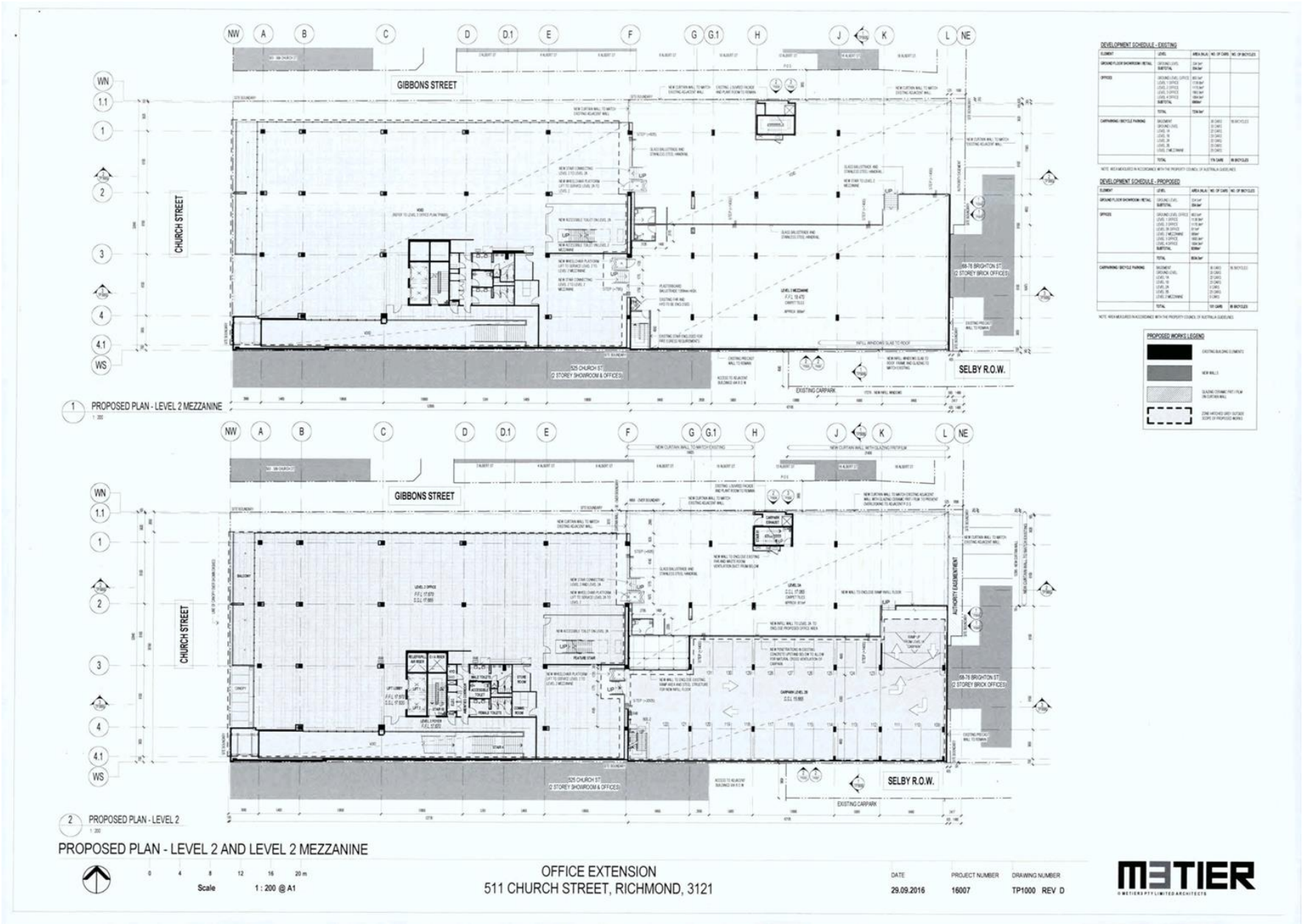
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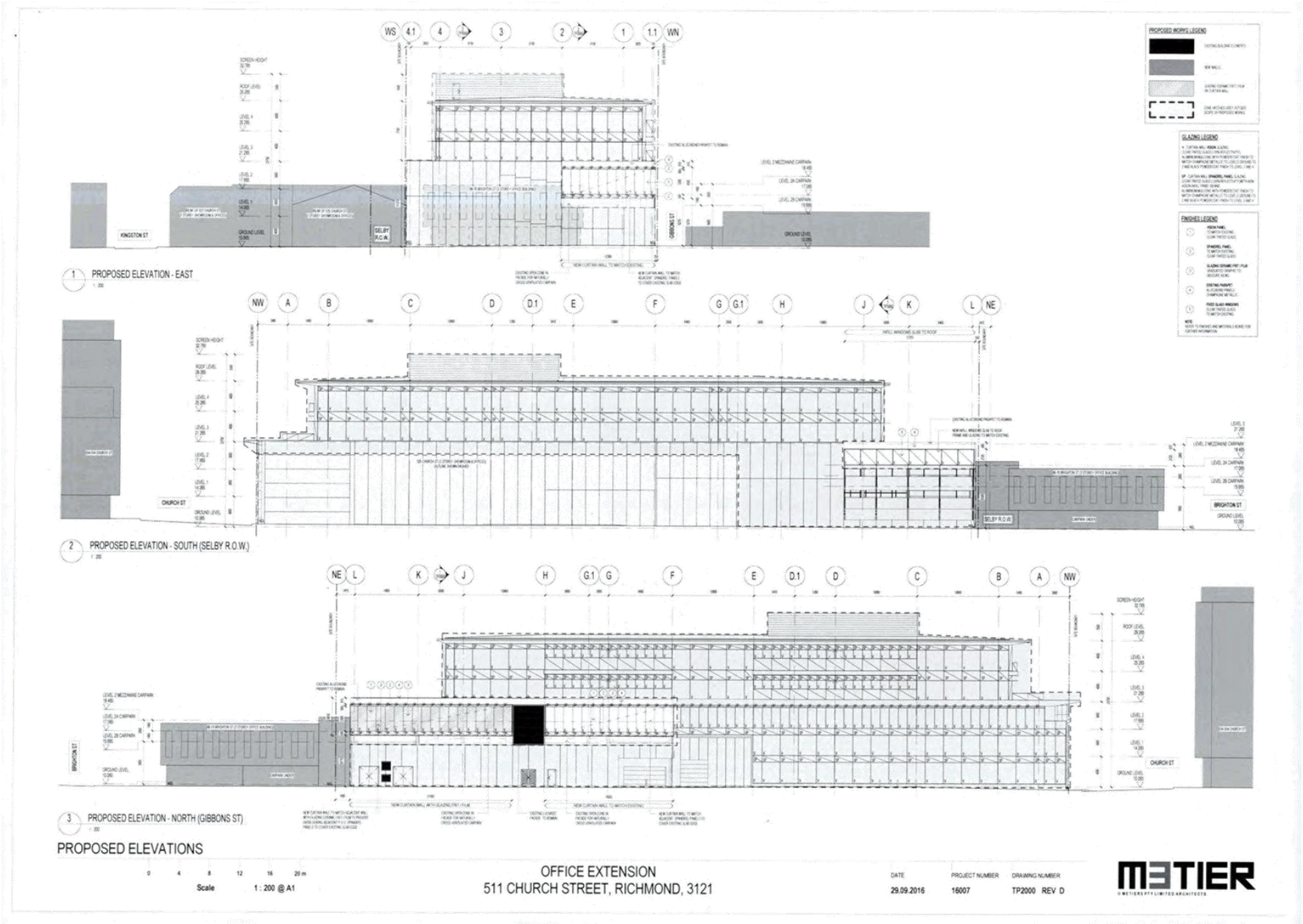
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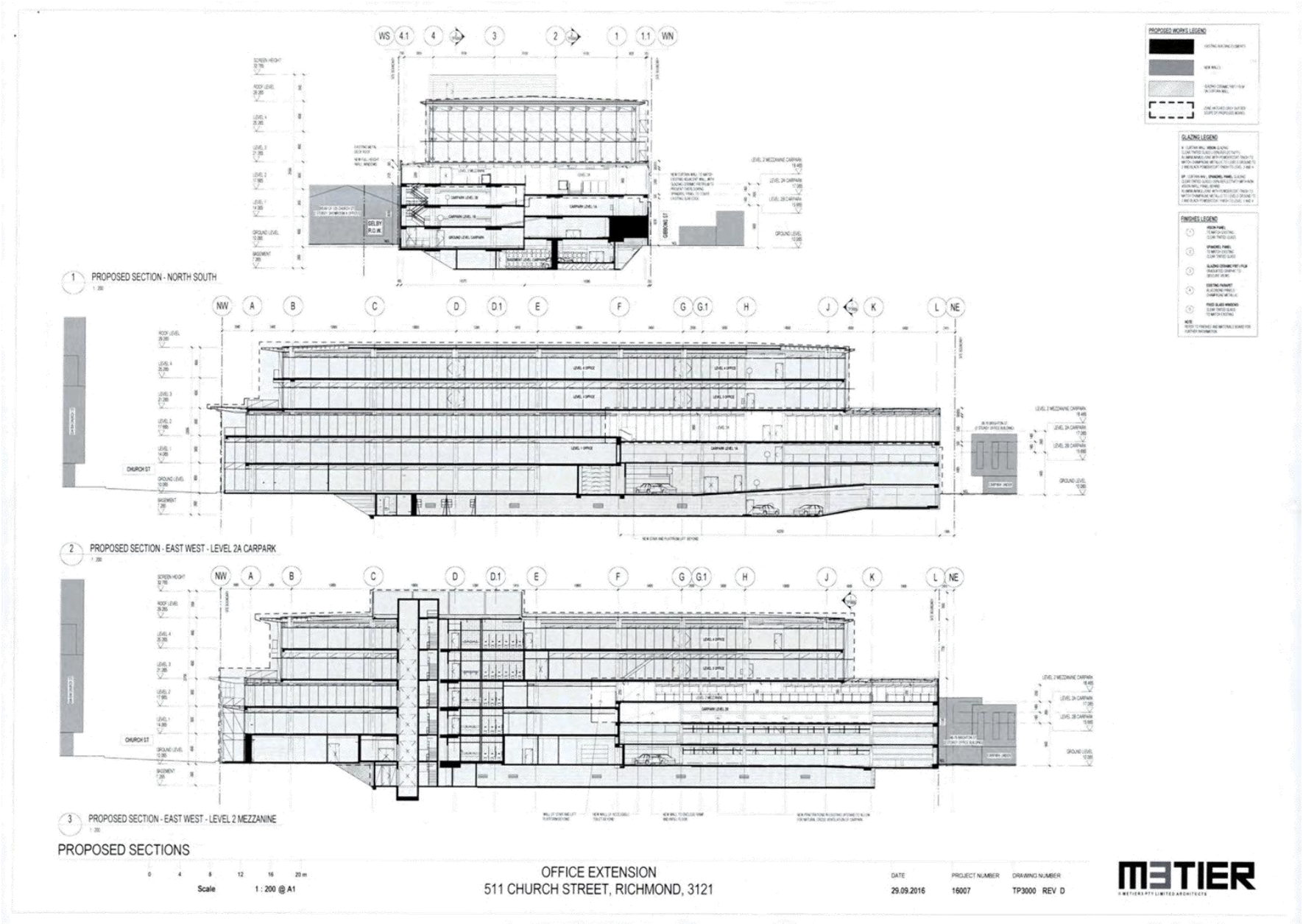
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Attachment 1 - 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Plans_Part1



Attachment 2 - 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Plans_Part2



Attachment 2 - 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Plans_Part2

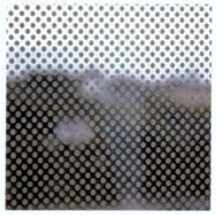
EXTERNAL MATERIALS AND FINISHES



1. VISION PANELS
(TO MATCH EXISTING)
CLEAR TINTED GLASS (<20% REFLECTIVITY)
GLASS: VIRACON VNE19-63 DGU
FRAME: CAPRAL 419 FLUSHLINE 150x50
DOUBLE GLAZED SUITE.



2. SPANDREL PANELS
(TO MATCH EXISTING)
CLEAR TINTED GLASS (<20% REFLECTIVITY)
WITH NON-VISION INFILL PANEL BEHIND.
GLASS: VIRACON VNE19-63 DGU
FRAME: CAPRAL 419 FLUSHLINE 150x50
DOUBLE GLAZED SUITE WITH BACK PAN.



3. GLAZING CERAMIC FRIT / GLAZING FILM
(TO PREVENT OVERLOOKING OF
ADJACENT PRIVATE OPEN SPACE.)
CERAMIC FRIT / FILM TO BE GRADUATED
FROM A DENSE COVERAGE AT FLOOR
HIEGHT TO A LIGHT COVERAGE AT CEILING
HEIGHT.



3. EXISTING PARAPET CLADDING
(TO MATCH EXISTING)
ALUCOBOND COMPOSITE ALUMINIUM PANELS
COLOUR: CHAMPAGNE METALLIC 503
30% GLOSS

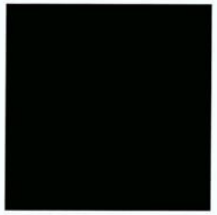


4. FIXED GLASS WINDOWS
CLEAR TINTED GLASS (<20% REFLECTIVITY)
GLASS: VIRACON VNE19-63 DGU
FRAME: CAPRAL 419 FLUSHLINE 150x50
DOUBLE GLAZED SUITE.

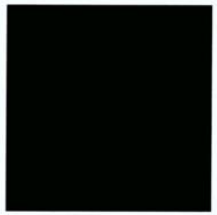


5. POWDERCOAT FRAMING
(TO MATCH EXISTING)
INTERPON POWDERCOATINGS
COLOUR: CHAMPAGNE PEARL
FINISH: MATT
CODE: YY276A

INTERNAL MATERIALS AND FINISHES



07. CARPET TILES
(TO MATCH EXISTING)
PRODUCT NAME: EQUILIBRIUM II
COLOUR: ROTATE
CODE: 1191013000
TILE: 500 x 500



08. STAIRS CARPET
(TO MATCH EXISTING)
PRODUCT NAME: EQUILIBRIUM II
COLOUR: ROTATE
CODE: 1191013000
TILE: 500 x 500

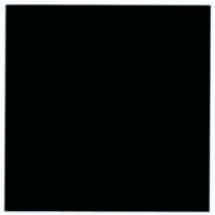


09. GLASS BALUSTRADE
(TO MATCH EXISTING)
CLEAR LAMINATED TOUGHENED GLASS
INSTALLED AS PER AS1288



10. STAINLESS STEEL HANDRAILS
(TO MATCH EXISTING)
LINISHED STAINLESS STEEL

11. PLASTERBOARD WALLS - WHITE
(WHITE PAINT TO MATCH EXISTING)
DULUX: NATURAL WHITE PN1E1
DULUX PROFESSIONAL ENVIRO2
INTERIOR LOW SHEEN



12. INSULATION / ACOUSTIC CEILING LINING
AUTEX CUBE PANELS
COLOUR: EMPIRE

NOTE: IMAGES ARE INDICATIVE OF ACTUAL MATERIALS AND FINISHES ONLY.

MATERIALS AND FINISHES

Scale Not to scale @ A1

OFFICE EXTENSION
511 CHURCH STREET, RICHMOND, 3121

DATE	PROJECT NUMBER	DRAWING NUMBER
29.09.2016	16007	TP9500 REV D

METIER

Attachment 3 - 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Existing Planning Permit

Helping you understand your planning needs

CITY OF YARRA

PLANNING PERMIT (Amended)

Permit No: 010059

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

COPY

ADDRESS OF THE LAND:

511-521 Church St Richmond VIC 3121

THE PERMIT ALLOWS:

For the purpose of the following, in accordance with the endorsed plan(s).

The construction of a building and the construction and carrying out of works, use of the land for the purpose of a restricted retail premises and café, and a reduction in the car parking requirements associated with offices, supermarket, food and drinks premises (café)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:

    (a) Levels 3 and 4 shall be set back 8 metres from the Church Street boundary.
    (b) Levels 3 and 4 shall be set back an additional 4.2 metres from the eastern boundary.
    (c) The plant room shall be reduced in height from 5.0 metres to 3.5 metres, and reduced in length from 33.0 metres to 19.8 metres.
    (d) Change of use for mezzanine level from showroom to office.
    (e) Location of tables and chairs within the cafe (not exceeding 60 patrons).
    (f) All car access to the proposed carpark is to be via Gibbons Street only.
    (g) Modified ground floor plan to reflect revised car parking and bicycle layouts in accordance with TP1.01 Rev F.

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

Date: 19 February 2002

Tarquin Leaver
Signature for the Responsible Authority

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86

For more information call 9205 5555 or visit **www.yarracity.vic.gov.au**

3. The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.

4. Garbage collection is restricted to between 7am and 10pm on any day.

5. No more than 40 patrons shall be permitted on the café premises at any one time.

6. The amenity of the area must not be detrimentally affected by the use or development, through the:

   (a) Transport of materials, goods or commodities to or from land.
   (b) Appearance of any buildings, works or materials.
   (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the
   (d) Presence of vermin.

7. Live entertainment is not permitted on the premises without the further written consent of the Responsible Authority.

8. No emptying of bottles or cans into garbage bins is permitted after 10 pm on any night, or before 7 am on any day.

9. Liquor must only be sold or consumed between the following hours:

   7am to 11pm, Monday to Saturday (excluding Anzac Day and Good Friday);
   10am to 11pm on Sunday;
   12 noon to 11pm, Anzac Day and Good Friday

   Without the further written consent of the Responsible Authority.

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

11. The loading bay must be kept clear at all times for reception of goods.

12. A notice showing the location of car parking must be clearly placed near the entry in a clearly visible position.

13. No fewer than 175 car parking spaces and 85 bicycle spaces with associated male and female change rooms must be provided on the land for the use and development.

14. A car park management plan must be provided and endorsed by the Responsible Authority prior to commencement of the use to ensure that sufficient, accessible parking is provided for all proposed uses to the satisfaction of the Responsible Authority. Accordingly, all vehicle entry and exit points and internal parking arrangement must be designed in accordance with AS2890.1 including circulation isles, ramps, parking bay sizes and the provision of clearances to columns and walls.

Date: 19 February 2002

Tarquin Leaver
Signature for the Responsible Authority

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86

Attachment 3 - 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Existing Planning Permit

15. Space must be provided within the property for pits and metres to the satisfaction and requirements of the Responsible Authority.

16. Rubbish collection facilities must be provided in accordance with Council standards if Council's rubbish collection service is to be used. Alternatively the property owner can provide a private collection service at the cost of the applicant/property owner.

17. Before the use and/or development commences, the owner of the subject land must enter into an agreement under Section 173 of the Planning and Environment Act (1987) with the Responsible Authority to provide for the following:-

    (a) That part of the subject site that is to be used to widen Gibbons Street must be vested in Council and constructed to Council's road standard.
    (b) The existing section of Gibbons Street that is adjacent to the widening must be constructed to the satisfaction of Council.
    (c) The section of Gibbons Street between Church Street and the proposed car park entrance shall be reconstructed as a shared road between pedestrians and motorists. The design of the road shall incorporate adequate street lighting and landscaping with a road surface material other than asphalt to limit vehicle speeds and provide additional safety to pedestrians to the satisfaction of Council.
    (d) All costs associated with the transfer of land to Council and the reconstruction of Gibbons Street must be met by the developer.

    The full cost of the preparing, checking and approval of the agreement must be met by the applicant.

18. This permit will expire if the use or development is not commenced within two years from the date of this permit. All development must be completed within 2 years from the date of commencement. The Responsible Authority may approve extensions to these time limits if requests are made within 3 months of expiry.

19. Before construction commences, a construction management plan must be prepared by the Applicant, and approved to the satisfaction of the Responsible Authority. When approved, the construction management plan will be endorsed and will then form part of the permit. The construction management plan must be implemented to the satisfaction of the Responsible Authority, and must include the following elements:-

    (a) details of delivery and collection points for construction materials;
    (b) provision for off-street car parking by construction workers during all phases of the construction; and,
    (c) details of an appropriate 24 hour contact person.

NOTE: A building permit must be obtained before development is commenced.

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

NOTE: These premises will be required to comply with the Food and Health Acts 1984. No development is to commence until plans have been approved by Council's Community Amenity and Health Branch.

Date: 19 February 2002

Tarquin Leaver
Signature for the Responsible Authority

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86

Attachment 3 - 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Existing Planning Permit

THIS PERMIT WAS ISSUED AT THE DIRECTION OF VCAT AS FOLLOWS:

Date of Order	
18 December 2012	Planning Permit 010059 was amended in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P2814/2012.
17 September 2013	Planning Permit 010059 was amended in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P1649/2013.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
21 August 2014	Pursuant to section 73 and 74 of the *Planning and Environment Act (1987)* amendment to the permit conditions, including: Amendment to condition 5 which originally read: • *No more than 60 patrons shall be permitted on the café premises at any one time.*
3 February 2014	Pursuant to Sections 73 and 74 of the *Planning and Environment Act* 1987, amendment to allow internal rearrangements to the basement and ground floor levels, resulting in a reduction of 4 car parking spaces, an increase of 45 bicycle parking spaces, and the installation of additional showers, lockers and change rooms.
24 June 2015	Pursuant to Sections 73 and 74 of the *Planning and Environment Act* 1987, amendment to allow a reduction in parking associated with the use of part of the ground floor as a supermarket (no permit required for supermarket use).

Date: 19 February 2002

Tarquin Leaver
Signature for the Responsible Authority

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86

Page 4 of 4

Attachment 3 - 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Existing Planning Permit

PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
   - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
   - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
   - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
   - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
   - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
   - the use or development of any stage is to be taken to have started when the plan is certified; and
   - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86

Attachment 4 - 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Existing Endorsed Plans

Parking Management Plan

511 Church Street, Richmond

CG150368



Prepared for
Dewcape Pty Ltd

22 June 2015

PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Report referred to in Permit No: 010059
relating to Condition No: 14
For and on behalf of the Responsible Authority
DATE 24/6/15 PAGES 13
This is NOT a Building Permit

AMENDMENT TO PLAN APPROVED
IN PERMIT No. 010059
Issued 19/2/02

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Shaping the Future

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Document Information

Prepared for	Dewcape Pty Ltd
Project Name	511 Church Street, Richmond
File Reference	CG150368PMP001F02.docx
Job Reference	CG150368
Date	22 June 2015

Contact Information

Cardno Victoria Pty Ltd
Trading as Cardno
ABN 47 106 610 913

Level 4, 501 Swanston Street, Melbourne
Victoria 3000 Australia

Telephone: (03) 8415 7777
Facsimile: (03) 8415 7788
International: +61 3 8415 7777

victoria@cardno.com.au
www.cardno.com

Document Control

Version	Date	Author	Author Initials	Reviewer	Reviewer Initials
F02	22/06/15	Jacob Avery	JA	Peter Malley	P.M

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Attachment 4 - 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Existing Endorsed Plans

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Appendices

Appendix A Endorsed Development Plans

Tables

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Attachment 4 - 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Existing Endorsed Plans

1 Introduction

Cardno has been retained by Dewcape Pty Ltd to update the previously prepared Parking Management Plan (CG120583PMP01F07) for the proposed office and supermarket development at 511 Church Street, Richmond to include a supermarket use, in accordance with Condition 14 of Planning Permit No.010059, issued by the City of Yarra on 19 February, 2002

The permit condition states:

> *"A car park management plan must be provided and endorsed by the Responsible Authority prior to the commencement of the use to ensure that sufficient, accessible parking is provided for all proposed uses to the satisfaction of the Responsible Authority. Accordingly, all vehicle entry and exit points and internal parking arrangement must be designed in accordance with AS2890.1 including circulation isles [sic], ramps, parking bay sizes and the provision of clearances to columns and walls."*

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2 Approved Development

2.1 General

The Planning Permit allowed for the redevelopment of the site for the purposes of an office and showroom development with a cafe at ground level. It is noted that the proposed uses have been refined, a summary of the refined, approved development floor areas is provided as Table 2-1.

Table 2-1 Development Schedule

Level	Use	Previous Areas	Current Areas
Ground	Showroom	198sqm	0sqm
	Supermarket	0sqm	198sqm
	Office	806sqm[1]	806sqm[1]
	Cafe	60 seats	60 seats
1st Floor	Office	1,139sqm	1,139sqm
2nd Floor	Office	1,169sqm	1,169sqm
3rd Floor	Office	1,866sqm	1,866sqm
4th Floor	Office	1,866sqm	1,866sqm
Total	Showroom	198sqm	0sqm
	Supermarket	0sqm	198sqm
	Cafe	60 seats	60 seats
	Office	6,846sqm[1]	6,846sqm[1]

1 – The ground floor office uses largely comprise ancillary uses such as training rooms and breakout areas.

Drawing TP001, Rev 4 dated 22 June 2015 prepared by Dewcape, illustrates the proposed development layout at the ground level and is attached in Appendix A with previously endorsed drawings.

2.2 Car Parking

A total of 175 car spaces are proposed within a basement and 4 levels of parking on the east portion of the site. Access to the car parking areas is provided via a two-way access to Gibbons Street.

2.3 Bicycle Parking

A total of 85 bicycle spaces are proposed in a secure compound within the basement car park.

Furthermore, a total of 10 showers with combined change rooms are proposed (including 5 on the ground floor and 5 on the basement level).

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3 Car Parking

3.1 Access Controls

The car park is accessed via a single two-way access point from Gibbons Street, at the northern boundary of the site and is proposed to operate as a secure car park. Outside of business hours access to the car park will be controlled by a roller shutter with staff allocated passes/remote controls to the access the car park.

3.2 Signage and Linemarking

Each car parking space within the car park allocated to staff will be individually line-marked with a simple numbering system to identify each car space. Visitor spaces or customer spaces will include additional 'Visitor Parking' or 'Customer Parking' signage at the end of each space, and/or additional line marking at the entrance to each space to highlight their presence.

This numbering system will allow each car space to be allocated to the individual tenancies and uses, with the Owners Corporation able to monitor car space usage.

3.3 Parking Allocation

The proposed parking allocation for the various components of the development is detailed in Table 3-1.

Table 3-1 Car Parking Allocation

Level	Use	Parking Allocation
Basement	Office	30 spaces
Ground Floor	Café/Supermarket Staff	3 spaces
	Office	29 spaces
1st Floor	Office	45 spaces
2nd Floor	Office	45 spaces
3rd Floor	Office	23 spaces
Total		**175 spaces**

The proposed parking allocation is generally in accordance with the expected parking demand rates detailed as part of the Planning Application and the VCAT order dated 18th December 2012.

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4 Bicycle Parking

4.1 Access Controls

The bicycle parking area is located within the basement level of the car park in a secure compound providing 85 bicycle spaces. Access is provided via the car park vehicle access point, as discussed in Section 3.1, and the internal car park ramping system.

Alternate access is provided via the main pedestrian access point from Church Street. Passenger lifts located within the building foyer provide direct access to the proposed bicycle store and change rooms in the basement car park.

4.2 Signage

Internal signage within the car park at ground and basement levels is proposed to increase the awareness of drivers that cyclists also utilise the car park.

4.3 Parking Allocation

To ensure usage of the bicycle parking area is optimised, parking spaces will not be allocated, and the parking will be available on a first-come/first-served basis.

4.4 Showers and Change Rooms

A total of 10 showers with combined change rooms are proposed (including 5 on the ground floor and 5 on the basement level).

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5 Summary

Based on the foregoing, it is summarised that:

> All parking in the on-site car park will be allocated to the office component with the exception of 3 spaces for the cafe and supermarket staff;

> Parking spaces will be allocated to the uses as per Table 3-1 of this report and as follows:

- An allocation of 172 spaces to the office component; and
- An allocation of a further 3 spaces to café and supermarket staff.

> Car parking spaces will be numbered to allow the Owners Corporation to assign and monitor parking.

> The car park will operate as a secure car park with a roller shutter at the car park entrance from Gibbons Street controlling after business hours access.

> A total of 85 bicycle parking spaces will be provided within the basement car park and these will be used on a first come/first serve basis.

23 JUN 2015

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511 Church Street, Richmond

APPENDIX

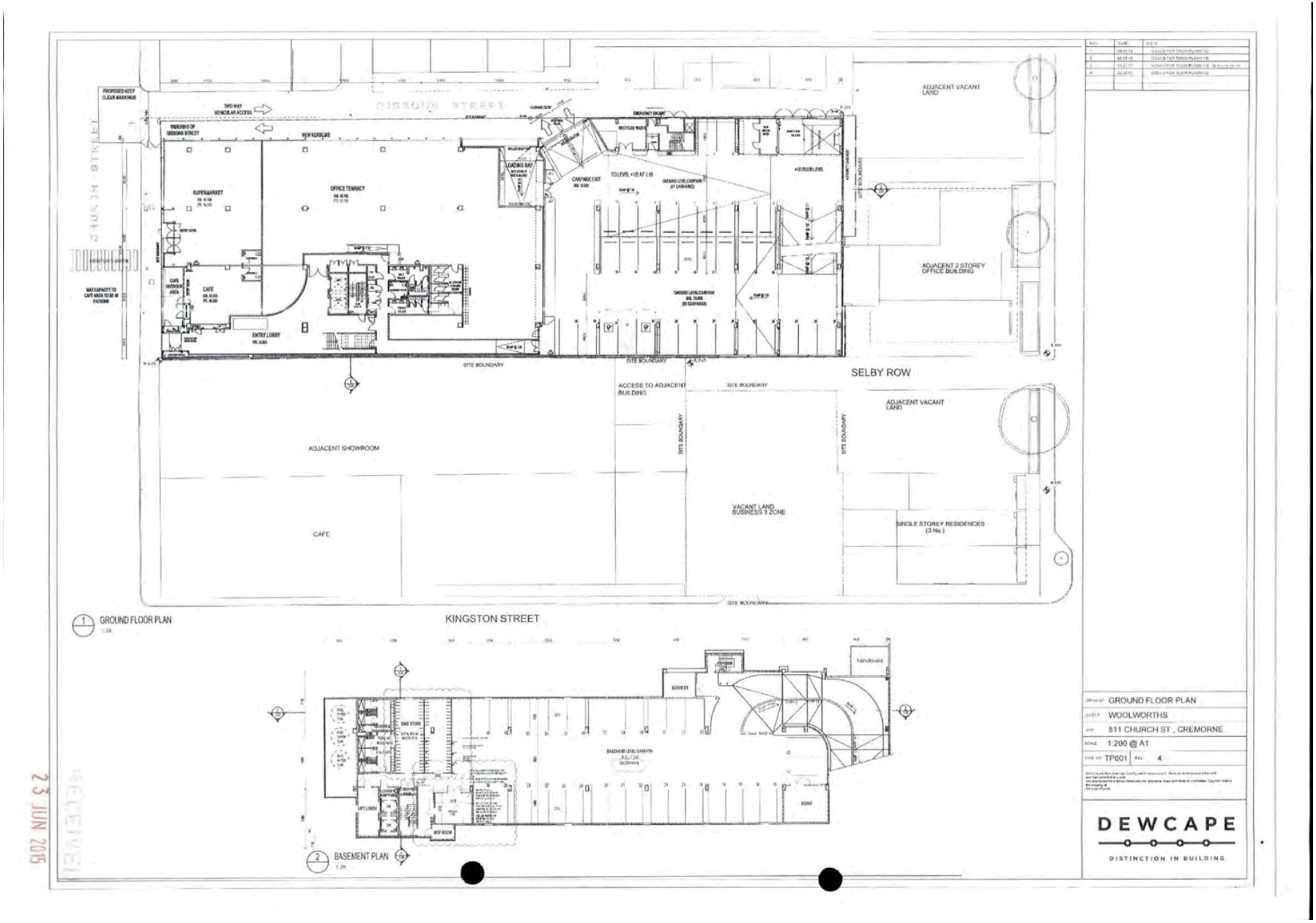
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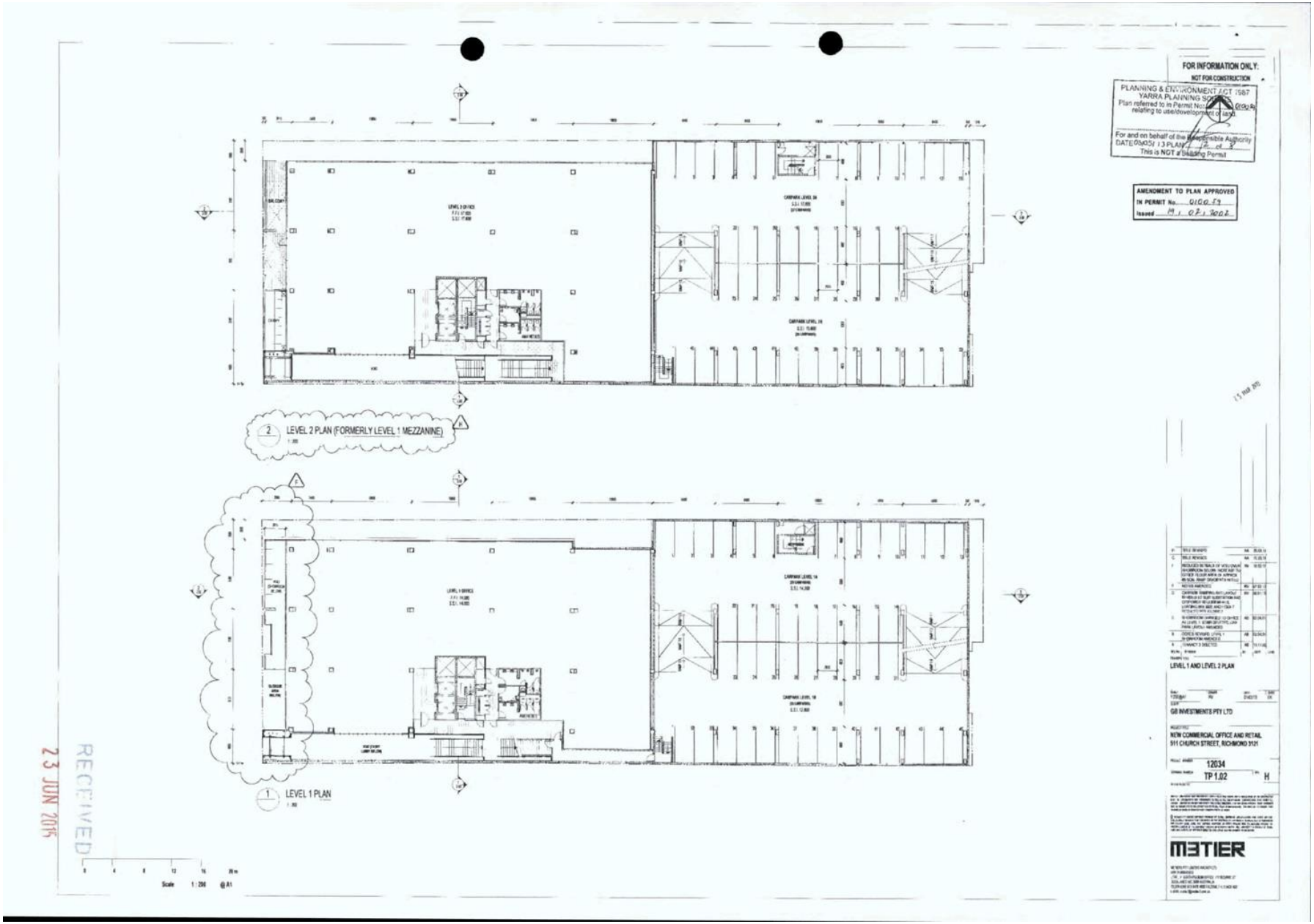
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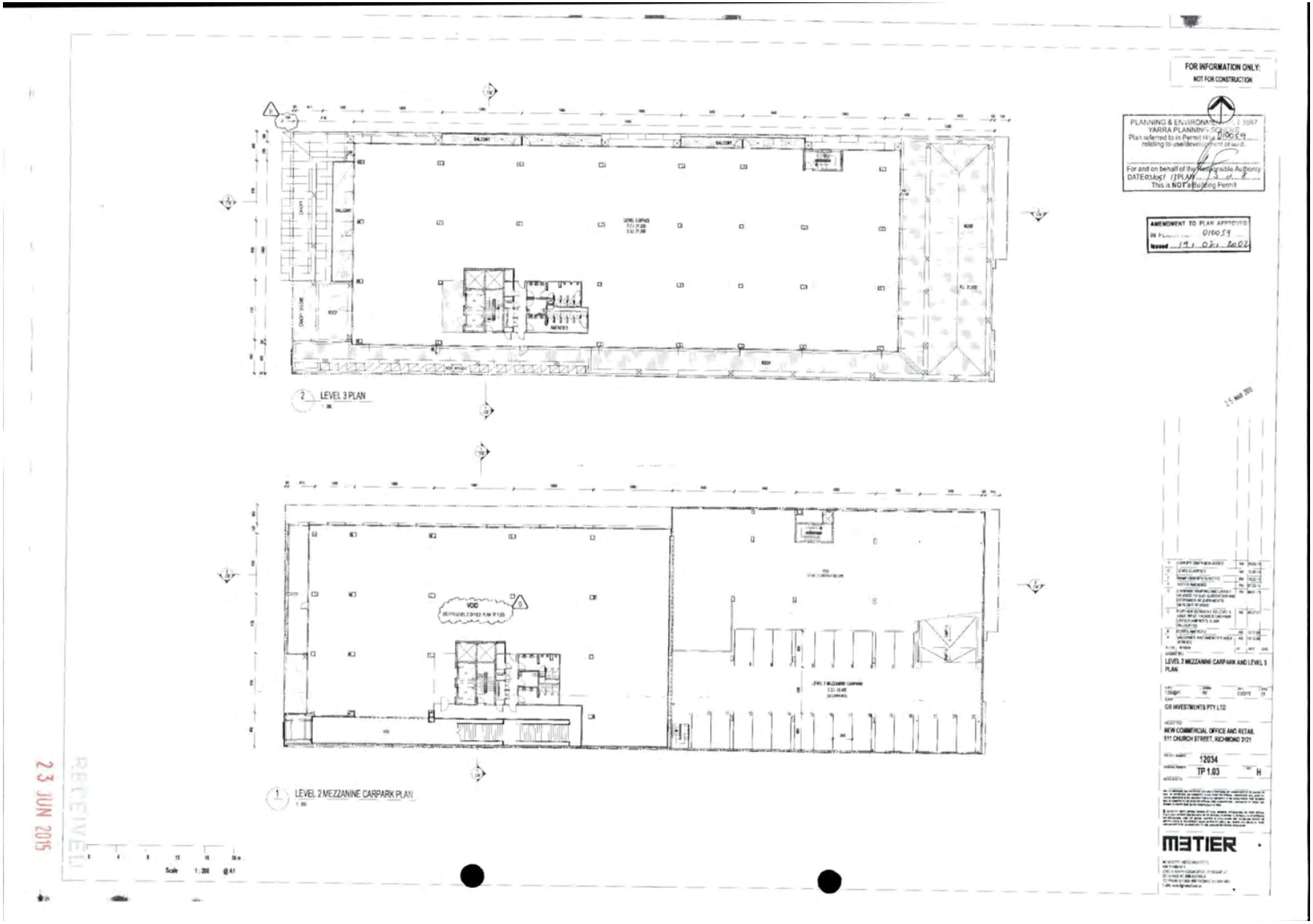
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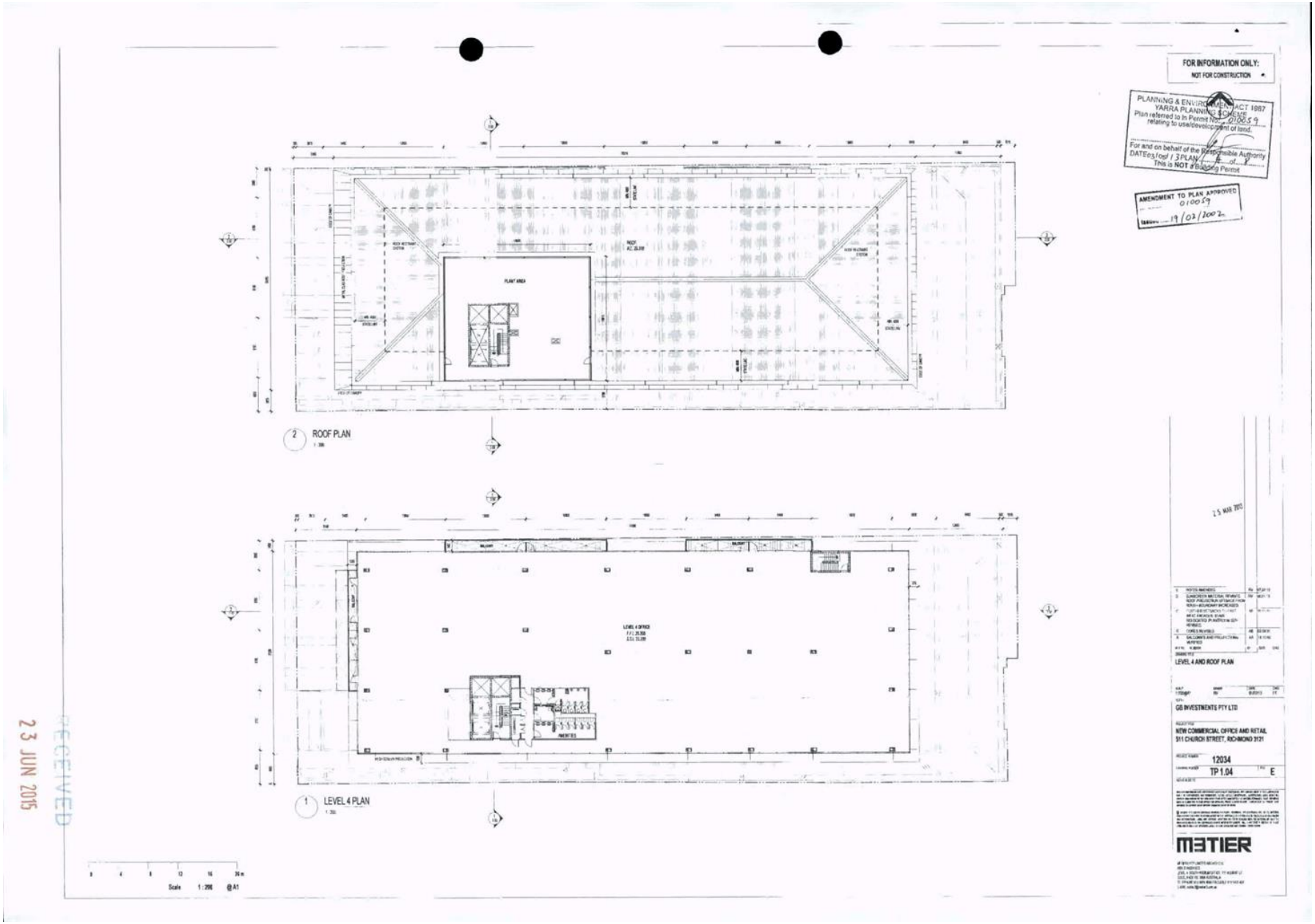
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Attachment 5 - 010059.04 - 511 - 521 Church Street Richmond - Advertising S52 - Traffic Assessment Report

Traffic and Transport Assessment

511 Church Street, Richmond

V160701T



Prepared for
The Trustee for GB FAMILY TRUST

28 July 2016

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Shaping the Future

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Contact Information

Cardno Victoria Pty Ltd
Trading as Cardno
ABN 47 106 610 913

Level 4
501 Swanston Street
Melbourne
Victoria 3000 Australia

Telephone: (03) 8415 7777
Facsimile: (03) 8415 7788
International: +61 3 8415 7777

victoria@cardno.com.au
www.cardno.com

Document Control

Version	Date	Author	Author Initials	Reviewer	Reviewer Initials
F01b	28/07/16	Will Drew		Aaron Walley	

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1 Introduction

Cardno have been engaged by The Trustee for GB Family Trust to review the traffic and parking implications of a proposed amendment to increase the office floor area of the existing mixed development at 511 Church Street, Richmond.

Planning Permit 010059 for the development of the site as office, food and beveridge and restricted retail was issued by the City of Yarra at the direction of VCAT in February 2002. This permit was subsequently amended in 2014 and 2015, with the latest 2015 amendment allowing for a further parking dispensation associated with a change of use of the restricted retail tenancy to supermarket.

Relevant to the provision of car parking and bicycle parking, the current amended Planning Permit includes the following conditions:

13. *No fewer than 175 car parking spaces and 85 bicycle spaces with associated male and female change rooms must be provided on the land for the use and development.*

14. *A car park management plan must be provided and endorsed by the Responsible Authority prior to commencement of the use to ensure that sufficient, accessible parking is provided for all proposed uses to the satisfaction of the Responsible Authority. Accordingly, all vehicle entry and exit points and internal parking arrangements must be designed in accordance with AS2890.1 including circulation isles, ramps, parking bay sizes and the provision of clearance to columns and walls.*

Cardno provided traffic engineering advice in support of the 2015 amendment and subsequently prepared a Parking Management Plan (endorsed, dated 22 June 2015) in accordance with Condition 14.

As per the plans prepared my Metier 3 Architects, we understand that it is now sought to convert part of the on-site car parking for office use, with plans showing a further 1300 square metres (approx.) of office floor space and a reduction of 45 car spaces.

In preparing this report we have inspected the subject site and surrounds and have undertaken parking surveys of current on-site car parking demands, current on-site bicycle parking demands and on-street car parking occupancy surveys in the area of the site.

Our assessment of the proposal is as follows.

2 Background and Existing Conditions

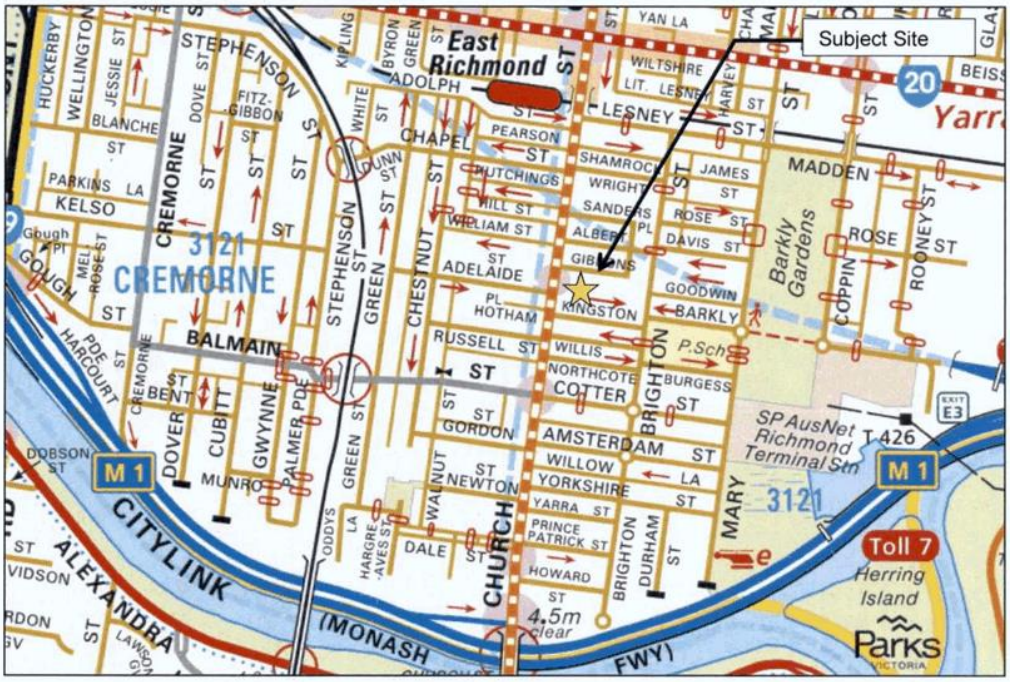
2.1 Site Location and Context

The site is located at 511 Church Street, Richmond between Gibbons Street and Kingston Street as shown in Figure 2-1.

Church Street is a major road (Council Controlled) generally aligned in a north-south direction from Abbotsford to the north and Yarra River to the south, where it continues on as Chapel Street.

Land use in the vicinity of the site is generally mixed in nature, comprising largely retail and commercial uses.

Figure 2-1 Site Location



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2.2 Public Transport

The subject site has excellent access to Melbourne's public transport network, with tram services operating along Church Street, in addition to East Richmond Train Station which is located a short 3-4 minute walk to the north of the site.

A summary of the public transport services available within walking distance of the site are presented in Table 2-1 and illustrated in Figure 2-2.

Table 2-1 Public Transport Services

Service	Route No.	Route Description	Nearest Stop	Approximate Walking Distance / Time
Tram	70	Waterfront City Docklands – Wattle Park	Swan St / Church St	300m / 3 -4 mins
	78	North Richmond – Balaclava via Prahran	Adelaide St / Church St	20m / 0 mins
Train	Alamein, Belgrave and Lilydale Lines		East Richmond	300m / 3 – 4 mins

Figure 2-2 Public Transport Map



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2.3 Bicycle Network

In addition to Public Transport, the subject site also has excellent access to Melbourne's Bicycle network with on-street bicycle lanes operating along the length of Church Street, adjacent the subject site. These bicycle lanes provide a connection to the Main Yarra trail which links the site to Melbourne's CBD.

In addition to the formal bicycle lanes along Church Street, a number of less formal routes are available along a number of streets in the vicinity of the site, including Swan Street to the north.

Figure 2-3 Bicycle Path Map

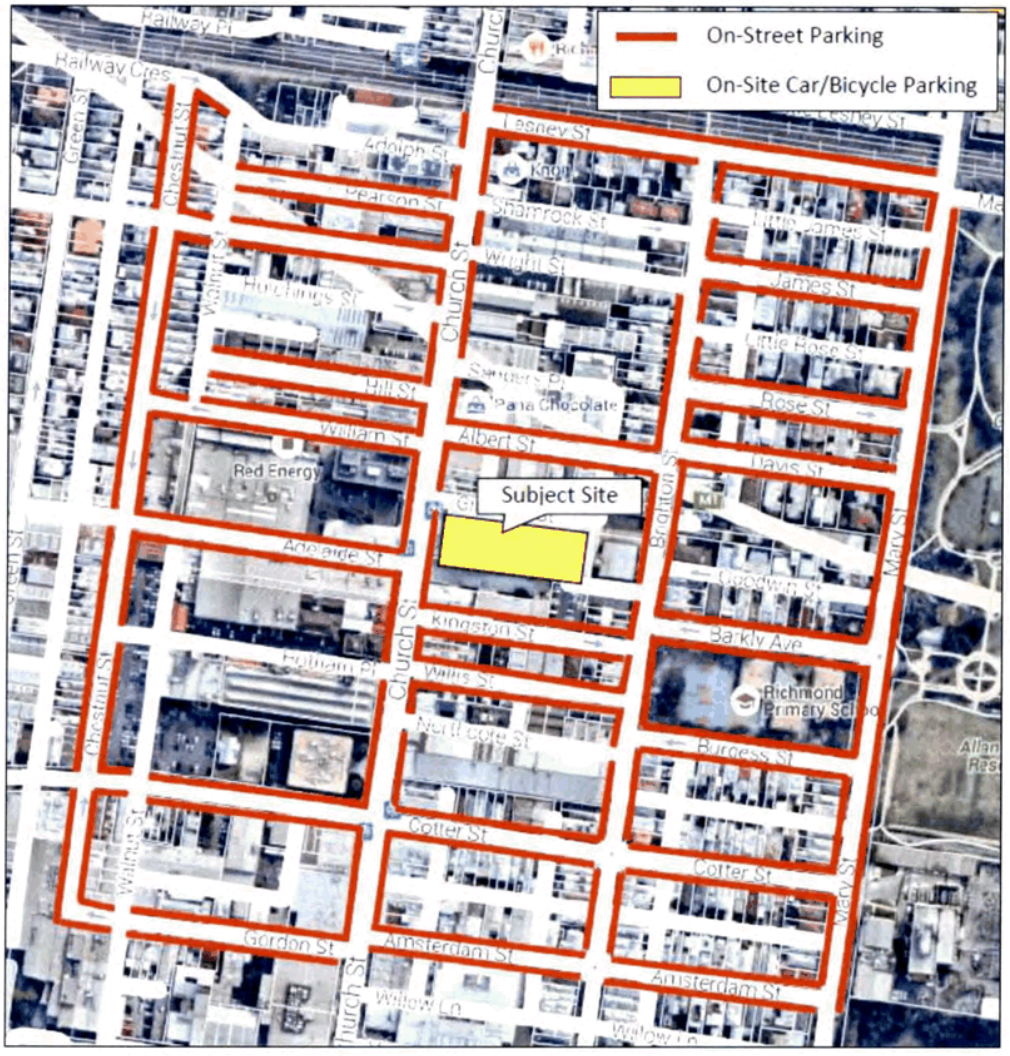


2.4 Existing On-Street Parking Conditions

In order to determine the utilisation of public on-street parking in the vicinity of the site, car park occupancy surveys were commissioned by Cardno and undertaken on the 16th May, between 9:00am and 6:00pm at hourly intervals.

The survey area is shown in Figure 2-4 and considered on-street parking within an approximate 250 metre radius of the subject site.

Figure 2-4 Parking Occupancy Survey Area



These surveys identified a total supply of 565 short term parking spaces (less than four hours) and 53 long term spaces (more than four hours) available for use in this area.

The peak occupancy for on-street short term parking was recorded at 10:00am when 515 of the 565 available spaces were occupied (91% occupancy), with 50 spaces remaining vacant. The peak occupancy for on-street long term parking occurred at 10:00am, 2:00pm and 3:00pm when 52 of the 53 available spaces were occupied, with 1 space remaining vacant (98% occupancy).

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The car parking occupancy profiles for short term and long term parking are shown in Figure 2-5 and Figure 2-6 respectively.

Figure 2-5 Short Term Parking Occupancy Profile – 16th May, 2016

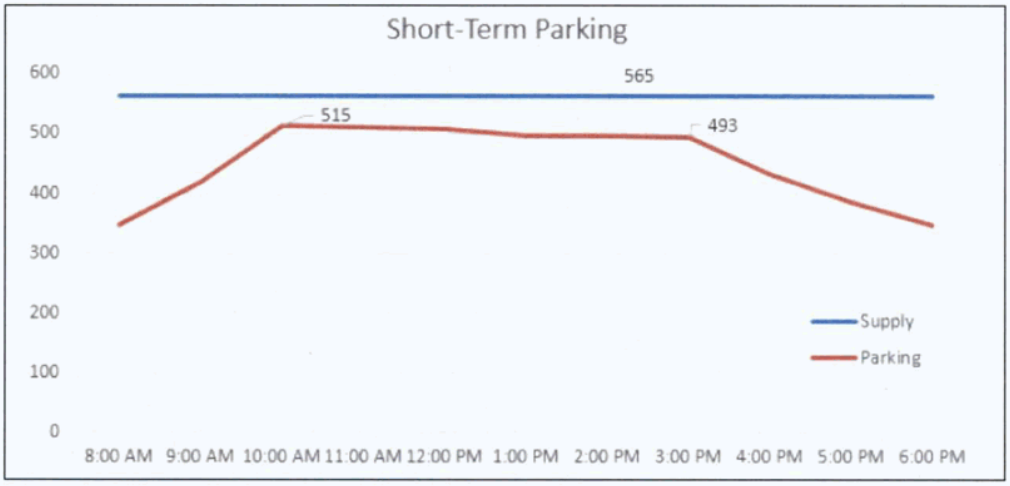
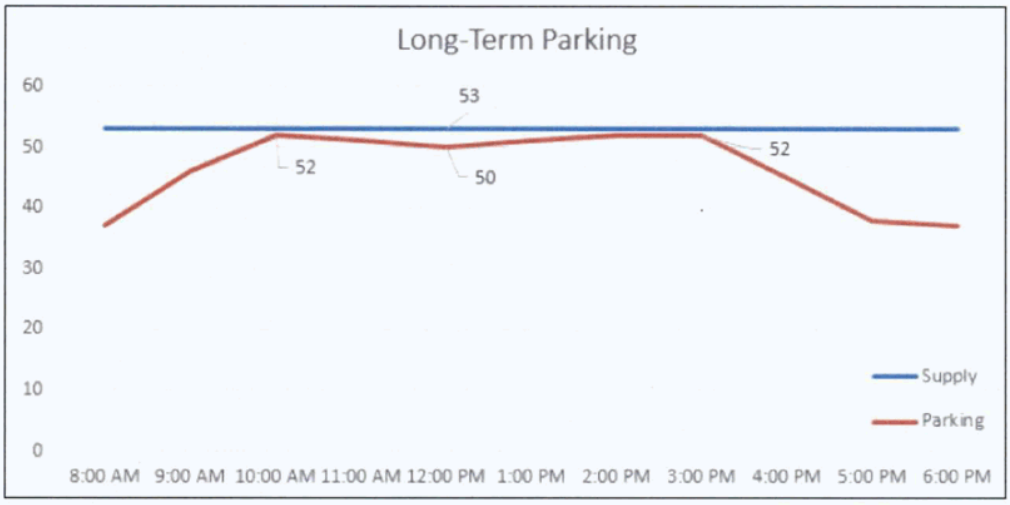


Figure 2-6 Long Term Parking Occupancy Profile – 16th May, 2016



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2.5 Existing Site Operation

In accordance with the approved development, the site currently operates as follows:

- 6,900 square metres of office floor space;
- A convenience supermarket;
- A café that can seat up to 40 patrons;
- 176 car spaces; and
- An 85 space bicycle compound

We understand that the existing office spaces is fully tenanted, with a Woolworths Metro supermarket and café occupying the balance of ground floor tenancies.

From inspection, neither the on-site car parking nor bicycle parking is fully utilised. To confirm the on-site car and bicycle parking demands, occupancy surveys were undertake across the same day as the on-street car parking occupancy surveys.

2.5.1 Car Parking Demand

As per the endorsed car park management plan, all but 3 of the on-site car parking spaces are allocated to the office use. As surveyed, consistent with this allocation, on-site car parking demands increased rapidly in the morning to 10:00am, with demands noticeably reducing after 4:00pm (see Figure 2-7).

A peak parking demand of 122 spaces was recorded at 2:00pm, equal to a peak parking demand rate of 1.76 parking spaces per 100 square metres of the existing office floor area on the conservative assumption that all car parking demand at this time was associated with the office use only.

Acknowledging that the existing office use is fully tenanted; that neither the on-site car parking or bicycle parking was fully occupied; and that there is no practical long term on-street parking opportunities in the area (as discussed on Section 2.4) this recorded peak car parking demand rate suitably reflects the unconstrained peak parking demand for the office use. As such, these surveys demonstrate a higher proportion of alternate transport use and that office staff are actively choosing alternate transport modes in place of car travel.

Figure 2-7 511 Church Street – Existing Development On-Site Car Parking Profile



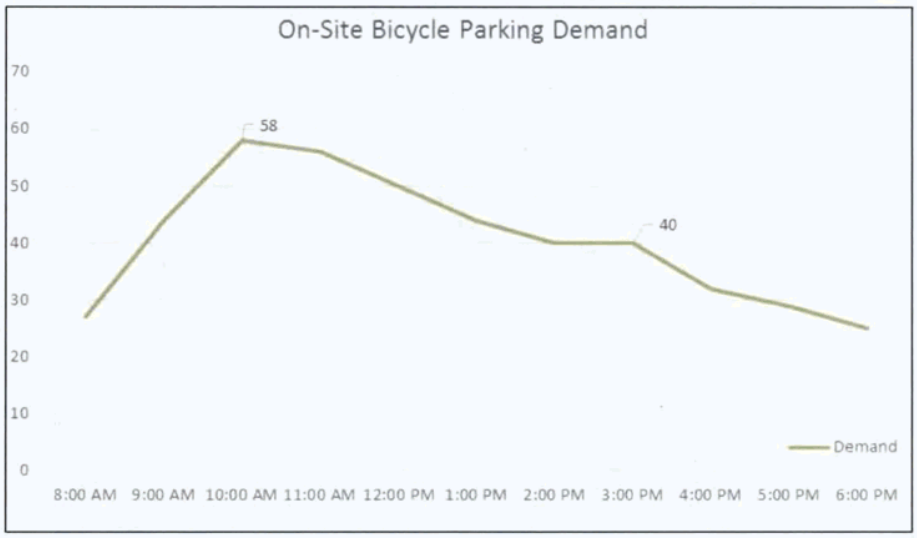
2.5.2 Bicycle Parking Demand

In addition to surveying the car parking spaces on-site, the occupancy of the on-site bicycle parking compound was also surveyed.

These surveys identified a peak occupancy of 58 bicycle parking spaces at 10:00am, equal to a peak demand rate of 0.84 spaces per 100 square metres of existing office floor area, with bicycle parking demands gradually reducing at a consistent rate throughout the balance of the day.

As with the recorded car parking demand, with the on-site bicycle compound never full and with limited other factors that would otherwise influence staff travel modes, this peak recorded demand is considered representative of the applicable unconstrained peak office bicycle parking demand rate.

Figure 2-8 511 Church Street – Existing Development On-Site Bicycle Parking Profile



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3 Proposal

As previously noted, the current proposal seeks to increase the existing office floor area on-site by converting part of the existing car park to office space. As a result 45 car parking spaces across the two upper parking levels will be removed, with these level converted to office space.

We are advised that the additional office space is to be utilised by the existing tenant, with the intent being the transfer of staff from existing office space on-site, as much as it is to employ new staff.

The proposal and comparison with the current development is shown in Table 3-1.

Table 3-1 Current and Proposed Development Scheme Comparison

Use	Current Development	Proposal	Change
Office	6,900 sq m	8,200 sq m	+ 1,300 sq m
Supermarket/Café	311 sq m	311 sq m	N/A
Car Parking	176 spaces	131 spaces	- 45 spaces
Bicycle Parking	85 spaces	85 spaces	N/A

With the exception of the removal of car spaces across the two upper parking levels, no change is proposed to the layout of car parking spaces to be retained or vehicle circulation within the car park. Nor is any change proposed to the on-site bicycle parking arrangements.

Site access arrangements will also remain as existing.

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4 Car Parking Considerations

4.1 Car Parking Requirements – Clause 52.06

Clause 52.06 of the Planning Scheme specifies the car parking provision requirements for developments, including an increase to the floor area of an existing use on site. A summary of the parking rates applicable to the proposed additional office floor area is provided in Table 4-1.

Table 4-1 Statutory Parking Provision Requirements

Use	Rate	Measure	No. / Area	Requirement (Spaces)
Office	3.5	To each 100 square metres net floor area	1,300 sqm	45
Total				**45**

As shown above, the statutory requirement for the proposed additional office floor space is for 45 car parking spaces.

The proposal considers the removal of 45 on-site car parking spaces, accordingly, the proposal seeks a waiver of the parking requirement.

Clause 52.06-6 of the Yarra Planning Scheme states that an application to reduce or waive the requirement for car spaces must be accompanied by a Car Parking Demand Assessment, which includes an assessment of the following:

- 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; and
- Any empirical assessment or case study.

Before granting a permit to reduce the number of spaces below the likely demand assessed by the Car Parking Demand Assessment, the responsible authority must consider the following, as appropriate:

- The Car Parking Demand Assessment;
- Any relevant local planning policy or incorporated plan;
- The availability of alternative car parking in the locality of the land, including:
  - Efficiencies gained from the consolidation of shared car parking spaces;
  - Public car parks intended to serve the land;
  - On-street parking in non-residential zones;
  - Streets in residential zones specifically managed for non-residential parking;
- On-street parking in residential zones in the locality of the land that is intended to be for residential use;
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres;
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre
- The future growth and development of any nearby activity centre;

- Any car parking deficiency associated with the existing use of the land
- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment;
- Local traffic management in the locality of the land;
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas;
- The need to create safe, functional and attractive parking areas;
- Access to or provision of alternative transport modes to and from the land;
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses;
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome;
- Any other matter specified in a schedule to the Parking Overlay; and
- Any other relevant consideration.

4.2 Car Parking Demand Assessment

Based on the recorded unconstrained peak parking demand rate for the existing office use, the additional office floor area proposed could be expected to generate a further car parking demand for 23 spaces.

This is some 14 spaces greater than the balance of nine spaces that will be available on-site as the difference in the reduced provision of 131 spaces minus the existing recorded peak parking demand of 122 spaces.

4.3 Car Parking Impact

As discussed in Section 2.4.1, the existing recorded car parking demands are significantly less than typical statutory rates and, as an unconstrained demand, reflect that a high proportion of existing employees within the building take advantage of the accessibility of the area by public transport and other alternate modes, with many staff preferring to access the site by modes other than private car. This is further demonstrated by the higher than typical bicycle parking demands recorded.

On-street car parking in the wider area is highly utilised with unrestricted car parking at practical full capacity across the day. As such there is no material opportunity for staff associated with the additional office floor area to park within the precinct if unable to park on-site.

As acknowledged in Section 4.2, the ten on-site spaces that will be available for the additional office floor area will not accommodate parking demands based on the existing office use surveyed peak demand rate. Noting the above, the resulting car parking outcome of the proposal will be a further encouraged modal shift change from private vehicle for staff of the additional office area.

As noted in Section 3, we have been advised that the intent of the current proposal is to provide additional floor space for the existing office tenant to support the current practice of that tenant. We also understand that the additional floor area is not expected to result in a significant number of additional staff than existing. In this circumstance, the outcome would be an effective reduction in intensity across the total office use which, in turn, would likely result in a reduced parking demand on a floor area basis compared to the office use as surveyed.

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5 Bicycle Parking Considerations

5.1 Bicycle Parking Requirements – Clause 52.34

Clause 52.34 of the Yarra Planning Scheme specifies the bicycle parking and facilities requirements for new developments. The relevant requirements are summarised in Table 5-1.

Table 5-1 Statutory Bicycle Parking Requirements

Use	Measure	No. / Area	Requirement (Spaces)
Office	1 employee space to each 300 square metres floor area	1,300sqm	4
	1 visitor space to each 1000 square metres floor area	1,300sqm	1
Total			**5**

As indicated above, application of these rates to the proposed additional office floor area equates to a requirement for an additional five bicycle parking spaces (comprising four staff spaces and one visitor space).

5.2 Adequacy of Bicycle Parking

The additional office floor area proposed seeks to rely on the existing 85 space bicycle compound within the basement level. As identified in Section 3 above, this compound is underutilised, with a peak demand for 58 bicycle parking spaces observed on-site, equivalent to a rate of 0.84 spaces per 100 square metres of existing office floor area (conservatively assuming that all existing bicycle parking on-site was associated with the office uses).

As such there is sufficient capacity within the existing bicycle compound to accommodate the 5 spaces as per the requirements of Clause 52.34 and a likely demand for 11 bicycle parking spaces based on the above recorded demand rate.

It is acknowledged that the additional office floor area will be provided with less car parking than would be expected based on the recorded unconstrained on-site peak car parking demand, creating a constrained car parking situation for the additional office floor area that will likely result in a changed staff travel mode choice compared to the existing office use.

The recorded spare capacity of 27 spaces within the on-site bicycle parking compound is equivalent to 2.08 bicycle spaces per 100 square metres of the additional office floor area proposed, more than double the current recorded peak bicycle parking demand.

On this basis it is our view that, should the additional office floor generate a greater increased bicycle parking demand due to the likely modal shift, in our view the existing on-site bicycle parking provision will reasonably accommodate this demand without the need for further on-site bicycle parking.

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6 Traffic Considerations

Traffic for office developments is typically associated with the turnover of available car parking and is generally estimated at a rate of 0.5 trips per space during peak hours.

Assuming that all 131 proposed spaces on-site will now be occupied, an additional nine occupied spaces when compared to existing conditions, equates to an additional five vehicle movements in the peak hours when applying the above rate.

In terms of traffic engineering, an additional five vehicle movements is considered negligible and will not have a material impact on the operation of the surrounding road network.

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7 Conclusions

Based on the foregoing analysis it can be concluded that:

- The site is an existing mixed use development comprising office, café and supermarket land uses;
- The proposal considers the conversion of 45 car parking spaces to 1,300 square metres of office floor space;
- Survey of existing on-site car parking indicate an underutilisation of the on-site car park, suggesting that employees are opting to take alternative transport modes despite ample parking being available;
- These surveys of the existing on-site car park identified a peak car parking occupancy rate of 1.76 spaces per 100 square metres of office floor area and a peak bicycle parking occupancy rate of 0.84 spaces per 100 square metres of office floor area;
- Application of the above unconstrained rates to the proposed additional floor area equates to a demand for an additional 23 car parking spaces and 11 bicycle parking spaces;
- Given the proposed parking provision, car parking would become constrained, with ten spaces available for use by the newly proposed office floor area;
- It is expected that the constrained nature of the car park will further encourage users to take alternative transport modes (something that existing users are already opting to do);
- Surveys of existing on-street parking within the vicinity of the site indicate that long term on-street parking is at capacity;
- Given the occupancy levels of existing long term on-street parking, the site has little opportunity to have an impact on on-street parking resources;
- Even if the additional office floor space was to generate bicycle parking at a rate greater than existing conditions, we are satisfied that the capacity of the existing compound is adequate; and
- Additional traffic generated by the proposal is considered negligible and will not have a material impact on the operation of the surrounding road network.