



**YARRA CITY COUNCIL**

**Internal Development Approvals Committee**

**Agenda**

**to be held on Wednesday 19 April 2017 at 6.30pm  
in Meeting Room 3 at the Richmond Town Hall**

**Rostered Councillor membership**

Councillor Amanda Stone  
Councillor Jackie Fristacky  
Councillor Mi-Lin Chen Yi Mei

- I. ATTENDANCE**  
Nikolas Muhllechner (Principal Planner)  
Amy Hodgen (Co-ordinator 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**

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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	178-182 Johnston Street, Fitzroy VIC 3065 - Planning Permit Application No. PLN16/0563 – Demolition of the existing buildings, the construction of a seven storey building plus two basement levels, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement associated with shops.	5	35
1.2	PLN15/0800 - 359 St Georges Road, Fitzroy North	128	155

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- 1.1 178-182 Johnston Street, Fitzroy VIC 3065 - Planning Permit Application No. PLN16/0563 – Demolition of the existing buildings, the construction of a seven storey building plus two basement levels, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement associated with shops.**
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## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of planning permit application PLN16/0563 and recommends Council's position at the Victorian Civil and Administrative Tribunal be of support, subject to conditions.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Land use (Clauses 11.01, 17.01, 21.04, 34.01)
  - (b) Built form and heritage (Clauses 15.01, 15.03, 21.05 and 22.02)
  - (c) Off-site amenity impacts (Clauses 15.01 and 22.05)
  - (d) Internal amenity (Clauses 15.01, 22.05, 52.43)
  - (e) Car and bicycle parking provision (Clauses 18.02, 21.06, 52.06 and 52.34)

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Strategic justification
  - (b) Built form, design and heritage impacts
  - (c) Off-site amenity impacts
  - (d) Equitable development
  - (e) Internal amenity
  - (f) Sustainable design
  - (g) Car and bicycle parking
  - (h) Traffic and access
  - (i) Objectors' concerns

### **Objector Concerns**

4. A total of 17 objections were received to the application, these can be summarised as:
  - (a) An overdevelopment with inappropriate height, bulk and scale
  - (b) Out of character with the area
  - (c) Heritage impacts
  - (d) Lack of landscaping
  - (e) Wind impacts
  - (f) Glare
  - (g) Light spill
  - (h) Increase in noise
  - (i) Overshadowing
  - (j) Overlooking dwellings and the primary school
  - (k) Poor internal amenity
  - (l) Insufficient bicycle parking
  - (m) Lack of car parking
  - (n) Increase in traffic
  - (o) Collection of waste, hours of loading
  - (p) Increase in litter
  - (q) Construction impacts
  - (r) Lack of affordable housing

- (s) Will set a precedent

### **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:**    **Nikolas Muhllechner**  
**TITLE:**                **Principal Statutory Planner**  
**TEL:**                  **9205 5373**

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**1.1 178-182 Johnston Street, Fitzroy VIC 3065 - Planning Permit Application No. PLN16/0563 – Demolition of the existing buildings, the construction of a seven storey building plus two basement levels, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement associated with shops.**

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Trim Record Number: D17/33745

Responsible Officer: Principal Planner

**Proposal:** Demolition of the existing buildings, the construction of a seven storey building plus two basement levels, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement associated with shops.

**Existing use:** Single storey retail showroom at 178 Johnston Street and a double storey building at 182 Johnston Street with a retail showroom at ground floor.

**Applicant:** Contour Consultants Australia Pty Ltd

**Zoning / Overlays:** Commercial 1 Zone  
Design and Development Overlay (Schedule 10)  
Environmental Audit Overlay  
Heritage Overlay (Schedule 334)

**Date of Application:** 23 June 2016

**Application Number:** PLN16/0563

### **Planning History**

1. Planning permit applications PL05/0441 and PLN13/0059 applied to 182 Johnston Street and 178 Johnston Street respectively and both sought approval for the display of signage. Both applications were approved.

### **Background**

2. Planning permit application PLN16/0563 was advertised in September and October 2016 and a total of 17 objections were received.
3. On 6 December 2016, Council was informed that the applicant had lodged a Section 79 'failure to determine within the prescribed time' appeal with the Tribunal. Three objector parties have been joined as a party to the appeal. A compulsory conference was held on 15 March 2017 and the matter was not resolved.
4. On 4 April 2017, the applicant formally substituted the plans before the Tribunal. The main changes from the advertised plans in the substituted plans include the following:
  - (a) The overall height reduced from 23.28 metres to 21.75 metres.
  - (b) The street wall height reduced from 11.78 metres to 10.85 metres.
  - (c) The setbacks above the street wall to Johnston Street increased from 2.31 metres to 5.06 metres.
  - (d) The setback above the street wall to Rochester Street decreased from between 2.64 and 2.04 metres to a consistent 1.67 metres.
  - (e) The setbacks to the rear boundary increased.
  - (f) The amount of wall on the southern boundary decreased.
  - (g) The deletion of the mezzanine level.
  - (h) The subsequent internal rearrangement and reorientation of light courts.
  - (i) The number of dwellings reduced from 32 to 28.

5. This report is based on the substituted plans circulated as part of the Tribunal process.

## **Existing Conditions**

### Subject Site

6. The subject site is nominally rectangular in shape and located on the south-west corner of Johnston Street and Rochester Street, in Fitzroy. The site has an 18.39 metre frontage to Johnston Street, a 34.15 metre frontage to Rochester Street and an overall area of 631 square metres. The site falls approximately 1 metre from the rear boundary to the Johnston Street frontage.
7. The site is currently developed with a single storey building to the west and a double storey building to the east, with 100 per cent site coverage and a splayed corner to the Johnston Street and Rochester Street intersection. The wall located on the southern boundary has a height of approximately 5 metres.
8. The buildings have most recently been used as two warehouse/retail showrooms. Vehicle access to the site is currently gained from Rochester Street, with two crossings providing access into the buildings through two garage roller doors on the Rochester Street frontage.
9. The subject site is legally described as Land in Plan of Consolidation 172258Y and is not affected by any restrictive covenants or easements.

### Surrounding Land

10. The surrounding area contains a mix of uses with commercial uses to the west and north, and residential properties located to the south and east within the Commercial 1 Zone. The built form is varied and contains a mixture of contemporary design and heritage buildings, including contributory and individually significant graded buildings.
11. Johnston Street abuts the site to the immediate north and is covered by the Road Zone, Category 1. The road reserve has a width of 20 metres and carries two lanes of traffic in each direction. The outside lanes also provide parallel parking on both sides of the road, except in front of the site where no stopping restrictions apply.
12. On the northern side of Johnston Street, opposite the site, is a row of contemporary double storey commercial buildings used as retail showrooms.
13. To the west of the site and located on the south-east corner of Johnston Street and Napier Street is a single storey commercial building currently used as a retail showroom and constructed around 1850-60. Further west on the south-west corner of Johnston Street and Napier Street is Fitzroy Town Hall Hotel, a traditional double storey hotel.
14. To the south-west of the site and located on the north-east corner of Chapel Street and Napier Street is a single storey warehouse building with 100 per cent site coverage.
15. To the rear of the site and located on the north-west corner of the Rochester Street and Chapel Street is a single storey villa facing Chapel Street to the south and constructed around 1860-70. This dwelling has a private open space area of 145 square metres to the west of the villa that extends from the Chapel Street to the common boundary with the subject site. Vehicle access to this property is provided via a crossover onto Chapel Street to the west of the frontage.
16. To the south-east of the site on the north-east corner of Chapel Street and Rochester Street is a single storey commercial building. A current planning permit application seeks the approval of an eight storey mixed use development on that site. Further south, on the southern side of Chapel Street, is the Fitzroy Primary School.

17. To the east of the site is Rochester Street with a width of approximately 9 metres and parking permitted on both sides of the road. Commencing on the south-east corner of Johnston Street and Rochester Street is a row of seven single storey attached terrace dwellings, all of which face Johnston Street. Further east, the Rochester Hotel, a live music venue, is located approximately 45 metres away.
18. The stretch of Johnston Street between Brunswick Street to the west and Smith Street to the east is located within a neighbourhood activity centre (NAC) within a Commercial 1 Zone, with the subject site located within the centre as defined in Figure 1. Strategic Framework Plan of Clause 21.03 of the Scheme.
19. The Johnston Street NAC is located between two designated major activity centres based around the spines of Brunswick Street, 207 metres to the west, and Smith Street, 270 metres to the east, and as such, the surrounding area includes a mixture of commercial uses (taverns, restaurants, retail stores, furniture stores, restricted retail, art galleries, offices etc.), light industrial, warehouses and pockets of residential buildings. The locality is very well served by various modes of public transport (including tram routes and bus routes) and a variety of community and commercial services and facilities.

## **The Proposal**

20. This application proposes the demolition of the existing buildings, the construction of a seven storey building plus two basement levels, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement associated with shops.
21. Key elements of the proposed development, as detailed in the substituted plans lodged on 4 April 2017 are:

### Demolition

- (a) Full demolition of all buildings on site.

### Use

- (b) Two basement levels of car parking containing a total of 34 car parking spaces and accessed via two car lifts from Rochester Street. Over the bonnet storage of 3.2 cubic metres each is provided above 31 of the car parking spaces.
- (c) The ground floor consists of three retail premises with a total area of 312 square metres, the car lifts, residential entrance from Rochester Street, 50 bicycle parking spaces, four residential storage cages of 5.9 cubic metres each, bin storage areas, lift core and stairwell.
- (d) The upper levels contain a total of 28 dwellings, comprising nine one-bedroom dwellings, 16 two-bedroom dwellings and three three-bedroom dwellings.
- (e) Private open space in the form of balconies and terraces ranging in size from 6.5 square metres to 145 square metres.

### Height and Setbacks

- (f) The built form consists of a street wall of three storeys facing Johnston Street with a height of 10.85 metres. At the upper levels, the third, fourth and fifth floors are setback 5.06 metres with floating balconies encroaching 2.2 metres, and the sixth floor is setback 8.83 metres.
- (g) To the Rochester Street elevation, the built form consists of a street wall of three storeys, with the third floor setback 1.5 metres and the upper floors setback 1.67 metres with a floating balcony encroaching to the boundary at both the fourth and fifth floors.
- (h) To the rear, the ground floor is constructed to the rear boundary, while the first and second floors are partly setback. The upper floors are progressively setback from the rear boundary, with the third, fourth, fifth and sixth floors setback a minimum 3.57 metres, 7.19 metres, 7.19 metres and 10.81 metres respectively.

- (i) The proposed building is constructed to the western boundary at all levels with two light courts punctuating the building mass on this elevation.
- (j) The proposed building has a height of 21.75 metres from the footpath on Johnston Street.

#### Design and Materials

- (k) The podium to both Johnston Street and Rochester Street is proposed with a combination of render in a natural white/cement finish and concrete breeze block screen in a natural white/cement finish that differentiates it from the upper floors.
- (l) The fourth and fifth floor to both Johnston Street and Rochester Street are proposed with a metal cladding with embossed pattern of the concrete breeze block and a metal screen to match pattern of the concrete breeze block.
- (m) The western elevation consists of precast concrete panels in a natural white/cement finish for the podium and a central section with a metal screen to match pattern of the concrete breeze block proposed for the third, fourth and fifth floors
- (n) Shiplap timber cladding in a natural finish is proposed for the sixth floor.
- (o) The proposed building also incorporates:
  - (i) Plate metal in a matt white finish on the ground floor.
  - (ii) Clear glazing with an aluminium frame in a black powdercoated finish.
  - (iii) Vertical metal screen in either a white or black finish.
  - (iv) Horizontal metal privacy screen in either a white or black finish.
  - (v) Feature timber entry screen in a natural finish.

### **Planning Scheme Provisions**

#### Zoning

##### *Clause 34.01 – Commercial 1 Zone*

- 22. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a shop is a section 1 use and therefore a planning permit is not required to use the land for a shop. A dwelling (nested under accommodation) is also a section 1 use, provided any frontage at ground floor level does not exceed 2 metres. As the residential entrance to the building on Rochester Street is more than 2 metres wide, a planning permit is required to use the land for dwellings.
- 23. Under clause 34.01-4 of the Scheme a permit is required for buildings and works.

#### Overlays

##### *Design and Development Overlay (Schedule 10 – Johnston Street Precinct – West of Smith Street)*

- 24. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works. The design objectives of the schedule include the following:
  - (a) To retain the valued features which contribute to the preferred future character and heritage of the area.
  - (b) To ensure development fits with its context and the preferred future character.
  - (c) To develop streets with a human scale and vibrant street life.
  - (d) To improve the pedestrian environment in Johnston Street.
  - (e) To encourage high quality new development.

##### *Environmental Audit Overlay*

- 25. Pursuant to Clause 45.03-1 of the Scheme, before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:



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

26. As the proposed development includes dwellings, a sensitive use, the requirements of this overlay apply. Should the application be supported, a note contained in the recommendation will ensure the permit holder is aware that these obligations must be met.

*Heritage Overlay (Schedule 334)*

27. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish a building and to construct or carry out works.

Particular Provisions

*Clause 52.06 – Car Parking*

28. Pursuant to Clause 52.06-2, the car parking spaces required under Clause 52.06-5 must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the number of car parking spaces required under this clause.
29. Pursuant to Clause 52.06-5, the car parking requirements for the proposed development are as follows:

Use:	Rate:	Spaces required:	Proposed:	Reduction sought:
Single bedroom dwellings (9)	1 per dwelling	9	9	0
Two bedroom dwellings (16)	1 per dwelling	16	16	0
Three bedroom dwellings (3)	2 per dwelling	6	6	0
Dwelling visitors	1 per five dwellings	5	0	5
Shops (312 square metres)	4 per 100 sqm of LFA	12	3	9
<b>TOTAL</b>		<b>48</b>	<b>34</b>	<b>14</b>

30. With a shortfall of 14 car parking spaces, this application therefore seeks a reduction in the car parking requirement.

*Clause 52.07 – Loading and Unloading of Vehicles*

31. Pursuant to Clause 52.07 of the Scheme, no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles. As the proposed shops are not provided with a loading bay on-site, a planning permit is required to waive these requirements.

*Clause 52.34 – Bicycle Facilities*

32. Pursuant to Clause 52.34-3, in developments of four or more storeys, one resident bicycle parking space should be provided for every five dwellings, plus one visitor parking space for every ten dwellings. Therefore, as 28 dwellings are proposed, six resident bicycle parking spaces and three visitor bicycle parking spaces are required.

33. As the floor area of the shops does not exceed 1,000 square metres, no bicycle parking is required for the shops. No end of trip facilities (i.e. showers or change rooms) are required by the Scheme as the leasable floor areas of the shops do not trigger any bicycle parking spaces.
34. As 50 bicycle parking spaces are proposed, the application exceeds the requirement for bicycle parking spaces.

#### General Provisions

##### *Clause 65 – Decision Guidelines*

35. 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.

#### State Planning Policy Framework (SPPF)

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

##### *Clause 11.01 – Activity Centres*

37. The relevant objectives of this clause include:
  - (a) 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.
  - (b) 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.

##### *Clause 11.04 – Metropolitan Melbourne*

38. The relevant objectives of this clause include:
  - (a) To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.
  - (b) To create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.

##### *Clause 13.04 – Noise and Air*

39. The objective of this clause is:
  - (a) To assist the control of noise effects on sensitive land uses.

##### *Clause 15.01 – Urban Environment*

40. The relevant objectives of this clause are:
  - (a) To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.
  - (b) 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.
  - (c) To improve community safety and encourage neighbourhood design that makes people feel safe.

##### *Clause 15.02 – Sustainable Development*

41. The objective of this clause is:
- (a) To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

*Clause 15.03 - Heritage*

42. The relevant objective of this clause is:
- (a) To ensure the conservation of places of heritage significance.

*Clause 16.01 – Residential Development*

43. The relevant objectives of this clause are:
- (a) To promote a housing market that meets the community needs.
  - (b) 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.
  - (c) To provide for a range of housing types to meet increasingly diverse needs.
  - (d) To deliver more affordable housing closer to jobs, transport and services.

*Clause 17.01 - Commercial*

44. The relevant objective of this clause is:
- (a) 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 18.01 – Integrated Transport*

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

*Clause 18.02 – Movement Networks*

46. The relevant objectives of this clause are:
- (a) To promote the use of sustainable personal transport.
  - (b) To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.
  - (c) To ensure an adequate supply of car parking that is appropriately designed and located.

Local Planning Policy Framework (LPPF)

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.04 – Land Use*

47. The relevant objectives of this clause are:
- (a) To accommodate forecast increases in population.
  - (b) To retain a diverse population and household structure.
  - (c) To reduce potential amenity conflicts between residential and other uses.
  - (d) To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.
  - (e) To maintain the long term viability of activity centres.

*Clause 21.05 – Built Form*

48. The relevant objectives of this clause are:

- (a) To protect and enhance Yarra's heritage places.
- (b) To reinforce the existing urban framework of Yarra.
- (c) To retain Yarra's identity as a low-rise urban form with pockets of higher development. Strategy 17.2 – Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:
  - 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.
- (d) To retain, enhance and extend Yarra's fine grain street pattern.
- (e) To ensure that new development contributes positively to Yarra's urban fabric
- (f) To enhance the built form character of Yarra's activity centres.
- (g) To encourage the provision of universal access in new development.

*Clause 21.06 - Transport*

49. The objectives of this clause are:
- (a) To provide safe and convenient pedestrian and bicycle environments.
  - (b) To facilitate public transport usage.
  - (c) To reduce the reliance on the private motor car.
  - (d) To reduce the impact of traffic.

*Clause 21.07 – Environmental Sustainability*

50. The relevant objectives of this Clause are:
- (a) To promote environmentally sustainable development.
  - (b) To improve the water quality and flow characteristics of storm water run-off.

*Clause 21.08 – Neighbourhoods*

51. Clause 21.08-7 describes the Fitzroy area in the following way:
- (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 part of Johnston Street between Brunswick Street and Smith Street is undergoing revitalisation as a focal point for furniture manufacture and showrooms. The Business 2 Zone is considered appropriate for this area as it will provide the opportunity to encourage restricted retail uses at ground level with residential or offices uses above.*
52. Figure 18 of Clause 21.08-7 shows the site as being within a heritage overlay area where the objectives include to ensure that development does not adversely affect the significance of the heritage place.

Relevant Local Policies

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

53. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause are:
- (a) To conserve Yarra's natural and cultural heritage.
  - (b) To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.
  - (c) To retain significant view lines to, and vistas of, heritage places.
  - (d) To preserve the scale and pattern of streetscapes in heritage places.

- (e) To ensure that additions and new works to a heritage place respect the significance of the place.

*Clause 22.05 – Interface Uses Policy*

- 54. The objectives of this clause are:
  - (a) To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.
  - (b) To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

*Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)*

- 55. The relevant objectives of 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). Currently, these water quality performance objectives require:
    - i. Suspended Solids - 80% retention of typical urban annual load
    - ii. Total Nitrogen - 45% retention of typical urban annual load
    - iii. Total Phosphorus - 45% retention of typical urban annual load
    - iv. Litter - 70% reduction of typical urban annual load
  - (b) To promote the use of water sensitive urban design, including stormwater re-use.

*Clause 22.17 – Environmentally Sustainable Development*

- 56. This policy was introduced into the Scheme on 19 November 2015 and applies to residential development with more than one dwelling. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

Other

*DSE Guidelines for Higher Density Residential Development (GHDRD)*

- 57. These guidelines provide 'better practice' design advice for higher density residential development that promotes high quality public and private amenity and good design, and are structured around six elements of design consideration, as follows:
  - (a) Urban context
  - (b) Building envelope
  - (c) Street pattern and street-edge quality
  - (d) Circulation and services
  - (e) Building layout and design
  - (f) Open space and landscape design

*City of Yarra Review of Heritage Areas 2007 Appendix 8, revised September 2015*

- 58. The existing buildings on the site are identified as 'not contributory' to the South Fitzroy Precinct as outlined in the incorporated document.

**Advertising**

- 59. The application was advertised in accordance with Section 52 of the Planning and Environment Act 1987 (the Act) by way of 122 letters sent to the surrounding property owners/occupiers and by two signs on the site, one on the Johnston Street frontage and one on the Rochester Street frontage. A total of 17 objections were received. The concerns can be summarised as:
  - (a) An overdevelopment with inappropriate height, bulk and scale

- (b) Out of character with the area
- (c) Heritage impacts
- (d) Lack of landscaping
- (e) Wind impacts
- (f) Glare
- (g) Light spill
- (h) Increase in noise
- (i) Overshadowing
- (j) Overlooking dwellings and the primary school
- (k) Poor internal amenity
- (l) Insufficient bicycle parking
- (m) Lack of car parking
- (n) Increase in traffic
- (o) Collection of waste, hours of loading
- (p) Increase in litter
- (q) Construction impacts
- (r) Lack of affordable housing
- (s) Will set a precedent

## **Referrals**

### External Referrals

60. The application was not required to be referred to any external authorities under Section 66 of the Scheme.

### Internal Referrals

61. The application and, where required, the amended plans, were referred to the following areas, with their full comments attached to this report:
- (a) Engineering services unit.
  - (b) Waste services unit.
  - (c) ESD advisor.
  - (d) Heritage advisor.
  - (e) Urban design consultant (David Lock Associates)
  - (f) Acoustic consultant (SLR Consulting Australia)
62. It is noted the 'substituted plans' were not referred to the above areas. The comments are addressed in the following assessment of the 'substituted plans' where required.

## **OFFICER ASSESSMENT**

63. The primary considerations for this assessment are as follows:
- (a) Strategic justification
  - (b) Land use
  - (c) Built form, design and heritage impacts
  - (d) Off-site amenity impacts
  - (e) Equitable development
  - (f) Internal amenity
  - (g) Sustainable design
  - (h) Car and bicycle parking
  - (i) Traffic and access
  - (j) Waste management
  - (k) Objectors' concerns

### Strategic Justification

64. In relation to the SPPF and LPPF, a mixed use development including retail at ground floor and residential above as proposed is consistent with the general strategies contained therein. These strategies encourage urban consolidation and employment generating uses in such locations, where full advantage can be taken of existing settlement patterns and significant investment in transport, communication, water, sewerage and social facilities that already exist.
65. Council, through its MSS, directs the majority of new residential development to sites that are generally located in, abutting or close to activity centres, or in locations that offer good access to services and transport. The subject land is located within the Johnston Street Neighbourhood Activity Centre (NAC). The proposal meets the objectives and strategies of the LPPF by incorporating a range of uses including increased housing and active spaces on the ground floor to create and reinforce an active and pedestrian friendly street environment. The proximity of the site to a variety of public transport options and provision of bicycle facilities on the site encourages less reliance on cars as a means of travel.
66. The Commercial 1 Zone which applies to the site is readily acknowledged as a zone capable of accommodating a greater density and higher built form, subject to individual site constraints. State and local policies (such as Clause 16.01-2) encourage the concentration of development near activity centres and intensifying development on sites well connected to public transport. Further, Clause 16.01-3 seeks to identify strategic redevelopment sites for large residential development in metropolitan Melbourne that are in or beside major activity centres and able to provide ten or more dwellings.
67. The proposed development enjoys strong strategic support at both the State and local level. The site is within an area where change in the environment is encouraged and is achieved through the mix of uses proposed. It is considered that the proposed development achieves the various land use and development objectives outlined earlier in this report and achieves a sound level of compliance with the relevant policies.

#### Land Use

68. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a dwelling (nested under accommodation) is a section 1 use, provided any frontage at ground floor level does not exceed 2 metres. As the residential entrance to the building on Rochester Street is more than 2 metres wide, a planning permit is required to use the land for dwellings.
69. While the residential entrance onto Rochester Street has a width of 3.62 metres, it provides an appropriate presentation and interface with the street and is appropriately separated from the vehicle entrance further south and the retail premises to the north. The use of the land for dwellings will also not unreasonably impact on the existing commercial uses in the surrounding area. The use of the land is therefore considered appropriate in the context and supported.

#### Built Form and Design and Heritage Impacts

70. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are found at Clause 15 (Built Environment and Heritage) and Clause 21.05 (Built Form). As supplementary guidance, the former Department of Sustainability and Environment's Guidelines for Higher Density Residential Development are also of relevance (GHDRD).
71. The primary heritage considerations for this application relate to whether compliance is achieved with Clause 43.01-4 (Heritage Overlay: Decision guidelines) and Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) of the Scheme.

72. These provisions and guidelines all seek a development outcome that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations for the area. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and its relationship to adjoining buildings and properties.
73. The proposal is generally consistent with the relevant built form, design and heritage guidelines, as discussed in further detail below.

#### *Street Wall*

74. The proposal incorporates a three storey street wall facing Johnston Street reaching an overall height of 10.85 metres. As suggested in the GHDRD, the relationship between street width and building height is important for defining the character of a place. In this instance, as the site is located within a heritage precinct, the street wall height should be considered in that heritage context.
75. The preferred future character envisaged by the DDO10 calls for a more consistent streetscape with the street frontage façade wall to be at the predominant two to three storey height of 20<sup>th</sup> and 19<sup>th</sup> century buildings. Specifically, the street frontage façade of infill development within the DDO10 precinct should complement the predominant street frontage height of nearby and abutting properties. The street façade height should not exceed three storeys or 12 metres.
76. From a heritage perspective, Council's local heritage policy at Clause 22.02 encourages similar façade heights to the adjoining contributory elements in the street. The row of seven attached terrace dwellings to the east are all single storey in height, while further east, the Rochester Hotel is two generous stories in height. The commercial building to the immediate west is also single storey, while further west is another double storey hotel.
77. The proposed street wall height is considered acceptable due to the varied nature of street wall heights along this section of Johnston Street and will not unduly impact on the heritage streetscape. The proposed three storey street wall will assist in creating a more consistent streetscape at the predominant two to three storey height as envisaged by the DDO10.
78. Council's heritage advisor noted that the street wall height *'corresponds with the parapet of the double-storey hotel on the corner of George Street'* and that the *'podium complies with the DDO and in turn with the heritage policy'*. The street wall height also corresponds with the height of the double storey hotel on the corner of Napier Street, further justifying the suitability of the proposed street wall height.
79. Council's urban design consultant was not supportive of the street wall height, noting the *'street wall will overwhelm the existing streetscape heights'* and recommended a one level reduction. However, given the varied nature of street wall heights along this section of Johnston Street and the preferred character statement in the DDO10 calling for a two to three storey street wall, the development will fit within its context and contribute to the preferred future character.
80. Furthermore, in *Haus Fitzroy No.2 Pty Ltd v Yarra CC [2016] VCAT 1304*, the Tribunal considered a similar development relating to 142-144 Johnston Street and 3 Chapel Street. That site is located approximately 100 metres to the west of 178-182 Johnston Street and with a similar interface to single storey dwellings. The proposal originally incorporated a four storey street wall. However, the Tribunal noted that *'in this context the facade height should not exceed three storeys and that it is desirable that the outcome is that the facade height is somewhat less than 12 m at 11.10 m'*. The proposed façade height at 10.85 metres is consistent with the Tribunal's findings in *Haus*.

#### *Upper Level Setbacks to Johnston Street*



81. The substituted plans incorporate a setback above the Johnston Street facade of 5.06 metres on the third, fourth and fifth floors with floating balconies encroaching 2.2 metres into the setback and an 8.83 metre setback at the sixth floor. The GHDRD suggest that upper levels should be set back from the street to maintain a pedestrian related scale. The DDO10 requires that development above street façade height be set-back and meet the following view line and amenity setback criteria:
  - i. *Avoid increased overshadowing of street and public space between 10:00am and 2:00pm at the equinox (22 September).*
  - ii. *Where sites adjoin fine grained, low rise residential development, provide a stepped transition in height at the sensitive interface to minimise amenity impacts.*
  - iii. *Minimise the visual intrusion of the upper levels when viewed from footpaths or public spaces.*
82. The proposed upper level setbacks, combined with the three storey street wall height, reduce the visibility of the upper levels and enhance the prominence of the street wall as the principal built form reference from Johnston Street. In relation to the above mentioned criteria, as the site is located on the southern side of the street, no additional overshadowing will occur on the Johnston Street footpath.
83. However, additional shadow will occur on the western footpath of Napier Street at 9:00am and the eastern footpath of Rochester Street by 2:00pm. This is considered acceptable in this instance as the amount of additional overshadowing is limited and overall an acceptable proportion.
84. While the site adjoins a fine grained, low rise residential development to the south, the development above the street wall does not impact on this sensitive interface and, as discussed in more detail later in this report, the rear setbacks are stepped appropriately to minimise any unreasonable off-site amenity impacts. In relation to the fine grained, low rise residential development to the east, the 9 metre width of Rochester Street provides sufficient separation to minimise any unreasonable off-site amenity impacts thereon.
85. The upper level setbacks to Johnston Street of between 5.06 metres and 8.83 metres also result in minimal visual intrusion of the upper levels. This can be seen in the sight line diagrams taken from the opposite footpath of Johnston Street, which show the upper floors are limited to no more than a modest percentage of the overall visibility of the proposal as viewed from opposite the site.
86. Moreover, the sixth (top) floor is recessed from the floor below such that it is largely concealed from view from the opposite footpath on both Johnston Street and Rochester Street, as well as from the western footpath on Napier Street and the southern footpath on Chapel Street. This further assists in ensuring the visual intrusion of the proposed development is minimised, as sought by the DDO10.
87. Council's urban design consultant recommended the setbacks above the street wall be increased to a minimum of 5 metres. Council's heritage advisor noted that while the setbacks depicted in the advertised plans *'comply with the letter of the DDO and heritage policy, they are insufficient to comply with the intent'*. The increased setbacks shown in the substituted plans achieve an appropriate built form response consistent with surrounding character and the intent of both the DDO10 and Council's heritage policy at Clause 22.02.

#### *Height*

88. In terms of the built form context, the area is generally defined by the one to three storey hard edged development along Johnston Street. Behind the Johnston Street activity centre spine are one, two and three storey buildings with a mixture of building types and styles, noting that the Heritage Overlay (HO 334) relating to the South Fitzroy Precinct applies to the surrounding land.

89. The double width site and its context within a neighbourhood activity centre reflect a strategic redevelopment site capable of taller built form. However, this needs to be balanced having regard to the site's heritage context and the proximity of nearby dwellings.
90. There are a number of recently constructed developments and planning approvals that are contributing to an emerging character along Johnston Street. While these have been predominantly to the north of Johnston Street, future development is also expected to occur on the southern side over time due to its similar locational attributes and policy support within the SPPF and LPPF. The Tribunal's approval in the *Haus* decision referred to earlier in this report is one example.
91. Council's MSS at Clause 21.05 provides the most useful guidance on overall building height by seeking development in the order of five to six storeys within activity centres. The DDO10 specifies that development should not exceed four to six storeys. The overall height of the proposed development at seven storeys, while exceeding this preferred height, is reflective of the range of existing and emerging heights in proximity to the site and will assist in achieving the preferred future character for Johnston Street.
92. Clause 21.05-2 states that development on strategic redevelopment sites or within activity centres should generally be no more than five to six storeys unless it can be demonstrated that the proposal can achieve specific benefits, such as:
  - (a) Significant upper level setbacks.
  - (b) Architectural design excellence.
  - (c) Best practice environmental sustainability objectives in design and construction.
  - (d) Positive contribution to the enhancement of the public domain.
  - (e) Provision of affordable housing.
93. While the proposed building is seven storeys, due to the recessed nature of the sixth floor, it will present as a six storey building from Johnston Street. The upper most floor has generous setbacks of 10.81 metres from the rear boundary and 8.83 metres from Johnston Street, thus reducing its visual presence.
94. The proposed development achieves upper level setbacks to Johnston Street as envisioned by the DDO10 and, as depicted in the substituted plans, achieves significant setbacks to the rear boundary. Council's urban design consultant has commented that '*the architecture of the proposal is well resolved*' and supports the intent of the materiality.
95. Council's urban design consultant recommended a reduction in the height of the proposal by one storey. However, this was predicated on their recommendation to also reduce the street wall height to two storeys. For the reasons outlined earlier in this report, the three storey street wall is supported in this instance and, as will be discussed further, the overall height with a three storey street wall and a largely concealed top floor is therefore also supported.
96. While the proposed development will be highly visible in this section of Johnston Street, as mentioned above, future development is expected to occur on the southern side of Johnston Street over time. This is due to its locational attributes and policy support within the SPPF and LPPF, similar to the development occurring to the north of Johnston Street.
97. The physical context of the surrounding area supports the development of a seven storey building. The approved development at 142-144 Johnston Street incorporates six levels with an overall height of approximately 22.3 metres and is considered a useful benchmark for the development on the subject site.

98. The fact this may be the first taller building developed on the southern side of Johnston Street is not in itself a reason to refuse the application. Moreover, as mentioned earlier in this report, the sixth floor is recessed from the floor below such that it is largely concealed from view from the surrounding streets. For the above reasons, the proposed seven storey building is considered appropriate for this site.
99. From a heritage perspective, given the above assessment has found the street wall and upper level setbacks are appropriate in the context of the Johnston Street heritage precinct, the overall height is also considered appropriate. The proposed street wall and upper level setbacks result in an overall height that, while visible in the east and west viewsheds, will not dominate the view of the proposed development from Johnston Street and, over time, will be interspersed with similar taller built form.
100. The development also provides a mix of dwelling types contributing to a greater range of affordable and diverse housing options for the Fitzroy and metropolitan community. The appropriate provision of one, two and three bedroom dwellings is in line with the Australian Bureau of Statistics 2011 statistics, where 31 per cent of households in the City of Yarra contained only one person, compared with 23 per cent in greater Melbourne, with the dominant household size being two persons per household.
101. Council's ESD advisor has noted that this application does not meet Council's environmental sustainable design (ESD) standards as a Sustainable Design Assessment (SDA) has been lodged for this large development. Clause 22.17 requires a more detailed Sustainable Management Plan (SMP) to be submitted. As discussed in more detail later in this report, a condition contained within the recommendation requires a SMP to be submitted addressing the inadequacies of the SDA, bringing the proposal into line with Council's ESD standards.
102. Therefore, the proposed development meets the criteria to allow a building that exceeds the five to six storey preferred height limit for development on strategic redevelopment sites or within activity centres.

#### *Architectural quality*

103. The proposed development is considered to be of an appropriate architectural quality and in that regard responds to the design objectives of Clause 15.01-2. The contemporary design is appropriate and responds to the existing and emerging character of this part of Fitzroy, as confirmed by Council's urban design consultant who noted the *'architecture of the proposal is well resolved, and makes use of a range of interesting materials to present as a coherent design concept'*.
104. The architectural expression and materiality of the proposed development, as depicted in the substituted plans, is generally supported and is considered an appropriate contextual response to the surrounding area. Council's heritage advisor raised no concerns with *'the final appearance of the building, which is generally acceptable'*.
105. Council's urban design consultant noted that *'the use of darkened charcoal breeze blocks and concrete is supported provided the finish reads as a dark grey and not black'*. The colour and material schedule submitted with the substituted plans appears to show a dark grey colour, however this is not specified. A condition contained within the recommendation will ensure this outcome is achieved.
106. However, Council's urban design consultant raised concern with the sheer wall on the western elevation due to the *'the visibility of the site from westerly aspects (along Johnston Street and Napier Street) combined with the limited future development potential of 176 Johnston Street'* and recommended a 2 metre setback from the western boundary above the podium.

107. The 2 metre setback was not considered warranted in this instance as it would have limited effect and be largely indiscernible from the intended mid-range view points to the west. Additionally, the increased upper level setbacks from both the street wall and the rear boundary as depicted in the substituted plans assist in reducing the visual appearance of the western wall. The proposed light courts along this boundary also assist in articulating the building mass.
108. However, to further minimise the large expanse of wall on the western elevation and provide greater articulation, the precast concrete panel should incorporate a pattern above the podium height. A condition contained in the recommendation ensured this is achieved.
109. The proposed floating balconies facing Johnston Street at the fourth and fifth floors, while encroaching into the upper level setback, are considered appropriate as they form a small proportion of the overall upper level form and are integrated into the design of the building, resulting in minimal visual intrusion.
110. Also, Council's urban design consultant raised concern with the reflective metal seam cladding proposed for the sixth floor in the advertised plans, recommending the use of lightweight cladding material instead. The substituted plans incorporate a timber cladding in a natural finish for the sixth floor, achieving the desired outcome.

#### *Street Level Interface*

111. At the ground floor, the proposal will activate Johnston Street by way of the two retail tenancies to the entire ground floor facade. The location of service cabinets away from the ground floor façade is a positive element of the proposal and will ensure an active ground level frontage and a design which facilitates street level activity.
112. The Rochester Street frontage consists of two retail tenancy frontages as well as the residential entrance lobby. The depth of the lobby has been minimised compared to its 3.62 metre width to ensure no substantial areas for concealment and minimising potential hiding places that undermine the safety of the street.
113. The proposed awning over the Johnston Street footpath appears to be an appropriate height and depth for the provision of meaningful weather protection and is supported. However, Council's engineering services unit require awnings be set back no less than 750mm from the kerb as required by the National Construction Code (NCC) and the plans do not specify the dimension. A condition contained within the recommendation ensures this requirement will be met.
114. Additionally, it appears that the awning does not extend along the entire frontage of Johnston Street, falling short of the western boundary. To ensure appropriate weather protection is achieved, a condition contained in the recommendation requires the awning to be extended along the Johnston Street frontage to the western boundary
115. Objective 2.10 of the GHDRD aims to ensure that new tall buildings do not create adverse wind effects. Taller buildings invariably create challenging wind conditions at street level. These include down drafts and wind tunnel effects. Measures to reduce the impact of these effects should be considered.
116. The proposed development incorporates a stepped building form and articulation of the building mass to reduce wind turbulence at ground level on Johnston Street, with the proposed awning further reducing any adverse wind impacts. To Rochester Street, the articulation of the building mass, setbacks at the upper levels and narrow awning assist with minimising any adverse wind impacts.

#### *Demolition*

117. In terms of demolition, Clause 22.02-5.1 encourages the retention of heritage buildings except in the case of not contributory buildings. The application was referred to Council's Heritage Advisor, who raised no concerns with the extent of demolition proposed. The proposed demolition of these non-contributory buildings is therefore considered appropriate.

#### Equitable Development

118. Objective 2.6 of the GHDRD aims to ensure areas can develop with an equitable access to outlook and sunlight. The design suggestions call for the consideration of the possible future development of adjoining sites and allow, as best as possible, for an equitable spread of development potential throughout an area.
119. The subject site is located in abuttal to individually significant and contributory heritage fabric to the south and west respectively which will most likely remain largely 'as is'. However, the possibility of some form of modest future development located at the rear of these properties cannot be ruled out entirely. In this respect, the findings of the Tribunal in *Haus* that anticipate modest heights potentially in the order of two to three residential storeys at the rear of properties such as these are pertinent.
120. As Council's urban design consultant noted. *'the sheer street walls at each of these interfaces best facilitates the future development options of each abuttal, noting that any future development of 176 Johnston Street will likely orientate itself outward to Napier Street and Johnston Street (and not toward the subject site), whilst any future development of 23 Chapel Street will similarly orientate itself southward and eastward where greater outlook and amenity is available'*. As such, the proposal is considered to adequately ensure the adjoining properties can develop with an equitable access to outlook and sunlight.

#### Off-site Amenity Impacts

121. The subject site is located within the Commercial 1 Zone. Sites to the north, south, east and west are also within the Commercial 1 Zone. The policy framework for amenity considerations is contained within clause 22.05 (Interface Uses Policy) and the Guidelines for Higher Density Residential Development. Clause 55 of the Scheme provides some guidance on these matters (although not strictly applicable).
122. The appropriateness of amenity impacts including visual bulk, shadowing and overlooking need to be considered within their strategic context, with the site being located within a neighbourhood activity centre where higher density residential development is encouraged. In addition, the local character shows a high level of site coverage and boundary-to-boundary development, both within the subject site and those surrounding it. There is an expectation within this area that buildings would include on boundary walls and limited setbacks.
123. Expectations of those residing in a Commercial 1 Zone must also be tempered with the purpose of the zone which is to provide for residential uses at densities complementary to the role and scale of the commercial centre. Residents in these zones should not expect wide setbacks particularly if the surrounding area is already characterised with minimal front and side setbacks, which is the case here. Clause 34.01-8 of the Scheme seeks to protect the amenity of residential properties in abuttal to commercial areas, although this should also be tempered with amenity expectations for residential properties at commercial interface locations.

#### *Visual Bulk*

124. The sensitive interface to the subject site is to the south and, to a lesser extent, the east on the opposite side of Rochester Street. The land in both instances is located within the Commercial 1 Zone.

While expectations of visual bulk should be tempered for those who live in commercial areas, the proposed development adequately minimises the visual bulk impact. Specifically, the dwelling to the east is separated from the subject site by the 9 metre wide Rochester Street with the floors above the podium further recessed, thus reducing the potential for visual bulk impacts.

125. Regarding the sensitive interface to the south, the substituted plans show a reduction of the amount of boundary wall on the southern boundary, including a reduction in the height of the wall adjacent to the secluded private open space from 5.71 metres as shown in the advertised plans to 4.78 metres in the substituted plans. Additionally, the upper floor setbacks to the southern boundary have increased to reduce the visual bulk impacts.
126. Furthermore, the existing building on the site has a wall on the southern boundary adjoining the secluded private open space of the dwelling to the south that at approximately 5 metres in height is comparable in height to the proposed wall on the boundary. The secluded private open space of the adjoining dwelling to the south, with an area of 145 square metres, is also generous in size resulting in a reduction of the impacts thereon.
127. For the reasons outlined above, the changes shown in the substituted plans to the rear boundary wall and upper level setbacks to the rear boundary are therefore considered to adequately minimise the visual bulk impacts as scene from the dwelling to the south.

#### *Daylight to windows*

128. The only residential property with an immediate abuttal to the subject site is the dwelling to the south located within the Commercial 1 Zone. This dwelling has no habitable room windows facing the common boundary, therefore the proposed development will not impact on daylight access to existing habitable room windows.

#### *Overshadowing*

129. The decision guidelines of the Commercial 1 Zone include a requirement of buildings to provide for solar access. The amenity impacts associated with the proposal must be measured in the context of the future development of the land and that the zoning of the land seeks to provide for residential uses at densities complementary to the role and scale of the commercial centre. These same issues have been discussed extensively at the Tribunal.
130. An example are the comments within *RPC Architects v Glen Eira CC [2009] VCAT 1608* where the following was discussed in relation to shadowing impacts and daylight to existing windows of residences within a Commercial 1 Zone (formally Business 1 Zone):

*[54] I have a different view about the impact on the property to the south. The reality is that Ms Rawadi's property is zoned Business 1. Policy encourages redevelopment. The zone purpose encourages intense development. Unlike the property to the north of the site, Ms Rawadi's property has land zoned Business 1 on both sides. What is on the Ms Rawadi's property, and the dwelling to its south, is not what policy envisages is being the future of that land.*

*[55] That is not to say that the residents of those properties should not be able to live there, however, that should not be at the expense of allowing development and use on adjacent land that represents a fair response to the site attributes, zoning and policy context. I think that the expectations on this side of the fence need to be different. That does not however mean that I think the amenity of Ms Rawadi's property should be "sacrificed at the altar", but expectations need to be tempered.*

*[56] Given this, it is unrealistic to expect that solar access in accordance with the relevant standard of Clause 55 be maintained to north facing windows or that the backyard will not be overshadowed to a substantial extent.*

131. It should be noted that the decision guidelines of the Commercial 1 Zone only requires consideration of overshadowing to land in the Neighbourhood Residential and General Residential Zones, not in the Commercial 1 Zone. The adjoining and opposite dwellings are all located within the Commercial 1 Zone. Nonetheless, the amenity of the adjoining residential properties to the south and east are an important consideration in the assessment of the proposed development and are discussed below.
132. The shadow diagrams submitted with the substituted plans show that the extent of additional overshadowing as a result of the proposed development is minimal. Specifically, the amount of additional shadow cast on the secluded private open space of the dwelling at 23 Chapel is compliant with the overshadowing standard of Clause 55.04-5 of the Scheme as more the 40 square metres retains sunlight for five hours between 9:00am and 3:00pm, even though this requirement does not strictly apply in this instance.
133. The additional shadow cast on the secluded private open space of the dwelling to the east occurs after 2:00pm. While this would not meet the overshadowing standard of Clause 55.04-5 of the Scheme as the existing level of sunlight to the secluded private open space is already less than the requirements of this standard, the additional shadow is considered minimal and only for a minimal time in the activity centre context where increased densities are encouraged. Also, as mentioned, the standard does not strictly apply in this instance.

#### *Overlooking*

134. Objective 2.9 of the GHDRD suggests that existing dwellings should be protected against overlooking in accordance with Standard B22 of Clause 55. Standard B22 prescribes that a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into existing habitable room windows or 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.
135. There is a secluded private open space area associated with the dwelling to the south within 9 metres of the site. The offending terraces, balconies and windows in the proposed development have all been appropriately screened to 1.7 metres above finished floor level with either a solid screen or a horizontal slat screen, with the exception of the west facing kitchen window of Dwelling 202 on the second floor, which does not appear to be screened. The screening to the south facing kitchen window of Dwelling 201 also is not shown on the elevations. Conditions contained in the recommendation therefore require appropriate screening to these windows.
136. As the terrace on the sixth floor is not within a 9 metre arc of the secluded private open space to the south, it is not required to be screened, although the terrace balustrade is setback 0.76 metres to limit downward views. Additionally, the width of Rochester Street at approximately 9 metres is considered sufficient to minimise any unreasonable overlooking from the proposed development into the secluded private open space of the dwelling on the eastern side of Rochester Street.

#### *Noise*

137. In mixed use areas, there are often points of conflict between different uses. In order to maintain the viability of commercial areas there is a need to ensure that new residents do not have unrealistic expectations of the level of amenity that can be achieved. Council's Interface Uses Policy at Clause 22.05 aims to manage interface use and development conflicts. This policy applies to applications for use or development within the Commercial 1 Zone (amongst others).

138. Noise from the proposed dwellings will be residential in nature and acceptable within or adjoining a residentially zoned area. The proposed shops are as of right uses and not anticipated to generate unreasonable noise impacts.
139. Regarding the noise from any plant and equipment, compliance with the SEPP N-1 is required. The acoustic report submitted with the application indicates that plant equipment selections have not been developed for the proposed development yet. However, any such equipment is to be designed to comply with the necessary requirements and criteria developed in the acoustic report.
140. Council's acoustic consultant noted that the SEPP N-1 criteria provided in the acoustic report for the assessment of plant and equipment *'appear reasonable for the site and are based on zoning'* and that a *'commitment to design to the SEPP N1 levels and statement of the noise levels is acceptable at this stage of the project'*.
141. However, Council's acoustic engineer raised concerns with the assessment of noise generated by the vehicle access doors, recommending that the acoustic report *'specify maximum noise levels at 1m from any carpark doors or carlifts such that not more than 60 dBA is achieved outside any habitable room window'*. A condition contained within the recommendation will ensure this is achieved.
142. Clauses 52.43, 13.04 and 22.05 provide further direction on noise issues and generally require noise generated from new developments to comply with relevant policy, and that noise sensitive uses (such as dwellings) be protected from surrounding noise generators such as traffic and adjacent live entertainment venues.
143. While the Rochester Hotel is located within 50 metre of the subject site requiring consideration of Clause 52.43 of the Scheme relating to live music and entertainment noise, Council's acoustic consultant was satisfied that noise generated from the hotel was not a 'potential issue' for the proposed development, partly due to the existing dwellings in between the subject site and the hotel.
144. The applicant submitted an acoustic report prepared by Acoustic Logic outlining the acoustic assessment of the proposed development and identifying that traffic noise was the dominant noise source in the area. The recommendations of the acoustic report included numerous measures to improve the acoustic performance of the proposed development.
145. Council's acoustic consultant reviewed the acoustic report and made a number of recommendations to improve the acoustic performance of the proposed building. These improvements include sufficient sound attenuation to living rooms, maximum noise levels from any car park doors or car lifts and compliance with NCC requirements between dwellings with windows onto the central light court. Conditions contained within the recommendation section of this report will ensure the recommendations of Council's acoustic consultant and the measures outlined in the acoustic report are met.

#### On-site Amenity

146. Element 4: Circulation and Services, Element 5: Building Layout and Design and Element 6: Private and Communal Open Space of the DSE Guidelines for Higher Density Residential Development provide useful guidance with regard to on-site amenity including circulation spaces, site services, dwelling diversity, layout and open space.
147. Being located within a Commercial 1 Zone, Clause 22.05 aims to achieve a reasonable level of amenity for new dwellings, whilst ensuring that new dwellings do not impact the functioning of nearby commercial land uses.

#### *Apartment orientation and layout*



148. The proposed dwellings will have an overall high level of internal amenity due to the size, orientation and location of windows that achieve objectives aiming to create functional and comfortable higher density dwellings. Each dwelling includes operable windows and a usable balcony to allow for solar access into the dwelling.

#### *Daylight*

149. Objective 5.4 and design suggestion 5.4.1 of the GHDRD aim to ensure a good standard of natural lighting is provided to internal building spaces, provide direct light to all rooms wherever possible and design light wells that are adequately sized for their intended purpose.
150. The proposed design utilises the Johnston Street and Rochester Street for the majority of primary outlooks, with the exception of five dwellings that have a southerly orientation and a primary outlook over the southern boundary of the site. The light courts located on the western boundary, which have dimensions of approximately 9.6 metres by 3 metres and 3 metres by 2.29 metres, provides daylight access to bedrooms only.
151. The applicant submitted daylight modelling to demonstrate that the proposed development complies with the relevant benchmark. The daylight modelling took into account the adjoining property to the west being developed to a similar extent to the proposed development and concluded the majority of living rooms and bedrooms achieve the best practice benchmark for daylight assessment.
152. The daylight modelling demonstrates that the proposed development meets the Built Environment Sustainability Scorecard (BESS) requirements in relation to daylight access to living areas and bedrooms. Specifically, at least 80 per cent of the total number of living rooms achieve a daylight factor greater than 1 per cent to 90 per cent of the floor area of each living area, and at least 80 per cent of the total number of bedrooms achieve a daylight factor greater than 0.5 per cent to 90 per cent of the floor area in each room.
153. Of the dwellings with habitable rooms that do not comply, Dwelling 207 is the only dwelling that does not achieve both the living room daylight requirement and the bedroom daylight requirement. This dwelling has one bedroom, and a north facing living area and balcony with an outlook across Johnston Street. The dwelling has a sliding door into the bedroom from the living area and future occupants will have the choice to leave the door open to maximise daylight access throughout this dwelling.
154. Seven other bedrooms do not comply with the bedroom daylight factor requirement, all of which rely on a light court as their only source of daylight. To improve the access to daylight to these bedrooms, the light courts should be finished in a light reflective material. Councils' ESD advisor noted that 50 per cent light reflectivity was a reasonable outcome and avoided charcoals and blacks from being utilised in light courts. A condition of any planning permit that issues will ensure this is achieved.
155. Five living areas within the development failed to achieve the living room daylight factor requirement. However, the living rooms that fall below the standard remain within an acceptable range given the development context combined with the five living areas exceeding an average daylight factor of 1 per cent. Overall, the daylight access to the proposed development is considered acceptable in the activity centre context and taking into account the development potential of the adjoining heritage properties.

#### *Ventilation*

156. There are a number of operable windows for each dwelling which face outward either onto Johnston Street, Rochester Street, the rear boundary or towards the light courts. Overall, the proposal provides high internal amenity levels, with no bedroom relying on borrowed light.

Eleven of the dwellings are designed with dual aspects and those with a single aspect are generally provided with a wide frontage, shallow living areas or a secondary aspect to a light court to ensure adequate cross flow ventilation.

157. As the plans are not clear as to which windows are operable and to ensure adequate ventilation for each dwelling, a condition of any planning permit that issues will require this to be clearly shown on the plans.

#### *Private open space*

158. Borrowing from Standard B28 of Clause 55 of the Yarra Planning Scheme, a dwelling should have an area of private open space of a minimum area of 8 square metres and a minimum width of 1.6 metres with easy access from the living room. All of the dwellings achieve these requirements, with the exception of Dwellings 206, 303, 402, 403, 404, 502, 503 and 504 which are all provided with less than 8 square metres of private open space.
159. It is noted that the floor plans indicate that these balconies have an area of 8 square metres. However, the dimensions of each balcony appear to fall short of the stated areas. A condition contained within the recommendation will require these areas to be corrected.
160. Dwellings 206, 404 and 504 are one bedroom dwellings with at least 6.5 square metres of private open space with a minimum dimension of 1.6 metres, convenient access from the living room and a northerly orientation. This is considered sufficient to cater for these dwellings' reasonable recreation and service needs in an activity centre location.
161. Dwellings 303, 402, 403, 502 and 503 are all two bedroom dwellings and each is provided with approximately 7.5 to 7.7 square metres of private open space. While this fails the minimum private open space standard, the variation is minor and each has a minimum dimension of at least 2 metres, convenient access from the living area and an outlook to either Johnston Street or Rochester Street. The provision of private open space to these dwellings is therefore considered acceptable.

#### *Storage*

162. Storage areas are provided for each dwelling, either located in over the bonnet storage or on the ground floor in storage cages. Additionally, the provision of storage provided within dwellings is considered acceptable as, in this inner urban setting and without the need for a lawnmower or other large equipment, residents of these apartments would not have the same storage needs as residents in detached dwellings.
163. The minimum amount of storage was confirmed within the Tribunal decision *U1 Stanley Street Pty Ltd v Yarra CC [2012] VCAT 1455* where the minimum acceptable amount of storage was defined as being 3 cubic meters for apartment developments. As each proposed dwelling has been allocated over the bonnet storage of 3.2 cubic metres as a minimum, the proposal is considered to provide sufficient storage for each dwelling.

#### *Safety*

164. The internal entrance area of each dwelling is located along the internal radial corridors, increasing the perceived safety and complying with design guidelines within Clause 21.05-2. The inclusion of balconies facing both Johnston Street and Rochester Street will add to the level of perceived safety which is an improvement on existing conditions.
165. The main residential entrance to the building is provided from Rochester Street. The depth of the lobby has been minimised compared to its 3.62 metre width to ensure no substantial areas for concealment and minimising potential hiding places that undermine the safety of the street.

### *Internal Views*

166. Overlooking between the proposed dwellings has been minimised through the appropriate site and building layout, window location and design. Specifically, the majority of primary living areas, bedrooms and balconies of each dwelling is provided an appropriate outlook to either Johnston Street or Rochester Street to achieve this.
167. However, no overlooking measures have been incorporated within the central light court between habitable room windows. A condition contained in the recommendation requires screening where appropriate to ensure internal overlooking is further minimised.

### *Circulation spaces*

168. Dwelling access is via the Rochester Street residential lobby located on the ground floor. As noted by Council's urban design consultant, the residential entrance lobby is considered appropriate and *'will further contribute to the activation of this aspect'*. Passageways are well proportioned and are located radially around the lift core on each floor. The circulation corridors are a minimum width of approximately 1.5 metres. This width is sufficient and the design complies with objective 4.3 of the GHDRD.

### *Site services*

169. Site services are provided at each level with separate residential and commercial waste storage areas being located on the ground floor. This is compliant with objective 4.6 of the GHDRD. Mail services have been shown in the residential lobby on the ground floor of the building. The roof plan has been provided showing a 4.5kW solar array. The provision of services within the proposed development is considered appropriate and will not unreasonably impact on the appearance or function of the building.

### Environmentally Sustainable Design

170. Council's local policies at Clause 22.16 and Clause 22.17 call for best practice water quality performance objectives and best practice in environmentally sustainable development from the design stage through to construction and operation, respectively.
171. The applicant submitted a SDA prepared by Connor Pincus Group with the original application. The SDA provides an overview of the sustainability initiatives that have been assessed for inclusion in the proposed development. Daylight modelling prepared by Connor Pincus Group has also been submitted as part of the substituted plans to support the application.
172. Council's ESD advisor has reviewed the application and has noted that this application does not meet Council's environmental sustainable design (ESD) standards as a sustainable design assessment has been lodged for this large development. As highlighted earlier, Clause 22.17 requires a more detailed SMP to be submitted. The inadequacies in the sustainable design assessment include not exceeding the NCC requirements for energy efficiency by a minimum of 10 per cent above the standard, lack of shading to north and east facing glazing and a low standard of hot water system proposed, amongst others.
173. As mentioned earlier in this report, a condition contained within the recommendation requires a sustainable management plan to be submitted addressing the inadequacies of the sustainable design assessment.
174. In relation to the advertised plans, Council's ESD advisor recommended increased setbacks to the rear boundary to ensure adequate daylight access and outlook, noting the *'reliance on the rear boundary for daylight access to the primary aspects of dwellings is highly problematic'*.

175. However, given the individually significant status of the dwelling to the south, the increased setbacks to the rear boundary as shown in the substituted plans adequately address this concern, providing sufficient outlook and daylight access to the south facing dwellings. This is evidenced, in part, by the daylight modelling which shows that only one of the south facing dwellings did not meet the living room daylight factor requirement.

### Car and Bicycle Parking

#### *Car Parking*

176. Under Clause 52.06 of the Scheme, the applicant is seeking a car parking reduction of 14 car parking spaces, as outlined within the table included in the Particular Provisions section earlier in this report. Broken down, the 14 car parking spaces consist of five (5) residential visitor spaces and nine (9) shop spaces.
177. A total of 34 car parking spaces are proposed within the two basement levels and are accessed via two car lifts from Rochester Street. 31 car parking spaces are allocated to the dwellings and one car parking space is allocated to each shop. The proposed development meets the car parking requirement for all of the proposed dwellings. The proposed development will also contain 50 bicycle parking spaces.
178. Traffix Group has sourced car ownership rates for the Fitzroy area from the 2011 census conducted by the Australian Bureau of Statistics. For one bedroom dwellings in Fitzroy, some 44 per cent of one bedroom dwellings do not own a motor vehicle. The proposed car parking provision for the one bedroom dwellings is higher than that of the average motor vehicle ownership in Fitzroy for this size of dwelling. However, Council's engineering services unit consider the car parking provision for the one bedroom dwellings to be appropriate.
179. Peak car parking for residential visitors generally occurs on weekday evenings and at weekends. Council's engineering services unit have noted that *'an empirical peak residential visitor parking rate of 0.12 car parking spaces per dwelling has been often quoted in other traffic impact reports we have reviewed in the past'*. Applying this rate would result in a peak residential visitor car parking demand of three car parking spaces.
180. Council's engineering services unit agreed that during normal business hours, the visitor car parking rate would be much less than the 0.12 spaces per dwelling. The submitted traffic report indicates that daytime visitor car parking would be around 30 per cent of the peak residential visitor car parking rate, which would result in a visitor car parking demand of one car parking space.
181. All residential visitor car parking is proposed to be provided off-site as the proposal incorporates two car lifts for vehicle access into the site. Car lifts are not practical for use by residential visitors. For mixed use and multi-unit residential developments that are located along or near activity centres, Council's engineering services unit would normally encourage some residential visitor car parking on-site. In this instance, the proposed car parking arrangement cannot practically allow for residential visitor car parking to be accommodated on the property.
182. In the context of the surrounding area, Council's engineering services unit are of the opinion that the demand of one to three residential visitor car parking spaces off-site should not be detrimental to existing on-street parking conditions in the area.
183. Traffix Group has adopted a car parking rate of three spaces per 100 square metres of floor area for the retail component as the site is located along a commercial area/activity centre. Council's engineering services unit have noted that using this rate equates to a car parking demand of nine car parking spaces for the retail component.

Traffix Group also indicated in their report that the staff car parking demand would constitute a third of a retail tenancy's car parking demand and, in this case, it would be three car parking spaces. The customer car parking demand (six spaces) would be accommodated on-street, which is typical of most retail tenancies abutting a major road or activity centre.

184. Council's engineering services unit have also noted that the site is within walking distance of tram services along Smith Street and Brunswick Street and that bus services operating along Johnston Street and Alexandra Parade can also be accessed by foot.
185. Council's engineering services unit considers the car parking reduction associated with the retail space appropriate having regard to the excellent accessibility to a range of public transport options and the existing constrained on-street car parking conditions which would be a disincentive for employees to commute to and from site by motor vehicle.
186. From a traffic engineering perspective, Council's engineering services unit consider the car parking reduction appropriate in the context of the site and the surrounding area. The car parking demands generated by the uses proposed within the development should not adversely impact on the existing car parking conditions in the area.

#### *Bicycle Parking*

187. As outlined earlier in this report, pursuant to Clause 52.34-3, in developments of four or more storeys, one resident bicycle parking space should be provided for every five dwellings, plus one visitor parking space for every ten dwellings. Therefore, as 28 dwellings are proposed, six resident bicycle spaces and three visitor bicycle spaces are required. As 50 bicycle parking spaces are proposed within the ground floor, the application exceeds the requirement for bicycle parking spaces.
188. Through the provision of these spaces, the applicant has responded to the importance that State and local policies place on encouraging low energy forms of transport such as Clauses 15.02-3, 18.02-1, 18.02-2 and 21.06. This is a development where the use of bicycles can take precedence over the use of private motor vehicles due to the proximity of services and employment opportunities, which will encourage the use of bicycles from this development.
189. The bicycle parking spaces have also been provided in a convenient location on the ground floor and in an area where there is limited potential for conflict. This satisfies the requirements of Clause 52.34 of the Yarra Planning Scheme. In relation to residential visitor bicycle parking options, it is noted that there are ample opportunities within proximity of the site for visitors to temporarily lock-up their bike, specifically on the Johnston Street footpath.
190. However, pursuant to the Australian Standard AS2890.3 - 2015, at least 20 per cent of bicycle parking spaces should be ground level bicycle hoops, with a maximum of 80 per cent Ned Kelly style hanging hoops. As the bicycle parking spaces shown on the substituted plans appears to show all Ned Kelly style hanging hoops within the proposed development, condition of any planning permit that issues will ensure the standard is achieved.

#### Traffic and Access

##### *Traffic Generation*

191. As noted by Council's engineering services unit, Traffix Group has conservatively adopted a rate of three trips per dwelling per day for the traffic generation of the development. The peak hour traffic rate would be 10 per cent of the daily residential traffic volume. The resulting traffic generation equates to 84 vehicle trips per day with eight vehicle trips in each peak hour. The three retail tenancies each have one allocated on-site car parking space and each space would generate two vehicle trips per day, one trip in each peak hour.

192. In the opinion of Council's engineering services unit, the traffic volumes generated by the proposed development are not unduly high and should not adversely impact on the operation of Rochester Street, the intersection of Johnston Street and Rochester Street or the surrounding road network.

#### *Car Parking Layout*

193. The proposed basement car parking will be serviced by two car lifts accessed via Rochester Street. Vehicles would enter and exit the car lifts in a forward direction. Access to the car lifts would be via remote control and the doors of the car lift would open in a similar manner to that of automatic doors commonly found at off-street car parking locations. Traffix Group has assessed the performance of the two lifts using multi-channel queuing theory (involving complex calculations). Council's engineering services unit has reviewed the queuing calculations and has no objection to the use of the two car lifts to service the development.
194. Council's engineering services also has reviewed the car parking layout and access arrangements, noting that the height and width of the garage door and car lifts satisfy the relevant standards and the swept path diagrams demonstrate vehicles can enter and exit the proposed car lifts from the basement car parking areas. However, swept path diagrams using the B99 design vehicle for vehicles entering and exiting the two car lifts via Rochester Street must be submitted to Council and the parallel on-street car parking along Rochester Street should be accurately shown on the diagrams. A condition contained within the recommendation ensures this will be provided.
195. While pedestrian sight triangles have not been provided at the car parking entrance, the car lifts immediately abut the building line. Traffix Group has highlighted that vehicles would exit the car lifts onto Rochester Street from rest (i.e. at minimal speeds) and that pedestrians would have visual and audible cues of the car lift doors being opened. Council's engineering services unit has no objection to the installation of convex mirrors to assist drivers viewing pedestrians along the west footpath of Rochester Street. A condition contained within the recommendation requires this to be shown on amended plans.
196. Council's engineering services is also satisfied with the internal layout of the basement car parking, including accessibility, the dimensions of the car parking spaces and the location of the columns.

#### *Loading and Unloading*

197. The site cannot practically provide an on-site loading facility as required under Clause 52.07 of the Yarra Planning Scheme. The nearest on-street loading zones are located on the eastern side of Napier Street and the western side of George Street approximately 50 metres away to the south-west and 80 metres away to the east respectively. The ground floor of the site comprises a total of 313 square metres of retail floor space. Small trucks or vans would service the three shops. Council's engineering services unit has no objection to these vehicles utilising on-street car parking to deliver goods to the site.

#### *Civil Works*

198. Council's engineering services has recommended that the footpath in front of the site, the kerb and channel and the full width of the Rochester Street road pavement be reconstructed at the cost of the permit holder, amongst other things. Conditions contained within the recommendation will ensure this is achieved, where appropriate.

#### Waste Management

199. The applicant submitted a waste management plan with the application, prepared by Leigh Design. The waste management plan outlines the arrangements for the storage and collection of waste from the proposed development including the provision of a private waste collection with waste collection to take place from Rochester Street.
200. However, Council's waste services coordinator has reviewed the applicant's waste management plan and considers the plan unsatisfactory, noting that *'collection arrangements must be such that the Rochester Street must not be blocked off by collection vehicles during collections'*.
201. A condition contained within the recommendation requires an amended waste management plan that addresses the concerns raised by Council's waste services coordinator, including the submission of collection arrangements in plan form showing the full width of the roadway, including dimensions, path of access to collection, existing conditions, on-street car parking spaces, obstructions such as parking signs and the location of the collection vehicle, amongst other things.

#### Objector Concerns

202. The majority of the issues which have been raised by the objectors have been addressed within this report, as outlined below:
- (a) An overdevelopment with inappropriate height, bulk and scale
  - (b) Out of character with the area
  - (c) Heritage impacts
  - (d) Wind impacts
  - (e) Increase in noise
  - (f) Overshadowing
  - (g) Overlooking dwellings and the primary school
  - (h) Poor internal amenity
  - (i) Insufficient bicycle parking
  - (j) Lack of car parking
  - (k) Increase in traffic
  - (l) Collection of waste, hours of loading
203. Outstanding concerns raised in the objections are discussed below, and relate to:
- (a) *Overdevelopment.*  
Overdevelopment is a commonly used expression to dismiss development proposals which seek to remove existing buildings and to introduce significant new built form into particular neighbourhoods. An assessment against State and local planning policies and the Guidelines for Higher Density Residential Development has demonstrated that the proposal is not an overdevelopment despite being more intensive than what existed before. For the reasons advanced in earlier in this report, the proposed development is not considered to be an overdevelopment of the site.
  - (b) *Lack of landscaping.*  
While it is acknowledge that the proposed development incorporates minimal landscaping, the site currently consists of 100 per cent site coverage. The surrounding character shows a high level of site coverage and boundary-to-boundary development, both within the subject site and those surrounding it, especially those commercial properties with a frontage to Johnston Street. As such, the proposed development is considered to respond appropriately to the neighbourhood activity centre location.
  - (c) *Glare.*  
As discussed earlier in this report, Council's urban design consultant raised concern with the reflective metal seam cladding proposed in the advertised plans for the sixth floor, recommending the use of lightweight cladding material instead. The substituted plans incorporate timber cladding in a natural finish for the sixth floor addressing this concern.

- (d) *Light spill.*  
External lighting on the land must be designed, baffled and located to prevent any adverse impact on any adjoining property. A condition contained within the recommendation requires this requirement to be met.
- (e) *Overlooking the primary school.*  
The Fitzroy Primary School located on the southern side of Chapel Street is approximately 25 metres away from the subject site. This is considered a sufficient distance to minimise overlooking.
- (f) *Hours of loading.*  
Council's General Local Law No. 58 stipulates that a person must not without a permit, deliver or collect goods or provide a service to a commercial enterprise after 10:00pm on any day, before 7:00am on a Monday to Saturday (inclusive) and before 9:00am on a Sunday or public holiday.
- (g) *Increase in litter.*  
The development and use of the land will not directly lead to an increase in rubbish in the local area. Bin storage areas are provided on the ground floor of the proposed building for both commercial and residential waste, while an amended waste management plan is required to address the collection of waste, as discussed earlier in this report. It is anticipated that the above regulations and initiatives will aid in reducing litter on private and public land surrounding the site.
- (h) *Construction impacts.*  
Concern has been raised in relation to damage of the adjoining dwellings, buildings and public property during construction. Protection of adjoining properties during construction is not a matter that can be addressed through the planning permit process. However, the developer has obligations under the Building Act 1993 to protect adjoining property from potential damage. It is the responsibility of the relevant building surveyor to require protection work as appropriate. Council's local laws require an asset protection permit to be obtained to ensure infrastructure assets within the road reserve are protected or repaired if damaged.
- (i) *Lack of affordable housing.*  
The development provides a mix of dwelling types contributing to a greater range of affordable and diverse housing options for the Fitzroy and metropolitan community. Additionally, the *Planning and Environment Act 1987* and Yarra Planning Scheme do not specifically require the provision of affordable housing in this instance.
- (j) *Will set a precedent.*  
Future planning permit applications on this site or neighbouring and nearby land will be assessed against relevant planning policy and site conditions, based on their own merits at the time of assessment. The possibility of setting an undesirable precedent cannot be substantiated.

## Conclusion

- 204. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. Notably, the proposal achieves the State Government's urban consolidation objectives and Council's preference to direct higher density residential development in activity centres on strategic redevelopment sites.
- 205. The proposal, subject to conditions outlined in the recommendation below, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies. Based on the above report, the proposal complies with the relevant Planning Scheme provisions and planning policy and is therefore supported.



## RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in a position to determine the application, it would have issued a Notice of Decision to Grant a Planning Permit PLN16/0563 for the demolition of the existing buildings, the construction of a seven storey building plus two basement levels, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement associated with shops at 178-182 Johnston Street, Fitzroy, subject to the following conditions:

### Amended Plans

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans prepared by Ola Architecture Studio and dated 4 April 2017, but modified to show:
  - (a) The finish of the metal cladding (M1) and metal screen (SC2) depicted on the colour and material schedule specified as a dark grey.
  - (b) The proposed awnings set back a minimum of 750mm from the kerb.
  - (c) The proposed awning extended for the full width of the Johnston Street frontage.
  - (d) Overlooking measures to ensure no unreasonable overlooking in accordance with the objective of Clause 55.04-6 of the Yarra Planning Scheme from:
    - (i) The west facing kitchen window and south facing bedroom window of Dwelling 202.
    - (ii) The south facing kitchen window of Dwelling 201.
  - (e) Overlooking measures to ensure no unreasonable overlooking between habitable rooms within the light courts in accordance with the objective of Clause 55.04-6 of the Yarra Planning Scheme.
  - (f) The precast concrete panels (PC1) on the western elevation modified to incorporate a pattern above the podium height.
  - (g) The light courts finished in a light reflective colour with a minimum light reflectivity of 50 per cent.
  - (h) A window in each habitable room that is openable clearly shown on the plans/elevations.
  - (i) A minimum of 20 per cent of bicycle parking spaces must be ground level bicycle hoops, with a maximum of 80 per cent Ned Kelly style hanging hoops.
  - (j) The installation of convex mirrors to assist motorists viewing pedestrians along the west footpath of Rochester Street.
  - (k) Swept path diagrams using the B99 design vehicle for vehicles entering and exiting the two car lifts via Rochester Street. The parallel on-street car parking along Rochester Street must be accurately shown on the diagrams.
  - (l) A 1 in 20 scale cross sectional drawing of the new vehicle crossing and the existing road pavement of Rochester Street and demonstrate by way of a ground clearance check that the B99 design vehicle can enter and exit the property via Rochester Street without scraping or bottoming out.
  - (m) Any changes from the sustainable management plan required by condition 13 of this planning permit.
  - (n) Any changes recommended in the amended acoustic report required by condition 15 of this planning permit.
  - (o) Any changes from the amended waste management plan required by condition 17 of this planning permit.

### General

2. The use and 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. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
4. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
5. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the use, including through:
  - (a) The transport of materials, goods or commodities to or from land.
  - (b) The appearance of any buildings, works or materials.
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) The presence of vermin.
6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park and pedestrian walkway 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.
7. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
8. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
9. 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.
10. 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.
11. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
12. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

### **Sustainable Management Plan**

13. Prior to the endorsement of plans, a sustainable management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the sustainable management plan will be endorsed and will form part of this permit. The sustainable management plan must be generally in accordance with the sustainable design assessment prepared by Connor Pincus Group and dated June 2016, but modified to include or show:

- (a) The minimum NCC requirements for energy efficiency exceeded by a minimum 10 per cent above minimum NCC standard, demonstrated through sample energy ratings that this standard can be achieved.
  - (b) Additional shading to north and east facing glazing exposed to summer sun angles with exterior shading such as blinds, shutters, louvers, fins, etc.
  - (c) Either gas boosted solar hot water, centralised heat pump or gas hot water system with 80 per cent efficiency or 6 Star instantaneous gas hot water.
  - (d) Allocation of bicycle parking spaces to employees of the shops.
  - (e) Ensure that dual chutes are provided, or that recycling system is just as convenient to use as the general waste system.
14. The provisions, recommendations and requirements of the endorsed sustainable management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Acoustic Report**

15. Prior to the endorsement of plans, 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 Acoustic Logic and dated 7 June 2016, but modified to include (or show, or address):
- (a) A traffic noise assessment that provides sufficient sound attenuation to living rooms to achieve 40 dBA during the 15 hour day average or 45 dBA during the loudest hour.
  - (b) Maximum noise levels at 1 metre from any car park doors or car lifts such that not more than 60 dBA is achieved outside any habitable room window.
  - (c) Compliance with BCA requirements between dwellings with windows onto the central light court.
16. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

17. Prior to the endorsement of plans, an amended waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended waste management plan will be endorsed and will form part of this permit. The amended waste management plan must be generally in accordance with the waste management plan prepared by Leigh Design and dated 22 June 2016, but modified to include:
- (a) Collection arrangements must be such that Rochester Street must not be blocked off by collection vehicles during collections.
  - (b) Plan of collection arrangements showing full width of roadway, with full details, including dimensions, path of access to collection, existing conditions, car parking spots, obstructions such as parking signs, location of collection vehicle, etc.
  - (c) Any car parking restrictions to allow for the collection of waste.
18. The provisions, recommendations and requirements of the endorsed waste management plan, must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Car Parking**

19. 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, to the satisfaction of the Responsible Authority, 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.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car lifts must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

### **Infrastructure**

21. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing(s) 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.
22. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
23. Before the buildings 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 Johnston Street and Rochester Street footpaths 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.
24. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

### **Construction Management Plan**

25. Before the use and/or development commences, a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) Works necessary to protect road and other infrastructure;
  - (c) Remediation of any damage to road and other infrastructure;
  - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) Facilities for vehicle washing, which must be located on the land;
  - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) Site security;
  - (h) Management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;

- (i) The construction program;
- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) Parking facilities for construction workers;
- (l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan;
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) A noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer; and
  - (v) other relevant considerations.
- (q) Any site-specific requirements.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

- 26. During the construction:
  - (a) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
  - (b) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
  - (c) Vehicle borne material must not accumulate on the roads abutting the land;
  - (d) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (e) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
- 27. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 28. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### **Permit Expiry**

- 29. 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 has not commenced within five 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 5095 to confirm.

A vehicle crossing permit is required for the construction of any vehicle crossing(s). Please contact Council's construction management branch on 9205 5585 for further information.

A local law permit (e.g. asset protection permit, road occupation permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 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.

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

All future property owners, residents, business owners and employees within the development approved under this planning 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.

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

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

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

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

**CONTACT OFFICER:**    **Nikolas Muhllechner**  
**TITLE:**                    **Principal Statutory Planner**  
**TEL:**                      **9205 5373**

**Attachments**

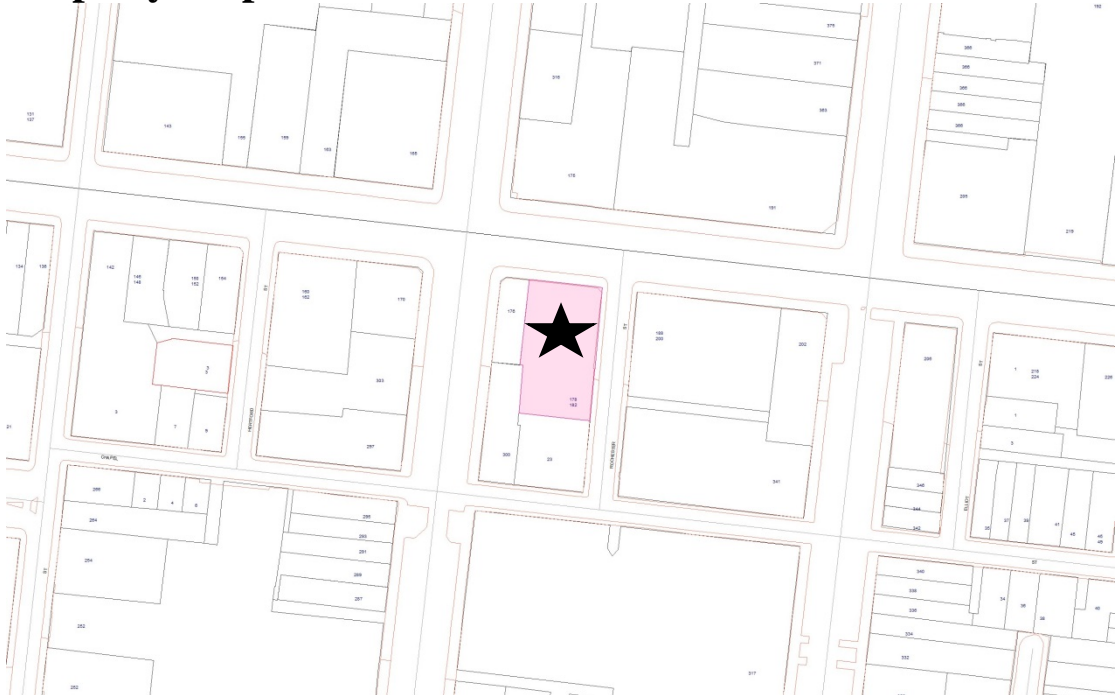
- 1 PLN16/0563 - 178-182 Johnston Street Fitzroy - Subject Land Map
- 2 PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans
- 3 PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans
- 4 PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's engineering services unit

- 5** PLN16 0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's waste services unit
- 6** PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor
- 7** PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's heritage advisor
- 8** PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's urban design consultant
- 9** PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's acoustic consultant

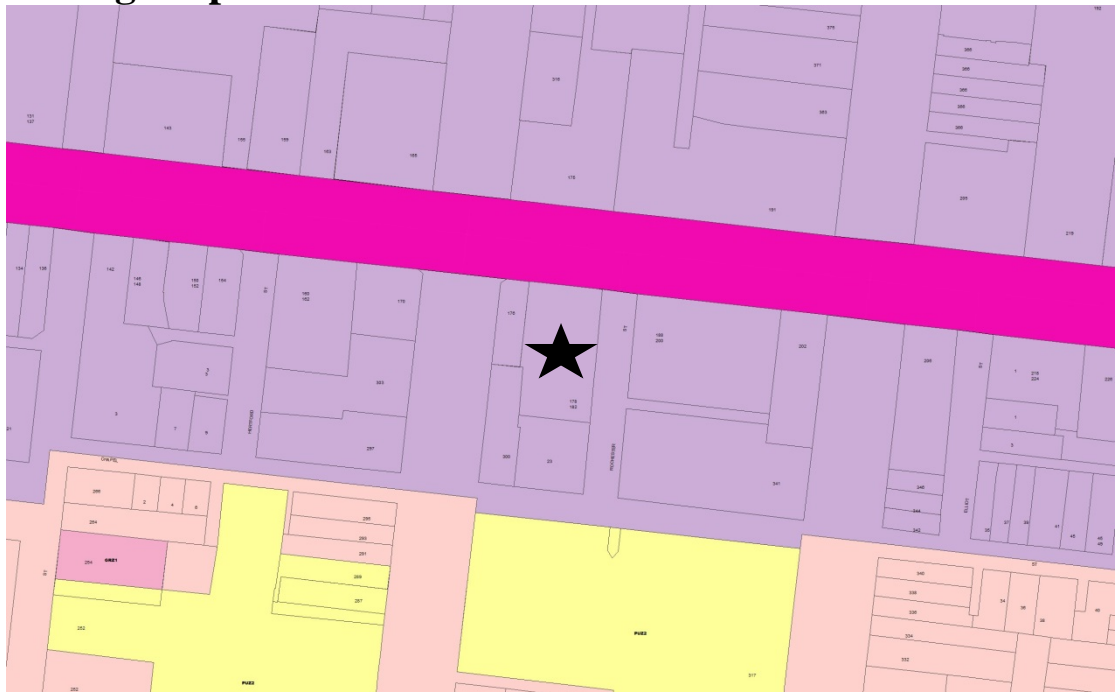
**Attachment 1 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Subject Land Map**

**SUBJECT LAND:**

**Property Map**



**Zoning Map**





## Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans



# ALUMBRA 182 JOHNSTON STREET FITZROY

PLANNING PERMIT APPLICATION FOR PROPOSED MIX USE DEVELOPMENT  
 ISSUE: TWO  
 DATE: 30.08.2016

## TP01 URBAN CONTEXT AND SITE ANALYSIS

TP01	EXISTING SITE & DEMOLITION	(NEW DRAWING)
TP02	EXISTING ELEVATIONS	(NEW DRAWING)
TP03	DESIGN RESPONSE PLAN	(PREVIOUSLY TP02)
TP04	BASMENT LEVEL 1 & 2	(PREVIOUSLY TP03)
TP05	GROUND FLOOR & MEZZANINE	(PREVIOUSLY TP04)
TP06	LEVEL 01 & 02	(PREVIOUSLY TP05)
TP07	LEVEL 03 & 04	(PREVIOUSLY TP06)
TP08	LEVEL 05 & 06	(PREVIOUSLY TP07)
TP09	ROOF PLAN	(PREVIOUSLY TP08)
TP10	ELEVATIONS	(PREVIOUSLY TP09)
TP11	SECTIONS	(PREVIOUSLY TP10)
TP12	SHADOWS	(PREVIOUSLY TP11)
TP13	SHADOWS	(PREVIOUSLY TP12)
TP14	FINISHES	(PREVIOUSLY TP13)
TP15	PERSPECTIVE VIEWS	(NEW DRAWING)
TP16	PERSPECTIVE VIEWS	(NEW DRAWING)
TP17	PERSPECTIVE VIEWS	(NEW DRAWING)
TP18	PERSPECTIVE VIEWS	PREVIOUSLY (TP14)

**OLA**  
 104 KENTHURST STREET  
 PRINCE GEORGE VIC 3004  
 WWW.OLAGROUP.COM.AU  
 P:081 582 1400 F:081 582 1401

## PROPOSED DEVELOPMENT SUMMARY

182 JOHNSTON ST FITZROY  
 SITE AREA: 631m<sup>2</sup>

SELLABLE AREA	UNITS	NSA	TYPE	BALC.	CAR
101	58	28	19	1	
102	70	28	14	1	
103	69	28	9	1	
104	69	28	8	1	
105	87	38	11	2	
106	47	18	8	0	
107	41	18	10	0	
<b>LEVEL 1</b>	<b>452</b>		<b>79</b>	<b>6</b>	

201	58	28	5	1	
202	70	28	5	1	
203	69	28	8	1	
204	69	28	8	1	
205	84	38	14	2	
206	47	18	8	1	
207	41	18	8	0	
<b>LEVEL 2</b>	<b>449</b>		<b>81</b>	<b>7</b>	

301	50	18	8	1	
302	45	18	28	1	
303	60	28	12	1	
304	60	28	12	1	
305	87	38	37	2	
306	61	28	12	1	
<b>LEVEL 3</b>	<b>363</b>		<b>109</b>	<b>7</b>	

401	58	28	20	1	
402	73	28	15	1	
403	60	28	8	1	
404	71	28	8	1	
405	51	18	8	1	
<b>LEVEL 4</b>	<b>313</b>		<b>60</b>	<b>5</b>	

501	58	28	8	1	
502	73	28	8	1	
503	60	28	8	1	
504	71	28	8	1	
505	51	18	8	1	
<b>LEVEL 5</b>	<b>313</b>		<b>42</b>	<b>5</b>	

601	104	28	18	1	
602	87	28	55	1	
<b>LEVEL 6</b>	<b>191</b>		<b>133</b>	<b>2</b>	
<b>TOTAL</b>	<b>2081</b>		<b>484</b>	<b>32</b>	

UNIT TYPES	No.	%
1 B/D	8	25
2 B/D	21	66
3 B/D	3	8
<b>TOTAL</b>	<b>32</b>	

COMMERCIAL	NSA (m <sup>2</sup> )
COMMERCIAL 1	98
COMMERCIAL 2	128
COMMERCIAL 3	74
<b>TOTAL</b>	<b>300</b>

MISC.	NSA (m <sup>2</sup> )
BASMENT	1244
CAR LIFT	129
LIFT	55
STAIR	99
FOYER	105
CIRCULATION	186
COMMON	165
<b>TOTAL</b>	<b>2084</b>

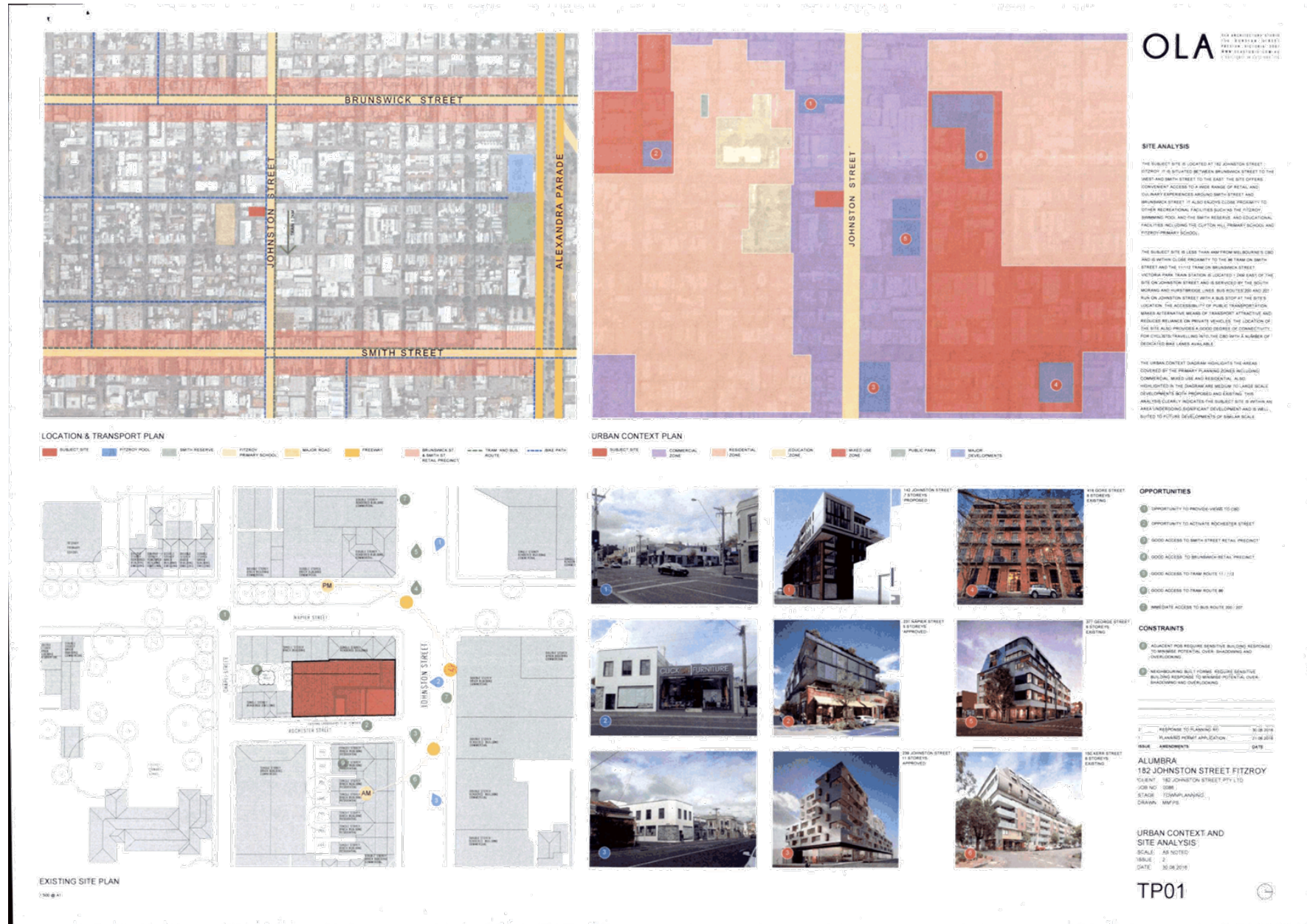
5	RESPONSE TO PLANNING ACT	30.08.2016
1	PLANNING PERMIT APPLICATION	31.08.2016
ISSUE	AMENDMENTS	DATE

**ALUMBRA**  
 182 JOHNSTON STREET FITZROY  
 CLIENT: 182 JOHNSTON STREET PTY LTD  
 JOB NO: 0086  
 STAGE: TOWN PLANNING  
 DRAWN: MM PS

COVER PAGE  
 SCALE: NTS  
 ISSUE: 2  
 DATE: 30.08.2016

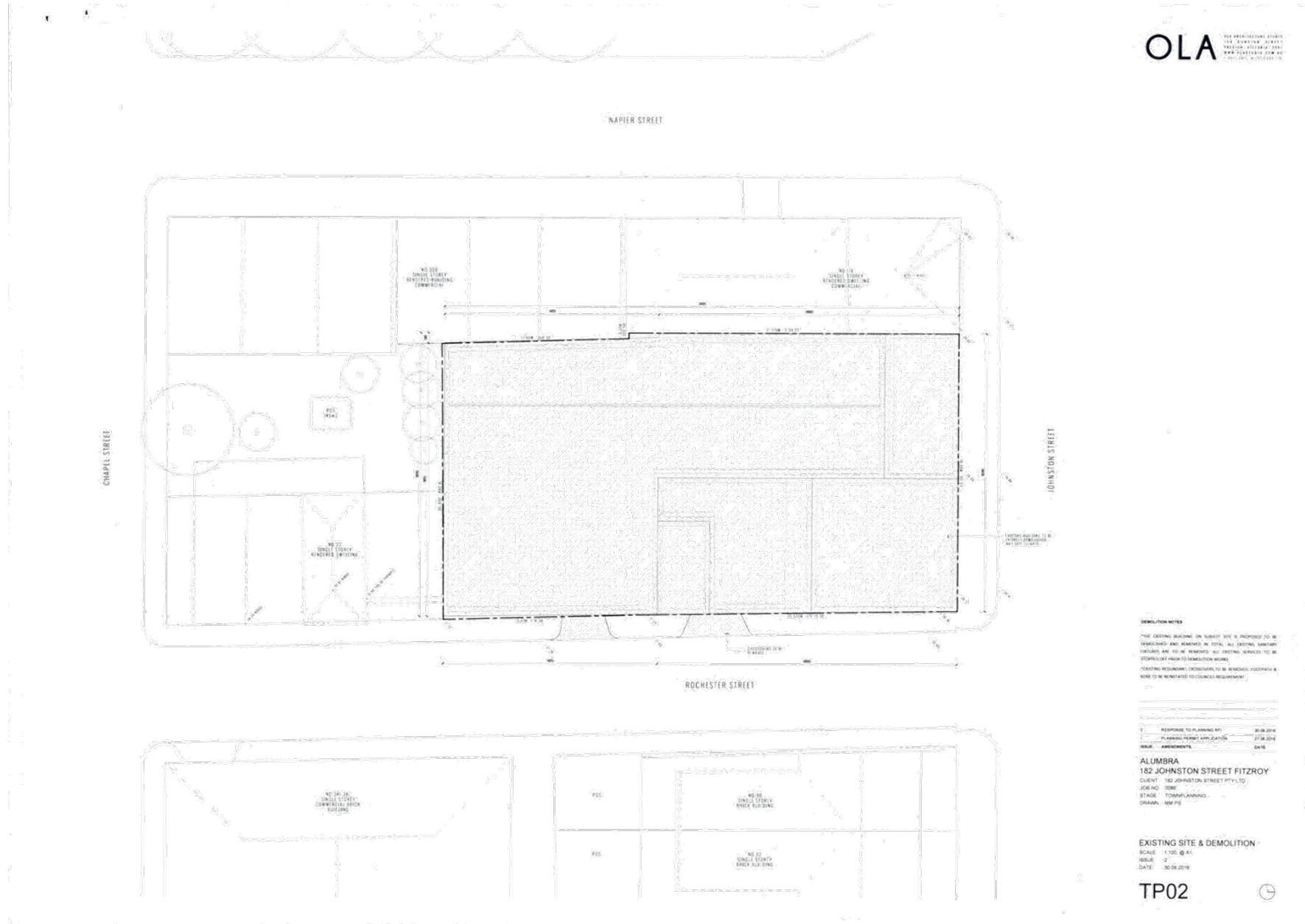
**TP00**

# Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans





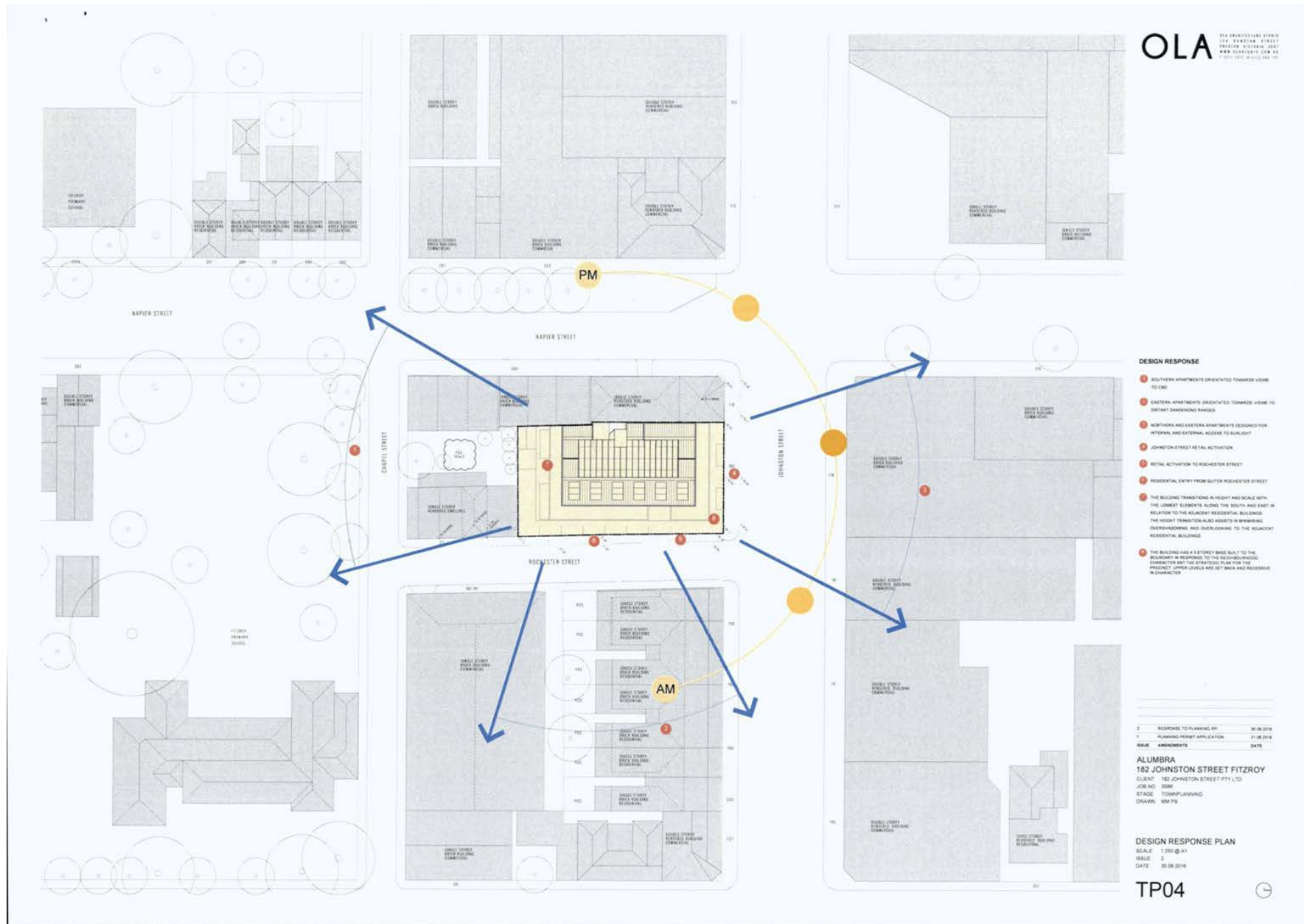
**Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans**



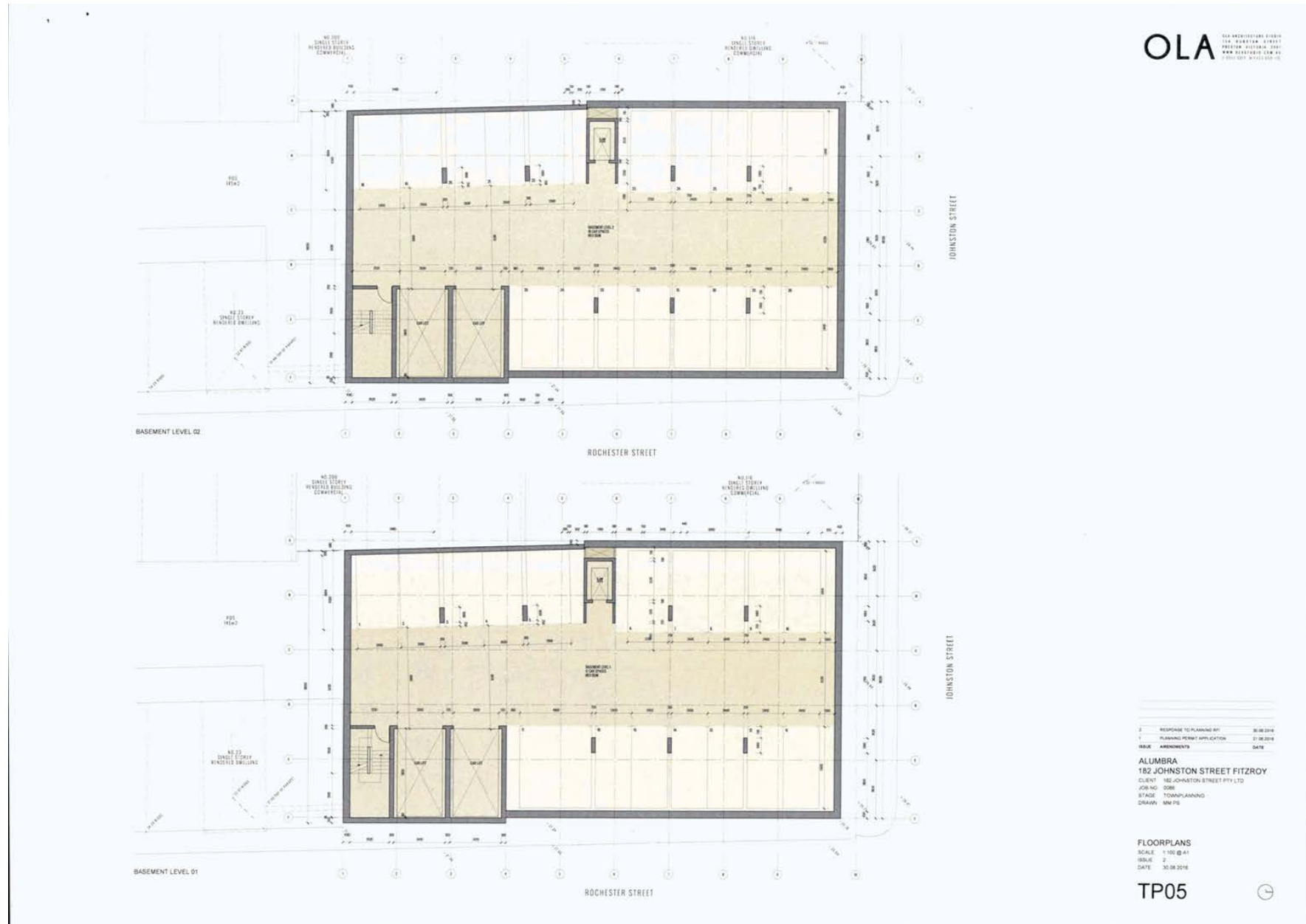
Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans



Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans



Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans





Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans

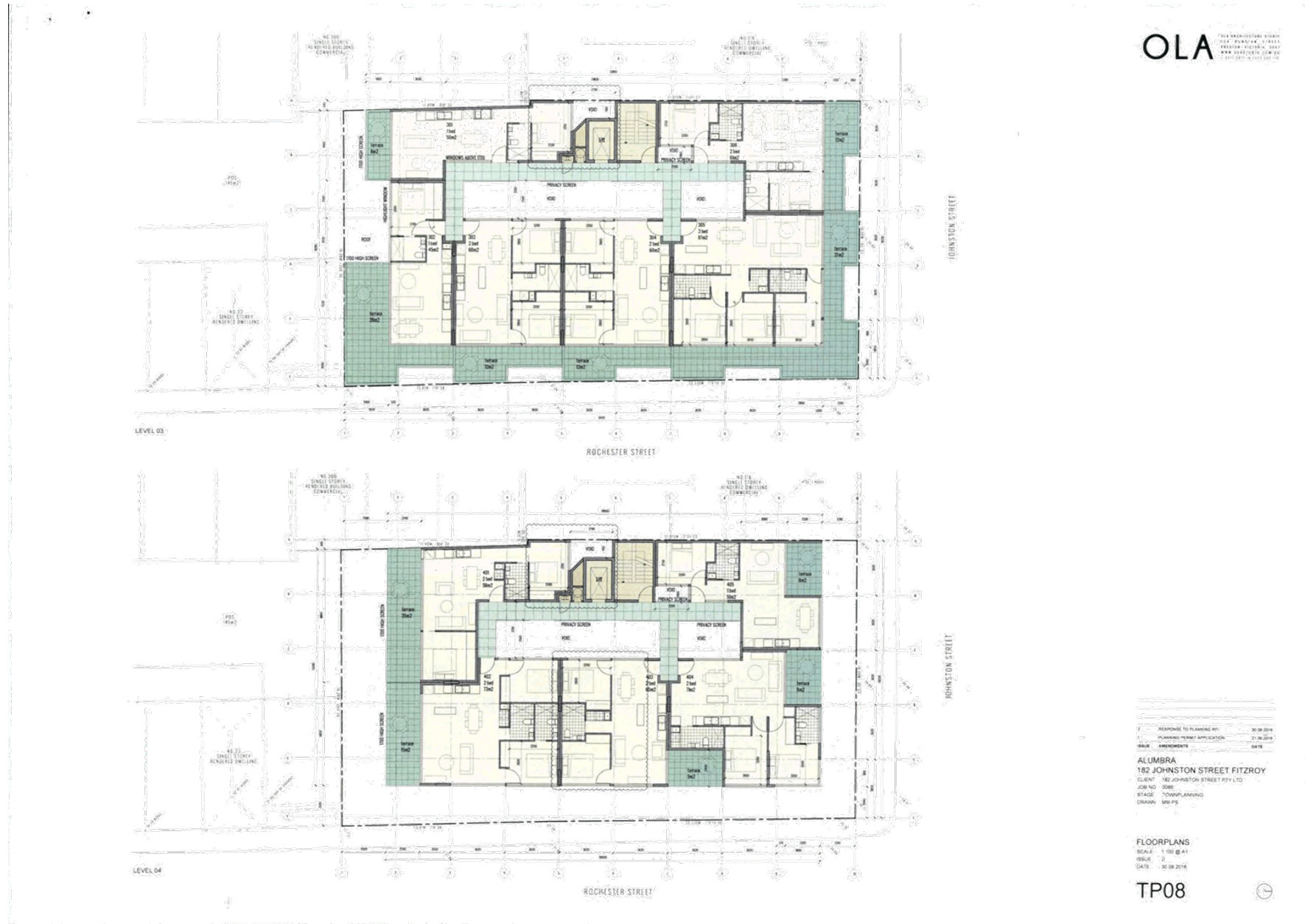


# Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans

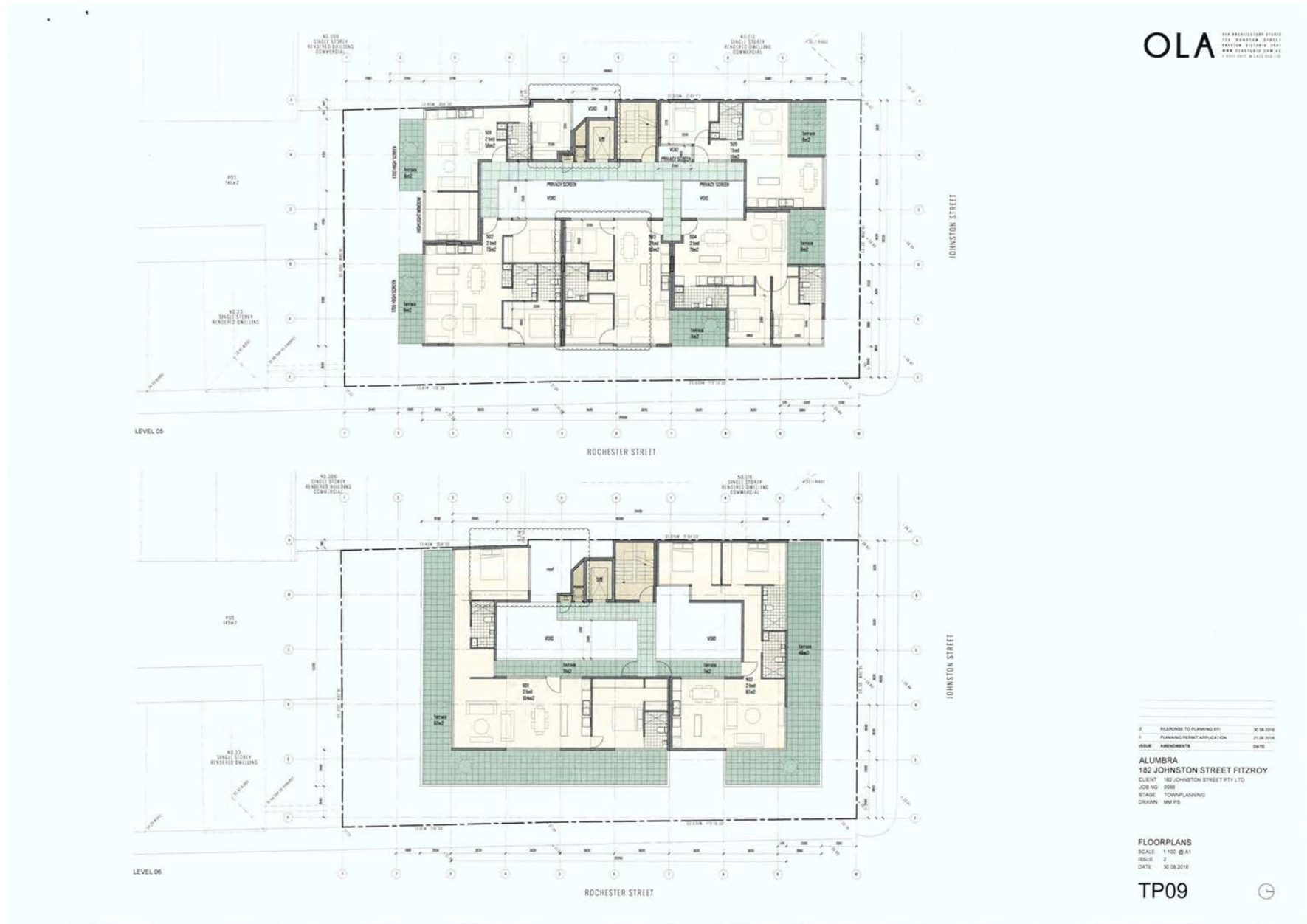




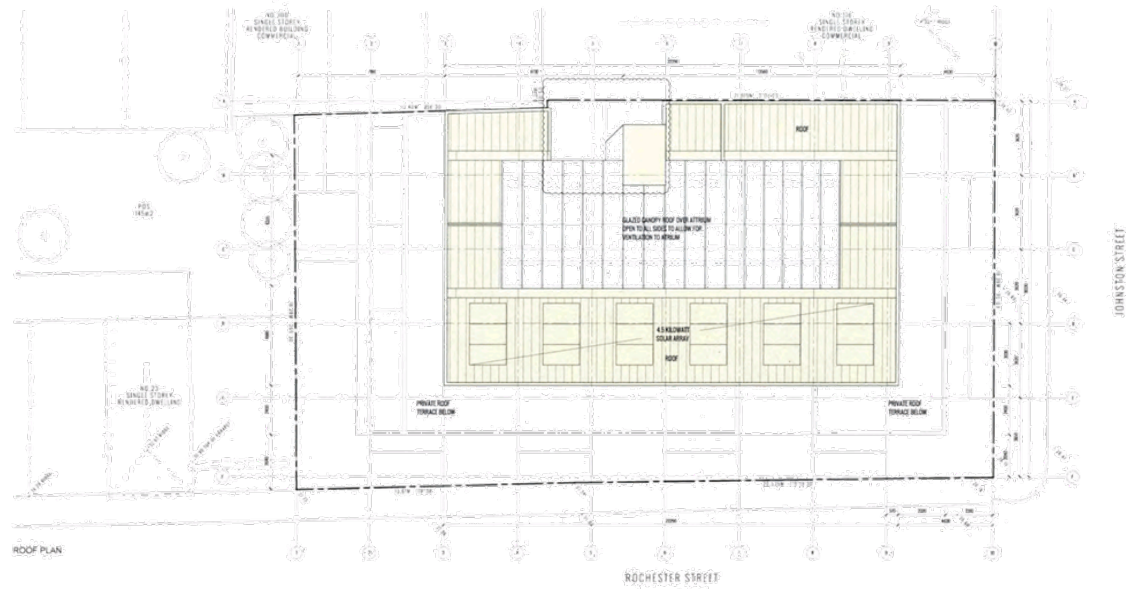
Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans



Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans



# Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans



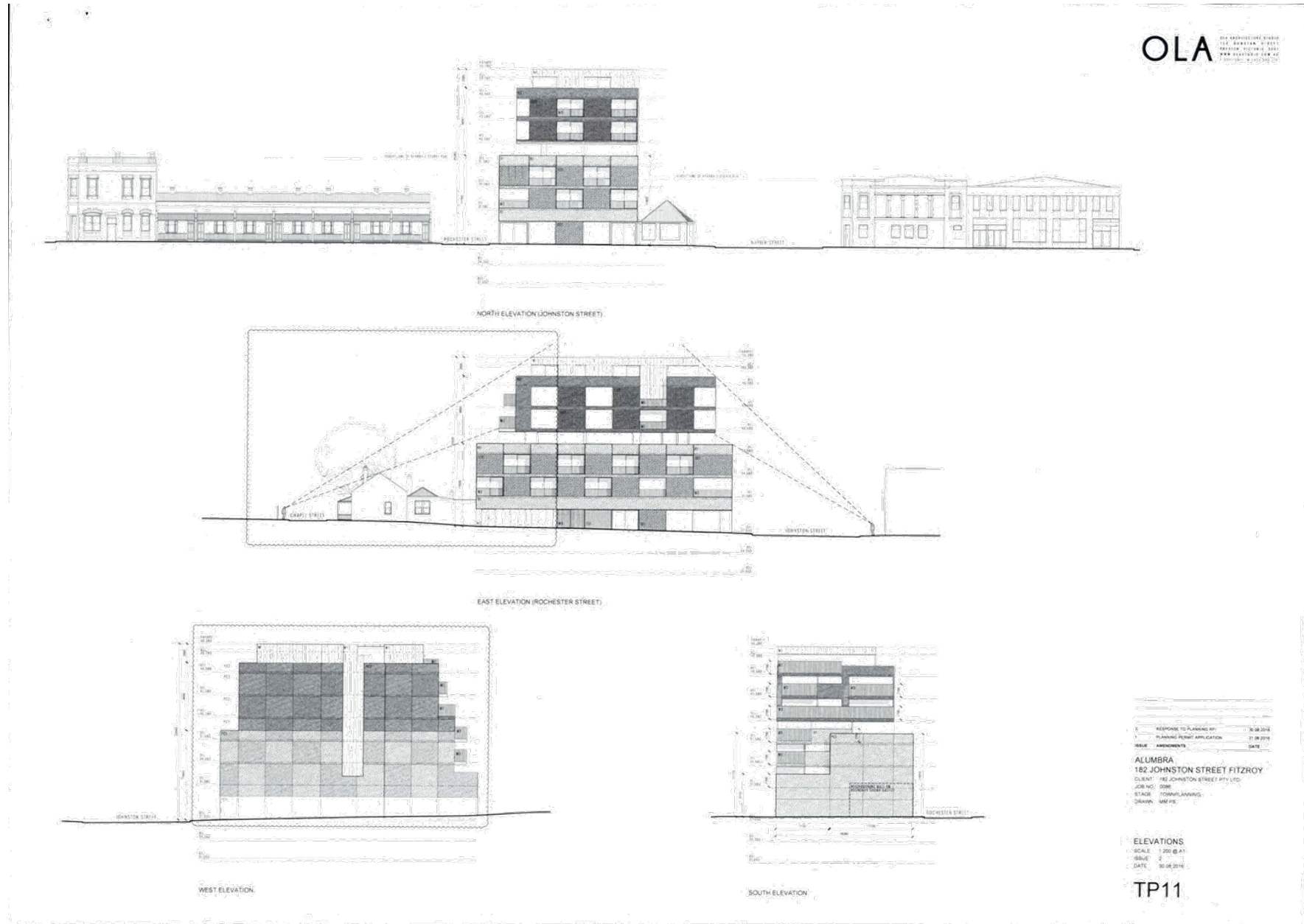
OLA  
OLYMPIAN LANDSCAPE ARCHITECTURE  
 10/10 HAMILTON STREET  
 JOH. ROBERTSON STREET  
 PRINCE ALBERT TAS  
 9888 HAMILTON STREET  
 © 2012-2017 OLA LANDSCAPE ARCHITECTURE

PROJECT/CLIENT	
RESPONSE TO PLANNING ACT	30.08.2016
PLANNING PERMIT APPLICATION	25.08.2016
ISSUE	AMENDMENTS
DATE	
<b>ALUMBRA</b>	
<b>182 JOHNSTON STREET FITZROY</b>	
CLIENT: 182 JOHNSTON STREET PTY LTD	
JOB NO: 0088	
STAGE: TOWNPLANNING	
DRAWN: MM PS	

FLOORPLANS  
 SCALE: 1:100 @ A1  
 ISSUE: 2  
 DATE: 30.08.2016

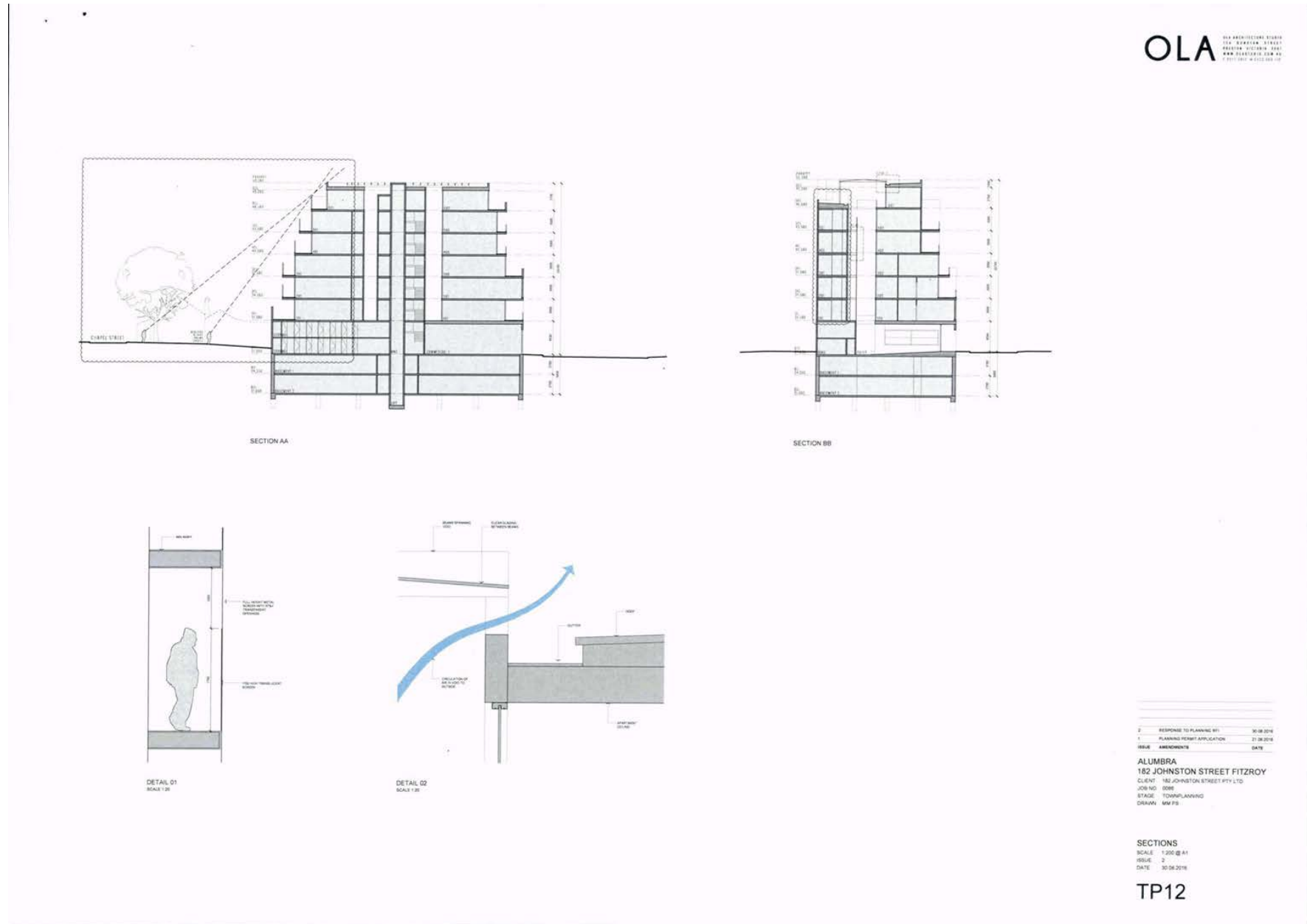
TP10

Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans

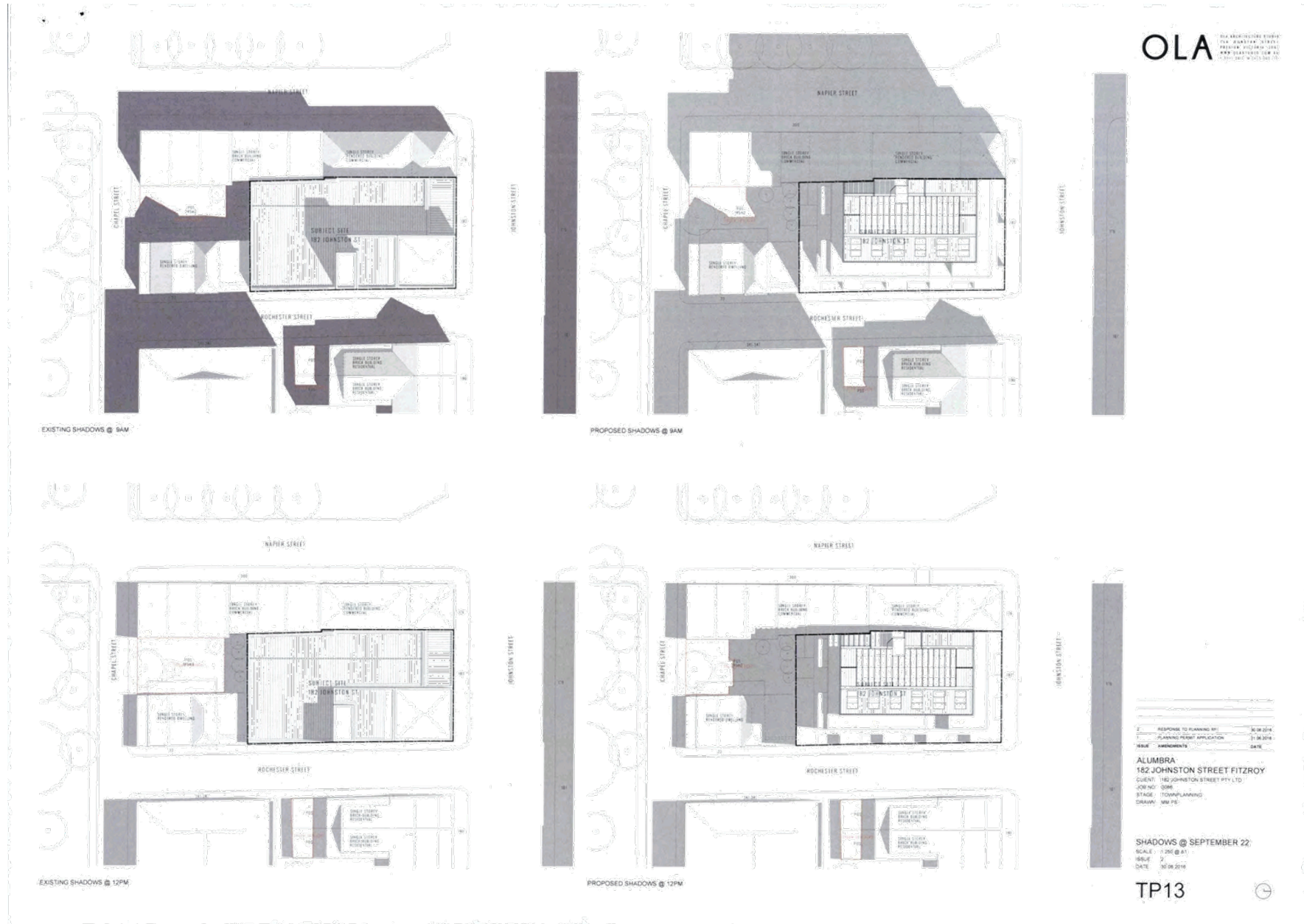




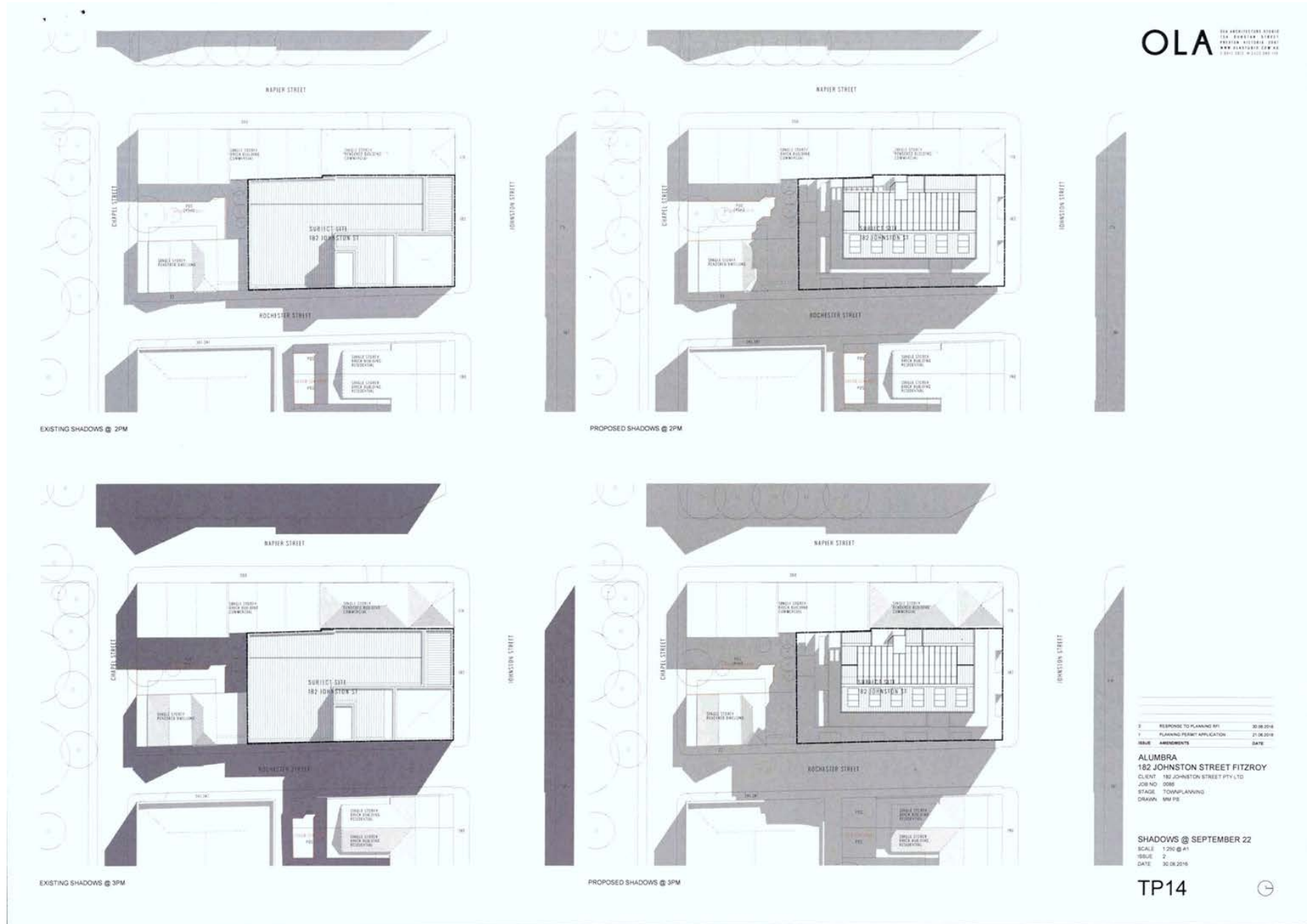
Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans



Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans

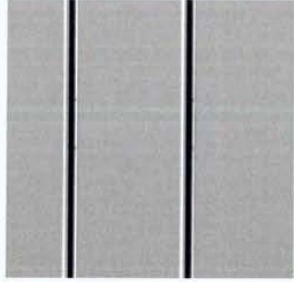


Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans




Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans

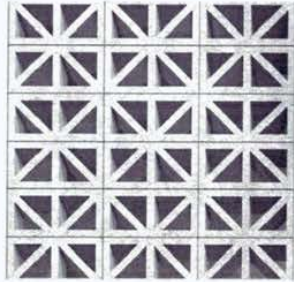
**FINISHES**




**M1**  
REFLECTIVE METAL VERTICAL STANDING SEAM  
CLADDING



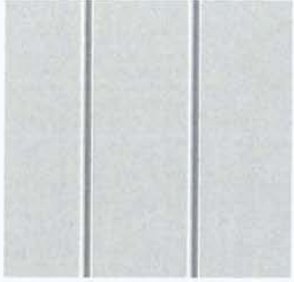
**R1**  
RENDER, NATURAL WHITE/CEMENT FINISH.




**SC1**  
CONCRETE BREEZE BLOCK SCREEN.  
NATURAL FINISH THAT MATCHES R1



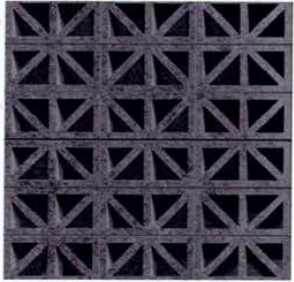
**PC1**  
PRECAST CONCRETE PANEL.  
FINISH TO MATCH R1




**M2**  
PLATE METAL, MATT WHITE FINISH



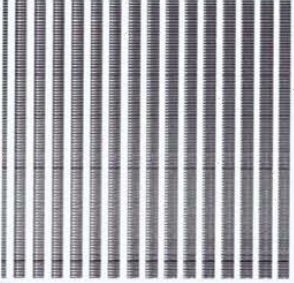
**R2**  
RENDER, NATURAL DARK/CHARCOAL FINISH.



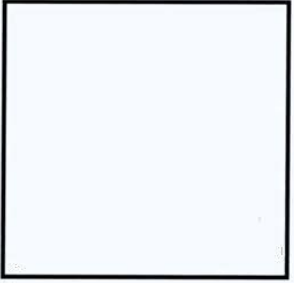
**SC2**  
CONCRETE BREEZE BLOCK SCREEN.  
NATURAL FINISH THAT MATCHES R2




**PC2**  
PRECAST CONCRETE PANEL.  
FINISH TO MATCH R2



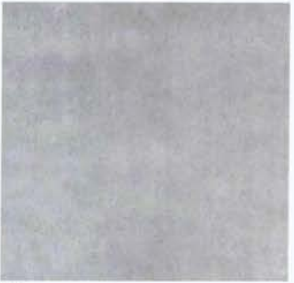
**M3**  
VERTICAL METAL SCREEN, WHITE FINISH LEVEL 0-3.  
BLACK FINISH LEVEL 4-5.



**GL**  
CLEAR GLAZING, ALUMINIUM FRAME, BLACK  
POWDERCOAT FINISH.



**ST1**  
FEATURE TIMBER ENTRY SCREEN.  
NATURAL FINISH



**PC3**  
PRECAST CONCRETE PANEL.  
NATURAL FINISH

**OLA**

OLA ARCHITECTURE STUDIO  
104 DUNSTON STREET  
PRESTON VICTORIA 3047  
WWW.OLASTUDIO.COM.AU  
P 0342 3412 W 0342 342 4102

**182 JOHNSTON ST FITZROY**  
PROPOSED MIXED USE DEVELOPMENT  
JOB NO. 0008  
CLIENT: 182 JOHNSTON STREET PEX LTD

**FINISHES**  
SCALE:  
DRAWN: MW/PS  
CHECKED: PS

TP  
STAGE: TOWNPLANNING  
DATE OF ISSUE: 19-04-2019  
ISSUE: 1

**15**



Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans



**OLA**

OLA ARCHITECTURE STUDIO  
124 - 126 STANTON STREET  
FITZROY, VICTORIA 3065  
WWW.OLASTUDIO.COM.AU  
P 0342 2012 M 0400 000 000

**182 JOHNSTON ST FITZROY**  
PROPOSED MIXED-USE DEVELOPMENT  
JOB NO. 0006  
CLIENT: 182 JOHNSTON STREET PTY LTD



**PERSPECTIVE VIEWS**  
SCALE:  
DRAWN: WW/PS  
CHECKED: PS

**16**  
1P  
STREET TOWNPLANNING  
DATE OF ISSUE: 18.04.2016  
ISSUE: 2

Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans



**OLA**

OLA ARCHITECTURE STUDIO  
154, BUNNARD STREET  
PRESTON, VICTORIA 3073  
WWW.OLASTUDIO.COM.AU  
P.0945 5913, M.9455 5913

**182 JOHNSTON ST FITZROY**  
PROPOSED MIXED USE DEVELOPMENT  
JOB NO: 0088  
CLIENT: 182 JOHNSTON STREET PEX LTD.



**PERSPECTIVE VIEWS**  
SCALE:  
DRAWN: WW/PS  
CHECKED: PS

**TP 17**  
SCALE: 1:200 (PLAN/SECTION)  
DATE OF ISSUE: 18.09.2016  
ISSUE: 3

**Attachment 2 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Advertised plans**



**OLA**

OLA ARCHITECTURAL STUDIO  
154 JOHNSTON STREET  
FITZROY, VICTORIA 3065  
WWW.OLASTUDIO.COM.AU  
(03) 9439 8833, 04 9439 8833

**182 JOHNSTON ST FITZROY**  
TROPICAL WILLOW DEVELOPMENT  
JOB NO: 0086  
CLIENT: 182 JOHNSTON STREET PM LTD



**PERSPECTIVE VIEWS**  
SCALE:  
DRAWN: NW/PS  
CHECKED: PS

STAGE: TOWNPLANNING  
DATE OF ISSUE: 18.08.2016  
ISSUE: 3

**18**

# Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans



## ALUMBRA 182 JOHNSTON STREET FITZROY

PLANNING PERMIT APPLICATION FOR PROPOSED MIX USE DEVELOPMENT  
 ISSUE: 3 - VCAT  
 DATE: 04.04.2017

TP02	EXISTING SITE & DEMOLITION
TP03	EXISTING ELEVATIONS
TP05	BASEMENT LEVEL 1 & 2
TP06	GROUND FLOOR & MEZZANINE
TP07	LEVEL 01 & 02
TP08	LEVEL 03 & 04
TP09	LEVEL 05 & LEVEL 06
TP10	ROOF PLAN
TP11	ELEVATIONS
TP12	SECTIONS
TP13	SHADOWS
TP14	SHADOWS
TP15	FINISHES
TP16	PERSPECTIVE VIEWS
TP17	PERSPECTIVE VIEWS
TP18	PERSPECTIVE VIEWS

**OLA**  
 182 JOHNSTON STREET  
 FITZROY VIC 3065  
 WWW.OLASTUDIO.COM.AU  
 03 9342 5010

### PROPOSED DEVELOPMENT SUMMARY 182 JOHNSTON ST FITZROY SITE AREA: 631m<sup>2</sup>

SELLABLE AREA				
UNITS	NSA	TYPE	BALC.	CAR
101	55	1B	22	1
102	80	2B	19	1
103	84	2B	8	1
104	71	2B	8	1
105	67	2B	8	1
106	50	1B	8	1
107	58	1B	8	1
LEVEL 1	457		81	7
201	51	1B	8	1
202	81	2B	8	1
203	83	2B	8	1
204	71	2B	8	1
205	66	2B	12	1
206	49	1B	9	1
207	58	1B	8	1
LEVEL 2	451		61	7
301	70	2B	8	1
302	79	2B	34	1
303	73	2B	8	1
304	72	2B	52	1
305	51	1B	30	1
LEVEL 3	345		132	5
401	95	3B	23	2
402	73	2B	8	1
403	72	2B	8	1
404	51	1B	8	1
LEVEL 4	291		47	5
501	95	3B	23	2
502	73	2B	8	1
503	72	2B	8	1
504	51	1B	8	1
LEVEL 5	291		47	5
601	143	3B	145	2
LEVEL 6	143		145	2
TOTAL 1978				
1513 31				
RESIDENTIAL				
UNIT TYPES				
	No.	%		
1 BED	9	22		
2 BED	16	57		
3 BED	3	11		
TOTAL	28			
COMMERCIAL NSA (m2)				
COMMERCIAL 1	101			
COMMERCIAL 2	140			
COMMERCIAL 3	71			
TOTAL	312		3	
MISC. NSA (m2)				
BASEMENT	1102			
CAR LIFT	147			
LIFT	67			
STAIR	110			
FOYER	65			
CIRCULATION	150			
COMMON	135			

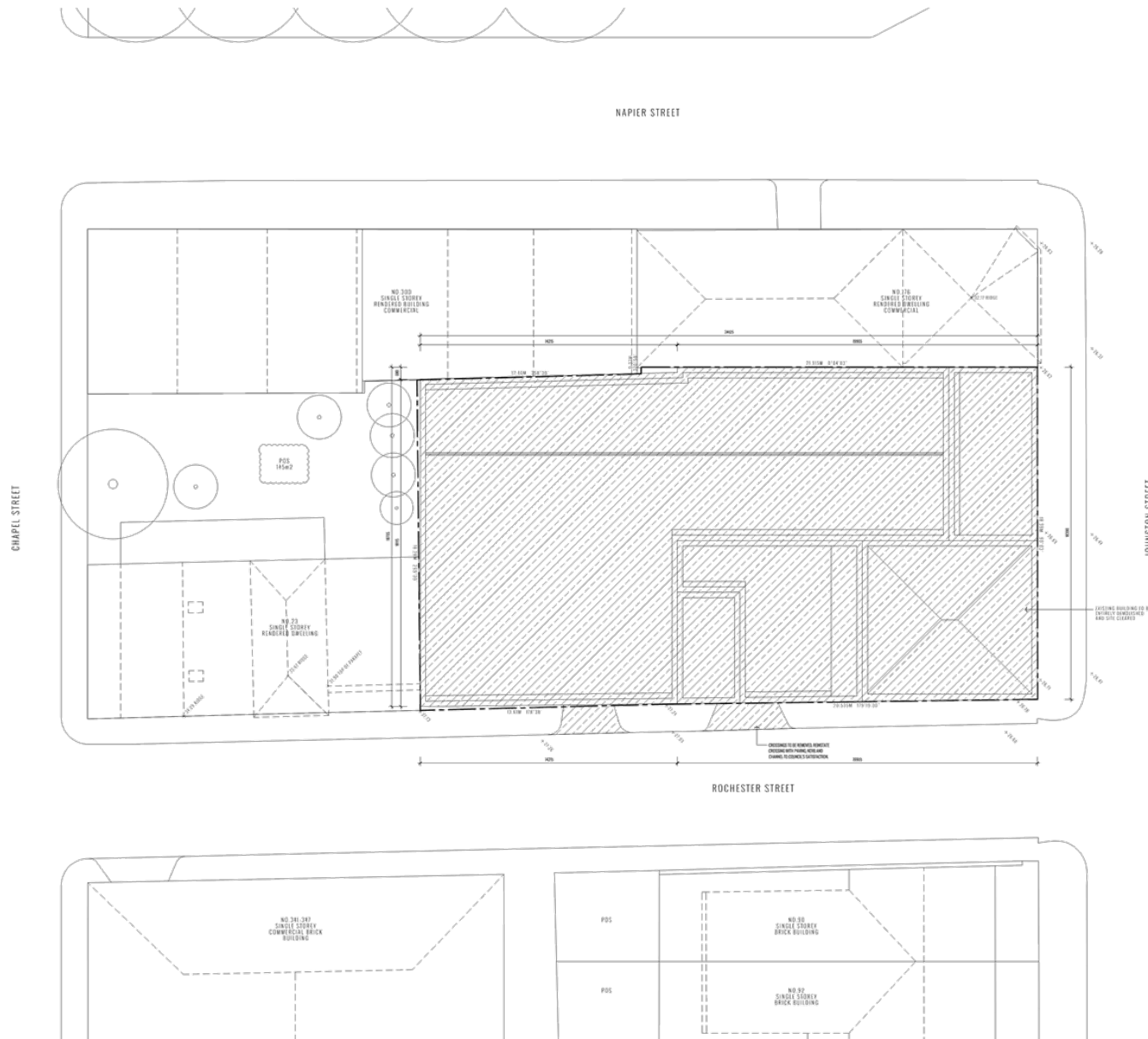
3	VCAT ISSUE	04/04/2017
2	RESPONSE TO PLANNING REF	30/03/2016
1	PLANNING PERMIT APPLICATION	21/03/2016
ISSUE	AMENDMENTS	DATE
<b>ALUMBRA</b>		
<b>182 JOHNSTON STREET FITZROY</b>		
CLIENT: 182 JOHNSTON STREET PTY LTD		
JOB NO: 0086		
STAGE: TOWNPLANNING		
DRAWN: MM/PS		

COVER PAGE  
 SCALE: NTS  
 ISSUE: VCAT  
 DATE: 04/04/2017

TP00



# Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans



**OLA**  
OLA ARCHITECTURE STUDIO  
182/184 ROCHESTER STREET  
FITZROY VIC 3065  
WWW.OLASTUDIO.COM.AU  
03 9442 5010

**DEMOLITION NOTES**  
\*THE EXISTING BUILDING ON SUBJECT SITE IS PROPOSED TO BE DEMOLISHED AND REMOVED IN TOTAL. ALL EXISTING SANITARY FIXTURES ARE TO BE REMOVED. ALL EXISTING SERVICES TO BE STOPPED PRIOR TO DEMOLITION WORKS.  
\*EXISTING REDUNDANT CROSSOVERS TO BE REMOVED. FOOTPATH & KERB TO BE REGENERATED TO COUNCIL'S REQUIREMENT.

ISSUE	AMENDMENTS	DATE
3	VCAT ISSUE	04/04/2017
2	RESPONSE TO PLANNING REF	30/03/2016
1	PLANNING PERMIT APPLICATION	21/03/2016

**ALUMBRA**  
182 JOHNSTON STREET FITZROY  
CLIENT 182 JOHNSTON STREET PTY LTD  
JOB NO 0086  
STAGE TOWNPLANNING  
DRAWN MM/PS

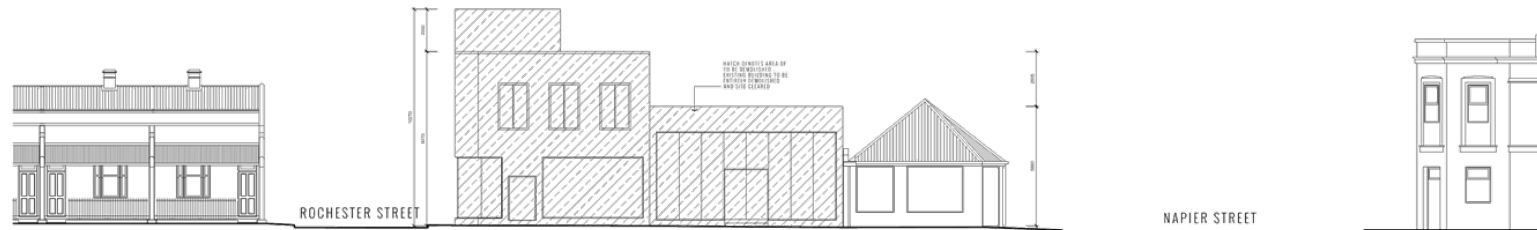
**EXISTING SITE & DEMOLITION**  
SCALE 1:100 @ A1  
ISSUE VCAT  
DATE 04/04/2017

**TP02**



# Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans

**OLA** OLA ARCHITECTURAL STUDIO  
182/184 ROCHESTER STREET  
FITZROY VIC 3065  
WWW.OLASTUDIO.COM.AU  
03 9442 5010



EXISTING NORTH ELEVATION (JOHNSTON STREET)



EXISTING EAST ELEVATION (ROCHESTER STREET)

## DEMOLITION NOTES

\*THE EXISTING BUILDING ON SUBJECT SITE IS PROPOSED TO BE DEMOLISHED AND REMOVED IN TOTAL. ALL EXISTING SANITARY FITTINGS ARE TO BE REMOVED. ALL EXISTING SERVICES TO BE STOPPED PRIOR TO DEMOLITION WORKS.  
\*EXISTING REDUNDANT CROSSOVERS TO BE REMOVED. FOOTPATH & KERB TO BE REGENERATED TO COUNCIL'S REQUIREMENT.

3	VCAT ISSUE	04/04/2017
2	RESPONSE TO PLANNING REF	30/08/2016
1	PLANNING PERMIT APPLICATION	21/08/2016

ISSUE	AMENDMENTS	DATE
ALUMBRA		
182 JOHNSTON STREET FITZROY		
CLIENT	182 JOHNSTON STREET PTY LTD	
JOB NO	0086	
STAGE	TOWNPLANNING	
DRAWN	MM/PS	

## EXISTING ELEVATIONS

SCALE 1:100 @ A1  
ISSUE VCAT  
DATE 04/04/2017

**TP03**



# Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans

**OLA** OLA ARCHITECTURE STUDIO  
182/184 ROCHESTER STREET  
FITZROY VIC 3065  
WWW.OLAARCHITECTURE.COM.AU  
03 9442 5010



3	VCAT ISSUE	16/04/2017
2	RESPONSE TO PLANNING REF	30/08/2016
1	PLANNING PERMIT APPLICATION	21/06/2016
ISSUE	AMENDMENTS	DATE

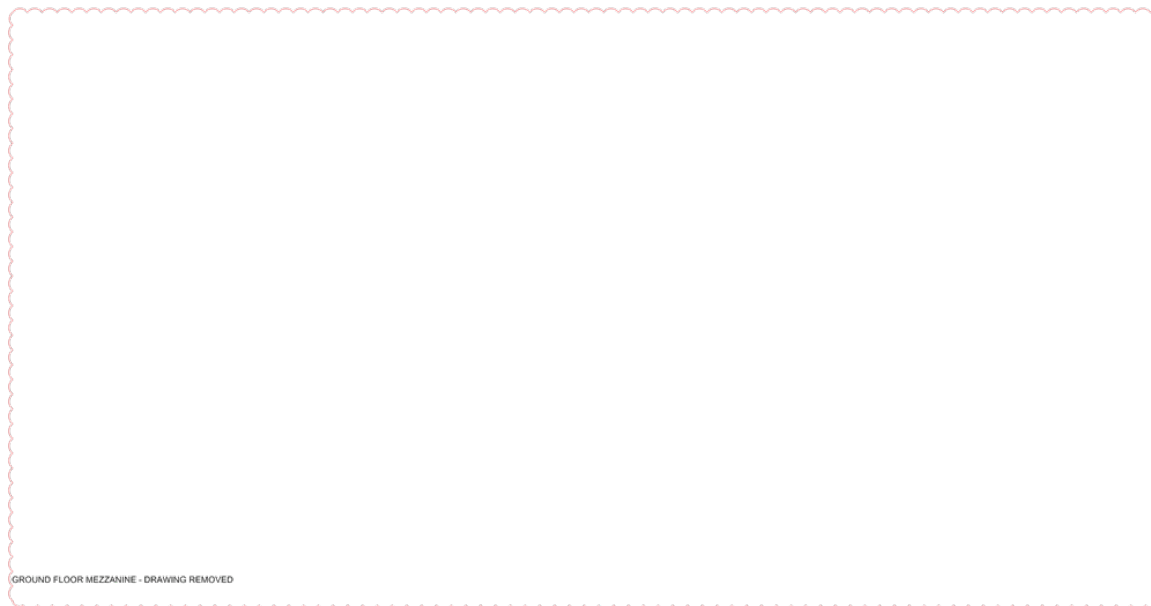
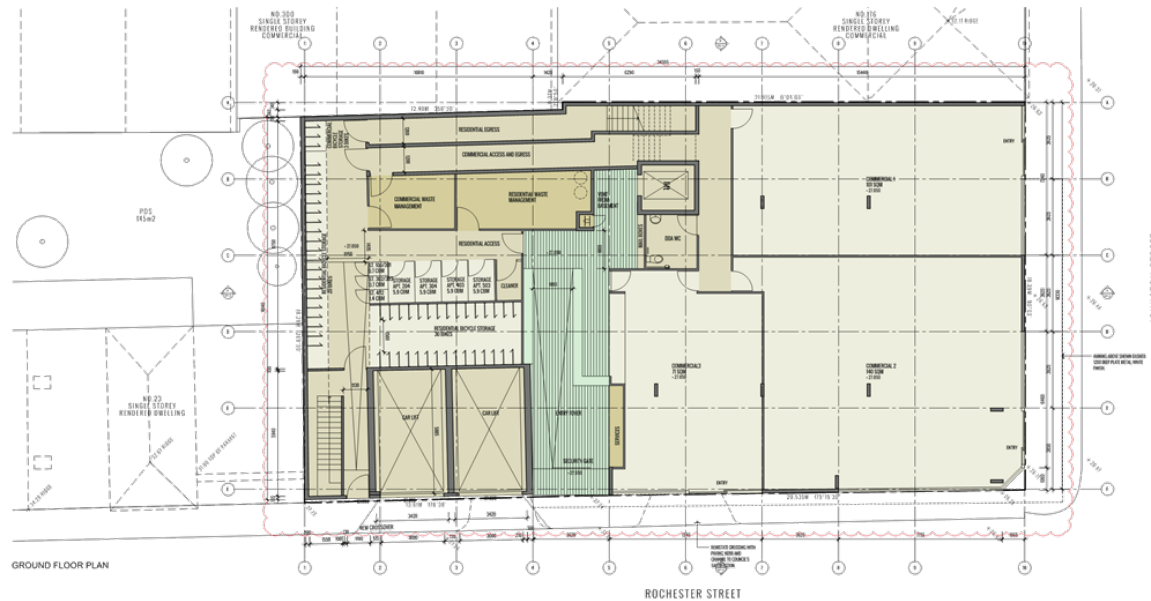
**ALUMBRA**  
182 JOHNSTON STREET FITZROY  
CLIENT 182 JOHNSTON STREET PTY LTD  
JOB NO 0086  
STAGE TOWNPLANNING  
DRAWN MM/PS

FLOORPLANS  
SCALE 1:100 @ A1  
ISSUE VCAT  
DATE 04/04/2017

TP05



# Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans



**OLA** OLD ARCHITECTURE STUDIO  
182/184 ROCHESTER STREET  
FITZROY VIC 3065  
WWW.OLDARCHITECTURE.COM.AU  
03 9442 5010

ISSUE	AMENDMENTS	DATE
3	VCAT ISSUE	04/04/2017
2	RESPONSE TO PLANNING REF	30/08/2016
1	PLANNING PERMIT APPLICATION	21/06/2016

**ALUMBRA**  
182 JOHNSTON STREET FITZROY  
CLIENT 182 JOHNSTON STREET PTY LTD  
JOB NO 0086  
STAGE TOWNPLANNING  
DRAWN MM/PS

**FLOORPLANS**  
SCALE 1:100 @ A1  
ISSUE VCAT  
DATE 04/04/2017

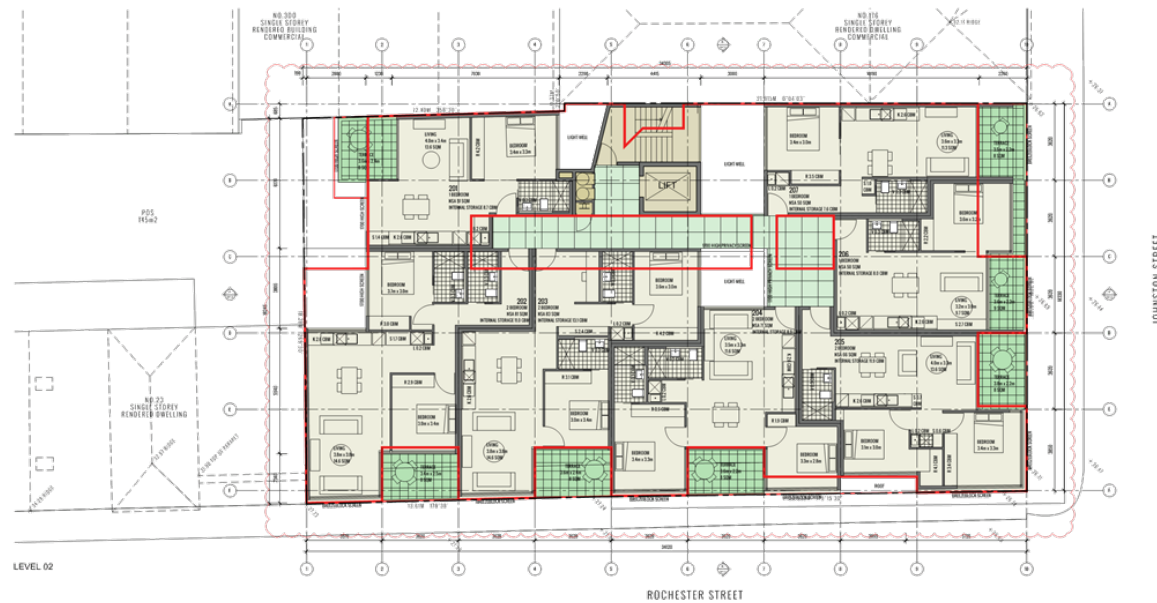
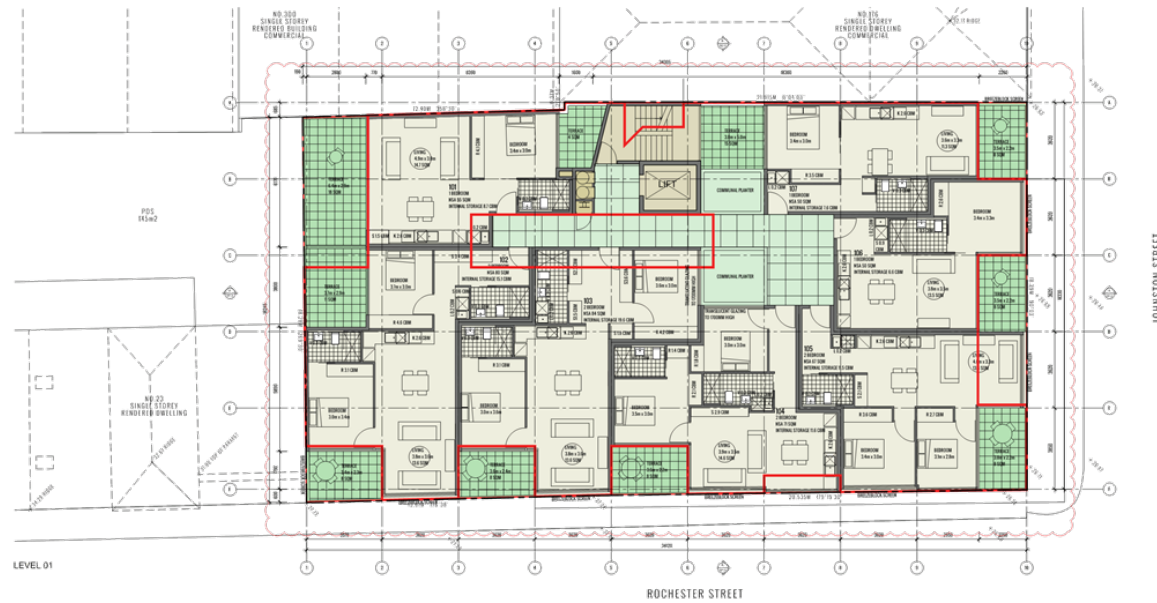
**TP06**





# Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans

**OLA** OLA ARCHITECTURE STUDIO  
182/184 KENYON STREET  
FITZROY VIC 3065  
WWW.OLASTUDIO.COM.AU  
03 9442 5010



ISSUE	AMENDMENTS	DATE
3	VCAT ISSUE	04/04/2017
2	RESPONSE TO PLANNING REF	30/03/2016
1	PLANNING PERMIT APPLICATION	21/03/2016

**ALUMBRA**  
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CLIENT 182 JOHNSTON STREET PTY LTD  
JOB NO 0088  
STAGE TOWNPLANNING  
DRAWN MM/PS

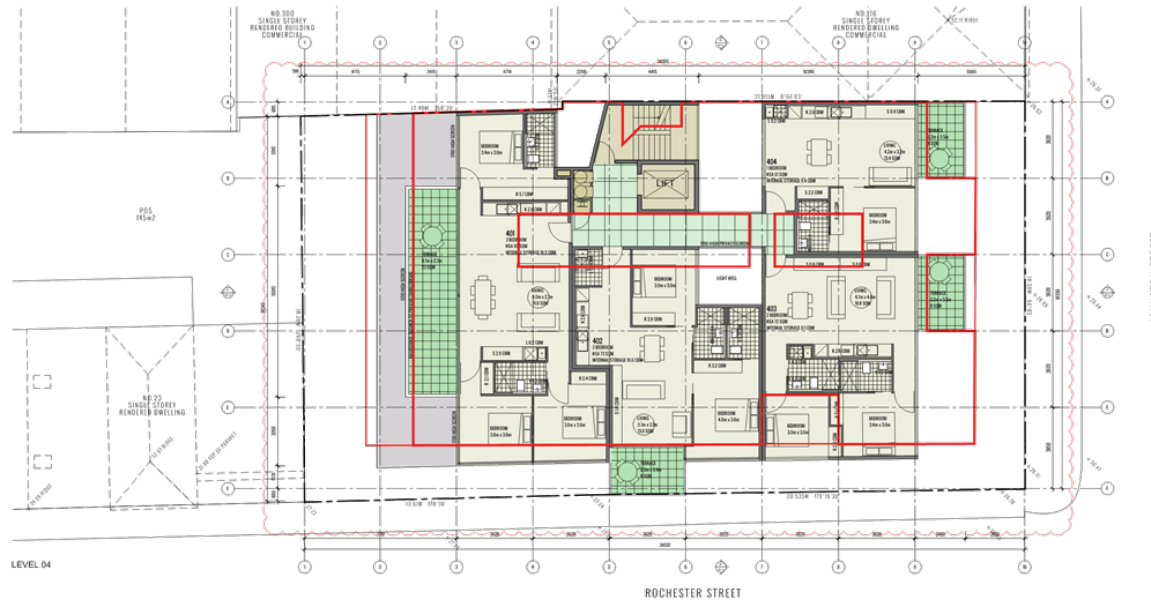
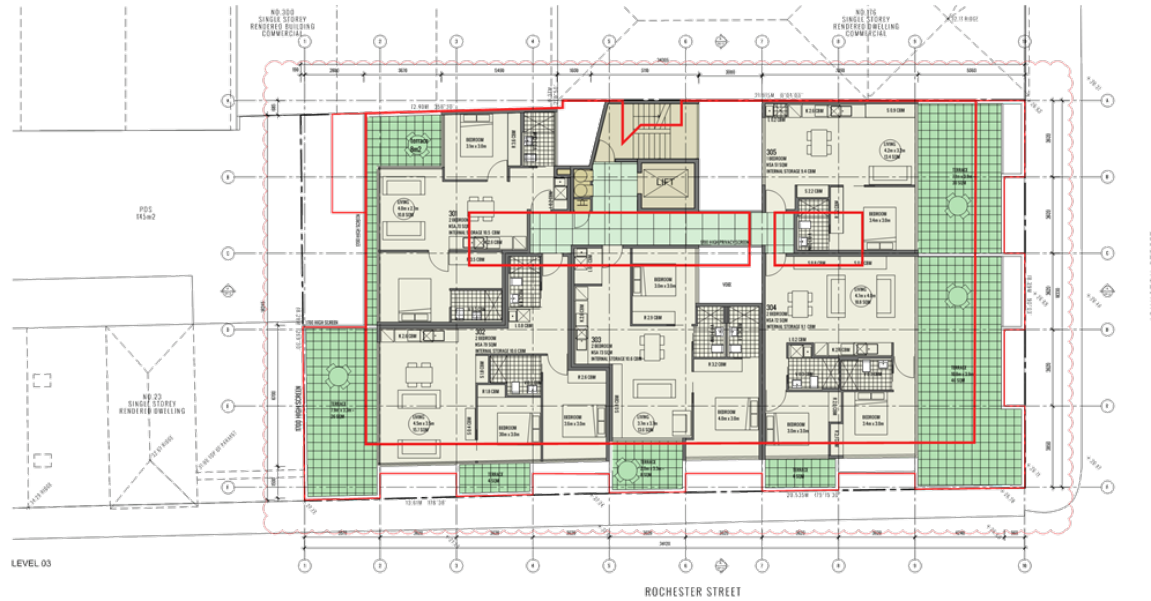
FLOORPLANS  
SCALE 1:100 @ A1  
ISSUE VCAT  
DATE 04/04/2017

**TP07**



# Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans

**OLA** OLA ARCHITECTURE STUDIO  
182/184 ROCHSTER STREET  
FITZROY VIC 3065  
WWW.OLAARCHITECTURE.COM.AU  
03 9442 5010



3	VCAT ISSUE	16/04/2017
2	RESPONSE TO PLANNING REF	30/08/2016
1	PLANNING PERMIT APPLICATION	21/06/2016
ISSUE	AMENDMENTS	DATE

**ALUMBRA**  
182 JOHNSTON STREET FITZROY  
CLIENT 182 JOHNSTON STREET PTY LTD  
JOB NO 0086  
STAGE TOWNPLANNING  
DRAWN MM/PS

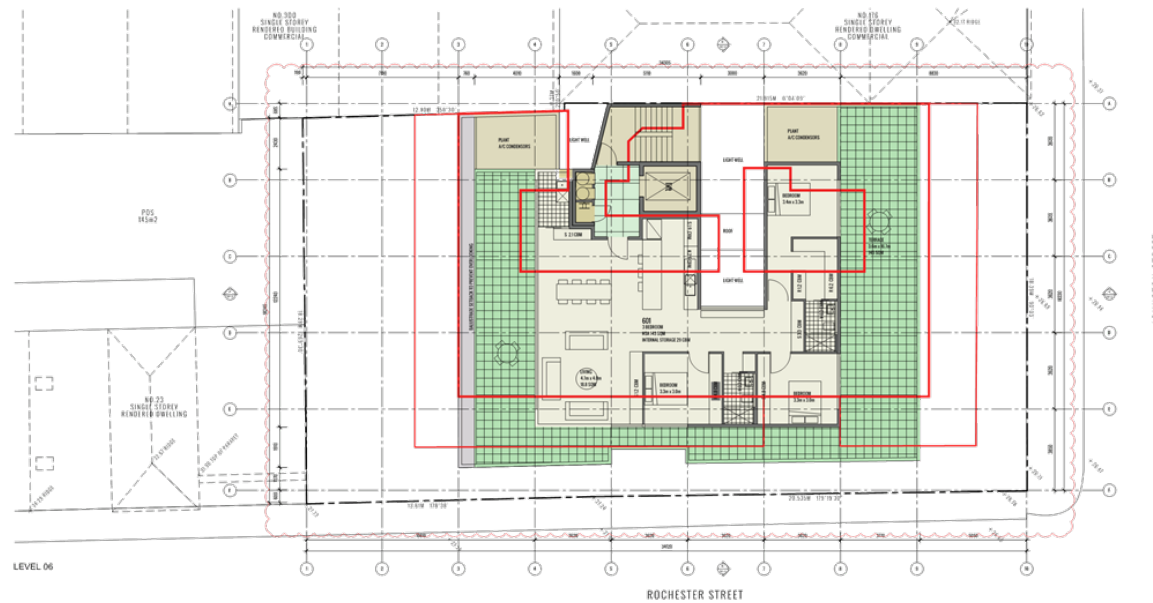
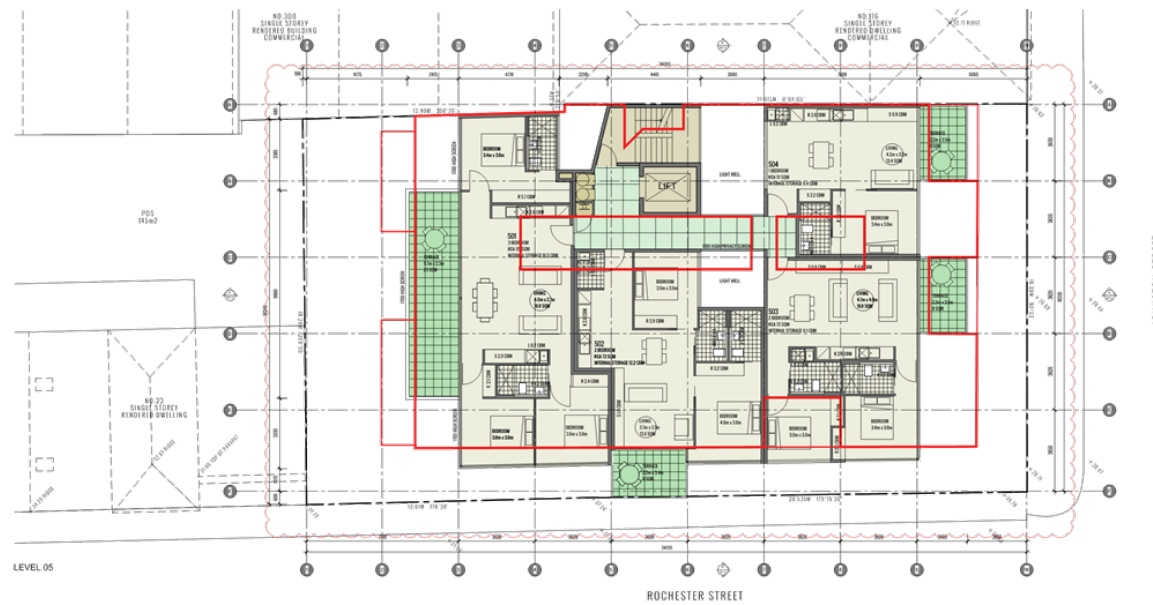
**FLOORPLANS**  
SCALE 1:100 @ A1  
ISSUE VCAT  
DATE 04/04/2017

**TP08**



# Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans

**OLA** OLA ARCHITECTURE STUDIO  
182/184 ROCHSTER STREET  
FITZROY VIC 3065  
WWW.OLASTUDIO.COM.AU  
03 9442 5010



3	VCAT ISSUE	04/04/2017
2	RESPONSE TO PLANNING REF	30/08/2016
1	PLANNING PERMIT APPLICATION	21/06/2016
ISSUE	AMENDMENTS	DATE

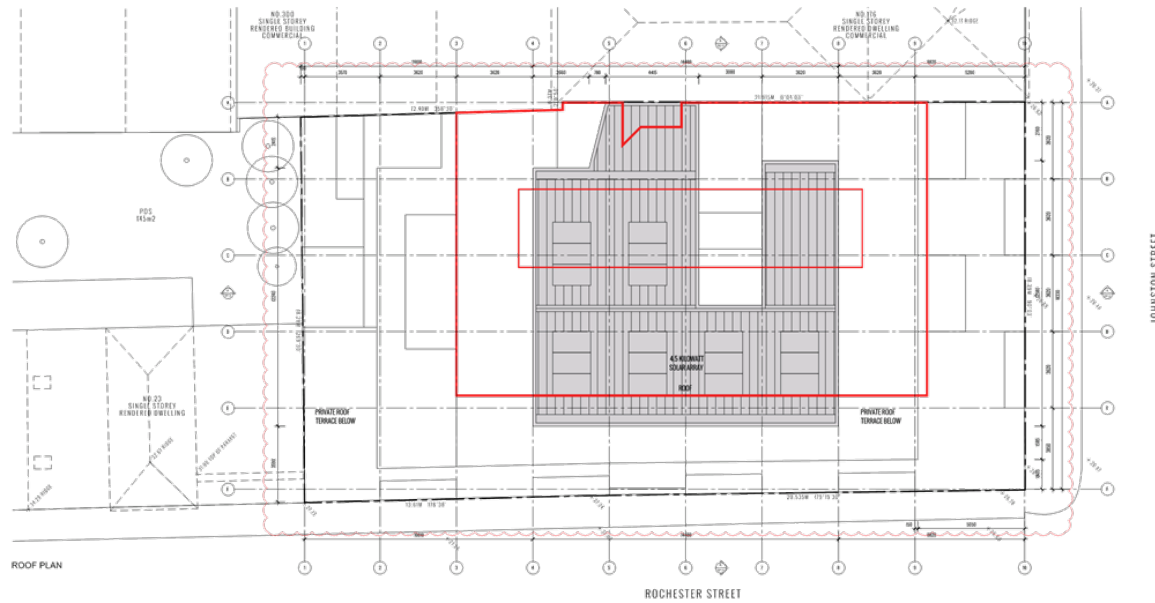
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182 JOHNSTON STREET FITZROY  
CLIENT 182 JOHNSTON STREET PTY LTD  
JOB NO 0086  
STAGE TOWNPLANNING  
DRAWN MM/PS

**FLOORPLANS**  
SCALE 1:100 @ A1  
ISSUE VCAT  
DATE 04/04/2017

**TP09**



# Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans



**OLA** OLA ARCHITECTURE STUDIO  
182/184 ROCHESTER STREET  
FITZROY VIC 3065  
WWW.OLASTUDIO.COM.AU  
03 9542 5010

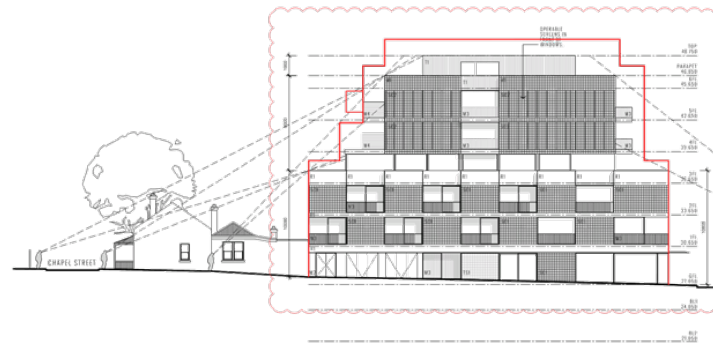
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# Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans

**OLA**  
OLA ARCHITECTURE STUDIO  
182/184 ROCHSTER STREET  
FITZROY VIC 3065  
WWW.OLASTUDIO.COM.AU  
03 9442 5010



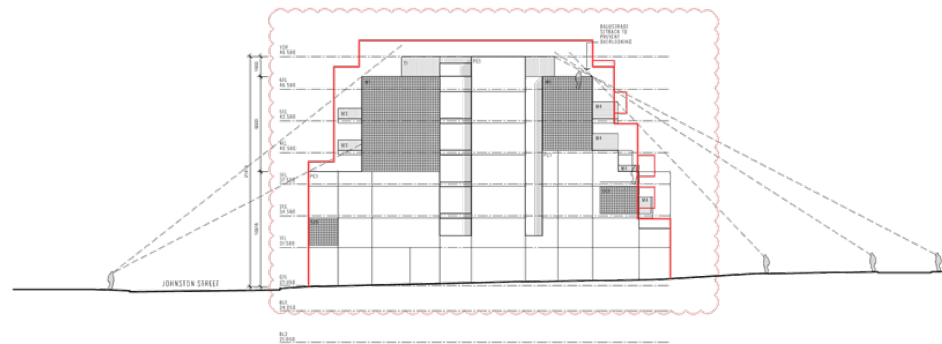
JOHNSTON STREETSCAPE ELEVATION



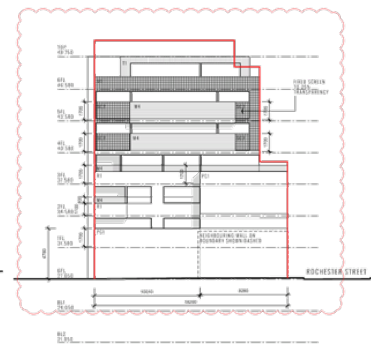
EAST ELEVATION (ROCHESTER STREET)



NORTH ELEVATION (JOHNSTON STREET)



WEST ELEVATION



SOUTH ELEVATION

ISSUE	AMENDMENTS	DATE
3	VCAT ISSUE	16/04/2017
2	RESPONSE TO PLANNING REF	30/08/2016
1	PLANNING PERMIT APPLICATION	21/03/2016

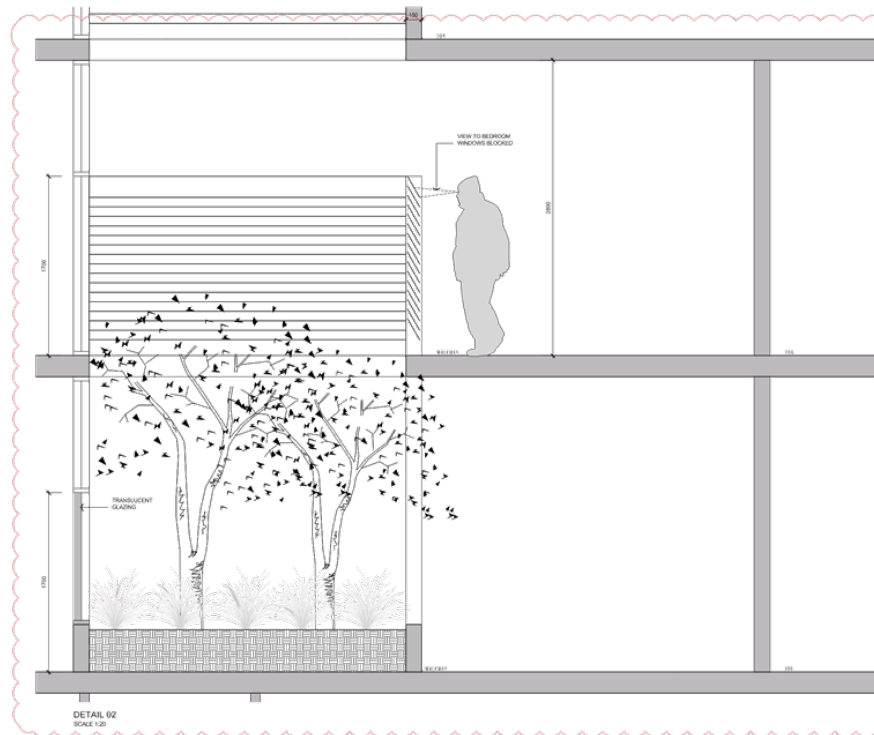
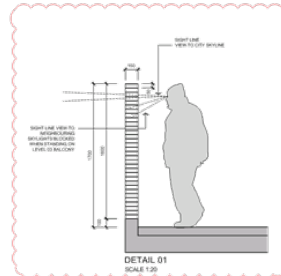
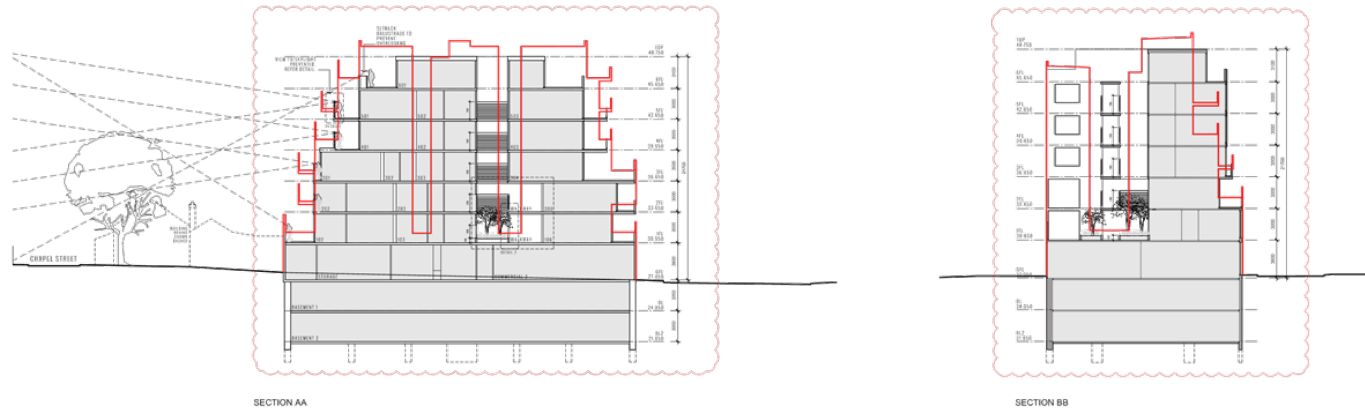
**ALUMBRA**  
182 JOHNSTON STREET FITZROY  
CLIENT 182 JOHNSTON STREET PTY LTD  
JOB NO 0088  
STAGE TOWNPLANNING  
DRAWN MM/PS

**ELEVATIONS**  
SCALE 1:200 @ A1  
ISSUE VCAT  
DATE 04/04/2017

**TP11**

# Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans

**OLA** OLA ARCHITECTURE STUDIO  
182/184 JOHNSTON STREET  
FITZROY VIC 3065  
WWW.OLASTUDIO.COM.AU  
03 9442 8810



ISSUE	AMENDMENTS	DATE
3	VCAT ISSUE	04/04/2017
2	RESPONSE TO PLANNING REF	30/08/2016
1	PLANNING PERMIT APPLICATION	21/06/2016

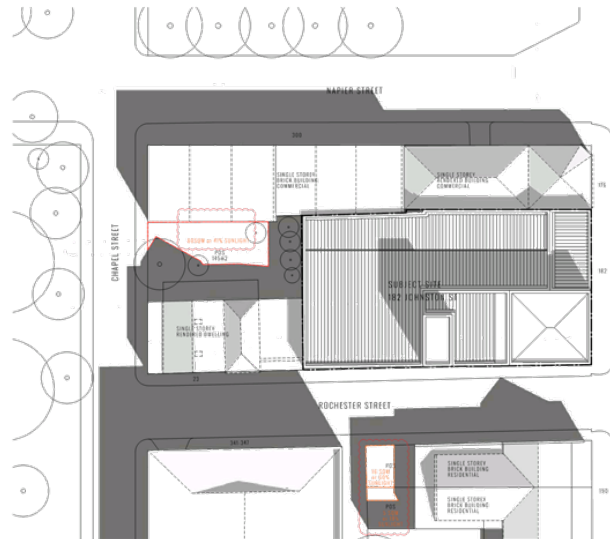
**ALUMBRA**  
182 JOHNSTON STREET FITZROY  
CLIENT 182 JOHNSTON STREET PTY LTD  
JOB NO 0086  
STAGE TOWNPLANNING  
DRAWN MM/PS

SECTIONS  
SCALE 1:200 @ A1  
ISSUE VCAT  
DATE 04/04/2017

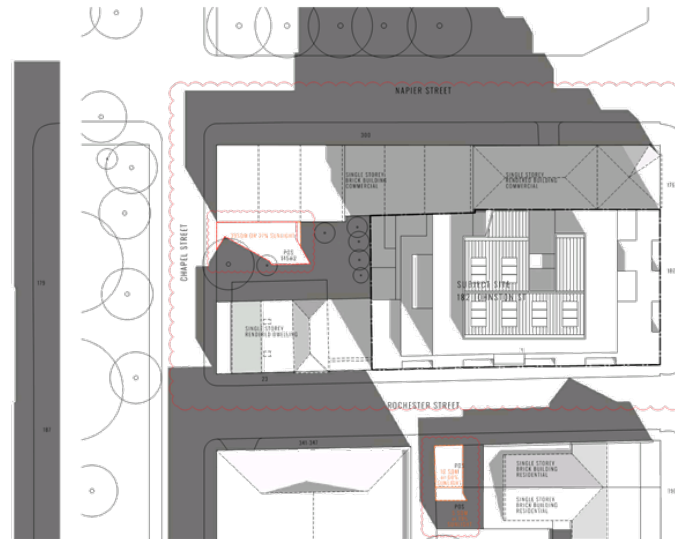
TP12



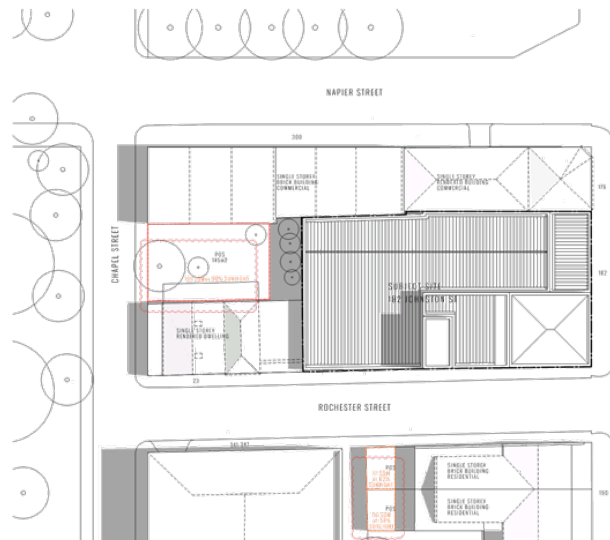
# Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans



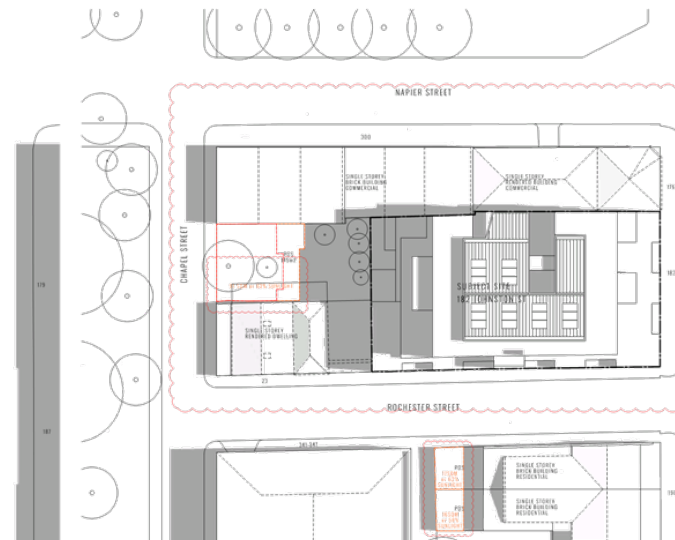
EXISTING SHADOWS @ 9AM



PROPOSED SHADOWS @ 9AM



EXISTING SHADOWS @ 12PM



PROPOSED SHADOWS @ 12PM

**OLA**

OLA ARCHITECTURE STUDIO  
182/184 ROCHESTER STREET  
FITZROY VIC 3065  
WWW.OLASTUDIO.COM.AU  
03 9442 5010

ISSUE	AMENDMENTS	DATE
3	VCAT ISSUE	04/04/2017
2	RESPONSE TO PLANNING REF	30/08/2016
1	PLANNING PERMIT APPLICATION	21/06/2016

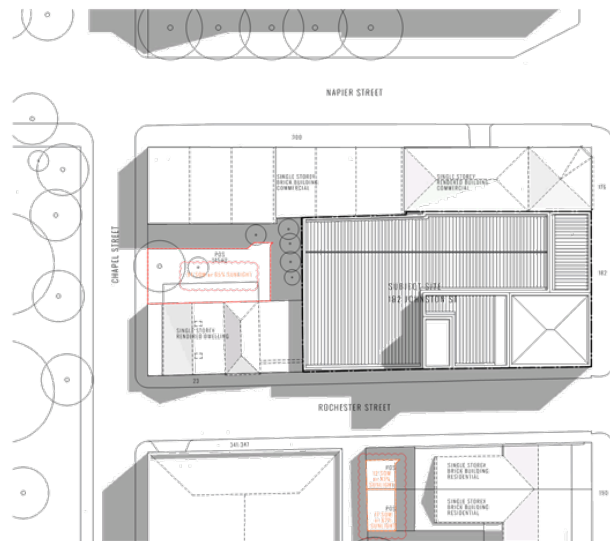
**ALUMBRA**  
182 JOHNSTON STREET FITZROY  
CLIENT 182 JOHNSTON STREET PTY LTD  
JOB NO 0086  
STAGE TOWNPLANNING  
DRAWN MM/PS

**SHADOWS @ SEPTEMBER 22**  
SCALE 1:250 @ A1  
ISSUE VCAT  
DATE 04/04/2017

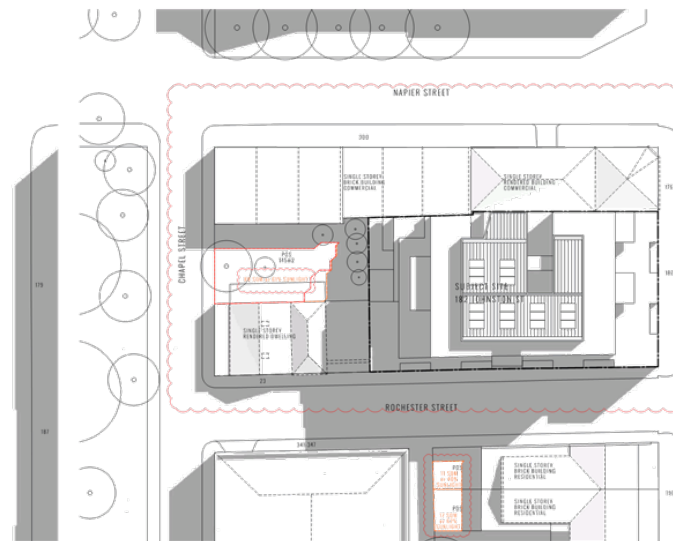
**TP13**



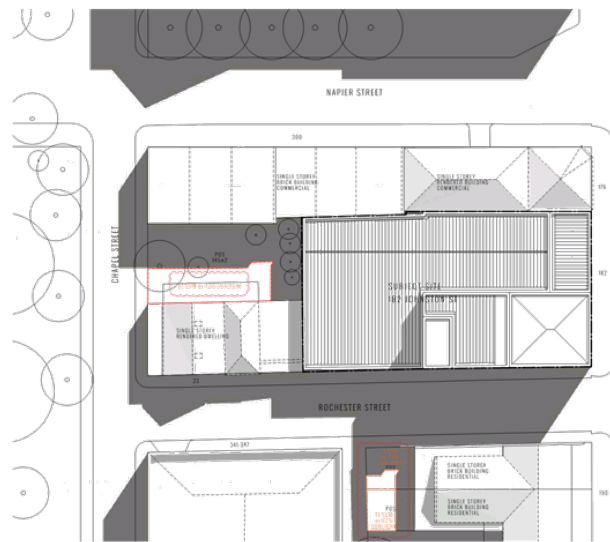
**Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans**



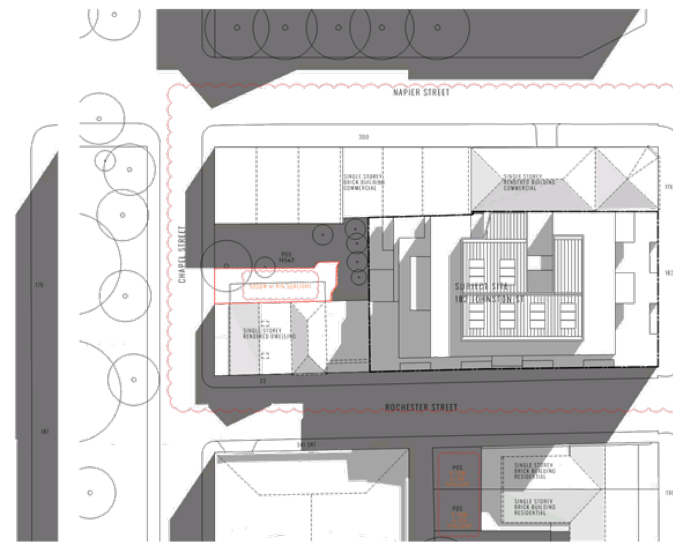
EXISTING SHADOWS @ 2PM



PROPOSED SHADOWS @ 2PM



EXISTING SHADOWS @ 3PM



PROPOSED SHADOWS @ 3PM

**OLA** OLD ARCHITECTURE STUDIO  
102/204 MOORE STREET  
COLLINGWOOD VIC 3066  
WWW.OLASTUDIO.COM.AU  
03 9942 0610

3	VCAT ISSUE	04.04.2011
2	RESPONSE TO PLANNING RFI	30.08.2010
1	PLANNING PERMIT APPLICATION	21.06.2010
<b>ISSUE</b>	<b>AMENDMENTS</b>	<b>DATE</b>

**ALUMBRA**  
182 JOHNSTON STREET FITZROY  
CLIENT 182 JOHNSTON STREET PTY LTD  
JOB NO 0066  
STAGE TOWNPLANNING  
DRAWN MM/PS

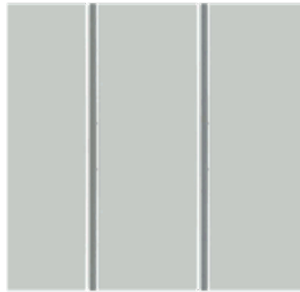
SHADOWS @ SEPTEMBER 22  
SCALE 1:250 @ A1  
ISSUE VCAT  
DATE 04.04.2017

TP14

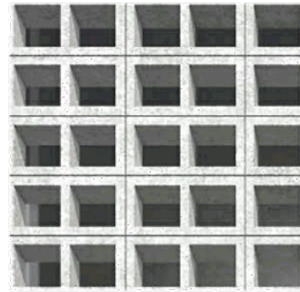


# Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans

## FINISHES



M2  
PLATE METAL, MATT WHITE FINISH



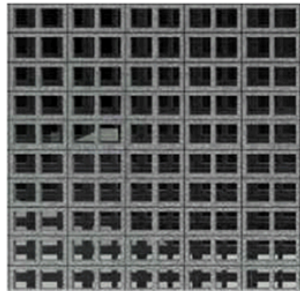
SC1  
CONCRETE BREEZE BLOCK SCREEN,  
NATURAL FINISH THAT MATCHES R1



R1  
RENDER, NATURAL WHITE/CEMENT FINISH.



PC1  
PRECAST CONCRETE PANEL,  
FINISH TO MATCH R1



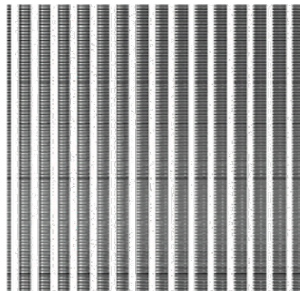
M1  
METAL CLADDING WITH EMBOSSED PATTERN OF SC1



SC2  
M1 METAL SCREEN TO MATCH PATTERN OF SC1



GL  
CLEAR GLAZING, ALUMINIUM FRAME, BLACK  
POWDERCOAT FINISH.



M3  
VERTICAL METAL SCREEN, WHITE FINISH LEVEL 0-3,  
BLACK FINISH LEVEL 4-5.



M4  
HORIZONTAL METAL PRIVACY SCREEN,  
WHITE FINISH LEVEL 0-3,  
BLACK FINISH LEVEL 4-5.



ST1  
FEATURE TIMBER ENTRY SCREEN,  
NATURAL FINISH



T1  
SHIPLAP TIMBER CLADDING,  
NATURAL FINISH

**OLA**  
OLB ARCHITECTURE GROUP  
100/104 BUNDEY STREET  
FITZROY VIC 3065  
WWW.OLBARCHITECTURE.COM.AU  
03 9742 3070

NO	REVISION	DATE
3	VCAT REVIEW	04.04.2017
2	RESPONSE TO PLANNING REF	26.03.2016
1	PLANNING PERMIT APPLICATION	21.03.2016
ISSUE	AMENDMENTS	DATE

**ALLUMBRA**  
182 JOHNSTON STREET FITZROY  
CLIENT 182 JOHNSTON STREET PTY LTD  
JOB NO 0080  
STAGE TOWNPLANNING  
DRAWN MIA PS

FINISHES  
SCALE NTS  
ISSUE VCAT  
DATE 04.04.2017

**TP15**

**Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans**



PERSPECTIVE VIEWS  
SCALE: NTS  
ISSUE: VCAT  
DATE: 04/04/2017

**TP16**



Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans

**OLA**  
OLYMPIA ARCHITECTURE GROUP  
 10/101A RUSSELL STREET  
 FITZROY VIC 3065  
 WWW.OLYMPIA.AU.PK  
 03 9742 3070



ISSUE	AMENDMENTS	DATE
3	VCAT REVIEW	04.08.2017
2	RESPONSE TO PLANNING REF	26.06.2016
1	PLANNING PERMIT APPLICATION	21.06.2016

**ALLUMBRA**  
 182 JOHNSTON STREET FITZROY  
 CLIENT: 182 JOHNSTON STREET PTY LTD  
 JOB NO: 0080  
 STAGE: TOWNPLANNING  
 DRAWN: MMA PS

PERSPECTIVE VIEWS  
 SCALE: NTS  
 ISSUE: VCAT  
 DATE: 04.04.2017

**TP17**

Attachment 3 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Substituted plans

**OLA**  
OLA ARCHITECTURE STUDIO  
 10/104 KENNEDY STREET  
 FITZROY VIC 3065  
 WWW.OLASTUDIO.COM.AU  
 03 9742 3070



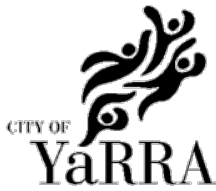
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3	VCAT REVIEW	04.08.2017
2	RESPONSE TO PLANNING REF	28.06.2016
1	PLANNING PERMIT APPLICATION	31.05.2016

**ALLUMBRA**  
 182 JOHNSTON STREET FITZROY  
 CLIENT: 182 JOHNSTON STREET PTY LTD  
 JOB NO: 0090  
 STAGE: TOWNPLANNING  
 DRAWN: ISA PS

PERSPECTIVE VIEWS  
 SCALE: NTS  
 ISSUE: VCAT  
 DATE: 04.04.2017

**TP18**

# Attachment 4 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's engineering services unit



## MEMO

**To:** Amy Hodgen  
**From:** Mark Pisani  
**Date:** 6 September 2016  
**Subject:** Application No: PLN16/0563  
 Description: Construction of Seven Storey Building  
 Site Address: 178-182 Johnston Street, Fitzroy

I refer to the above Planning Application received on 13 July 2016 and the accompanying report prepared by Traffix Group in relation to the proposed development at 178-182 Johnston Street, Fitzroy. Council's Engineering Services unit provides the following information:

### CAR PARKING PROVISION

#### Proposed Development

The proposed development comprises the construction of a seven-storey building comprising residential dwellings and ground floor retail tenancies. A total of 35 on-site car parking spaces would be provided and accessed via two car lifts. The site is located on the south west corner of the Johnston Street/Rochester Street intersection.

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
One-bedroom dwelling	8	1 space per dwelling	8	5
Two-bedroom dwelling	21	1 space per dwelling	21	21
Three-bedroom dwelling	3	2 spaces per dwelling	6	6
Residential visitors	32 Dwellings	1 space per 5 dwellings	6	0
Retail	300 m <sup>2</sup> 3 Tenancies	4 spaces per 100 m <sup>2</sup> of leasable floor area	12	3
<b>Total</b>			<b>53 Spaces</b>	<b>35 Spaces</b>

From the above table, a reduction in the car parking requirement is sought for the three resident spaces, six residential visitor spaces and nine spaces associated with the retail tenancies.

#### Car Parking Demand Assessment

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

## Attachment 4 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's engineering services unit

- *Parking Demand for Dwellings.* The on-site car parking provision for the two- and three-bedroom dwellings satisfies the requirements of Clause 52.06-5. Three of the eight one-bedroom dwellings will not be provided with any on-site car parking. This would equate to a parking rate of 0.63 spaces per one-bedroom dwelling. Traffix Group has sourced car ownership rates for the Collingwood area from the 2011 census conducted by the Australian Bureau of Statistics. For one-bedroom dwellings in Fitzroy, some 44% of one-bedroom households do not own a motor vehicle. This proposed parking one-bedroom parking provision rate is higher than that of the average car ownership in Fitzroy for this size of dwelling. We consider the parking provision for the one-bedroom dwellings to be appropriate.
- *Residential Visitor Parking Demand.* Peak parking for residential visitors generally occurs on weekday evenings and at weekends. An empirical peak residential visitor parking rate of 0.12 spaces per dwelling has been often quoted in other traffic impact reports we have reviewed in the past. Applying this rate would result in a peak residential visitor parking demand of three to four spaces. It is agreed that during normal business hours, the visitor parking rate would be much less than the 0.12 spaces per dwelling. The submitted report indicates that daytime visitor parking would be around 30% of the peak residential visitor parking rate, which would result in a visitor parking demand of one space.

The applicant proposes to accommodate all residential visitor parking off-site, since the site will be containing two car lifts for access into the site - not practical for use by residential visitors. For mixed use and multi-unit residential developments that are located along or near activity centres, we would normally encourage applicants to provide some residential visitor parking on-site. In this instance, the proposed car parking arrangement cannot practically allow for residential visitor parking to be accommodated on the property. In the context of the surrounding area, the demand of one to four residential visitor parking spaces off-site should not be detrimental to existing on-street parking conditions in the area.

- *Parking Demand for the Retail Use.* Traffix Group has adopted a parking rate of 3.0 spaces per 100 square metres of floor area as it is located along a commercial area/activity centre. Using this rate equates to a car parking demand of nine spaces. Traffix Group had also indicated in their report that the staff parking demand would constitute around a third of a retail tenancy's parking demand (in this case, it would be three spaces). The customer car parking demand (six spaces) would be accommodated on-street – typical of most retail tenancies abutting a major road or activity centre.
- *Availability of Public Transport in the Locality of the Land.* The site is within walking distance of tram services along Smith Street and Brunswick Street. Bus services operating along Johnston Street and Alexandra Parade can also be accessed by foot.

### 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 an on-street parking occupancy survey in the area surrounding the site on Tuesday 2 February 2016 (at 12:00pm), Thursday 4 February 2016 (at 12:00pm, 1:00pm, 2:00pm, 3:00pm, 4:00pm and 8:00pm) and on Saturday 6 February 2016 (12:00pm and 8:00pm). The survey area encompassed Johnston Street (Brunswick St to Smith St), Rochester Street, Hertford Street, Elliot Street, Chapel Street and sections of Young Street, Napier Street, George Street, Gore Street, Argyle Street and Kerr Street. The extent and times of the survey are considered appropriate. An inventory of ranging from 235 to 279 publicly available on-street parking spaces was identified. The results of the survey indicate that the peak parking occupancy level had occurred at 1:00pm on the Thursday, with a minimum of 23 vacant spaces (a car parking occupancy of 91%). For the Saturday evening, 71 vacant spaces were counted at 8:00pm. The results of the survey demonstrate that the surrounding streets have capacity to accommodate short-stay parking demands generated by the site.
- *Car Parking Deficiency associated with Existing Land Use.* The existing site is occupied by two commercial businesses (a restricted retail premises and a shop). Employees and

## **Attachment 4 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's engineering services unit**

customers would park off-site. Any car parking credit associated with this site could potentially be transferrable to the new site since the car parking demand of the existing uses would be accommodated on-street.

- *Access to or provision of Alternative Transport Modes.* The site has very good accessibility to public transport and connectivity to the on-road bicycle network. Car share pods are also located in the vicinity of the site, providing access to a motor car.

### **Adequacy of Car Parking**

From a traffic engineering perspective, the waiver of parking is considered appropriate in the context of the development and the surrounding area. The short-stay parking demands associated with the dwellings and the retail tenancies (customers) can be accommodated on-street. Any parking deficiencies associated with the existing site could be transferrable to the new site.

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

## **TRAFFIC GENERATION**

### **Residential Traffic**

For the traffic generation of the development, Traffix Group has conservatively adopted a rate of 3 trips per dwelling per day (for dwellings that have a parking space). The peak hour traffic would be 10 % of the daily residential traffic volume. The resulting traffic generation equates to 87 vehicle trips per day with 9 vehicle trips in each peak hour.

### **Retail Traffic**

The three retail tenancies each have one allocated on-site parking space. Each space would generate 2 vehicle trips per day (one trip in each peak hour).

### **Development Traffic**

Traffix Group has estimated that the development would have a daily traffic volume of 93 vehicle trips per day and 11 vehicle trips per peak hour (an average of one vehicle trip every five to six minutes).

### **Traffic Distribution**

The distribution of arrivals and departures from the site for the residential traffic during each peak hour would be 20 percent arrivals and 80 percent departures in the morning peak hour and 60 arrivals and 40 percent departures in the evening peak hour. The retail staff traffic would have all vehicles entering in the morning peak hour and all vehicles departing in the evening peak hour.

In the AM peak hour, 7 vehicles would depart and 4 vehicles would enter the site. In the PM peak hour, 5 vehicles would depart and 6 vehicles would enter the development.

The traffic volumes generated by the development are not unduly high and should not adversely impact the operation of Rochester Street, the intersection of Johnston Street/Rochester Street or surrounding roads.

## **DEVELOPMENT LAYOUT DESIGN**

### **Rochester Street Road Frontage**

The applicant must depict the existing vehicle crossings on the proposed *Ground Floor Plan* with an annotation to demolish the crossings and reinstate with paving, kerb and channel to Council's satisfaction. The existing parking restriction signs must also be depicted on the plan before endorsement.

### **Access Arrangements**



## Attachment 4 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's engineering services unit

The vehicle crossing servicing the two car lifts on the west side of Rochester Street must be constructed in accordance with Council's *Infrastructure Road Materials Policy*, Council's Standard Drawings and engineering requirements.

In providing a new vehicle crossing for the site, the applicant will be required to prepare a detailed cross sectional drawing of the new vehicle crossing, the actual road profile of Rochester Street and the car lift (at ground level). The cross sectional drawing and ground clearance check must be submitted to Council's Construction Management branch for assessment and approval.

### Operation of Car Lifts

The development's basement car parks will be serviced by two car lifts accessed via Rochester Street. Vehicles would enter and exit the car lifts in a forward direction. Access to the car lifts would be via remote control and the doors of the car lift would open in a similar manner to that of automatic doors commonly found at off-street car parks. Traffic Group has assessed the performance of the two lifts using multi-channel queuing theory (involving complex calculations).

To determine the storage queues of mechanical devices such as car lifts, guidance is sought from the Australian/New Zealand Standard AS/NZS 2890.1:2004. The car lifts should have sufficient vehicle storage to accommodate the 98<sup>th</sup> percentile queue (the queue that will be exceeded on 2% of occasions). By knowing the utilisation factor of the car lifts (the ratio of peak hour usage/car lift capacity), the 98<sup>th</sup> percentile queue length can be determined.

The multi-channel queuing analysis undertaken by Traffic Group revealed that the 98<sup>th</sup> percentile queue of for the two lifts would be two vehicles. Both lifts would be in use and therefore no vehicles would be waiting outside the lifts (no queuing).

There is no objection to the use of the two lifts to service the development.

### Car Lift

The two car lifts to be used for the development are hydraulic car lifts manufactured by Car Parking Solutions.

The internal dimensions of each car lift are 3.0 metres by 5.8 metres with an internal vehicle clearance height of 2.1 metres. The widths of the car lifts satisfy the minimum accessway width requirements as per Design standard 1 – Accessways of Clause 52.06-8 of the Yarra Planning Scheme.

Sight triangles for vehicle exiting the car lifts have not been provided. The car lifts immediately interface the building line. Traffic Group has highlighted that vehicles would exit the car lifts onto Rochester Street from rest (i.e. – at minimal speeds) and that pedestrians would have visual and audible cues of the car lift doors being opened. Engineering Services would have no objection to the installation of convex mirrors to assist drivers viewing pedestrians along the west footpath of Rochester Street.

The swept path diagrams showing the B99 design vehicle entering and exiting the car lift via the car park aisles are considered satisfactory.

Swept path diagrams using the B99 design vehicle for vehicles entering and exiting the two car lifts via Rochester Street must be submitted to Council. The parallel on-street parking along Rochester Street should be accurately shown on the diagrams.

### Car Parking Modules

The basement car parks contain a combination of parking spaces measuring 2.6 metres by 4.9 metres (*Design standard 2: Car parking spaces*) and 2.4 metres by 5.4 metres (the Australian/New Zealand Standard AS/NZS 2890.1:2004).

The aisle width ranges from 6.23 metre to around 6.7 metres and satisfies *Design standard 2* and AS/NZS 2890.1:2004 (where applicable).

C:\Users\Muhilec\N\AppData\Local\Hewlett-Packard\HP TRIM\TEMP\HPTRIM.2252\ID16 131863 PLN16 0563 - 178 - 182 Johnston Street Fitzroy - Engineering comments(2).DOCX

## Attachment 4 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's engineering services unit

The positions of the columns satisfy *Diagram 1 Clearance to car parking spaces* and AS/NZS 2890.1:2004 – Section 5.2 *Column location and spacing* (where applicable).

For bays adjacent to walls, bays have widened or provided with clearances.

The submitted swept path diagrams for the B85 design vehicle entering and exiting the car parking spaces are considered satisfactory. For some of the bays, an additional correction movement may be required – permissible under AS/NZS 2890.1:2004.

Blind aisle extensions of 1.0 metre have been provided, which satisfy AS/NZS 2890.1:2004 - clause 2.4.2 (c) – *Blind aisles*.

The outward swinging fire escape doorway at ground level must be recessed fully within the curtilage of the property and must not swing (even partially) onto the road reserve.

### Loading Provision

The site would not be providing an on-site loading facility. The retail use of the site comprises a total of 300 square metres of floor space. The footprint of the site cannot practically accommodate a loading facility as required under Clause 52.07 – *Loading and Unloading of Vehicles*. Small trucks or vans would service the three shops. There is no objection to these vehicles utilising on-street parking to deliver goods to the site.

### Summary of Design Items to be Addressed

Item	Details
Rochester Street Road Frontage - Ground Floor Plan	The applicant must depict the existing vehicle crossings on the proposed <i>Ground Floor Plan</i> with an annotation to demolish the crossings and reinstate with paving, kerb and channel to Council's satisfaction. The existing parking restriction signs must also be depicted on the plan before endorsement.
Car Lifts – Vehicle Turning Movements via Rochester Street	Swept path diagrams using the B99 design vehicle for vehicles entering and exiting the two car lifts via Rochester Street must be submitted to Council. The parallel on-street parking along Rochester Street should be accurately shown on the diagrams.
Fire Escape Doorway – Ground Floor	The outward swinging fire escape doorway at ground level must be recessed fully within the curtilage of the property and must not swing (even partially) onto the road reserve.
Encroachment of Corner Splay – Johnston Street/Rochester Street Intersection	At ground level, the building <u>must not</u> encroach the corner splay at the south west corner of the Johnston Street/Rochester intersection at ground level. The corner splay is a Public Highway, regardless of ownership. (Please see under section 'Non-Planning Advice for the Applicant').

### 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.

## Attachment 4 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's engineering services unit

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.

### Rehabilitation of Rochester Street outside Development

The passage of construction traffic and the occupation of Rochester Street by heavy vehicles, plant and equipment during the construction phase will impact on the condition of the Rochester Street road pavement, footpath and kerb and channel outside the development frontage. Truck movements, transportation of materials and haulage of spoil from the site will accelerate the deterioration of the wearing course of the road pavement. Once the development is complete, the addition of daily, repetitive traffic movements from the development will further impact on the condition and serviceability of Rochester Street.

Upon the completion of all construction and utility provision activities for the development, the road pavement of Rochester Street is to be profiled and re-sheeted to provide a high level of serviceability for road users.

The reconstruction of the footpath, kerb and channel will facilitate the construction for the new vehicle crossing to Council's current standards. The reconstructed footpath would also provide a high level of serviceability for pedestrians and persons of all abilities (in line with DDA).

### ENGINEERING CONDITIONS

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

#### Pedestrian Access

- All pedestrian access must be constructed to a level no steeper than 1 in 40 from the building line to the top of kerb.

#### Civil Works – Rochester Street

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Rochester road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's expense.
- Upon the completion of all building works and connections for underground utility services, the kerb and channel immediately outside the property's Rochester road frontage must be reconstructed 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.
- Prior to the occupation of the development, the full width road pavement of Rochester Street, from the site's southern boundary to Johnston Street, must be profiled and re-sheeted (including line markings) to Council's satisfaction and at the Permit Holder's expense.

#### Vehicle Crossing

- The vehicle crossing servicing the two car lifts on the west side of Rochester Street must be constructed in accordance with Council's *Infrastructure Road Materials Policy*, Council's Standard Drawings and engineering requirements.
- The applicant must provide a 1 in 20 scale cross sectional drawing of the new vehicle crossing and the existing road pavement of Rochester Street and demonstrate by way of a ground clearance check that the B99 design vehicle can enter and exit the property via

## Attachment 4 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's engineering services unit

Rochester Street without scraping or bottoming out. The cross sectional drawing with the ground clearance check must be submitted to Council's Construction Management branch for assessment and approval.

### Civil Works – Johnston Street

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Johnston Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.
- The two tram crossings at the northern end of Rochester Street are to be reconstructed (including provision of tactile pavers) to Council's satisfaction and at the Permit Holder's cost.

### Public Lighting

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

### Preparation of Detailed Road Infrastructure Design Drawings

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

### Construction Management Plan

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

### Road Asset Protection

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

**Attachment 4 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's engineering services unit**

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 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's engineering services unit

### Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

- No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from Council Parking Management unit and Construction Management branch.

### 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.

### **NON-PLANNING ADVICE FOR THE APPLICANT**

#### **Unauthorised Encroachment of Corner Splay**

The redevelopment of the site would result in the encroachment of the corner splay by the proposed building at the south west corner of the intersection of Johnston Street and Rochester Street at ground level.

The corner splay is deemed to be Public Highways, by virtue of their previous and continual use by the public, regardless of whether it is located on private property.

The former landowners of the property had demonstrated an intention to dedicate the splay as Public Highway by constructing the edge of the building along the outside the splay. The splay had been constructed in material that is consistent with the surrounding footpath. Council has care and management responsibilities over the splay, which has and continues to be used by the public.

In addition, the splay would adversely compromise manoeuvring room for scooters and wheelchairs used by mobility impaired persons. The development's principal pedestrian access is via Rochester Street. The encroachment of the corner splay would obstruct an accessible path of travel around the corner, which contravenes the objectives of the *Disability Discrimination Act 1992*.

On that basis, Engineering Services shall not permit the encroachment of corner splay by the new development at ground level. The applicant must revise the drawings to provide the new building outside the splay at ground level.

#### **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.

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

**Attachment 4 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's engineering services unit**

accordance with a Trade Waste Agreement and as per EPA guidelines and Melbourne Water/City West Water guidelines.

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

Regards

Mark Pisani  
Senior Development Engineer  
Engineering Services Unit

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**Attachment 5 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's waste services unit**

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**Muhllechner, Nikolas**

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**From:** Valente, Enzo <Enzo.Valente@yarracity.vic.gov.au>  
**Sent:** Monday, 18 July 2016 4:58 PM  
**To:** Muhllechner, Nikolas  
**Subject:** PLN16/0563 - 178-182 Johnston Street Fitzroy - Waste management plan

Hi Nik

The Waste Management Plan (WMP) from Leigh Design, dated 22 June 2016, is unsatisfactory from the City Works Branch's perspective. Basically the collection arrangements in clause 2.2 shows the collection vehicle to be located over parked vehicles which is unsatisfactory and impossible to attain in practice resulting in Rochester Street being blocked during collections.

Issues to be addressed in the WMP include, but are not limited to, the following:

- Internal private collection is preferred, if practical
- Collection arrangements must be such that the Rochester Street must not be blocked off by collection vehicles during collections
- Plan of collection arrangements showing full width of roadway, with full details, including dimensions, path of access to collection, existing conditions, parking spots, obstructions such as parking signs, location of collection vehicle, etc.

If you have any queries give me a call.

Regards

Enzo

Enzo Valente

Waste Management and Cleansing Services Coordinator  
City of Yarra PO Box 168 Richmond 3121  
T (03)9205 5475 F(03)8417 6666  
E [enzo.valente@yarracity.vic.gov.au](mailto:enzo.valente@yarracity.vic.gov.au)  
W [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)

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**From:** Muhllechner, Nikolas  
**Sent:** Tuesday, 12 July 2016 1:51 PM  
**To:** Valente, Enzo  
**Subject:** PLN16/0563 - 178-182 Johnston Street Fitzroy - Waste management plan

Hi Enzo,

I refer to the above application recently received by Council. The application proposes a seven storey building containing 32 dwellings and three shops.

Your comments on the proposed waste management plan would be much appreciated.

**Attachment 5 - PLN16 0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's waste services unit**

Attached for your reference is the waste management plan and the development plans.

If comments could please be provided by 26 July 2016, that would be much appreciated.

If you have any queries regarding the above or need any further information, please contact me.

Regards,

Nik

**Nikolas Muhllechner**  
**Principal Statutory Planner**  
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Make sure you refer to our website for more information.

## Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor

### 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, all **large** planning permit applications with Yarra City Council are required to include a Sustainable Management Plan (SMP). This application is a 'Large' planning application as it meets the category *Residential – ten or more dwellings*.

#### 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 *OLA Architects (received 21<sup>st</sup> June 2016)* and the accompanying SDA, prepared by *Connor Pincus (prepared 23<sup>rd</sup> June 2016)*.

**Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor**



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# Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor

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



### Assessment Summary:

Responsible Planner:	Nikolas Muhllechner		
ESD Advisor:	Euan Williamson		
Date:	20.06.2016	Planning Application No:	PLN16/0563
Subject Site:	178-182 Johnston Street, Richmond		
Site Area:	Approx. 645m <sup>2</sup>	Site Coverage:	100%
Project Description:	A seven-storey building, comprising 32 apartments and three shops.		
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.

A SDA has been received for this large development. This is not a satisfactory response to Clause 22.17 which requires a more detailed SMP for projects of 10 dwellings or higher.

*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) Application ESD Commitments:

- Most dwellings will have good cross ventilation, providing that all bedroom windows are operable.
- A MUSIC model demonstrating best practice in urban stormwater quality has been received which relies on a minimum of 314m<sup>2</sup> of roof connected to a 10,000 litre tank to flush ground floor retail toilets and irrigate all landscaping. All remaining impervious areas to be filtered through gross pollutant trap.
- A total of 39 bicycle parking spaces have been provided for residents on the ground floor.

#### (2) Application ESD Deficiencies:

- The reliance on the rear boundary for daylight access to the primary aspects of dwellings is highly problematic. Most dwellings will have good daylight access in current conditions, as is clearly shown in the daylight assessment. However it is highly unlikely to deliver best practice daylight standards if the adjoining lot to the south (rear) is developed using a similar built form. To achieve best practice standards at 21m in height (7 levels) the minimum set back to the rear boundary from living room/balconies should be 9m. The proposed building has zero setback to balconies at lower levels. Recommend a re-design of the building to avoid any primary aspects of dwellings facing the rear southern boundary. This will assist with both overlooking and overshadowing of the existing house to the south, as well as any future development on that site to south.
- The applicant proposes to meet minimum NCC requirements for energy efficiency only. Strongly recommend that the applicant exceed the minimum NCC requirements for energy efficiency by at least 10% above minimum NCC standard. Please demonstrate through sample energy ratings that this standard can be achieved and include in an updated SMP.
- There are considerable areas of north and east facing glazing that will be exposed to summer sun angles and unwanted solar gain. Recommend to provide additional shading to north and east facing glazing exposed to summer sun angles with exterior shading such as blinds, shutters, louvers, fins, etc.

**Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor**



- 3 Star gas hot water systems to dwellings and electric storage to shops. These are a low standard of energy efficiency. Strongly recommend either gas boosted solar hot water, centralised heat pump or gas hot water system with 80% efficiency or 6 Star instantaneous gas hot water.
- Bicycle parking for residents is satisfactory, but no spaces allocated are for staff or visitors. Recommend using some of the 39 bike spaces for staff (ensuring one space retained per dwelling). Additional visitor bike parking should be provided outside the entrance of the building.
- Ensure that dual chutes are provided, or that recycling system is just as convenient to use as the general waste system. Please check the WMP to ensure that the waste management provisions are sufficient.

**(3) Outstanding Information:**

- A SDA has been received for this large development. This is not a satisfactory response to Clause 22.17 which requires a more detailed SMP for projects of 10 dwellings or higher. Please provide an SMP for this development application.
- Recommend all windows to habitable rooms are operable and clearly marked on the plans.
- No information on heating and cooling systems has been provided. Recommend energy efficient split systems within one energy star rating of best available energy efficiency rating for the required capacity.
- No information on lighting systems has been provided. Recommend energy efficient LED lighting throughout. Occupancy/daylight sensor controls to common areas.
- No information on the water efficiency of taps has been provided. Recommend 6 Star WELS rated taps to all suitable outlets.
- No PV system is mentioned in the SDA, but a 4.5 kW solar PV array is marked on the plans. Please update SDA to a SMP and make consistent with most recent set of plans.

**(4) ESD Improvement Opportunities:**

- Recommend kitchens to have extraction fans (not re-circulating ranges).
- Recommend retractable clothes drying racks that are fixed to balconies be considered.
- Consider specifying all paints, adhesives, sealants, carpets, wall and ceiling coverings as low VOC type, and engineered timber products to be no, or low formaldehyde.
- Consider recycled materials used in suitable materials such as insulation.
- Consider using steel and precast concrete that has a component of recycled materials and water.
- Recommend a minimum 70% recycling rate target for construction and demolition waste.

**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 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor

### 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	Most dwellings will have good cross ventilation, providing that all bedrooms windows are operable.	Recommend all windows to habitable rooms are operable and clearly marked on the plans.  Recommend kitchens to have extraction fans (not re-circulating ranges).	3
Daylight & Solar Access	The reliance on the rear boundary for daylight access to the primary aspects of dwellings is highly problematic.  Most dwellings will have good daylight access in current conditions, as is clearly shown in the daylight assessment. However it is highly unlikely to deliver best practice daylight standards if the adjoining lot to the south (rear) is developed using a similar built form.  To achieve best practice standards at 21m in height (7 levels) the minimum set back to the rear boundary from living room/balconies should be 9m. The proposed building has zero setback to balconies at lower levels.	Recommend a re-design of the building to avoid any primary aspects of dwellings facing the rear southern boundary. This will assist with both overlooking and overshadowing of the existing house to the south, as well as any future development on that site to south.	2
External Views	External views from most dwellings.	South facing dwellings may lose views to primary aspect is adjoining lot is developed.	1
Hazardous Materials and VOC	No information has been provided.	Consider specifying all paints, adhesives, sealants, carpets, wall and ceiling coverings as low VOC type, and engineered timber products to be no, or low formaldehyde.	4
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: - Good access to ventilation - Poor shading to manage passive heat gains. - Minimum thermal efficiency standards.	Please refer to section on, <i>NCC Energy Efficiency Requirements Exceeded and Effective Shading</i>	2

#### \* 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](http://www.geca.org.au)



**Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor**

Australian Green Procurement [www.greenprocurement.org](http://www.greenprocurement.org)  
Residential Flat Design Code [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)  
Your Home [www.yourhome.gov.au](http://www.yourhome.gov.au)

**Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor**

## 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	The applicant proposes to meet minimum NCC requirements for energy efficiency.	Strongly recommend that the applicant exceed the minimum NCC requirements for energy efficiency by at least 10% above minimum NCC standard. Please demonstrate through sample energy ratings that this standard can be achieved.	2
Hot Water System	3 Star gas hot water systems to dwellings and electric storage to shops.	These are a low standard of energy efficiency. Strongly recommend either gas boosted solar hot water, centralised heat pump or gas hot water system with 80% efficiency or 6 Star instantaneous gas hot water.	2
Peak Energy Demand	No specific information has been provided.	-	1
Effective Shading	There are considerable areas of north and east facing glazing that will be exposed to summer sun angles and unwanted solar gain.	Recommend to provide additional shading to north and east facing glazing exposed to summer sun angles with exterior shading such as blinds, shutters, louvers, fins, etc.	2
Efficient HVAC system	No information has been provided.	Recommend energy efficient split systems within one energy star rating of best available energy efficiency rating for the required capacity	2
Efficient Lighting	No information has been provided.	Recommend energy efficient LED lighting throughout. Occupancy/daylight sensor controls to common areas.	2
Electricity Generation	No PV system is mentioned in the SDA, but a 4.5 kW solar PV array is marked on the plans.	Please update SDA to a SMP and make consistent with most recent set of plans.	2
Clothes Lines Drying Racks	No drying space has been provided.	Recommend retractable clothes drying racks that are fixed to balconies be considered.	4

\* Council Assessment Ratings:

**Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor**

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](http://www.makeyourhomegreen.vic.gov.au)

Building Code Australia [www.abcb.gov.au](http://www.abcb.gov.au)

Window Efficiency Rating Scheme (WERS) [www.wers.net](http://www.wers.net)

Minimum Energy Performance Standards (MEPS) [www.energyrating.gov.au](http://www.energyrating.gov.au)

Energy Efficiency [www.resourcesmart.vic.gov.au](http://www.resourcesmart.vic.gov.au)

## Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor

### 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	<p>The following WELS water efficiency standards have been specified:</p> <ul style="list-style-type: none"> <li>• Bathroom/Kitchen Taps: unrated</li> <li>• Toilets: 5 Stars</li> <li>• Showerheads: 3 Star</li> </ul>	Recommend 6 Star WELS rated taps to all suitable outlets.	4
Water for Toilet Flushing	Toilets in ground floor retail area to be connected to 10,000 litres of rainwater storage for flushing.	-	1
Water Meter	No information has been provided.	- Separate metering for dwellings to assist with ongoing water management.	1
Landscape Irrigation	Rainwater to irrigate landscaped areas.	-	1
Other	-	-	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: [3. Water Efficiency](#)  
 Water Efficient Labelling Scheme (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)  
 Water Services Association of Australia [www.wsaa.asn.au](http://www.wsaa.asn.au)  
 Water Tank Requirement [www.makeyourhomegreen.vic.gov.au](http://www.makeyourhomegreen.vic.gov.au)  
 Melbourne Water STORM calculator [www.storm.melbournewater.com.au](http://www.storm.melbournewater.com.au)  
 Sustainable Landscaping [www.ourwater.vic.gov.au](http://www.ourwater.vic.gov.au)

## Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor

### 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 MUSIC model demonstrating best practice in urban stormwater quality has been received which relies on a minimum of 314m <sup>2</sup> of roof connected to a 10,000 litre tank to flush ground floor retail toilets and irrigate all landscaping. All remaining impervious areas to be filtered through gross pollutant trap.	-	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](http://www.storm.melbournewater.com.au)  
 Water Sensitive Urban Design Principles [www.melbournewater.com.au](http://www.melbournewater.com.au)  
 Environmental Protection Authority Victoria [www.epa.vic.gov.au](http://www.epa.vic.gov.au)  
 Water Services Association of Australia [www.wsaa.asn.au](http://www.wsaa.asn.au)  
 Sustainable Landscaping [www.ourwater.vic.gov.au](http://www.ourwater.vic.gov.au)

## Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor

### 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 information has been provided.	Consider recycled materials used in suitable materials such as insulation.	4
Embodied Energy of Concrete and Steel	No information has been provided.	Consider using steel and precast concrete that has a component of recycled materials and water.	4
Sustainable Timber	No information has been provided.	Consider that all timbers to be FSC certified from sustainable sources or reused/recycled.	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	-	-	-

#### \* 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](http://www.yourhome.gov.au)

Embodied Energy Technical Manual [www.yourhome.gov.au](http://www.yourhome.gov.au)

Good Environmental Choice Australia Standards [www.geca.org.au](http://www.geca.org.au)

Forest Stewardship Council Certification Scheme [www.fsc.org](http://www.fsc.org)

Australian Green Procurement [www.greenprocurement.org](http://www.greenprocurement.org)

## Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor

### 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	Basement car parking.	-	1
Bike Parking Spaces	A total of 39 bicycle parking spaces have been provided for residents on the ground floor.	Recommend using some of these bike spaces for staff (ensuring one space retained per dwelling). Additional visitor bike parking should be provided outside the entrance of the building.	4
End of Trip Facilities	No information has been provided.	Recommend providing showers and lockers to support staff cycling to work.	4
Car Share Facilities	Car share facilities are in the neighbouring area.	-	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: [6. Transport](#)

Off-setting Car Emissions Options [www.greenfleet.com.au](http://www.greenfleet.com.au)

Sustainable Transport [www.transport.vic.gov.au/dol/internet/icy.nsf](http://www.transport.vic.gov.au/dol/internet/icy.nsf)

Car share options [www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/](http://www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/)

Bicycle Victoria [www.bv.com.au](http://www.bv.com.au)



## Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor

### 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	No information has been provided.	Recommend a minimum 70% recycling rate target for construction and demolition waste.	4
Operational Waste Management	Plans show a waste chute system with different bins for general waste and recycling provided on the ground floor. No details provided in SDA.	Ensure that dual chutes are provided, or that recycling system is just as convenient to use as the general waste system.	3
Storage Spaces for Recycling and Green Waste	Area for waste bins can be identified on the ground floor plans.	Please check the WMP to ensure that the waste management provisions are sufficient.	3
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](http://www.sustainability.vic.gov.au)

Preparing a WMP [www.epa.vic.gov.au](http://www.epa.vic.gov.au)

Waste and Recycling [www.resourcesmart.vic.gov.au](http://www.resourcesmart.vic.gov.au)

Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002)

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Waste reduction in office buildings (2002) [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

## Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor

### 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	Some landscaping will marginally enhance the ecological value of the site.	-	1
Reclaiming Contamin. Land	No information has been provided.	-	NA
Green roof	-	-	-

#### \* 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](http://www.dse.vic.gov.au)

Australian Research Centre for Urban Ecology [www.arcue.botany.unimelb.edu.au](http://www.arcue.botany.unimelb.edu.au)

Greening Australia [www.greeningaustralia.org.au](http://www.greeningaustralia.org.au)

Green Roof Technical Manual [www.yourhome.gov.au](http://www.yourhome.gov.au)

**Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor**

## 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](http://www.gbca.org.au)  
 Victorian Eco Innovation lab [www.ecoinnovationlab.com](http://www.ecoinnovationlab.com)  
 Business Victoria [www.business.vic.gov.au](http://www.business.vic.gov.au)  
 Environment Design Guide [www.environmentdesignguide.com.au](http://www.environmentdesignguide.com.au)

## Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor

### 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	No information has been provided.	Recommend regular building tuning and commissioning in accordance with CIBSE and ASHRAE standards.	4
Building Users Guide	No information has been provided.	Recommend a Building Users Guide detailing the sustainability features of the building be developed and given to building users.	4
Contractor has Valid ISO14001 Accreditation	No information has been provided.	-	1
Construction Management Plan	No information has been provided.	Consider an Environmental Management Plan 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](http://www.melbournewater.com.au)

## Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor

**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.

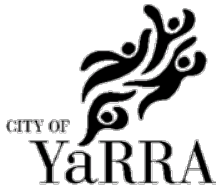
#### How does the proposal comply with the benchmarks?

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 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor**



# MeMO

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**TO:** Nik Muhllechner  
**FROM:** Euan Williamson, ESD Advisor  
**DATE:** 23.01.2017  
**FILE:** 178-182 Johnston Street, Fitzroy – PLN16/00563  
**SUBJECT:** Daylight Modelling & Altered Building Design

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Nik,

I have reviewed the amended architectural drawings by *OLA Architecture* (prepared 30.08.2016) and *Daylight Calculations/Engineer's Advice* by *Connor Pincus Group* (prepared 29.08.2016). In summary, the changes have improved the daylight access to the proposed building, but some outstanding daylight issues remain.

Most of the other ESD issues, other than daylight, that I raised in my previous advice (20.06.2016) still stand; and should be addressed in an updated SMP and a subsequent set of plans.

**Daylight Access to Proposed Dwellings**

The increase to the size of light courts and the additional angled or 'chamfered' edge has improved daylight access to the bedrooms on the western side of the building.

The daylight modelling includes equivalent development on the adjoining site to the west, and the daylight modelling summary demonstrates the proposal can just meet the minimum number of dwellings (80%) that reach the best practice daylight factor standards, to start scoring points in the IEQ section of the BESS tool. It should be noted that passing the IEQ section of BESS with a minimum number of daylight points requires high performing scores from the other areas within IEQ including natural ventilation, which was not included in the daylight report. Therefore, if the proposal goes ahead in its current form a full BESS assessment is requested as part of an updated SMP, demonstrating a minimum of 50% in the IEQ section.

The daylight modelling illustrates that the proposal just scrapes over the line in terms of daylight – without any development to the adjoining site to the south. As mentioned in my previous advice it is the development potential on the site to the south which is of concern. Single aspects dwellings 101, 201, 301, 401 and 501 will be relying on this rear boundary for daylight access. Unfortunately no development was assumed possible on the site to the south in the daylight modelling. As the site considered 'borderline' with development to the west, this implies that if any change occurs on that site to the south the proposed building will slip under the best practice standards for daylight and would be unable to demonstrate best practice in IEQ.

Potential development on the site to the south needs to be addressed by the proponent, and the impact on access to daylight considered carefully.

**Attachment 6 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's ESD advisor**

Please note there is a minor error in the *Daylight Calculations/Engineer's Advice*, on page 4 it misquotes the daylight factor standards in the heading row of the summary table. As the daylight factors are correctly quoted one page one of the report, I'm assuming this is a typo only. Please confirm and issue a correction.

If you have any questions regarding my comments or recommendations, do not hesitate to contact me.  
Regards,

**Euan Williamson**  
Environmental Sustainable Development Advisor  
City of Yarra PO Box 168 Richmond 3121  
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E [Euan.Williamson@yarracity.vic.gov.au](mailto:Euan.Williamson@yarracity.vic.gov.au)  
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# Attachment 7 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's heritage advisor

## City of Yarra Heritage Advice

**Application No.:** PLN16/0563  
**Address of Property:** 178 - 182 Johnston St, Fitzroy  
**Planner:** Nik Muhllechner  
**Yarra Planning Scheme References:** Clauses 43.01, 22.02, 21.05.  
**Heritage Overlay No.** HO334 **Precinct:** South Fitzroy

### Level of significance:

No. 178 - 184 Johnston St, Fitzroy, is listed as a factory/warehouse constructed 1980 - 1990 and is graded as "Not contributory" in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*. (Rev. Sep 2015). Property number 260775.

No. 182 Johnston St, Fitzroy, is also listed as a factory/warehouse constructed 1935 - 1990 and is also graded as "Not contributory" in Appendix 8. Property number 307970.



The development site is arrowed.

There appears to be some confusion with the addresses and gradings.

Property number 307970 is linked to the building on the corner of Rochester Street which appears to be No. 176 Johnston Street, Fitzroy, and which is listed as a shop & residence, constructed 1850-1860, which is contributory and which has a property number 260770 in Appendix 8.

**Attachment 7 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's heritage advisor**



*Property number 307970 in Council's GIS and which is on the corner of Rochester Street. The date of construction and grading in Appendix 8, for No. 176 Johnston Street, matches this building which abuts the development site which is to the east.*



*Council's GIS links this property also to property number 307970 for which the address is No. 182 Johnston Street but shown on Council's map as Nos. 178 – 182 Johnston Street. In my opinion these two buildings are not significant.*

Notwithstanding the confusion it is obvious that the white and grey painted buildings in the above illustrations are of no heritage significance and that the early shop on the corner of Rochester Street is of significance.

## Attachment 7 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's heritage advisor

Abutting the subject site to the south is No. 23 Chapel Street, Fitzroy, a single storey villa, constructed 1860-1870, which is Individually significant.



*No. 23 Chapel Street, Fitzroy.*

### **Proposal**

Demolition of all of the fabric on the site and construction of an 7 storey building, above a 2 level basement, and which includes a Ground floor mezzanine on the north side.

### **Drawing Numbers**

20 pages of drawings, photomontages, copies of materials prepared by OLA, with Council date stamp 23 Jun 2016.

Heritage Report prepared by GJM Heritage and with Council date stamp 23 Jun 2016.

Town Planning and Urban Context report prepared by Contour, dated June 2016 and with Council date stamp 23 Jun 2016

### **Context Description**

While the site is included in the South Fitzroy Precinct, this part of Johnston Street is somewhat mixed, and contains a high proportion of buildings, mostly commercial, which are not contributory. This contrasts with Johnston Street between Nicholson and Brunswick Streets and Johnston Street further east which is in the Johnston Street Precinct (HO324) where views along Johnston Street are generally of low rise built form with a few higher elements which stand out. While sites containing non-contributory buildings offer

## **Attachment 7 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's heritage advisor**

opportunities for redevelopment, this should not result in pockets of development which result in an adverse effect on the heritage values of the streetscape, and this part of the precinct, as might emanate from excessive, height, bulk, scale, insufficient setbacks etc.

To date while some permits have been issued for multi-storey buildings in this part of Johnston Street construction has not yet commenced. As it exists the streetscape is generally single to double-storey with approximately only two heritage buildings exceeding this height.

### **Policy Context**

Apart from being covered by a Heritage Overlay, the site is included in a neighbourhood Activity Centre and is also covered by Design and Development Overlay Schedule 10.

Other than for the comment "The part of Johnston Street between Brunswick Street and Smith Street is undergoing revitalisation as a focal point for furniture manufacture and showrooms" there is nothing in Cl. 21.08-7 which provides any commentary in relation to this site.

Cl. 21.05-1, Built Form, includes the following:

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

Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.

Strategy 14.3 Protect the heritage skyline of heritage precincts.

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

#### **Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.**

Strategy 17.1 Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.

Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:

- Significant upper level setbacks
- Architectural design excellence

Schedule 10 to the Design and Development Overlay shown on the Planning Scheme Map as DDO10 specifically refers to the Johnston Street Precinct – West of Smith Street.

Insofar as heritage is concerned, the following are relevant:

#### **Preferred future character**

A more consistent streetscape with the street-frontage 'façade wall' at the predominant two to three storey height of 20th and 19th Century buildings.

#### **Design objectives**

## Attachment 7 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's heritage advisor

- To retain the valued features which contribute to the preferred future character and heritage of the area.
- To ensure development fits with its context and the preferred future character.
- To develop streets with a human scale and vibrant street life.
- To encourage high quality new development.

### **Buildings and works**

Built form should address the following design principles:

- Buildings should be built to the street frontage and side boundaries of the site.
- Taller buildings should be setback and spaced to create new interest and variety in building forms.
- The form, massing, materials, finishes and detailed design of buildings respond to the preferred character of the area.
- The street frontage façade of infill development should complement the predominant street frontage height of nearby and abutting properties. The street façade height should not exceed three storeys or 12 metres.
- Development above street façade height should be set-back and not exceed four to six storeys.

Cl. 22.05 the heritage Policy requires:

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

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.

and

### **Industrial, Commercial and Retail Heritage Place or Contributory Elements**

Encourage new upper level additions and works to:

- Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.
- Incorporate treatments which make them less apparent
- Be visually recessive and not dominate the heritage place.

In summary, the Heritage Overlay and the other relevant clauses of the Scheme all anticipate respectful development which does not generally exceed a height of 4 - 6 storeys, lower levels built to the street frontage and side boundaries, upper levels set back and street façade height not exceeding three storeys or 12 metres. In addition new development should be respectful and should be articulated and massed to correspond with the prevailing building form.

## Attachment 7 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's heritage advisor

### Assessment of Proposed Works

#### Demolition

It is proposed to demolish all of the existing non-contributory building which is acceptable.

However, abutting the subject site to the south is No. 28 Chapel Street which is Individually significant.

#### Proposed works

##### *Built form (height/setbacks)*

The proposed height along Johnston Street is 23.28 metres. Heights elsewhere on the site vary slightly due to a slight slope of the land. The podium will be 11.85 metres high and will contain four levels including a ground floor mezzanine. This height corresponds with the parapet of the double-storey hotel on the corner of George Street and is approximately 1.4 metres higher than the parapet of the hotel on the corner of Rochester Street. The podium complies with the DDO and in turn with the heritage policy

From Johnston Street, the setback at the Ground and mezzanine levels is zero. The setback at Levels 01 - 02 is zero to 2.3 metres as the façade is articulated around terraces. The setback at Level 03 is zero to the terrace balustrades and also 2.3 metres to the façade. The setback at Levels 04 - 05 is 2.31 metres to the terrace balustrade and another 2.32 metres to parts of the elevation which is articulated around terraces. The setback at Level 06 is the same but with the elevation being in line behind the terraces. While the DDO simply states that "Development above street façade height should be set-back and not exceed four to six storeys" the heritage policy indicates that "Each higher element should be set further back from lower heritage built forms ... [so as to] make them less apparent [and to] be visually recessive and not dominate the heritage place". While the setbacks comply with the letter of the DDO and heritage policy, they are insufficient to comply with the intent. It is self-evident from the perspective supplied that the upper levels (Levels 05 and 06) are quite apparent and the darker colour does not make them visually recessive. In addition the 7 levels exceed the expectation of all of the relevant policies which envisage new buildings as being 6 storeys or less.

From Rochester Street the setback at the ground and mezzanine levels is zero. At Level 0 - 02 it is zero but with terraces being recessed behind the elevation. At Level 3 the setback is generally zero to the balustrades and 3.85 metres generally to the elevation. At Levels 04 - 05 the setback is also 3.85 metres and at Level 06 the setback is 2.040 metres to the balustrade and 2.4 metres to the elevation. These are generally acceptable.

In summary, at least one level should be deleted and the setbacks from Johnston Street increased at the upper levels to reduce the visual bulk in views east and west along Johnston Street. While the setbacks at the rear have been increased in consideration of No. 28 Chapel Street, the juxtaposition of such a tall building immediately behind this Individually significant building is unfortunate.

##### *Colours/Materials*

Illustrations only of the materials have been provided but in this case they are sufficient to gain an understanding of the final appearance of the building which is generally acceptable. However, it is not clear why a Spanish theme has been chosen for this building in this location as the Spanish businesses and influences are at some considerable distance away between

**Attachment 7 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's heritage advisor**

Brunswick and Nicholson Streets. However, it is a plus that the side elevation will receive some decorative treatment instead of the more typical plain concrete slab but the concrete breezeblock are likely to appear dated and an alternative textured material should be considered.

**Recommendation / Comments:**

In summary, and to comply with the relevant policies, at least one level should be deleted and the setbacks from Johnston Street increased at the upper levels to reduce the visual bulk in views east and west along Johnston Street.

While the setbacks at the rear have been increased in consideration of No. 28 Chapel Street, the juxtaposition of such a tall building immediately behind this Individually significant building is unfortunate. Greater consideration should be given to the likely adverse impacts on the spatial setting of this building. While no sightline diagram has been provided from Chapel Street it is self-evident the proposed new building will loom above it.

Consider an alternative textured material to the concrete breezeblocks.

Also, given the early date of No. 176 Johnston Street which abuts the development site to the east, access should be provided during construction to carry out any necessary repairs and conservation works to the east elevation.

**Signed:**



**Robyn Riddett**

Director – Anthemion Consultancies

**Date:** 30 September, 2016



## Attachment 8 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's urban design consultant



### 178-182 Johnston Street, FITZROY

#### Urban Design Referral

<b>Date</b>	23/08/16
<b>Council Reference</b>	PLN16/0429
<b>To</b>	Nik Muhllechner
<b>From</b>	David Lock Associates

#### INTRODUCTION

In July 2016, City of Yarra requested that David Lock Associates undertake an urban design assessment of a proposed development at 178-182 Johnston Street, Fitzroy (the subject site). The proposal seeks to construct a seven storey mixed use development consisting of ground floor retail and six storeys of shoptop dwellings.

In undertaking this assessment we have had regard to the following:

- The relevant provisions of the Yarra Planning Scheme and reference documents, including the *City of Yarra Review of Heritage Areas* (2007 – Amended 2013);
- The physical context of the subject site as well as the wider area (confirmed via site inspection 22/08/16);
- The architectural plans prepared by OLA Architects (Revision 01 dated 21/05/16);
- The Town Planning and Urban Context Report prepared by Contour consultants (dated May 2016); and
- The interim 2016 VCAT decision for 142-144 Johnston Street, Fitzroy (refer '*Haus Fitzroy No. 2 v Yarra CC [2016] VCAT 1304*').

#### BUILT FORM SCALE AND MASSING

##### Context

The subject site is large allotment with a total combined area of 634m<sup>2</sup> (approx.), located on the corner of Johnston Street and Rochester Street, Fitzroy. Existing built form on site consists of single and double storey commercial properties with full site coverage. The subject site is zoned Commercial 1 Zone (C1Z) and included in the Heritage Overlay Schedule 334 (HO334) and Design and Development Overlay Schedule 10 (DDO10). No other overlays are of relevance from an urban design perspective.

In a broader strategic sense, Clause 21.03 identifies that the subject site is located in the Johnston Street Neighbourhood Activity Centre (NAC), with the Brunswick Street Major Activity Centre (MAC) approximately 230m to the west and the Smith Street MAC approximately 280m to the east.

In terms of immediate interfaces, the subject site is abutted by a single storey commercial property to the west at 176 Johnston Street, a single storey dwelling and POS area to the south at 23 Chapel Street, and the side interface of a row of single storey workers cottages on Johnston

## Attachment 8 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's urban design consultant



Street east of the subject site (across Rochester Street). More recent nondescript double storey commercial built form is located directly north of the subject site across Johnston Street.

The character and appearance of these interfaces is broadly reflective of their designation within the *City of Yarra Review of Heritage Places*, which identifies the subject site and all built form north of the site (across Johnston Street) as having 'non-contributory' heritage value. However, the subject site is abutted by 'contributory' heritage built form to the west (176 Johnston Street), is proximate to 'contributory' heritage value to the east (188 Johnston Street, across Rochester Street) and in abuttal to 'significant' heritage built form to the south (23 Chapel Street).

These designations are also evident with the streetscape character of the southern side of Johnston Street, which is best described as a relatively consistent and characterised by pockets of single store heritage workers cottages interspersed by older, more prominent double storey heritage hotels on corner sites. More recent developments exist within this pattern (such as that which currently exists on the subject site), but are generally a maximum of two commercial storeys in height.

DDO10 seeks to preserve this existing streetscape character facilitating development with a podium that is consistent with the predominant two to three storey height of 19<sup>th</sup> and 20<sup>th</sup> century built form, and limiting the scale of upper forms. The overlay states the following of particular relevance:

- *Taller buildings should be setback and spaced to create new interest and variety in building forms;*
- *The street frontage façade of infill development should complement the predominant street frontage height of nearby and abutting properties. The street façade height should not exceed three storeys of 12m; and*
- *Development above street façade height should be setback and not exceed four to six storeys. Setbacks should meet the following viewline and amenity setback criteria:*
  - *Avoid increased overshadowing of street and public space between 10am and 2pm at the September equinox;*
  - *Where site adjoin fine grained, low rise residential development, provide a stepped transition in height at the sensitive interface to minimise amenity impacts; and*
  - *Minimise the visual intrusion of the upper levels when viewed from footpaths or public spaces.*

This approach is further supported by Clauses 21.05 and 22.02 of the Yarra Planning Scheme, which together seek to facilitate built form of five to six storeys in height in activity centres (which can be exceeded provided specific benefits are achieved) provided it is tempered with the need to respect adjoining contributory and significant heritage fabric.

Taken together, the pertinent planning policy framework relevant to the subject site supports more intensive built form outcomes provided they are respectful of the preferred Johnston Street streetscape character and surrounding heritage fabric. DDO10 and Clause 22.02 provide the most useful guidance on how best to achieve this.

### *Street Wall Height*

The proposal provides a three storey street wall (11.5m high) to the public realm and western abuttal, which steps down to approximately two storeys (5.7m) where immediately abutting the POS of 23 Chapel Street to the south.

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In determining the appropriateness of the street wall's height, consideration must be given to the preferred future character statement of DDO10 which specifically seeks to facilitate street frontage 'façade walls' that complement the predominant street frontage height of nearby and abutting properties and are a maximum of 12m in height. Although the proposed 11.5m high street wall is less than the maximum 12m height envisioned by DDO10, it still needs to complement the predominant street wall height of nearby and abutting properties.

As viewed from Johnston Street, the subject abuts a contributory single storey heritage building to the west with additional single storey contributory heritage built form to the east. Further, as viewed from Rochester Street the site is abutted by a significant heritage building to the south. Clause 22.02 prioritises the retention of all abutting built form and it is therefore reasonable to expect that all surrounding developments will generally remain in their current form.

As currently proposed, the 11.5m high street wall will overwhelm the existing streetscape heights of both Johnston Street and Rochester Street and fail to respond to the clear intent of DDO10. The street wall should therefore be reduced to a maximum height of 8m to Johnston Street and Rochester Street (equivalent to a commercial ground floor, residential first floor and 1m parapet), that also continues along the western common boundary with 176 Johnston Street (refer to the discussion on 'Equitable Development'). At the rear of the site, the proposed podium wall should generally maintain the height currently proposed directly north of the abutting POS (approximately 5.7m) for the full length of this interface. Refer to the discussion on 'Offsite Amenity'. Doing so will ensure consistency with the provisions of DDO10 and Clause 22.02.

### *Overall Height*

Above the proposed street wall, the proposal reaches a maximum height of seven storeys (approximately 22m) consisting of a three storey upper form recessed from all boundaries (except the west) and a further recessive 'cap' at Level 6.

Although the height of the proposed development is generally consistent with the provisions of Strategy 17.2 of Clause 21.05 (by delivering some of the benefits suggested to warrant built form height exceedance), DDO10 and Clause 22.02 again provide the most targeted built form guidance and together anticipate a maximum heights of six storeys (provided built form above the street wall is setback so that it minimises its visual intrusion as viewed from footpaths and public spaces).

The recommended reduction of the proposed streetwall height will increase the visibility of the proposed upper form as viewed from the public realm, which is at odds with the intent of the DDO. Therefore, an appropriate response to upper form visibility in relatively intact heritage streetscapes (such as the southern side of Johnston Street) is to limit it to no more than a modest percentage of the overall visibility of the proposal as viewed in direct views from the public realm. Figure 1 below tests this from Johnston Street, Rochester Street and Napier Street.

Based on this – combined with the policy guidance of DDO10 and Clause 22.02 – the visual presence of the upper form is excessively disproportionate to the immediate context and should be reduced accordingly. We recommend deleting the proposed Level 6 and setting back Level 5 so that it is not visible in direct views from both Johnston Street, Rochester Street and Napier Street. Levels 2-4 should also be set back a minimum of 5m from Johnston Street. Doing so will ensure an appropriate built form response consistent with surrounding character and the intent of both DDO10 and Clause 22.02.

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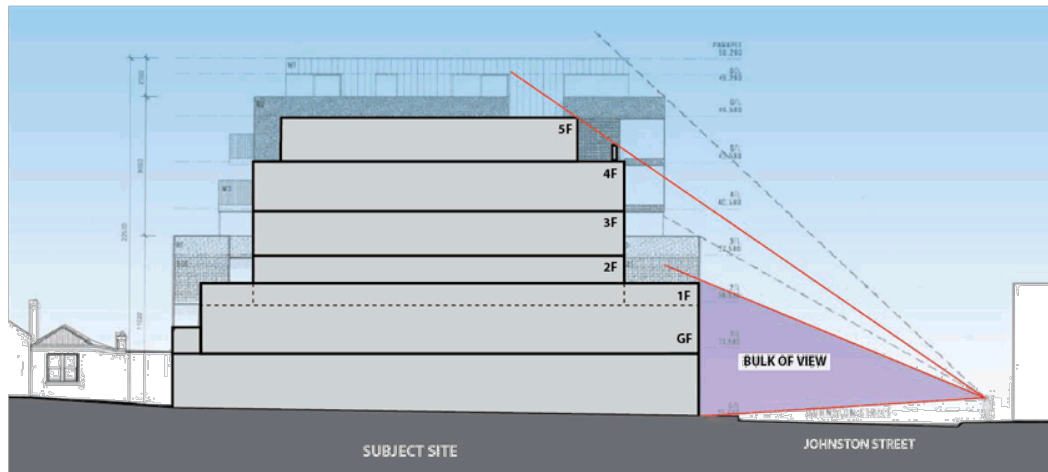


Figure 1 – Johnston Street viewline assessment with recommended setback and height reductions

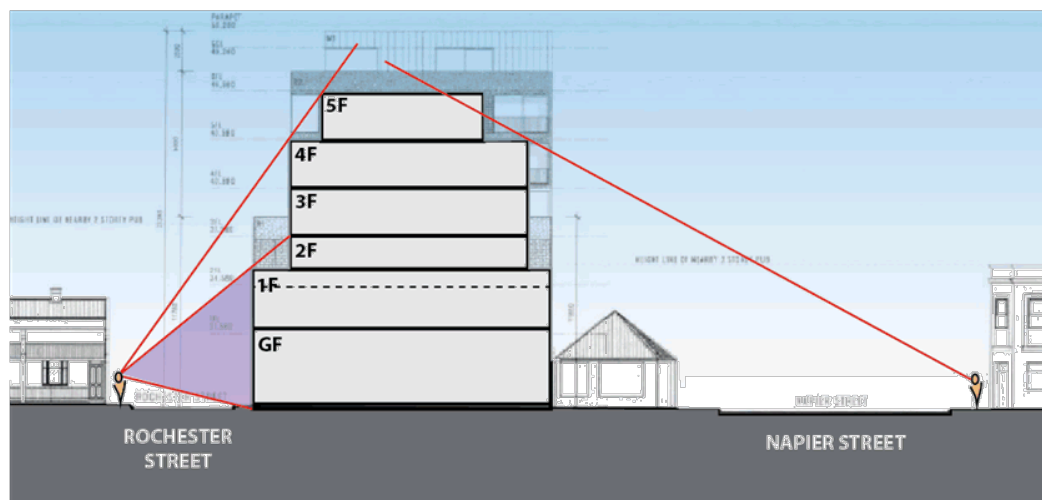


Figure 2 – Side street viewline assessment with recommended setback and height reductions

### Setbacks

In addition to the aforementioned setback recommendations, DDO10 specifically seeks for built form to be built to the street and side frontages and the proposed street wall is consistent with this.

However, the proposal seeks to rise sheer on the western boundary for the full height of the proposal, which is not considered an appropriate design response owing to the visibility of the site from westerly aspects (along Johnston Street and Napier Street) combined with the limited future development potential of 176 Johnston Street. Whilst we are supportive of the intent of a double storey sheer podium to this interface, we recommend a minimum setback of approximately 2m



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above this for Levels 2-4, with Level 5 set back so that it is largely hidden from view in direct views from Napier Street. The western setback is discussed further in 'Design Detail' and 'Equitable Development' sections of this referral.

At the rear, the proposal seeks to rise sheer for the full height of the proposed podium before setting back approximately 3-7m. Given the sensitivity of this interface combined with its limited future development potential, setbacks at this interface are driven primarily by offsite amenity impacts and this is discussed further in the corresponding section of this referral.

### **PUBLIC REALM AND OFFSITE AMENITY**

#### *Public Realm Amenity*

In addition to the public realm guidelines of DDO10, Clause 15.01-1 and the Guidelines for Higher Density Residential Development (GHDRD) both seek to achieve a wide range of appropriate public realm amenity and urban design outcomes.

The proposal fully activates Johnston Street and the northern portion of Rochester Street by way of glazed ground floor commercial tenancies. This is appropriate for C1Z zoned land in a NAC and is supported. A communal pedestrian entry lobby is located to Rochester Street which will further contribute to the activation of this aspect. Vehicular access is segregated to Rochester Street where it will avoid disruption of the Johnston Street streetscape and minimise pedestrian/vehicle conflicts. This too is supported.

However, the subject site's portion of the Johnston Street NAC is not only a commercially zoned NAC in its own right, but is also a key pedestrian linkage between the Brunswick Street and Smith Street MACs. Weather protection should therefore be provided to Johnston Street, which should be of a height capable of providing meaningful protection (and which extends to approximately 750mm from the Johnston Street kerbline). We note that the narrow width of the Rochester Street footpath makes meaningful weather protection at this interface unlikely.

Above this, a number of dwellings and balconies within the street wall are toward the public realm where they will be capable of passively surveying the public realm. This is consistent with Design Suggestion 2.8 of the GHDRD.

DDO10 seeks to ensure that development above the street wall avoids increased overshadowing of public spaces between 10am and 2pm at the September equinox. Although the shadow diagrams submitted indicated that the proposal will likely overshadow Napier Street at 10am and Rochester Street from approximately 12.30pm onwards, the aforementioned height and setback requirements will likely reduce this to an acceptable proportion.

#### *Offsite Amenity*

In addition to the general amenity requirements of the GHDRD, DDO10 specifically seeks to provide a stepped transition in height at sensitive interfaces to minimise amenity impacts. The key consideration with respect to offsite amenity is therefore the southern abutting property at 23 Chapel Street.

With respect to visual bulk at this interface, the aforementioned reduction in height of the podium wall along the common boundary to approximately 5.7m will result in a sheer boundary wall roughly equivalent to the height of a double storey residential dwelling. This is only slightly in excess of the sheer wall which currently exists and is considered an appropriate response commensurate with the reasonable amenity expectations of C1Z zoned land. Above this, the proposal sets back approximately 3-7m to the building line of the proposal, which is generally considered appropriate when coupled with a reduction in the overall building height by one level.

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Setting back Level 5 so that it is not visible from a height of 1.7m taken from the centre of the POS of 23 Chapel Street will further enhance the visual bulk response at this interface.

With respect to overlooking at this interface, a number of balconies are south-facing and cantilevered within this setback, which - given the dimensions of the site - is logical and supported in principle. All south facing balconies are proposed to be screened in accordance with the requirements of Standard B22 of Clause 55.04. Design suggestions are made with respect to the form of this screening in the 'Design Detail' section of this referral.

Finally, with respect to overshadowing at this interface, the shadow diagrams provided indicate that the POS of 23 Chapel Street will have continuous access to sunlight throughout the day at the equinox. The aforementioned height and setback recommendations will no doubt enhance this outcome, which will likely result in an appropriate outcome commensurate with reasonable amenity expectation for C1Z zoned land.

### EQUITABLE DEVELOPMENT

Although the subject site is located in abuttal to significant and contributory heritage fabric to the south and west respectively (which will most likely remain largely 'as is'), we cannot rule out the possibility of some form of modest future development located at the rear of these properties. In this respect we agree with the findings of VCAT in the interim decision for 142-144 Johnston Street, Fitzroy that anticipate modest heights (potentially in the order of 2-3 residential storeys) at the rear of properties such as these.

In response, the sheer street walls at each of these interfaces best facilitates the future development options of each abuttal, noting that any future development of 176 Johnston Street will likely orientate itself outward to Napier Street and Johnston Street (and not toward the subject site), whilst any future development of 23 Chapel Street will similarly orientate itself southward and eastward where greater outlook and amenity is available.

### DETAILED DESIGN

#### *Materiality and Architecture*

The architecture of the proposal is well resolved, and makes use of a range of interesting materials to present as a coherent design concept. However, we recommend the use of a lightweight cladding material rather than a reflective metal seam cladding for the upper most level, noting that the recommended setbacks for this upper level will generally ensure this aspect is visible in longer views only. Further, the use of darkened charcoal breeze blocks and concrete is supported provided the finish reads as a dark grey and not black.

#### *Internal Amenity*

Although not an urban design issue per se, the quality of internal amenity obtained from the proposed light court arrangement is questionable. Given the limited development potential of 176 Johnston Street to the west, we recommend externalising the proposed bedroom light courts for all proposed western dwellings to the site boundary.

Any balconies required to be screened for privacy and which are also 'capped' by the balconies of the level above should make use of angled privacy shelves, which will allow for greater outlook and internal amenity compared to the narrow outlook aperture currently proposed for each of these balconies.

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### SUMMARY

In summary, there are many reasons that support the principle of more intensive built form on site, including the site's NAC location, proximity to MACs and public transportation, C1Z zoning and elements of local policy. In this sense the principle of the proposal is supported.

However, the proposal fails to adequately respond to the intricacies of the site's immediate context, as well as strong policy support for the achievement of a preferred future character in this portion of the municipality as espoused under DDO10. It is too high and too dominant with respect to the Johnston Street streetscape and neighbouring abuttals and should be reduced in height and mass accordingly. A number of other minor design initiatives are also required in order for the proposal to be deserving of urban design support. Therefore, we recommend the following changes be made from an urban design perspective:

- **Reduce the overall height of the proposed street wall to no more than 8m to Johnston Street, Rochester Street and the western abuttal;**
- **Reduce the overall height of the proposed podium wall to no more than approximately 6m at the southern interface with 23 Chapel Street;**
- **Delete Level 6;**
- **Setback Levels 2-4 a minimum of 5m from the Johnston Street interface;**
- **Setback Levels 2-4 (including core) approximately 2m from the western boundary;**
- **Ensure that Level 5 is set back so as to not be visible in direct views from the northern Johnston Street footpath, eastern Rochester Street footpath and from a point measured at 1.7m above the centre of the POS of 23 Chapel Street. Ensure this level is limited in visibility from the western Napier Street footpath;**
- **Relocate the proposed internal lightcourts for all western bedrooms to the western boundary;**
- **Provide a pedestrian canopy to the Johnston Street frontage of a height capable of providing meaningful weather protection (approximately 3.6m above the footpath) and which extends to approximately 750mm from the kerbline;**
- **Ensure that any balconies required to be screened and which are also 'capped' by the balcony above make use of angled privacy shelving instead of 1.7m high screening; and**
- **Delete the proposed reflective cladding materiality for the upper level and make use of an alternative, lightweight material instead.**

Please do not hesitate to contact Brodie Blades on (03) 9682 8568 should you wish to discuss any aspect of this information above further.

**DAVID LOCK ASSOCIATES**



**Attachment 9 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's acoustic consultant**



22 August 2016

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City of Yarra  
PO Box 168  
Richmond VIC 3121

**Attention: Nikolas Muhllechner**

Dear Nikolas

**178-182 Johnston Street Fitzroy  
Planning Assessment Acoustical Review  
PLN16/0563**

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the proposed mixed used development at 178-182 Johnston Street Fitzroy.

The report primarily addresses external noise intrusion. Details of the report are as follows:

- Title: 182 Johnston Street, External Noise Intrusion
- Reference: Document Ref. 20160141.1/0706A/R2/BAW, Revision 2
- Date: 7/06/2016
- Prepared by: Acoustic Logic

**1 Preliminary**

The subject development comprises 2 basement level carparks, ground floor retail tenancies, and 6 floors of apartments above the retail tenancies.

Acoustic Logic identify two nearby licences premises, being the Town Hall Hotel and the Rochester Castle Hotel (now 'Miss Katies Crab Shack'). Acoustic Logic indicate that based on their inspection on the night of 5 February 2016, there was no audible music, patron or mechanical plant noise from these or other commercial uses in the area, and that traffic noise was the dominant source in the area.

**SLR Comment:**

*From review of on-line information relating to the Town Hall Hotel, it would appear this is predominantly a dining type hotel, and not a music venue, but does cater for private functions and weddings in the upper floor level. The new apartments would represent some encroachment on this use as they will be the nearest affected dwellings. This could result in some increased constraint on what the hotel can do during private functions.*

## Attachment 9 - PLN16/0563 - 178-182 Johnston Street Fitzroy - Referral comments from Council's acoustic consultant

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*The Rochester Castle / Miss Katies Crab Shack is significantly further from the site, and there are already numerous residential dwellings between it and the subject development. We do not see this as a potential issue.*

### 2 Traffic Assessment

Acoustic Logic undertook long term noise logging (Section 4 of report) along the north façade of the existing building on the site and have used this data to determine glazing and facade treatments for the building in Section 5 of their report.

The design levels adopted are based on AS2107, as shown in Section 3.1.

#### SLR Comment:

*The noise logging location and duration (i.e. over a 6 day period) is appropriate for characterising the traffic noise impacts.*

*In relation to design targets, the report refers to the AS/NZS 2107 criteria, and reproduces the entire range of design levels (i.e. 35-45 dBA for living rooms, 30-40 dBA for bedrooms). The report does not specifically indicate which end of the range is to be designed to, however, Acoustic Logic have previously advised that they normally use the loudest single hour of noise monitoring (for the relevant day or night period) and design to the upper part of the range of AS/NZS2107. The report provides the following 1 hour noise levels based on their measurements (refer to Table 6 of report):*

- Day: 68 dBA, Leq, 1hr
- Night (6-7am): 68 dBA, Leq, 1hr

*From review of the noise logging data, the night period noise level of 68 dBA looks appropriate for the 6-7 am interval, however, it would appear that some periods are louder than 68 dBA for the day period measurement (eg. 7 to 9 am on a few days). As such, if Acoustic Logic have designed for 68 dBA during the day, there could be 1 or 2 hours that would potentially exceed the 45 dBA criterion.*

*SLR's recommended approach for traffic noise assessment is as follows:*

- Night noise level (bedrooms): 35 dBA, Leq over 9h, AND 40 dBA for loudest single hour
- Day noise level: 40 dBA, Leq over 15h, AND 45 dBA for loudest single hour

*Meeting the Leq over the 9 h and 15 h normally results in meeting the loudest hour noise levels. We further note that the above 9 h and 15 h design levels align with both the NSW and Western Australian planning requirements for traffic noise to new developments.*

*Overall, the approach taken by Acoustic Logic is considered reasonable for the night period, but not so for the day period / living room areas. We request that Acoustic Logic confirm:*

- *The design target used for the living rooms, and the external noise level used for calculations.*
- *What levels are predicted in the living rooms with the nominated glazing and nominated external noise level, and if the 40 dBA Leq 15 hour level can be met.*

### 3 Recommendations

Acoustic Logic provide recommendations for the façade glazing, roof and external wall constructions in section 5.

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### SLR Comment:

*Indicative lightweight construction options are included in the attached marked up drawings. No acoustic ratings are nominated (which would be preferable), but the walls appear to provide acoustic ratings in the order of 7-12 dB higher than the nominated glazing, which should provide for a reasonable outcome.*

*The roof appears to be particularly lightweight and provides minimal sound insulation performance, but should not be impacted by any significant noise source.*

## 4 Assessment of Plant and Equipment

Acoustic Logic state that all plant and equipment in the buildings is to comply to SEPP N-1 and EPA Noise Control Guidelines, and indicate that plant equipment selections have not been developed yet for the site, and that any such equipment is to be designed to comply with the necessary requirements and criteria developed in section 3.2.5 and 3.3 of their report.

### SLR Comment:

*The SEPP N-1 criteria provided in Section 3.2.5 appear reasonable for the site and are based on zoning.*

*A commitment to design to the SEPP N-1 levels, and statement of the noise limits is acceptable at this stage of the project.*

## 5 Carpark Access Door and Carlift

Acoustic Logic present some generic information for vibration isolation of the carpark entry door and carlift in section 7 of their report. This includes some discussion on Lmax criteria.

### SLR Comment:

*The report calls up vibration isolation for the door and carlift as well as some other generic treatments (teflon guides, smooth operation, soft start / stop mechanism). These are considered good practice conceptual advice that makes the developer aware of the extent of works they are required to include in their installation.*

*The report does not call up a specification for noise levels that should be met from the doors / lift. (this would be a preferred approach) but it does call up 65 dBA outside the window of an apartment (in order to achieve 55 dBA inside based on NSW EPA document).*

*As a broad comment, we do not agree with adoption of 55 dBA internally as an acceptable Lmax level for carpark doors. The NSW document targets primarily relate to traffic noise, and noise from other sources that exhibit different characteristics are likely to be more intrusive than traffic noise. On this basis, we would prefer to see a specification of 65 dBA at 1m from the doors or carpark lifts, which would likely result in less than 60 dBA outside the window above.*

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### 6 Summary

A summary of our findings with regard to the acoustic report prepared for this application is provided below:

- Acoustic Logic identify two potential sources of music noise near the site, but conclude that these do not appear to be music venues based on their single site inspection during the night. We generally agree that music noise impacts are likely a small risk of impact to the site, but the Town Hall Hotel, which is located to the west of the subject site, does have private functions on the first floor that could include music operations. The new development would represent a potential operational constraint on the Hotel as it would be the nearest residential receptor. The apartment development includes minimal amounts of glazing on the west façade (facing the venue) which represents a good noise amenity outcome, but ultimately, the venue will need to ensure its noise emissions do not exceed SEPP N-2 noise limits at this development.
- The traffic noise assessment may not provide sufficient sound attenuation to living rooms to achieve 40 dBA during the 15 hour day average or 45 dBA during the loudest hour. We request clarification on:
  - The external noise level used for calculation and its justification (i.e. 68 dBA does not appear to be the loudest hour).
  - Actual predicted noise levels into living rooms with the nominated external noise level, and whether the 45 dBA hourly (for loudest hour) and 40 dBA 15 hour noise level can be met.
- We recommend that Acoustic Logic specify maximum noise levels at 1m from any carpark doors or carlifts such that not more than 60 dBA is achieved outside any habitable room window.

#### ***Additional Comments on Building Design - Atrium***

We note that the building appears to have an atrium type arrangement for access to apartments, and apartments have glazing into the atrium / access corridor areas. The drawings indicate that a glazed roof will be provided over the top of the atrium (with ventilation openings to the perimeter).

We have some concerns with this arrangement. Firstly, the atrium is likely to be highly reverberant given the predominantly glass and hard finished surfaces. Noise in the atrium will reverberate and enter apartments via doors and glazing.

Secondly, the BCA requires an acoustic rating of  $R_w$  not less than 50 dB for any wall separating an apartment and a foyer / communal corridor. The design of this building appears to have glazing between apartments and the corridors, which would only provide in the order of  $R_w$  30-35 dB. This does not appear to meet the BCA acoustical provisions, and represents a potentially poor amenity outcome.

Yours sincerely



JIM ANTONOPOULOS BAppSc MAAS  
Principal – Acoustics

Checked by: DW

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- 1.2      PLN15/0800 - 359 St Georges Road, Fitzroy North - Full demolition and development of the land for the construction of a 4 storey building, with a reduction in the car parking requirements associated with a shop and dwellings, waiver of the loading bay requirement and reduction in the bicycle parking requirement**
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## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of the planning permit application for the development of 359 St Georges Road, Fitzroy north for the full demolition and development of the land for the construction of a 4 storey building, with a reduction in the car parking requirements associated with a shop and dwellings, waiver of the loading bay requirement and reduction in the bicycle parking requirement.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 52.06 – Car parking;
  - (b) Clause 52.07 – Loading and unloading of vehicles;
  - (c) Clause 52.34 – Bicycle parking;
  - (d) Clause 55 – Two or more dwellings on a lot and residential buildings;
  - (e) Clause 11.03-1 – Activity centre network;
  - (f) Clause 11.03-2 – Activity Centre Planning;
  - (g) Clause 13.04-1 – Noise abatement;
  - (h) Clause 15.01-1 – Urban Design;
  - (i) Clause 18.02-5 – Car parking;
  - (j) Clause 21.04-2 – Activity Centres;
  - (k) Clause 21.05-2 – Urban design;
  - (l) Clause 21.06 – Transport;
  - (m) Clause 21.08-8 – North Fitzroy;
  - (n) Clause 22.02 – Development guidelines for sites subject to the Heritage Overlay;
  - (o) Clause 22.05 – Interface uses policy;
  - (p) Clause 22.07 – Development abutting laneways;
  - (q) Clause 22.16 – Stormwater management (water sensitive urban design); and
  - (r) Clause 22.17 – Environmentally Sustainable Development.

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) strategic policy;
  - (b) ResCode (clause 55), also incorporating clauses 22.05, 22.07, 22.16 and 22.17;
  - (c) traffic and car parking;
  - (d) bicycle parking;
  - (e) loading bay waiver;
  - (f) waste management; and
  - (g) Objector concerns.

### **Objector Concerns**

4. Six objections were received to the application, these can be summarised as:
  - (a) service and parking impacts during construction;
  - (b) insufficient car parking;
  - (c) neighbourhood character;
  - (d) overdevelopment;
  - (e) height;

- (f) off-site amenity (noise, overshadowing, outlook to many clotheslines visual bulk and overlooking);
- (g) laneway safety;
- (h) car park access would be difficult;
- (i) impact on nearby businesses; and
- (j) plan inaccuracies (including trees in shadow diagrams).

## **Conclusion**

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

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## 1.2 PLN15/0800 - 359 St Georges Road, Fitzroy North

Trim Record Number: D17/38501

Responsible Officer: Coordinator Statutory Planning

**Proposal:** Full demolition and development of the land for the construction of a 4 storey building, with a reduction in the car parking requirements associated with a shop and dwellings, waiver of the loading bay requirement and reduction in the bicycle parking requirement

**Existing use:** Single storey shop

**Applicant:** Melbourne Planning Solutions

**Zoning / Overlays:** Commercial 1 Zone  
(St Georges Road is a Road Zone, Category 1)  
Heritage Overlay (HO327 – North Fitzroy Precinct)

**Date of Application:** 14 August 2015

**Application Number:** PLN15/0800

### Planning History

1. On 31 March 2000, planning permit no. 991310 was issued to construct buildings and works for use of land as a licensed premises and to waive car parking requirements for a 16 seat food and drinks premises.

### Background

2. On 23 January 2017, the Applicant lodged a Section 57A amendment, making the following changes to the original plans:
  - (a) increased north boundary setback from 1.1m to 1.8m (rear segment to dwellings 1 and 4);
  - (b) bedroom size increased to a minimum 3.1m x 3.1m;
  - (c) screening of bedroom windows with angled, frosted glass louvres. Angled to prevent overlooking, yet angled upward to enable daylight to enter;
  - (d) north boundary setback of unit 7, bedroom 2 increased from 1.1m to 1.6m;
  - (e) south boundary light court increased from 2.3m x 2.4m to 2.67m x 2.55m;
  - (f) bedroom windows to dwellings 2, 3, 5 and 6 noted as full height;
  - (g) bedroom windows to dwellings 3 and 6 increased to a width of 2.26m;
  - (h) dwelling 2 and 3 living areas provided with full height and width glazing; and
  - (i) rear garage door modified to a panel lift design with windows. The garage door has been realigned or 'squared off' as opposed to running along the rear title boundary;
3. These plans were re-advertised and form the basis of this report.

### Subject Site

4. The subject site is located on the west side of St Georges Road, north of Holden Street and south of Barkly Street, Fitzroy North. The site has a frontage of 9.2m and a maximum depth of 33.5m, yielding an area of approximately 308m<sup>2</sup>.
5. The site is currently developed with a single storey shop, built to the east (front) and part north and south (side) boundaries.

### *Restrictive Covenants*

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



### Surrounding Land

7. The site is located within the North Fitzroy Village neighbourhood centre, with a primarily 1-2 storey built form character. Land uses include cafes, take away food premises, a medical centre and shops.
8. To the north of the subject site, fronting St Georges Rd, is a single storey building used as a tattoo parlor. This segment of the building is constructed to the boundary for a length of 15.5m. At the rear of this building is a single storey dwelling facing Barkly Street to the north. As with the subject site and the adjoining properties to the north and south, this dwelling is located within the Commercial 1 Zone.
9. To the west, across the laneway, is the side of a single storey dwelling fronting Barkly Street. This site presents part private open space and part single storey garage towards the subject site.
10. To the south of the subject site, is a double storey art deco building, divided into 5 shops. The building segment to the immediate south is built to the shared boundary for a length of 22.6m, along with a 6.6m long shed at the rear.
11. To the east of the subject site, across St Georges Road, is a row of primarily single storey shops.
12. St Georges Road is serviced by a tram route.

### **The Proposal**

13. The application is for the full demolition and development of the land for the construction of a 4 storey building, with a reduction in the car parking requirements associated with a shop and dwellings, waiver of the loading bay requirement and reduction in the bicycle parking requirement. More specifically:

#### Demolition

- (a) demolition of all existing buildings, structures and fences on the site;

#### Construction

- (b) construction of a four-storey building, partially constructed to all boundaries;
- (c) at the ground floor, a 1.8m wide inset would be offered to provide separate shop and dwelling entries. A 1.1m wide 10m long light court would be offered along the northern boundary and the western edge of the development would be 'squared off', resulting in the northern end being positioned along the northern boundary and the southern end being setback 3.6m (excluding the southern boundary wall which would only be 600mm short of the western boundary);
- (d) at the first floor, the development would have a similar footprint, however the:
  - (i) front balconies would be introduced with depths of 1.8m to 3.9m;
  - (ii) the northern light court would be 1.1m wide (stair enclosure segment) with the dwelling segments being setback 1.6m to 1.8m;
  - (iii) a light court would be introduced along the southern boundary (2.7m by 2.6m); and
  - (iv) the building would be constructed along the western boundary at this floor, cantilevering over the ground level vehicular entry;
- (e) the second floor would have the same footprint at the first floor;

- (f) the third floor would be afforded increased setbacks, with a 4.1m front balcony setback (measured from the northern boundary), an additional 1.1m southern setback for the front unit (8m long portion), and additional 1.4m (south) and 2.4m (north) boundary setbacks for the rear balcony;
- (g) the development would be a maximum overall height of 12.9m;
- (h) the maximum boundary heights would be:
  - (i) north – 10.6m;
  - (ii) east – 10.6m;
  - (iii) south – 12.3m; and
  - (iv) west – 9.2m.

#### Layout

- (i) the ground floor would contain an 83m<sup>2</sup> shop (including amenities and a kitchen), the residential entry (via St Georges Rd), bicycle storage for 7 bikes, & storage lockers, a lift and stair core, a bin store, service cupboards and parking for 3 vehicles;
- (j) vehicular access would be provided via the rear lane and all pedestrian access would be via St Georges Road;
- (k) level 1 would contain 3 dwellings, level 2 would include 3 dwelling and level 3 would include 1 dwelling;
- (l) dwelling configuration:
  - (i) 1BR – 4; and
  - (ii) 2BR – 3.

#### ESD features

- (m) minimum 6.5 average NatHERS rating for thermal energy performance;
- (n) energy efficient heating / cooling and hot water;
- (o) water efficient fixtures and taps;
- (p) a 100% STORM score relying on a 3,000 litre rainwater storage tank(s), draining 203m<sup>2</sup> of roof and connected to toilet flushing in all dwellings; and
- (q) seven bike parking spaces.

### **Planning Scheme Provisions**

#### Zoning

##### *Commercial 1 Zone*

- 14. The purpose of the C1Z is:
  - (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
  - (b) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
  - (c) *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*
- 15. Under clause 34.01-1 of the Scheme, a permit is required to use the site as a dwelling (the ground floor frontage exceeds 2m). A permit is not required to use the site as a shop (no maximum leasable floor area is specified in the Schedule to the zone).
- 16. Under clause 34.01-4 of the Scheme, a permit is required to construct a building or construct or carry out works.

#### Overlays

##### *Heritage Overlay (HO327 – North Fitzroy Precinct)*

17. The relevant purpose of this overlay is:
  - (a) *To conserve and enhance those elements which contribute to the significance of heritage places.*
  - (b) *To ensure that development does not adversely affect the significance of heritage places.*
18. A permit is required under clause 43.01-1 of the Scheme to demolish or remove a building and to construct a building or construct or carry out works.
19. Appendix 8 of the *City of Yarra Heritage Review 2007* (Incorporated Document) nominates the subject building as 'not contributory' to the North Fitzroy Heritage Precinct.

## Particular Provisions

### *Clause 52.06 – Car parking*

20. The purpose of this provision (amongst others) is to ensure the provision of an appropriate number of car spaces are provided having regard to the activities on the land and the nature of the locality. This provision recommends car parking rates at clause 52.06-5. Under clause 52.06-3, a permit may be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 (noting there is no relevant Parking Overlay).
21. The application has a statutory requirement of 7 dwelling, 1 dwelling visitor and 3 shop spaces. With 3 being provided (allocated to the dwellings) a reduction of 8 is sought.
22. Clause 52.06-6 of the Scheme outlines a range of decision guidelines and clause 52.06-8 outlines a range of design standards. The relevant of these will be addressed in the assessment.

### *Clause 52.07 – Loading and unloading of vehicles*

23. The purpose of this provision is 'To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety'.
24. 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.*
25. A permit may be granted to reduce or waive these requirements if either:
  - (a) *The land area is insufficient.*
  - (b) *Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.*
26. With no on-site loading bay provided, a permit is required under this provision.

### *Clause 52.34 – Bicycle facilities*

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

28. The proposal has a statutory bicycle parking requirement of 3 bicycle parking spaces. With 7 bicycle parking spaces being provided (within the ground level), a reduction is not sought under this provision. However, it is noted that a bicycle space for a visitor, shopper or student must be provided at a bicycle rail.

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

29. This provision applies as the application is to construct two or more dwellings on the lot and the development is less than 5 storeys.
30. The purpose of this provision includes (as relevant):
- (a) *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*
  - (b) *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
  - (c) *To encourage residential development that is responsive to the site and the neighbourhood.*

**General Provisions**

*Clause 65 – Decision Guidelines*

31. 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)**

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

*Clause 11.01-1 – Settlement network*

33. The site is within the North Fitzroy Neighbourhood Centre. The objective of this clause is '*To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements*'.

*Clause 11.02-2 – Structure planning*

34. The objective of this clause is '*To facilitate the orderly development of urban areas*'. It is noted that the site is not affected by a structure plan.

*Clause 11.02-3 – Planning for growth areas*

35. The objective of this clause is '*To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas*'.

*Clause 11.03-1 – Activity centre network*

36. 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 11.03-2 – Activity centre planning*

37. 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'*.

*Clause 13.04-1 – Noise abatement*

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

*Clause 15.01-1 – Urban Design*

39. 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*

40. The objective of this clause is *'To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'*. The strategy of this clause is to apply 11 design strategies.

*Clause 15.01-4 – Design for safety*

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

*Clause 15.01-5 – Cultural identity and neighbourhood character*

42. 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*

43. 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 16.01-1 – Integrated housing*

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

*Clause 16.01-2 – Location of residential development*

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

*Clause 16.01-4 – Housing diversity*

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

*Clause 16.01-5 – Housing affordability*

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

*Clause 17.01-1 – Business*

48. 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 18.01-1 – Land use and transport planning*

49. The objective of this clause is *'To create a safe and sustainable transport system by integrating land-use and transport'.* The relevant strategy is:
- (a) *Plan urban development to make jobs and community services more accessible by:*
    - (i) *Concentrating key trip generators such as higher density residential development in and around Central Activities Districts, Principal, Major and Specialised Activity Centres on the Principal Public Transport Network.*

*Clause 18.02-1 – Sustainable personal transport*

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

*Clause 18.02-5 – Car parking*

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

**Local Planning Policy Framework (LPPF)**

*Clause 21.03 – Vision*

52. In the City of Yarra in 2020 (as relevant):

*Land Use*

- (a) *Yarra will have increased opportunities for employment*
- (b) *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne*

*Built Form*

- (c) *Yarra's historic fabric which demonstrates the development of metropolitan Melbourne will be internationally recognised*
- (d) *Yarra will have a distinctive identity as a low-rise urban form, with areas of higher development and highly valued landmarks*
- (e) *All new development will demonstrate design excellence*

*Transport*

- (f) *Local streets will be dominated by walkers and cyclists*
- (g) *Most people will walk, cycle and use public transport for the journey to work*

*Clause 21.04-1 – Accommodation and housing*

53. The relevant objectives and standards of this clause are:
- (a) *Objective 1 To accommodate forecast increases in population.*
    - (i) *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08.*
    - (ii) *Strategy 1.3 Support residual population increases in established neighbourhoods.*
  - (b) *Objective 2 To retain a diverse population and household structure.*
  - (c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*
    - (i) *Strategy 3.1 Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.*
    - (ii) *Strategy 3.2 Apply the Interface Uses policy at clause 22.05.*

*Clause 21.04-2 – Activity Centres*

54. 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.*
    - (iii) *Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.*
  - (b) *Objective 5 To maintain the long term viability of activity centres.*
    - (i) *Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
    - (ii) *Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.*
    - (iii) *Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*

*Clause 21.04-3 – Industry, office and commercial*

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

*Clause 21.05-2 – Urban design*

56. The relevant objectives and strategies of this clause are:
- (a) *Objective 16 To reinforce the existing urban framework of Yarra.*
    - (i) *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
  - (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
    - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
      - *Significant upper level setbacks*
      - *Architectural design excellence*
      - *Best practice environmental sustainability objectives in design and construction*
      - *High quality restoration and adaptive re-use of heritage buildings*



- *Positive contribution to the enhancement of the public domain*
- *Provision of affordable housing.*
- (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
  - (i) *Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*
- (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
  - (i) *Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
  - (ii) *Strategy 20.2 Require development of Strategic Redevelopment Sites to take into account the opportunities for development on adjoining land.*
  - (iii) *Strategy 20.4 Apply the Built Form and Design policy at clause 22.10.*
- (e) *Objective 21 To enhance the built form character of Yarra's activity centres.*
  - (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form.*
  - (ii) *Strategy 21.2 Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of subprecincts, each of which may have a different land use and built form character.*
  - (iii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*
- (f) *Objective 22 To encourage the provision of universal access in new development.*
  - (i) *Strategy 22.1 Encourage applicants to take into account the access needs of all people in the design of new buildings.*

#### *Clause 21.05-4 – Public environment*

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

#### *Clause 21.06 – Transport*

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

#### *Clause 21.08-8 – North Fitzroy*

59. The following relevant commentary is offered in this clause:
- (a) *North Fitzroy is known for the beautiful Edinburgh Gardens which combine open space, sportsgrounds, barbecue area, gardens with long-established European elm trees, skate bowl, tennis and basketball courts, bandstand, bowling greens and bocce links, remnants of the old Melbourne rail loop, and a heritage listed grandstand.*
  - (b) *The neighbourhood is largely residential. The northern part of North Fitzroy has a low density residential character consisting of late Victorian and early Edwardian double fronted dwellings. Further south dwellings are more likely to be single fronted and one or two storeys.*
  - (c) *Linear Park which is a significant park in this neighbourhood, would benefit from casual surveillance from new development.*

- (d) *The North Fitzroy Village neighbourhood activity centre is a mixed use centre with strong convenience retailing located on St Georges Road. Further north along St Georges Road is the North Fitzroy neighbourhood activity centre. This centre provides a number of specialist business services. Linkages between the two parts of the centre should be improved.*

### Relevant Local Policies

#### *Clause 22.02 – Development guidelines for sites subject to the Heritage Overlay*

60. The relevant objectives of this clause are:
- (a) *To conserve Yarra's natural and cultural heritage.*
  - (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
  - (c) *To retain significant view lines to, and vistas of, heritage places.*
  - (d) *To preserve the scale and pattern of streetscapes in heritage places.*
  - (e) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*
  - (f) *To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.*
  - (g) *To ensure that additions and new works to a heritage place respect the significance of the place.*
  - (h) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*
61. In relation to part demolition, clause 22.02-5.1 of the Scheme reference 'contributory' and 'individually significant' graded buildings. The policy does not aim to protect 'not contributory' graded buildings.
62. Under clause 22.02-5.7. of the Scheme, the following is offered in relation to new development, alterations and additions:
- (a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
    - (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
    - (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
    - (iii) *Be visually recessive and not dominate the heritage place.*
    - (iv) *Be distinguishable from the original historic fabric.*
    - (v) *Not remove, cover, damage or change original historic fabric.*
    - (vi) *Not obscure views of principle façades.*
    - (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
  - (b) *Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.*
  - (c) *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*
  - (d) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*
63. Clause 22.02-5.7.2 of the Scheme offers more specific requirements (as relevant):

#### *Corner Sites and Sites with Dual Frontages*

- (a) *Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.*
- (b) *Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection*

*Industrial, Commercial and Retail Heritage Place or Contributory Elements*

- (c) *Encourage new upper level additions and works to:*
  - (i) *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.*
  - (ii) *Incorporate treatments which make them less apparent.*

*Ancillaries and Services*

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

*Clause 22.05 – Interface uses policy*

- 64. This policy applies to applications for use or development within Business Zones (albeit now 'commercial zones' amongst others). The relevant objectives of this clause are:
  - (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*
  - (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*
- 65. At clause 22.05-3 it is policy that:
  - (a) *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*
  - (b) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

*Clause 22.07 – Development abutting laneways*

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

*Clause 22.12 – Public open space contribution*

- 67. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision. The relevant objectives of this clause are:
  - (a) *To implement the Yarra Open Space Strategy.*

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

68. The site is located in an area where land in lieu of cash is the preferred method of contribution. However, as the site is only 308m<sup>2</sup>, the site does not meet the selection criteria in that the land to be contributed should be approximately 300m<sup>2</sup>. Should the site be subdivided, a cash contribution would be required.

*Clause 22.16 – Stormwater management (water sensitive urban design)*

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

*Clause 22.17 – Environmentally Sustainable Development*

- 70. This policy applies to applications for 2+ dwellings, amongst others. Where 2-9 dwellings are proposed, a Sustainable Design Assessment [**SDA**] is required, along with a STORM report.
- 71. The most relevant objective of this clause is 'The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.'
- 72. The policy outlines 7 key performance areas, referring to the Built Environment Sustainability Scorecard [**BESS**] as 'best practice'.

Other relevant documents

*Better Apartment Design Standards [**BADs**]*

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

**Advertising**

- 74. The application was advertised under the provisions of Section 52 of the Act by letters sent to surrounding owners and occupiers and signs being placed on the St Georges Road and rear laneway frontages of the site. Six (6) objections were received on the following grounds:
  - (k) service and parking impacts during construction;
  - (l) insufficient car parking;
  - (m) neighbourhood character;
  - (n) overdevelopment;
  - (o) height;
  - (p) off-site amenity (noise, overshadowing, outlook to many clotheslines visual bulk and overlooking);
  - (q) laneway safety;
  - (r) car park access would be difficult;

- (s) impact on nearby businesses; and
  - (t) plan inaccuracies (including trees in shadow diagrams).
75. During the original advertising process, VicTrack was notified due to the tramline along St Georges Road. Whilst VicTrack did not object to the application, the following conditions were suggested:
- (a) *All works must be undertaken within the subject property and must not impact onto VicTrack tramway assets. No works are to undermine the tramway tracks or interfere with tramway infrastructure.*
  - (b) *No lighting is to be erected (permanent or temporary) that throws light onto the tramway tracks or interferes with the sight of tram drivers.*
  - (c) *Works within St Georges Road which may impact upon the operation of the tramway must be undertaken to the satisfaction of VicTrack and the Tramway Operator (Yarra Trams) and is subject to any conditions imposed by either.*
76. The first condition should be imposed as it protects public transport and it's hierarchy in Council's sustainable transport policies.
77. The second condition 2 is unreasonable in that:
- (a) There is no lighting shown on the plans which would bring rise to this concern; and
  - (b) The condition appears to prevent *any* light from being thrown onto the tram lines. This is unreasonable in an inner urban setting. Further, standard Council conditions already deal with *unreasonable* lighting and will be imposed by way of a permit condition.
78. The final condition would elevate VicTrack and Yarra Trams to that of a determining Referral Authority and is considered to be inappropriate. The wording also implies that these bodies could impose further conditions, should they see fit. This is not considered to be a fair or reasonable condition, in regards to both the application and the planning process in general.
79. The Section 57A amended plans were advertised by way of letters to original objectors and adjoining owners and occupiers. No additional objections were received.

## Referrals

80. The original plans were referred to Council's engineering services unit, heritage advisor, urban design unit, strategic transport unit and ESD Advisor. A number of issues were raised and as a result, a Section 57A amendment was lodged. These plans were re-referred to Council's ESD Advisor, Engineering Services Unit and Heritage Advisor. Both the original and Section 57A advice is included as attachments to this report.

## Assessment

81. The primary considerations for this application are as follows:
- (a) strategic policy;
  - (b) ResCode (clause 55), also incorporating clauses 22.05, 22.07, 22.16 and 22.17;
  - (c) traffic and car parking;
  - (d) bicycle parking;
  - (e) loading bay waiver;
  - (f) waste management; and
  - (g) Objector concerns.

### Strategic policy

82. The site is located within the North Fitzroy Neighbourhood Centre. Higher density housing is encouraged in these areas and within Neighbourhood Centers as per and clauses 11.03-1, 11.03-2, 16.01-2, 16.01-3, 16.01-5, 21.04-1 and 21.04-2 of the Scheme.

83. The site is located within the C1Z, which aims to provide residential uses as per the role and scale of the commercial area. The interface between commercial and residential land uses is dealt with by Council's Local Policy at clause 22.05; aiming to encourage reasonable residential amenity levels, without unreasonably impeding business activities.
84. When assessing the built form, clauses 15.01-1, 21.05-2 and 55 provide the most relevant guidance. State and local policy encourage high quality urban design outcomes, especially along transport corridors.
85. Environmentally sustainable design [**ESD**] guidance is offered at clauses 11.04-5, 15.02-1, 22.16 and 22.17 of the Scheme, encouraging development that reduces energy consumption and minimises storm water runoff. An ESD assessment is offered later in this report.
86. Car parking policy is offered at clauses 18 and 21.06 of the Scheme, with state and local policy encouraging sustainable transport modes such as walking, public transport and cycling. A detailed parking and traffic assessment is offered later in this report.
87. The general scale and density of development proposed is supported by state and local policy, on a site within a Neighbourhood centre, within close proximity of a range of amenities, services and public transport access. The proposal meets broad state and local urban consolidation policies contained within the Scheme.

#### Heritage

88. The relevant purpose of the Heritage Overlay is '*To ensure that development does not adversely affect the significance of heritage places*'.
89. Firstly, being graded 'not contributory', the demolition of the existing building is supported.
90. Secondly, the replacement building must be assessed from a heritage perspective. It is noted that contextually, the adjoining buildings to the north and south are also graded 'not contributory'.
91. The proposal is of a simple form, with a flat roof design to appear as a recessive element in the streetscape. The general design was supported by Council's Heritage Advisor.
92. Council's Heritage Advisor however, made a number of recommendations based on the original plans. These included:
  - (a) deletion of the third floor parapet;
  - (b) setback the third floor a minimum 3.9m from the front (east) title boundary;
  - (c) incorporate a stall riser to a height similar to that of 361-363 St Georges Rd; and
  - (d) adopting a modified material for the front façade balustrading (reflect heritage materials in the area).
93. The amended plans show a 600mm high parapet to level 3. However, this is supported and would reasonably shield views to plant and equipment and is not considered to be unreasonably offset by negative heritage outcomes.
94. Given the angled nature of the front title boundary, the level 3 eastern (front) setback ranges from 0m – 4.1m (balcony) to 4m – 7.2m (main building). An 880mm deep projection encroaches on these setbacks, however this is considered to be reasonably absorbed given the angled nature of the title boundary. Reviewing the elevations, the top floor would appear as a recessive element and would not dominate the heritage place, with the proposal generally appearing as a 3 storey form to the street.

95. A stall riser has been incorporated in the shopfront. A condition however, should require confirmation that the height is similar to that of 361-363 St Georges Rd. This will ensure that this element respects the heritage character of the street.
96. The level 3 balustrade has been revised to a render finish. However, the finish and colour is not specified on the plans. This should be addressed by way of a permit condition, should a permit issue.
97. Council's Heritage Advisor provided comments on the Section 57A amended plans and noted that '*...the amended drawings as currently proposed satisfy the changes previously recommended*'.
98. Subject to the conditions contained in this report, the proposal would not adversely affect the significance of the North Fitzroy Heritage Precinct.

#### ResCode (Clause 55)

99. This section will incorporate ResCode (clause 55), storm water management policy (clause 22.16), ESD (clause 22.17), noise/interface (clause 22.05) and laneway interface (clause 22.07) assessments, framed around clause 55.

#### *Standard B1 – Neighbourhood Character Objectives*

100. The construction of a 4 storey form is generally supported in this context. The façade would be 3 storeys, being approximately 2m taller than the building to the south and 4.8m taller than the building to the north (including level 3 balustrades), ensuring a reasonable transition is provided.
101. The general design of the building is also simple, respecting the character of the existing setting.
102. Clause 22.07 is also relevant to this assessment as the site adjoins a laneway. Considering this character, the proposal satisfies clause 22.07 for the following reasons:
  - (a) the proposal would not unreasonably impact traffic conditions in the lane (assessed in detail later in this report);
  - (b) vehicular and pedestrian entries have been separated (vehicular - laneway and pedestrian – St Georges Road footpath);
  - (c) with pedestrian access being via St Georges Road, existing street lighting will be sufficient for illuminating the entry;
  - (d) vehicle ingress and egress would not require multiple movements (addressed in detail later in this report);
  - (e) overlooking will be addressed later in this report, with any issues being able to be dealt with via permit conditions;
  - (f) the proposal would be 3 storeys along the rear lane, providing a reasonable transition with the existing building stock. The neighbourhood centre and C1Z of the lane also supports this scale adjacent to the laneway;
  - (g) the proposal would not obstruct the lane, considering the built form, access doors or waste storage;
  - (h) issues of laneway upgrading will be dealt with later in this report; and
  - (i) the application does not bring rise to concern for emergency service access.
103. As the site is within a Neighbourhood Centre, the area is also likely to experience a reasonable degree of change, further supporting the proposal at this scale.

#### *Standard B2 – Residential Policy Objectives*

104. The construction of a second dwelling on the lot is supported by state and local policies in this location well serviced by amenities, services and public transport. The objective of this standard is met.



*Standard B3 – Dwelling Diversity Objectives*

105. N/A – Applies to developments of 10 or more dwellings.

*Standard B4 – Infrastructure Objectives*

106. The site is well located to take advantage of existing utility services and infrastructure. Further, the construction of 7 dwellings on the lot would not unreasonably overload the capacity of utility services and infrastructure. The objective of this standard is met.

*Standard B5 – Integration with the Street Objective*

107. The proposal would be well integrated with the street, with the residential entry and shop entry being well articulated and easily identifiable from St Georges Rd. The vehicular entry has also been located at the rear, ensuring the primary frontage is pedestrian focused. The objective of this standard is met.

*Standard B6 – Street Setback Objective*

108. The adjoining buildings are generally built to the front boundaries. Whilst an inset would be provided for the dwelling and shop entries, this is as per the adjoining shop fronts in this strip and appropriately responds to the neighbourhood character. The objective of this standard is met.

*Standard B7 – Building Height Objective*

109. The proposal would be a maximum height of 12.9m, above the maximum 9m height outlined in standard B7.
110. As has already been outlined, whilst the façade would be 3 storeys, it would be 2m taller than the building to the south and 4.8m taller than the building to the north, ensuring a reasonable transition is provided.
111. Being located within a Neighbourhood Centre, whilst some change is anticipated, it is not the same level as expected in an Activity Centre. The proposed 1-2 storey façade transition with the adjoining buildings is therefore supported.
112. The top level (level 3) is setback 3.1m to 7.2m from the front title boundary, ensuring it would be read as a recessive element in the street.
113. Based on the above, the proposed building height respects both the existing and preferred neighborhood character.

*Standard B8 – Site Coverage Objective*

114. This Standard states that site coverage should not exceed 60%. The proposal would result in a site coverage of 93%.
115. Whilst a 33% variation is sought, the proposed site coverage is similar to other properties along this section of St Georges Road. Further, the layout and massing of the proposal (as associated with site coverage) does not unreasonably impact the amenity of adjoining properties. This is explored in detail throughout this report.
116. Based on the above, the objective of this standard is met.

*Standard B9 – Permeability Objective*

117. This Standard states that a site should be covered by at least 20% permeable surfaces. With a proposed permeability of 0%, this standard is not met. However, the objectives of this standard are to encourage on-site infiltration and to mitigate the impacts of storm water runoff.
118. Clause 22.16 is also applicable in this instance and is relevant when assessing permeability. The Applicant submitted a STORM report, demonstrating that with a 3,000L rain water tank (shown under the western vehicular entrance), the application would achieve a 100% STORM rating.
119. Based on the above, the objective of this Standard is met.

*Standard B10 – Energy Efficiency Objectives*

120. Along with this Standard, clause 22.17 of the Scheme is applicable.
121. The Applicant provided a Sustainable Management Plan [**SMP**], prepared by Keystone Alliance (dated October 2015). It is noted that an amended SMP was not provided with the Section 57A amendment and this assessment is based on the original SMP.
122. Specifically, the following commitments have been made in the SMP:
  - (a) 6.5 average NatHERS rating;
  - (b) energy efficient heating / cooling and hot water;
  - (c) water efficient fixtures and taps;
  - (d) 100% STORM score with a 3,000L rainwater tank for toilet flushing; and
  - (e) 7 bicycle parking spaces.
123. Council's ESD advisor identified the following deficiencies/issues with the proposal:
  - (a) reasonable access to daylight and natural ventilation to dwellings in the current context. There are five bedroom windows facing the boundary, with only a 1.08m setback. Further it was recommended that any privacy screening be opaque glazing in order to minimise impact on access to daylight; and
124. The amended plans have increased the northern light court setback to 1.6m and 1.8m (where adjacent to habitable room windows). Further, where screens are to habitable room windows, obscure glazing and frosted glass fins have been proposed.
125. Council's ESD Advisor has reviewed the amended plans and generally support the amendments. It is noted that not all of the habitable rooms would meet the BESS standards for daylight (the 'best practice' reference in clause 22.17), however on balance, the proposed daylight outcome is acceptable. Further, it is noted that the living area of dwellings are orientated to the east or west and do not rely on daylight from the light courts. This further supports the proposal.
  - (a) show shop-front retractable shading device on drawings. It is currently mentioned in the SMP page 9).
126. The concern with a retractable shopfront shading device is that it could be used to shield views into the shopfront when it is closed. This is an undesirable safety outcome in the Neighbourhood Centre. Further, given the shopfront is east facing, it would only experience direct morning sun. Finally, the front verandah would also provide a reasonable degree of solar protection. Should a permit issue, the SMP should be amended to delete reference to a retractable shopfront shading device for these reasons.
127. Council's ESD advisor made a number of following recommendations based on the original plans. These included:
  - (a) provision of a roof plan, showing the solar hot water thermal collector panels and the solar PV array clearly on the drawings;

- (b) the size and capacity of the solar PV system should be included within the SMP (the current STEPS report states 0.3 of a kW (or 300 Watts) only. It does not seem adequate to power a lift and lighting to common areas);
- (c) retractable clothes drying racks fixed to balconies, as outlined in the SMP; and
- (d) confirmation in the SMP that the proposed average NatHERS rating of 6.5 is proposed (shown as 6.2 whereas the report confirms 6.5).

128. The above should be addressed by way of conditions on any permit issued.

*Standard B11 – Open Space Objective*

129. N/A - The proposal does not include any public or communal open space.

*Standard B12 – Safety Objective*

130. The development ensures that the dwelling entry would be visible via the street. With the vehicular access being provided from the rear, there is a limited risk of pedestrian/vehicular conflicts. The objective of this Standard is met.

131. The character of this section of St Georges Road is not one of a high degree of landscaping. Hard edged built form is commonplace, as per the adjoining shopfronts. As a result, the application has responded accordingly, with no landscaping proposed, the objective of this Standard is met.

*Standard B14 – Access Objective*

132. While the crossover would extend for the width of the lot, access would be via the rear ROW. The ROW is dominated by fences and roller doors/vehicular entries, ensuring that the proposal respects the character of the area. The objective of this Standard is met.

*Standard B15 – Parking Location Objectives*

133. The proposal has appropriately located the garage at the rear of the side, adjacent to the laneway. This would ensure that the amenity of each dwelling would not be unreasonably impacted. The objective of this Standard is met.

*Standard B17 – Side and Rear Setbacks Objective*

Wall	Height	Setback	Minimum Standard B17 setback	Complies
Ground floor north	3.1m	1.1m	1m	Yes
First to third floor north	12.4m	1.1m to 1.8m	7.5m	No
First to third floor south	12.3m	2.6m	7.4m	No
Third floor west	10.5m	Minimum 3m	5.6m	No

134. In this context, the application of B17 side and rear setbacks is not strictly relevant. On a broad level, buildings along St Georges Road are typically dominated by zero to minimal side and rear setbacks.

135. In terms of the variations sought, each interface will be considered in turn:

- (a) North – To the north, the proposed variations are adjacent to 2 habitable room windows of the dwelling to the north. Whilst this dwelling is clearly a legitimate existing use, it is located within the Commercial 1 Zone and can not expect the same level of amenity as dwellings within Residential Zones. The northern wall is as close as 1.1m to the boundary, however either side of the stairwell the setback increases to approximately 1.6m. This is considered to be reasonable given the wall is to the south of these windows;
- (b) South – The variation to the south is opposite a boundary wall and would therefore not impact this adjacent building, which is noted as being used as a shop; and
- (c) West – The variation to the west is supported as the proposal is separated from the dwellings further west by a ROW. Further, the dwelling to the west presents a shed to the lane, offering a buffer from the development.

136. Based on the above, the height and setback of a building from a boundary respects the existing neighbourhood character and limits the impact on the amenity of existing dwellings. The objective of this standard is met.

*Standard B18 – Walls on Boundaries Objective*

137. This standard states that a new wall constructed on or within 200mm of a side or rear boundary should not exceed an average height of 3.2m or maximum height of 3.6m. The total length of walls on the north and boundaries of this lot should not exceed 15.9m.

Wall	Height	Wall length on or within 200mm of the boundary
North	10.4m	23.5m
West	10.6m	Maximum 9.2m
South	12.3m	30.9m

138. The north, west and south boundary wall heights exceed this standard and the north and south boundary wall lengths exceed this standard. Each interface will be considered in turn.
139. North – The eastern segment of north boundary wall adjoins a single story shop also fronting St Georges Road. The western segment is 3 storeys high and opposite private open space of the dwelling to the north. However, considering the zoning of both sites (C1Z) and that the proposal is to the south of this space (not casting shadow over this area), the height and length variations of this standard are supported along this boundary.
140. West – Whilst the proposal would be 3 storeys (plus level 3 balcony) adjacent to the western boundary, the ROW to the west provides a reasonable separation between the subject site and the dwellings further west. Further, there is a shed positioned at the rear of the site to the west of the ROW, providing further visual separation between the subject site and the dwellings further west.
141. South – The site to the south is used and developed as a single storey shop. The height and length variations from this standard would therefore not unreasonably impact the amenity of this site. Further, the height and length of the south boundary wall, along with the size of the southern light court would ensure that this site to the south could be reasonably developed in the future.
142. Based on the above, the location, length and height of walls on the north, west and south boundaries respects the existing neighbourhood character and limits the impact on the amenity of existing dwellings. The objective of this standard is met.

*Standard B19 – Daylight to Existing Windows objective*

143. The proposal is opposite 2 habitable room windows. Whilst these windows would be provided with access to a light court greater than 3m<sup>2</sup> and of a dimension greater than 1m, this standard also states that *'Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window'*.
144. The northern wall adjacent to these windows would be 12.4m high and setback 2.1m, where a setback of 6.2m is prescribed by this standard.
145. However, as has already been identified:
  - (a) the subject site and dwelling to the north are within the C1Z, offering a lower amenity expectation than dwellings in Residential Zones; and
  - (b) the configuration of levels 1-3 'opens up' the northern setback either side of the stairwell to approximately 1.6m.
146. While this configuration is supported in this context, a condition should be imposed on any permits issued to require the northern stairwell wall to be finished in a light colour (not dark grey). This will reflect light into these windows.
147. Subject to the conditions recommended in this report, the objective of this standard is met.

*Standard B20 – North-facing Windows Objective*

148. N/A – There is not a north-facing habitable room window within 3m of a boundary on an abutting lot.

*Standard B21 – Overshadowing Open Space Objective*

149. The shadow diagrams provided by the Applicant demonstrate that there would be no additional shadowing of private open space areas at the Equinox. This standard is met.

*Standard B22 – Overlooking Objective and Standard B23 – Internal Views Objective*

150. The plans have reasonably addressed overlooking as per this standard, save for the light courts. Internal sections of the development would assist, however a general condition requiring screening as per Standard B22 where internal or external views into private open space or habitable room windows could be provided.
151. Subject to conditions addressing overlooking from the above, the objectives of these standards are met.

*Standard B24 – Noise Impacts Objective*

152. Clause 22.05 of the Scheme (interface uses policy) aims to protect both existing commercial uses and dwellings from new developments and uses (e.g. the 'agent of change'). In this instance, there are no concerns raised with regards to fumes, air emissions, light spillage or waste management, the key consideration in this instance is noise (impact on the proposed dwellings and impact of this proposal on nearby dwellings).
153. Given the site is located within a commercial strip (which includes restaurants and shops with plant and equipment) and is along a tram line, an acoustic report should be required by way of a permit condition to ensure that SEPP N-1, SEPP N-2 and relevant sleep disturbance criteria will be achieved. This would not be fatal to an application of this nature or in this location, however glazing and wall construction upgrades may be necessary based on a detailed acoustic assessment.

154. Further, this proposal would incorporate mechanical equipment (air conditioner units, mechanical equipment associated with the lift and potentially a mechanically operated roller door). These items should also be addressed in any acoustic report to ensure that they do not unreasonably impact the amenity of the proposed and existing residents.
155. Subject to a condition to this effect, the objective of this standard is met.

*Standard B25 – Accessibility Objective*

156. The entry to the dwellings would be easily accessible to people of limited mobility. The objective of this Standard is met.

*Standard B26 – Dwelling Entry Objective*

157. The dwelling entrance would be recessed and clearly identifiable from St Georges Rd. The recess affords a transitional space and the verandah above offers weather protection. The objective of this standard is met.
158. It is noted however, that the awning extends to the kerb and would be perpendicular with the kerb, The awning should be inline with the north and south title boundaries (not obstructing adjacent properties) and setback a minimum 600mm from the back of the kerb (so as to not obstruct vehicles). A setback of 600mm is also being recommended as any works within 600mm of the road formation would require permission from VicRoads. These items should be addressed by way of conditions on any permit issued.

*Standard B27 – Daylight to new Windows Objective*

159. All of the new windows are open clear to the sky for a minimum area of 3m<sup>2</sup> and dimension of 1m. The objective of this standard is met.

*Standard B28 – Private Open Space Objective*

160. Each dwelling would be provided with at least 1 balcony of a minimum 9m<sup>2</sup>. This provides for the reasonable recreation and service needs of residents. The objective of this Standard is met.

*Standard B29 – Solar Access to Open Space Objective*

161. Excluding dwelling 1, each dwelling would be provided with a balcony that would experience clear east, north and/or western solar access.
162. Dwelling 1 would be provided with a balcony in the north-west corner of the site that enjoys east, north and west sunlight. However, it is noted that this balcony is somewhat enclosed by the second floor balcony above. To improve daylight to this balcony, the northern aluminum louvre screen should be replaced with a fixed obscure glazing system as has been applied to the northern windows.
163. Further, this obscure glazed treatment should be applied to the dwelling above for consistency. The plans should also be modified by way of a permit condition to ensure that there is no roof above the northern balcony of dwelling 4 to maximize daylight penetration.
164. Subject to the conditions contained in this report, the objective of this standard is met.

*Standard B30 – Storage Objective*

165. Each dwelling is provided with a storage cupboard, however the minimum size has not been dimensioned. To ensure that adequate storage is provided, each must be a minimum 6m<sup>3</sup>. This requirement should be imposed by way of a permit condition, should a permit issue.

*Standard B31 – Design Detail Objective*

- 166. The design is a simple, flat roof form with rendered finishes. The building would reasonably 'fit' within the existing streetscape for this reason.
- 167. Council's Urban Design Unit reviewed the amended plans and noted that a number of improvements have been made (including materiality, addition of a front verandah, improved entry recess and floor to ceiling front glazing). A number of further improvements were recommended, including a greater northern setback (adjacent to habitable room windows) and the addition of transparent panels in the rear roller door.
- 168. Firstly, the roller door has been revised with semi-transparent glazing panels. This is considered sufficient, especially where the ROW is dominated by solid fences and roller doors.
- 169. Secondly, the northern setback has already been addressed throughout this report and has been found to be acceptable in terms of amenity impact and neighbourhood character.
- 170. Subject to the conditions contained in this report, the objective of this standard is met.

*Standard B32 – Front Fence Objective*

- 171. N/A – No front fence is proposed.

*Standard B33 – Common Property Objectives*

- 172. The common property proposed includes the driveway, bin store and access ways. These areas would be easily identifiable as common property and could be easily maintained. The objective of this Standard is met.

*Standard B34 – Site Services Objective*

- 173. The plans detail the location of mailboxes, however a permit condition should require confirmation of the location and treatment of necessary metres and services. This will ensure it is not an afterthought and is incorporated into the design. Subject to a condition to this effect, the objective of this standard is met.

Traffic and car parking

- 174. The decision guidelines at Clause 52.06 will be used to guide this assessment.

*Car park access and layout*

- 175. The vehicular entry would be via the ROW at the rear (west) of the site. Whilst the access is generally supported by Council's Engineering Services Unit, the internal dimensions are insufficient. Council's Engineers recommend that car parking space 3 be deleted, with space 1 being a minimum 2.9m wide and space 2 being a minimum 2.6m wide. Car parking space 3 should then be converted to scooter, motorcycle and/or bicycle parking. This should be imposed by way of a permit condition on any permit issued.

*Car parking provision*

- 176. The application has a statutory requirement of 7 dwelling, 1 dwelling visitor and 3 shop spaces. With 3 being provided (allocated to the dwellings) a reduction of 8 is sought. However, in light of the above recommended deletion of 1 space, a reduction of 9 car parking spaces must be considered.



177. Reviewing the reduction against clause 52.06-6 of the Scheme, the following is offered:
- (a) the Applicant provided a traffic report, prepared by TTM consulting. The report referred to ABS data, where apartments in Fitzroy North display the following car ownership:
    - (i) 56% of 1BR; and
    - (ii) 76% of 2BR.
  - (b) the proposal offers a rate of 0.43 spaces per dwelling. In light of ABS data, Council's Engineering Services Unit support this provision;
  - (c) empirical evidence suggests that visitor parking generation is 0.10 spaces per dwelling. This would equate to 1 visitor space in this instance;
  - (d) the site is well serviced by public transport;
  - (e) visitors to the shop would likely be walk-up trade due to its size and would be unlikely to generate car parking demand for visitors; and
  - (f) the site is easily accessible via bicycle or walking.

178. Considering the reduction sought against clause 52.06-6 of the Scheme, the 9 space reduction is supported.

*Traffic*

179. The Applicant's traffic report estimates a peak hour traffic rate of 0.5 movements per peak hour. This equates to an additional 35 daily traffic movements or 4 daily peak hour movements. This would not unreasonably impact existing traffic conditions in the area and is also supported by Council's Engineering Services Unit.

*Other matters*

180. The original engineering advice referred to suggested changes to a pedestrian ramp. This ramp was located at the St Georges Road frontage and has since been deleted.
181. Council's Engineers also recommended the following:
- (a) *Upon the completion of all building works and connections for underground utility services, any isolated areas of pavement failure along the Right of Way between Barkly Street and Holden Street shall require full depth road pavement reconstruction to accommodate the expected increase in traffic flows relating to the development;*
  - (b) *Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's St Georges Road street frontage must be stripped and re-sheeted at the permit holder's cost and to the satisfaction of the Responsible Authority.*
  - (c) *The half width road pavement of St Georges Road (north western kerb to central tram reservation) must be profiled and re-sheeted along the property frontage at the permit holder's cost and to the satisfaction of the Responsible Authority.*
  - (d) *The footpath in front of the pedestrian entrance must be constructed to a level no steeper than 1 in 40 from the building line to the top of kerb.*
  - (e) *The finished floor level of the garage slab must be designed to provide satisfactory access and egress for a B85 design vehicle via the Right of Way.*
182. Points a, b, d and e should be imposed by way of permit conditions as:
- (a) any damage along the ROW as a result of this development should be rectified at the expense of the permit holder;
  - (b) the footpath along St Georges Road has already been patched a number of times. Any further work for services or manage during construction should necessitate re-sheeting instead of further patching;
  - (c) the final two points ensure appropriate pedestrian and vehicular access to/from the site.

183. The reconstruction of St Georges Road however, is onerous in this instance. A standard condition will require any damage to be rectified by the Permit Holder to the satisfaction of the Responsible Authority. This is a reasonable outcome in this instance.
184. The Engineers also indicated that any new lighting must be appropriately baffled. However new street lighting is not proposed.

#### Bicycle parking

185. Whilst the application meets the statutory provision of bicycle parking under clause 52.34, the reduction in parking supports the provision of additional spaces. Council's Strategic Transport Unit recommend at least 3 bicycle hoops be provided on the footpath. This should be required by way of a permit condition, should a permit issue.
186. Conditions should also be imposed to ensure that bicycle dimensions are provided as per clause 52.34-4. Signage is not considered necessary for a development of this scale.

#### Loading bay waiver

187. The Applicant is seeking a waiver of the loading bay requirements associated with the shops. Given the size of the shop (83m<sup>2</sup>) it is reasonable for deliveries to occur either using on-street car parking or within the nearby on-street loading bay.
188. It is also noted that the site does not currently have a loading bay as per the Scheme dimensions.
189. In the case of 382-386 Burnley Street No.1 Pty Ltd v Yarra CC [2015] VCAT 338 (26 March 2015), the following commentary was provided in relation to loading bays in activity centres (albeit this is a neighbourhood centre, the same could be said to apply):
34. *It is not unusual for mixed use developments of this nature, or for that matter developments of single shops, to have requirements for loading bays waived. The provision of loading bays for individual shops or cafes is a very inefficient method of providing for the loading and unloading requirements across an activity centre of this scale. To extend that requirement across a higher order activity centre would very likely seriously frustrate the policy intent of encouraging urban consolidation and the efficient use and development of land in well serviced locations. A far more efficient way of providing loading facilities in activity centres is to provide communal or public facilities accessible to a number of businesses. Convenient public facilities are already provided in close proximity to the review site, and I see no sound reason to require those facilities to be duplicated on the land.*

190. A variation from the clause 52.07 requirements is supported in this instance.

#### Waste management

191. The Applicant did not supply a waste management plan, however the bin store appears reasonable. Given the size of the development, the bin storage area and collection method could be dealt with via a condition on any permit issued.

#### Objector concerns

##### *service and parking impacts during construction*

192. Should a permit issue, a construction management plan [CMP] should be required by way of a permit condition. Whilst construction impacts should be reasonably expected as part of a development, a CMP could assist in mitigating these impacts.

*insufficient car parking*

193. Addressed at paragraphs 176 to 178.

*neighbourhood character*

194. Addressed at paragraphs 100 to 103.

*overdevelopment*

195. As has been addressed in the strategic policy assessment at paragraphs 83 to 88, higher density residential developments are encouraged in areas well serviced by public transport and infrastructure. For the reasons outlined in this report, the proposal is not considered to be an overdevelopment of the site.

*height*

196. Addressed at paragraphs 109 to 113.

*off-site amenity (noise, overshadowing, outlook to many clotheslines visual bulk and overlooking)*

197. Off-site amenity is addressed throughout the ResCode assessment, contained at paragraphs 99 to 173.
198. Given the dwelling and shop uses do not require a planning permit in the zone, any noise associated with these uses is considered to be reasonable in this location.
199. The balcony balustrades are either rendered or opaque glazing, minimizing views into clotheslines or other services on balconies.

*laneway safety*

200. Council's Engineering Services Unit considered the impact of the proposal on the laneway and raised no concern with laneway safety.

*car park access would be difficult*

201. Again, Council's Engineering Services Unit reviewed the application. Whilst they raised issue with car parking dimensions, they supported the car park access via the lane.

*impact on nearby businesses*

202. The imposition of a CMP by way of a permit condition would mitigate construction impacts on nearby businesses.

*plan inaccuracies (including trees in shadow diagrams)*

203. Even though trees have been shown on the shadow diagrams, shadows cast by vegetation has not been detailed (the correct approach as outlined by ResCode and the associated Practice Note).

**Conclusion**

204. Based on the above report, the proposal complies with the relevant Planning Scheme provisions and planning policy and is therefore approved.

## RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN15/0800) for 359 St Georges Road, Fitzroy North for the full demolition and development of the land for the construction of a 4 storey building, with a reduction in the car parking requirements associated with a shop and dwellings, waiver of the loading bay requirement and reduction in the bicycle parking requirement in accordance with the decision plans (TP-04, TP-05, TP-06, revision E, dated Nov 16 and the colour schedule received by Council 23 January 2017, prepared by Ikonmidis Reid) and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (TP-04, TP-05, TP-06, revision E, dated Nov 16 and the colour schedule received by Council 23 January 2017, prepared by Ikonmidis Reid) but modified to show:
  - (a) the front awning to align with the north and south title boundaries (not extend perpendicular to the roadway);
  - (b) the front awning to be a minimum setback of 600mm from the back of the kerb;
  - (c) screening to habitable room windows and balconies where internal or external views into habitable room windows or private open space areas within a 9m radius and 45 degree arc could be provided in the form of:
    - (i) minimum 1.7m high, maximum 25% transparent, fixed; or
    - (ii) minimum 1.7m high, fixed obscure glazing; or
    - (iii) as otherwise appropriate to the satisfaction of the Responsible Authority.
  - (d) the northern screens to the dwelling 1 and 4 northern balconies to be fixed obscure glazing, to a minimum height of 1.7m and a maximum transparency of 25%;
  - (e) no roof above the dwelling 4 northern terrace;
  - (f) the northern stairwell wall to be finished in a light colour (not dark grey);
  - (g) a stall riser to the same height as that at 361-363 St Georges Rd;
  - (h) deletion of car parking space 3, with space 1 being a minimum 2.9m wide and space 2 being a minimum 2.6m wide. The additional area must be used for scooter, motorcycle and/or bicycle parking;
  - (i) provision of a roof plan, showing the solar hot water thermal collector panels and the solar PV array;
  - (j) retractable clothes drying racks fixed to balconies;
  - (k) a minimum 6m<sup>3</sup> of storage per dwelling;
  - (l) the location and treatment of services and metres;
  - (m) that the bicycle parking spaces can provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars;
  - (n) cross sections demonstrating the finished floor level of the garage slab will provide satisfactory access and egress for a B85 design vehicle via the Right of Way; and
  - (o) schedule of colours and materials (including samples, where relevant).

### General

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. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, 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.
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 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.
7. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
8. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

#### Sustainable Management Plan

9. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Keystone Alliance and dated December 2016, but modified to include or show:
  - (a) deletion of reference to a retractable shopfront shading device;
  - (b) the size and capacity of the solar PV system, confirming the system would generate adequate to power a lift and lighting to common areas; and
  - (c) confirmation of a proposed average NatHERS rating 6.5.
10. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Acoustic Report

11. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
  - (a) the impact of trams and surrounding commercial properties (including plant and equipment) on the proposed dwellings; and
  - (b) the noise from the proposed development (including plant and equipment and the roller door) on the proposed and nearby dwellings.

The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

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

#### Waste Management Plan

13. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Car parking and bicycle parking

15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the areas 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.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a minimum of 3 bike racks must be installed along the St Georges Road footpath:
  - (a) at the permit holder's cost; and
  - (b) in a location and manner, to the satisfaction of the Responsible Authority.

#### Construction

17. Within three months of commencement of the development, the owner of the site must submit Detailed Engineering Documentation to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. When approved, the Detailed Engineering Documentation will be endorsed and will then form part of this permit. The Detailed Engineering Documentation must be drawn to scale with dimensions, and three copies must be provided. The Detailed Engineering Documentation must showing the following, to be provided to the satisfaction of the Responsible Authority and at the expense of the Permit Holder:
  - (a) any isolated areas of pavement failure along the Right of Way between Barkly Street and Holden Street will require full depth road pavement reconstruction; and
  - (b) the footpath immediately outside the property's St Georges Road street frontage must be stripped and re-sheeted. The footpath must be constructed to a level no steeper than 1 in 40 from the building line to the top of kerb.
18. The details and requirements of the endorsed Detailed Engineering Documentation must be implemented and complied with to the satisfaction of the Responsible Authority, at the expense of the Permit Holder.

19. Unless with the prior written consent of the Responsible Authority, all development referenced in condition 17 must be completed to the satisfaction of the Responsible Authority prior to occupation of the development.
20. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
  - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
    - (i) using lower noise work practice and equipment;
    - (ii) the suitability of the land for the use of an electric crane;
    - (iii) silencing all mechanical plant by the best practical means using current technology;
    - (iv) fitting pneumatic tools with an effective silencer;
    - (v) other relevant considerations.
21. During the construction:
  - (a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;



- (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
  - (c) vehicle borne material must not accumulate on the roads abutting the land;
  - (d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
22. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
23. 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.
24. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

#### Expiry

25. 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.
- 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 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.

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 5095 for further information.

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

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

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

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

**Attachments**

- 1** PLN15/0800 - 359 St Georges Road Fitzroy North - S57B - Plans
- 2** PLN15/0800 - 359 St Georges Road Fitzroy North - Engineering comments
- 3** PLN15/0800 - 359 St Georges Road Fitzroy North - Heritage advice
- 4** PLN15/0800 - 359 St Georges Road Fitzroy North - Urban Design advice
- 5** PLN15/0800 - 359 St Georges Road Fitzroy North - Strategic transport unit advice
- 6** PLN15/0800 - 359 St Georges Road Fitzroy North - ESD Referral
- 7** PLN15/0800 - 359 St Georges Road Fitzroy North - VicTrack - No objection to granting of a planning permit
- 8** PLN15/0800 - 359 St Georges Road Fitzroy North - ESD advice on S57A plans
- 9** PLN15/0800 - 359 St Georges Road Fitzroy North - Engineering comments
- 10** PLN15/0800 - 359 St Georges Road Fitzroy North - Heritage advice on amendment 2

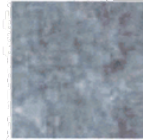
Attachment 1 - PLN15/0800 - 359 St Georges Road Fitzroy North - S57B - Plans



## COLOUR SCHEDULE

359 St. Georges Road, Fitzroy North

Concrete Panel – Natural finish



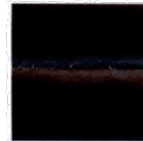
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Render Finish - Type 2 – 'Dulux - Silver Thaw' or similar



Window & Door Frames – Aluminium - 'Monument' by Colorbond or similar



Shading Canopies – cement sheet cladding or similar lightweight cladding over timber frame  
(Painted 'Colorbond – Monument' or similar colour)



Downpipes & Capping – 'Colorbond' – colour to match adjacent surface

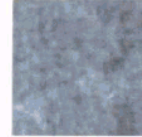
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## COLOUR SCHEDULE

359 St. Georges Road, Fitzroy North

**Concrete Panel** – Natural finish



**Render Finish - Type 1** – 'Dulux - Monk' or similar



**Render Finish - Type 2** – 'Dulux - Silver Thaw' or similar



**Window & Door Frames** – Aluminium – 'Monument' by Colorbond or similar



**Shading Canopies** – cement sheet cladding or similar lightweight cladding over timber frame  
(Painted 'Colorbond – Monument' or similar colour)

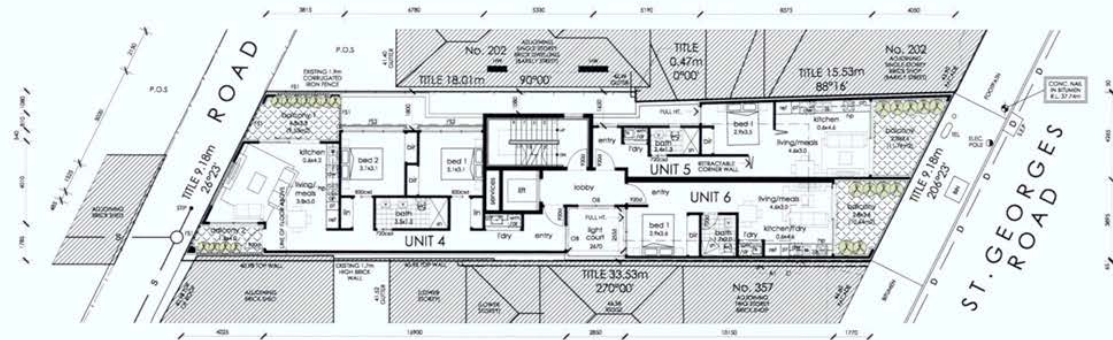


**Downpipes & Capping** – 'Colorbond' – colour to match adjacent surface



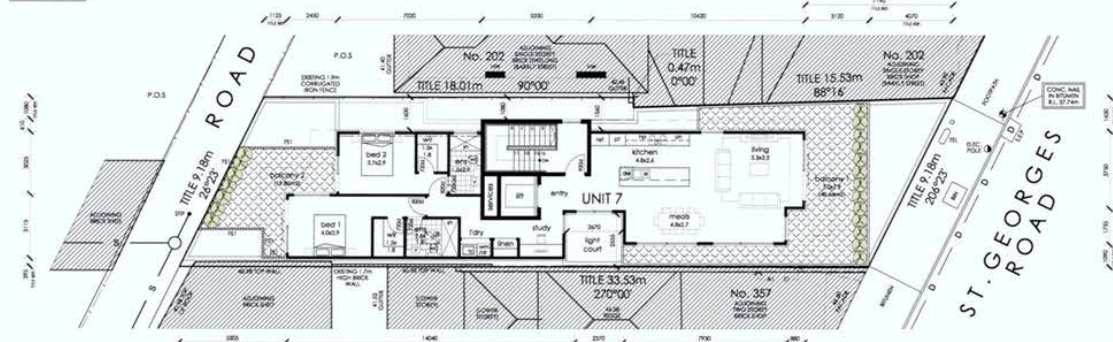


Attachment 1 - PLN15/0800 - 359 St Georges Road Fitzroy North - S57B - Plans



SECOND FLOOR PLAN - UNIT 4-6  
SCALE 1:100

NOTE: SHOWN NOMINAL  
CLADDING ZONE OVER  
ELEV. 10m. SHOWN  
POLYURETHANE & SHIM  
MATERIALS. FINISH  
TEXTURE FINISH OVER



THIRD FLOOR PLAN - UNIT 7  
SCALE 1:100

**iKONOMIDIS REID**  
architecture + development solutions  
713 PLENTY ROAD RESERVOIR 3073 EMAIL: ADMIN@IKONREID.COM.AU  
PH: 94782836

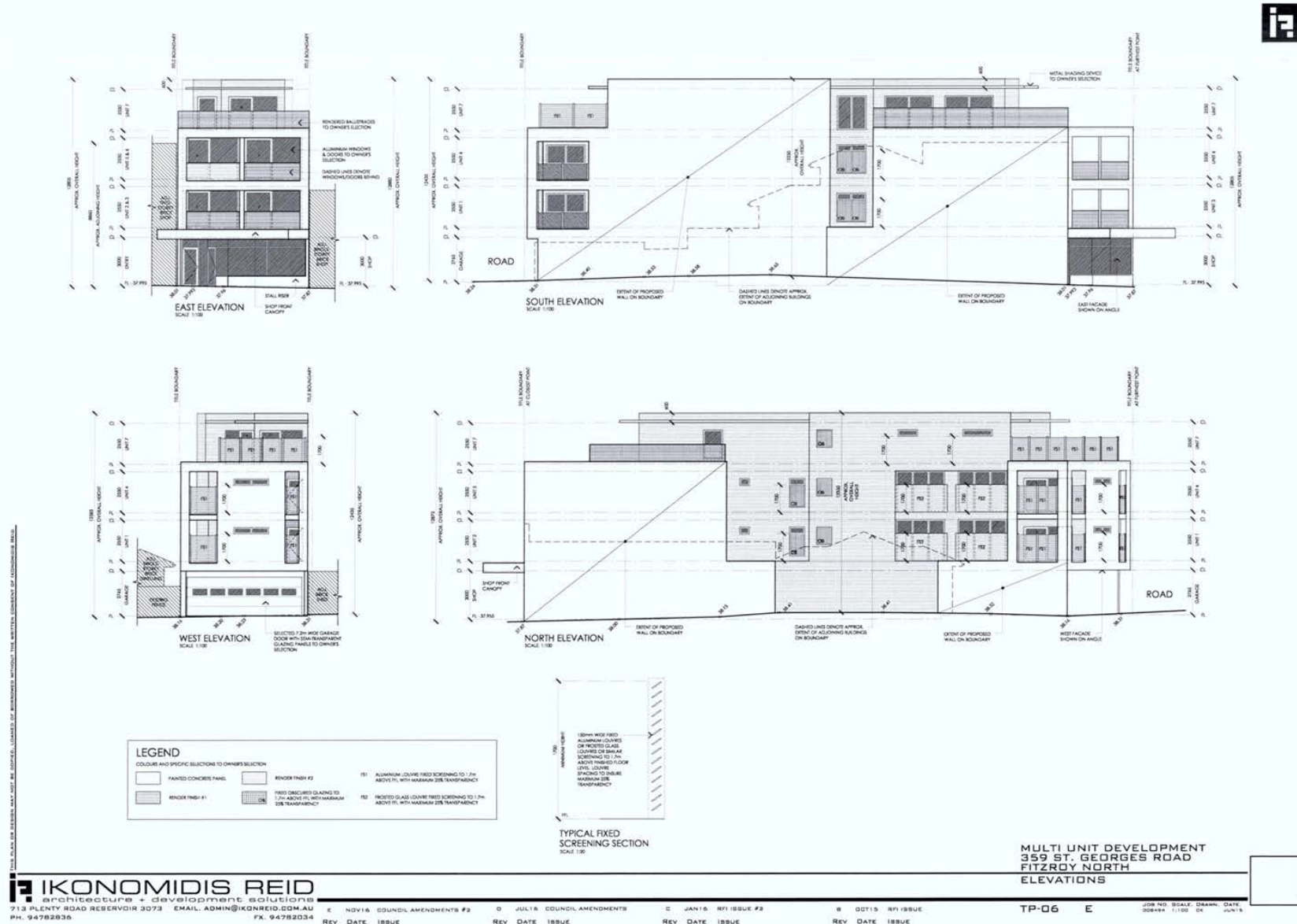
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D	JUL16	COUNCIL AMENDMENTS
C	JAN16	RPI ISSUE #2
B	SEP15	RPI ISSUE

MULTI UNIT DEVELOPMENT  
359 ST. GEORGES ROAD  
FITZROY NORTH  
SECOND & THIRD FLOOR PLANS



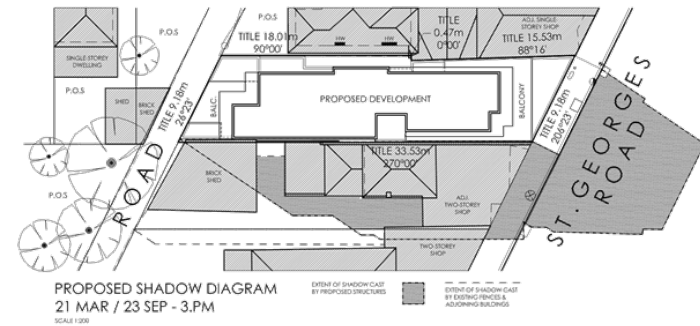
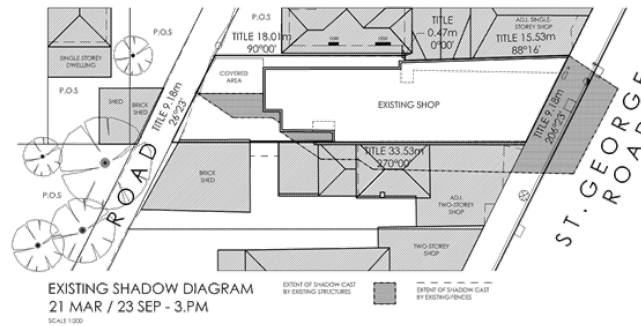
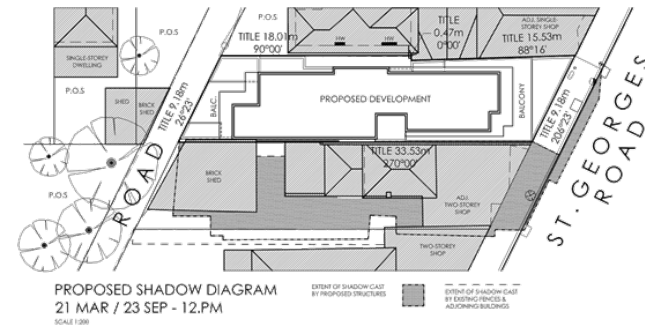
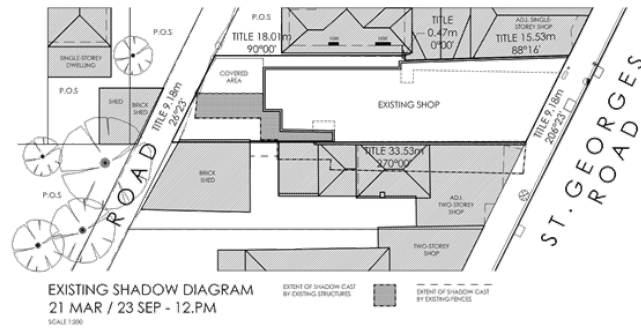
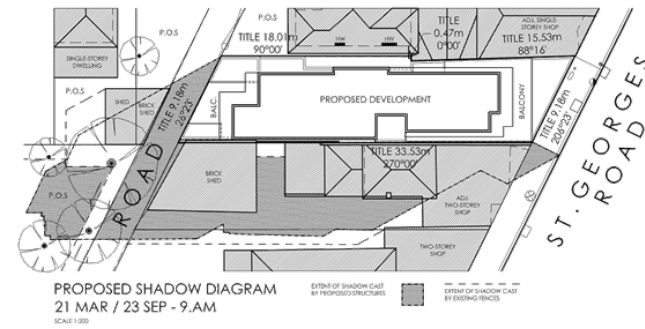
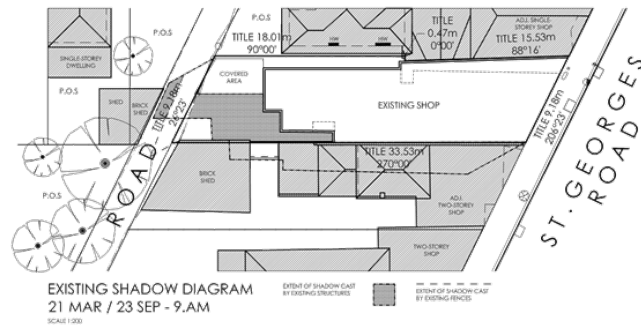
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**Attachment 1 - PLN15/0800 - 359 St Georges Road Fitzroy North - S57B - Plans**





# Attachment 1 - PLN15/0800 - 359 St Georges Road Fitzroy North - S57B - Plans



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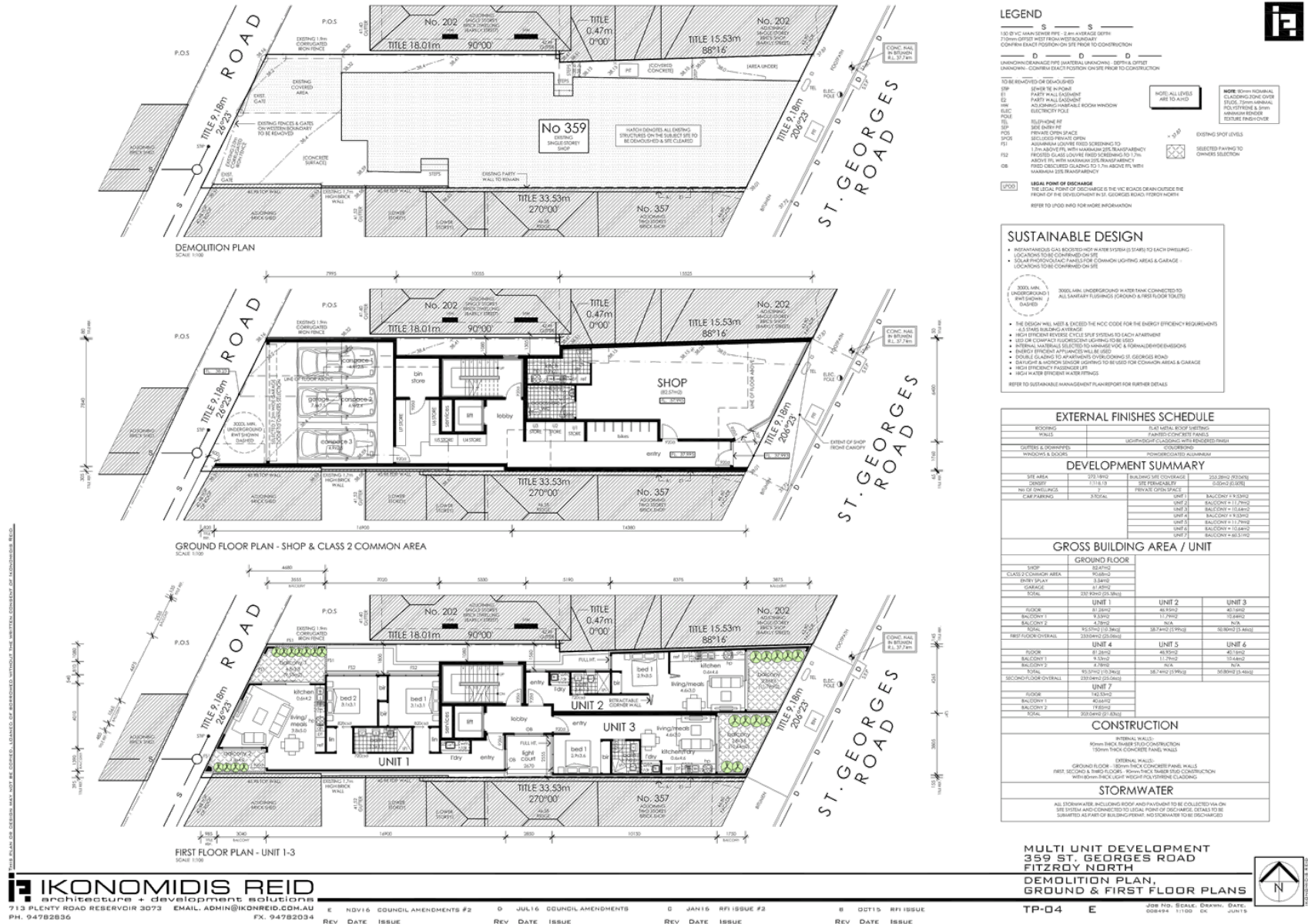
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REV	DATE	ISSUE	REV	DATE	ISSUE	REV	DATE	ISSUE	REV	DATE	ISSUE

MULTI UNIT DEVELOPMENT  
359 ST. GEORGES ROAD  
FITZROY NORTH  
EXISTING & PROPOSED  
SHADOW DIAGRAMS

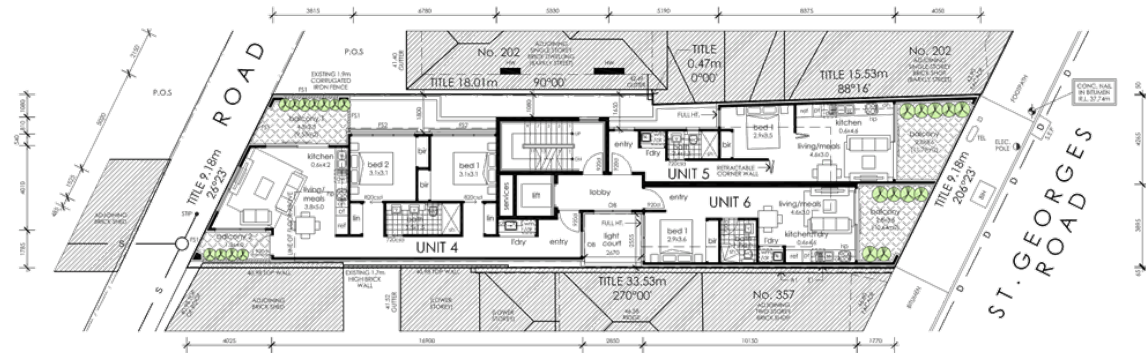


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# Attachment 1 - PLN15/0800 - 359 St Georges Road Fitzroy North - S57B - Plans

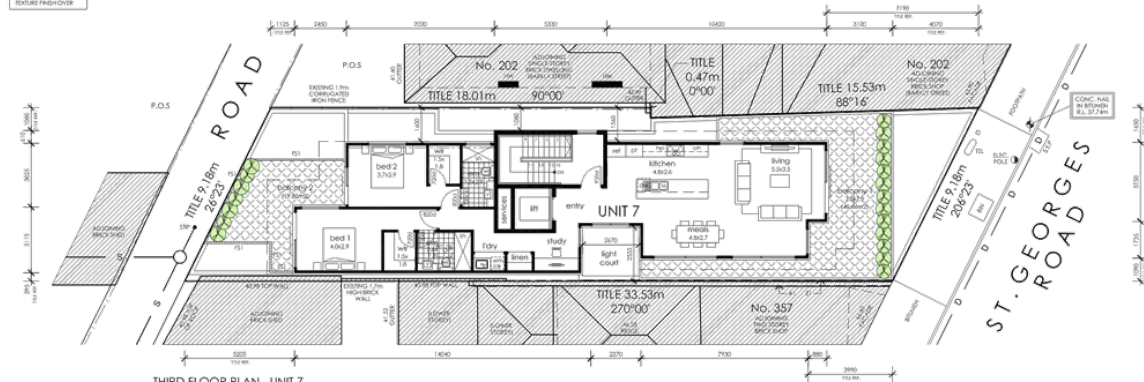


Attachment 1 - PLN15/0800 - 359 St Georges Road Fitzroy North - S57B - Plans



SECOND FLOOR PLAN - UNIT 4-6  
SCALE 1:100

NOTE: ROOM NOMINAL CLADDING EDGE COVER 2500. ROOM NOMINAL POLYESTER & 8mm MINORITY ROOMS. ROOMS PREPARED.



THIRD FLOOR PLAN - UNIT 7  
SCALE 1:100

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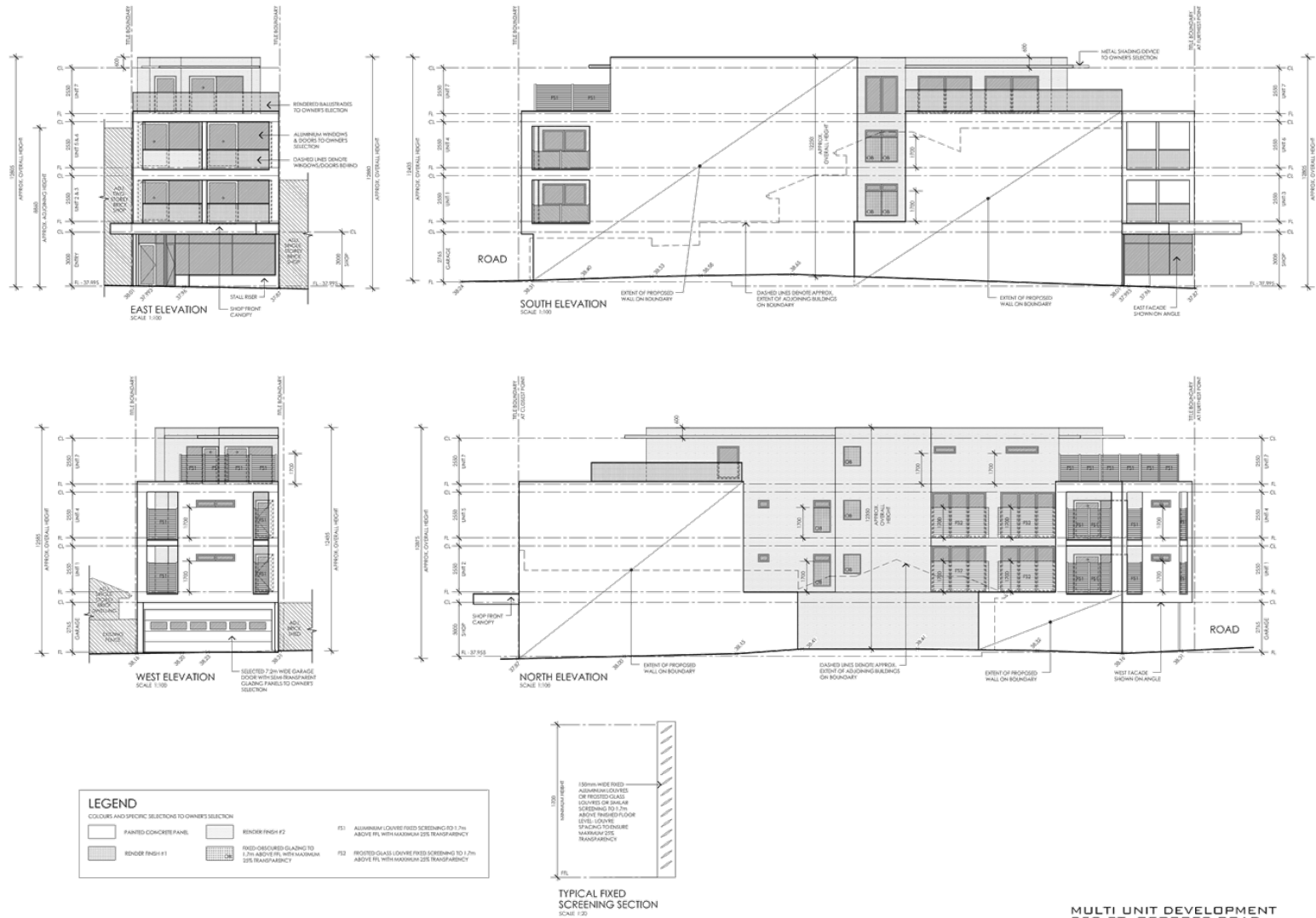
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MULTI UNIT DEVELOPMENT  
359 ST. GEORGES ROAD  
FITZROY NORTH  
SECOND & THIRD FLOOR PLANS



TP-05 E JOB FID. SCALE: DRAWN: DATE: 008414 1:100 DC JUN 15

# Attachment 1 - PLN15/0800 - 359 St Georges Road Fitzroy North - S57B - Plans



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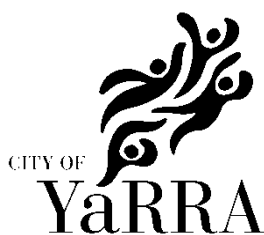
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**Attachment 2 - PLN15/0800 - 359 St Georges Road Fitzroy North - Engineering comments**

# MEMO

**To:** Sarah Thomas  
**From:** Artemis Bacani  
**Date:** 22 April 2016  
**Subject:** **Application No:** PLN15/0800  
**Description:** Construction of a Four Storey Building – Reduction in the Car Parking Requirements  
**Site Address:** 359 St Georges Road, Fitzroy North

I refer to the above Planning Application received on 23 February 2016 and the accompanying report prepared by TTM Consulting Pty Ltd in relation to the proposed development at 359 St Georges Road, Fitzroy North. Council's Engineering Services unit provides the following information:

**CAR PARKING PROVISION****Proposed Development**

The proposal comprises the construction of a four storey mixed use development containing 3 on-site car parking spaces and each dwelling will have access to a storage cage to accommodate bicycles. Vehicular access to the site is via a Right of Way connecting to Barkly Street and Holden Street. The site is located on the north western side of St Georges Road, approximately 70 metres north of Holden Street.

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

<b>Proposed Use</b>	<b>Quantity/Size</b>	<b>Statutory Parking Rate</b>	<b>No. of Spaces Required</b>	<b>No. of Spaces Allocated</b>
One-bedroom dwelling	4	1 space per dwelling	4	0
Two-bedroom dwelling	3	1 space per dwelling	3	3
Residential visitors	7 Dwellings	1 space per 5 dwellings	1	0
Retail	98.15 m <sup>2</sup>	4 spaces per 100 m <sup>2</sup> of leasable floor area	3	0
<b>Total</b>			<b>11 spaces</b>	<b>3 Spaces</b>

The resultant car parking reduction would be 8 spaces (4 resident spaces, 1 residential visitor spaces and 3 retail spaces). Four one-bedroom dwellings will not be allocated any on-site car parking.

## Attachment 2 - PLN15/0800 - 359 St Georges Road Fitzroy North - Engineering comments

### 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 proposed development is providing parking at a rate of 0.43 spaces per dwelling, with the two-bedroom dwellings being provided with 1 space per dwelling. TTM Consulting has sourced the 2011 Census data from the Australian Bureau of Statistics for car ownership rates for *apartments* in the Fitzroy North area. According to TTM Consulting, the data derived indicates that 44% of one-bedroom apartments do not own a car. For two-bedroom apartments in the Fitzroy North area, some 24% of residents do not own a motor vehicle. It is agreed that car ownership rates are influenced by public transport access, proximity to employment and education centres, affordability issues, environmental concerns and access to services. The provision of one space per two-bedroom dwelling and no space for four one-bedroom dwellings is considered satisfactory in this location.

- *Residential Visitor Parking Demand.*

TTM Consulting has referenced parking surveys conducted by Cardno at a similar apartment complex at 127 and 137 Beach Road, Beacon Cove. The surveys indicated the residential visitor parking had a rate of 0.10 spaces per dwelling during the evenings and weekends, and 0.06 spaces per dwelling during business hours. Applying this rate would result in a peak residential visitor parking demand of 1 space.

The applicant proposes to accommodate all residential visitor parking off-site, since the footprint of the property cannot practically accommodate visitor parking. On-site visitor parking should be convenient and easy to access. In this case, the primary access is off a laneway network, which would be unfamiliar to infrequent users.

- *Parking Demand Associated with the Retail Tenancy.*

TTM Consulting have indicated that the retail component would generate a low parking demand since the majority of visitors would already be in the area attending other venues along St Georges Road. The scarcity of long-stay on-street parking would be a disincentive for staff to drive to the area. Customers would be expected to park on-street or make other travel arrangements to the St Georges Road Activity Centre as occurs with other shopfront businesses in the area.

- *Availability of Public transport in the Locality of the Land.*

The site is very well positioned in terms of public transport services. Visitors to the area have the option of using trams along St Georges Road (Route 11) and Nicholson Street (Route 96), buses along Holden Street (Routes 250 and 251), and rail services accessed from Rushall railway station.

- *Convenience of Pedestrian and Cyclist Access.*

Since the site is located within St Georges Road activity centre, pedestrian access would have a high level of service. The site has very connectivity to the on-road bicycle network (Holden Street, Bennett Street, Rushall Crescent, and Park Street) and the off-road bicycle network (Capital City Trail and Merri Creek Trail). It is highly probable that some staff, customers, and residential visitors to the site would either live or work locally.

- *Provision of Bicycle Parking in the Locality of the Land.*

The applicant has indicated that storage cages would be provided for each dwelling and would be used for bicycle storage. Visitor bicycle parking would be accommodated within the existing bicycle rails in the immediate area.

- *Multi-purpose Trips within the Area.*

Customers and residential visitors to the development could possibly combine their visit with other activities or business whilst in the area.



## Attachment 2 - PLN15/0800 - 359 St Georges Road Fitzroy North - Engineering comments

### 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.*  
Using images from NearMap, TTM has obtained on-street parking demand on Friday 4 May 2015 at 10.43am, Thursday 5 February 2015 at 2.23pm, Saturday 19 November 2014 at 1.01pm, and Tuesday 21 October 2014 at 10.35am. The study area encompassed St Georges Road (Holden Street to Barkly Street), Barkly Street (St Georges Road to Melville Street/Right of Way), Pilkington Street (Holden Street to Barkly Street, and Holden Street (St Georges Road to Bennett Street). An inventory of 75 on-street car parking spaces was identified. The results of the survey indicate that the on-street parking occupancy in the study area ranged from 64% (27 vacant spaces) to 80% (15 vacant spaces). The peak on-street parking demand was observed at 1:01pm on the Saturday. Customers to the new retail tenancy could already be parked in the area if engaged in other activities or business. Since the area is blanketed in time based parking restrictions, staff of the retail tenancy would need to make other travel arrangements to access the site or use more sustainable forms of transport (public transport, bicycles, etc.).
- *Car Parking Deficiency Associated with Existing Land Use.*  
According to the submitted traffic report, the site currently contains a net floor area of 170.94m<sup>2</sup> of retail use. Applying the rate for retail use of 4 spaces to each 100m<sup>2</sup> of leasable floor area would yield 5 spaces. The report indicates that the site has 2 on-site spaces, which would result in a car parking deficiency of three spaces. We consider the car parking credit of 3 spaces to be appropriate for the new use since these spaces would have been accommodated on-street.
- *Access to or provision of Alternative Transport Modes.* The site has very good accessibility to public transport and good connectivity to the on-road and off-road bicycle network. Car share pods are also within reach of the site.

### Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking is considered appropriate in the context of the development and its surrounding area. The parking generated by this site should not adversely impact on existing parking conditions in the area. Engineering Services has no objection to the reduction in the car parking requirement for this site.

### TRAFFIC GENERATION

For traffic generation of the development, TTM Consulting has conservatively adopted a peak hour traffic rate of 0.5 trips per dwelling (based on the Roads and Traffic Authority's *Guide to Traffic Generating Developments*) for a residential use. The development is expected to generate an additional 35 daily movements and 4 daily movements during the AM and PM peak commuter periods. This volume of traffic is not unduly high and should not have an adverse impact on the nearby roads. To put it in perspective, the peak hour traffic volume of 35 vehicle movements would be equivalent to an average of one vehicle every one minute and 42 seconds.

### DEVELOPMENT LAYOUT DESIGN

#### Access Arrangements and Internal Layout

The development's access point is located at the rear of the site off a Right of Way connecting to Barkly Street and Holden Street.

A check of the *Demolition Plan, Ground & First Floor Plans* prepared by Ikonomidis Reid Architecture and Development Solutions (Drawing No. TP-04 Revision C dated June 2015) indicates that the proposed doorway of the garage is approximately 7.65 metres wide. The width of the doorway satisfies Clause 52.06-8 *Design standard 1 – Accessways*.



## Attachment 2 - PLN15/0800 - 359 St Georges Road Fitzroy North - Engineering comments

Pedestrian sight triangles have not been provided as the entrance is contained within a Right of Way environment which would experience minimal, if any, pedestrian movements.

The swept path diagrams provided in Appendix A of the report demonstrate that the B85 design vehicle can enter and exit the development via the Right of Way.

Vehicle conflict within the Right of Way is expected to be low. Two vehicles approaching one another have the option of either waiting in Barkly Street or Holden Street.

The width of the garage is non-compliant to accommodate three car spaces. The internal layout of the garage must be re-arranged and satisfy Clause 52.06-8 *Design standard 2 - Car parking spaces*.

As an alternative, car space No.3 could be deleted and converted for scooter and bicycle parking. The designer could also consider the installation of car stackers to increase the number of vehicles that could be accommodated inside the garage.

The width of the remaining two car spaces should be 2.9 metres (adjacent to the wall) and 2.6 metres.

### Pedestrian Access

The designer must show on the plans the grade of the internal pedestrian ramp. The ramp grade must be no steeper than 1 in 14.

### Summary of Design Matters

The designer must revise the drawings and incorporate the following:

Item	Details
Internal Layout	Car space No.3 could be deleted and converted for scooter and bicycle parking. The designer could also consider the installation of car stackers to increase the number of vehicles that could be accommodated inside the garage.
	The width of the remaining two car spaces should be 2.9 metres (adjacent to the wall) and 2.6 metres.
Pedestrian Access	The designer must show on the plans the grade of the internal pedestrian ramp. The ramp grade must be no steeper than 1 in 14.

### Capital Works Programme

A check of the Capital Works Programme for 2015/2016 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.

### Loading Provision

The site cannot practically provide an on-site loading facility. Deliveries to the site can be made utilising the nearest on-street Loading Zone or car parking spaces. There is no objection to the waiving of the loading requirement for this development.

### Building Works and Impact on Council Road Assets

The construction of the new building, 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 and visitors of the site.

## **Attachment 2 - PLN15/0800 - 359 St Georges Road Fitzroy North - Engineering comments**

### **ENGINEERING CONDITIONS**

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

#### Civil Works – Right of Way

- Upon the completion of all building works and connections for underground utility services, any isolated areas of pavement failure along the Right of Way between Barkly Street and Holden Street shall require full depth road pavement reconstruction to accommodate the expected increase in traffic flows relating to the development.

#### Civil Works – St Georges Road

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's St Georges Road street frontage must be stripped and re-sheeted at the permit holder's cost and to the satisfaction of the Responsible Authority.
- The half width road pavement of St Georges Road (north western kerb to central tram reservation) must be profiled and re-sheeted along the property frontage at the permit holder's cost and to the satisfaction of the Responsible Authority.
- The footpath in front of the pedestrian entrance must be constructed to a level no steeper than 1 in 40 from the building line to the top of kerb.

#### Interface off the Right of Way

- The finished floor level of the garage slab must be designed to provide satisfactory access and egress for a B85 design vehicle via the Right of Way.

#### 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.

#### Preparation of Detailed Road Infrastructure Design Drawings

- The developer must prepare and submit detailed design drawings of all road infrastructure 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.

#### 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

## **Attachment 2 - PLN15/0800 - 359 St Georges Road Fitzroy North - Engineering comments**

- 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.

### **NON-PLANNING ADVICE TO THE APPLICANT**

The developer needs to consider the following:

#### **Clearances from Electrical Assets**

Overhead power lines and Yarra Trams electrical cables run along the north western side of St Georges Road, 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>

Regards

Artemis Bacani  
Roads Engineer  
Engineering Services Unit

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# Attachment 3 - PLN15/0800 - 359 St Georges Road Fitzroy North - Heritage advice

## City of Yarra

### Heritage Advice

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<b>Application No.:</b>	PLN15/0800
<b>Address of Property:</b>	<b>359 St Georges Road, Fitzroy North</b>
<b>Planner:</b>	Sarah Thomas
<b>Yarra Planning Scheme References:</b>	<p>STATE POLICY:</p> <ul style="list-style-type: none"> <li>• Clause 15.03 Heritage</li> </ul> <p>LOCAL POLICY:</p> <ul style="list-style-type: none"> <li>• Clause 21.05-1 Built Form (Heritage)</li> <li>• Clause 43.01 Heritage Overlay</li> <li>• Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay</li> <li>• Clause 22.03 Landmarks and Tall Structures</li> </ul>
<b>Heritage Overlay No. &amp; Precinct:</b>	HO327 North Fitzroy Precinct (Area B)
<b>Level of significance:</b>	Shop, Not contributory, constructed 1925-1930 (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007)
<b>General description:</b>	Full demolition and construction of a four-storey building
<b>Drawing Nos.:</b>	Set of 5 x A1 drawings prepared by Iconomidis Reid, received by Council and date stamped 22 Feb 2016

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#### CONTEXT DESCRIPTION:

The subject site is an irregular shaped allotment with a principal frontage to St Georges Road and a rear frontage to a Right-of-way accessed from Barkly Street.

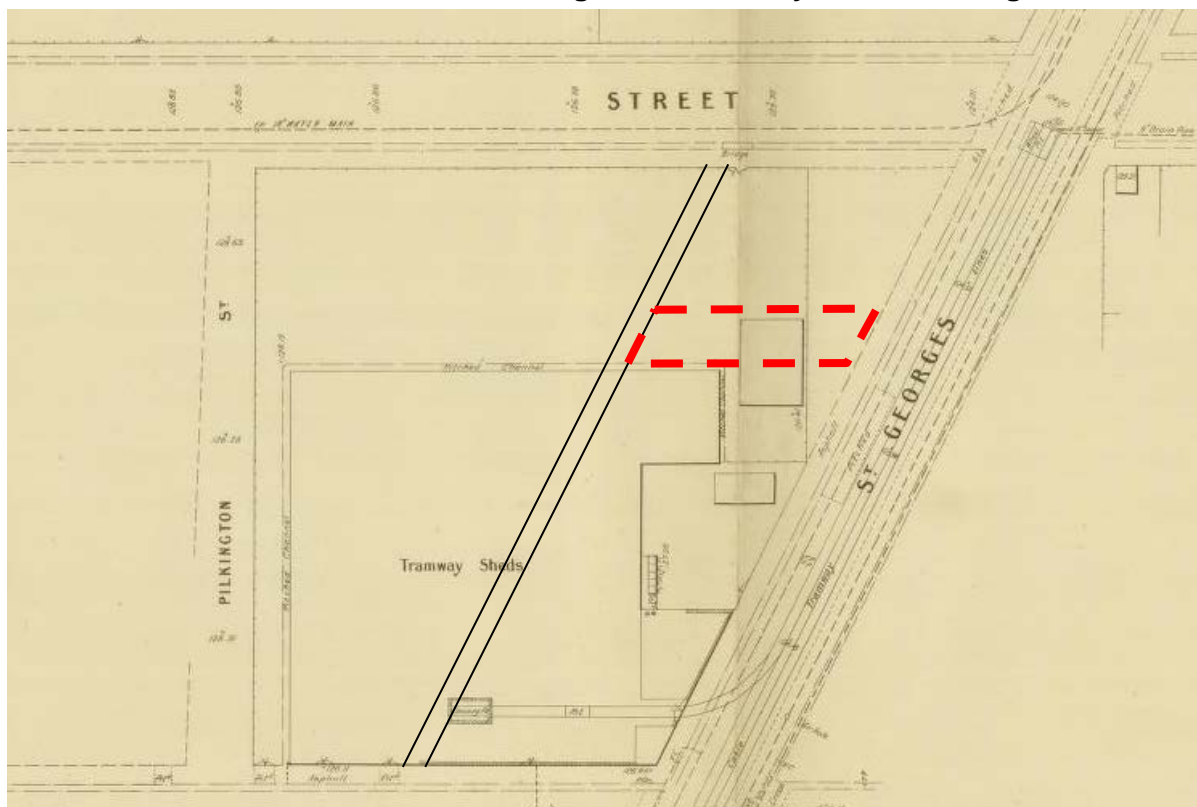
Historically the site was originally developed as part of a large tramway shed complex. The current building dates from 1930s, as do a majority of the adjacent buildings that front St Georges Road.

The existing building is a single-storey commercial building with a c.1950s style shopfront.

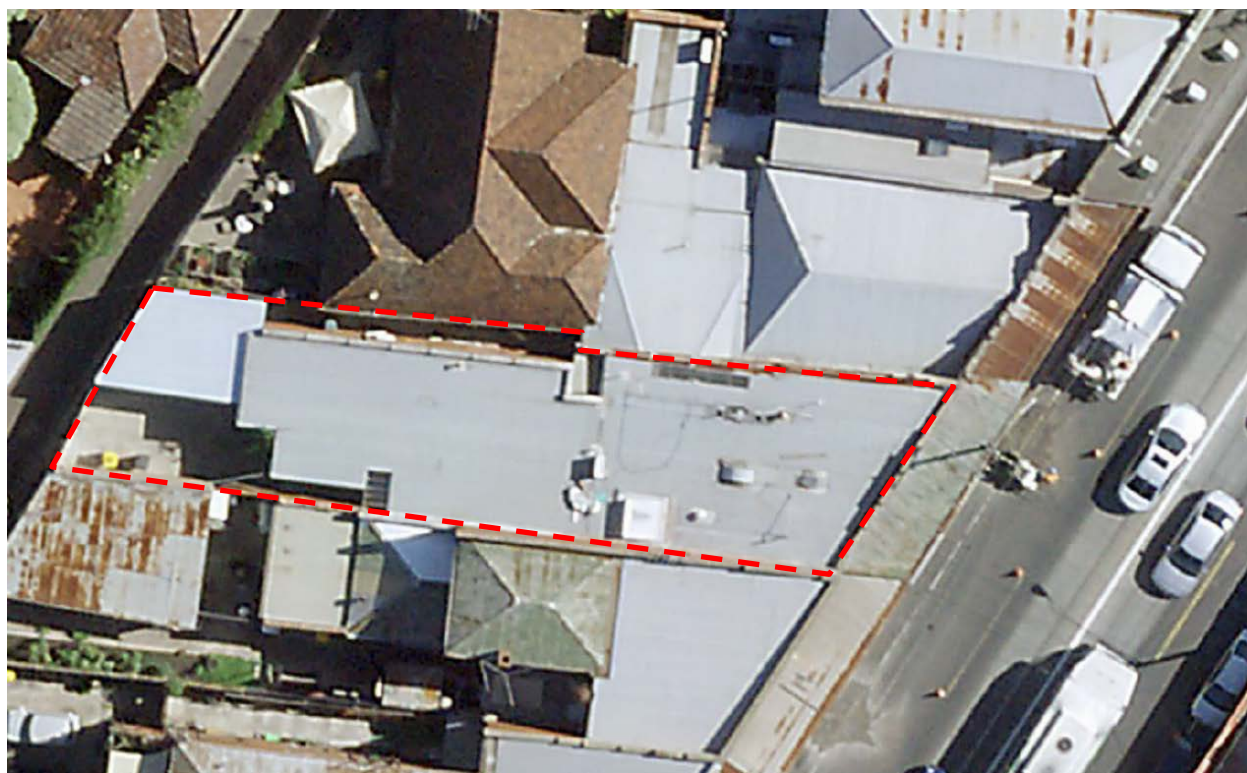


Above: Subject building, 359 St Georges Road, Fitzroy North (outlined in red)

**Attachment 3 - PLN15/0800 - 359 St Georges Road Fitzroy North - Heritage advice**



Above: Extract from Melbourne and Metropolitan Board of Works detail plan, 1935, City of Fitzroy Subject site outlined in red.



Above: Current aerial of the subject site (outlined in red)

The adjoining property to the north, No. 361-363 is a single-storey commercial building potentially of similar age and style to the subject building. That building has been identified as being non-contributory.

Similarly, the row of two-storey cream brick commercial buildings immediately south of the subject is of non-contributory status.



# **Attachment 3 - PLN15/0800 - 359 St Georges Road Fitzroy North - Heritage advice**



*Above: View towards subject site from the north*



*Above: View towards subject site from the south*

The immediate area is characterised by generally commercial type buildings which are somewhat mixed. The vicinity is dominated by the nearby Aberdeen Hotel and includes rows of inter-War shops, which variously make a heritage statement, some Victorian buildings and some buildings with no heritage value, some of which are currently proposed for multi-level, multi-unit development.

## **ASSESSMENT OF PROPOSED WORKS:**

### Comments regarding proposed demolition:

The extent of demolition proposed by this application includes the full demolition of the existing building.

The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the broader heritage precinct.

Given that the subject building has been identified of no contributory heritage value, it is considered that the full demolition of this building will have no impact on the significance of the surrounding heritage precinct.

### Attachment 3 - PLN15/0800 - 359 St Georges Road Fitzroy North - Heritage advice

#### Comments regarding new development:

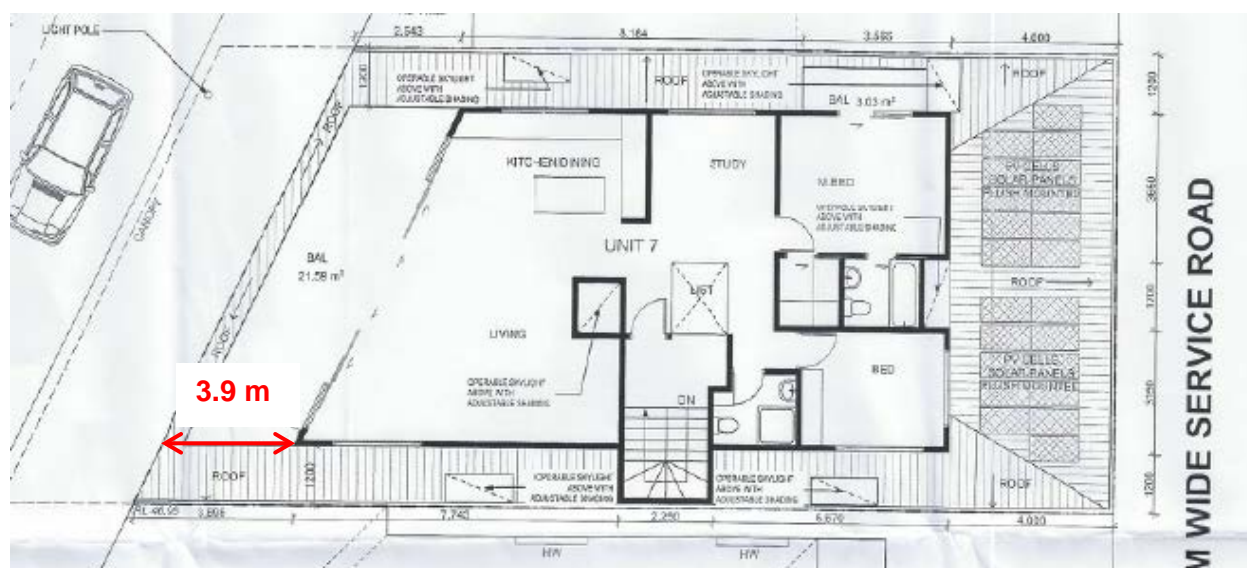
The extent of new works proposed by this application includes development of a four-storey building of the site

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.

#### Setbacks:

The proposed front setback for the new development will be zero metres at ground level. At the first and second upper floor levels the front setbacks will be staggered with a maximum setback of about 4 metres and a minimum of about 1.7 metres however based on the proposed design, it will generally appear that the ground, first and second floors will all have zero front setbacks.

The third (uppermost) floor level will have a varied front setback of between about 7.2 metres and about 3.1 metres. The proposed setback for the top floor level will allow the full height of this floor level to be somewhat concealed from the opposite side of the street however it will be visible from oblique angles, particularly when approaching from the north. In comparison to the top floor of a recently approved development on the opposite side of the road, the proposed top floor level will be 0.8 metres closer to the street. Given the similar scale of existing buildings on opposite sides of the street, it is considered that **the proposed setback of the third floor level must be no less than the 3.9 metres setback approved on the opposite side of the street.**



Above: Extract from Level 3 endorsed drawing for PLN14/0100 336-338 St Georges Road

#### Scale/height:

The proposed facade height for the new development will be about 9.7 metres. The facade heights of the adjacent properties are 8.8 metres for No. 357 and about 6 metres for No. 361-363. The common facade height of contributory buildings in the street is about 8.8 metres for two-storey buildings.

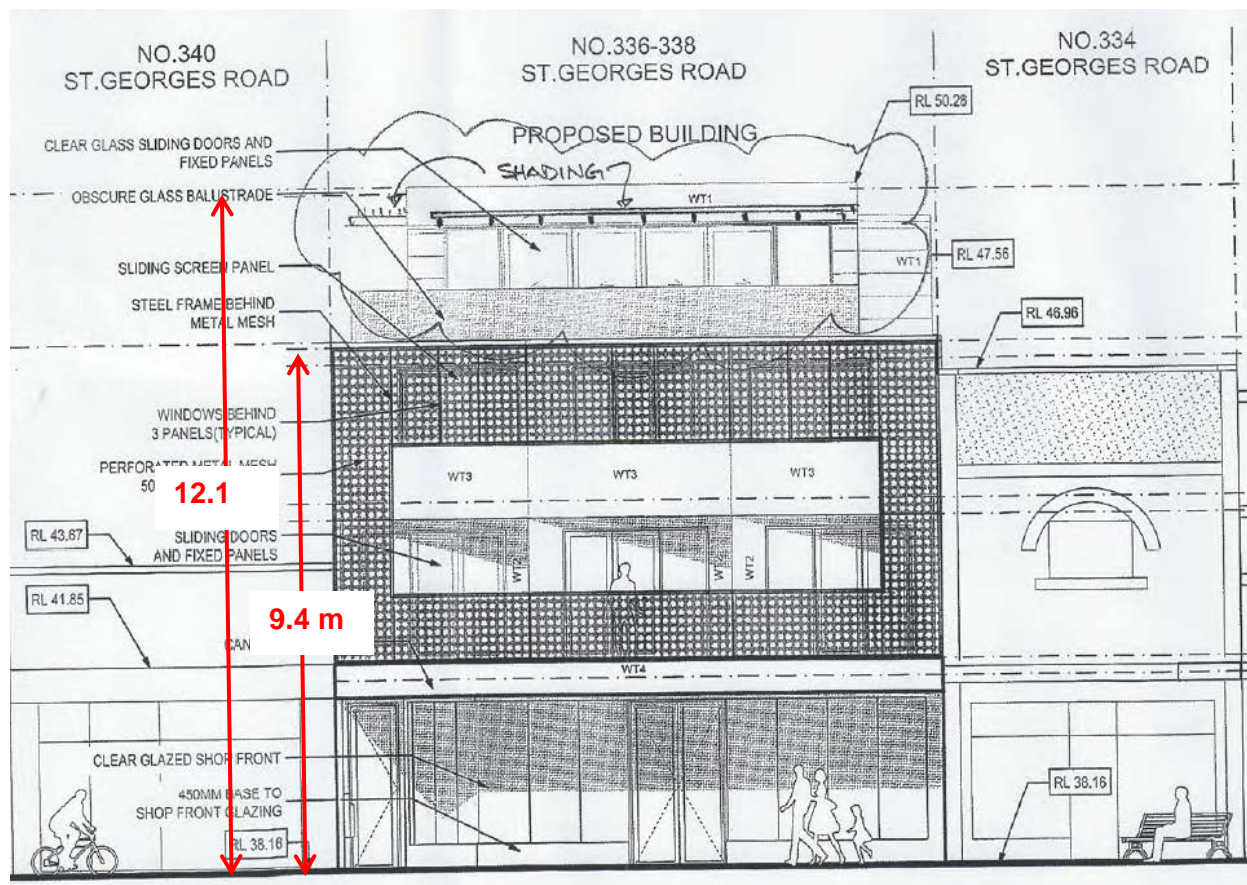
The maximum overall height will be about 13.1 metres from St Georges Road, however the uppermost floor level will be setback so that the full height of the building will be somewhat concealed from the opposite side of the street.

On the basis that the immediately adjoining building to the south will be less than 20% lower than the height of the proposed building's principal façade, it is considered that **the scale of the building's principal façade at about 9.7 metres is acceptable.**



### Attachment 3 - PLN15/0800 - 359 St Georges Road Fitzroy North - Heritage advice

It should also be noted approval for a building of similar scale has recently been approved on the opposite side of the street (refer to diagram below). For comparative purposes, the currently proposed building façade will be about 0.3 m higher than the building opposite. The overall height of the currently proposed building will be about 1 metre taller than the approved building however it should be noted that the subject building appears to have an 800mm high parapet above the top floor which is creating unnecessary additional height. It is therefore considered that **the proposed parapet detail above the uppermost floor level must be deleted.**



Above: Extract from St Georges Road street elevation endorsed drawing for PLN14/0100 336-338 St Georges Road -

#### Roof form:

The proposed roof form for the new development will be flat. The lack of visible roof form from the street is generally consistent with the surrounding commercial buildings, both contributory and non-contributory.

It is therefore considered that the **proposed roof form is acceptable.**

#### Appearance:

A conventional design approach has been adopted for the proposed new building. This approach is not unacceptable given the context of the site, however the design would benefit from greater recognition for the recognised and valued heritage character of the streetscape.

The proposed external materials for the new development will be concrete panelling, render and glass balustrading. The use of render is acceptable however concrete panelling (unfinished?) may be of some visual concern. Glass balustrading is specifically discouraged for new development in heritage areas (Clause 22.02-5.7.1). Whilst it may be acceptable in areas that are not visible from the primary streetscape, it is considered **that an alternative material must be used for the proposed balustrading on the front façade, which is more evocative of traditional materials used for nearby buildings of contributory heritage value.**

**Attachment 3 - PLN15/0800 - 359 St Georges Road Fitzroy North - Heritage advice**

Ground floor shopfront:

The proposed shopfront to the ground floor street frontage is devoid of any character.

The subject heritage precinct is characterised by one and two storey commercial strips (i.e. St Georges Road) with some key corner Victorian and Edwardian-era buildings and well preserved inter-war examples.

The proposed shopfront should respect the character of the commercial streetscape at ground level by at least introducing a stall riser to a height that is similar to that of No. 361-363.

**RECOMMENDATIONS:**

On heritage grounds, the works proposed in this application may be approved subject to the following conditions:

1. That the proposed parapet detail above the uppermost floor level must be deleted;
2. That the proposed setback of the uppermost third floor level must be no less than the 3.9 metres setback approved on the opposite side of the street;
3. That an alternative material must be used for the proposed balustrading on the front façade, which is more evocative of traditional materials used for nearby buildings of contributory heritage value;
4. That the proposed shop front must include a stall riser to a height that is similar to that of No. 361-363 St Georges Road.

**Other comments:**

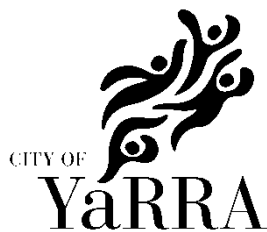
**SIGNED:**



Diahnn McIntosh

**DATED: 21 March 2016**

**Attachment 4 - PLN15/0800 - 359 St Georges Road Fitzroy North - Urban Design advice**



# MeMO

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TO: Sarah Thomas  
FROM: Richa Swarup  
DATE: 14 May 2016  
SUBJECT: 359 St Georges Road, Fitzroy North  
APPLICATION NO: PLN15/0800  
DESCRIPTION: Four storey apartment building with ground floor shop

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Comments from an urban design perspective are requested on the following matters:

- Review application and provide urban design advice.

## COMMENTS SUMMARY

The proposed development is not supported in its current form as there are numerous issues related to the design and the layout. Please refer to detailed comments in this regard.

No Capital works are approved or proposed within the area.

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## DETAILED COMMENTS

### Site and context

#### *Zoning*

The subject site and adjacent properties along St Georges Rd is zoned C1Z and properties across the rear lane are in NRZ1.

#### *Heritage and other overlays*

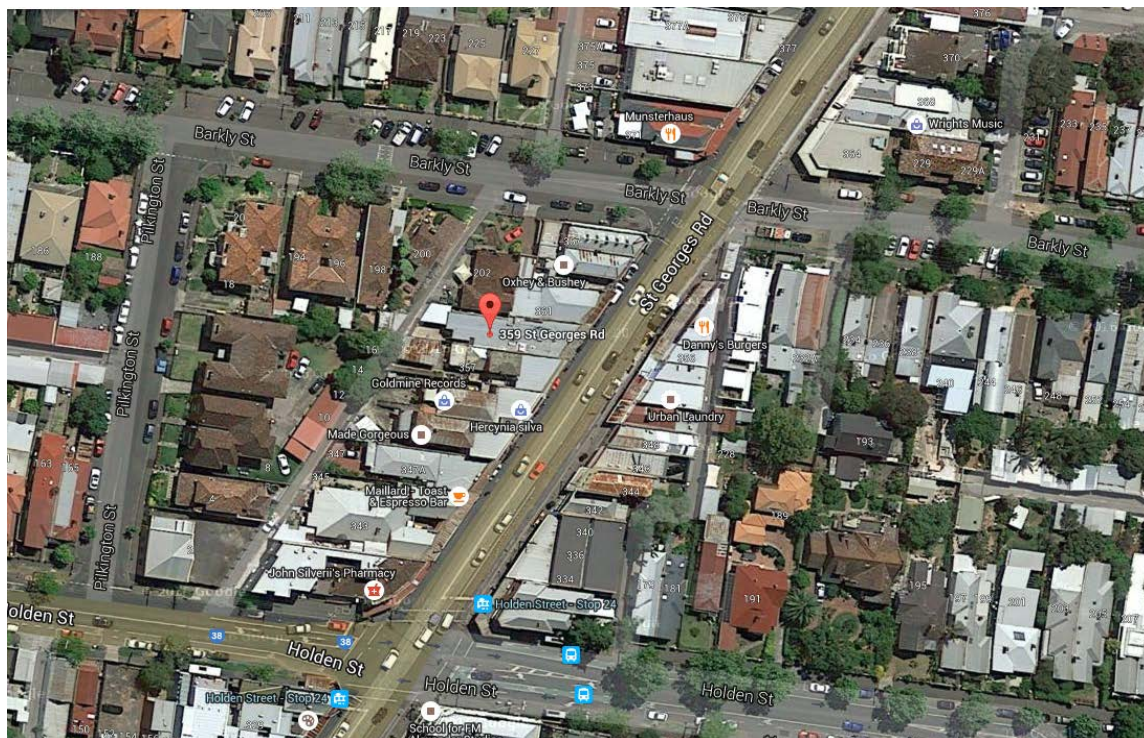
The subject site falls within HO0327 but buildings are not contributory heritage. The adjacent site to the north is contributory heritage.

#### *Neighbourhood*

No structure plans cover the subject site. The site falls within the North Fitzroy Village neighbourhood activity centre. The implementation of built form strategies in Clause 21.05 includes: *Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.* (Clause 21.08-8)



## Attachment 4 - PLN15/0800 - 359 St Georges Road Fitzroy North - Urban Design advice



### *Immediate surroundings*

To the north: A one storey shop and further west a high gabled one storey brick house.

To the east across St Georges Road: 1-2 storey shops/commercial buildings.

To the south: A two storey shop/commercial building from mid-century.

To the west across the lane: Residential dwellings with rear vehicular access.

### *Preferred future character*

Along St Georges Road, between Holden Street and Barkly Street, there is an established street wall of 1-2 storeys. On the southern side of Holden Street there is a 4 storey heritage building. An infill of 3 storeys contemporary design is reasonable in this context. Any additional floor will need to be substantially setback to avoid any height impacts to the streetscape.

Within this stretch of St Georges Road there are established street frontages of most of the entries being setback creating an entrance to the shops from footpath and wide veranda overhang prevails. A continuation of these elements will enhance the sense of place and the street character. Buildings generally have brick or render facades with glazed shop fronts. Facades above the ground floor follow the same building line with flat facades and regular size windows.

### **Built form and massing**

Whilst a four storey building can be accepted on the site there are concerns about the overall massing of the building, in particular, the 1-meter-wide side setback from the northern boundary and the width of the light court. It is recommended that the minimum width of the light well be increased to at least 3 meters. Similarly, at the northern interface the setback needs to be increased so that proper daylight access can be provided to bedroom 1 of unit 2 and 5 and also the bedrooms 1&2 of 1&4. This would also require rethinking of the floor layout. Long and deep balconies should be avoided

## Attachment 4 - PLN15/0800 - 359 St Georges Road Fitzroy North - Urban Design advice

The proposed 3 storey contemporary street wall is acceptable. The proposed third floor is setback enough from the front boundary ensuring that the street wall is in focus and it creates a reasonable relationship with existing streetscape.

### Façade design and streetscape fit

The façade design need to be improved in line with preferred future character discussed above and Objectives in Yarra Planning Scheme **22.10-2-2**:

- *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.*
- *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
- *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
- *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*



*Photo of adjacent shopfronts. There is a well-established typology of shopfronts entries being setback from footpath. This is done in an inviting way with splayed entry spaces and much glazing. This typology extends the full width of St Georges Rd between Holden Street and Barkly Street.*

The East Elevation does not relate well to the flat façade typology of the streetscape. It has also been noticed that the plan, and elevation for the East Façade do not correspond with each other in terms of the wall and window lengths. Rather than a wrap around balcony treatment a sunken in balcony type will be preferable.

## **Attachment 4 - PLN15/0800 - 359 St Georges Road Fitzroy North - Urban Design advice**

The proposed development does not include any canopy to continue the shop front veranda in line with the other shops. This is an important part of the established street character and should be integrated with the design. Ideally, the veranda height should relate to existing verandas and an extended ground floor height should be considered to create a sense of prominence at the street level.

It is also suggested that the fenestration is adjusted on the ground floor street interface to ensure wider windows panes. Also extending the glazing up to ceiling height would be more in keeping with existing streetscape character.

The entry appears tight. It is recommended that the entry in front of the entry door is widened and that the shop entry is integrated with this space. The entry space is preferred splayed in line with established typology of shop fronts. This will improve the sense of entry and sense of safety.

### **Material and colour**

The colour of concrete panels and the render is not specified. The graphic presentation on the drawings shows lighter concrete panels with rendered surfaces generally further setback and with slightly darker colour. This approach is supported.

### **Internal/external amenity**

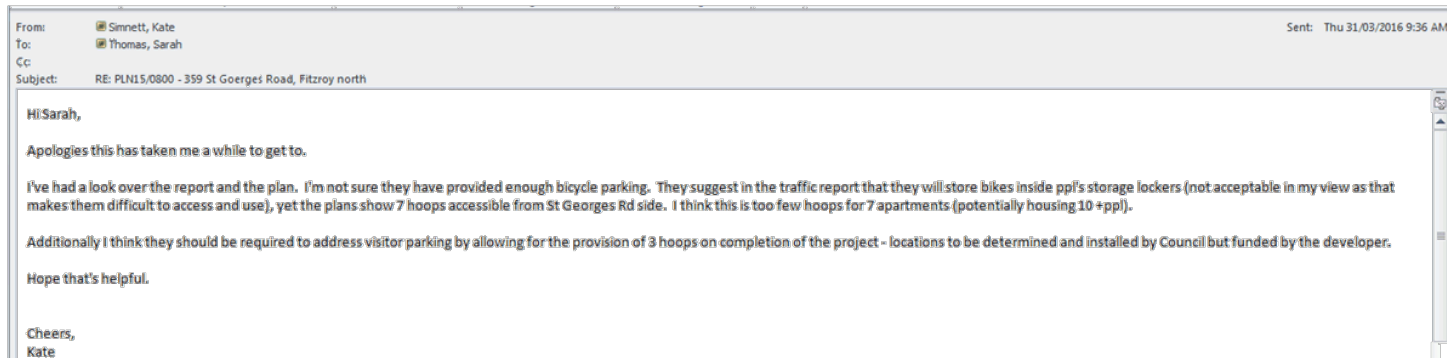
As stated above the side setbacks and the size of the light well are not enough to provide for proper day light and need to be improved.

Safer Design Guidelines for Victoria, Objective 3.1 includes *To design buildings that contribute to the natural surveillance of adjacent streets and public space.*

The ground floor entry to the lobby is long and not so inviting. The placement of the entry door away from the main footpath creates a hideout area along the shopping corridor which would create safety issues. The location of the entry door thus needs to be reconsidered. It is also recommended that the entry door is made transparent to improve the sense of openness and surveillance.

The garage door to the rear lane appears massive. To also improve sense of safety it is recommended that the garage door includes semi-transparent sections or is made of semitransparent/transparent materials such as grills etc. This would reduce the massive appearance and help increase passive surveillance to the laneway.

## Attachment 5 - PLN15/0800 - 359 St Georges Road Fitzroy North - Strategic transport unit advice





## Attachment 6 - PLN15/0800 - 359 St Georges Road Fitzroy North - ESD Referral

Sustainable Design Assessment (SDA)  
Referral Response by Yarra City Council



### Assessment Summary:

Responsible Planner:	Sarah Thomas
ESD Advisor:	Euan Williamson
Date: 07.03.2016	Planning Application No: PLN15/0800
Subject Site:	359 St George's Road, North Fitzroy, VIC 3068
Site Area:	Approx. 275m <sup>2</sup>
	Site Coverage: 100%
Project Description:	Development of seven apartments and a ground floor shop.
Pre-application meeting(s):	Unknown

**This application largely meets Council's Environmental Sustainable Design (ESD) standards.** As a permit has been issued, the following (1) are conditioned to be addressed in an updated SDA/SMP report and are clearly shown on Condition 1 drawings. Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are conditioned to be addressed in an updated SDA report and are clearly shown on Condition 1 drawings.

#### (1) Application ESD Commitments:

- Minimum 6.5 average NatHERS rating for thermal energy performance.
- Energy efficient heating / cooling and hot water.
- Water efficient fixtures and taps.
- A 100% STORM score relying on a 3,000 litre rainwater storage tank(s), draining 203m<sup>2</sup> of roof and connected to toilet flushing in all dwellings.
- Seven bike parking spaces.

#### (2) Application ESD Deficiencies:

- Reasonable access to daylight and natural ventilation to dwellings in the current context, however, there are five bedroom windows facing the boundary, with only a 1.08m setback. This raises issues of access to daylight if these windows are screened for privacy or the adjoining site is developed to a similar intensity. Recommend that the applicant demonstrate through daylight modelling that these bedrooms will receive adequate daylight if the adjoin site is developed with a similar setback. Recommend that any privacy screening be opaque glazing in order to minimise impact on access to daylight.
- Please show shop-front retractable shading device on drawings. It is currently mentioned in the SMP page 9).

#### (3) Outstanding Information and ESD Improvement Opportunities:

- Please show the solar hot water thermal collector panels and the solar PV array clearly on the drawings. An approximate size and capacity of the solar PV system should be included within the SDA. The current STEPS report states 0.3 of a kW (or 300 Watts) only. Please confirm if this is accurate. It does not seem adequate to power a lift and lighting to common areas. Please include a roof plan.
- The SDA includes retractable clothes drying racks fixed to balconies. Please indicate the approximate size and location of these on the drawings.
- The STEPS report states the average NatHERS Star rating is 6.2, but the body of the report states it is 6.5 Stars. Please update the STEPS report and demonstrate that an average of 6.5 Star NatHERS will be achieved for this project.

#### Further Recommendations:

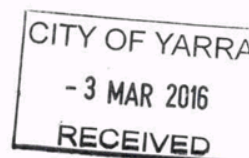
The applicant is encouraged to consider the inclusion of ESD recommendations, detailed in this referral report. Further guidance on how to meet individual planning conditions has been provided in reference to the individual categories. The applicant is also encouraged to seek further advice or clarification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

**Attachment 7 - PLN15/0800 - 359 St Georges Road Fitzroy North - VicTrack - No objection to granting of a planning permit**

# VicTrack

Our Ref: CSM 27201

Tarquin Leaver - Coordinator Statutory Planning  
City of Yarra Council  
PO Box 168  
RICHMOND VIC 3121



Dear Tarquin

**PLANNING PERMIT APPLICATION NO. PLN15/0800  
359 ST GEORGES ROAD, FITZROY NORTH**

I refer to Council's correspondence dated 23 February 2016 regarding a planning permit application for land at 359 St Georges Road, Fitzroy North for the demolition and development of the land for the construction of a 4 storey building, with a reduction in the car parking requirements associated with a shop and dwellings.

VicTrack has reviewed the location of the proposal and notes that the permit application site is adjacent to the tramway corridor in St Georges Road. VicTrack has no objection to the granting of a planning permit.

Please note that VicTrack is not a referral authority, however, it is the owner of the majority of Victoria's railway and tramway land and infrastructure. Pursuant to the *Transport Integration Act 2010* (Vic), VicTrack's functions include managing and supporting access to transport-related land, infrastructure and assets, and enabling access to the non-operational transport related land, infrastructure and assets where this supports the transport system.

VicTrack asks that the following conditions be included as conditions in the planning permit in order to protect tramway infrastructure and operations and to ensure tramway safety:

1. All works must be undertaken within the subject property and must not impact onto VicTrack tramway assets. No works are to undermine the tramway tracks or interfere with tramway infrastructure.
2. No lighting is to be erected (permanent or temporary) that throws light onto the tramway tracks or interferes with the sight of tram drivers.
3. Works within St Georges Road which may impact upon the operation of the tramway must be undertaken to the satisfaction of VicTrack and the Tramway Operator (Yarra Trams) and is subject to any conditions imposed by either.

If Council determines that it will not include any of the conditions set out above in the planning permit, VicTrack's request for the inclusion of those conditions should not be treated as an objection to the planning application. Should you have any queries, please contact me on 03 9619 0222 or [sotirios.katakouzinis@victrack.com.au](mailto:sotirios.katakouzinis@victrack.com.au).

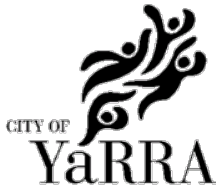
Yours sincerely

A handwritten signature in dark ink, appearing to read "S. Katakouzinis".

**SOTIRIOS KATAKOUZINOS  
PLANNING MANAGER (ACTING)**  
26 / 02 / 2016

1300 VICTRACK (1300 8428 7225)  
Level 8, 1010 LaTrobe Street Docklands Vic 3008. GPO Box 1681, Melbourne, Victoria, [www.victrack.com.au](http://www.victrack.com.au)

**Attachment 8 - PLN15/0800 - 359 St Georges Road Fitzroy North - ESD advice on S57A plans**



# MeMO

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**TO:** Sarah Thomas  
**cc:**  
**FROM:** Euan Williamson, ESD Advisor  
**DATE:** 15.02.2017  
**FILE:** 359 St Georges Road - PLN15/0800  
**SUBJECT:** ESD Response to Amended Design and Daylight Report

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Sarah,

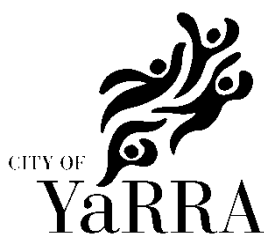
I have reviewed the updated architectural drawings by *Ikonomidis Reid* (received 23.01.2017), and supporting Daylight Assessment Report from *Keystone Alliance* (also received 23.01.2017) and in summary the amended application material demonstrates that the standard of access to daylight for the proposed dwellings has greatly improved to a satisfactory level. Recognising that some of the rooms fall short of our daylight best practice standards under future development scenarios, it is nonetheless a satisfactory result in this instance.

If you have any questions regarding my comments or recommendations, do not hesitate to contact me.

Regards,

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

## Attachment 9 - PLN15/0800 - 359 St Georges Road Fitzroy North - Engineering comments



## MEMO

**To:** Sarah Thomas  
**From:** Mark Pisani  
**Date:** 20 February 2017  
**Subject:** Application No: PLN15/0800  
 Description: Mixed Use Development  
 Site Address: 359 St Georges Road, Fitzroy North

I refer to the above Planning Application received on 3 February 2017 and previous comments prepared by Engineering Services dated 22 April 2016 in relation to the proposed development at 359 St Georges Road Street, Fitzroy North. Council's Engineering Services unit provides the following information:

**DEVELOPMENT LAYOUT DESIGN****Layout Design Assessment**

Item	Assessment
<b>Access Arrangements</b>	
Access via Right of Way	The access arrangements are consistent with the proposal assessed by Engineering Services. Vehicles can satisfactorily enter and exit the rear of the property via the Right of Way.
<b>Car Parking Modules</b>	
Internal Parking Area	The two car parking spaces adjacent to the walls have widths of 2.5 metres each whilst the centre space has a width of 2.4 metres. The internal width of the car parking area is insufficient to accommodate three car parking spaces. As previously advised in the engineering referral comments of 22 April 2016 (TRIM No. D16/66778), one of the car parking spaces should be deleted and converted into bicycle or scooter parking. Engineering Services does not support the parking arrangement as shown on the submitted <i>Ground Floor Plan</i> . Engineering Services would have no objection to a further reduction in the car parking requirement.

**ENGINEERING CONDITIONS**

The engineering conditions specified in our referral comments of 22 April 2016 are still relevant and pertinent to this development proposal.

**NON-PLANNING ADVICE TO THE APPLICANT**

The *Non-Planning Advice to the Applicant* as per our referral comments of 22 April 2016 is still relevant and pertinent to this development proposal.

**Attachment 9 - PLN15/0800 - 359 St Georges Road Fitzroy North - Engineering comments**

Regards

Mark Pisani  
Senior Development Engineer  
Engineering Services Unit

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**Attachment 10 - PLN15/0800 - 359 St Georges Road Fitzroy North - Heritage advice on amendment 2**

**City of Yarra**

**Heritage Advice on s.57 Amendment**

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<b>Application No.:</b>	<i>PLN15/0800</i>
<b>Address of Property:</b>	<b>359 St Georges Road, Fitzroy North</b>
<b>Planner:</b>	<i>Sarah Thomas</i>
<b>Yarra Planning Scheme References:</b>	<p><i>STATE POLICY:</i></p> <ul style="list-style-type: none"> <li>• <i>Clause 15.03 Heritage</i></li> </ul> <p><i>LOCAL POLICY:</i></p> <ul style="list-style-type: none"> <li>• <i>Clause 21.05-1 Built Form (Heritage)</i></li> <li>• <i>Clause 43.01 Heritage Overlay</i></li> <li>• <i>Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay</i></li> <li>• <i>Clause 22.03 Landmarks and Tall Structures</i></li> </ul>
<b>Heritage Overlay No. &amp; Precinct:</b>	<i>H0327 North Fitzroy Precinct (Area B)</i>
<b>Level of significance:</b>	<i>Shop, Not contributory, constructed 1925-1930 (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007)</i>
<b>General description:</b>	<i>Full demolition and construction of a four-storey building</i>
<b>Drawing Nos.:</b>	<i>Set of 5 x A3 drawings prepared by Iconomidis Reid, received by Council and date stamped 23 Jan 2017</i>

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**APPLICATION BACKGROUND:**

Heritage advice was previously provided for this application in March 2016. The following changes were recommended at that time:

1. That the proposed parapet detail above the uppermost floor level must be deleted;
2. That the proposed setback of the uppermost third floor level must be no less than the 3.9 metres setback approved on the opposite side of the street;
3. That an alternative material must be used for the proposed balustrading on the front façade, which is more evocative of traditional materials used for nearby buildings of contributory heritage value;
4. That the proposed shop front must include a stall riser to a height that is similar to that of No. 361-363 St Georges Road.

**ASSESSMENT OF CURRENT AMENDED PROPOSAL:**

The previously proposed parapet detail above the uppermost floor level appears to have been reduced to 600mm. This height is assumedly required to conceal the roof structure behind.

The front setback of the uppermost floor level from St Georges Road has been increased to about 4 metres which is acceptable.

The proposed balustrading to the façade has been amended to render which is now acceptable.

The proposed shopfront now includes a stall riser which is acceptable.

**RECOMMENDATION**

That the amended drawings as currently proposed satisfy the changes previously recommended.

**Attachment 10 - PLN15/0800 - 359 St Georges Road Fitzroy North - Heritage advice on amendment 2**

**SIGNED:**

A handwritten signature in dark ink, appearing to read 'D. McIntosh', written in a cursive style.

Diahnn McIntosh

**DATED: 20 March 2017**