YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

to be held on Wednesday 24 May 2017 at 6.30pm in Meeting Room 3 at the Richmond Town Hall

Rostered Councillor membership

Councillor Misha Coleman
Councillor Daniel Nguyen
Councillor Danae Bosler

I. ATTENDANCE
Danielle Connell (Coordinator Statutory Planning)
Lara Fiscalini (Senior Statutory Planning)
Cindi Johnston (Governance Officer)

II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

III. CONFIRMATION OF MINUTES

IV. COMMITTEE BUSINESS REPORTS

Printed on 100% recycled paper

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

Guidelines for public participation at Internal Development Approval Committee meetings

POLiCY

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

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

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

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

Governance Branch
2008

1. Committee business reports

Item		Page	Rec. Page
1.1	PLN16/0494 - 249 - 265 Queens Parade Clifton Hill	5	46
1.2	150 Yarra Boulevard Richmond - Planning Permit Application PLN16/0755 - Use part of the land as a restaurant, sale and consumption of liquor, and associated reduction in the car parking and loading bay requirements, buildings and works associated with a ground floor addition, part demolition, and the construction and display of flood-lit business identification signage.	128	156
1.3	PLN16/0391 - 197B Brunswick Street Fitzroy - Use of the land as a function centre and cafe (no permit required for cafe use), on premises liquor licence and an associated reduction in car parking.	194	213
1.4	44-46 Greeves Street, Fitzroy - PLN16/1044 - Part demolition and construction of seven (7) triple-storey dwellings with roof terraces, removal of easement and a reduction in the statutory car parking requirement.	259	295
1.5	PLN15/1189 216 McKean Street, Fitzroy North - Development of the land for two additional dwellings, including alterations and additions to the existing dwelling, associated demolition works and reduction in car parking requirements.	365	398

1.1 PLN16/0494 - 249 - 265 Queens Parade Clifton Hill – Use and development of the land for the construction of a mixed-use building (permit required for food and drinks premises use), a reduction in the car parking requirement, waiver of loading bay requirements, buildings and works and alterations to access to a Road Zone (Category 1) and removal of a party wall easement.

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for 249-265 Queens Parade, Clifton Hill. The report recommends approval of the application subject to a number of conditions.

Key Planning Considerations

2. Key planning considerations include:

   (a) Use (Clauses 32.0-2, 22.01 and 22.05);
   (b) Built form (Clauses 15.01, 21.05, 22.10, 52.35);
   (c) Car parking, access, internal layout, loading bay and bicycle provision (Clauses 52.06, 52.07 and 52.34); and
   (d) Removal of an easement (Clause 52.02).

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) State and Local Planning Policy Framework Summary;
   (b) Use;
   (c) Built form and design;
   (d) Amenity Impacts on Neighbouring Properties;
   (e) Internal Amenity;
   (f) Car parking, access, traffic and bicycle provision;
   (g) Waste Management; and
   (h) Objector concerns.

Objector Concerns

4. 139 objections were received to the application, these can be summarised as:

   (a) The proposal is an overdevelopment and is not responsive to neighbourhood character and heritage;
   (b) Excessive height and scale;
   (c) Lack of affordable housing provision;
   (d) Lack of public contribution;
   (e) Poor internal amenity;
   (f) Lack of mixed uses within the development;
   (g) Lack of green spaces;
   (h) Overshadowing to the public realm;
   (i) Wind impacts;
   (j) Inadequate car parking and loading of vehicles and bicycle facilities (including visitor parking) and increased traffic;
   (k) Cumulative traffic/parking impacts of other approvals;
   (l) Safety concerns of roads;
   (m) Deletion of easement will have impact on telecommunication equipment on abutting property;
   (n) Lack of equitable development opportunities;

(o) Infrastructure cannot handle increased population;
(p) Lack of dwelling diversity;
(q) Vies to the sky will be interrupted;
(r) Noise impacts;
(s) Waste management issues;
(t) Will set a precedence; and
(u) Lack of strategic plan.

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: **Vicky Grillakis**
TITLE: **Coordinator Statutory Planning**
TEL: **92055124**

1.1 PLN16/0494 - 249 - 265 Queens Parade Clifton Hill

Trim Record Number: D17/52564
Responsible Officer: Manager Statutory Planning

Proposal:	Use and development of the land for the construction of a mixed-use building (permit required for food and drinks premises use), a reduction in the car parking requirement, waiver of loading bay requirements, buildings and works and alterations to access to a Road Zone (Category 1) and removal of a party wall easement.
Existing use:	Vacant showroom and shop
Applicant:	Queens Parade Projects Pty Ltd c/o Tract Consultants
Zoning / Overlays:	Mixed Use Zone/Road Zone/Environmental Audit Overlay Aboriginal Heritage Area
Date of Application:	31 May 2016
Application Number:	PLN16/0494

Planning History

1. No relevant planning history.

Background

2. The application was lodged on 31 May 2016, and further information subsequently requested in June 2016. The information was received on 23 September 2016 and the application was then advertised with 139 objections being received. A Consultation Meeting was held on 13 December 2016, where the key issues raised in the objections were discussed with the Permit Applicant, Objectors and Planning Officers present.

3. Whilst this process was occurring, Council had sought and received advice from various consultants in the fields of Acoustics, Cultural Heritage and Urban Design, as well as Council internal units including Waste Management, Engineering, Open Space, Strategic Transport and Environmental Sustainable Development (ESD). Referral advice is an attachment to this report.

4. As a result of the matters raised at the consultation meeting and referral advice, the Applicant submitted amended plans under Section 57(A) of the *Planning and Environment Act* 1987 [the Act]. The amended plans are dated 12 April 2017 and show the following changes:

   (a) A 2m setback from the title boundary to the laneway;
   (b) One bedroom apartments increased in width from 5.3m to 5.9m and reconfigured;
   (c) Balcony designs squared and increased to a minimum of 8sqm;
   (d) Corridor width increased to 1.3m;
   (e) Conglomeration of 1-bed to 3-bed apartments between the second and eight floors in the southern wing;
   (f) Ground floor lobby redesigned;
   (g) Lift core and stair core moved south-east; and
   (h) Various other internal rearrangements.

5. The amended plans were readvertised with some objectors making additional submissions however there were no new objectors.

6. The amended plans were re-referred to Council's ESD Advisor and Urban Design Consultant. They were not re-referred to the other advisors as the changes would not impact their comments.

Existing Conditions

Subject Site

7. The subject site is an irregular parcel of land with a generally square form to the front, whilst the rear is angular and wedge-shaped. The site has a has a 31.8m frontage to Queens Parade, a depth of between 30.48m and 54m and a total site area of 1,200sqm.

8. Due to the orientation of the land, and for ease of reference, the boundaries will be known as follows:

   (a) north-western boundary – facing Queens Parade (**west**);
   (b) south-western boundary – facing No. 243-247 Queens Parade (**south**);
   (c) north-eastern boundary – facing No. 267 Queens Parade (**north**); and
   (d) south-eastern boundary - facing the laneway and No. 501-503 Hoddle Street **(east**).

9. An existing single storey showroom and shop are located on the site and which are effectively constructed to the site boundary. Both of these are currently vacant.

10. The subject site includes three easements. Easement E-1 is a party wall easement with the site to the south at No. 243-247 Queens Parade. There are also two carriageway easements (E-2 and E-3) within the eastern tip of the site, abutting the laneway which benefit No. 501-503 Hoddle Street.

Surrounding Land

11. The surrounding area is characterised by a mix of uses, predominantly commercial and retail with a coarse grained pattern of subdivision. The Hoddle Street/Queens Parade intersection is located immediately north of the site which funnels through-traffic to Clifton Hill and Northcote. Both roads are declared Road Zones (Category 1). This small pocket of Clifton Hill is undergoing rapid change with approvals for significant developments on the sites to the south. Large scale proposals are also anticipated on the sites to the north and east. The site is located at the east of the Queens Parade service road, and with Hoddle Street to the north-east.

12. The site is located at the northern end of the Queens Parade Neighbourhood Centre (QPNC), which provides banks, local grocery stores, specialist boutiques, cafes and restaurants, medical facilities and taverns.

13. The subject site is located within a triangular shaped 'island' area bordered by streets.

North

14. Nos. 269 and 271 Queens Parade are located to the north of the subject site. These are both single storey brick buildings built to their respective side boundaries with rear setbacks to allow for services and car park access. To the east of these two sites is a laneway providing access from Hoddle Street. The laneway terminates at the subject site.

15. To the east of the laneway is No. 501-503 Hoddle Street which is an irregularly shaped site occupied by a two storey rendered office building. The 'Centre for Forensic Behavioural Science' operates from this site. This site is identified as a Strategic Redevelopment Site within Figure 11 of Clause 21.08-4 (Neighbourhoods – Clifton Hill). Through site visits it has been noticed that there is a gate leading out onto Hoddle Street from this laneway. VicRoads have included a condition regarding this gate potentially restricting access to the laneway.

South

16. To the south of the site is an open (at-grade) car park associated with a single-storey shoe factory with a cross-over to the Queens Parade service lane. This site has a planning permit (PLN14/0311) for a 12 storey building. Plans have been endorsed and the development is designed by the same architects as the current proposal and is also an angular designed apartment building. The building has a similar layout with a podium and side setbacks behind. The development includes a three storey wall along the shared boundary. With side setbacks behind this to form courtyards at first floor with the setbacks increasing with each additional level. Generally facing the subject site are setbacks of between 2.5m and 6m. At the upper levels these are increased however the northern-most point maintains the 2.5m setback. There is a current amendment for minor changes to the approved development.

17. Further to the south is No. 217-241 Queen Parade which has a planning permit (PLN15/1101) for a 10 storey aged care facility. This is currently under construction. To the south of this is Dummett Crescent, a two-way loop street linking to the McDonald's car park to the south-west. The street has a very narrow southern footpath and no northern footpath. The southern side is bound by a long blank graffiti-covered brick wall of a factory / showroom.

18. Further to the south is a single storey brick building on a narrow lot used for a gymnasium. The Art-Deco form of Mosskito café and bar (former Clifton Motors) is located at No. 205-211 Queens Parade. Beyond this is a single storey concrete building and the Art-Deco McDonald's building (the former United Kingdom Hotel) at the southern end of this triangular area.

19. Both the former Clifton Motors and United Kingdom Hotel are "Individually Significant" heritage buildings within the heritage precinct (the former is in its own site specific heritage overlay and on the Victorian Heritage Register) and are well known for their 'Moderne' style.

20. There is a planning permit (PL05/0996) for 6-12 Dummett Crescent which is to the east of the former Clifton Motors for the demolition of the existing warehouse and the construction of a four-storey building with basement car park. The permit was amended in 2014 and plans are yet to be endorsed.

21. There is a current planning application (PLN16/0923) for the land at No. 205-211 Queens Parade and Nos. 6-12 Dummitt Crescent for 'use and development of the land for partial demolition and the construction of a part-nine, part-eleven storey building with a ground floor restaurant and dwellings above (no planning permit required for dwelling use), a reduction in car parking requirements and a waiver of loading bay requirements.' This application is currently awaiting further information.

East

22. To the east is the off-ramp from Hoddle Street to the Heidelberg Road fly-over. The central part is landscaped and contains trees and shrubs. There is an electricity transformer located in the south-eastern corner of the off-ramp and Dummett Crescent, in a single-storey brick building accessed off Dummett Crescent.

West

23. To the west of the site is Queens Parade service lane. Queens Parade is a 69m wide Category 1 Road Zone, with a service lane, median strip, two lanes of two-way traffic and a double central tram line. There is a tram stop and a bus interchange. On the opposite side of the road are Victorian single and double storey residential and commercial buildings within Neighbourhood Residential Zone – Schedule 1 (NRZ1).

24. The inner city location ensures the site is well serviced by infrastructure and public transport accessibility, with:

(a) Clifton Hill Train Station 140m to the south-east of the site providing service from the CBD to Epping, Hurstbridge and South Morang;
(b) Rushall Train Station 380m to the north-west of the site providing service from the CBD to South Morang;
(c) Queens Parade (28m to the north-west) being serviced by tram route No.86 which provides service between Docklands and RMIT Bundoora;
(d) Queens Parade (Clifton Hill Interchange) serviced by bus:
    (i) Route #246 which provides service between Elsternwick Railway Station and La Trobe University (Bundoora Campus),
    (ii) Route #250 which provides service between Garden City and La Trobe University via the CBD;
    (iii) Route #251 which provides service between Garden City and the CBD via Northlands;
    (iv) Route #504 which provides service between Clifton Hill and Moonee Ponds via East Brunswick;
    (v) Night Rider – which provides service between the CBD and Eltham via Smith Street and Darebin Road;

The Proposal

25. The proposal is for the construction of a 17-storey building with 107 dwellings and two ground floor food and drinks premises. Two basement levels are proposed for car parking. The overall development is a mixture of rectilinear and angular walls with the setbacks increasing from the first floor and above as corners are peeled away from the building.

26. Dwellings are orientated to Queens Parade with the remaining orientated to the north and south with some being dual aspect.

Use

27. Two ground floor food and drinks premises (café) (270.5sqm) for 80 patrons each. The plans do not reflect this and a condition can require cafés to be shown. The cafés are proposed to have hours of 6.30am to 10pm, seven days per week.

28. 107 dwellings (43 x one bedroom, 38 x 2 bedroom and 26 x 3 bedroom)

Basement

29. The two basement levels include 93 car parking spaces housed in car stackers plus services, storage cages and bike spaces. A lower mezzanine level also includes storage cages.

Ground floor

30. At ground level, with a frontage to Queens Parade, are two food and drinks premises located between the vehicle access and pedestrian entry points. To the north of the food and drinks premises is the car park basement access ramp, while to the south is the pedestrian entry and residential lobby. The proposal has three cores, with one lift core towards the south, a central stair core and a northern stair core. Located around the cores of the building, are services, storage cages, bike storage, the bin room.

31. The two central cores are directly accessed from the residential entrance from Queens Parade and the large communal lounge.

32. Three car parking spaces are accessed from the rear laneway, one of which is a DDA compliant space.

First floor

33. At first floor the proposal is constructed to the Queens Parade frontage and to the side boundaries for the front portion of the site. Along the north and south side boundaries balconies are constructed to the boundary edges with the building façade setback between being between 3m and 4.5m from the southern boundary and 4.5m from the northern boundary.

34. At the rear, the building is constructed on the common boundary with No. 501-513 Hoddle Street and a 2m setback to the eastern boundary with the laneway for all floors.

35. There is a communal area within the eastern tip with 59.3sqm internal and a terrace of 53.9sqm.

Second floor

36. The second floor of the podium is built to the front and northern boundaries with a setback of between 3m and 6.45m from the southern boundary where a balcony and planter area is located. Along the north boundary, where not constructed to the boundary a 4.5m setback has been adopted.

Third to seventh floors

37. The third floor is similar to the second floor, albeit the southern setback of the podium does not include a terrace.

38. The fourth floor is similar to the third floor, albeit the northern extent of the podium is setback 3.05m from the boundary with a terrace within this area.

39. The fifth to seventh floors are constructed similarly to the fourth floor, albeit the northern setback of the podium does not include a terrace.

Eighth to tenth floors

40. The eighth floor is similar to those below it, however a corner section of the front of the building (south-west corner) is setback between 6.5m and 16.65m from the southern boundary to allow for a communal area within this area (with the southern walls being setback between 3m and 6.45m). The two levels above include similar setbacks albeit without the terrace located in the front portion setback.

41. The eight floor includes a communal area with 71.6sqm being internal, 73.3 being external and facing Queens Parade and an undercover deck area.

Eleventh to thirteenth floors

42. The eleventh floor has generally similar setbacks to the level below. A terrace is located in the south-western section towards the front with setbacks of between 1.9m to 23m with the terrace being constructed to the front boundary and setback of 3.05m from the northern boundary. The walls of this floor are substantially more recessed. The most western ‘tip’ of this floor is setback 1.9m from the front with the remainder being sharply angled away from this point.

43. The twelfth and thirteenth floor have similar setbacks, however without the western terrace.

Fourteenth to roof floor

44. The fourteenth floor has similar setbacks to the floor below, however the north-facing wall is setback an additional 3.2m with a terrace within this additional area.

45. The two levels above are laid out similarly, however without a terrace within this setback. This results in a total setback of 7.7m from the northern boundary for the length of this wall.

46. The roof floor includes roof plan and lift/stair over run.

General

47. The proposal has a maximum height of approximately 56m with the maximum wall height being 53m.

48. The proposal will be a combination of rectilinear and angular forms in a stepped approach where the building becomes more angular as the height increases.

49. The podium is part two, part three storeys in height and constructed of a combination of red brick and red rebated pattern brick.

50. The two sections immediately above the podium are separated into two forms, with the most southern being eight storeys in height and constructed in white ribbed pre-cast concrete, with the northern setback being eleven storeys in height and being constructed in grey ribbed pre-case concrete.

51. The built form above this is a singular angled shape and will be constructed in white ribbed pre-cast concrete along the western side and a combination with both grey and white ribbed pre-case concrete along the northern side.

Planning Scheme Provisions

Zoning

Mixed Use Zone (MUZ)

52. As per clause 32.04-1, a planning permit is not required for a dwelling and a food and drinks premises less than 150sqm in net floor area. The food and drinks premises are 270.5sqm in floor area, therefore a planning permit is required.

53. Pursuant to clause 32.04-5 of the Yarra Planning Scheme, a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement. This application is over five levels and as such Clause 55 does not apply.

Overlays

Environmental Audit Overlay (EAO)

54. Pursuant to Clause 45.03-1 of the Scheme, before a sensitive use (which includes a residential use) 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.*

55. The proposal will result in buildings and works associated with a sensitive use, being dwellings, and therefore an environmental audit must be undertaken. A note highlighting this requirement will be included on any planning permit issued.

Particular Provisions

Clause 52.02 – Easements, Restrictions and Reserves

56. Pursuant to clause 52.02 of the Scheme, a planning permit is required before a person proceeds:

    (a) Under Section 36 of the *Subdivision Act 1988* to acquire or remove an easement or remove a right of way.

57. In this instance, the easement proposed to be removed is the party-wall easement (E-1 as per the Title) it is located along the southern boundary with No. 243-247 Queens Parade.

58. It should be noted that the written application material stated that this easement was E-3. However this is incorrect as the party-wall easement is E-1 on the Title.

59. Additionally, the plans incorrectly show the proposal partly constructed within the carriage way easement shown as E-3 on the Title. This has been incorrectly shown and a condition will require all construction be clear of the carriageway easement.

Clause 52.06 Car Parking

60. Clause 52.06-2 requires that before a new use commences, the number of car spaces required under Clause 52.06-5 must be provided. Clause 52.06-3 states that a permit is required to reduce the number of car spaces required under Clause 52.06-5.

61. It should be noted that the food and drinks premises car parking rate has been calculated on the basis that they are not restaurants or another other food and drinks premises specifically listed within Table 1 of Clause 52.06-5. As such, a condition on the permit can require them to be shown as cafes.

62. The Clause 52.06-5 requirements, the proposal provision and the subsequent shortfall are shown below.

Use	**Bedrooms/ Area**	**Rate**	**No. required**	**No. proposed**
Dwelling (107 in total)	43 x 1-bed & 38x 2-bed	1 space per 1 and 2 bedroom dwelling	133 in total for residences	94 in total for residences
	26x 3-bed	2 spaces per 3 bedroom dwelling		
		1 space for visitors to every 5 dwellings for developments	21	0
Food and drinks premises	270.5sqm	4 spaces per 100sqm of leasable floor area	10	2
Totals			**164**	**96**

63. There is a single disabled space at ground floor associated with the food and drinks premises. All two and three bedroom apartments will be allocated one (1) car parking space (a total of 64 spaces) with the remaining 30 spaces being available to the 43 one bed apartments.

64. No visitor parking is proposed.

65. Applying the above rates, a total of 164 car parking spaces are required to be provided on-site. With 96 spaces provided, a planning permit is required to reduce this rate by 68 spaces.

Clause 52.07 – Loading and unloading of vehicles

66. Clause 52.07 requires that "*no buildings or works may be constructed for the manufacture, servicing, storage or sale or goods or materials*" unless space is provided for loading and unloading in accordance with specified requirements. This requirement may be varied where land space is insufficient, or adequate provision is made for the loading and unloading of vehicles to the satisfaction of the Responsible Authority.

67. In the case of the proposed development, a loading area of 27.4sqm is required for the food and drinks premises to satisfy the requirement of Clause 52.07.

68. The proposal does not provide any on-site loading space, and accordingly, a planning permit is required to waive this requirement.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1 or a Public Acquisition Overlay for a Category 1 Road.

69. The purpose of this clause is to ensure appropriate access to identified roads and to ensure appropriate subdivision of land adjacent to identified roads.

70. Pursuant to Clause 52.29 a permit is required to create or alter access to a road in a Road Zone, Category 1.

71. Queens Parade is a Road Zone, Category 1 and the application proposes to remove the existing crossover located along it. Therefore, a planning permit is required for the works.

72. An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the authority responsible for acquiring the land, must be referred to the Roads Corporation under Section 55 of the Act.

73. VicRoads comments are attached to this report.

Clause 52.34 – Bicycle Facilities

74. Pursuant to Clause 52.34-3, in developments of four or more storeys, 1 resident bicycle parking space should be provided for every 5 dwellings plus 1 visitor space for every 10 dwellings. Retail premises are 1 space per 300sqm.

75. Therefore 21 resident bicycle spaces, 11 visitor bicycle spaces and 1 retail bike space are required. The proposal includes 122 bicycle spaces with 86 in Basement 2 and 36 at ground floor. The applicant has confirmed that these are for residents only.

76. The applicant has offered to install bike racks on the footpath outside of the subject site's Queens Parade frontage. A minimum of 12 bicycle spaces on the footpath of Queens Parade. A condition on any permit can require this.

77. This satisfies the requirements of Clause 52.34-3.

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

Clause 52.35 – Urban context report and design response for residential development of five or more storeys.

79. Pursuant to Clause 52.35-01, a development of five or more storeys must be accompanied by an urban context report and a design response. These were satisfactorily provided.

Clause 52.36 – Integrated public transport planning

80. The purpose of this clause is:

(a) To ensure development supports public transport usage;
(b) To ensure that easily accessible public transport networks, which are appropriate to the scale of the development, and high quality public transport infrastructure are provide as part of new development;
(c) To ensure that development incorporates safe, attractive and convenient pedestrian access to public transport stops; and
(d) To ensure that development does not adversely affect the efficient, equitable and accessible operation of public transport.

81. As the development is for greater than 60 lodging rooms, the application was referred to Public Transport Victoria for comment, pursuant to Clause 52.36-1 of the Scheme.

82. Comments are attached to this report.

General Provisions

83. 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)

Clause 11.02 (Urban Growth)

84. Clause 11.02-1 (Supply of Urban Land) the objective is:

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

Clause 11.02-3 (Planning for growth areas)

85. The objective is:

(a) 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)

86. The objective is:

(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.

Clause 11.03-2 (Activity centre planning)

87. The objective is:

(a) 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)

88. 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 11.06-2 – (Housing Choice)

89. The objective of this clause is:

(a) *to provide housing choice close to jobs and services.*

Clause 13.03-1 – (Use of contaminated and potentially contaminated land)

90. The objective is:

(a) To ensure that potentially contaminated land is suitable for its intended future use and that contaminated land is used safely.

91. A note highlighting that an audit or a statement must be undertaken will be included on any planning permit issued.

92. Clause 13.04-1 (Noise abatement) objective is:

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

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

Clause 15.01 (Built Environment and Heritage)

94. Clause 15.01-1 (Urban design) objective is:

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

Clause 15.01-2 – (Urban Design Principles)

95. 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'. This clause outlines principles relating to context, the public realm, safety, landmarks, views and vistas, pedestrian spaces, heritage, consolidation of sites and empty sites, light and shade, energy and resource efficiency, architectural quality and landscape architecture. These principles will be addressed in the following urban design assessment.

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

(a) Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (GHDRD) in assessing the design and built form of residential development of four or more storeys;

Clause 15.01-4 (Design for safety)

97. The policy objective is:

(a) To improve community safety and encourage neighbourhood design that makes people feel safe.

Clause 15.01-5 – (Cultural identity and neighbourhood character)

98. 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)

99. 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 15.03-2 (Aboriginal cultural heritage)

100. The objective of this clause is 'to ensure the protection and conservation of places of Aboriginal cultural heritage significance.'

101. Strategies for this policy are:

(a) Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.
(b) Provide for the protection and conservation of pre- and post-contact Aboriginal cultural heritage places.
(c) Ensure that permit approvals align with recommendations of a Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006*.

102. Planning must consider as relevant:

(a) The *Aboriginal Heritage Act 2006* for all Aboriginal cultural heritage.
(b) The findings and recommendations of the Aboriginal Heritage Council.
(c) The findings and recommendations of the Victorian Heritage Council for post-contact Aboriginal heritage places where relevant.

Clause 16.01-1 – (Integrated housing)

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

Clause 16.01-2 – (Location of residential development)

104. The objective of this clause is *'to locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport'.*

Clause 16.01-3 – (Housing opportunity areas)

105. The objective of this clause is *'to identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne'.*

106. The strategy for this policy to 'identify housing development opportunities that are':

(a) In and around the Central City.
(b) Urban-renewal precincts.
(c) Areas for residential growth.
(d) Neighbourhood activity centres - especially those with good public transport connections.
(e) Areas near existing and proposed railway stations that can support transit-oriented development.

Clause 16.01-4 – (Housing diversity)

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

108. One of the strategies of this policy is to '*support opportunities for a wide range of income groups to choose housing in well serviced locations'*.

Clause 16.01-5 – (Housing affordability)

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

Clause 17 – Economic development

Clause 17.01-1 – (Business)

110. 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)

111. The objective of this clause is:

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

112. Relevant strategies to achieve this objective include:

(a) Develop transport networks to support employment corridors that allow circumferential and radial movements.

(b) Plan urban development to make jobs and community services more accessible by:
- *(i) Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.*
- *(ii) Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of the urban area.*
- *(iii) 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.*
- *(iv) Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.*
- *(v) Requiring that substantial increases in activity in employment corridors are connected to the Principal Public Transport Network.*
- *(vi) Providing routing, bus stop and interchange arrangements for public transport services in new development areas.*
- *(vii) Providing safe, convenient and direct pedestrian and cycling access to activity centres, public transport interchanges and other strategic redevelopment sites.*

(c) Integrate public transport services and infrastructure into new development.

Clause 18.02-1 – Sustainable personal transport

113. The objective of this clause is:

(a) To promote the use of sustainable personal transport.

Local Planning Policy Framework (LPPF)

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

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04 – Land use

Clause 21.04-1 – (Accommodation and Housing)

115. The relevant objectives and strategies of this Clause are:

(a) Objective 1 - To accommodate forecast increases in population.
(b) Objective 2 - To retain a diverse population and household structure; and
(c) Objective 3 - To reduce potential amenity conflicts between residential and other uses.

Clause 21.04-2 – (Activity Centres)

116. Relevant objectives and strategies include:

(a) Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.
(b) Objective 5 - To maintain the long term viability of activity centres.

Clause 21.04-3 – (Industry, office and commercial)

117. The objective of this clause is '*to increase the number and diversity of local employment opportunities*.'

Clause 21.05-2 – (Urban design)

118. The relevant Objectives of this Clause are:

(a) Objective 16 - To reinforce the existing urban framework of Yarra;
(b) Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:
    (i) Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:
        - *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;
(d) Objective 19 To create an inner city environment with landscaped beauty;
(e) Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;
(f) Objective 21 - To enhance the built form character of Yarra's activity centres;
    (i) Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and
    (ii) Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.

Clause 21.05-4 Public environment

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

(a) Objective 28 - To a provide a public environment that encourages community interaction and activity:

(i) Strategy 28.2 Ensure that buildings have a human scale at street level.
(ii) Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.
(iii) Strategy 28.5 Require new development to make a clear distinction between public and private spaces.
(iv) Strategy 28.8 Encourage public art in new development.

Clause 21.06-1 – Walking and cycling

120. This Clause builds upon the Objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.

(a) Objective 30 - To provide safe and convenient bicycle environments:
(i) Strategy 30.2 Minimise vehicle crossovers on street frontages.
(b) Objective 32 - To reduce the reliance on the private motor car:
(c) Objective 33 - To reduce the impact of traffic:

Clause 21.07-1 – Environmentally sustainable development

121. The relevant objective of this Clause is:
(a) Objective 34 To promote ecologically sustainable development:

(i) Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation; and

Clause 21.08-8 – Fitzroy North

122. While the subject site is technically located in the Fitzroy North Neighbourhood (Clause 21-08-8), its location within the QPNC warrants reference to the area located within Clifton Hill (Clause 21.08-4).

123. Figure 19 clearly shows the subject site within the QPNC.

124. Clause 21.08-8 North Fitzroy describes the neighbourhood in which the site is located as a largely residential area, with the northern part of North Fitzroy comprising Late-Victorian cottages and terraces, and an increasing amount of Early-Edwardian dwellings.

125. Clause 21.08-4 – (Clifton Hill) describes the neighbourhood as follows:

(a) This largely residential neighbourhood has good public open space including the parklands associated with the Yarra River and Merri Creek to its east and Darling Gardens and Mayors Park located within the neighbourhood.

(b) The Queens Parade centre is a mixed use centre with strong convenience retailing. There is an opportunity to create stronger linkages between the community facilities to the east and the centre.

126. Within this neighbourhood, the QPNC is the northern boundary to the precinct. The subject site is identified as a non-residential area within Figure 12 of Clause 21.08-4 (Neighbourhoods – Clifton Hill). Figure 11 clearly shows the subject site within the QPNC.

127. Land use strategies relevant to this proposal include:

    (a) Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.
    (b) Encouraging the redevelopment of the following sites in a way that contributes positively to the urban fabric and public domain of Yarra, and where subject to a Heritage Overlay, protects the heritage of the site and of the area:
        (i) Site 1 94 Alexandra Parade, Clifton Hill (shot tower site)
        (ii) Site 2 135 – 169 Noone Street (Australian Dyeing Company Precinct).
        (iii) Site 3 Dummett Crescent.

128. Relevant built form strategies include:

    (a) Improve the interface of development with the street.

    (b) Consideration against the applicable objectives and strategies of the MSS is included in the assessment section of this report.

    Local Policies

    Clause 22.01 - Discretionary uses in the Residential 1 Zone

129. This policy applies to land in the Residential 1 Zone and while not applicable to this application (given the subject site is located within the Mixed Use Zone) the policy provides useful guidance in relation to how a non-residential use has the potential to adversely affect the amenity of a residential area.

130. Clause 22.01-2 policy objective is:

    (a) *to ensure that residential amenity is not adversely affected by non-residential uses.*

131. Clause 22.01-3 Policy (amongst others):

    (a) Hours of operation should be limited to 8am to 8pm except for convenience shop.

    (b) Noise emissions should be compatible with a residential environment.

    (c) Food and drink premises, places of assembly, places of worship and plant nurseries should have access to and adjoin a road in a Road Zone

    Clause 22.03 – Landmarks and Tall Structures

132. The objective of this policy is to:

    (a) To maintain the prominence of Yarra's valued landmarks and landmark signs.

133. It is policy to:

    (a) Maintain the prominence of Yarra's valued landmark signs.
    (b) Protect views to the silhouette and profile of Yarra's valued landmarks to ensure they remain as the principal built form reference.
    (c) Ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.

134. Within Clause 22.03-4, the Spire of St Johns Church, Queens Parade, Clifton Hill is identified as a landmark and is over 600m distance from the subject site. New buildings within the vicinity of the following landmarks should be designed to ensure the landmarks remain as the principal built reference. The proposal will not impact this landmark.

Clause 22.05 – Interface Uses Policy

135. This policy applies to applications for use or development within Mixed Use Zones (amongst others).

136. The relevant objective of this clause is '*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*'.

137. This policy outlines recommendations for dwelling design to incorporate measures to protect future residents from noise, fumes, vibration, light spillage and other likely disturbances. Further it encourages the location of noise-sensitive rooms and openings away from the interface; the provision of acoustic assessment reports where necessary; and appropriate siting, setbacks, articulation and screening to prevent overlooking.

138. Whilst inner city living creates vibrant and active communities, the mix of land uses can sometimes create conflict. Highlighted issues include noise, visual impact and appearance, overlooking, odour and air emissions, light spill, loading and unloading, rubbish removal and storage and construction noise.

Clause 22.10 – Built form and design policy

139. The policy applies to all new development not included in a heritage overlay and comprises ten design elements that address the following issues: urban form and character; setbacks and building heights; street and public space quality; environmental sustainability; site coverage; on-site amenity; off-site amenity; landscaping and fencing; parking, traffic and access; and service infrastructure.

Clause 22.12 – Public Open Space Contribution

140. The subject site is in an area where cash in lieu of land is the preferred method of public open space contribution (area 3068B).

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

141. This policy was introduced into the Scheme on 13 March 2014 and applies to (as relevant) new buildings.

142. The applicant provided a Sustainable Management Plan (SMP) that included a STORM report. A STORM report with a score 102% has been received that relies on a minimum of 742.9m2 of roof connected to an 20,000 litre tank connected to toilets for flushing in dwellings with 48 bedrooms. This was found to be satisfactory.

Clause 22.17 – Environmentally Sustainable Design

143. 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. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other Relevant Documents

DSE Guidelines for Higher Density Residential Development

144. Clause 15.01-2 of the Yarra Planning Scheme requires that planning must consider, as relevant, the *Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (GHDRD)* in assessing the design and built form of residential development of four or more storeys.

Queens Parade Built Form Review – February 2017

145. As a result of a Council Meeting on 22 November 2016, Council resolved to authorise officers to undertake a three stage urban design and heritage assessment of Queens Parade with a view to preparing new planning provisions to guide the future development of the area.

146. Stage 1 and Stage 2 was to urgently pursue an urban design and heritage analysis (Queens Parade Built Form Review) of the Queens Parade precinct with a view of seeking a Design and Development Overlay (DDO) in the Yarra Planning Scheme for the precinct at the western end of Queens Parade.

147. Stage 3 was to have other key areas of the Queens Parade precinct assessed with the view to these areas of the Queens Parade corridor also being included in a Design and Development Overlay in the Yarra Planning Scheme.

148. The subject site forms part of the third and final stage which is anticipated to be completed in July/August 2017 and is listed within the

149. Council engaged Hansen Partnership to conduct this urban design analysis with a draft document being released on 7 February 2017. This document is titled ‘Queens Parade Built Form Review’ and at the time of this report, had not been exhibited for public consultation.

150. The draft document has limited weight within the planning scheme as it is not an adopted Council document although it is discussed by Council’s Urban Design Consultant, as they are also Hansen Partnership. This report will consider this report as a recent piece of research on the area.

151. DDO (Schedule 16) was gazetted on 28 March 2017 within the Yarra Planning Scheme. This DDO specifically relates to Queens Parade West. The Queens Parade Built Form Review is a reference document within this schedule.

152. The subject site falls outside of this area.

Aboriginal Heritage Regulations 2007

153. The subject site is wholly located in an area of cultural heritage sensitivity under Regulation 23 (named waterways) of the *Aboriginal Heritage Regulations 2007* (the Regulations).

154. Under Section 52 of the Act, a statutory authorisation cannot be granted unless an approved Cultural Heritage Management Plan (CHMP) is in place for the activity (if required). Section 46 of the Act stipulates that a mandatory CHMP is required for a proposed activity if stipulated by the Regulations or if directed by the Minister. Voluntary CHMPs may also be prepared under Section 45 of the Act.

155. The Regulations require a mandatory CHMP if all or part of the activity is in an area of cultural heritage sensitivity; and all or part of the activity is a high impact activity. Areas of cultural heritage sensitivity that have been subject to significant ground disturbance are not considered to be an area of cultural heritage sensitivity. Significant ground disturbance is defined by the Regulations as "disturbance of:

(a) the topsoil or surface rock layer of the ground; or
(b) a waterway - by machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing other than deep ripping" (Regulation 4).

156. The applicant has supplied a Cultural Heritage Assessment (CHA) prepared by Andrew Long and Associates (2015) as part of its supporting documentation for its planning permit application.

157. Council requested that Biosis undertake a peer review of the CHA and provide referral advice in regards to implications of the *Aboriginal Heritage Act 2006* (the Act) for the planning permit application.

158. Based on the 2015 CHA, Biosis believes that the applicant has provided enough contextual evidence to prove that a mandatory CHMP is not required and does not need to provide an approved CHMP for the activity prior to granting a planning permit.

Advertising

159. The application was advertised in accordance with Section 52 of the *Planning and Environment Act* 1987 [**the Act**] by way of 712 letters sent to the surrounding property owners/occupiers and by two signs the Queens Parade frontage.

160. 139 objections were received to the application, these can be summarised as:

(a) The proposal is an overdevelopment and is not responsive to neighbourhood character and heritage;
(b) Excessive height and scale;
(c) Lack of affordable housing provision;
(d) Lack of public contribution;
(e) Poor internal amenity;
(f) Lack of mixed uses within the development;
(g) Lack of green spaces;
(h) Overshadowing to the public realm;
(i) Wind impacts;
(j) Inadequate car parking and loading of vehicles and bicycle facilities (including visitor parking) and increased traffic;
(k) Cumulative traffic/parking impacts of other approvals;
(l) Safety concerns of roads;
(m) Deletion of easement will have impact on telecommunication equipment on abutting property;
(n) Lack of equitable development opportunities;
(o) Infrastructure cannot handle increased population;
(p) Lack of dwelling diversity;
(q) Views to the sky will be interrupted;
(r) Noise impacts;
(s) Waste management issues;
(t) Will set a precedence; and
(u) Lack of strategic plan.

161. The grounds of objections raised will be considered and addressed where possible throughout the following assessment.

162. A Consultation Meeting was held on 13 December 2016, where the key issues raised in the objections were discussed with the Permit Applicant, Objectors and Planning Officers present.

163. As a result of the matters raised at the consultation meeting and referral advice, the Applicant submitted amended plans under Section 57(A) of the *Planning and Environment Act* 1987 [the Act]. The amended plans were readvertised to adjoining owners and occupiers and all objectors. Some objectors made additional submissions however no new objectors were registered.

Referrals

164. External Referrals

(a) Public Transport Victoria;
(b) VicRoads;

165. Internal departments

(a) Engineering Services Unit;
(b) Heritage;
(c) Waste Services;
(d) ESD Advisor;
(e) Open Space Unit;
(f) Strategic Transport Unit;

166. External consultants

(a) Cultural Heritage (Biosis);
(b) Urban Design Consultant (Hansen Partnership); and
(c) Acoustic Consultant (SLR Consulting).

OFFICER ASSESSMENT

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

(a) State and Local Planning Policy Framework Summary
(b) Use
(c) Built form and design
(d) Amenity Impacts on Neighbouring Properties
(e) Internal Amenity
(f) Car parking, access and bicycle provision
(g) Waste Management
(h) Objector concerns.

State and Local Policy Frameworks (SPPF and LPPF)

168. The proposal satisfies the various land use and development objectives within the SPPF and LPPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development within a well-resourced inner-urban environment.

169. State and Local Policies (such as clause 16.01-2 and 16.01-3) encourage the concentration of development in activity centres and intensifying development on sites well connected to public transport. It is clear that this part of Queens Parade is undergoing change and there is strong state policy support for increased density in this area. The two sites to the south have had recent approvals for 12 and 10 storey buildings.

170. There is clear policy support for the provision of higher density development in an activity centre location (Queens Parade Neighbourhood Centre - QPNC) within easy walking distance to a tram / bus interchange (located in front of the subject site) and with easy access to two train stations (Rushall Station - 370m to the north-west; Clifton Hill Station – 225m to the south-east). Policy encourages the concentration of higher density residential developments in established areas and supports proposals which achieve the urban growth objectives at clauses 11.01, 11.03-1 and 16.01-2 of the Scheme through the provision of a mixed-use development on land close to existing transport corridors and services.

171. In addition to this, the lack of sensitive interfaces (with the exception of future development to the north and south) and the site's location abutting a wide boulevard, are features which allow for a substantial increase in height from what currently exists.

172. The development would strengthen the centre's long term viability by adding additional people and uses to the area and ensuring the longevity of the surrounding businesses. This satisfies policies within Clause 21.04-2. Considering the current need for a mixture of housing choices in existing urban areas, the proposal will provide for a diversity of housing within the wider area as guided within policy at Clauses 11.04 and 16.01-4. The location of the proposal provides an opportunity for the redevelopment of the site, and accords with clause 11.02 (Urban Growth), which aims to consolidate, redevelop and intensify existing urban areas. The site is located in an area suitable for redevelopment, with a proposed built form that generally responds to the diverse pattern of urban form in the neighbourhood and with limited off-site amenity impacts. Clauses 11.06-2 and 16.01-4 specifically encourage housing diversity and choice. Clause 16.01-4 includes a strategy to '*support opportunities for a wide range of income groups to choose housing in well serviced locations'.*

173. There has also been clear guidance from the Tribunal with regards to the expectations for development in this unique location. The Tribunal decision *P1531/2013 Leaper Investments v Yarra CC* **[Leaper decision]** made a number of comments in relation to strategic support of higher density development and the importance of urban consolidation in this part of Queens Parade. It was outlined that in this particular locale, urban consolidation is the most important policy consideration due to the zoning of the land, lack of heritage/residential sensitive areas, accessibility to public transport and other physical attributes of the area.

174. The comments were as follows:

> [10] We have found that, in this case, it is the policies that encourage urban consolidation that should be given the greatest weight. We make this finding having regard to the following influences:
>
> (a) The clear policy support for the achievement of higher density housing in an activity centre location such as this, within easy walking distance to a tram/bus interchange and a railway station;
> (b) The application of the Mixed Use Zone to the land, which has been recently amended to add an objective seeking to achieve higher density housing;
> (c) The physical attributes of the site, which lend themselves to the achievement of significant urban consolidation here with a minimum of off site impacts and include:
> (i) Its size;
> (ii) Its corner position, albeit to a laneway on one side;
> (iii) The distance to any existing residential property;
> (iv) Its abuttal to a very wide boulevard, which can clearly accommodate substantial height;
> (v) Its adjacency to a number of similar opportune sites to the north-east which can accommodate buildings of a similar height, or taller.
> (d) The 'central role' that urban consolidation plays in the broader State policy, that is concerned with the slowing and containment of urban sprawl, principally to be achieved by the establishment of diverse, affordable new housing in established suburbs.

[11] That does not mean that we need to 'toss aside' the other important policy objectives. Rather we consider that where policy objectives are pulling us in different directions, the urban consolidation objectives draw more weight in determining an appropriate outcome for this site.

175. Whilst this decision relates to the site at No. 217-241 Queens Parade, Clifton Hill and granted approval for an 8-storey residential building, since that time, a ten and twelve storey building have been approved (one on the same site and one at No. 243-247 Queens Parade respectively).

176. Council's Urban Design Consultant confirmed that the subject site is in a specific location where the '*highest order of development is anticipated as it marks a key metropolitan junction of Hoddle Street and Queens Parade'*. They go on to confirm that '*the proposal is located within a pocket of urban block that is not affected by any Heritage Overlays and where a considerable degree of change can be anticipated*.'

177. Considering the strong strategic support for higher density development, this portion of Queens Parade provides opportunities for renewal, particularly as there are no heritage restrictions to the north and south, and no direct abuttal with any existing sensitive residential uses. It would be a reasonable expectation that this site would experience intensification in use and development. This is evidenced in the two planning permits issued for the sites to the south. However this doesn't mean that any height is acceptable and consideration must be given to the proposed scale of the development.

Use

178. The proposal is considered to be consistent with the purpose of the Mixed Use zone which is to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality and to encourage residential development that respects the neighbourhood character. There are other examples of food and drinks premises to the south.

179. The hours of operation are proposed to be 6.30am to 10pm, for both premises, 7 days per week. Whilst these hours are outside those preferred in Clause 22.01, they acceptable as the cafes are facing Queens Parade with no direct residential interface. These hours are similar to those of other surrounding food and drinks premises with McDonalds being a 24 hour operation. Additionally, the closest existing residences are across Queens Parade separated by numerous lanes of vehicles, and a tram/bus interchange.

180. Policy encourages food and drinks premises to have access to and adjoin a Road Zone, which this does as it abuts Queens Parade. The cafés will be a low intensity commercial use that will complement the existing commercial and residential uses and development in the surrounding area. The proposed use is located within an established mixed use area characterised by low to high residential development and commercial uses and will provide a required service for the benefit of the community. The proposed use will also complement the diverse land use in the area.

181. It is essential for any use application to take into account any amenity impacts on the surrounding neighbourhood and the Interface Uses Policy at clause 22.05 of the Scheme will be used in this regard. Clause 22.05 requires that new non-residential development is to be designed to / so that:

(a) Minimise the potential for unreasonable overlooking of private open space areas and into habitable room windows of adjoining residential properties, through the use of appropriate siting, setbacks, articulation and possibly screens.

The proposed cafes are not built abutting or facing any existing residences within 9m.

(b) The location, length and height of any wall built to a boundary not adversely impact on the amenity of any adjoining residential properties in terms of unreasonable overshadowing of private open space, visual bulk or loss of day light to habitable room windows.

The proposed cafes are not built abutting any boundaries with existing residences.

(c) Where private open space and/or windows to adjoining residential properties are unreasonably affected, appropriate set backs from boundaries are to be provided to address loss of daylight, overshadowing and visual bulk impacts.

The proposed cafes are not built abutting any boundaries with existing residences, therefore off-site amenity impacts are limited.

(d) Provide for a high level of acoustic protection to adjoining residential properties by:

(i) Locating plant and other service infrastructure (including automatic garage doors) in discrete locations
(ii) Using masonry wall construction rather than, for example, curtain walling
(iii) Building in effective acoustic insulation.

The applicant has submitted an acoustic report which will require some amendments that can be conditioned on any permit, should one be issued.

(e) Minimise noise transmission within the building, including from machinery and ventilation systems, between floors or separate units and to adjoining residential properties.

The noise level from the cafes will be minimal as there will be no amplified music or any source of noise that is anticipated to exceed normal commercial noise. A condition of any approval will ensure that the noise level from the proposed use will not be detrimental to the amenity of the adjoining sites and will be compliant with relevant EPA guidelines.

(f) Minimise the opportunity for views from adjoining residential properties into the site, especially where the storage, preparation, business or industrial activity could present an unsightly appearance.

The proposed cafes are facing the street as other similar businesses typically do and are not unsightly. The proposed cafes will have a separate bin area to those of the residential component located within the basement. The commercial bin areas will be hidden from public view.

(g) Minimise the opportunity for light spill due to fixed or vehicular lights, outside the perimeter of the site and on to habitable room windows of nearby residential properties.

The proposed uses are separated from any existing residences by a significant distance and will not affect adjacent properties.

182. The proposal will also not be detrimental to the amenity and safety of the adjoining and surrounding uses. It will provide an opportunity for low scale café uses to be located in an established mixed use area, so people in the immediate area may be able to utilise the services to be made available by the businesses.

183. Based on the above, there would not be unreasonable conflict between the proposed use and the nearby uses and development.

<u>Built form and design</u>

184. The urban design assessment for this proposal is principally guided by clauses 15.01-2 (Urban design principles), 21.05 (Urban design) 22.10 (Design and Built Form); as well as the reference document *Higher Density Guidelines for Residential Development* (Department of Sustainability and Environment, 2004).

Neighbourhood character, massing and height

185. The issues of neighbourhood character, massing and height are closely intertwined within this locale and for this application and therefore will be considered together.

186. As detailed in the site and surrounds section of this report, the subject site is located in a pocket of mixed land uses and generally low scale built form. Specifically, the subject site is located in the centre of a former industrial / commercial pocket of warehouses/factory / office buildings / auto-service centres (former garage and tyre company) and a tavern, which have largely been converted into food and drink premises to the south-west. The former tavern now a McDonalds and the former garage is now a restaurant and café. These existing buildings are an underutilisation of inner-city land adjacent to this wide boulevard which can accommodate robust built form. It has been acknowledged by both the Tribunal and Council's Urban Design Consultant that a significant departure from the existing conditions should be anticipated. However the individually significant grading of some of these buildings will temper scale. The subject site is not encumbered by heritage controls and its design response will be informed by the emerging context of the area.

187. Due to the subject site's location, it will be clearly visible from the surrounding area and this is unavoidable. The proposal has responded to the immediate and future height context of this part of Queens Parade. As such, the height and massing is compliant with policy at clauses 15.01-1, 15.01-2, 22.10-3.2 and 22.10-3.3. By acknowledging its existing and emerging context of the area, the proposal has complied with Objective 1.1 and Design Suggestion 2.1.1 of the GHDRD.

188. With regards to the massing of the proposal, it forms part of an emerging character along this boulevard with a lower scale podium and two sections of taller built form above. Council's Urban Design Consultant found the three-part composition (podium/middle/top) worked well on the site and that it responds positively to the streetscape. However there were issues with the overall height of the building.

189. The proposal includes a red brick podium which allows it to step down to the two storey form of No. 243 – 247 Queens Parade and up to three storeys in the northern section. This podium is darker and allows the development to be anchored into the street and complements the existing buildings in the streetscape. Council's Urban Design Consultant was supportive of this.

190. Matching this two-step form, are the two middle sections of the proposal which are vertically separated into two forms when seen along Queens Parade reinforces a finer grain pattern within the surrounding streets. Council's Urban Design Consultant was supportive of this. The northern-most (and taller) of these sections also has an angled element which is visible from above the lower section. Above this, is the 'top' section which is sharply angled along its southern side with the very upper-most levels being recessed. The southern elevation is more angled than the north to allow this building to be read with the building to the south which has a mirror image angle. Each of these sections is an alternating colour to allow them to be read individually.

191. Along Queens Parade, taller buildings are able to be accommodated due to its substantial width. The proposal will be the third of these taller buildings which present directly onto Queens Parade. Additionally, as other taller buildings emerge, the proposal will be less visible and prominent from the surrounds.

192. The Leaper decision confirmed that height alone was not a 'relevant criticism' and made these comments:

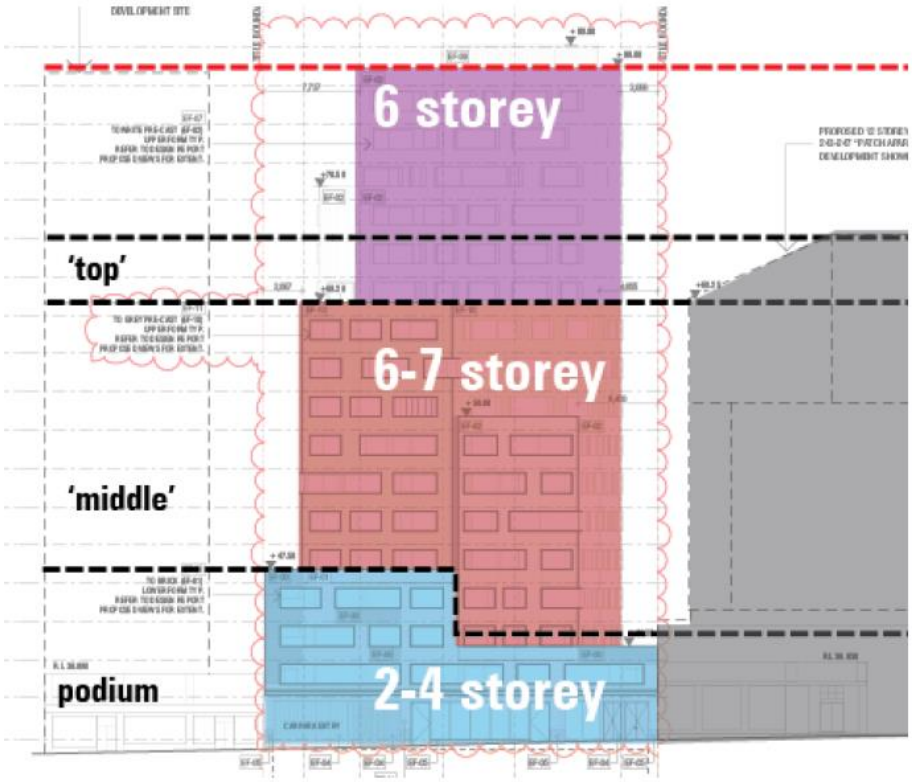
> [41] We further find that the proposed scale and design of the building will sit comfortably within this context. We agree with the residents that this will undoubtedly be the tallest building in this neighbourhood by a fair margin. However we do not see the height alone as a relevant criticism of this proposal. Instead, in the context of a planning framework that encourages urban consolidation, particularly within activity centres, there needs to be some adverse consequences as result of the proposed height for us to find that it is unreasonable.

193. The proposal has met the requirements of Strategy 17.2 at clause 21.05-2 to be able to go above the general five to six levels. It makes a positive contribution to the enhancement of the public domain through the construction of a new building and additional passive surveillance opportunities the street and laneway, as well as high quality architecture and esd standards. The proposal satisfies clause 22.03 with regards to ensuring the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline. Council's Urban Design Consultant confirmed that this area will undergo substantial change and this is not in dispute, however the overall height does require a reduction.

194. Council's Urban Design Consultant stated that the proposed 17 storey development represents a poor fit within the emerging character of the area and recommended a maximum of 14 storeys for the proposal. It was stated that on the basis of the size of the subject site, its strategic location and recent emergence of a new height datum, some additional height (and a substantial change from existing conditions) is warranted. However as the site did not benefit from a corner location or other urban characteristics that warranted an increase of built form scale to serve the role of a landmark or beacon. Council's Urban Design Consultant recommended a reduction of three storeys to an overall height of 14 storeys. This would result in the proposal sitting more 'politely' in its host environment, rather than projecting into the skyline as currently shown in the renders.

195. As has already been extensively discussed within this report, there is strategic policy support for increased development on this site however it is not to say that any increase is therefore acceptable. Council planning officers agree that with the three storey reduction in height, the proposal will not stand so starkly within the streetscape and allows for the gradual transition down to the lower forms to the south. This gradual transition is in-line with the previous approvals for a scaling down to the heritage fabric further to the south.

196. The initial referral advice states the height reduction should occur from the upper-most levels of the development as it was found to be 'top heavy'. The below diagram shows the sections of the proposal as described by Council's Urban Design Consultant:



197. Council planning officers were concerned that the reduction of the cap would reduce the angular form and 'essence' of the design of the building.

198. Through further discussions between Council and Urban Design Consultant it was agreed that the reduction in height should occur across the development with one level deleted from each of the sections above the podium (ie middle, top, cap). This would ensure the overall form was kept similar, albeit three levels less. The can be required by way of condition on any permit to be issued.

199. The floors which could be deleted are the seventh (middle), twelfth (top) and the fifteenth (cap). However the proposed condition can be worded more generally to only refer to the 'sections' to allow the applicant some flexibility to achieve the best design response to the reduction in height.

Public realm, light and shade and pedestrian spaces

200. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the proposal represents an improvement in streetscape, public space quality and perceived safety. The site presently contributes little to the streetscape, appearing as disused warehouses which does not create a perception of safety.

201. The construction of a modern building with an active ground floor frontage is an improvement on the streetscape. As is the inclusion of full length glazing at the ground floor, two commercial premises as well as the windows and balconies above. Through the activation of the ground floor, the building will provide interaction at street level where there currently is not any. Additionally, the proposal includes a wide residential lobby area with 2.8m frontage to the street. This satisfies public realm, pedestrian spaces and street and public space quality policies at clauses 15.01-2, 21.04-2 and 22.10-3.4.

202. In terms of overshadowing to the public realm, due to the orientation of the site shadows will fall over Queens Parade, the buildings to the south, Dummett Crescent and the On-Ramp to Heidelberg Road at various times of the day. With the exception of the footpath of Queens Parade, the remainder of the areas are not a concern as they are not areas of the public realm that are used for recreation purposes, seating or parkland.

203. Within the 2015 decision for No. 217-241 Queens Parade, *TLC Aged Care Pty Ltd v Yarra CC* [2015] VCAT 1601 **[2015 decision]**, the Tribunal Member made the following comments with regards to shadowing of the Heidelberg Road on-ramp:

> [78] With regard to the shadow over public spaces, these shadows are also of short duration and we are not persuaded that the public open space surrounded by the Heidelberg Road on-ramp is a highly utilised public area that is particularly sensitive. With regard to micro-climate and wind, we have no objective basis to conclude that this building would create adverse problems for the public spaces. We note Queens Parade is a very wide boulevard and we think it is unlikely that this development would have a significant impact on winds through the area.

204. The proposal does result in shadows over both sides of the Queens Parade footpath from 9am. However the shadows do not cover any footpath by 12noon. In terms of the footpath abutting the site, this is to be expected as it runs along its entire length, and any building would result in shadows, as per existing conditions.

205. The footpath on the opposite side of Queens Parade is impacted at 9am. However by 10am, this area is no longer in any shadow. Council's Urban Design Consultant raised this as an issue, however Council planning officers submit this is acceptable, as this would be for less than one hour in the day as by 10am the shadows are well clear of the opposite footpath. Nevertheless, the reduction in height of three levels will assist in reducing the overshadowing at this time and would satisfy the concerns of Council's Urban Design Consultant.

Landscape architecture

206. Landscaping is proposed for the private and communal terraces. Significant landscaping does not form part of the neighbourhood character however the proposal provides this as an improvement to the amenity of future occupants.

207. Council's Open Space Unit found the proposed landscape plans acceptable subject to minor changes relating to the final design details and planting schedule. Council's Open Space Unit also stated there appeared to be some discrepancies between the floor plans and the landscaped plans. It was assumed that the landscape plans were the correct plans. Nevertheless, when the amended plans were submitted, a new set of landscaped plans was not provided. An amended landscape plan can be required by way of condition on any permit to be issued.

Architectural Quality

208. The contemporary design is appropriate and responds well to the emerging character along this section of Queens Parade. The proposed design is considered overall to be of a high architectural standard, offering a modern built form that revitalises all frontages. The design response is such that it provides articulation. This is achieved through the inclusion of windows, decorative elements, varied setbacks, various materials and landscaping.

209. The blank rear, eastern boundary wall will include a large (approximately six storeys in height) piece of artwork by Australian artists, Reko Rennie. This will ensure that until such time that No. 501-503 Hoddle Street is developed, this wall will not appear blank. A condition can ensure that this is maintained to Council's satisfaction.

210. Council's Urban Design Consultant was critical of elements of the proposal such as:

(a) Greater distinctions needed between the 'middle' and 'top' to successfully articulate each of the elements.
(b) The long north and south elevations need more articulation to minimise overwhelming sense of bulk, particularly to the north where the stepping profile is less pronounced
(c) The vertical repetition with little variation requires further design resolution, in particular when the proposed architectural language mirrors the approval at 243 – 247 Queens Parade, diminishing the sense of grain and diversity in the streetscape, albeit variance in finishes and materiality.
(d) The repetition of window and balcony placement, which lacks variation in materials (particularly within the 'middle' and 'top' sections) creates a stark building presentation on the north, south and west elevations.

211. Council planning officers submit that whilst the proposal has similarities with the site to the south, this is acceptable as there is a sufficient variation in design through the incorporation of varied materials and the two vertical separations of the mid-block. The similarity between the two designs is not an issue for Council's planning officers. If these two sites were developed at the same time in one application it would have been likely that they would be designed similarly also.

212. Council planning officers also submit that there is sufficient distinction between the middle and top sections through the variation in materials and the sharply angular walls. Council planning officers do however agree that the northern elevation requires some additional articulation and this can be achieved through a 'hit and miss' style of accents added to the window and balcony sills. For example, a black sill could be incorporated into some of these sills sporadically spread across the elevation. This in addition to the reduction in three levels will assist in reducing the bulk of the northern elevation and add variation to the façade. Council planning officers do not agree this is an issue along the southern elevation as the proposal has quite clearly distinct forms that provide the articulation through the various setbacks and angular walls.

213. A condition can require a materials sample board to be provided to show each of these external finishes.

214. Accordingly, the development is considered of high architectural quality with the proposed changes ensuring the building is well considered 'in the round'.

Environmentally Sustainable Design

215. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes would reduce the need of occupants relying on private vehicles. Policy at clauses 15.02-1, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.

216. Council's ESD Advisor was largely satisfied with the proposal as outlined in the *Referral* comments.

217. Additional matters have been raised which require addressing and these are as follows:

(a) Commitment to 4 Star Green Star standard. Given the scale of the development a 4 Star Standard is not proportionate in level of performance, as all developments over 10 dwelling meet this standard. Recommend a 5 Star Green Star accredited project.
(b) Ensure that all habitable rooms, including studies, have an operable window to enable natural ventilation and clearly mark operability on plans.
(c) Provide sample NatHERS or preliminary energy model to a reference building demonstrating that the overall energy/GHG targets can be met.
(d) Provide more information on what type of hot water system will be specified demonstrating that the overall energy/GHG targets can be met.

(e) Provide more information on what type of heating/cooling system will be specified demonstrating that the overall energy/GHG targets can be met.
(f) Consider a solar PV array to contribute to common area electricity consumption. There is a large available roofspace.

218. These matters can all be addressed via conditions, should a permit be issued.

219. Subject to the improvements proposed, the proposal provides a high standard of environmentally sustainable design.

Amenity Impacts on Neighbouring Properties

220. The policy framework for amenity considerations is contained within Clause 22.10-3.8 (Offsite amenity), clause 22.05 (Interface uses policy) and the GHDRD. Clause 55 of the Scheme provides some guidance on these matters (although not strictly applicable). The subject site is uniquely located in an island-like precinct (containing 13 parcels of land all within a Mixed Use Zone) with three, wide, arterial roads separating the precinct from any residential zones. In addition, the local character shows a high level of site coverage and boundary-to-boundary development within the subject site and those surrounding it.

221. There are no existing sensitive uses within the vicinity of the site and therefore, the main discussion will be with regards to the approved development to the south will be considered, as will equitable development issues relating to the site directly to the north and No. 501-503 Hoddle Street.

222. The Leaper decision specifically confirms this as shown in paragraph 40b:

> There will be no off-site amenity impacts due to the nature of the surrounding land uses. We consider the complete absence of off-site impacts (such as visual bulk, overlooking and overshadowing) to be rare in this municipality given the common occurrence of activity centres in the form of strip shopping centres immediately abutting a residential interface, and the frequency of shop top housing.

Visual bulk

223. Due to the lack of direct sensitive interfaces, the impact of the wall heights is a streetscape issue and not one of amenity impacts. This was recognised within the Leaper decision:

> [42] A number of residents were critical of the height on the basis that they will see the building, either from the front of their dwellings for those that reside along Queens Parade, or from other locations in the nearby residential neighbourhood. The fact that this building will be seen is not an inappropriate outcome. Instead we need to find that the view to the built form will be offensive or inappropriate. Such views will be at a distance of at least 60 metres, being the width of Queens Parade. Further, a busy main road, with street trees, overhead tram lines and a fair degree of traffic will separate the review site from the nearest residential properties. At a distance of 60 metres, a building of 30 metres in height will be visible. However this is not a dominating element at this distance. It is certainly a tall structure, but one that will not appear as overcrowding the streetscape, or too tall for its urban environment. Such a view from this distance will be to a tall building, but not one that we consider will unreasonably dominate any residential property.

224. The approved development to the south will have numerous windows and balconies facing the proposal.

225. The main visual bulk concerns are associated with views from the first and second floor balconies of apartments of No. 243-247 Queens Parade. These two floors have balconies which project outside of the main façade wall.

226. For the first floor, the development at No. 243-247 Queens Parade has provided itself setbacks of 2.5m from the shared boundary with balconies located within this space. The proposed development on the subject site has a portion of the podium constructed on the boundary and setbacks of between 3m and 4.5m from the shared boundary.

    The development at No. 243-247 Queens Parade includes a three storey wall along the shared boundary. This results in these first floor balconies having a high wall opposite them. This restricts views to the upper levels of this proposed development.

227. The second floor of No. 243-247 Queens Parade has setbacks of between 2.5m and 5.86m with the proposal development having setbacks of between 3m and 6.45m (noting that a portion of terrace is constructed along the shared boundary towards the Queens Parade end). The setback from the shared boundary is at its least in the central portion of the boundary. In this location the balconies are generally covered from above which restricts views to the upper levels. Furthest away from the centre of the boundary, setbacks are greater which reduces visual bulk. Additionally, the uncovered balconies have alternative views away from the proposal eg towards Queens Parade or to the east.

228. From the third floor and above (of No. 243-247 Queens Parade) views would be restricted up to the upper levels of the proposed development due to the balconies being enclosed above which restricts views. Where directly opposite, views would be relative to their floor levels.

229. Council planning officers submit that there will be limited visual bulk impacts from the upper as their height will be comparable (particularly with the three storey height reduction). Additionally, the upper levels have the greatest setback distances between the two buildings.

    Daylight to windows

230. There are no existing habitable room windows facing the proposal. The proposal will not result in any loss of daylight to any existing habitable room window or area of private open space due to its considerable distance (69m) from any sensitive areas.

231. In terms of the development to the south, as previously stated, the two heights are comparable and at the upper levels the setbacks between the two buildings are substantial which will ensure that the upper level habitable room windows to the south will receive adequate daylight. The only area of concern is the lower level windows of No. 243-247 Queens Parade. The applicant has provided daylight modelling for the lower levels. Both Council's Urban Design Consultant and ESD Advisor confirmed that the daylight outcome for the development to the south is within acceptable levels.

    Overlooking

232. There are no overlooking opportunities to existing dwellings as the development is physically separated by more than 9m from any habitable room windows and private open space areas, the suggested distance for managing overlooking between sensitive land uses in the Scheme.

233. In terms of the development to the south the central portion of the south-facing apartments have a separation of less than 9m between the first and eleventh floors. This impacts the habitable room windows of 01 and 02 at each of those floors which have the potential to overlook to the south. Apartment 03 is impacted between the first and eighth floors. Above the eighth floor it is separated by more than 9m.

234. At first floor, each of the terraces of the proposal are screened up to 1.7m with a fixed privacy screen. This would prevent unreasonable overlooking. Whilst the windows and balconies include sills surrounding them, insufficient information has been provided by the applicant to ensure that there is no direct and unreasonable overlooking from these windows and balconies into those of the south, within 9m.

Whilst the sills 'may' prevent downward views, it is also unclear if there is overlooking for apartments at the same level. This can be required by way of condition of any permit, should Council be of a mind to issue one.

Overshadowing

235. Overshadowing will be as follows:

9am	Falls over the Queens Parade road reserve, the roof of the commercial premises to the south and the front yards/roof of properties to the west.
10am-12noon	Falls over the Queens Parade road reserve, the roof of the commercial premises to the south and Hoddle Street off-ramp and landscaped reserve
1pm-3pm	Falls over the roof of commercial premises to the south and the Hoddle Street off-ramp

236. As can be seen from the above, there are no existing sensitive uses affected by overshadowing.

237. The only area of concern is the approved development to the south. Whilst the lower level terraces will be overshadowed, this comes hand in hand with choosing to purchase a dwelling with directly abuts a site to the north which may be developed in a similar manner.

238. Within the 2015 decision for No. 217-241 Queens Parade, the Tribunal Member made the following comments with regards to the shadow impacts from the development at No. 217-241 Queens Parade onto the private open space areas of a higher density residential development at No. 6-12 Dummett Crescent:

> [77] We think the extent of shadow is acceptable as while the sensitive residential development in Dummett Crescent is affected for two hours in the middle of the day, the shadow affects different parts of the land at different times, hence it is likely that each dwelling in that development would be minimally affected. We also consider that the area is included in a Mixed Use Zone where amenity expectations should be somewhat tempered relative to those in a local residential neighbourhood.

239. As already outlined, Council's Urban Design Consultant and ESD Advisor confirmed that daylight outcomes are acceptable. Additionally, the future residents of No. 243-247 Queens Parade have a large (238sqm) additional communal outdoor area facing Queens Parade to supplement their private open spaces.

Noise

240. The proposed development is unlikely to generate a noise level above that which is acceptable in a mixed use area. It is also noted that there are other existing non-residential premises in the area, which are likely to emit similar noise levels than the proposed cafe/residential development. Additionally, the existing use of the site is non-residential and it is separated from existing residences by the width of Queens Parade (including vehicle lanes and a tram/bus interchange).

241. Any noise levels as a result of the use of the dwellings would be typical of a residence.

242. As will be discussed within the 'On-site Amenity' section of this report, an amended acoustic report can be required via condition (should a permit be issued) that ensures noise from the any car stackers and plant and equipment, complies with SEPP N-1 requirements. The applicant provided an acoustic report and this has generally been found to be satisfactory subject to additional matters (mainly related to internal amenity) being addressed.

Equitable Development

243. In terms of equitable development, there is potential for both the sites to the north and No. 501-503 Hoddle Street to be developed similarly. The proposal has responded to this through the inclusion of on-boundary podium construction with the area to the rear having setbacks of 4.5m to the north. This allows the site to the north to also be setback 4.5m and as a result, avoids the need for overlooking screening. This is considered sufficient. There is a portion of the northern podium at the fourth floor which is only setback 3.05m and a terrace is located within this area. This setback is acceptable and will not impede future development of the site to the north as they will also most likely have a podium built to the boundary. The proposed terrace will be open towards Queens Parade which allows for daylight to penetrate this area and an alternative views to avoid any future visual bulk impacts. This is acceptable.

244. In relation to No. 501 – 503 Hoddle Street, any future development would most likely face to the north and/or Hoddle Street towards Merri Creek, rather than toward the proposal. As such, the proposal includes an on-boundary wall along the shared eastern boundary and also a 2m setback from the laneway with a total of 3.5m from the centre of the laneway. This is satisfactory as the proposed dwellings on the subject site will not be greatly impacted by any future development to the east as these apartments are dual aspect. This ensures any future development to the east is not impeded. In relation to overlooking, due to the angle of the southern section of No. 501-503 Hoddle Street, only a small portion of the overall 09 apartments would be within 9m of any potential development to the east. This is acceptable and will not unreasonable restrict any future development on that site.

245. It should be noted that there is a carriageway easement on the subject site which benefits No. 501-503 Hoddle Street (shown as E-2 and E-3 on the Title). The proposal is encroaching slightly into this area at all floors. All built form on the subject site will have to be clear of these easements. This will have to be continued at all floors as there is no height limit for the easement. This issue can be rectified by way of condition on any permit and would not drastically alter the floor plate as only a small section of services and the 09 bedroom and ensuite would be impacted at each floor. Some internal rearrangements will be necessary as result of this condition. The owner/occupier of No. 243-247 Queens Parade has not objected to the removal of the party-wall easement and is therefore acceptable, particularly as the proposal will be constructing a wall along this area.

246. Council's Urban Design Consultant found that the side setbacks were not sufficient however, for the reasons set out above, Council planning officers believe they are acceptable.

Internal Amenity

247. Clause 22.10-3.7 *On-Site Amenity* and the GHDRD– Element 4, Circulation and Services and Element 5 – Building Layout and Design and Element 6 – Private and Communal Open Space provide useful guidance with regard to on-site amenity including circulation spaces, site services, dwelling diversity, layout, open space and wind impacts.

248. Initially, Council planning officers raised concerns with the internal amenity of apartments. The applicant has responded to these concerns through the amended plans which made numerous changes as previously outlined. Council planning officers are satisfied.

Layout, natural ventilation and daylight

249. It is considered that the apartments will have an overall good level of internal amenity due to the size, orientation and location of windows thus achieving Objectives 5.3 and 5.4 of the GHDRD. Each unit includes windows and a balcony to allow for solar access into the dwelling. There are also a variety of dwellings available with one, two and three-bedrooms available.

250. The amended plans made many improvements to the internal amenity of dwellings. The number of apartments has been reduced due to increased widths and the amalgamation of one-bedroom apartments into two or three-bedroom apartments. This has resulted in an increased number of dual aspect apartments and increased setbacks from the laneway. Additionally there were previously two apartments in the eastern tip of the development which have now been amended to one, three-bedroom apartment. This allows a greater amount of façade from which to receive daylight and ventilation. Overall the number of south-facing enclosed balconies has been reduced which constitutes a significant improvement on the previously advertised plans. All apartments are reasonably sized with the amended plans increasing the width of the one-bedroom apartments to 5.9m from 5.3m.

251. Due to the orientation of the land there are apartments facing all directions, including some single-aspect south-facing apartments. Whilst Council's Urban Design Consultant initially raised concerns with regards to daylight for these dwellings, particularly if they are required to be screened, it was later confirmed through additional daylight modelling that the daylight outcome for the subject site are within acceptable levels for the majority of the development even if screening is required.

252. Council's ESD Advisor confirmed that most dwellings have reasonable access to natural ventilation, provided windows into habitable rooms are operable. It was also confirmed that the standard of daylight is good to most areas in the building as demonstrated by the daylight modelling. It was noted by Council's ESD Advisor that the lower level battleaxe rooms are also acceptable. Following the submission of amended plans, Council's ESD Advisor confirmed this was further improved.

253. With regards to some of the concerns of Council's Urban Design Consultant with regards to the impact of screening to daylight, there is only one dwelling that has their private open space within 9m of the development to the south, therefore, only one balcony will be required to the screened. Previously it was noted that apartments 01, 02 and 03 were within 9m of the development to the south and 'may' have to be screened. However only the balcony of apartment 02 is within this area, with the bedrooms of 01 and 03 being within 9m. Any additional minor impacts to daylight within bedrooms as a result of screening is acceptable, particularly considering that by the nature of their use bedrooms are typically used for sleeping and as such, do not have the same daylight requirements as living areas or balconies. Therefore this would be acceptable, particularly considering Council's ESD Advisor found the daylight levels to be satisfactory. Council's Urban Design Consultant confirmed that the daylight modelling showed screening would have little consequence and daylight levels would still be generally within acceptable levels.

254. Returning back to the issue of screening the balcony of apartment 02, this is only up to the seventh floor. From the eighth floor and above this distance is greater than 9m or the proposed terrace faces a communal area. Council believes this is an acceptable outcome.

255. Council's Urban Design Consultant raised daylight issues with the battle axe, one-bedroom dwellings however the window of the bedroom is generally quite wide (2.2m) and not particularly long (1.4m). Again, Council's ESD Advisor confirmed the previously advertised plans were acceptable, with the amended plans improving upon this.

Open Spaces (Private and Communal)

256. Within Standard B28 of Clause 55 (Rescode) of the Yarra Planning Scheme, a dwelling should have an area of private open space of a minimum area of 8sqm and a minimum width of 1.6m with convenient access from a living room.

257. All private open spaces meet the minimum area of 8sqm, with at least a portion of the area having a minimum width of 1.6m and directly accessed from living areas.

258. To supplement the private open spaces, the proposal includes two communal open space areas, one at first floor and another on the eighth floor. Both of which have internal and external areas. This area would a substantial positive for future residents and would supplement their own individual private open spaces.

Storage

259. Each dwelling has been provided with at least one 4sqm storage cage located either in one of the basements, the lower mezzanine or ground floor. Whilst this does not satisfy the requirement of Objective 5.5 of the GHDRD which is that each dwelling is to have 6 cubic meters of external storage space, this is acceptable as in this inner suburban setting and without the need for a lawnmower, etc., residents of these apartments would not have the same storage needs as residents in detached dwellings.

260. This minimum was confirmed within the recent 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. The proposed storage cages will be 1sqm above this.

Safety

261. Looking at safety, the entry areas of each apartment are grouped within small radial corridors which increases the perceived safety, and is compliant with design guidelines within clause 21.05-2.The additional balconies/windows facing the street and the laneway will add to the level of perceived safety which is an improvement on existing conditions.

262. A condition can require that there is security lighting adjacent to the pedestrian and vehicular entrances. This will also add to the safety both of those entering and exiting the premises and pedestrians on the street.

Internal Views

263. Due to the layout of the proposal, there are minimal opportunities for internal views as a number of these areas face outward. At first floor the terraces each have screening up to 1.7m high which protects against internal views.

264. Where there are potential views are for those dwellings where windows/balconies are perpendicular to those of an adjoining apartment. This can potentially occur :

(a) The second, third and fourth floors between apartment 06 and 07; and
(b) Fourteenth floor between the north-facing windows of 02 and the terrace of 03.

265. This can be rectified by a condition on any permit to be issued.

Noise

266. Clauses 52.43, 13.04 and 22.05 provide specific direction on noise issues and generally require noise generated from the development 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. There are no live music entertainment venues within 50m of the subject site.

267. It should also be noted that any future residents would be well aware that they were moving into an apartment adjacent to a major arterial road and in a NC where there are other commercial uses and heavy vehicular traffic in the surrounding area. Any future residents should temper their expectations in terms of noise levels.

268. Further to this, in regards to the proposed food and drinks premises, future residents of the dwellings will be well aware that there is a cafe located at ground floor and can make a decision accordingly if this is acceptable to them.

269. The applicant submitted an acoustic report which was peer reviewed by Council's acoustic consultant, SLR Consulting, who confirmed the proposal was acceptable subject to conditions for an amended acoustic report. A number of matters are needed to be clarified and SLR Consulting suggested that these could be addressed by way of condition on any permit. The assessment of the proposal in terms of existing rail and commercial noise, this assessment is satisfactory and no additional information needs to be provided.

270. The matters which need further clarification are outlined within the attached referral comments and related to the following:

Road Traffic and Tram Noise

(a) The nominated design targets for road traffic noise are 5 dB higher than we recommend. In our opinion, the day and night average levels should meet the mid-point between the AS/NZS2107 'satisfactory' and 'maximum' noise levels, being 40 dBA Leq,15h in habitable rooms and 35 dBA Leq,9hr in bedrooms.

(b) A transparent assessment of traffic noise is not provided in the acoustic report. The approach taken to determining road traffic and tram noise impacts should be fully described. For such a site affected by as many major noise sources as this one, a 3-D computer noise model is our preferred approach to the determination of noise impacts. If a computer noise model has not been prepared to quantify noise impacts to upper levels of the building, the writer should demonstrate that worst case noise impacts have been allowed for in predictions.

(c) The report should clearly state the measured or predicted noise levels at the façade of the building used as a basis for determining noise impacts.

Noise from the Development

(d) Lower Lmax targets than those provided in the report are recommended for noise from the carpark entrance gate. We recommend that noise from this source does not exceed 45 dBA Lmax in living room and 40 dBA Lmax in bedrooms (windows closed). Lower levels should be targeted for high quality apartments.

(e) Noise impacts from mechanical services are proposed to be addressed during the detailed design phase of the project. This is acceptable from our perspective provided that an acoustical consultant is retained during this phase of the project.

(f) Noise impacts from music associated with the ground floor food and drink premises is proposed to be addressed by the future tenants. This is a reasonable approach from our perspective, noting that the approach effectively limits the level of music that can be played within the tenancies.

(g) Patron noise from the proposed ground floor food and drink premises has not been assessed. If there is any chance that these tenancies will have outside tables and will operate outside standard business hours, the issue of patron noise impacts should be addressed in the planning report via glazing upgrades to potentially affected apartments. We recommend that design targets equal to the AS/NZS2107 'satisfactory' noise levels are met within apartments with windows closed. These targets are 35 dBA Leq in living rooms and 30 dBA Leq in bedrooms.

271. These matters can be addressed by a permit condition to provide an amended acoustic report addressing all of these matters.

Circulation spaces

272. Dwelling access is via the residential lobby from Queens Parade. Access to dwellings is via short corridors with a width of at least 1.5m. Some doors are grouped together whilst others are staggered along the corridor. The area adjacent to the stairwell is 1.8m in width. The width is sufficient and the design complies with Objective 4.3 of the GHDRD.

Site services

273. Mail services have been shown in the residential lobby. The ground floor plan shows a bin room, and services are generally located along the eastern wall facing the laneway. A condition can require the confirmation of these being screened from external views, should a permit be issued.

Car parking, traffic, loading bay access and bicycle provision

Car parking requirements

274. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of 68 spaces, as outlined within the table included in the *Particular Provisions* section earlier in the report.

Parking Availability

275. The traffic assessment submitted with the application by GTA Consultants included the two previous car parking availability assessments for the applications at No. 243-247 and No. 217–241 Queens Parade with these being carried out by Traffix Group in 2013 and Cardno Consultants in 2015 respectively.

276. The 2013 assessment included an empirical assessment of parking supply within a 100m radius of the subject site. These surveys were carried out on Friday 6 September 2013 from 12:00pm to 9:00pm and on Saturday 7 September 2013 from 11:00am to 9:00pm. Although the parking survey data is over three years old, it is agreed that there has not been any major redevelopments constructed in the area since that time with Council's Senior Traffic Engineer confirming this. This would continue to be the case at the time of writing this report. This survey found that on the Friday, peak occupancy (61 percent) occurred at 12noon with 98 of the 160 spaces being occupied and 62 vacant. On the Saturday the peak (30 percent) occurred at both 1pm and 2pm, where 49 spaces were occupied out of 160 and 112/113 were vacant.

277. The second traffic assessment by Cardno was conducted between the hours of 9:00am and 6:00pm on Thursday 23 July 2015 and Saturday 25 July 2015. The survey area encompassed Queens Parade (Hoddle Street to Heidelberg Road) and Dummett Crescent. An inventory of 164 spaces was identified, with 143 to 145 spaces which could be used by the public. Council's Senior Traffic Engineer confirmed the extent and duration of the survey was considered reasonable. The peak parking occupancy on the Thursday occurred at 1:00pm, with 72 percent of spaces occupied (leaving 40 spaces vacant). Outside the peak times, the availability of parking ranged from 53 to 78 vacant spaces. The Saturday survey recorded a peak parking occupancy of 55 percent, occurring at 3:00pm. Council's Senior Traffic Engineer confirmed the Cardno surveys provide a good guide to the parking conditions in the immediate area.

278. It should also be noted that in terms of parking restrictions, there are a number of time based restrictions on parking in the surrounding streets with the existing residences in Rushall Crescent further afield having *Permit Only* parking.

279. GTA also provided a cumulative assessment of the car parking vacancies considering the two developments to the south. It found that there should be a minimum of between 30 and 66 car parking vacancies following the development of the two approved developments and this proposal. This is an acceptable number of spaces. The applicant emphasised that for each nominated period, the peak parking demands for each site won't necessarily occur at the exact same time.

Parking Demand

280. For the food and drinks premises, Council's Senior Traffic Engineer confirmed that a parking rate of 3.0 spaces per 100 square metres of floor area could be adopted. Using this rate equates to a total car parking demand of six spaces. Of this six, staff parking demand would constitute around a third (in this case two spaces) with the customer car parking demand (four spaces) being expected to be accommodated on-street which typical of most food and drink premises abutting a major road or activity centre. Council's Senior Traffic Engineer found the provision of two staff car parking spaces for the food and drinks premises to be satisfactory.

281. 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 is often quoted in other traffic impact reports of similar scale developments proposed in the City of Yarra. Applying this rate would result in a peak residential visitor parking demand of 13 spaces.

282. Council's Senior Traffic Engineer confirmed that during normal business hours, the visitor parking rate would be much less than the 0.12 spaces per dwelling. Off-peak daytime visitor parking would be around 30% of the peak residential visitor parking rate, which would result in a visitor parking demand of around four spaces.

283. Council's Senior Traffic Engineer confirmed that visitor parking cannot be accommodated on the subject site due to the proposed stacker parking arrangement to be used. The impracticality of providing visitor spaces within car stackers has been well established at the Tribunal. The visitor parking for the site would be accommodated on-street with the surveys showing there are ample spaces within the surrounding area to accommodate these.

284. The applicant's traffic report included residential car ownership data for the suburbs of Clifton Hill and Fitzroy North from the 2011 Census that was conducted by the Australian Bureau of Statistics (ABS). Weighted averages for car ownership have been used. This ABS data shows that one-bedroom dwellings have a car ownership of 0.73 cars per dwelling. For two-bedroom and three-bedroom dwellings, the car ownership is 1.03 cars per dwelling and 1.47 cars per dwelling respectively.

285. Applying the weighted averages for car ownership to the amended plans would result in a parking demand of 95 parking spaces with this proposal exceeding the empirical demand by one space. The ABS data clearly shows there is demand for one space per two and three-bedroom dwelling whilst not all one-bedroom dwellings have demand for car parking. This proposal is in line with these findings.

286. Nevertheless, there will be 13 one-bedroom dwellings without a car parking space. The ABS data shows there is a strong market for dwellings that do not contain any on-site parking. The dwellings that do not have any on-site car parking would appeal to any future residents who do not own a motor vehicle and rely on more sustainable forms of the transport. Future owners or occupiers would be well aware of whether there is access to on-site parking.

287. The reduction being sought by the proposal is supported by the following:

    (a) Objective 32 of Council's MSS facilitates parking reductions by advocating reduced reliance on private motor vehicles.

(b) The subject site has good access to public transport facilities with established tram routes and bus routes and is in easy walking distance of many retail outlets, restaurants and cafes and various other facilities and resources. Providing residential development close to public transport links is consistent with urban consolidation objectives which require planning to assist in the implementation of feasible non-car based transport options;

(c) Resident or visitor parking permits will not be issued for the development, which will discourage prospective residents of high car ownership and encourage visitors to engage in alternative modes of transport which is a welcomed sustainable option in lieu of on-site car parking and consistent with Clauses 18.02-1 and 21.06-1 of the Scheme;

(d) A minimum of one car space will be allocated per two-bedroom and two per three-bedroom with the remainder of the 30 spaces being available to the remaining 43 one-bedroom dwellings. This will ensure that one-bedroom purchasers who have a car are able to purchase one which ensures their use will be maximised;

(e) A further benefit of providing fewer on-site car spaces is that pressure on traffic and congestion is not exacerbated through the provision of more car spaces for the development

(f) The food and drinks premises would heavily rely on walk-up trade for its primary source of customers, rather than being a specific destination for visitors. It is highly likely that it would attract employees from nearby businesses as well as local residents;

(g) The location of the proposal encourages multi-purpose trips to the area; and

(h) The proposal includes secure bicycle parking spaces.

288. From a traffic engineering perspective, the reduction in car parking spaces is considered appropriate in the context of the development and the surrounding area. The site is very well positioned in terms of public transport services. Engineering Services has no objection to the proposed reduction in the car parking requirement.

Traffic

289. The applicant's traffic engineers have adopted a rate of 4 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 376 vehicle trips per day with 38 vehicle trips in each peak hour.

290. For the two food and drinks premises, each space would generate 2 vehicle trips per day (one trip in each peak hour), resulting in a total of 4 trips.

291. Overall, the development would have a daily traffic volume of 384 vehicle trips per day and 40 vehicle trips per peak hour (an average of one vehicle trip every 90 seconds).

292. GTA has indicated that the subject site, together with the approved developments at No. 217-241 Queens Parade and 243-247 Queens Parade would generate 79 vehicle trips in the AM peak hour and 85 vehicles in the PM peak hour.

293. Vehicles wishing to access the site (and also No. 243-247 Queens Parade) from the west or south would undertake a U-turn movement on Queens Parade in order to enter the Queens Parade service road. To exit the site, Council's Senior Traffic Engineer confirmed that the series of traffic signals along the length of Queens Parade would provide sufficient gaps in the traffic stream to allow development traffic to enter the Queens Parade.

294. Council's Senior Traffic Engineer confirmed the three sites have a number of options in order to access onto the arterial road network. Council's Senior Traffic Engineer confirmed that the traffic generated by the subject site and the two approved sites should not detrimentally affect the operation of the surrounding road network.

Layout

295. The development incudes 96 on-site spaces with most spaces being provided within mechanical parking devices whilst there are four at-grade spaces (three of which are at ground floor). Council's Senior Traffic Engineer provide an assessment against the access and layout of the previously advertised plans (the amended plans do not propose any changes to the car access and layout) and have found them to be generally acceptable subject to some additional information being provided (with conditions on any permit) in relation to dimensions of headroom clearance of the entrance and the blind isle extension of Basement Level 2.

Loading facilities

296. An on-site loading bay has not been provided and the requirements of clause 52.07 are required to be waived. Given the size of the food and drinks premises, it is expected that loading and unloading will be from smaller vehicles (vans and the like). There are loading bays to the north of the site outside of No. 267 Queens Parade. These can easily be utilised. These will be able to accommodate the loading and unloading needs of the proposed use as it does a number of the surrounding businesses. It is also typical of most inner-city cafes to not have a loading bay and this waiver is appropriate.

Bicycle parking and facilities

297. In the case of the proposed development, a total of 21 resident bicycle spaces, 11 visitor bicycle spaces and 1 retail bike space are required. The proposal includes 120 bicycle spaces. Spaces have not been provided for visitors or the food and drinks premises. The applicant has stated they would be willing to install with 2 x 3 bicycle hoops, which can be set at a 45 degree angle to the curb outside of this development. This would accommodate 12 visitor/staff bicycles. The visitor/staff spaces will be constructed at the permit holder's expense and can be ensured via a permit condition, should Council be of a mind to support the application. This would satisfy all bicycle requirements.

298. Council's Strategic Transport Unit suggested that the location of bicycle parking was satisfactory, however could be improved by moving more of the spaces to the ground floor. However, the location of spaces within basements is typical with this proposal's ground floor foyer being constrained and already amended to reduce the 'pinch point'. Including more bike parking in the foyer would undo this improvement.

299. A condition can also require confirmation that there is a mixture of on-ground and hanging style bike racks with the majority (more than 75%) to be provided as on-ground to ensure that spaces are easily accessible.

300. Additionally a Green Travel Plan will be required by way of condition on any permit to be issued.

Other

301. It should be noted that Council's Senior Traffic Engineer has recommended the inclusion of a number of conditions which are related to matters (eg public lighting plan) dealt with at later stages through other Council processes (eg building permit stage). These have only been included as relevant to this application with many of them being unnecessary at this stage.

<u>Waste Management</u>

302. Council's Waste Management Coordinator found that the Waste Management Plan was not satisfactory as there needed to be amended to include internal private collection. The applicant has agreed to a condition addressing this concern. This can be added as a condition on any permit to be issued.

Objector concerns.

303. The majority of the issues which have been raised by the objectors have been addressed within this report.

(a) The proposal is an overdevelopment and is not responsive to neighbourhood character; *(paragraphs 168-177)*
(b) Excessive height and scale; *(paragraphs 185-199)*
(c) Poor internal amenity; *(paragraphs 247-273)*
(d) Lack of public contribution; *(paragraphs 140)*
(e) Lack of green spaces; *(paragraphs 206-207)*
(f) Lack of dwelling diversity; *(paragraphs 28 & 28))*
(g) Overshadowing to the public realm; *(paragraphs 202-205)*
(h) Inadequate car parking and loading of vehicles and bicycle facilities (including visitor parking) and increased traffic; *(paragraphs 274-300)*
(i) Cumulative traffic/parking impacts of other approvals; *(paragraphs 279 & 292-293)*
(j) Lack of equitable development opportunities; *(paragraphs 243-246)*
(k) Noise impacts; *(paragraphs 240-242)*
(l) Waste management issues; *(paragraphs 302)*
(m) Lack of strategic plan. *(paragraphs 145-152)*

304. Outstanding concerns will be discussed below, and relate to:

(a) *The proposal is not responsive to heritage;*

The subject site is not located within a heritage overlay, however has some adjacent buildings within site specific heritage overlays. The proposal will not impact these as they will still be able to be read from their principal view points along Queens Parade further to the south. Additionally, the proposal is significantly setback from these areas which acts as a buffer ensuring that these buildings continue to be read in the round, without influence from the proposal.

(b) Deletion of easement will have impact on telecommunication equipment on abutting property;

As outlined within paragraphs 56-59 and 245, the proposal includes the removal of the party wall easement abutting No. 243-247 Queens Parade and not the carriageway easement with No. 501-503 Hoddle Street where the telecommunication equipment is located.

(c) Wind impacts;

The proposal includes setbacks, angular walls and window/balcony sills which will allow for a dispersal of wind. There are not anticipated to be any wind impacts from the proposal.

(d) *Lack of affordable housing provision;*

There is no requirement in the Yarra Planning Scheme.

(e) *Lack of mixed uses within the development;*

The proposal includes two food and drinks premises and dwellings, similar to other approved developments in the area and the wider Yarra municipality.

(f) *Safety concerns of roads;*

Council's Senior Traffic Engineer confirmed that the proposal will not result in excessive traffic to the nearby area. Any pedestrians will continue to sue the footpath and navigate traffic as per existing conditions.

(g) *Infrastructure cannot handle increased population;*

The site is located within the inner-city and within a NC. Additionally, State and Local policies encourage increase use and development and hence an increase in density of people. It is considered that existing infrastructure can accommodate this increase. The increase in residents would be a small percentage of the overall population in the area.

(h) *Views to the sky will be interrupted;*

Views to the sky from private spaces are not protected by the planning scheme. Additionally, the proposal is over 70m from the nearest existing residential property. Visual bulk from views to the proposal was discussed within paragraph 223-229.

(i) *Will set a precedence;*

Precedence is not a relevant planning consideration.

Conclusion

305. 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, the preference to direct higher density development in Mixed Use Zones and strategic redevelopment sites, and aligns with the State Policy as well as the direction given by the Tribunal.

306. The proposal, subject to conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0494 for use and development of the land for the construction of a mixed-use building (permit required for food and drinks premises use), a reduction in the car parking requirement, waiver of loading bay requirements, buildings and works and alterations to access to a Road Zone (Category 1) and removal of a party wall easement at 249-265 Queens Parade Clifton Hill, subject to the following conditions:

1. Before the use 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 by Fieldwork dated 12 April 2017 but modified to show:
   (a) no part of the development to be within the existing carriage way easements (shown E-2 and E-3 on Title) with subsequent rearrangement of internal areas;
   (b) the two ground floor food and drinks premises as a café;
   (c) deletion of one floor from each of the middle, top and the upper-most cap, resulting in a total reduction of three floors;

(d) a random selection of the northern window/balcony sills to be a darker colour to add variation to the northern façade;

(e) the dimensions of the headroom clearance at the entrance of the vehicular access;

(f) dimensions of the blind aisle extension on Basement 2;

(g) security lighting adjacent to the pedestrian and vehicular entrances;

(h) at least 12 bike spaces provided on the footpath outside of the subject site's Queens Parade frontage.

(i) confirmation that there is a mixture of on-ground and hanging style bike racks with the majority (more than 75%) to be provided as on-ground;

(j) sectional diagrams demonstrating that there are no unreasonable internal views between the habitable room windows/balconies of the following apartments:

(i) second, third and fourth floors - apartment 06 and 07; and
(ii) fourteenth floor - north-facing windows of 02 and the terrace of 03.

(k) sectional diagrams demonstrating that no unreasonable overlooking (within a 9m radius and 45 degree arc) will occur from the habitable room windows or private open spaces of Apartments 01 and 02 between the second and eleventh floors and Apartment 03 between the second and eighth floors dwellings into the habitable room windows or secluded private open space of the development at No. 243-247 Queens Parade;

(l) a materials sample board of external colours, materials and finishes;

(m) any requirement of the endorsed Sustainable Management Plan (condition 5) (where relevant to show on plans);

(n) any requirement of the endorsed Waste Management Plan (condition 7) (where relevant to show on plans); and

(o) any requirement of the endorsed Acoustic report (condition 10) (where relevant to show on plans).

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.

Café Use

3. Except with the prior written consent of the Responsible Authority, the two food and drink premises (café) use authorised by this permit may only operate between the hours of 6.30am and 10pm, seven days per week.

4. No more than 80 patrons are permitted within each food and drinks premises at any one time.

Sustainable Management Plan

5. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Simpson Kotzman on 15 September 2016, but modified to include or show:

(a) A commitment to 5 Star Green Star;

(b) All habitable rooms, including studies with an operable window to enable natural ventilation;

(c) Sample NatHERS or preliminary energy model to a reference building demonstrating that the overall energy/GHG targets can be met;

(d) More information on what type of hot water system will be specified demonstrating that the overall energy/GHG targets can be met;

(e) What type of heating/cooling system will be specified demonstrating that the overall energy/GHG targets can be met; and

(f) Solar PV array included on the roof plan to contribute to common area electricity consumption.

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

Waste Management Plan

7. Before the development commences an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design dated 15 September 2016), but modified to include:

   (a) internal private collection.

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

9. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority

Acoustic report

10. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and provided to Council on 23 September 2016, but modified to include (or show, or address):

   (a) the road traffic day and night average levels tomeet the mid-point between the AS/NZS2107 ‘satisfactory’ and ‘maximum’ noise levels, being 40 dBA Leq,15h in habitable rooms and 35 dBA Leq,9hr in bedrooms;

   (b) a 3-D computer noise model to determine rail traffic and tram noise impacts. If a computer noise model has not been prepared to quantify noise impacts to upper levels of the building, the writer should demonstrate that worst case noise impacts have been allowed for in predictions;

   (c) the measured or predicted noise levels at the façade of the building used as a basis for determining rail traffic and tram noise impacts;

   (d) that noise from the carpark entrance gate does not exceed 45 dBA Lmax in living room and 40 dBA Lmax in bedrooms (windows closed);

   (e) noise impacts from mechanical services;

   (f) noise impacts from any music associated with the ground floor food and drink premises is proposed to be addressed by the future tenants of the food and drinks premises; and

   (g) patron noise from the proposed ground floor food and drink premises with glazing upgrades provided to any affected apartments with design targets equal to the AS/NZS2107 ‘satisfactory’ noise levels are met within apartments with windows closed. These targets are 35 dBA Leq in living rooms and 30 dBA Leq in bedrooms.

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.

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

Landscape Plan

12. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Tract and dated 21 September 2016, but modified to include (or show):

    (a) final plant schedule and planting plan showing the location of all plants with the following detail provided:

        (i) Planter box materials and dimensions.
        (ii) Mulch layer – something that won't blow away.
        (iii) Growing media – suitable in weight and content for roof top gardens
        (iv) Filter media
        (v) Irrigation method
        (vi) Drainage system
        (vii) Root barrier / water proofing layer

13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

    (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;

    (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and

    (c) replacing any dead, diseased, dying or damaged plants,

    to the satisfaction of the Responsible Authority.

Integrated Art Plan

14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, details of the public artwork along the eastern wall to be provided in the locations shown on the endorsed plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the details of the public artwork will be endorsed and will then form part of the permit. The cost of the public artwork is to be borne by the owner or occupier of the land. The public artwork must be installed before any part of the development is occupied except with the prior written consent of the Responsible Authority all the satisfaction of the Responsible Authority. The public artwork as approved must then maintained to the satisfaction of the Responsible Authority.

VicRoads Conditions (14-15)

15. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads prior to the occupation of the building hereby proposed.

16. Rear access to the service land must not be restricted by gates or similar enclosures which may obstruct traffic movements on Hoddle Street.

Road Infrastructure

17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, bike racks must be installed to accommodate at least 12 bicycles on the footpath immediately outside the property's Queens Parade frontage:
    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.
18. Prior to the commencement and construction of any new vehicle crossing, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels (not interpolated levels from the application drawings) of the Queens Parade service road profile (centre line of road pavement to property line). The required levels (to three decimal places) include the building line level, top of kerb level, invert level, lip level and road pavement levels. The existing road profile of Sackville Street and the ramp inside the property (for the first 2.0 metres) must be accurately drawn. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out. The 1 in 20 scale cross sectional drawing and ground clearance check must be submitted to Council's Construction Management branch for assessment and approval.
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all pedestrian access must be constructed to a level no steeper than 1 in 40 from the building line to the top of kerb.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
    (a) in accordance with any requirements or conditions imposed by Council;
    (b) at the permit holder's cost; and
    (c) to the satisfaction of the Responsible Authority.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the property's Queens Parade service road frontage must be re-constructed:
    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel immediately outside the property's Queens Parade service road frontage must be must be profiled and re-sheeted:
    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.
24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any 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.

25. All road pavement reinstatements must be consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement.

Car parking

26. Before the development is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

    (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;

    (b) details of way-finding, cleaning and security of end of trip bicycle facilities;

    (c) any policing arrangements and formal agreements as appropriate; and

    (d) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.

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

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

    (a) constructed and available for use in accordance with the endorsed plans;

    (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;

    (c) treated with an all-weather seal or some other durable surface; and

    (d) line-marked or provided with some adequate means of showing the car parking spaces;

    to the satisfaction of the Responsible Authority.

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

30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Green Travel Plan

31. Before the development is occupied, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:

    (a) describe the location in the context of alternative modes of transport;

    (b) the provision of real time passenger information displays for nearby stops within each lobby;

    (c) employee welcome packs (e.g. provision of Met Cards/Myki);

    (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;

    (e) details of bicycle parking and bicycle routes;

(f) details of GTP funding and management responsibilities; and

(g) include provisions to be updated not less than every 5 years.

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

Lighting

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

(a) located;

(b) directed;

(c) shielded; and

(d) of limited intensity,

to the satisfaction of the Responsible Authority.

General

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

35. As part of the ongoing consultant team, Fieldwork or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:

(a) oversee design and construction of the development; and

(b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

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

(a) the transport of materials, goods or commodities to or from land;

(b) the appearance of any buildings, works or materials;

(c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or

(d) the presence of vermin.

to the satisfaction of the Responsible Authority.

37. The use, operation of the car stacker and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

38. 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.

39. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

40. 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.

41. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

(a) Monday–Friday (excluding public holidays) before 7 am or after 6 pm;

(b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9am or after 3pm; or

(c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

42. 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.

(q) In preparing the Noise and Vibration Management Plan, consideration must be given to:

(i) using lower noise work practice and equipment;

(ii) the suitability of the land for the use of an electric crane;

(iii) silencing all mechanical plant by the best practical means using current technology;

(iv) fitting pneumatic tools with an effective silencer;

(v) other relevant considerations; and

(vi) any site-specific requirements.

During the construction:

(r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;

(s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;

(t) vehicle borne material must not accumulate on the roads abutting the land;

(u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and

(v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Time expiry

43. This permit will expire if:

(a) the development is not commenced within two years of the date of this permit; or

(b) the development is not completed within four years of the date of this permit;

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

Notes:

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.

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.

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

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

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

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

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

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

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.

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

On the Queens Parade frontage of the site, pole No. 27888 (a former tram pole) is currently being used as a stay for a CitiPower electrical pole (with the same number located) about 4m west of the stay. It appears that stay is located near the edge of the new vehicle crossing. Comment from CitiPower should be sought to ascertain whether the stay could be removed or relocated.

Currently kerbside parking along the front of the development is designated as a Bus Zone and partially (eastern section in front of 267 -269 Queens Parade) as a loading zone. Given that this section of Queens Parade contains the tram/bus interchange, consultation with Public Transport Victoria would be required with respect to the construction of the new development and the management of the bus zone restrictions.

VicRoads is currently undertaking improvement of the Queens Parade interchange to facilitate safer pedestrian movement as well as ensure that pedestrian facilities are DDA compliant. The applicant should liaise with VicRoads in relation to the interchange works and the potential impacts on pedestrians once the development is operational.

Some of the existing overhead power lines along Queens Parade have been bundled. Advice from CitiPower is required whether additional works are required to ensure that overhead power lines are outside "No Go Zone".

In the event that contaminated groundwater seeps through the walls of the basement, this water must not be discharged into Council's stormwater drainage system under any circumstances. Any contaminated groundwater that is present within the site must be treated and disposed of in accordance with a Trade Waste Agreement and as per EPA guidelines and Melbourne Water/City West Water guidelines.

The construction works on site would result in the transportation of heavy vehicles, plant and equipment to the site via the Queens Parade service road. In addition, it is highly likely that underground services connections to the site would be made within the service road. The pavement surface of the Queens Parade service road will deteriorate after all construction and utility works for the site have been completed. Therefore, it is vital that the applicant profiles the existing wearing course of the Queens Parade service road outside the development frontage and laying an asphalt overlay (around 40 to 50 mm thick). These works would ensure that there is a neat finish, rather than resulting in a 'patch-work quilt' appearance of the road once all works have been completed.

VicRoads Notes

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

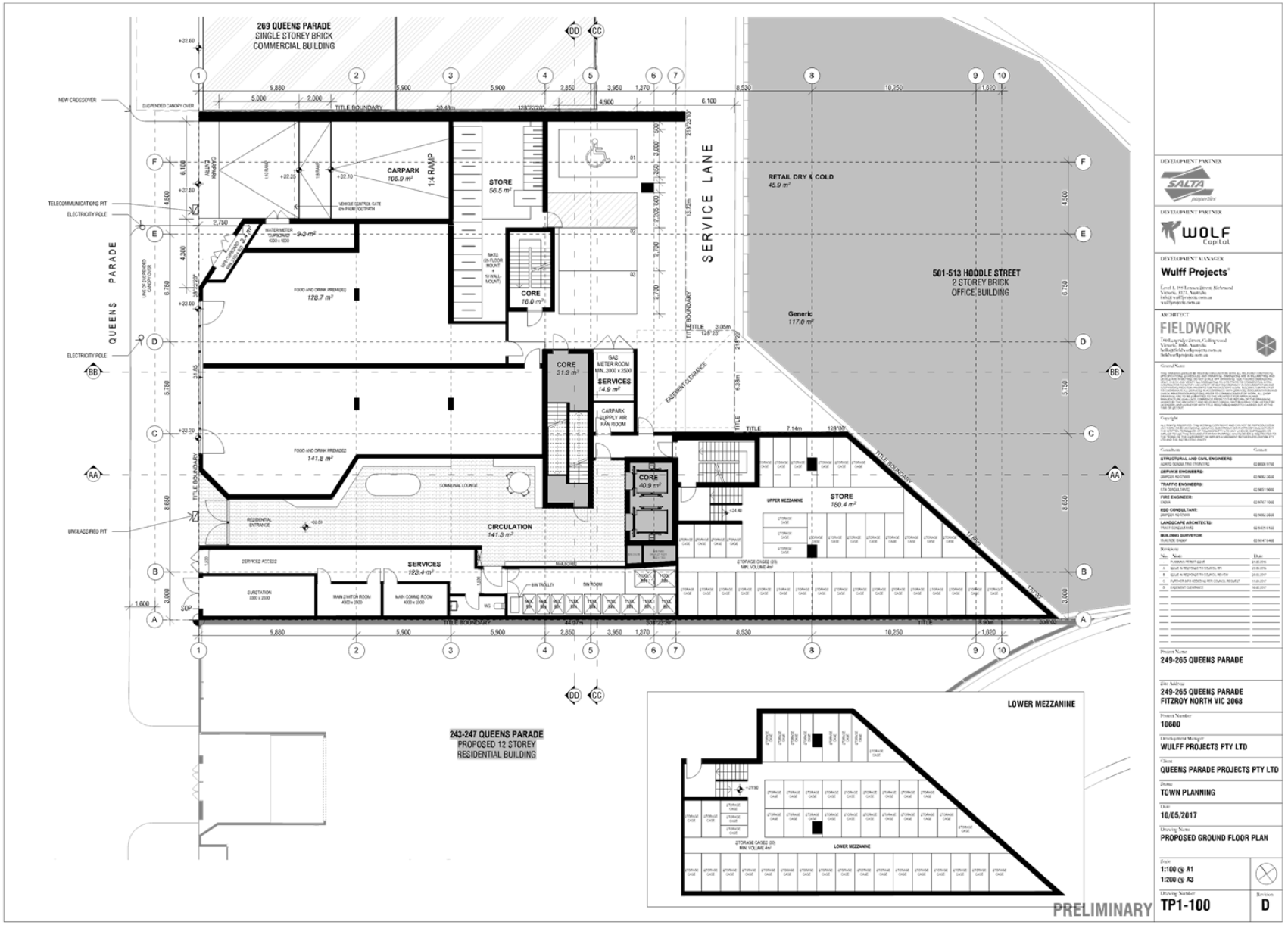
Separate Consent shall be required from VicRoads under the Road Management Act 2004 for all buildings and works (including projections, canopies, fixed shading devices, balcony framing etc) undertaken outside the title boundary within a Road Zone Category 1.

CONTACT OFFICER: **Vicky Grillakis**
TITLE: **Principal Planner**
TEL: **92055124**

Attachments

1 PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - subject land
2 PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans
3 PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - external urban design comments - amended plans
4 PLN16/0494-05 - 249 -265 Queens Parade Clifton Hill - Additional Urban Design comments
5 PLN16/0494-05 - 249 -265 Queens Parade Clifton Hill - referrals
6 PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - vicroads referral comments
7 PLN16/0494-05 - 249 -265 Queens Parade Clifton Hill - PTV referral comments
8 PLN16/0494-05 - 249 -265 Queens Parade Clifton Hill - victrack comments

Attachment 1 - PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - subject land



Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans

249 QUEENS PARADE
249-265 QUEENS PARADE FITZROY NORTH VIC 3068

TOWN PLANNING DRAWINGS
11/04/2017

ARCHITECTURAL DRAWINGS SCHEDULE

DRAWING NO.	DRAWINGS TITLE
TP0-000	COVER SHEET
TP0-101	EXISTING CONTEXT PLAN
TP1-0B1	PROPOSED BASEMENT 1 PLAN
TP1-0B2	PROPOSED BASEMENT 2 PLAN
TP1-100	PROPOSED GROUND FLOOR PLAN
TP1-101	PROPOSED LEVEL 01 PLAN
TP1-102	PROPOSED LEVEL 02 PLAN
TP1-103	PROPOSED LEVEL 03 PLAN
TP1-104	PROPOSED LEVEL 04 PLAN
TP1-105	PROPOSED LEVEL 05 PLAN
TP1-106	PROPOSED LEVEL 06 PLAN
TP1-107	PROPOSED LEVEL 07 PLAN
TP1-108	PROPOSED LEVEL 08 PLAN
TP1-109	PROPOSED LEVEL 09 PLAN
TP1-110	PROPOSED LEVEL 10 PLAN
TP1-111	PROPOSED LEVEL 11 PLAN
TP1-112	PROPOSED LEVEL 12 PLAN
TP1-113	PROPOSED LEVEL 13 PLAN
TP1-114	PROPOSED LEVEL 14 PLAN
TP1-115	PROPOSED LEVEL 15 PLAN
TP1-116	PROPOSED LEVEL 16 PLAN
TP1-117	PROPOSED ROOF PLAN
TP2-100	EXISTING/DEMOLITION & PROPOSED ELEVATION - QUEENS PARADE
TP2-101	EXISTING/DEMOLITION & PROPOSED ELEVATION - HODDLE STREET
TP2-102	PROPOSED NORTH WEST ELEVATION
TP2-103	PROPOSED NORTH EAST ELEVATION
TP2-104	PROPOSED SOUTH EAST ELEVATION
TP2-105	PROPOSED SOUTH WEST ELEVATION
TP3-100	PROPOSED SECTIONS AA, BB
TP3-101	PROPOSED SECTIONS CC, DD
TP3-102	PROPOSED STREET SECTION - QUEENS PARADE
TP4-100	SUN SHADING ANALYSIS_SEP 22 9:00
TP4-101	SUN SHADING ANALYSIS_SEP 22 10:00
TP4-102	SUN SHADING ANALYSIS_SEP 22 11:00
TP4-103	SUN SHADING ANALYSIS_SEP 22 12:00
TP4-104	SUN SHADING ANALYSIS_SEP 22 13:00
TP4-105	SUN SHADING ANALYSIS_SEP 22 14:00
TP4-106	SUN SHADING ANALYSIS_SEP 22 15:00
TP4-107	MATERIAL SCHEDULE
TP4-108	FACADE REFERENCES

SYSTEM CODES AND TAGS

ADJ	ADJUSTABLE SHELF	EA	EQUAL ANGLES MS SEC	LC	LAUNDRY CHUTE	TD	TRENCH DRAIN
AL	ALUMINIUM	EF	EXTERNAL FINISH	MIR	MIRRORED	TG	TRENCH GRATE
AW	AWNING WINDOW	EWS	EARLY WARNING INTERCOM. SYSTEM	MR	MOISTURE RESISTANT	TGW	TOUGHENED GLASS WINDOWS
B	BASIN	EX	EXISTING	MS	MILD STEEL	U/G	UNDERGROUND
BA	BALUSTRADE	FC	FIBRE CEMENT SHEET	MT	MITRE JOINT	WC	TOILET PAN
BG	BOX GUTTER	FCO	FIRE COLLARS	MWV	MICROWAVE OVEN	WD	WASHING MACHINE/ DRYER
BL	BLINDS	FG	FIXED GLAZING	P	PANTRY	WMB	WATERPROOF MEMBRANE
BR	BIKE RACK	FGF	FIBRE GLASS FIBEL	PB	PLANTER BOX		
CB	CEILING BATTEN	FH	FIRE HOSE	PC	PRECAST RC CHANNEL		
CFW	CEMENT RENDERED FLOOR WASTE	FHR	FIRE HOSE REEL	RF	REFRIGERATOR		
COL	COLUMN	FP	FIXED PANEL	RW	RAINWATER		
CONC	CONCRETE	FR	FRIDGE	RWT	RAINWATER TANK		
COS	CHECK ON SITE	FW	FLOOR WASTE	SD	SLIDING DOOR		
CPD	CUPBOARD	GT	GATE	SG	SINGLE GLAZED		
CS	CLEANERS SINK	GD	GLAZED DOOR	SHS	MILD STEEL SECTION		
DB	DISTRIBUTION BOARD	HLW	HIGH LEVEL WINDOW	SK	SINK		
DG	DOUBLE GLAZED	HR	HANDRAIL	SL	SHADOWLINE		
DPC	DOWNPIPE - CONCEALED	HWS	HOT WATER SYSTEM	SPD	SPOON DRAIN		
DP	DOWNPIPE	HYD	FIRE HYDRANT	SR	SERVICES RISER		
DW	DISHWASHER	IC	IN-SITU CONCRETE	SU	SUMP		
		INS	INSULATION				

PRELIMINARY

DEVELOPMENT PARTNER
SALTA properties

DEVELOPMENT PARTNER
WOLF Capital

DEVELOPMENT MANAGER
Wulff Projects

ARCHITECT
FIELDWORK

General Notes

Copyright

Consultants	Contact
STRUCTURAL AND CIVIL ENGINEERS:	
SERVICE ENGINEERS:	
TRAFFIC ENGINEERS:	
FIRE ENGINEER:	
ESD CONSULTANT:	
LANDSCAPE ARCHITECTS:	
BUILDING SURVEYOR:	

Revisions

No.	Note	Date
-	PLANNING PERMIT ISSUE	31.05.2016
A	ISSUE IN RESPONSE TO COUNCIL RFI	22.06.2016
B	ISSUE IN RESPONSE TO COUNCIL REVIEW	19.12.2017
C	FURTHER INFO ADDED AS PER COUNCIL REQUEST	11.04.2017

Project Name
249-265 QUEENS PARADE

Site Address
249-265 QUEENS PARADE
FITZROY NORTH VIC 3068

Project Number
10600

Development Manager
WULFF PROJECTS PTY LTD

Client
QUEENS PARADE PROJECTS PTY LTD

Status
TOWN PLANNING

Date
11/04/2017

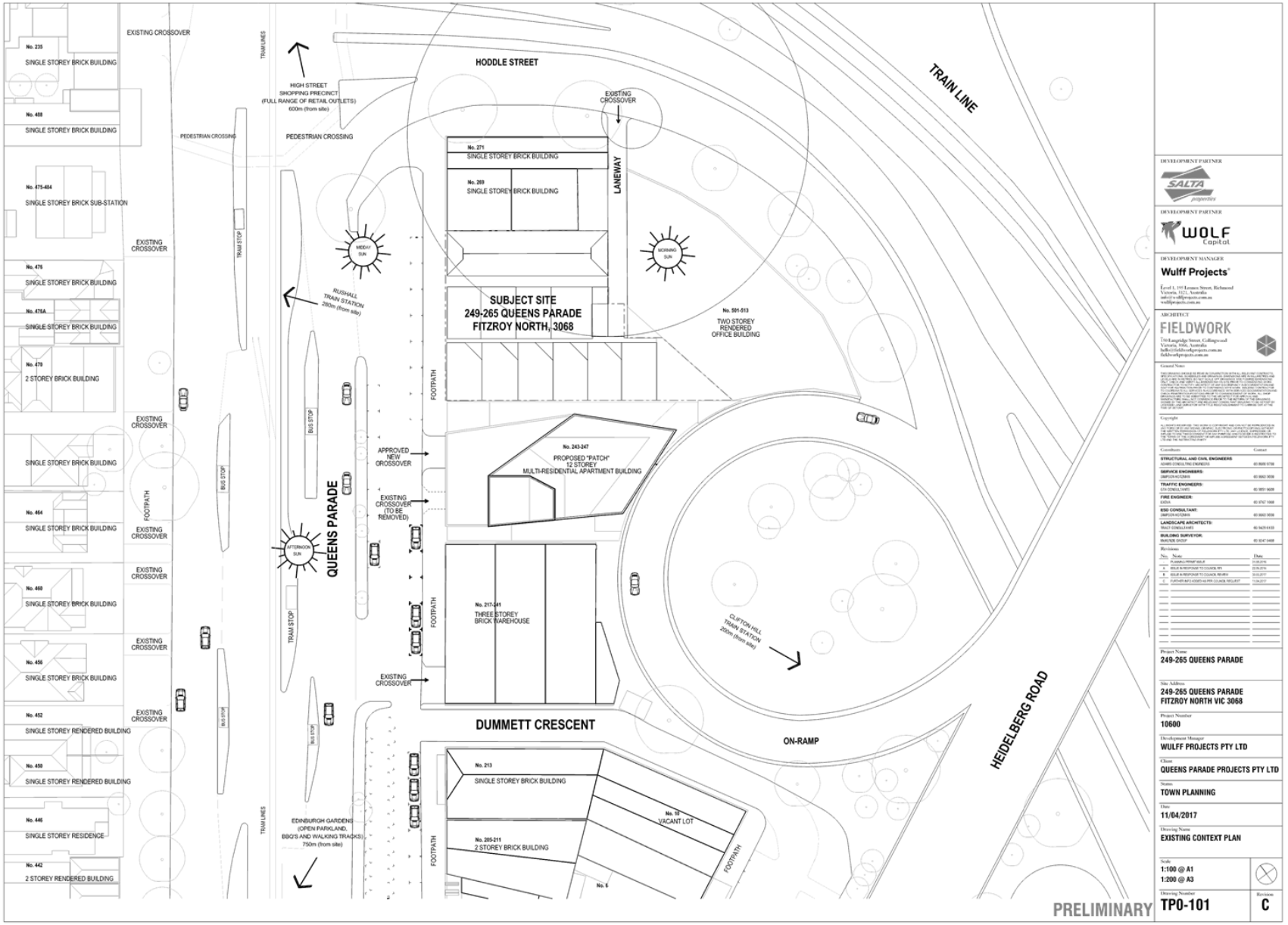
Drawing Name
COVER SHEET

Scale
1:100 @ A1
1:200 @ A3

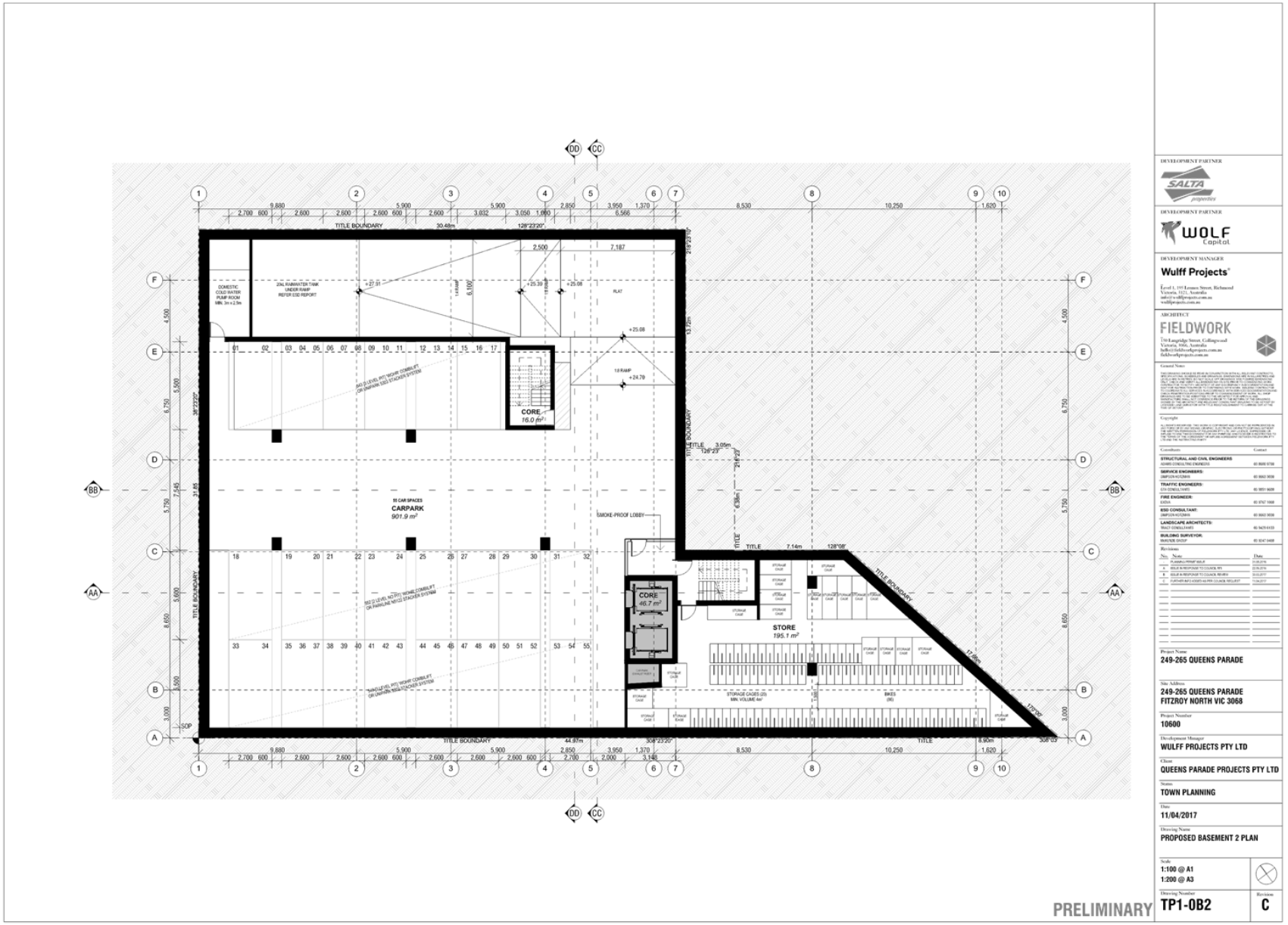
Drawing Number
TP0-000

Revision
C

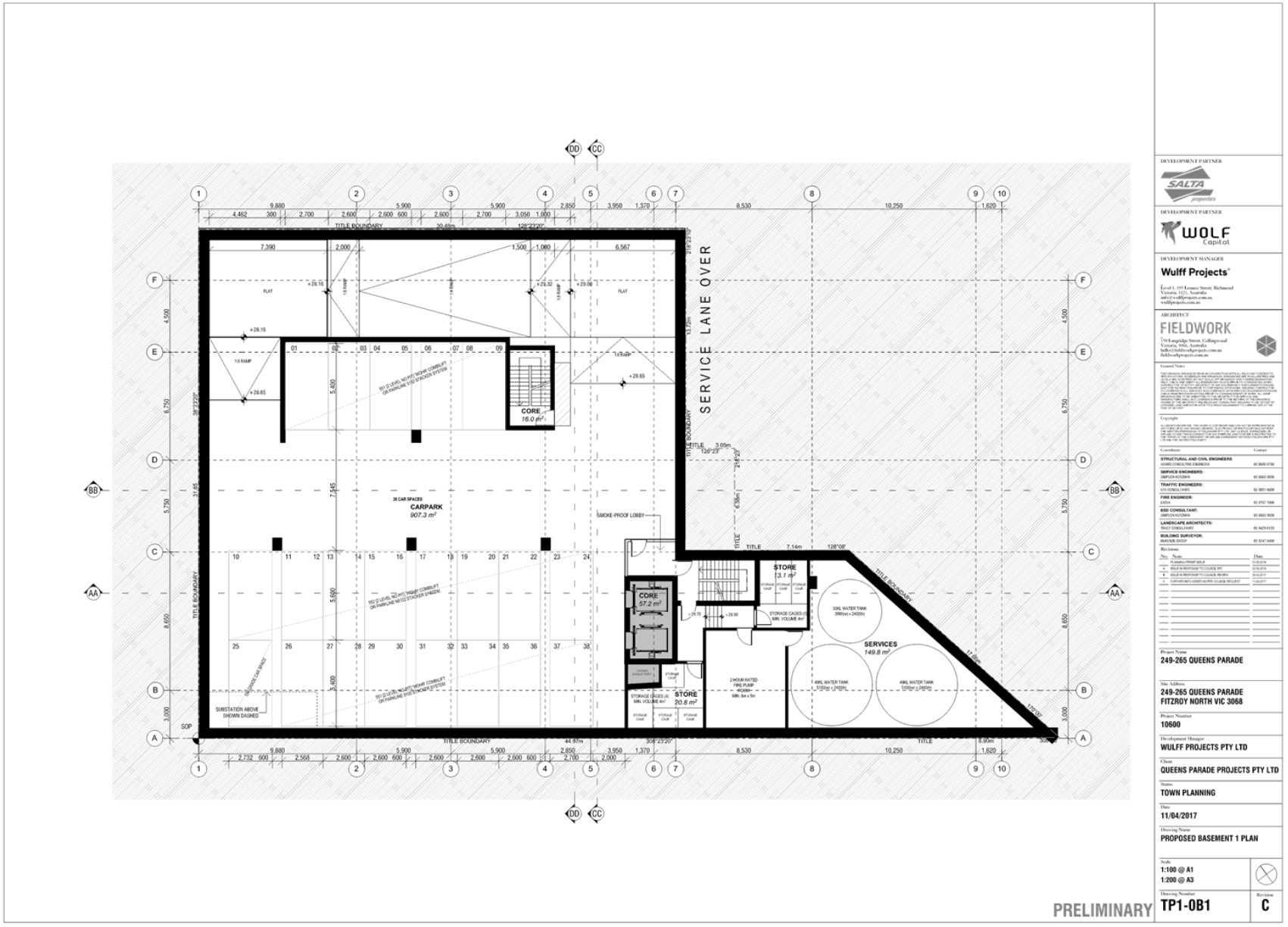
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



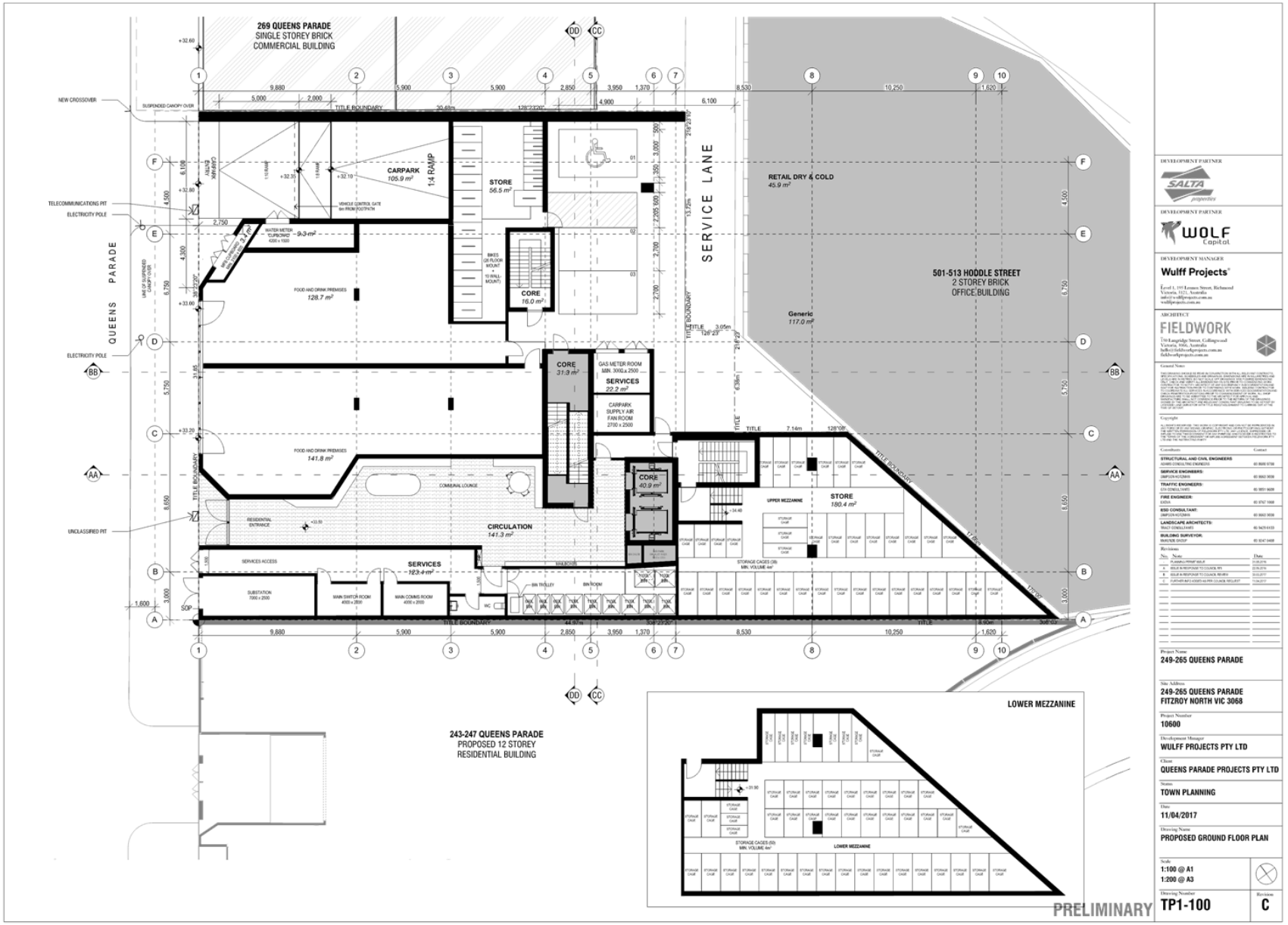
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



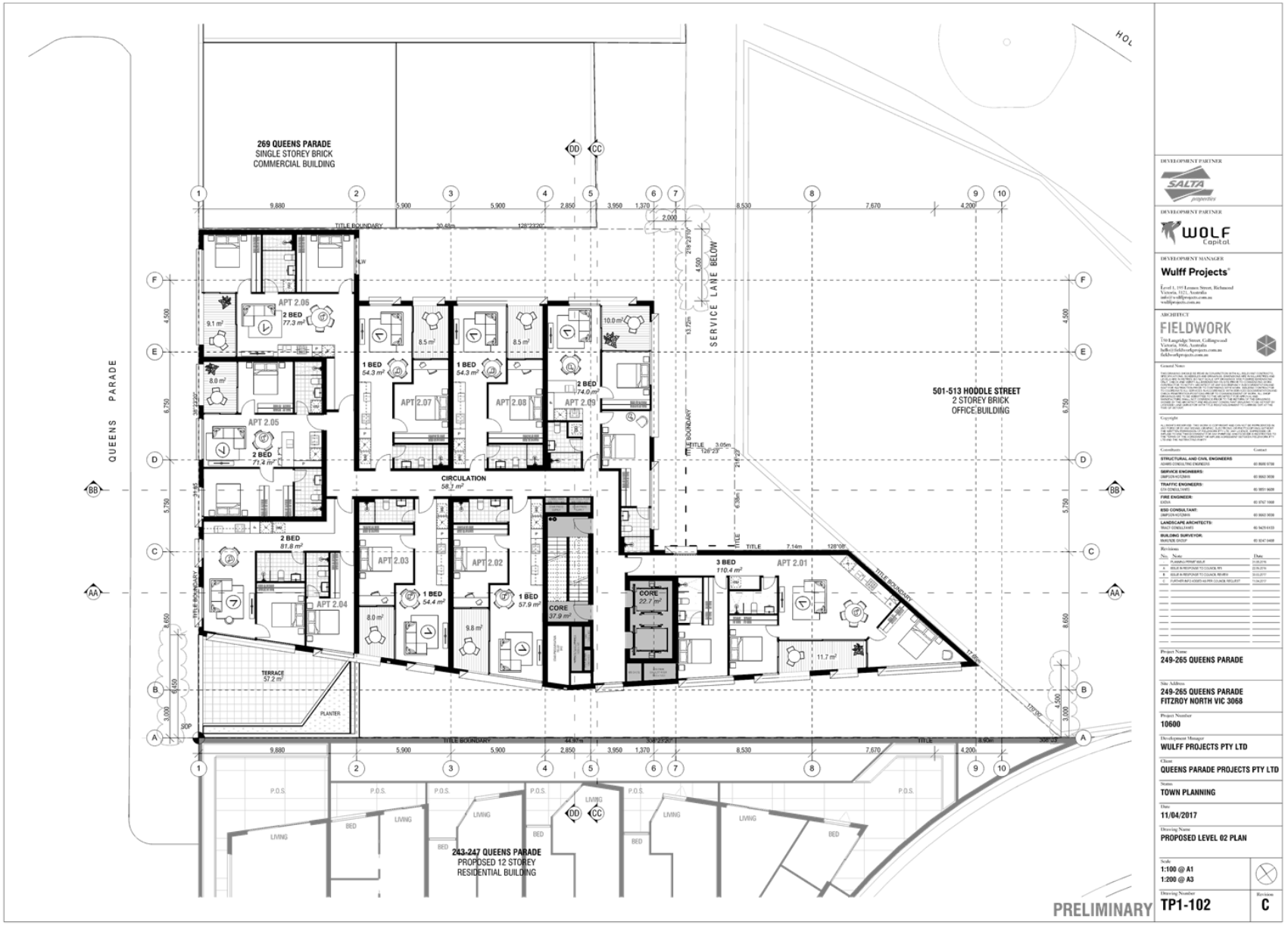
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



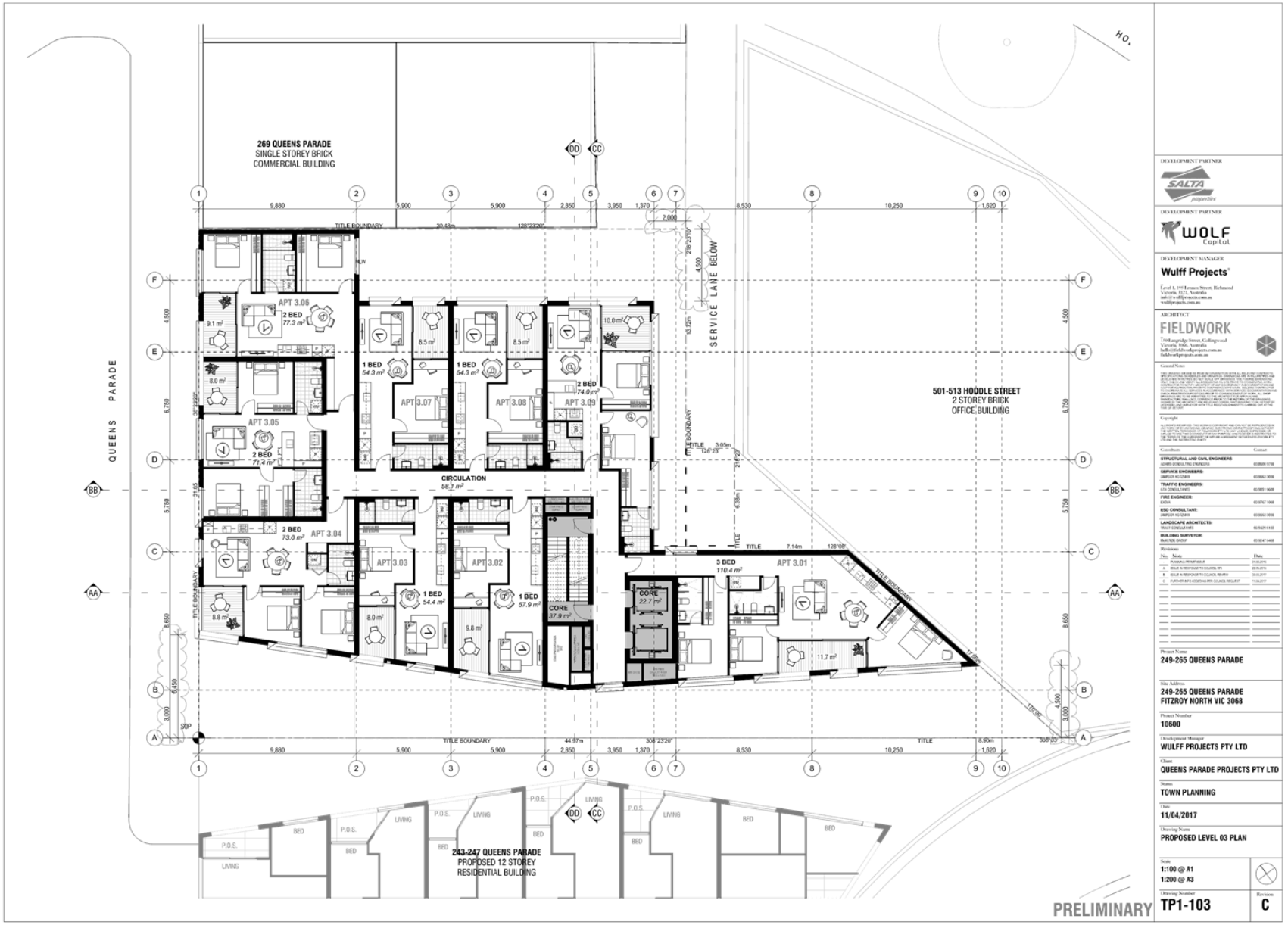
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



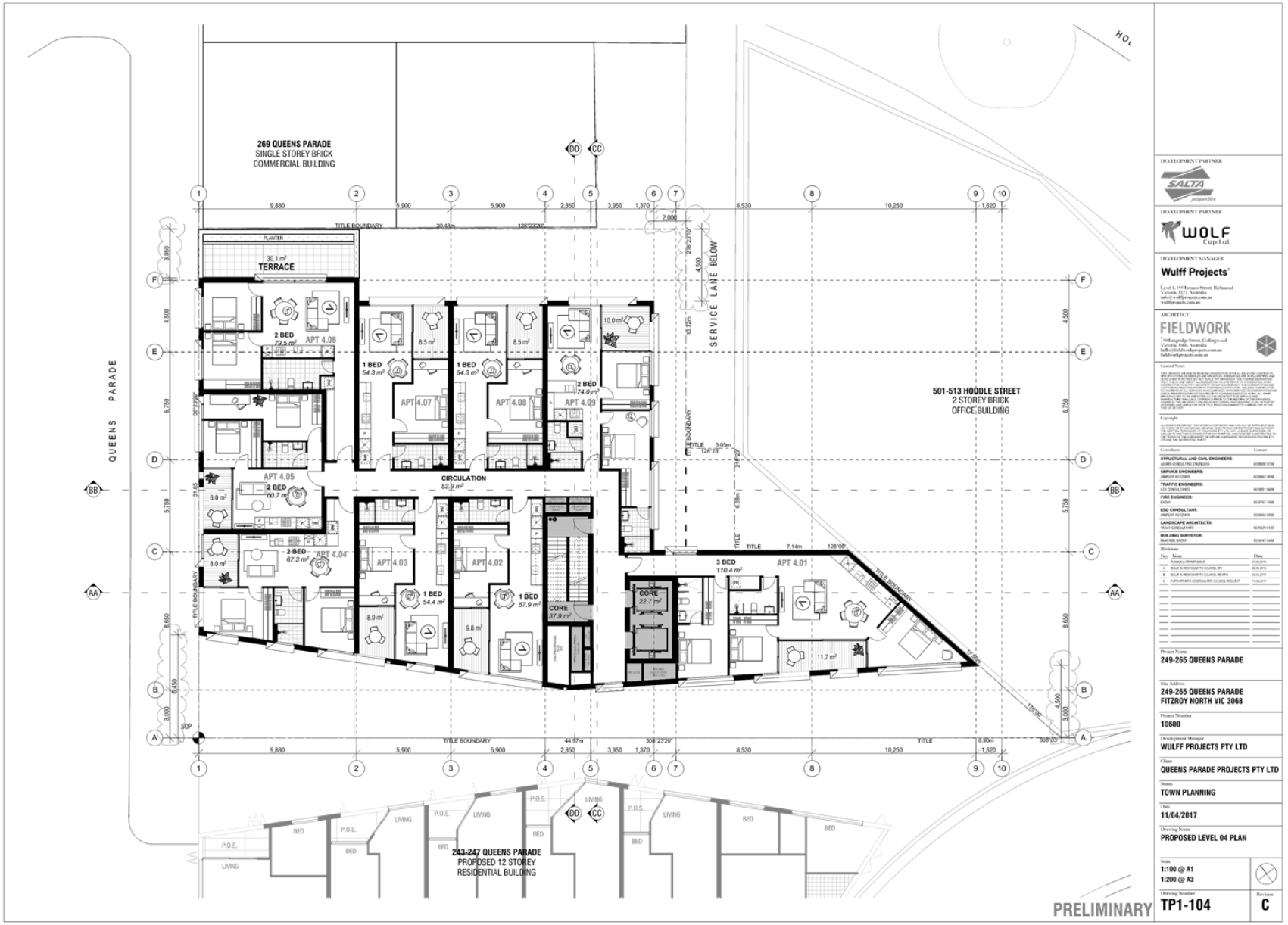
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



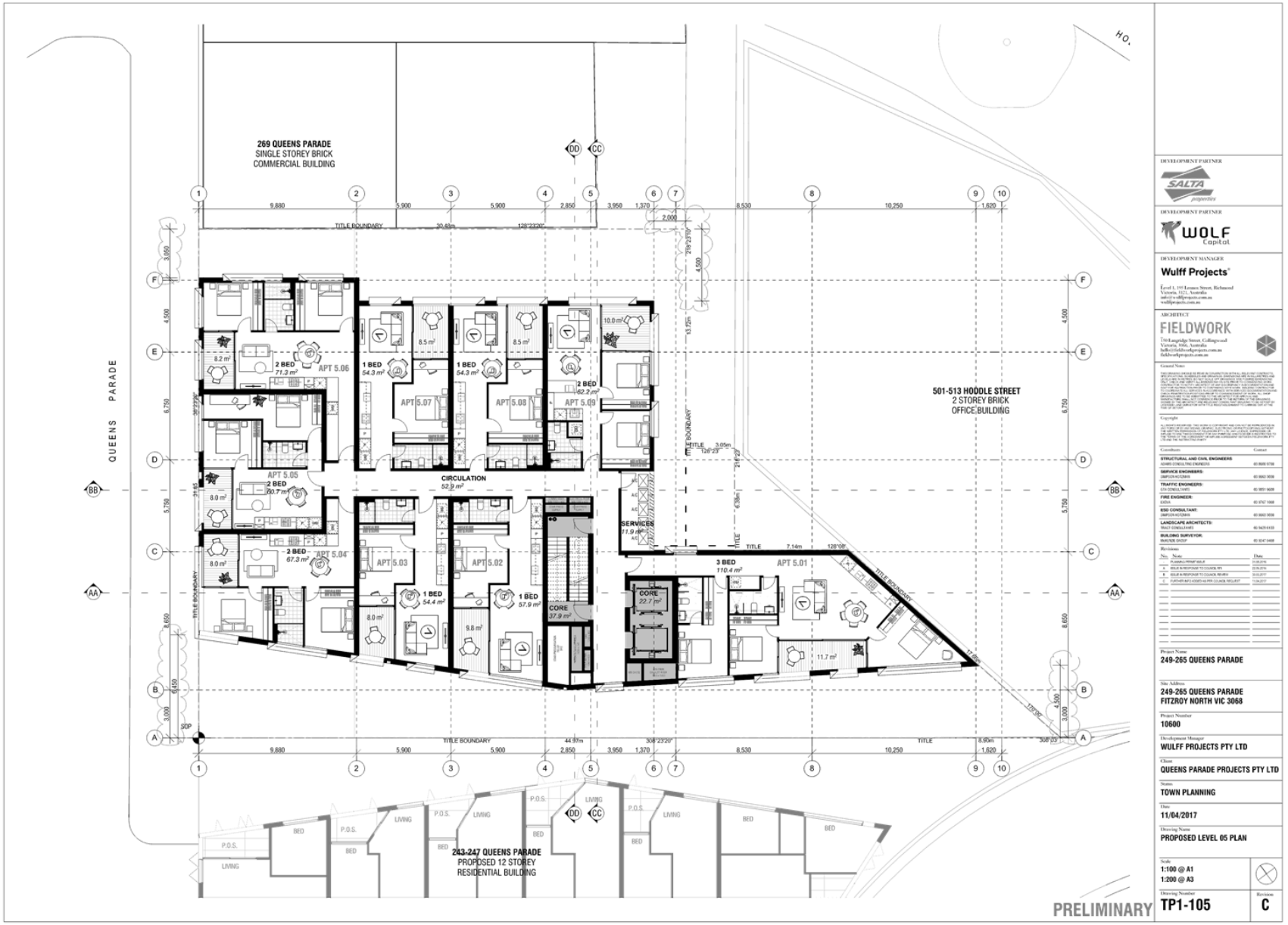
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



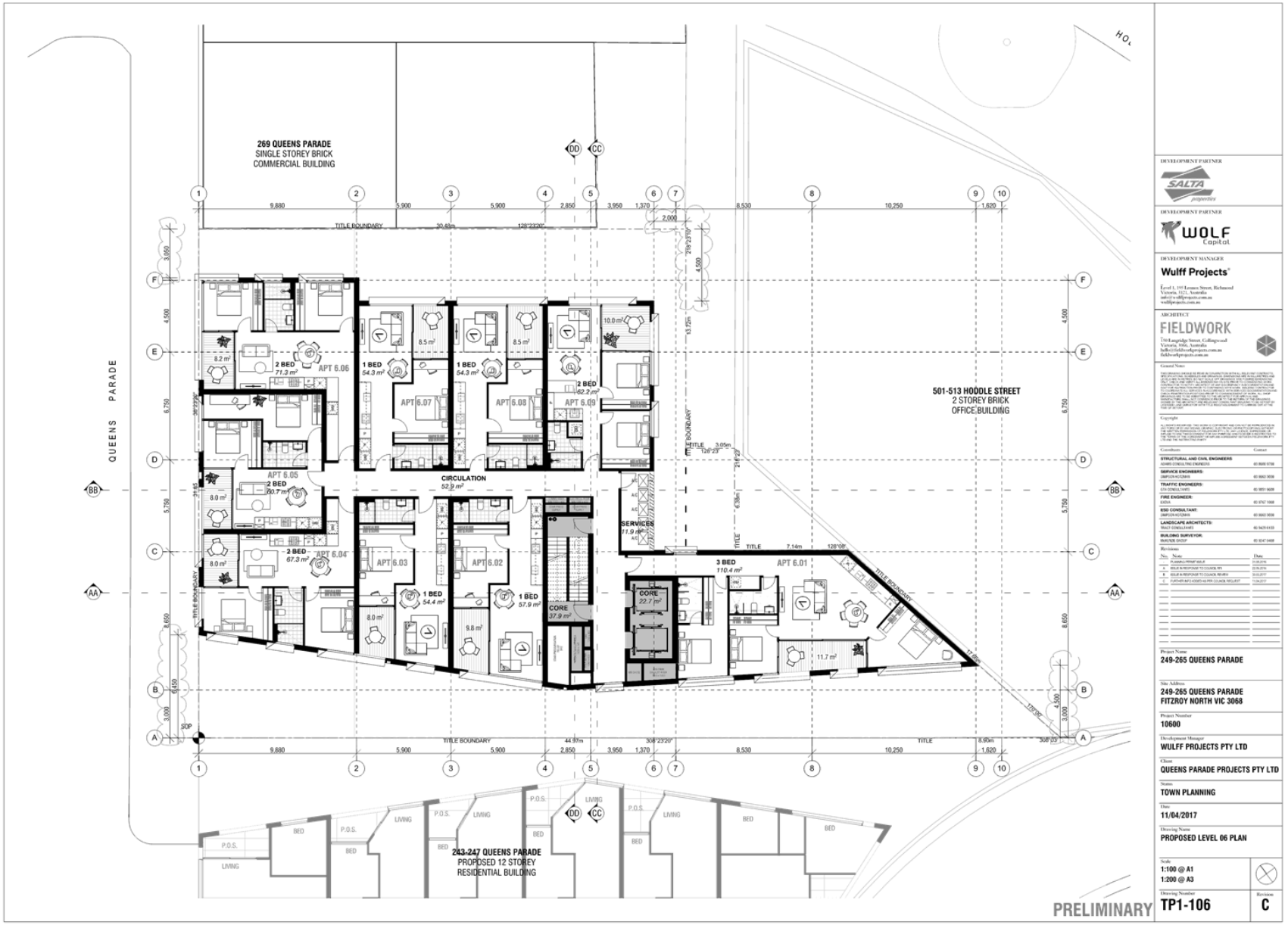
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



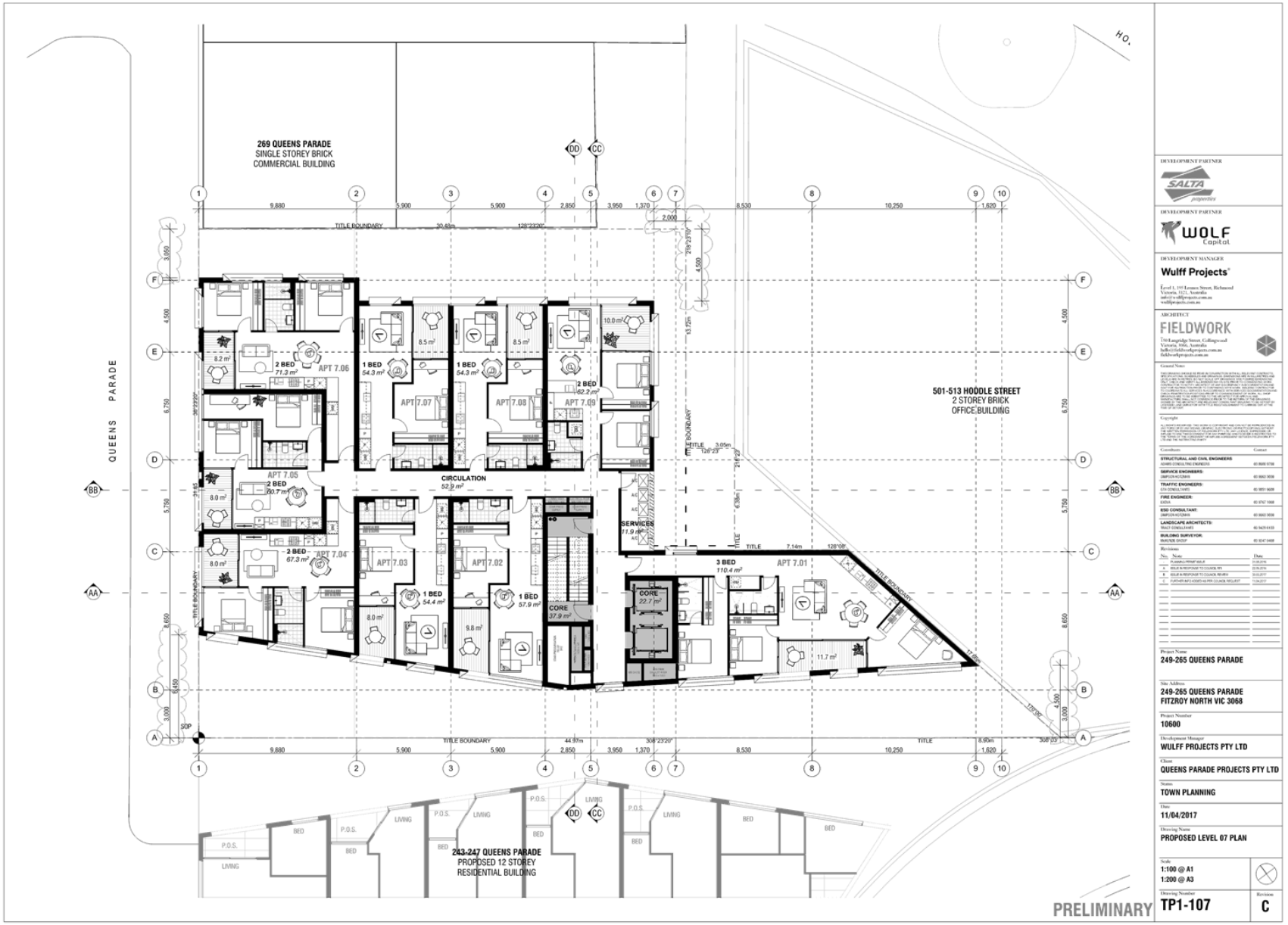
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



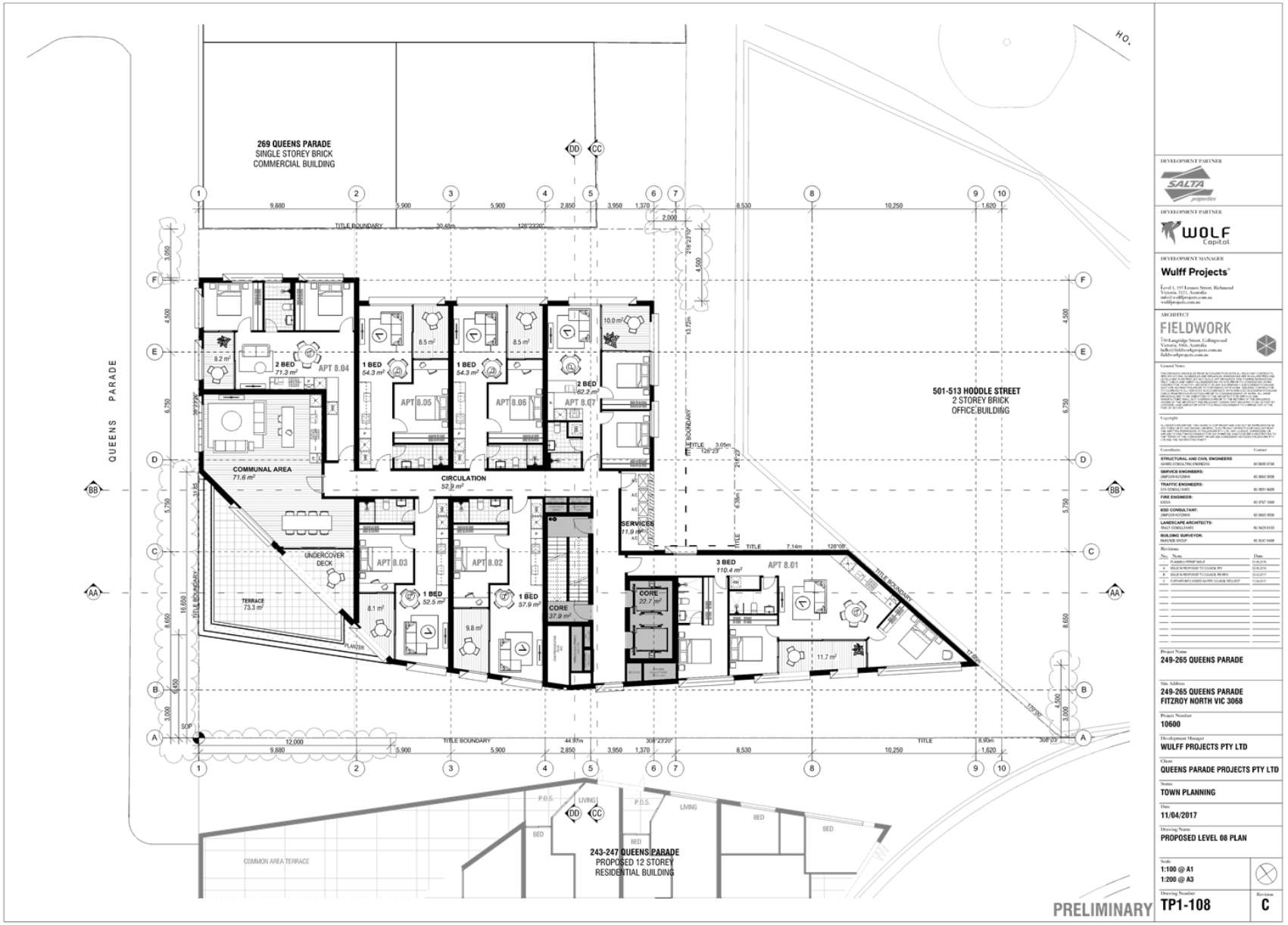
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



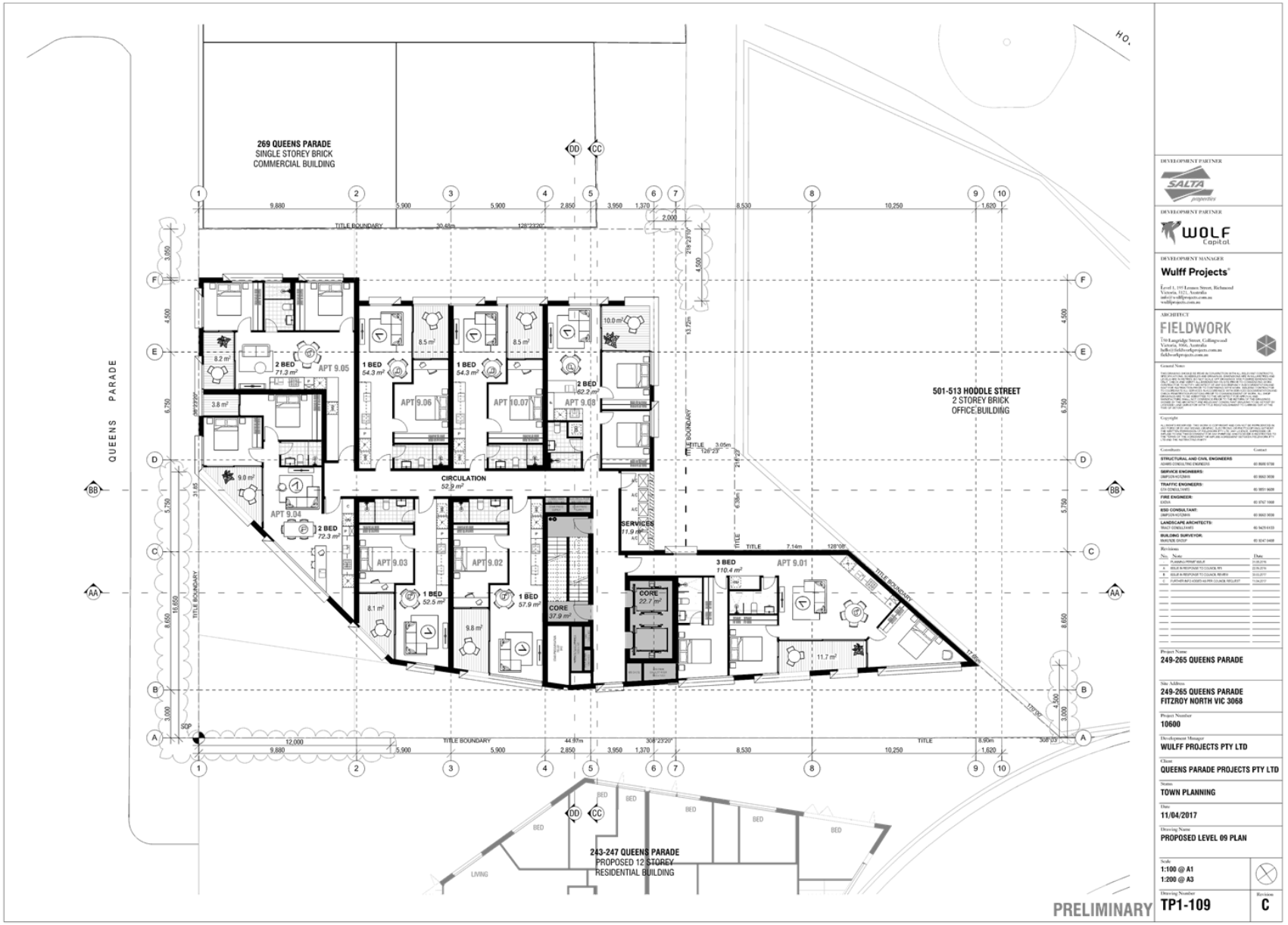
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



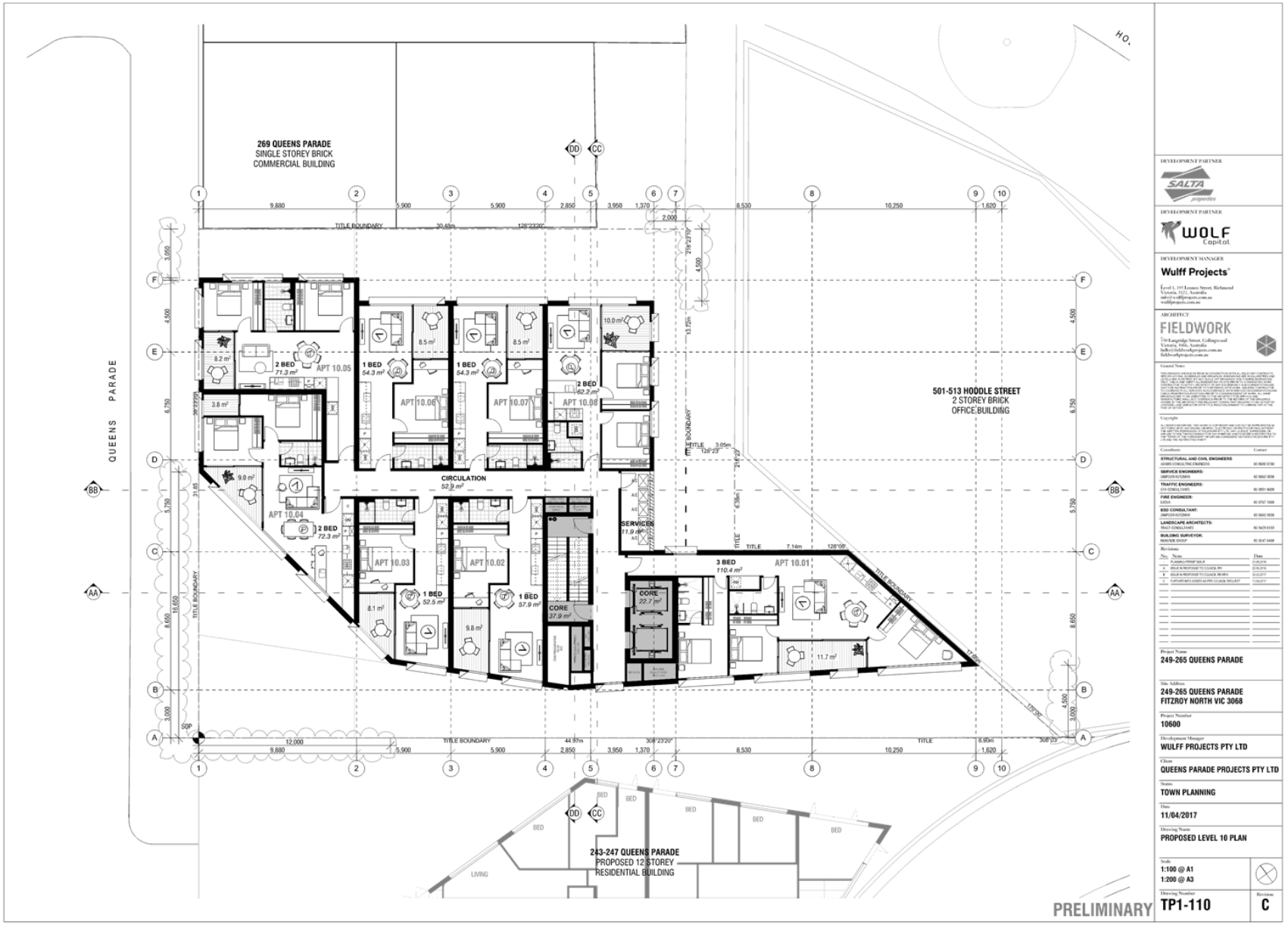
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



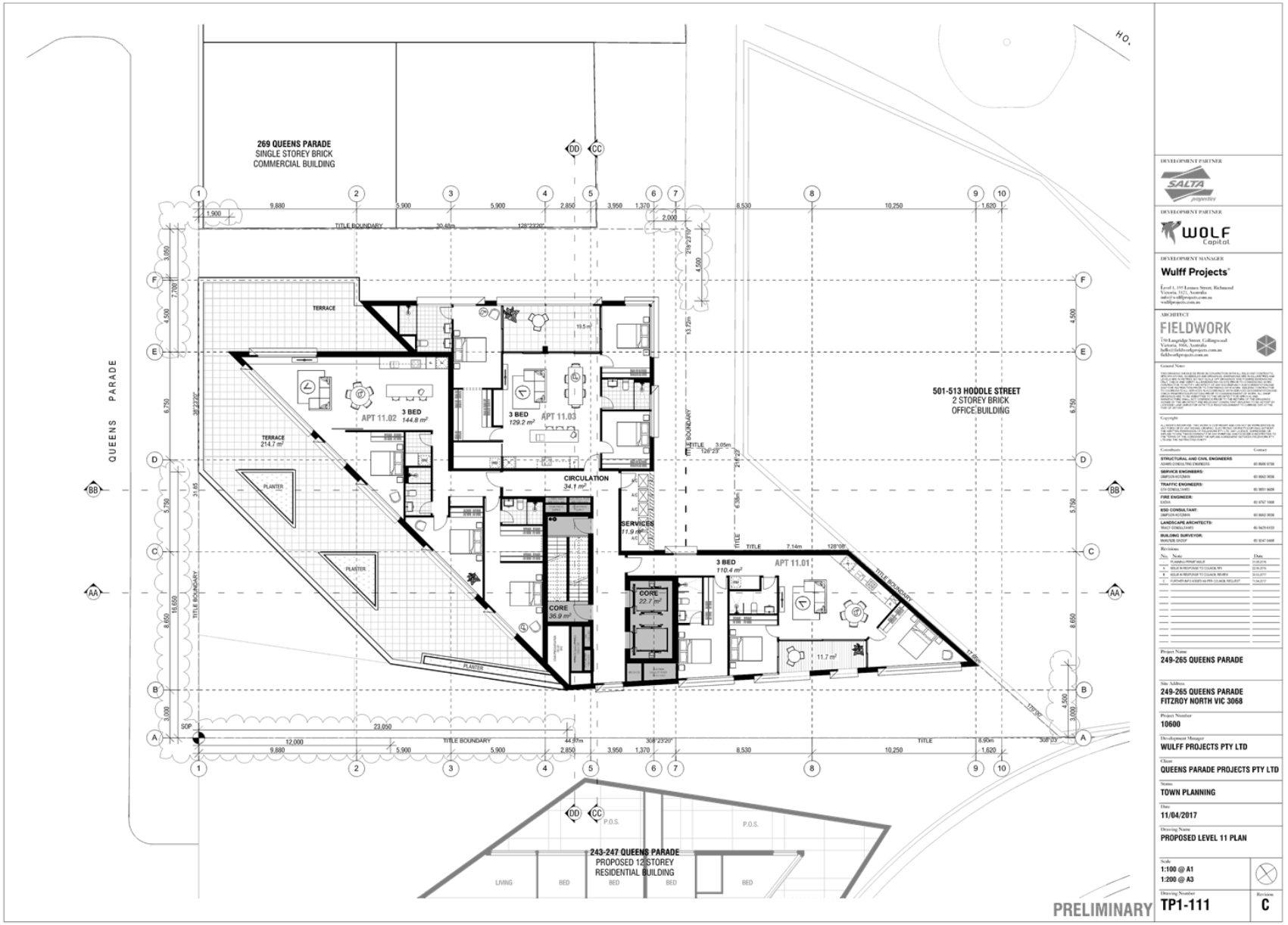
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



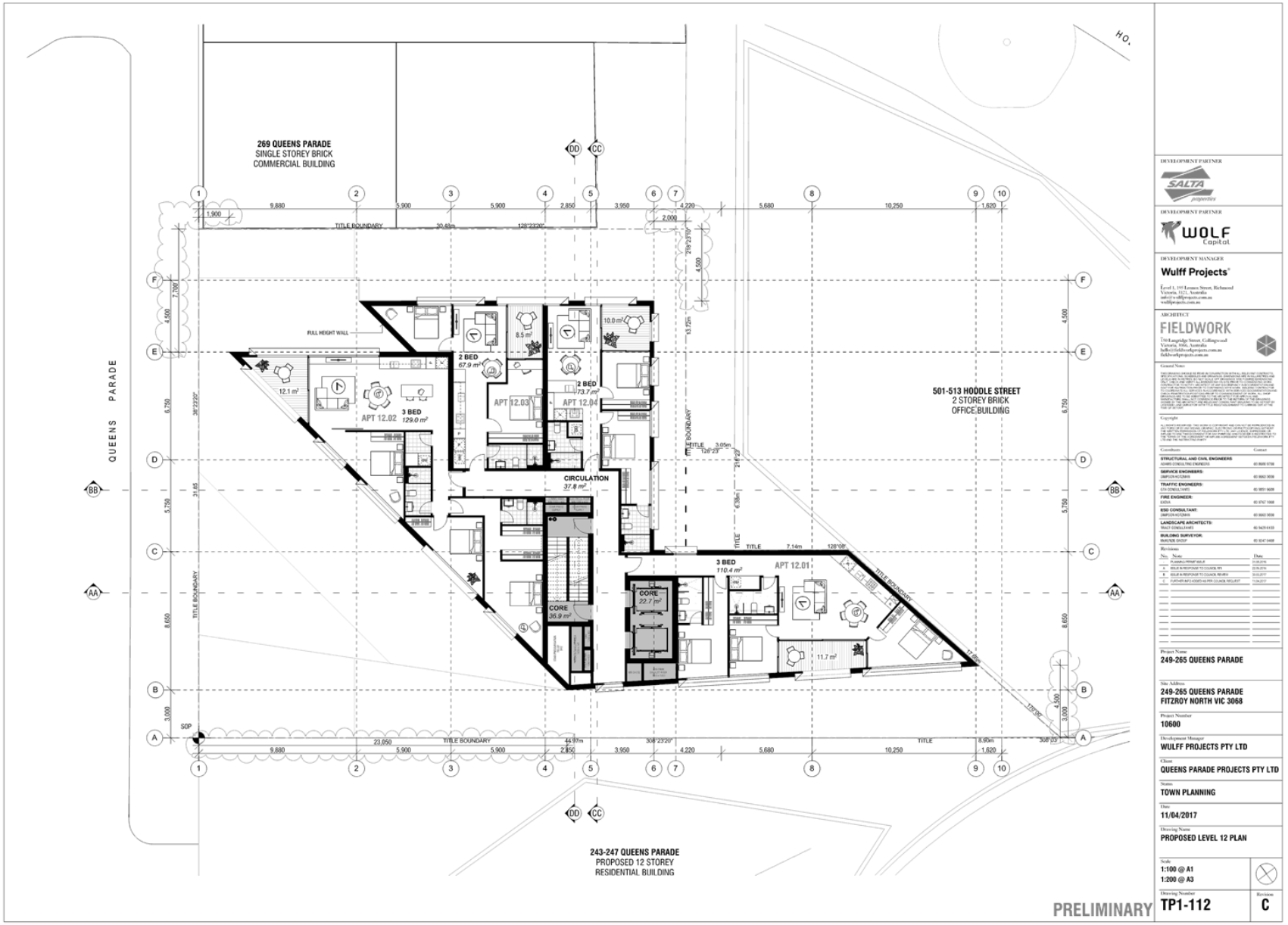
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



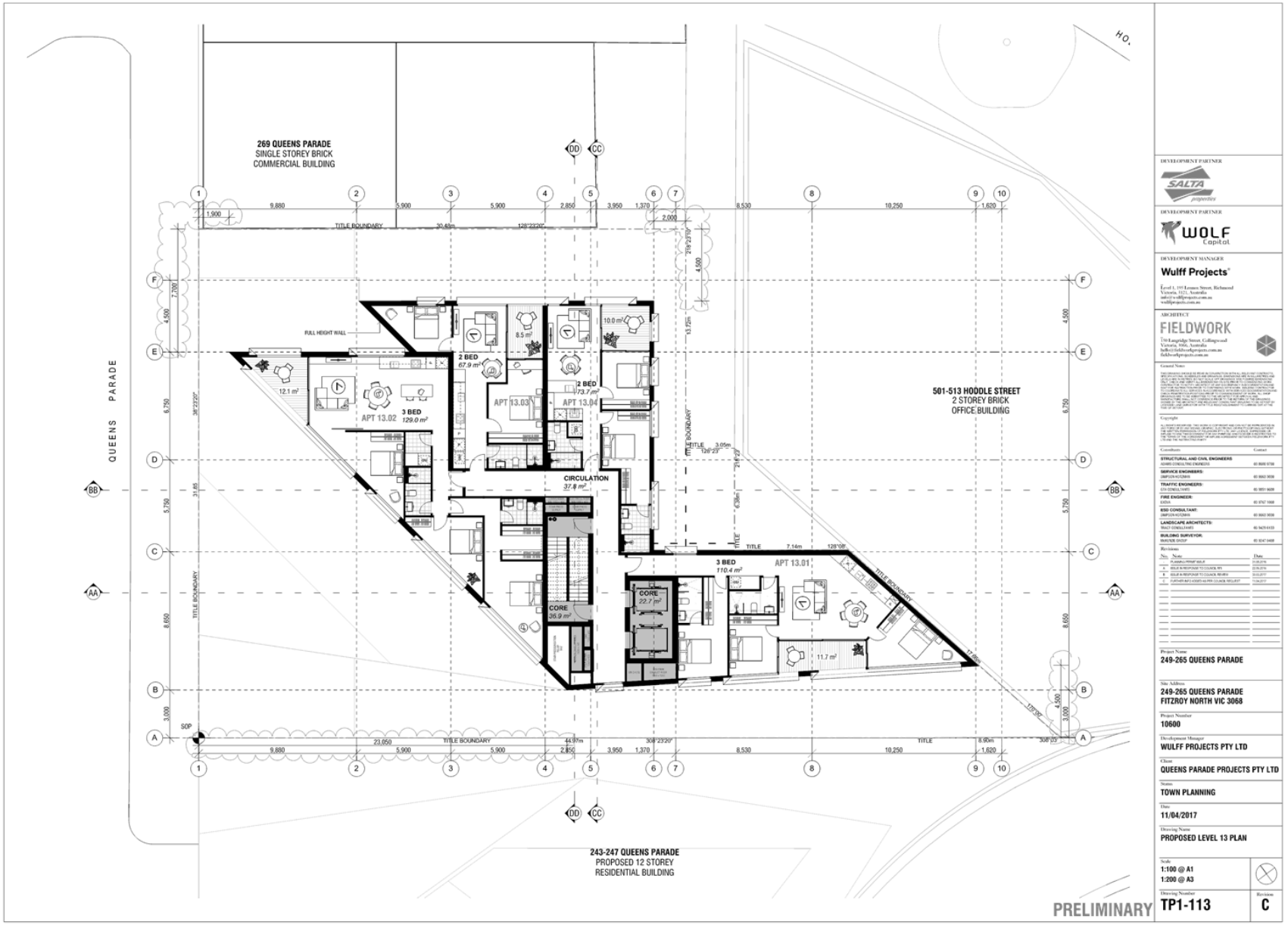
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



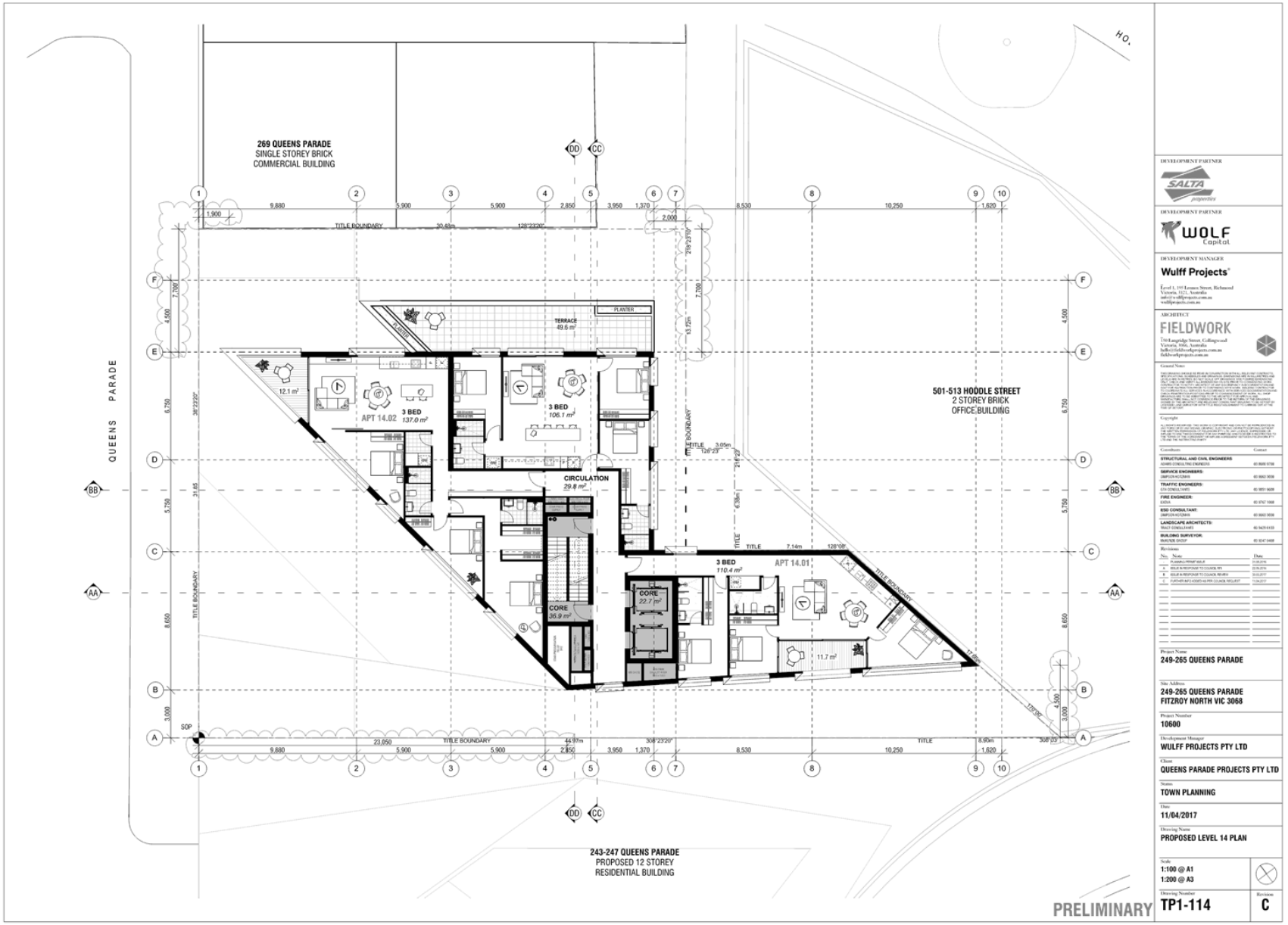
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



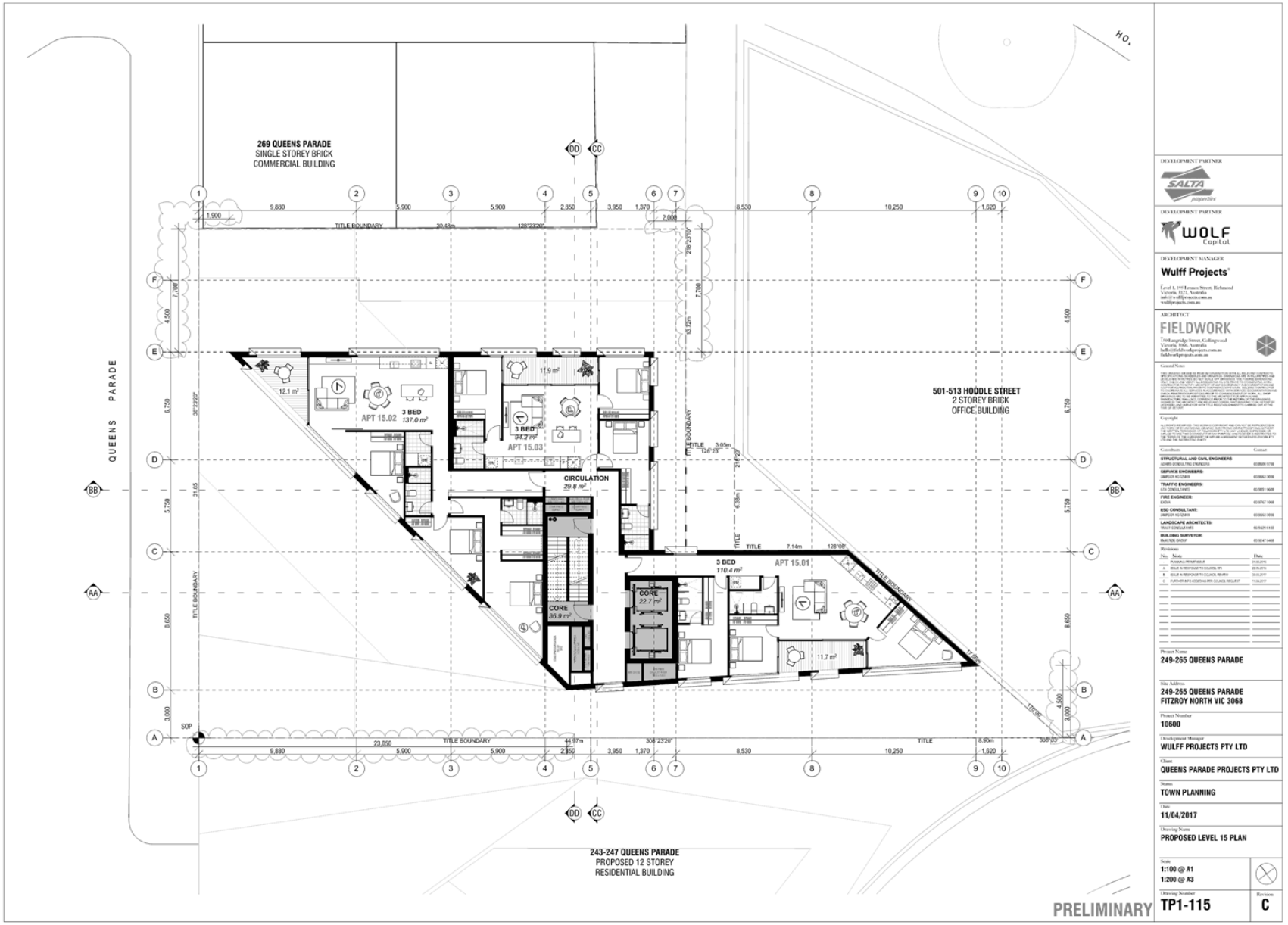
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



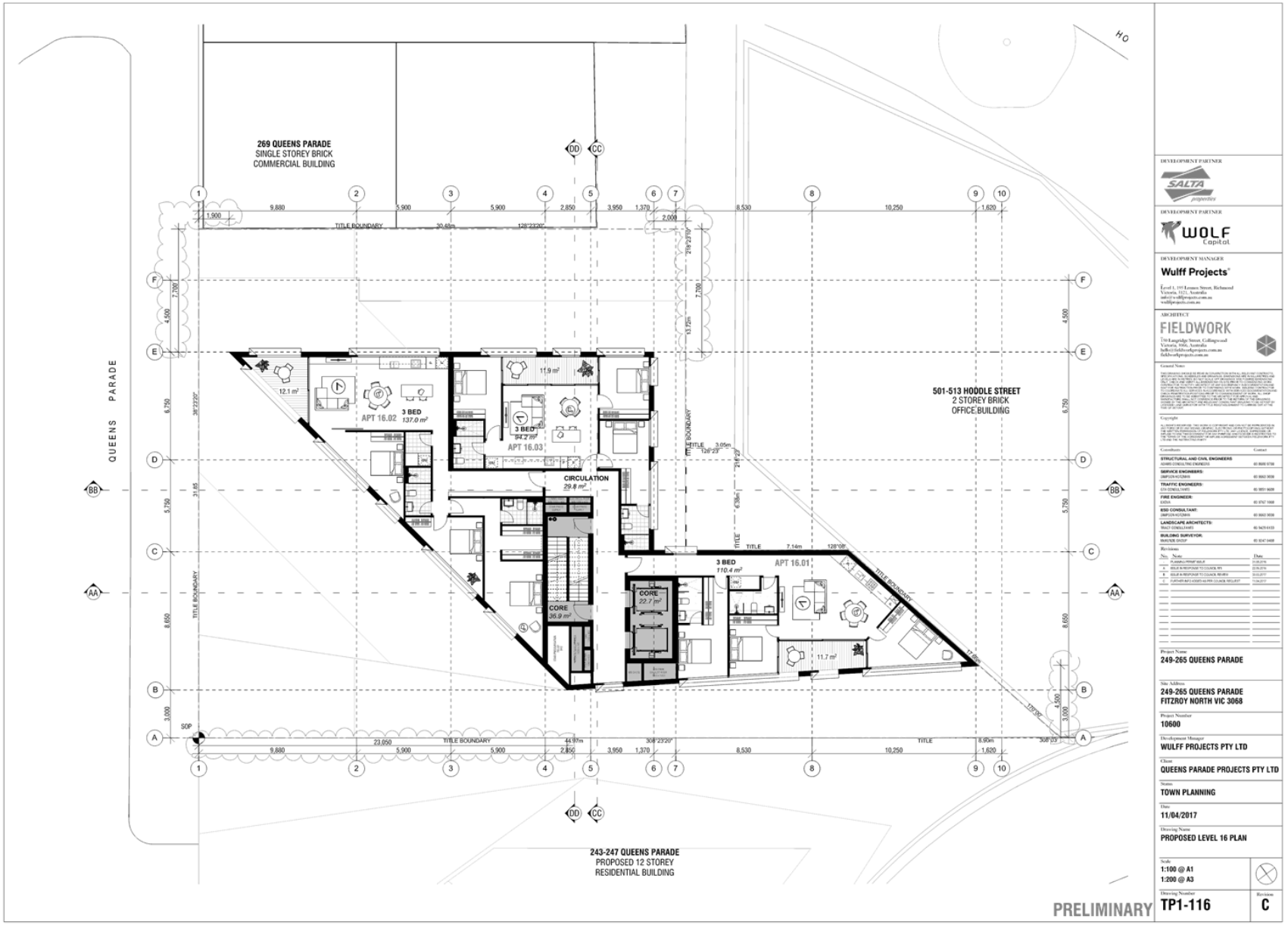
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



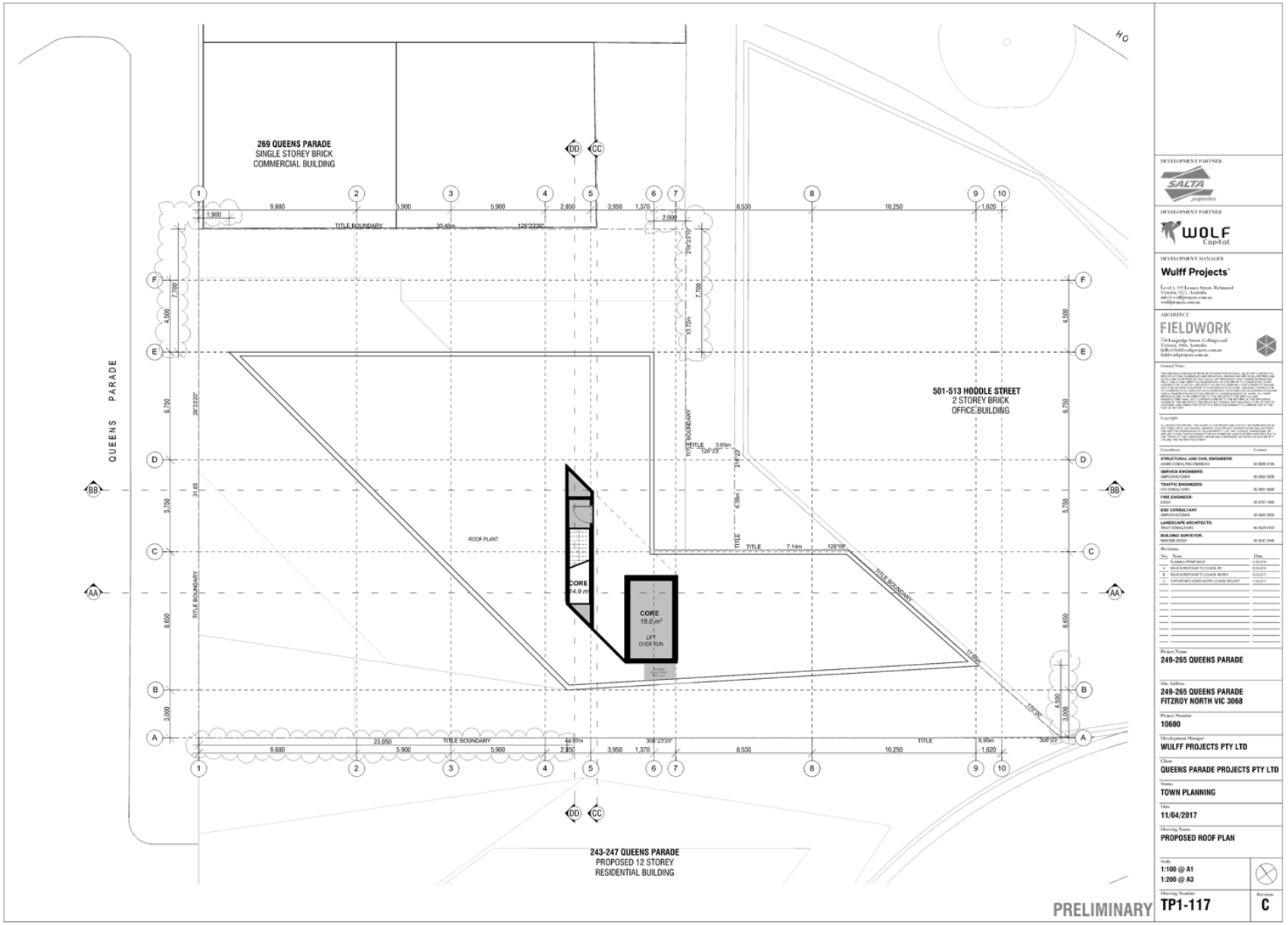
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



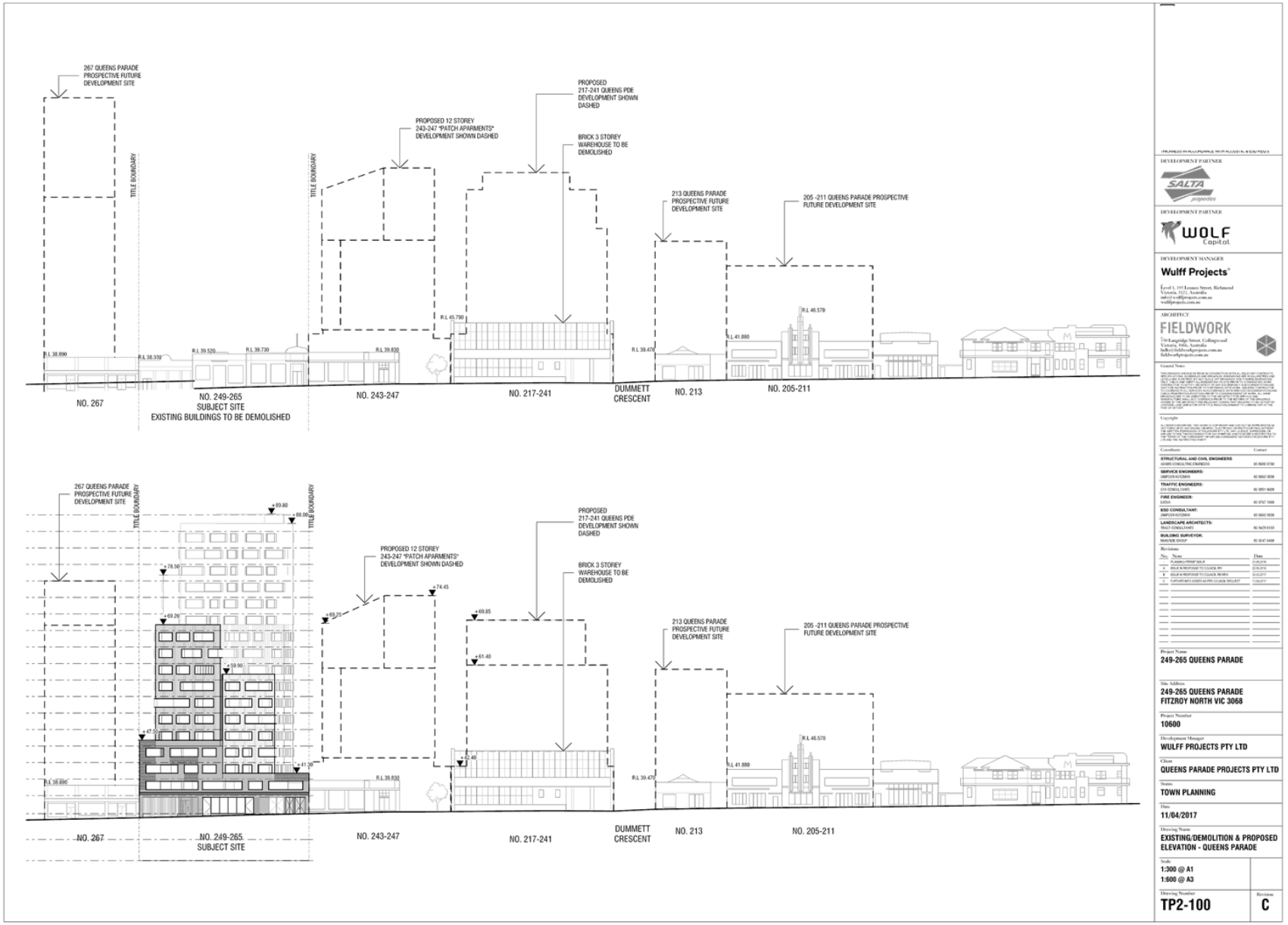
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



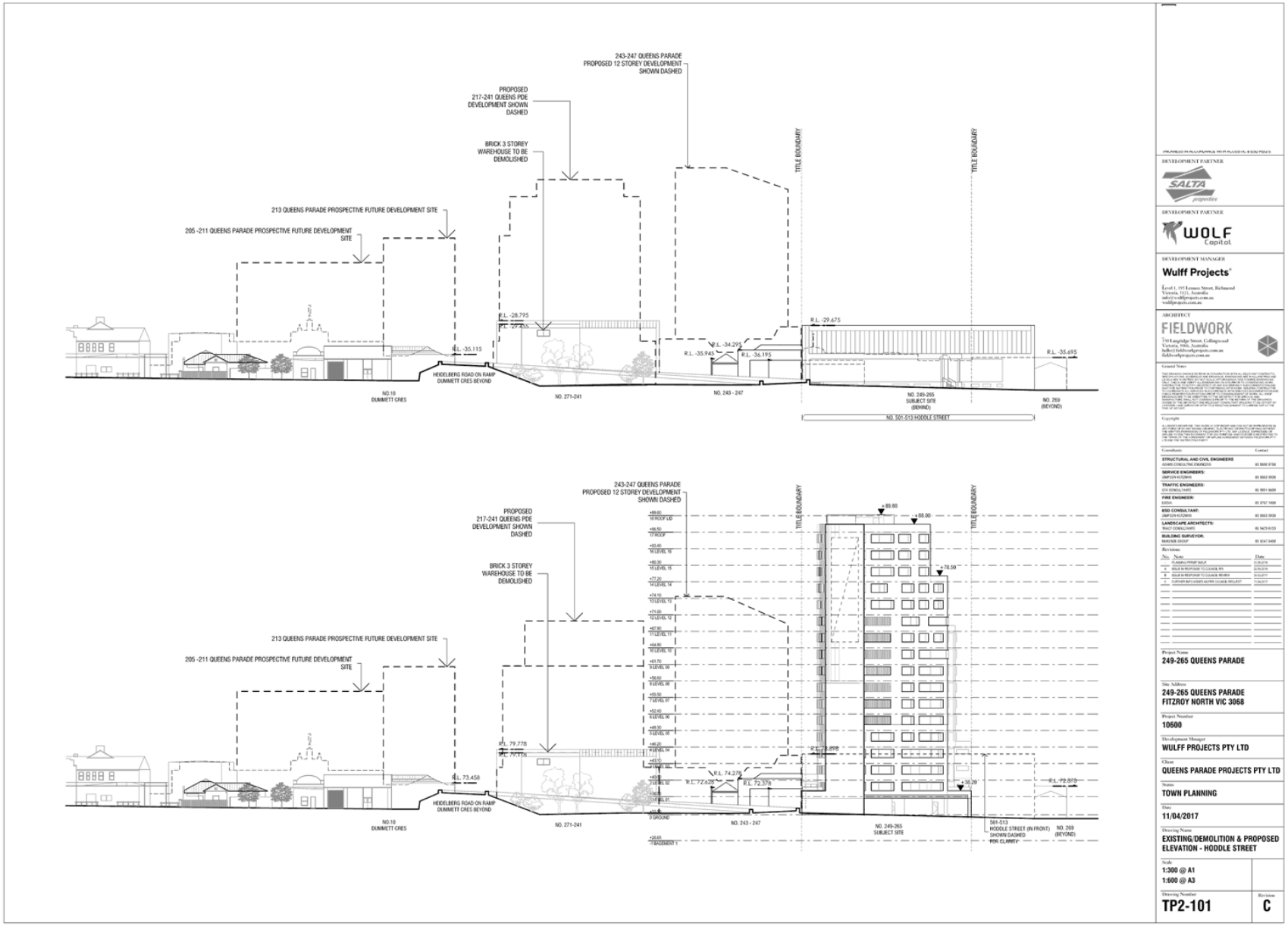
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



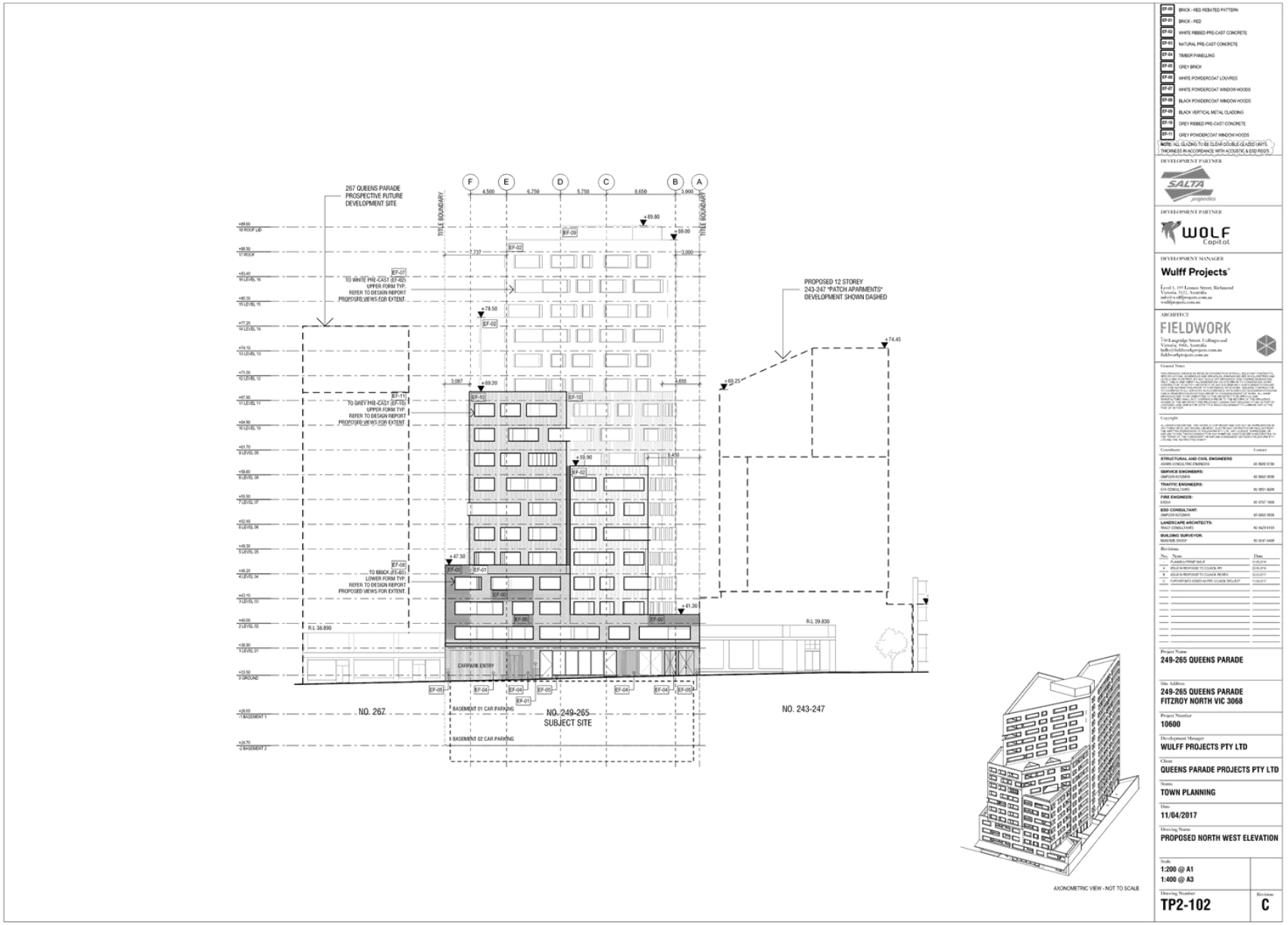
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



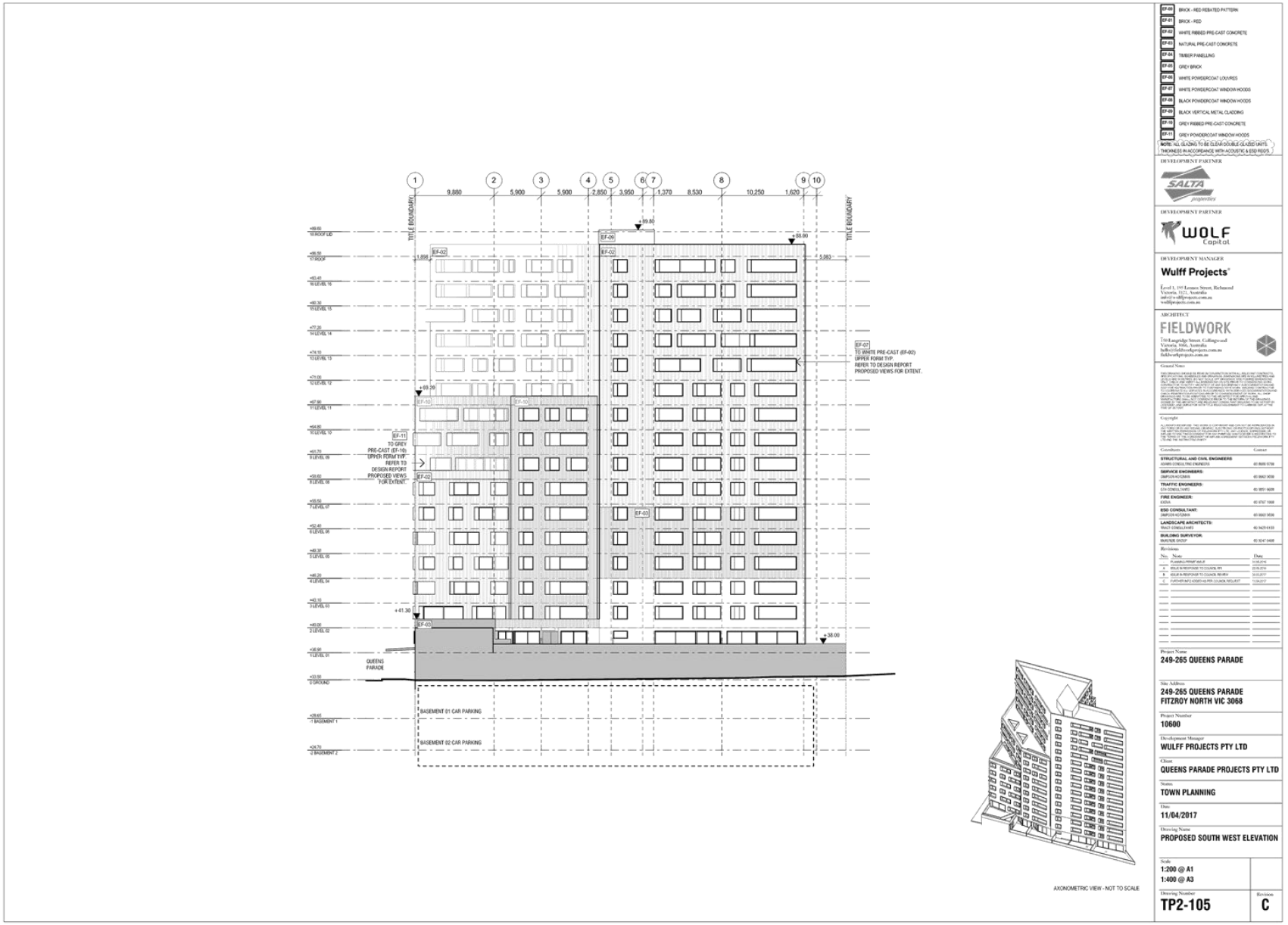
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



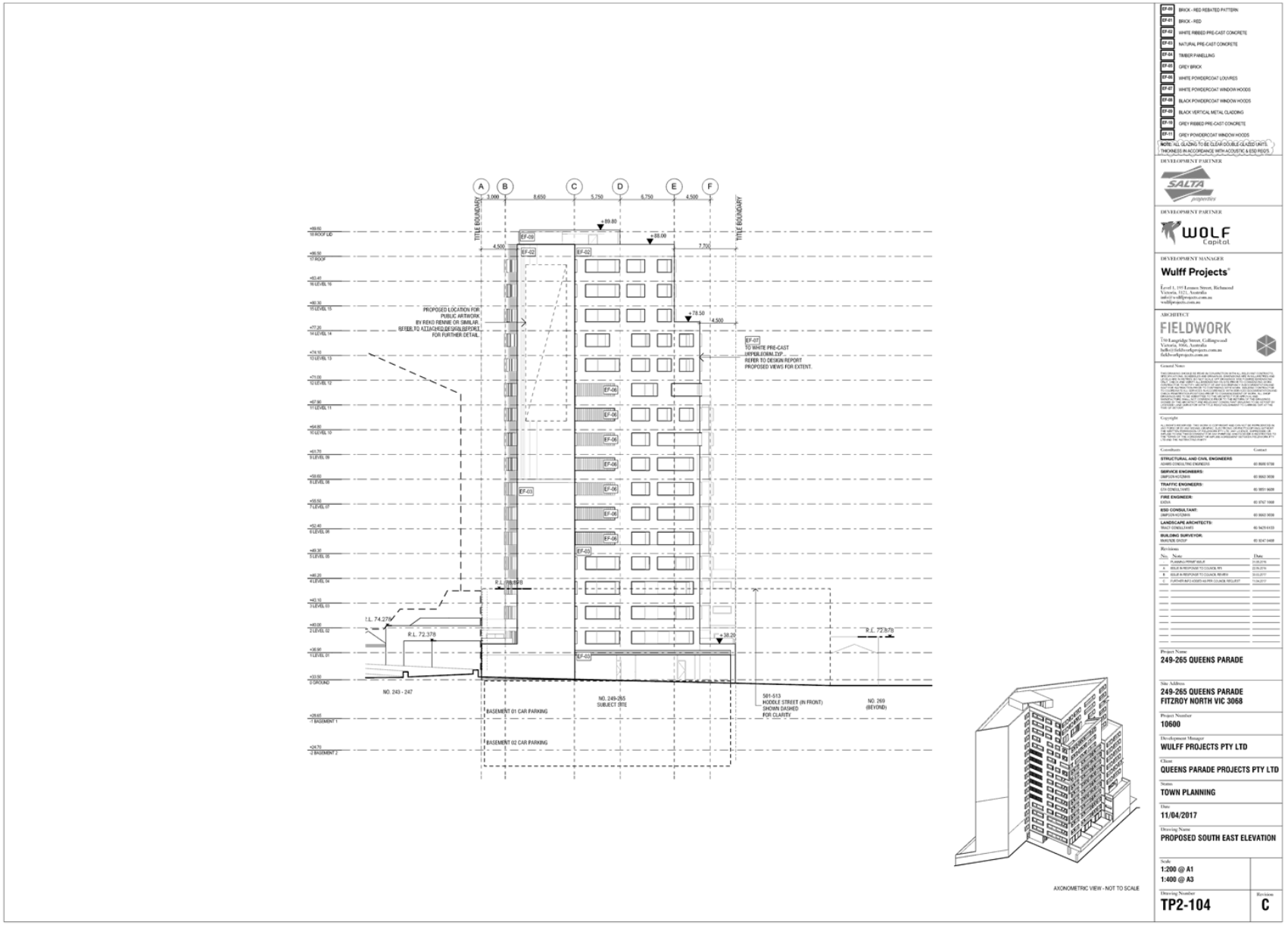
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



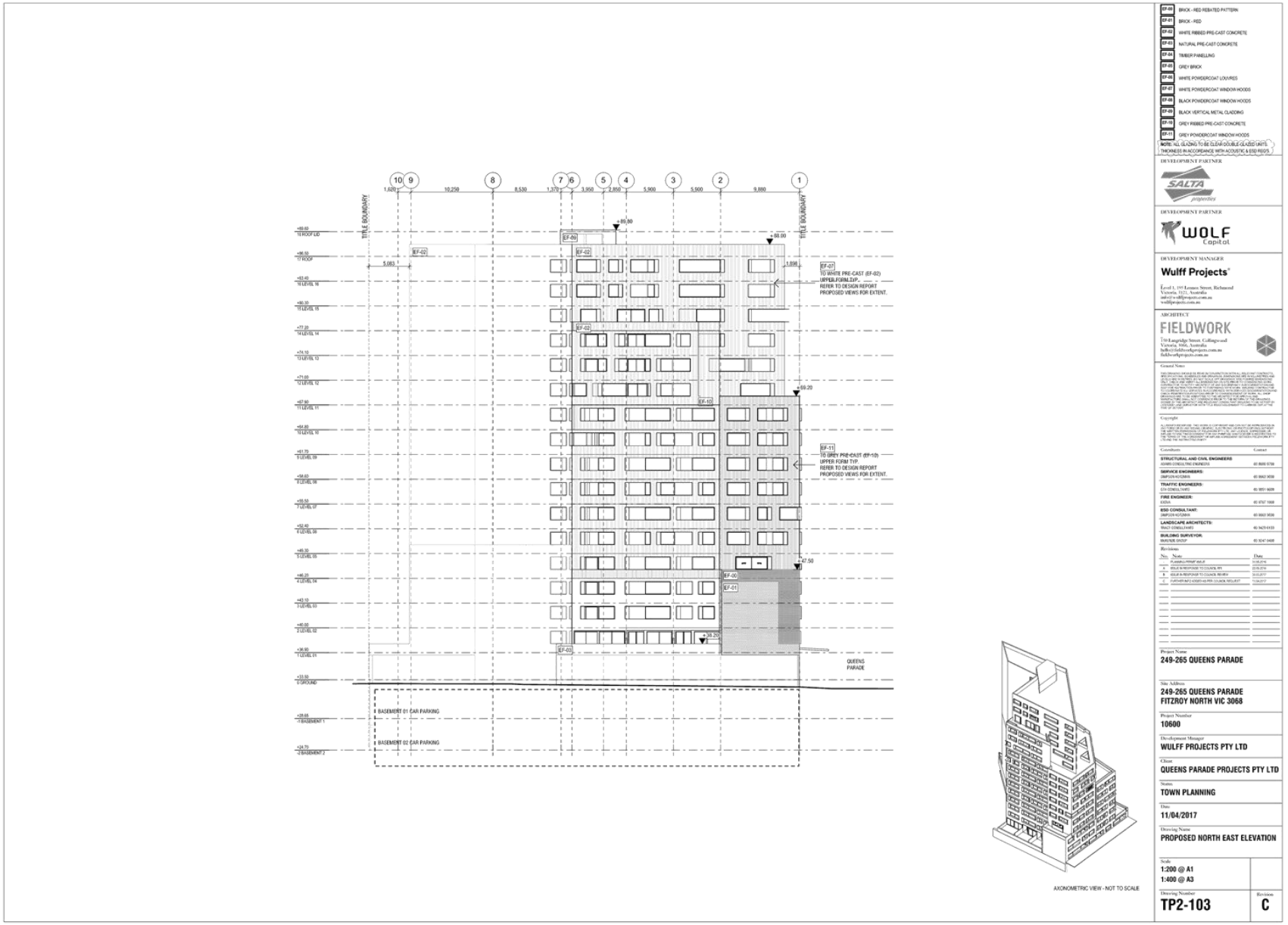
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



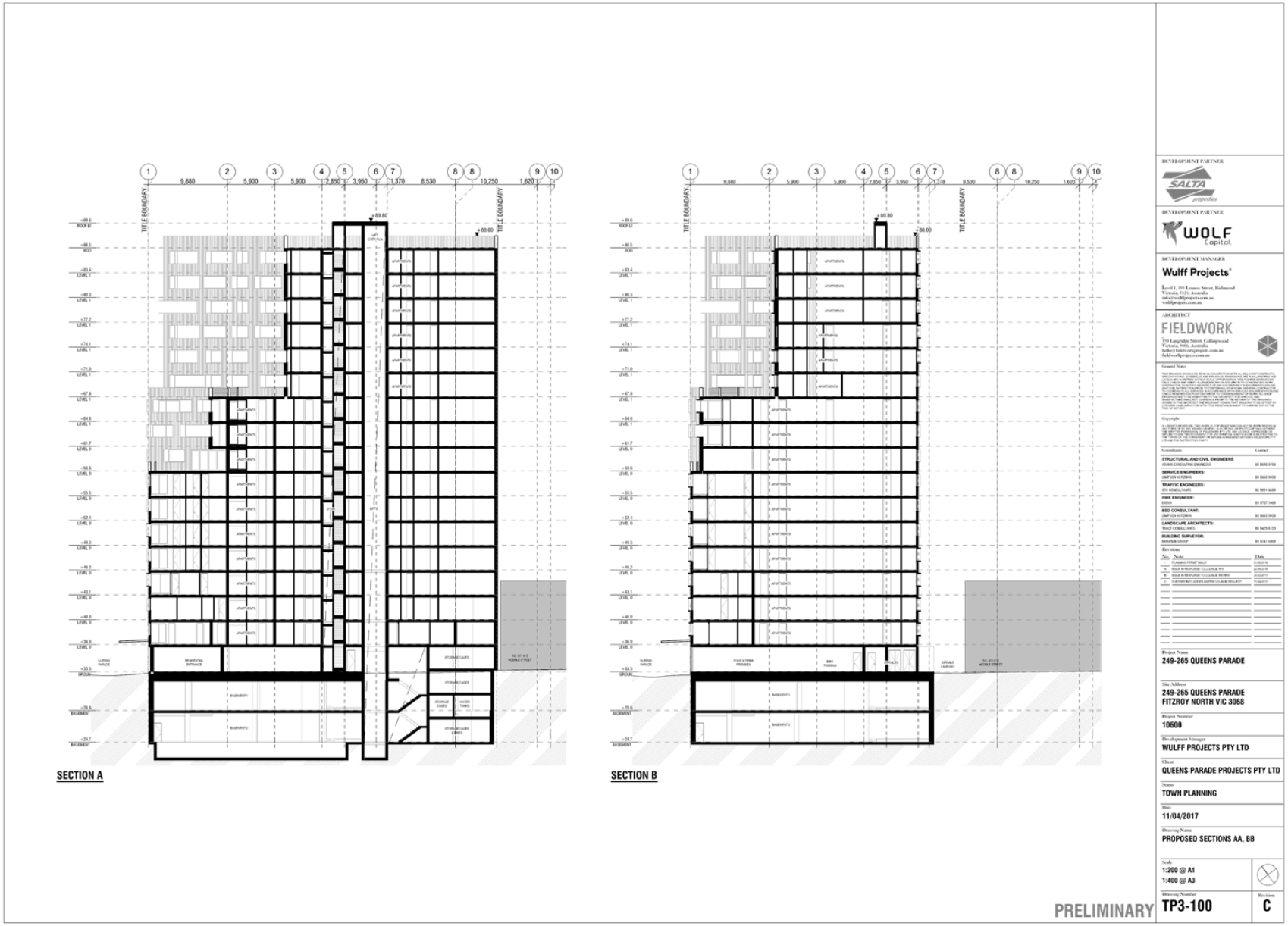
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



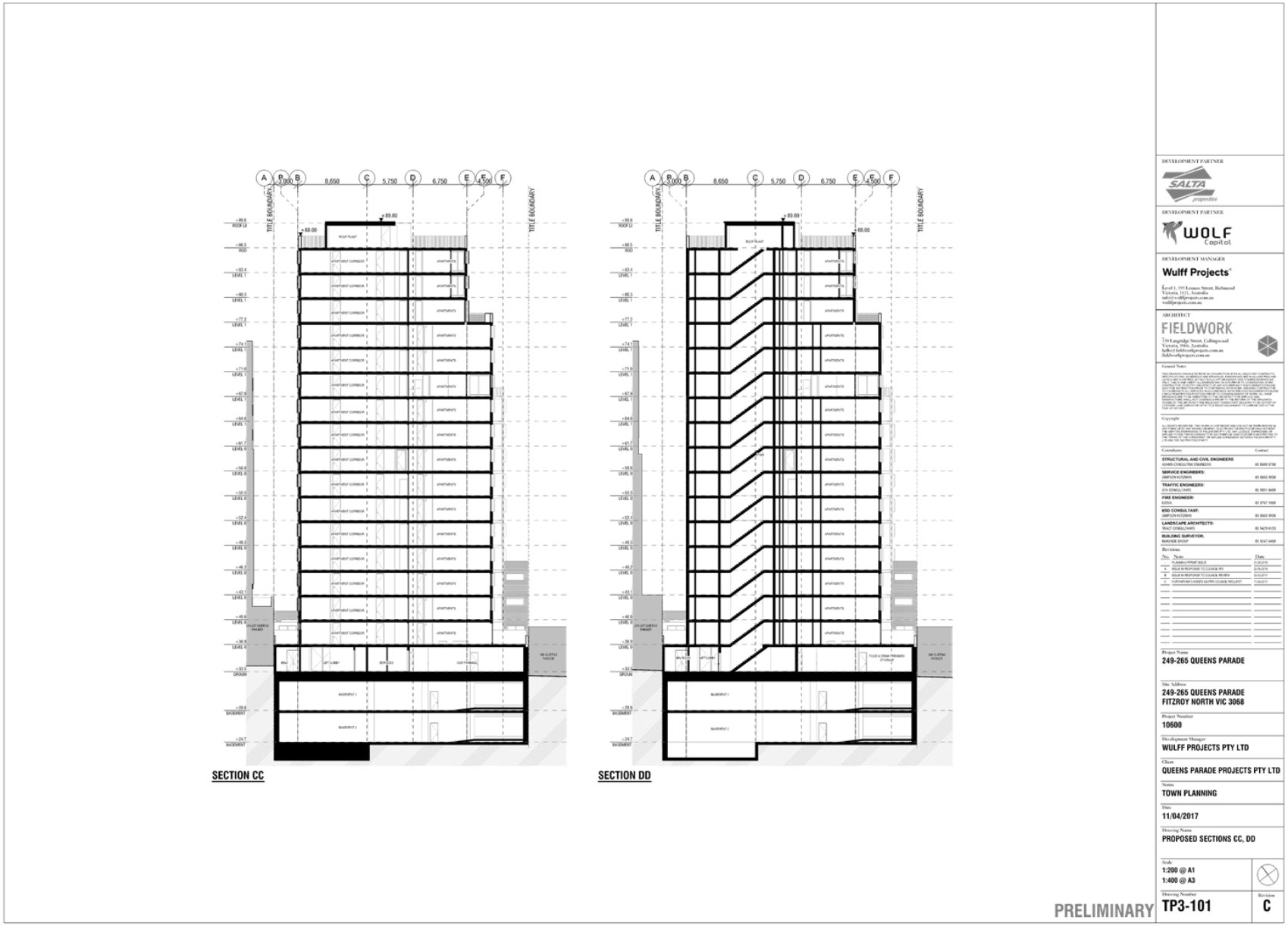
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



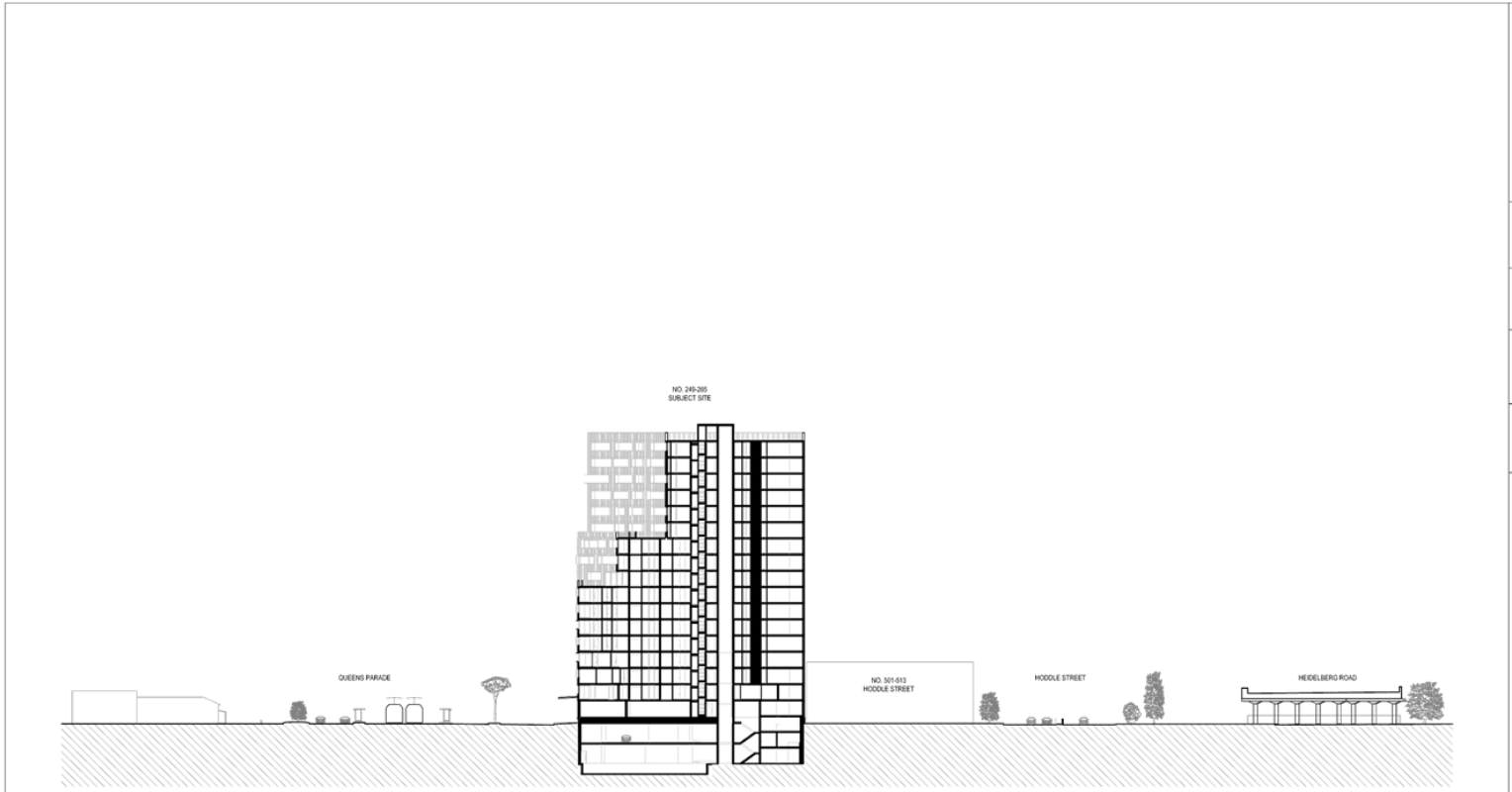
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



PRELIMINARY

DEVELOPMENT PARTNER
SALTA properties

DEVELOPMENT PARTNER
WOLF Capital

DEVELOPMENT MANAGER
Wulff Projects

ARCHITECT
FIELDWORK

General Notes

Copyright

Consultants — Contact

STRUCTURAL AND CIVIL ENGINEERS:
ADAMS CONSULTING ENGINEERS — 03 8689 9788

SERVICE ENGINEERS:
ONFLUX NOTZEMIS — 03 8663 3838

TRAFFIC ENGINEERS:
GTA CONSULTANTS — 03 9851 9600

FIRE ENGINEER:
EWFH — 03 9767 1888

ESD CONSULTANT:
ONFLUX NOTZEMIS — 03 8663 3838

LANDSCAPE ARCHITECTS:
TRACT CONSULTANTS — 03 9429 6133

BUILDING SURVEYOR:
MARTEK GROUP — 03 9347 0488

Revisions

No.	Note	Date
—	PLANNING PERMIT ISSUE	31.05.2016
A	ISSUE IN RESPONSE TO COUNCIL RFI	22.06.2016
B	ISSUE IN RESPONSE TO COUNCIL RFI/RFI	19.12.2017
C	FURTHER INFO ADDED AS PER COUNCIL REQUEST	11.04.2017

Project Name
249-265 QUEENS PARADE

Site Address
249-265 QUEENS PARADE
FITZROY NORTH VIC 3068

Project Number
10600

Development Manager
WULFF PROJECTS PTY LTD

Client
QUEENS PARADE PROJECTS PTY LTD

Status
TOWN PLANNING

Date
11/04/2017

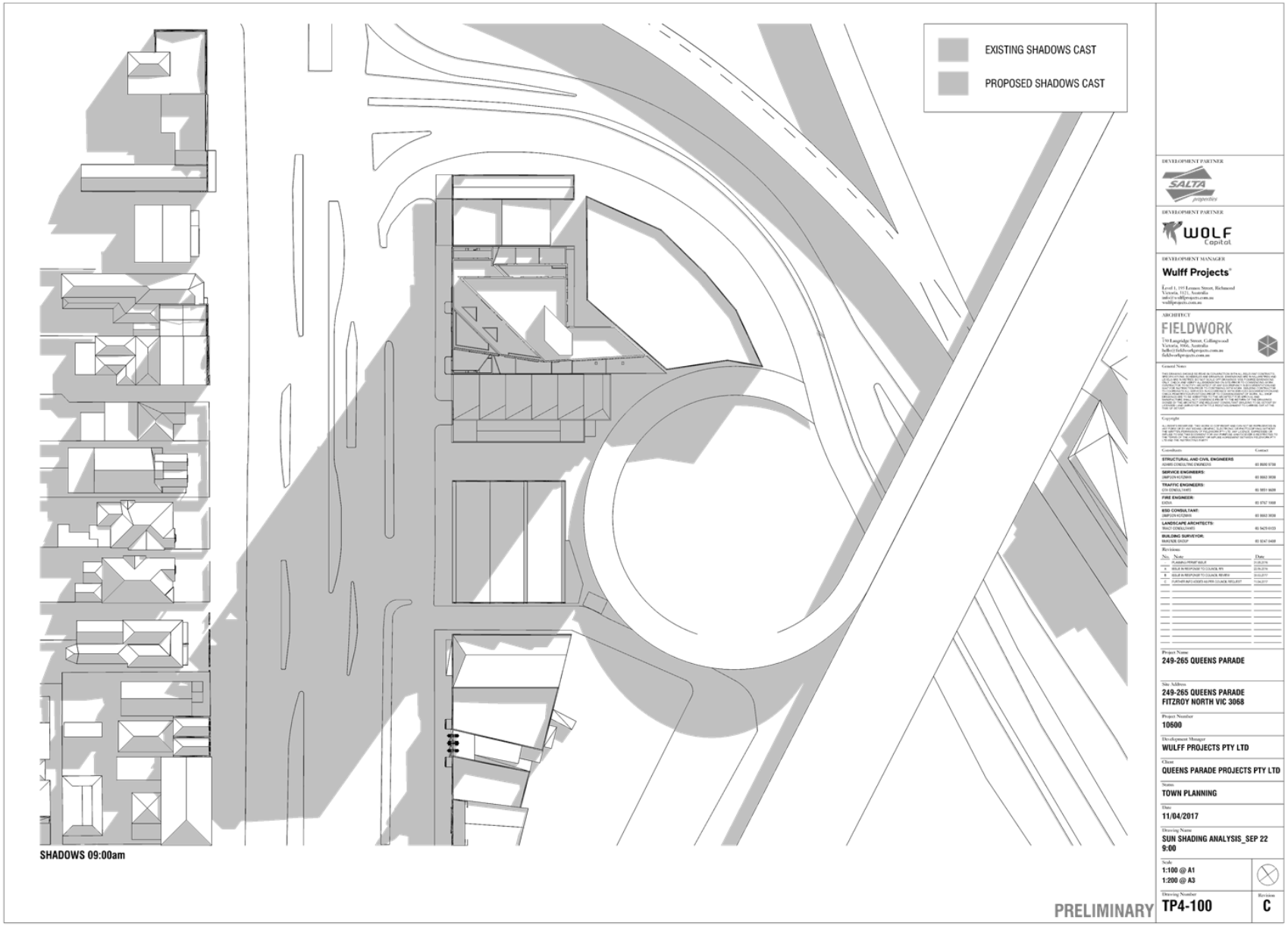
Drawing Name
PROPOSED STREET SECTION - QUEENS PARADE

Scale
1:400 @ A1
1:800 @ A3

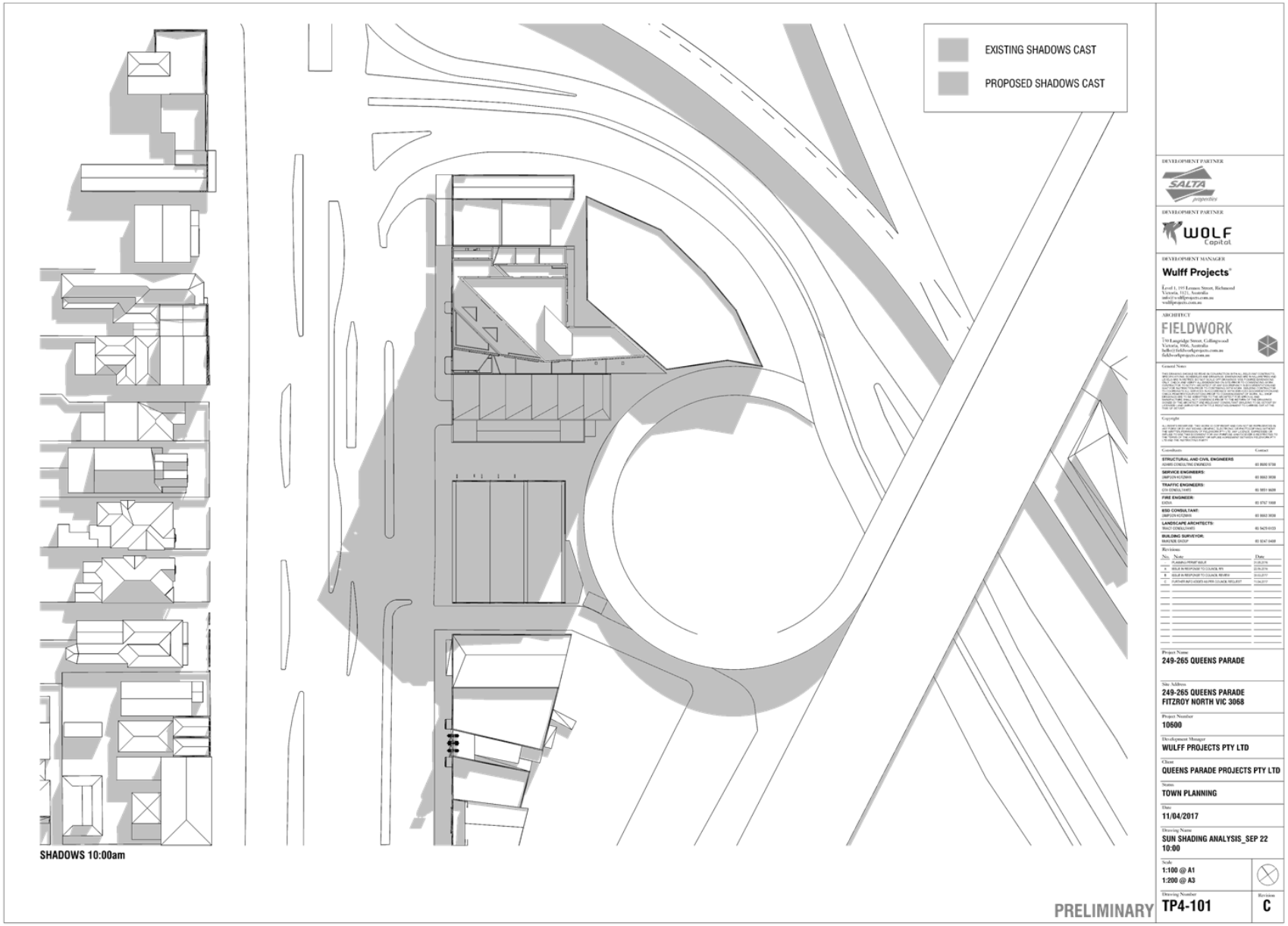
Drawing Number
TP3-102

Revision
C

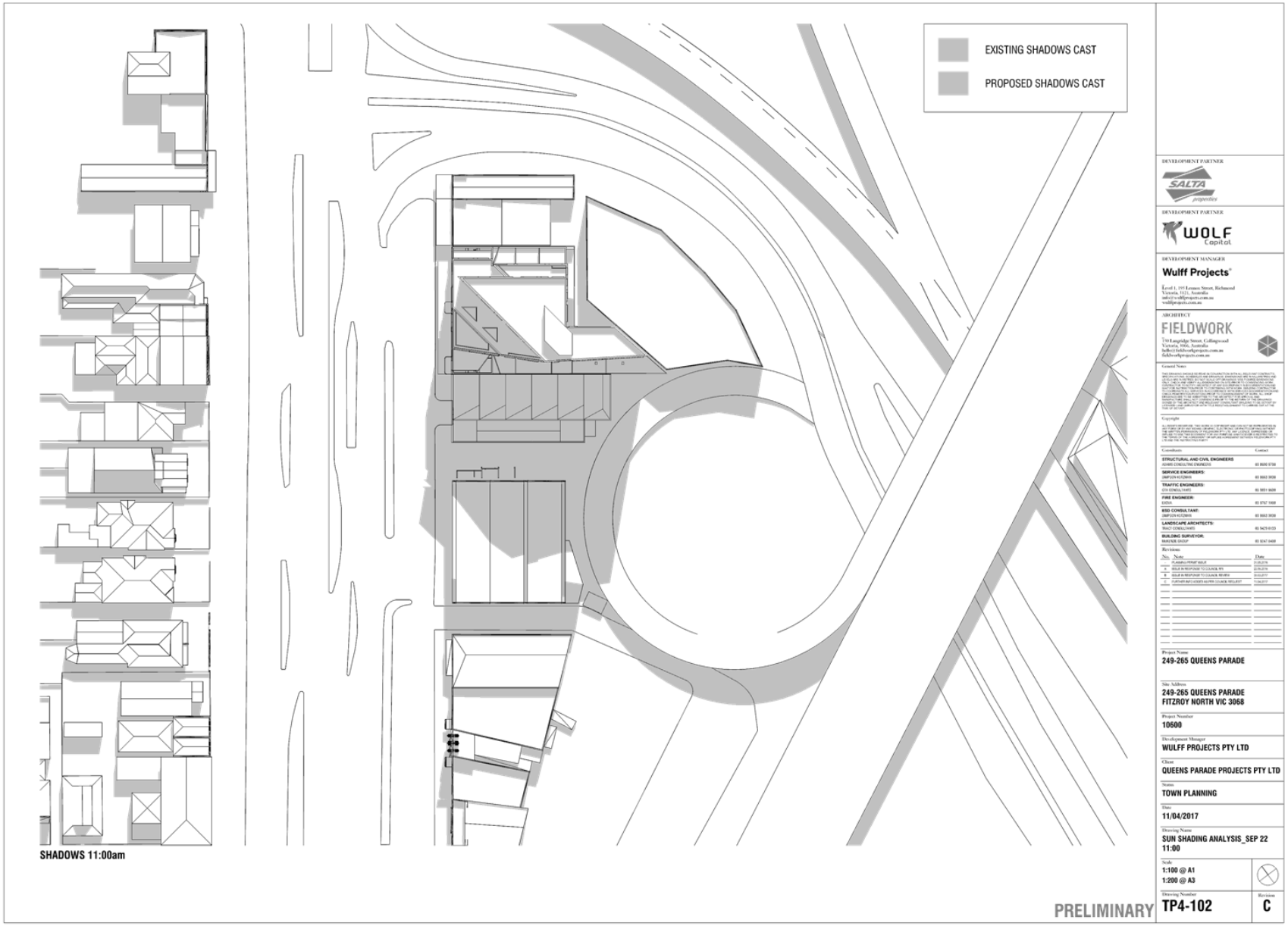
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



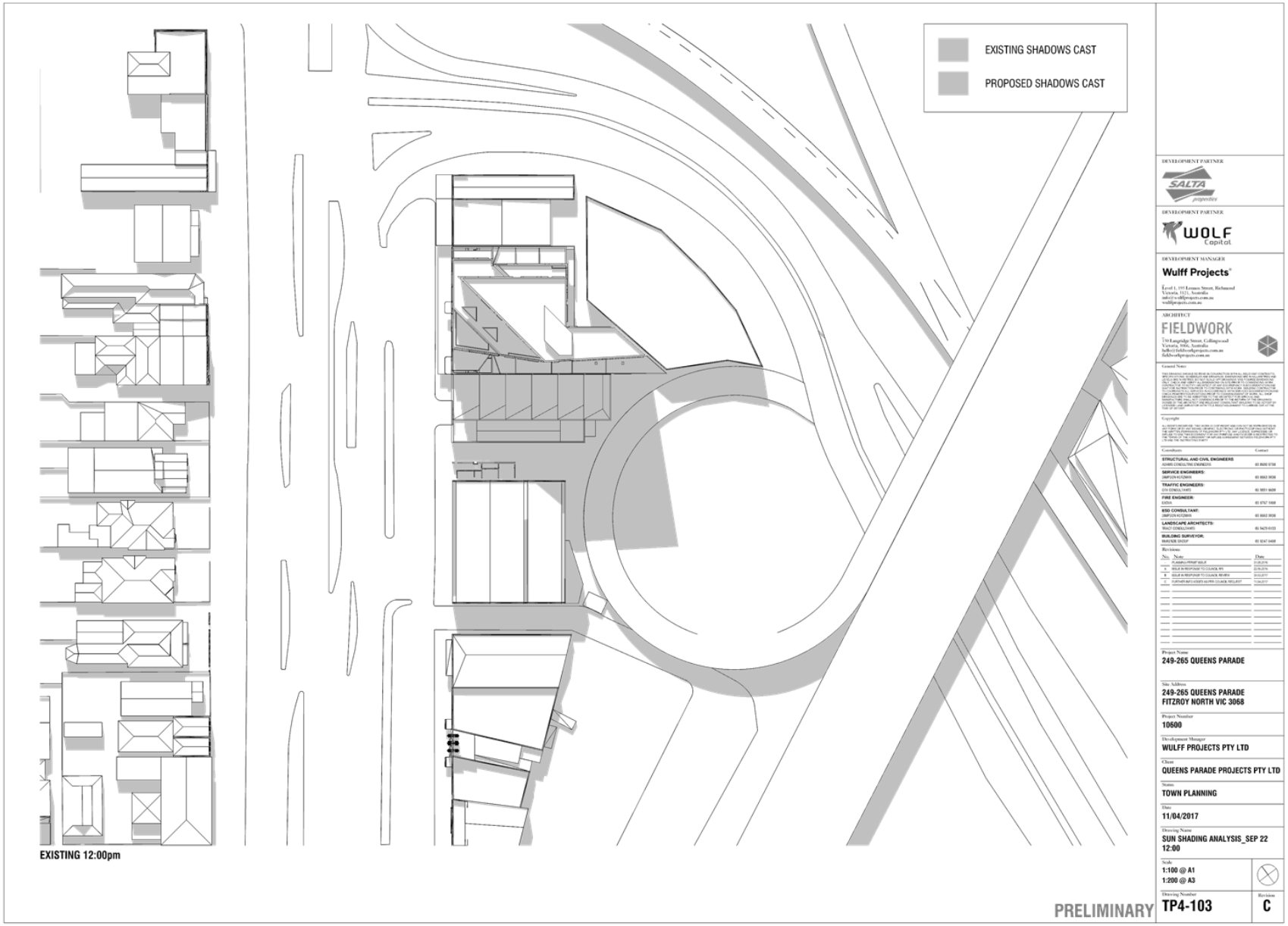
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



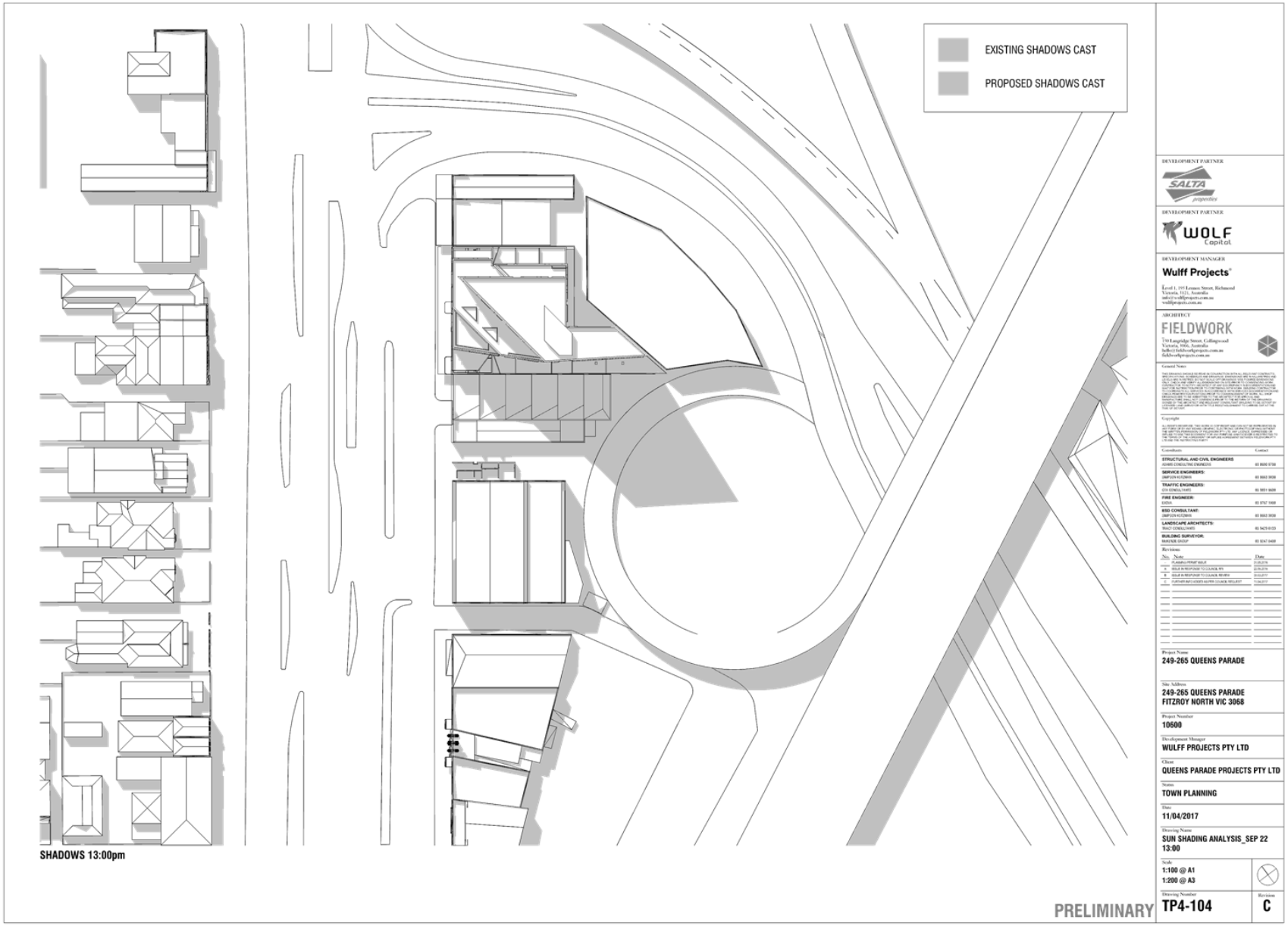
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



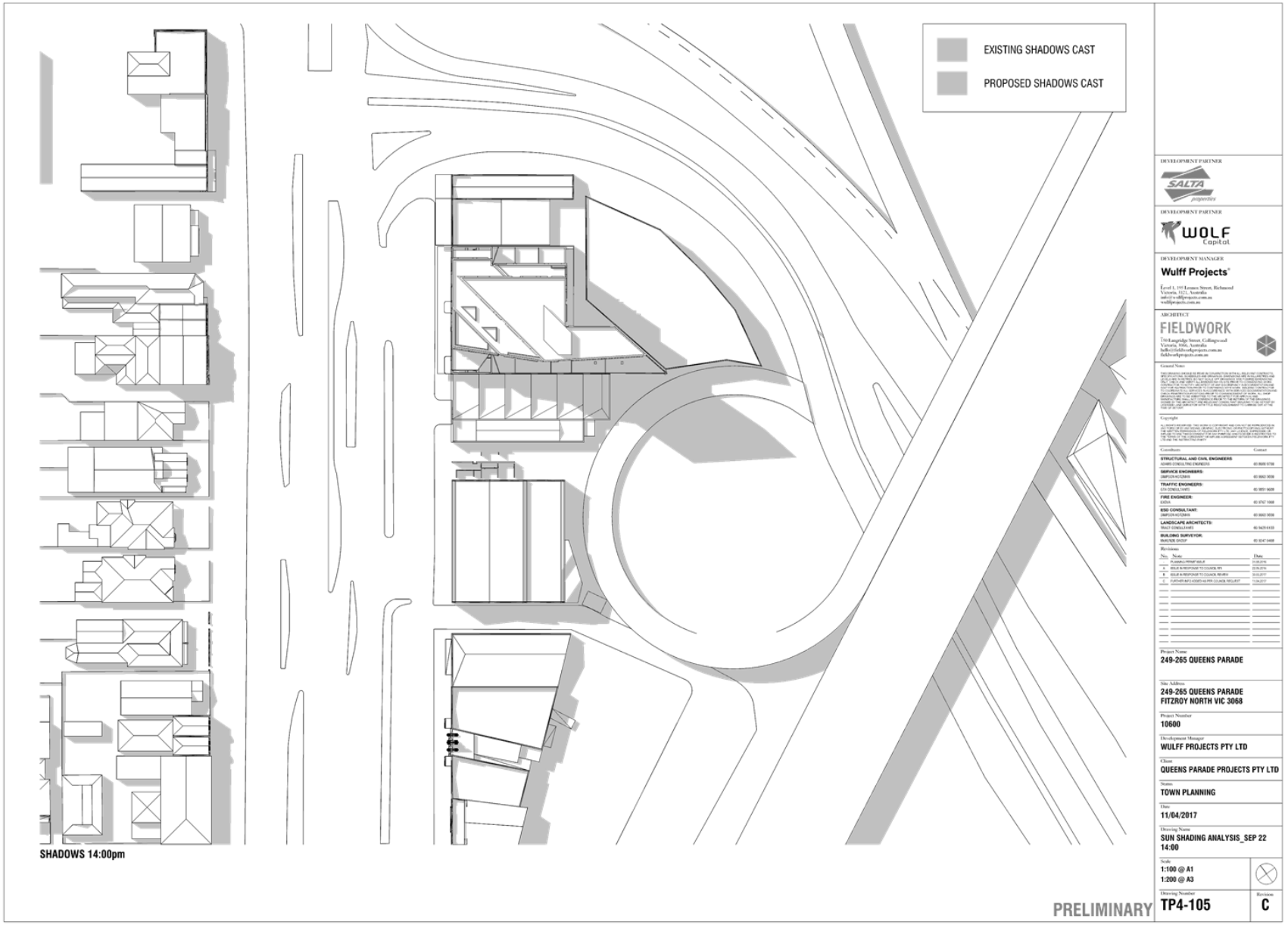
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



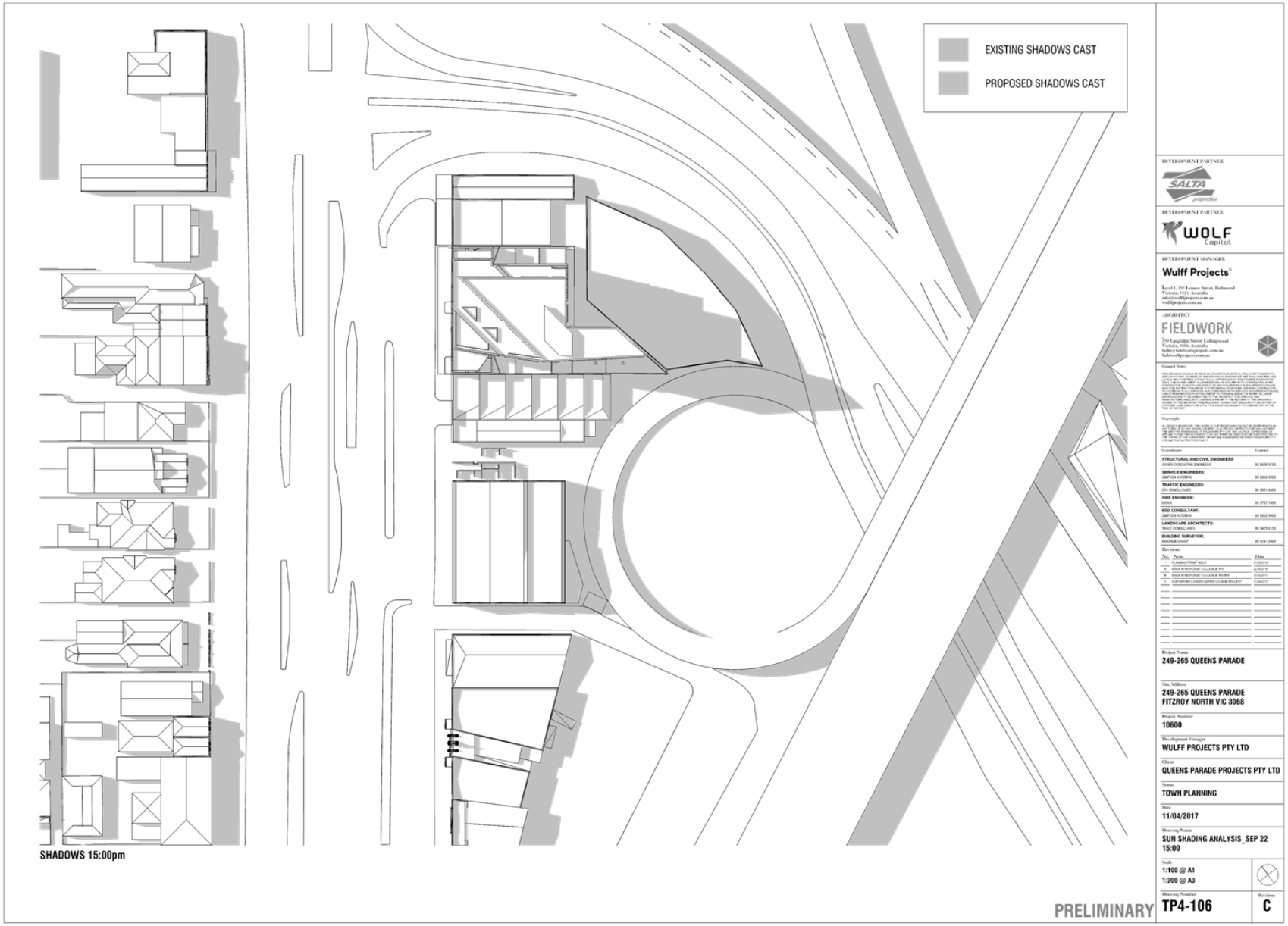
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



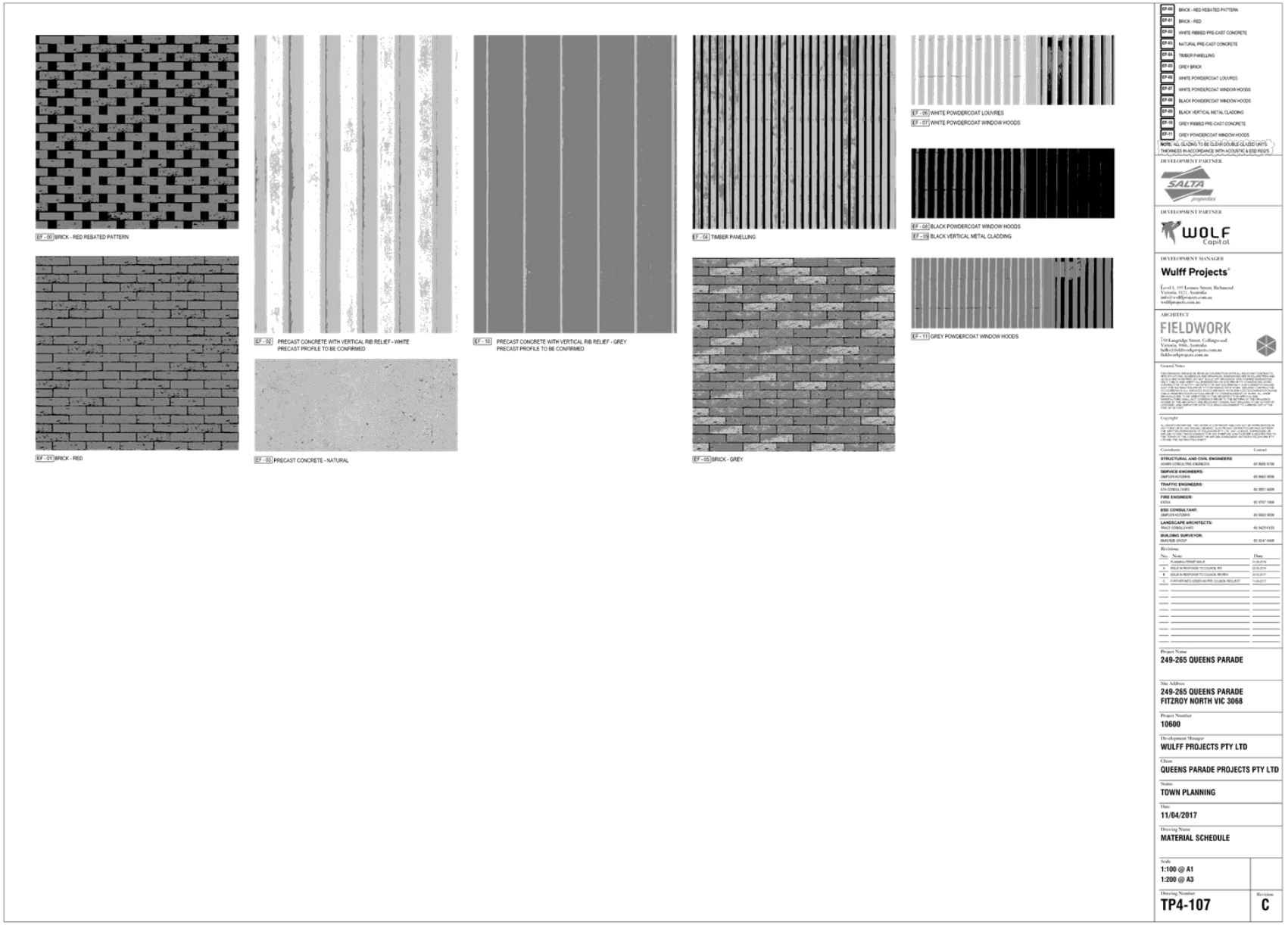
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



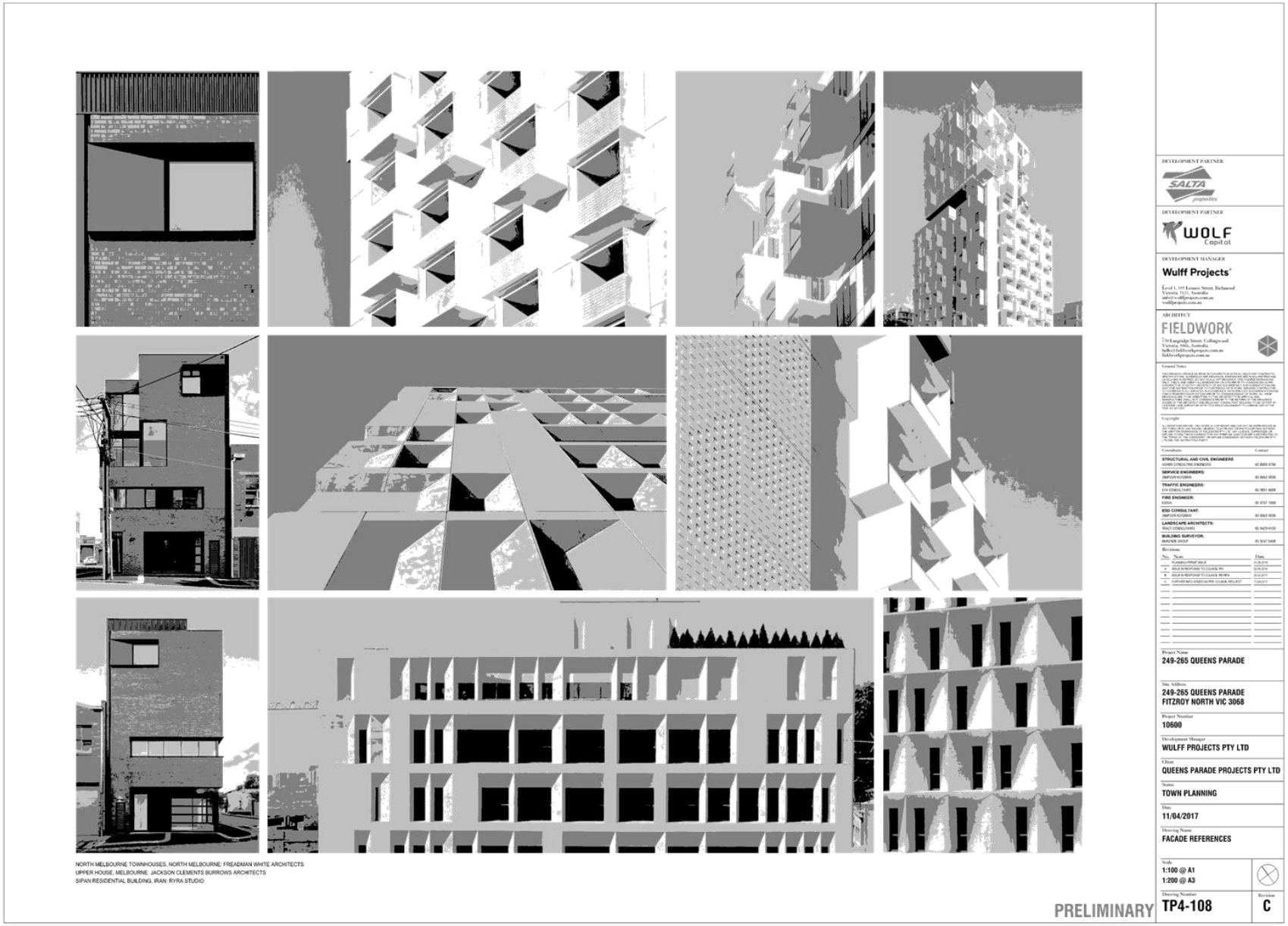
Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



Attachment 2 - PLN16/0494-05 - 249 - 265 - Queens Parade Clifton Hill - idac attachment - decision plans



Attachment 3 - PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - external urban design comments - amended plans

hansen

Urban Design Memo

To:	Vicky Grillakis	Date:	1/05/2017
Company:	City of Yarra	From:	Hansen Urban Design
RE:	249-265 Queens Parade, Clifton Hill amended plans		

Thank you for the opportunity to review the revised application package for the proposed 17 storey mixed use development at **249-265 Queens Parade, Clifton Hill**. We have reviewed the revised plans prepared by Fieldwork Architects, dated 11 April 2017. As part of our original review of the proposal we inspected the site and the surrounds as well as reviewed the relevant background information including the Yarra Planning Scheme and the Tract Planning Assessment Report dated, September 2016.

Our assessment of the revised plans in relation to urban design matters, including a number of recommendations, is set down below.



Subject site and surrounding area

Site and Context

The subject site is located within a wedge shaped city block, bounded by Queens Parade to the west, Hoddle Street to the east and to the south is Dummett Crescent and the flyover bridge connecting Hoddle Street to Heidelberg Road, including an access ramp from Hoddle Street. There are approximately 13 properties within this city block. This precinct forms the north eastern edge of the Clifton Hill Neighbourhood Activity Centre. Properties within this precinct generally have primary frontage to Queens Parade and its associated service lane.

Tram route 86 travels along Queens Parade, opposite the site and the Clifton Hill railway station is 250m to the south of the subject site. Both transport nodes form part of the Principal Public Transport Network (PPTN). Also to the south of the site, on the opposite side of Heidelberg Road is Mayors Park and recreation services. To the north, on the opposite side of Hoddle Street is the Merri Creek Corridor and associated bike path.

The subject site is an irregular shape, adopting a shape similar to a truncated 'L'. A right of way (ROW) extends along part of the eastern site boundary, accessed from Hoddle Street. The site has a 31.8m frontage to Queens Parade and a depth between 30.48m to 54m and a total site area of 1,200m^2. An existing single storey showroom and shop are located on the site and which are effectively constructed to the site boundary.

hansen partnership
melbourne | vietnam

level 4 136 exhibition st
melbourne vic 3000
t 03 9654 8844 f 03 9654 8088
e info@hansenpartnership.com.au
w hansenpartnership.com.au

urban planning | urban design | landscape architecture

Attachment 3 - PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - external urban design comments - amended plans

hansen

The site has the following **interfaces**:

- To the immediate **north**, is a single storey commercial uses at 269 and 271 Queens Parade. The buildings are generally constructed to the site boundaries. In comparison to other lots in the immediate area, these lots are smaller in area and frontage;
- To the immediate **south,** is a single storey shop at 243-247 Queens Parade. This site has planning approval for the construction of a 12 storey building. This approved building is designed by the same architects as the current proposal. It is understood that this building at 243-247 Queens Parade is to be constructed on the common boundary with the subject site at ground level, with a light court introduced at level 1 and above. Balconies are to be located at the base of this light court abutting the common boundary with the subject site. At level 2 the built form of this approved building peels away from the site's edges and away from the common boundary. Further to the south is 217-241 Queen Parade which is vacant and subject to a separate planning application for a 12 storey building (approximate);
- To the immediate **east**, there is a 2 storey office building at 501-503 Hoddle Street and a ramp connecting with Heidelberg Road from Hoddle Street. The office building is constructed to the common boundary with the subject site. A ROW exists along the eastern edge of the office building providing alternative access to the subject site. Land at 501-503 Hoddle Street is identified as a strategic redevelopment site in the Yarra Planning Scheme;

  The on ramp curves around and off Hoddle Street connecting to the Heidelberg Road flyover bridge. There is a grassed area and established trees within the road reserve of the curve ramp; and
- To the immediate **west,** is the Queens Parade service lane. Queens Parade is a 60m wide road, consisting of a service lane on the southern side, 2 lanes of 2 way traffic, pedestrian footpaths and tram lines down the centre of the road. On the opposite side of the road are Victorian 1 and 2 storey residential and commercial forms within Neighbourhood Residential Zone (NRZ1).



269 and 271 Queens Parade, looking east



243-247 Queens Parade, looking north



503-513 Hoddle Street, looking south



Heidelberg flyover access ramp, looking north



Looking west, opposite side of Queens Parade

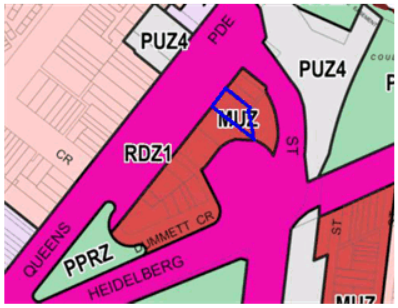
Attachment 3 - PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - external urban design comments - amended plans

hansen

Planning and Design Framework

The site is located within the **Mixed Used Zone (MUZ)**. The purpose of the MUZ comprises:

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



Zoning map extract

The subject site is also located within the **Environmental Audit Overlay (EAO)**. Key purposes of the EAO, amongst others are:

- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

The following State and Local planning policies are considered relevant:

- Clause 09 – Plan Melbourne;
- Clause 15 – Built Environment and Heritage;
- Clause 21.03 – Vision;
- Clause 21.05 – Built Form;
- Clause 21.08 – Neighbourhoods;
- Clause 22.02 – Development Guidelines for Site Subject to the Heritage Overlay;
- Clause 22.05 – Interface Uses Policy;
- Clause 22.07 – Development Abutting a Laneway; and
- Clause 22.10 – Built form and Design Policy.

We are mindful that since we first considered this application, Clause 58 (Apartment Development) has been introduced into the scheme. However, we are also aware that the application benefits from transitional provisions and accordingly the requirements of Clause 58 do not apply to the application.

Other relevant documents:

- Queens Parade Built Form Review, Draft (2017)
- City of Yarra Urban Design Strategy (2011);
- City of Yarra Built form Review (2003);
- Higher Density Residential Development Guidelines (2004);
- Victorian Urban Design Charter (2010); and
- Plan Melbourne (2017).

The subject site is located within the context of consistent 1 to 2 storey street walls, dominated by two noteworthy art deco buildings to the west (Mosskito and McDonald's) with anticipated vertical growth on Strategic Redevelopment Site to the east at 505 – 513 Hoddle Street (Clause 21.05) and the recent 12 storey approval to the south at 243-247 Queens Parade. Building height in Yarra is moderated by policy (Clause 22.03- Landmarks and Tall Structures) which requires future development to maintain the prominence of Yarra's valued landmark building, such as the St.John's spire (approximately 45m).

Attachment 3 - PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - external urban design comments - amended plans

hansen

The Revised Proposal

- The proposal is for the demolition of all structures on the site and the construction of a 17 storey mixed use building and 2 basement levels for car parking. At ground level, with frontage to Queens Parade, are commercial uses located between the vehicle access and pedestrian entry points. A total of 107 apartments are now proposed, previously 115.
- A total of 96 car parking spaces have been provided across 2 basement levels and at ground level (no change).
- At ground level there are 2 retail tenancies with frontage onto Queens Parade. To the north of the retail tenancies is the car park basement access ramp, while to the south of the retail tenancies is the pedestrian entry and residential lobby. Also at ground level, located around the core of the building, are services such as storage cages, switch boards, etc.
- The lift core is provided to the south side of the building, with the stair core and lift core provide as 2 separate components. The revised plans have widened the entry lobby and circulation space around the lift core.



Artist impression

- At level 1 the proposal is constructed to the Queens Parade frontage. Along the north and south site boundaries balconies are constructed to the boundary edges with the building façade setback between 3m and 4.5m (no change).
- The building is constructed on the common boundary with 501-513 Hoddle Street to the east of the site across all levels. The proposal now provides a 2m setback from the eastern laneway (previously 0m).
- At level 2 the proposal starts to peel away from the site corners and edges.
- At level 8 a communal area (internal and external) is provided in the south west corner of the building with a total combined area of 144.9m^2 (previously 139.9m^2).

Attachment 3 - PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - external urban design comments - amended plans

hansen

Urban Design Assessment

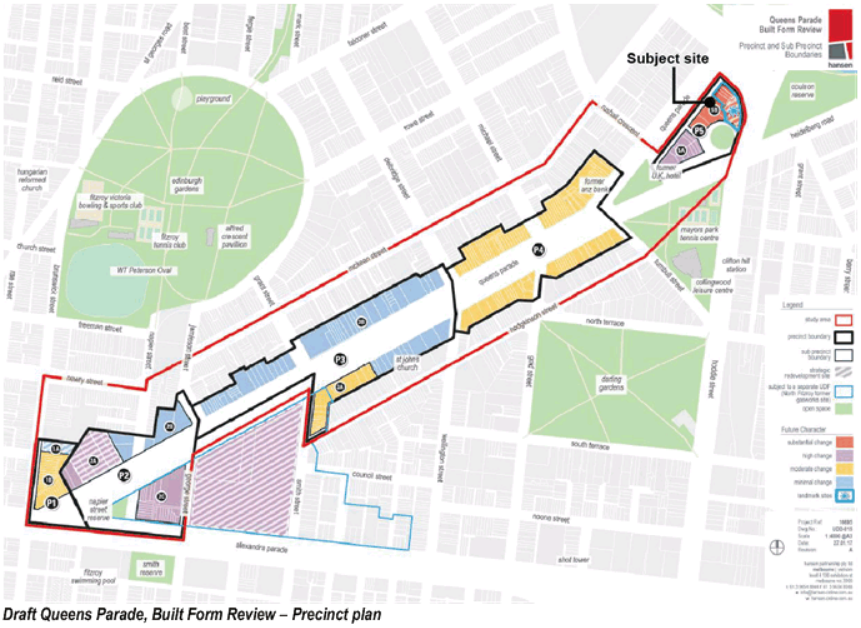
Yarra, like many other inner city areas, is undergoing a considerable population growth. Plan Melbourne and State policy encourages this growth to be accommodated in locations that are in proximity to services and public transport. The Local Policy also generally provides support for more intensive development to be located in a hierarchy of activity centres. More intensive and higher developments are encouraged within Major Activity Centres such as Smith and Brunswick Streets, while Neighbourhood Activity Centres such as Clifton Hill and Johnston Street are encouraged to accommodate a moderate increase in density and height.

Prior to any assessment of the detailed urban design attributes of the proposal, it is important to acknowledge the broad policy support for higher infill development (greater than 6 storey) can be supported on the subject site. However, based on our appreciation of the Clifton Hill NAC character context and the Draft Queens Parade, Built Form Review, we remain concerned that the proposed 17 storey development represents a poor fit within the emerging urban morphology.

Draft Queens Parade, Built Form Review, 2017

Since our previous memo, the draft Queens Parade, Built Form Review, 2017 (Design Guidelines) has been advanced and now form a reference document to Design and Development Overlay, Schedule 16 (DDO16). Whilst DDO16 does not affect the review site, the Queens Parade, Built Form Review now carries more weight as strategic document guiding the built form of Queens Parade than at the time of writing our original memo.

The subject site is located in Precinct 5B in the Design Guidelines (pages 37 and 46). Precinct 5B is where the highest order of development is anticipated as it marks a key metropolitan junction of Hoddle Street and Queens Parade. New development in this area is to complement the existing skyline profile of Yarra and respect identified landmarks.



Draft Queens Parade, Built Form Review – Precinct plan

Attachment 3 - PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - external urban design comments - amended plans

hansen

Precinct 5B is subject to the following built form requirements:

- A preferred building height of 14 storeys (43m);
- A preferred street wall height 8 storeys (25m);
- A preferred upper level setbacks above street wall height of 5m
- 0m setback to rear boundary; and
- The following preferred side boundary setbacks:
  - 0m to 3 storeys
  - 4.5m to 10 storeys
  - 6m to 14 storeys



View south along Queens Parade (bridge over Meri Creek)



View north along Queens Parade

In our initial memo, prior to the completion of the Design Guidelines, we considered 12 storey to be an appropriate height response, especially considering the recent approval of the abutting 12 storey development at 243-247 Queens Parade. However, as the Design Guidelines were developed we explored the absolute maximum envelope that can be accommodated on sites north of Dummett Crescent (including the subject site).

Where 10 storeys can be expected on sites with a high level of change anticipated (26-56 Queens Parade and lots south of Dummett Crescent), we have sought to test the implication of 14 storey form on immediate streetscape effect and skyline outcome viewed from more sensitive residential streets to north and consider that a14 storey form can potentially be accommodated.

Based on these findings and the preferred outcomes of the Design Guidelines together with our original assessment of the proposal and its immediate context, it remains our view that a 17 storey development is not supportable. In our view, the proposed development should take further steps to address the requirement of the Design Guidelines and a 14 storey build form would be a more appropriate response to the site and its strategic context.

Attachment 3 - PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - external urban design comments - amended plans

hansen

Strategic Context and Urban Form

Our original assessment regarding the strategic context of the site remains applicable noting:

- The proposal is located within a pocket of urban block that is not affected by any Heritage Overlays and where a considerable degree of change can be anticipated. The anticipated 5-6 storey benchmark has already been breached, with an emerging development scale trajectory in the order of 12 storey in height (243-247 Queens Parade) representing a departure from the prevailing 1-3 storey context.
- On the basis of the site size, its strategic location and recent emergence of a new height datum, we feel that some additional heights is warranted. However, the proposed 17 storey form fails to meet a number of the key urban design tests which would warrant a substantial departure from the Design Guideline and above the scale of the common order. Firstly, a number of sites within this urban block also share similar development capacity, including on the designated Strategic Redevelopment Site at 505-513 Hoddle Street (east) and a more prominent corner site at 269-271 Queens Parade (north).
- Secondly, the proposal does not benefit from a corner location or some other urban characteristics which warrants an increase of built form scale to serve the role of a landmark or beacon. In this infill, mid-block context, a 17 storey form would not be designated any significant urban place and consequently undermines the anticipated urban hierarchy of the Activity Centre. We feel the current scheme represents a departure from the emerging development pattern in the area, both strategically and physically.
- We are also mindful of Clause 22.03 (Landmarks and Tall Structures) which sets down the importance of key landmarks and structures within the municipality. Clause 22.03 identifies the Shot Tower on Alexandra Parade in Clifton Hill and the spire of St Johns Church also in Clifton Hill as landmarks within Yarra, amongst others. St Johns is located approximately 700m to the south west of the review site, while the Shot Tower is located 950m to the south. Both landmarks are visible from the area surrounding the subject site. We acknowledge that to assist in assessing the proposal and the consequence of the additional height being sought additional renders were prepared from:
    - Drummett Crescent (south);
    - Intersection of McKean and Brennand Street (west); and
    - Intersection of Hoddle Street and Queens Parade (north).
- We have prepared diagrams demonstrating the consequence of reducing the height of the proposal so that is consistent with the Design Guidelines (14 storeys). What is clear from these diagrams is that if the proposal was reduced by 3 storeys to an overall height of 14 storeys the proposal will sit more 'politely' in its host environment, rather than projecting into the skyline as currently shown in the renders.



View north along Queens Parade



Intersection of McKean and Brennard Street



Intersection of Hoddle Street and Queens Parade

Attachment 3 - PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - external urban design comments - amended plans

hansen

Site Planning and Development Equity

- The site layout strategy adopts an L-shaped layout with a vertical core located at the 'knuckle' on the south side. The clearly separated pedestrian and vehicular access points, including utilisation of the rear service lane for visitors parking are positive. We consider that the revised plans have successfully addressed our initial concerns regarding the residential entry lobby and circulation area, noting that the residential entry has been widened and the circulation area increased.

- We note that the internal corridor network has been improved in the revised plans through the consolidation of some apartments (ie in the south east corner).

- Generally the proposed site plan has been shaped in response to the desired infill street wall and separation of rising form as a twisting trapezoid footprint, with setbacks along the north and south in response to development approval to the south and future redevelopment opportunity to the north. Whilst we are supportive of its intent, we are concerned that a 3m setback (at the most narrow point) to the south across 17 storey does not constitute adequate setback to achieve development equity along its southern interface to secure a future proofed source of aspect and amenity, particularly within the lower levels.

- As well, we remain concerned about the separation between the proposal the north boundary. While there is generally a setback of 4.5m to the northern site boundary, from Levels 4 to 11 there is a portion of the proposal, with habitable windows, setback 3m from the common boundary. As identified in our previous memo, this is not an equitable outcome. Furthermore, the Design Guidelines specify a minimum side boundary setback of 4.5m (3 to 10 storeys) and 6m above 10 storeys. The proposal does not currently meet these preferred setbacks. Accordingly, we still consider that the proposed side boundaries are inadequate.

- The provision for balcony shelving to mitigate overlooking issue as demonstrated on northern facing balconies and some southern facing balconies is supported in principle. However, where equitable setback is not provided, we are concerned with the level of amenity for private open space and habitable internal space which require privacy screening, resulting in single aspect open space that is enclosed on four sides (screening being applied) which are not representative of high quality outcome to warrant additional building heights (refer to units 01, 02 and 03 on levels 2 to 10).

- Given the specific site conditions, a party wall construction may be supportable to apartments orientated away from the hostile highway environment, particularly at the south eastern corner.

- We acknowledge that balconies with an orientation to the rear laneway have been modified to provide greater northern exposure, we support this outcome.

Attachment 3 - PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - external urban design comments - amended plans

hansen

Massing and Architecture Expression

- As previously stated, we consider that the proposal should have greater consideration of the Design Guidelines in terms of the overall height. However it remains our view that the proposed massing strategy is generally acceptable and responsive to the emerging typology. Compositionally, the 3 elements (base, middle, top) work well on the site and respond positively to the streetscape. The 2-4 storey base, constructed in red bricks complement the existing Victorian era building found within its context. In contrast, the angled mid- section has been vertically articulated to reinforce a sense of 'grain' and division in the streetscape. Balconies and fenestrations are set within the building envelope, offering some, but little articulation in the overall elevation. The recessive 'cap' has adopted a singular expression, reading as part of the extension to the 'middle' in terms of its finishes and architectural language. It remains our view that greater distinction between the 'middle' and 'top' is required to successfully articulate each of the element.

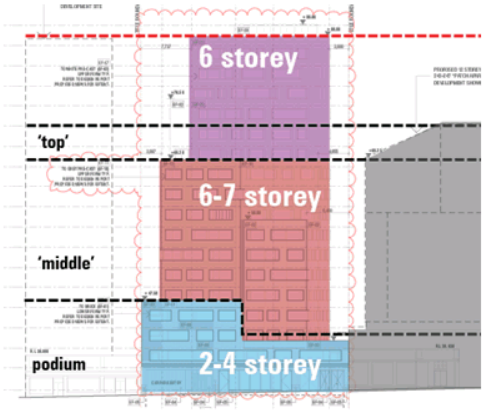


Diagram demonstrating a 'top' heavy arrangement with a 1 to 1 proportion when compared to the 'middle'

- It remains our view that whilst the Queens Parade elevation which has adopted contrasting material and central shadow 'gap' to reinstate a sense of 'urban grain' is in most part positive, the long elevation to the north and south are less successful. We note that the angled building lines and stepped profile are helpful in modulating the expansive side elevations, however further articulation is required to minimise overwhelming sense of bulk, particularly to the north where the stepping profile is less pronounced.

- We acknowledge that some corner balconies are utilised to 'erode' the building corner, creating a built form outcome that 'turns the corner', introducing some degree of visual interest, which is fully supported. However, the vertical repetition with little variation requires further design resolution, in particular when the proposed architectural language mirrors the approval at 243 – 247 Queens Parade, diminishing the sense of grain and diversity in the streetscape, albeit variance in finishes and materiality.

- This is particularly of concern when viewed from within the Queens Parade corridor and further afield, including along High Street, Hoddle Street and Heidelberg Road. Given that the subject site is located at the prominent entrance of Clifton Hill NAC, a 17 storey form will be a significant addition within the Queens Parade landscape. Accordingly, greater consideration should be given to how the building will be seen in the round and from furtherafield.

- We acknowledge that some corner balconies are utilised to 'erode' the building corner, creating a built form outcome that 'turns the corner', introducing some degree of visual interest, which is fully supported. However, the vertical repetition with little variation requires further design resolution, in particular when the proposed architectural language mirrors the approval at 243 – 247 Queens Parade, diminishing the sense of grain and diversity in the streetscape, albeit variance in finishes and materiality.

Attachment 3 - PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - external urban design comments - amended plans

hansen

- We also still remain concerned about the repetition of window and balcony placement, which lacks variation in materials (particularly within the 'middle' and 'top' sections) creates a stark building presentation on the north, south and west elevations. This impact is further compounded by the lift core being located on the southern boundary and the blank wall proposed on the eastern boundary. We acknowledge that views to these elevations will in time be reduced as abutting sites are redeveloped and we are mindful that a public art work is proposed to the eastern elevation, however, it is considered that these elevations will be a dominant feature in the area given the overall height of the wall at 17 storey.

Function & Amenity

Given the extra height sought within the rising form, it is regrettable to note that the proposed development still fails to provide a high quality amenity both on and off site. Namely, the proposal is likely to:

- Overshadow the western side of Queens Parade and some residential properties on this side of the road at 9am on 22 September is problematic. This is not an acceptable outcome and is not in accordance with local policy including Clause 22.10 (Built form and design policy). Accordingly, it remains out view that the building should be reduced in height to ensure that there is no new shadow cast on the western side of Queens Parade.
- Whilst we accept that some degree of overshadowing onto 243-247 Queens Parade is unavoidable given the orientation of the land, the proposed overshadowing impact also affects properties further to the south (between 09.00 – 13.00 on 22 September) and public realm on the west side of Queens Parade (between 09.00-10.00 on 22 September). Further reduction of the overall building height would improve the overshadowing impact, particularly in winter. Additionally, there is still no available information on the elevational overshadowing impact onto private balconies and living spaces at 243 – 247 Queens Parade to the south. We recommend additional modelling to be undertaken to demonstrate the full extent of the amenity impact.
- In our previous advice we expressed concern about the amenity of a number of apartments. The revised plans have amended the layout of a number of apartments which previously relied on daylight from internal balconies. The revised plans now include additional windows to the living areas. However, we are still concerned about the internal amenity of a number apartments on the south side of the building (ie Apts 2.03 – 8.03 inclusive) which have narrow and deep galley style kitchens and bedrooms setback from the building façade. The amenity of these apartments are also likely to be compromised by screening given the setbacks to the abutting development at 243-247 Queens Parade.
- Whilst some south facing apartments are unavoidable, more than 30% of the total proposed apartments still have a southerly orientation with some balconies enclosed on 4 sides (privacy screened).
- Battle axed bedrooms have generally been improved and balconies are now 8m^2 or more. We consider this to be an improvement.
- Level 1 south facing balconies at the base of the building are not afforded a high level of amenity given their location on the southern side, the extent of overshadowing and being located at the base of a 17 storey building and opposite an approved 12 storey building. It is recommended that some 3D renders/models are prepared to demonstrate their potential outlook and the extent of their amenity.

Attachment 3 - PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - external urban design comments - amended plans

hansen

Conclusion

Whilst the revised plans have taken steps to improve the internal amenity concerns we identified in our previous memo, we still do not support the overall height of the development and some elements of its architectural expression.

Since our previous memo, the Queens Parade, Clifton Hill Built Form Review has been completed and provides guidance to the preferred built form outcomes for Queens Parade. In our view, the proposal should have greater regard to the Design Guidelines set out in this document in terms of building height and separation between built forms.

It remains our view that the dominant form reveals its full height perpendicular to the street edge, resulting in visually bulky presentation when viewed from the Queens Parade heritage precinct. Accordingly, we are unable to offer our urban design support due to unsatisfactory scale and siting strategy where a more carefully curated infill form is required to appropriately secure development equity to adjoining sites and minimise off site impacts.

We still feel that significant refinement is required in order to achieve an appropriate development outcome for the challenging geometry of the irregularly consolidated site.

Should you have any further enquiries, please don't hesitate to contact us on 9664 9841.

Yours faithfully,

urban design team

hansen partnership pty ltd

1 May 2017

Attachment 4 - PLN16/0494-05 - 249 -265 Queens Parade Clifton Hill - Additional Urban Design comments

Additional Urban Design comments

9 May 2017

We have read through the daylight assessment and provide the following comments:

- Overall it looks like the daylight outcome for both the subject site and approved development at 243-247 Queens Parade are within acceptable levels for the majority of both developments. While we note that some apartments at the lower levels are compromised, the majority of the proposals, above Level 2 are compliant.

- However, we are still unclear if this modelling has also had regard to screening potentially being applied to balconies and windows where there is less than 9m separation. Although, based on the report, it would appear that the screening could have little consequence and daylight levels would still be generally within acceptable levels.

- While it is clear from this daylight modelling that apartments on both sites are able to achieve acceptable levels of daylight, we still encourage the proposal to have greater consideration to the preferred setbacks set down in the built form review. These setback will not only further contribute to the improvement of daylight amenity of apartments, it will also improve outlooks and potentially reduce the need for screening.

Further to our phone conversation, we agree that the reduction in height should occur across the development, not just the cap. In other words the deletion of 1 level at each level above the podium (ie middle, top, cap).

Referrals (alphabetical order)

Aboriginal Heritage

The CHA finds that a mandatory CHMP is not required for the proposed development. Andrew Long and Associates argue that the entirety of the proposed development footprint area has undergone significant ground disturbance and that the area of cultural heritage sensitivity associated with Merri Creek no longer applies to the proposed activity. The CHA provides historical aerials and photographic evidence that demonstrate that the entire property is covered in either buildings or cement hardstand. Andrew Long and Associates argue that:
"The existing structures have been built on a visibly sloping landform that further indicates a process of ground-surface modification in the form of surface cutting and levelling to establish a level surface for building footings. Sub-surface utilities and storm-water drainage systems are also visible along the western and eastern boundaries of the activity area and reflect a process of sub-surface engineering during property development. Given the nature of property development, it is evident that the activity area has been subject to mechanical ground works associated with structural developments." (Andrew Long and Associates 2015: 8).
The level of evidence for significant ground disturbance provided in the CHA, satisfy criteria (1) common knowledge and (2) publicly available records, as defined in the Mainstay Decision (2009 VCAT 145). The evidence for mechanical disturbance is contextual (i.e discussions of surface levels and building footprints) but the buildings age, the oldest likely being built in the 1930s and the others much more recent, strengthen this argument as mechanical excavation was commonly used for demolition and ground preparation from this period onwards. Although there is no direct documentary evidence for mechanical disturbance across the entire site, the evidence provided does strongly suggests that significant ground disturbance has occurred on the balance of probabilities and is justifiable as sufficient evidence for significant ground disturbance under the Azzure Decision (2009 VCAT 1600). On the basis of the documentation provided by the proponent, evidence presented for significant ground disturbance meets the investigation thresholds set by the Mainstay and Azzure Decisions.

Referral Advice

Council cannot grant a statutory authorisation for the activity, if under Section 52 of the Act an approved CHMP has not been provided. The onus is on the proponent to provide evidence that a mandatory CHMP is not required and that "…if the decision maker is not persuaded by the applicant that there has been significant ground disturbance, the 'default' position is that a CHMP is required" (2009 VCAT 145). Based on the 2015 CHA, Biosis believes that the Proponent has provided enough contextual evidence to prove that a mandatory CHMP is not required and does not need to provide an approved CHMP for the activity prior to granting a planning permit.

Biosis believes that the evidence provided by the 2015 CHA should be sufficient to stand up to a challenge in VCAT; however Council should be aware that VCAT has recently reviewed all aspects of a planning permit application and has chosen not to accept evidence for significant ground disturbance in some instances, even when Council's have previously accepted the evidence provided by proponents. Therefore, if Council have any doubts regarding the legal certainty of requirements for a CHMP, then they reserve the right to request that the Proponent either:

- provide an approved CHMP; or
- provide a certified Preliminary Aboriginal Heritage Test (PAHT) to confirm that a CHMP is not required.

Acoustics

A summary of our review of the acoustic report prepared for this project is provided below. Issues we believe require further attention are shown in *italics*.

Road Traffic and Tram Noise

- *The nominated design targets for road traffic noise are 5 dB higher than we recommend. In our opinion, the day and night average levels should meet the mid-point between the AS/NZS2107 'satisfactory' and 'maximum' noise levels, being 40 dBA Leq,15h in habitable rooms and 35 dBA Leq,9hr in bedrooms.*
- *A transparent assessment of traffic noise is not provided in the acoustic report. The approach taken to determining road traffic and tram noise impacts should be fully described. For such a site affected by as many major noise sources as this one, a 3-D computer noise model is our preferred approach to the determination of noise impacts. If a computer noise model has not been prepared to quantify noise impacts to upper levels of the building, the writer should demonstrate that worst case noise impacts have been allowed for in predictions.*
- *The report should clearly state the measured or predicted noise levels at the façade of the building used as a basis for determining noise impacts.*

Rail Noise

We agree that the rail noise targets nominated for this project are reasonable, but note that the façade design is likely to be driven by road noise impacts, rather than rail noise.

Existing Commercial Noise

Commercial noise impacts have been assessed in the report and the noise is compliant with SEPP N-1 daytime limits at relevant locations at the façade of the proposed development. We have no further queries regarding this section of the report.

Noise from the Development

- *Lower Lmax targets than those provided in the report are recommended for noise from the carpark entrance gate. We recommend that noise from this source does not exceed 45 dBA Lmax in living room and 40 dBA Lmax in bedrooms (windows closed). Lower levels should be targeted for high quality apartments.*
- *Noise impacts from mechanical services are proposed to be addressed during the detailed design phase of the project. This is acceptable from our perspective provided that an acoustical consultant is retained during this phase of the project.*
- *Noise impacts from music associated with the ground floor food and drink premises is proposed to be addressed by the future tenants. This is a reasonable approach from our perspective, noting that the approach effectively limits the level of music that can be played within the tenancies.*

Patron noise from the proposed ground floor food and drink premises has not been assessed. If there is any chance that these tenancies will have outside tables and will operate outside standard business hours, the issue of patron noise impacts should be addressed in the planning report via glazing upgrades to potentially affected apartments. We recommend that design targets equal to the AS/NZS2107 'satisfactory' noise levels are met within apartments with windows closed. These targets are 35 dBA Leq in living rooms and 30 dBA Leq in bedrooms.

Engineering

CAR PARKING PROVISION

Proposed Development

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	48	1 space per dwelling	48	92
Two-bedroom dwelling	49	1 space per dwelling	49	
Three-bedroom dwelling	18	2 spaces per dwelling	36	
Residential visitors	115 Dwellings	1 space per 5 dwellings	23	-
Food and Drink	222.9 m^2	4 spaces per 100 m^2 of leasable floor area	8	2
		Total	164 Spaces	96 Spaces

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

Car Parking Demand Assessment

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

- *Parking Demand for Dwellings*. GTA Consultants have sourced residential car ownership data for the suburbs of Clifton Hill and Fitzroy North from the 2011 Census that was conducted by the Australian Bureau of Statistics. Weighted averages for car ownership have been used. One-bedroom dwellings have a car ownership of 0.73 cars per dwelling. For two-bedroom and three-bedroom dwellings, the car ownership is 1.03 cars per dwelling and 1.47 cars per dwelling respectively. Applying the weighted averages for car ownership to the subject site would result in a parking demand of 111 parking spaces. The ABS statistics suggest that there is a strong market for dwellings that do not contain any on-site parking. Although the proposed on-site parking provision falls below the statistical averages for Clifton Hill and Fitzroy North, the dwellings that do not have any on-site car parking would appeal to persons who do not own a motor vehicle and rely on more sustainable forms of the transport. Persons intending to reside in the new dwellings would be aware of whether there is access to on-site parking.

- *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 13 spaces. During normal business hours, the visitor parking rate would be much less than the 0.12 spaces per dwelling. Off-peak daytime visitor parking would be around 30% of the peak residential visitor parking rate, which would result in a visitor parking demand of around four spaces.

  The applicant proposes to accommodate all residential visitor parking off-site, since the site will be containing mechanical car stackers in 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.

- *Parking Demand for Food and drink Premises*. A parking rate of 3.0 spaces per 100 square metres of floor area could be adopted as the two proposed food and drink premises are located along a commercial area/activity centre. Using this rate equates to a car parking demand of six spaces. Staff parking demand would constitute around a third of a food and drink premises' total parking demand (in this case, it would be two spaces). The customer car parking demand (four spaces) would be accommodated on-street – typical of most food and drink premises abutting a major road or activity centre.
- *Availability of Public Transport in the Locality of the Land*. The site has excellent accessibility to public transport services. The site is located adjacent to the Queens Parade bus interchange and along a high use tram route (route 86). Rail services can also be obtained.
- *Multi-Purpose Trips within the Area*. Customers to the food and drink premises might combine their visit by engaging in other activities or business whilst in the area.
- *Convenience of Pedestrian and Cyclist Access*. The development is within walking distance of shops, businesses, essential facilities and amenities. The site is also well positioned along the principal on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- *Availability of Car Parking*. GTA consultants had conducted on-street parking surveys of the surrounding area on Friday 6 September 2013 from 12:00pm to 9:00pm and on Saturday 7 September 2013 from 11:00am to 9:00pm. Although the parking survey data is over two years' old, it is agreed that there has not been any major redevelopments in the area since that time. The survey encompassed an area of around 100 metres' radius. The recent introduction of temporary Bus Zone restrictions along part of Queens Parade service road would not have displaced a large number of vehicles since the 2013 surveys.

  Cardno had conducted on-street parking occupancy surveys in the surrounding area between the hours of 9:00am and 6:00pm on Thursday 23 July 2015 and Saturday 25 July 2015. The survey area encompassed Queens Parade (Hoddle Street to Heidelberg Road) and Dummett Crescent. An inventory of 164 spaces was identified, with 143 to 145 spaces which could be used by the public. The extent and duration of the survey was considered reasonable. The peak parking occupancy on the Thursday occurred at

1:00pm, with 72 percent of spaces occupied (leaving 40 spaces vacant). Outside the peak times, the availability of parking ranged from 53 to 78 vacant spaces. The Saturday survey recorded a peak parking occupancy of 55 percent, occurring at 3:00pm. The Cardno surveys provide a good guide to the parking conditions in the immediate area.

In summary, the short-stay parking from the subject site and the two approved developments immediately to the south of the site could be accommodated on-street.

- *Relevant Local Policy or Incorporated Document*. The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the limited on-site car parking would discourage private motor vehicle ownership and use.
- *Car Parking Deficiency associated with Existing Land Use*. According to the GTA report, the site is currently occupied by two commercial tenancies totalling around 1,200 square metres in rea with no on-site car parking. The short stay customer parking demand (estimated to be 20 spaces) would be accommodated off-site. The site's short stay parking deficiency could be potentially transferrable to the new site.
- *Other Relevant Considerations*. Residents of the new dwellings will not be eligible to apply for on-street resident and visitor parking permits.

Adequacy of Car Parking

From a traffic engineering perspective, the waiving of the car parking requirement is considered appropriate in the context of the development and the surrounding area. The long-stay parking demands can be accommodated on-site and the short-stay visitor customer parking could be accommodated on-street. The existing short-stay parking demand of the site is accommodated off-site and this parking deficiency 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, GTA consultants have conservatively adopted a rate of 4 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 376 vehicle trips per day with 38 vehicle trips in each peak hour.

Retail Traffic

The two 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), resulting in a total of 4 trips.

Development Traffic

The development would have a daily traffic volume of 384 vehicle trips per day and 40 vehicle trips per peak hour (an average of one vehicle trip every 90 seconds).

GTA has indicated that the subject site, together with the approved developments at 217-241 Queens Parade and 243-247 Queens Parade would generate 79 vehicle trips in the AM peak hour and 85 vehicles in the PM peak hour.

Vehicle wishing to access the site (and also 243 Queens Parade) from the west or south would undertake a U-turn movement on Queens Parade in order to enter the Queens Parade service road. To exit the site, it is agreed that the series of traffic signals along the length of Queens Parade would provide sufficient gaps in the traffic stream to allow development traffic to enter the Queens Parade.

The three sites have a number of options in order to access onto the arterial road network. The traffic generated by the subject site and the two approved sites should not detrimentally affect the operation of the surrounding road network.

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance	The doorway width has been provided at 6.1 metres, which satisfies *Design standard 1 – Accessways* of Clause 52.06-8.
Headroom clearance at Entrance	Not dimensioned.
Visibility	A visibility splay measuring 2.75 metres by 4.30 metres has been provided adjacent to the exist lane of the development entrance. Complies with *Design standard 1*.
Vehicle Crossing	The new vehicle crossing must be constructed to Council's current standards. The edge of the new vehicle crossing must have a lateral clearance of 1.0 metre from the existing electrical stay (attached to a pole). A ground clearance check and cross sectional drawing is to be provided (please see 'Design Items to be Addressed').
Car Parking Modules	
At-Grade Parking Spaces	The dimensions of the two at-grade parking spaces adjacent to the right of Way satisfy *Design standard 2:*

	Car parking spaces.
Apron Width (At-grade Spaces)	Provided at least 6.4 metres as per *Design standard 2*.
Accessible car Parking Space and associated Shared Area	With the exception of the length, the dimensions of the dedicated accessible parking space and associated shared area satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009. A bollard has not been provided in the shared area.
Vehicle Turning Movements into and out of At-grade Parking Spaces	Swept path diagrams provided by GTA Consultants using the B85 design vehicle demonstrate satisfactory vehicle turning movements into and out of the spaces.
Aisle Widths – Basement Car Park	Aisles have been provided at 7.545 metres, inclusive of columns. Swept path diagrams for the B85 design vehicle entering and exiting stacker platforms are satisfactory.
Ramps and Grades	
Ramp Grade for first 5.0 metres	From the building line, the ramp has a short horizontal section (not dimensioned) followed by a 5.0 metres section at a grade of 1 in 10. The ramp for the first 5.0 metres satisfies *Design standard 4: Gradients*.
Main Ramp Width	The main ramp has a wall to wall width of 6.1 metres, which satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Ramp Grades	Ramps grades and changes of grade throughout the car parks satisfy Design standard 4. The 1 in 8 transition grades at the base of grades of 1 in 4 have lengths of 2.5 metres to accommodate the B99 design vehicle

Item	Assessment
Mechanical Parking	

Vehicle Clearance Height	Vehicle clearance heights of at least 1.8 metres have been provided for at least 25 per cent of mechanical parking spaces as per *Design standard 4: Mechanical parking*.
Stacker System	The car stacker systems to be provided have platform lengths of at least 5.5 metres with widths of 2.6 to 2.7 metres.
Car Stacker Use	To be used only by long-stay office employees and for not visitors, as required by *Design standard 4*.
Loading Considerations	
Loading Arrangements	No dedicated on-site loading facility has been provided. Cardno has indicated that vans or similar sized vehicles could use the on-site visitor parking or utilise on-street parking. Engineering Services has no objection to a waiver of the loading requirements under Clause 52.07.
Other Items	
Installation of Convex Mirrors	There is no objection to the installation of convex mirrors to be provided for the single ramp section in between Basement Level 1 and Basement Level 2 as recommended in the GTA report.

Summary of Design Items to be Addressed

Item	Details
Headroom clearance at Entrance	To be dimensioned on the drawings prior to endorsement.
Blind Aisle Extension – Basement 2 Plan	To be dimensioned on the drawings prior to endorsement.

IMPACT ON COUNCIL ROAD ASSETS

The construction of the new buildings, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets.

Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site.

It is essential that the developer rehabilitates/restores laneways, footpaths, kerbing and other road related items, as recommended by Council, to ensure that the Council infrastructure surrounding the site has a high level of serviceability for residents, employees, visitors and other users of the site.

Re-Sheeting of Queens Parade Service Road

The construction works on site would result in the transportation of heavy vehicles, plant and equipment to the site via the Queens Parade service road. In addition, it is highly likely that underground services connections to the site would be made within the service road. The pavement surface of the Queens Parade service road will deteriorate after all construction and utility works for the site have been completed. Therefore, it is vital that the applicant profiles the existing wearing course of the Queens Parade service road outside the development frontage and laying an asphalt overlay (around 40 to 50 mm thick). These works would ensure that there is a neat finish, rather than resulting in a 'patch-work quilt' appearance of the road once all works have been completed.

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 – Queens Parade Service Road

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Queens Parade service 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 Queens Parade service road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's expense.
- Prior to the occupation of the development, the full width road pavement of the Queens Parade service road outside the property frontage, must be profiled and re-sheeted to Council's satisfaction and at the Permit Holder's expense.
-

Vehicle Crossing

- The site's new vehicle crossing must be constructed in accordance with Council's *Infrastructure Road Materials Policy*, Council's Standard Drawings and engineering requirements.
- The applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels (not interpolated levels from the application drawings) of the Queens Parade service road

profile (centre line of road pavement to property line). The required levels (to three decimal places) include the building line level, top of kerb level, invert level, lip level and road pavement levels. The existing road profile of Sackville Street and the ramp inside the property (for the first 2.0 metres) must be accurately drawn. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out. The 1 in 20 scale cross sectional drawing and ground clearance check must be submitted to Council's Construction Management branch for assessment and approval.

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.

- 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.

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.

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

NON-PLANNING ADVICE FOR THE APPLICANT

Legal Point of Discharge

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

Construction Management Considerations

- On the Queens Parade frontage of the site, pole No. 27888 (a former tram pole) is currently being used as a stay for a CitiPower electrical pole (with the same number located) about 4m west of the stay. It appears that stay is located near the edge of the new vehicle crossing. Comment from CitiPower should be sought to ascertain whether the stay could be removed or relocated.
- Currently kerbside parking along the front of the development is designated as a Bus Zone and partially (eastern section in front of 267 -269 Queens Parade) as a loading zone. Given that this section of Queens Parade contains the tram/bus interchange, consultation with Public Transport Victoria would be required with respect to the construction of the new development and the management of the bus zone restrictions.
- VicRoads is currently undertaking improvement of the Queens Parade interchange to facilitate safer pedestrian movement as well as ensure that pedestrian facilities are DDA compliant. The applicant should liaise with VicRoads in relation to the interchange works and the potential impacts on pedestrians once the development is operational.
- Some of the existing overhead power lines along Queens Parade have been bundled. Advice from CitiPower is required whether additional works are required to ensure that overhead power lines are outside "No Go Zone".

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 10.0 metres and it is possible that groundwater would be encountered. It is also quite probable that any groundwater discovered by the developer would be contaminated.

In the event that contaminated groundwater seeps through the walls of the basement, this water must not be discharged into Council's stormwater drainage system under any circumstances. Any contaminated groundwater that is present within the site must be treated

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

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.

ESD

This application largely meets Council's Environmental Sustainable Design (ESD) standards. Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met. *Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are addressed in an updated SMP report and are clearly shown on Condition 1 drawings. ESD improvement opportunities (4) have been summarised as a recommendation to the applicant.*

Applicant ESD Commitments:

- Most dwellings have reasonable access to natural ventilation, providing windows into habitable rooms are operable. All exhausts discharged outside.
- Standard of daylight is good to most areas in the building as demonstrated by the daylight modelling. Lower level battleaxe rooms are satisfactory. Impact on access to daylight of the adjoining development at 243 Queens Pde is acceptable.
- Building fabric to exceeding minimum NCC requirements by 10%, overall GHG emissions reduction by 30%.
- Most glazing is protected by 'box' shade hoods or balcony overhangs and wingwalls.
- A STORM report with a score 102% has been received that relies on a minimum of 742.9m2 of roof connected to an 20,000 litre tank connected to toilets for flushing in dwellings with 48 bedrooms.
- Water efficient fixtures.
- 120 bike parking spaces on the ground floor and lower basement levels.

Application ESD Deficiencies:

- Commitment to 4 Star Green Star standard. Given the scale of the development a 4 Star Standard is not proportionate in level of performance, as all developments over 10 dwelling meet this standard. Recommend a 5 Star Green Star accredited project.

Outstanding Information:

- Please ensure that all habitable rooms, including studies, have an operable window to enable natural ventilation and clearly mark operability on plans.
- Please provide sample NatHERS or preliminary energy model to a reference building demonstrating that the overall energy/GHG targets can be met.
- Please provide more information on what type of hot water system will be specified demonstrating that the overall energy/GHG targets can be met.
- Please provide more information on what type of heating/cooling system will be specified demonstrating that the overall energy/GHG targets can be met.

ESD Improvement Opportunities:

- Consider a solar PV array to contribute to common area electricity consumption. There is a large available roofspace.

Open Space

Landscape Plans – TRACT – rev 3 – 21.09.2016

The example plant selection looks appropriate. A final plant schedule and planting plan showing the location of all plants will be required as part of the planning permit.
The depth of the planter boxes appears suitable.

Final design details will be required as part of the planning permit. These will need to include:
i. Planter box materials and dimensions.
ii. Mulch layer – something that won't blow away.
iii. Growing media – suitable in weight and content for roof top gardens
iv. Filter media
v. Irrigation method
vi. Drainage system
vii. Root barrier / water proofing layer

The proposed surface treatments for the terraces look suitable.
There is a discrepancy between the Landscape Plans and drawing TP1 – 108 rev A. The landscape plans are taken to be the proposed design.

Maintenance
Maintenance is a key issue for the success of roof top gardens

Strategic Transport Unit

Bicycle parking on-site:

In relation to the proposed bicycle parking as per the Traffic Engineering Assessment p.5 and Town Planning Plans (Part 1) pp.TP1 – 0B2 & TP1 - 100.

1. The number of residential and visitor bicycle parking is satisfactory.
2. The style of residential and visitor bicycle parking is satisfactory.
3. The location of the bicycle parking satisfactory, but could be improved. Changing the location of the 84 hoops currently located in B2 to the ground floor gives riders better access and less exposure riding in the carpark itself.
4. The location of visitor bicycle parking for those visiting residents is acceptable but for those accessing the café is not satisfactory. Bicycle parking needs to be installed as per Yarra's guidelines and at the cost of the developer on Queens Parade.
5. Strategic Transport advises the following elements be considered in location and style of bicycle parking to be provided:
    a. Easily accessible
    b. Secure
    c. Well-lit
    d. Undercover
    e. A mixture of on-ground and hanging style bike racks with the majority (more than 75%) to be provided as on-ground.

See Council's ESD Guidelines (p.25) for more information on bicycle parking.

Please note: There are future capital works being developed in the area at the Queens Parade tram/bus interchange – managed by the Department of Transport, Planning and Local Infrastructure.

Waste

Attachment 5 - PLN16/0494-05 - 249 -265 Queens Parade Clifton Hill - referrals

The Waste Management Plan prepared by Leigh Design dated 15 September 2016 for 249-261 & 263-265 Queens Parade Fitzroy North is unsatisfactory from the City Works Branch's perspective. The waste collection needs to be a private service collected from an internal location.

Attachment 6 - PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - vicroads referral comments

vicroads

Yarra City Council
PO Box 168
RICHMOND VIC 3121
Attention: Vicky Grillakis

Metropolitan North West Region
499 Ballarat Road
Sunshine Victoria 3020
Telephone (03) 9313 1333

Send Correspondence to:
mnw.mail@roads.vic.gov.au
or Fax (03) 9313 1175

Parcels and Drawings to:
Private Bag 4000 Sunshine
Victoria 3020

vicroads.vic.gov.au

Dear Ms Grillakis,

PLANNING APPLICATION NO.: **PLN16/0494**
VICROADS REFERENCE NO: **21575/17**
PROPERTY ADDRESS: **249 QUEENS PARADE, FITZROY NORTH**

Section 55 – No objection subject to conditions

Thank you for referring details of the above application to the Roads Corporation (VicRoads) pursuant to Section 55 of the Planning and Environment Act 1987.

The application is for use and development of the land for the construction of a 17- storey (with lift over-run) mixed-use building (with 115 dwellings and two ground floor food and drinks premises - no permit required for dwelling uses) plus two basement levels, a reduction in the car parking requirement, waiver of loading bay requirements, buildings and works and alterations to access to a Road Zone (Category 1) and removal of an easement.

VicRoads does not object to the development in its current form.

If Council regards the proposed development favourably, VicRoads would require that the following conditions be included in any Notice of Decision to issue a Planning Permit or Planning Permit:

1. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads prior to the occupation of the building hereby approved.
2. Rear access to the service lane must not be restricted by gates or similar enclosures which may obstruct traffic movements on Hoddle Street.

Notes:

(a) The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

(b) Separate Consent shall be required from VicRoads under the Road Management Act 2004 for all buildings and works (including projections, canopies, fixed shading devices, balcony framing etc) undertaken outside the title boundary within a Road Zone Category 1.

VICTORIA
State Government

VicRoads ABN 61 760 960 480

PSL 38

Attachment 6 - PLN16/0494-05 - 249 - 265 Queens Parade Clifton Hill - vicroads referral comments

Once Council makes its decision, please forward a copy of the decision to VicRoads as required under Section 66 of the Planning and Environment Act 1987.

Should you have any enquiries regarding this matter, please contact Gillian Menegas on 03 9313 1148 or Gillian.Menegas@roads.vic.gov.au

Yours sincerely



GILLIAN MENEGAS
Senior Planner - Statutory Department

12 May 2017

Attachment 7 - PLN16/0494-05 - 249 -265 Queens Parade Clifton Hill - PTV referral comments

PUBLIC TRANSPORT VICTORIA

File: FOL/16/41110
DOPT: 2016/0367
Your ref: PLN16/0494

Ms Vicky Grillakis
Acting Coordinator Statutory Planning
Yarra City Council
PO Box 168
RICHMOND VIC 3121

Info@yarracity.vic.gov.au

PO Box 4724
Melbourne Victoria 3001
Australia

Telephone 1800 800 007
ptv.vic.gov.au

DX 210018

Dear Ms Grillakis,

YARRA PLANNING PERMIT APPLICATION NO.: PLN16/0494
ADDRESS: 249-265 Queens Parade Clifton Hill
PROPOSAL: Use and development of the land for the construction of a 17 storey mixed use building (with 115 dwellings and two ground floor food and drinks premises) plus two basement levels, a reduction in the car parking requirement, waiver of loading bay requirements, buildings and works and alterations to access ot a Road Zone (Category 1) and removal of an easement.

Thank you for your letter dated 10 October 2016 referring the above application to Public Transport Victoria pursuant to Section 55 of the *Planning and Environment Act 1987*. The correspondence was received on 10 October 2010.

I wish to advise that Public Transport Victoria, pursuant to Section 56(1) of the *Planning and Environment Act 1987*, **does not object** to the grant of a planning permit.

Should you have any queries regarding the above, please contact Elana Savini on 9027 4808.

Yours sincerely

EDWARD BYRDEN
Acting General Counsel
25/10/2016

CC: Permit Applicant: lchamberlain@tract.net.au

Attachment 8 - PLN16/0494-05 - 249 -265 Queens Parade Clifton Hill - victrack comments

Our Ref: CSM 30614

14 October 2016

Vicky Grillakis
Planning Officer

City of Yarra
Po Box 168
Richmond VIC 3121

Dear Vicky

Planning Permit Application No. PLN16/0494

249 – 265 Queens Parade, Clifton Hill

I refer to Council's correspondence dated 3 October 2016 regarding a planning permit application for land at 249-265 Queens Parade, Clifton Hill for the use and development of the land for the construction of a 17-storey mixed use building.

VicTrack has reviewed the location of the proposal and notes that the permit application site is separated from the rail corridor by Hoddle Street. As there is no direct interface with the rail corridor, VicTrack has no objection to the granting of a planning permit.

Should you have any queries, please contact me on 03 9619 0222 or emma.demaine@victrack.com.au.

Yours faithfully

Emma Demaine
Planning Manager

VicTrack
Level 8, 1010 La Trobe St Docklands VIC 3008
GPO Box 1681 Melbourne VIC 3001
T 1300 VICTRACK (1300 842 872)
victrack.com.au

VicTrack

1.2 150 Yarra Boulevard Richmond - Planning Permit Application PLN16/0755 - Use part of the land as a restaurant, sale and consumption of liquor, and associated reduction in the car parking and loading bay requirements, buildings and works associated with a ground floor addition, part demolition, and the construction and display of flood-lit business identification signage.

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for No. 150 Yarra Boulevard Richmond, which seeks approval for use of part of the land as a restaurant, sale and consumption of liquor, and associated reduction in the car parking and loading bay requirements, buildings and works associated with a ground floor addition, part demolition, and the construction and display of flood-lit business identification signage. The report recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:

   (a) Clause 13.04-1 – Noise abatement;
   (b) Clause 15.3-1 – Heritage conservation;
   (c) Clause 17.01 – Business;
   (d) Clause 18.01 – Integrated transport;
   (e) Clause 22.02 – Development guidelines for sites subject to the heritage overlay;
   (f) Clause 22.09 – Licensed premises;
   (g) Clause 36.02 – Public park and recreation zone;
   (h) Clause 43.01 – Heritage overlay;
   (i) Clause 52.05 – Advertising signs;
   (j) Clause 52.06 – Car parking;
   (k) Clause 52.07 – Loading and unloading of vehicles; and
   (a) Clause 52.27 – Licensed premises.

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

   (a) Use;
   (b) Buildings and works;
   (c) Advertising signs;
   (d) Sale and consumption of liquor;
   (e) Car parking; and
   (f) Objector concerns.

Objector Concerns

4. At the time of writing this report, 114 objections had been received, with concerns summarised as:

   (a) Privatisation of a public park;
   (b) Excessive operating hours;
   (c) Increase in noise impacts on residential uses from patrons, music, deliveries, large functions being held at the venue;
   (d) Increase in anti-social behaviour and increase in litter;
   (e) Impact on existing car parking in the area and increased traffic;
   (f) Building over existing park land;
   (g) Impacts on existing off-leash park area for dogs and wild life;
   (h) Heritage concerns; and

(i) Lack of community consultation/transparency during the EOI process (non-planning consideration).

5. A total of 15 support letters were received to the application, these can be summarised as:

(a) A positive use of a derelict and disused building;
(b) Provision of a community focused initiative; and
(c) Re-activating the Richmond precinct, including the walking and bicycle tracks.

Conclusion

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

CONTACT OFFICER: **Nish Goonetilleke**
TITLE: **Statutory Planner**
TEL: **9205 5005**

1.2 150 Yarra Boulevard Richmond - Planning Permit Application PLN16/0755 - Use part of the land as a restaurant, sale and consumption of liquor, and associated reduction in the car parking and loading bay requirements, buildings and works associated with a ground floor addition, part demolition, and the construction and display of flood-lit business identification signage.

Trim Record Number: D17/56671
Responsible Officer: Coordinator Statutory Planning

Proposal:	Use part of the land as a restaurant, sale and consumption of liquor, and associated reduction in the car parking and loading bay requirements, buildings and works associated with a ground floor addition, part demolition, and the construction and display of flood-lit business identification signage.
Existing use:	Vacant building
Applicant:	Emma Schaeche & Uinvest Business
Zoning / Overlays:	Public Park and Recreation Zone Heritage Overlay (Schedule 229, 299, 298) Significant Landscape Overlay (Schedule 1)
Date of Application:	25 August 2016
Application Number:	PLN16/0755

Background

Amendment GC48

1. Amendment GC48 was gazetted on 24 February 2017 and introduced new and/or amended overlay controls along the Yarra River Corridor. When the planning application was lodged in 2016, the subject site was affected by a Design and Development Overlay (DDO1) and an Environmental Significant Overlay (ESO1). The site is no longer affected by a DDO1, but is now covered by a Significant Landscape Overlay (SLO1).

2. The SLO applies to both public and private land within (approximately) 100 to 400m from the centreline of the Yarra River on both sides.

Amendment C209

3. Council has undertaken a review of its current licenced premises policy to improve the way licenced venues are managed in the City of Yarra.

4. Amendment C209 completed public exhibition on 16 December 2016 and at its meeting on 21 February 2017 Council requested the Minister for Planning to appoint an independent planning panel. The amendment was heard by the panel on 26 and 27 April 2017. Given the above, the amendment is a seriously entertained document.

Existing Conditions

Subject Site

5. The subject site, No. 150 Yarra Boulevard Richmond, constitutes an irregular shaped parcel of land with an area of approximately 157,126sqm. The subject site is well-known as Burnley Park.

6. Burnley Park is bound by Yarra Boulevard to the east, Park Grove to the west and Swan Street to the south, in Richmond. Further east of the subject land is the Yarra River and further south is the Burnley Park Golf Course. The middle and southern section of Burnley Park predominantly consists of sporting activities; with a large football oval, a basketball court and a community pavilion. In contrast, the northern and western sections of the park consists of open parkland, with pedestrian and bicycle trails and seating, including the subject building which was formally a caretaker's cottage.

7. The subject building is a single-storey, part masonry, part weatherboard, cottage which is located further north-west of the overall subject site (approximately 50m to Bellevue Street), and is approximately 66m west of Yarra Boulevard and between 50m to 90m east of Park, Bellevue, Albert and Brooks Streets, in Richmond. The cottage is currently vacant.

8. There are no restrictive covenants listed on the title provided.

Surrounding Land

The area surrounding the park to the north and west are predominantly residential and is characterised by a mixture of single and double-storey housing, including 70's triple-storey apartment blocks and multi-dwelling developments. The closest dwellings are located approximately 50m west, along Bellevue Street. All of the surrounding properties are separated from the park by a road or Right-of-Way (ROW). However, Bendigo Street, which is approximately 170m west of the subject site, has two cafés operating.

10. To the east of the subject building is parkland, and further east, across Yarra Boulevard is Melbourne Girl's College.

11. To the south of the subject site, across Swan Street is the Burnley Park Golf Course.

12. The subject building is located approximately 450m south of Bridge Road which is a Major Activity Centre (MAC) and approximately 300m north of the Swan Street Major Activity Centre (MAC). Tram services operate along both Bridge Road and Swan Street.

The Proposal

13. The application seeks approval to use part of the land as a restaurant, sale and consumption of liquor, and associated reduction in the car parking and loading bay requirements, buildings and works associated with a ground floor addition, part demolition, and the construction and display of flood-lit business identification signage. Details are as follow:

Use

(a) Use of the subject building as a restaurant, including the sale and consumption of liquor, between 7.00am to 11.00pm, seven days a week;
(b) The maximum number of patrons on site would be 108 (48 internally and 60 externally);
(c) The maximum staff numbers would be 2;

Buildings and works

(d) Demolition

(i) Demolition of existing west-facing windows, including part wall and door (further north);
(ii) Demolition of the north-facing door;
(iii) Demolition of sections of the existing roof;
(iv) Demolition of the existing access ramp located to the east; and
(v) Internal demolition (no permit required).

(e) Construction

(i) Construction of a new access ramp located to the east;
(ii) Installation of bi-folding doors along sections of the northern and western walls of the cottage;
(iii) Construction of an outdoor undercover deck (10.65m long x 6.95m wide), along a section of the western wall of the building, with a louvered roof above;
(iv) The proposed deck will be setback approximately 45m from the western boundary (closest point abutting the existing ROW), and between 7.5m and 11m from the walkway/bicycle lane to the north;
(v) The maximum building height of the extension will be 3.3m above natural ground level;
(vi) Installation of a pizza oven to the west of the building, outside of the kitchen, including a bi-folding servery hatch ;
(vii) A roofed bin storage area located further north of the subject building to accommodate 2 bins;
(viii) A herb garden in a rendered planter box located between the bin area and the deck;
(ix) The bin storage area and the herb garden will be enclosed by perforated panels and low planter-boxes;
(x) Installation of two exhaust flues on the southern portion of the roof, including two sets of solar panels;
(xi) "Make good" existing north, east and south-facing windows, including an existing painted, southern brick wall;
(xii) Garden beds and outdoor furniture further south of the building (no details provided);
(xiii) 8 bicycle racks provided closer to the walkway/bicycle lane to the north, including 4 bicycle racks attached to the southern wall of the cottage, to be used by staff;
(xiv) Provision of a loading-bay on Yarra Boulevard, approximately 110m east of the subject building; and
(xv) Sensor lighting attached to each corner of the building and the proposed roof above the outdoor deck.

Signage

(f) One (1) floodlit business identification signage – 0.55m wide x 0.5m high, 2.5m clearance from the ground, with a total area of 0.28sqm attached to the north-western corner of the proposed roof above the outdoor deck; and
(g) Two (2) non-illuminated, business identification signs (plaques) on the western and southern weatherboard walls of the cottage; which appear to be 0.15sqm each in area.

Materials and finishes

(h) Panels – Perforated or louvered panels;
(i) Windows – Painted white, bi-folds;
(j) Planter boxes – Rendered, concrete finish;
(k) Roof – Mesh or louvered;
(l) New paint finish to the existing building, including chimneys – Natural white; and
(m) Signage – Brass, metal finish.

Car parking

(n) No car parking spaces are to be provided on site.

Planning Scheme Provisions

Zoning

Public Park and Recreation Zone

14. Pursuant to *Clause 36.02-1* of the Yarra Planning Scheme (the Scheme), the use of the land for retail premises (which includes a restaurant) is a Section 1 – "permit not required" use, provided it is *a use conducted by or on behalf of a public land manager or Parks Victoria under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forest Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958, or the Crown Land (Reserves) Act 1978* or is *a use specified in an Incorporated plan in a schedule to this zone*.

15. Whilst Council is the public land manager of the site and the application was lodged after a successful EOI process, the proposed use is not conducted by or on behalf of Council. Furthermore, there is no incorporated plan in the schedule to this zone. As such, under *Clause 36.02-1* of the Scheme, the proposed use is a Section 2 – "permit required" use and the use *must be associated with the public land use*.

16. Pursuant to *Clause 36.02-2* of the Scheme, a permit is required to *construct a building or construct or carry out works*.

17. Pursuant to *Clause 36.02-8* of the Scheme, advertising sign requirements for this zone is in Category 4 - Sensitive areas.

Overlays

Heritage Overlay (Schedule 229, 299, 298)

18. Pursuant to *Clause 43.01-1* of the Scheme, a permit is required to demolish or remove a building, and to construct a building or construct or carry out works, including painting, installation of solar panels, and construction or display of signs.

Significant Landscape Overlay (Schedule 1)

19. Pursuant to *Clause 42.03-1* of the Scheme, *a permit is required to construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.*

20. Relevantly, *Section 3.0* of the schedule to this overlay states a *permit is not required to construct a fence within 30 metres of the banks of the Yarra River* and *to construct a building less than 6 metres in height above natural ground level at any point.* As the proposed works meet these exemptions and no vegetation is proposed to be removed, a permit is not triggered under this overlay.

Particular Provisions

Clause 52.05 Advertising signs

21. Category 4 – Sensitive areas at *Clause 52.05-10* of the Scheme states that a business identification sign and a floodlit sign require a planning permit and the total advertisement area to each premises must not exceed 3sqm. All other signs are prohibited.

Clause 52.06 Car parking

22. Pursuant to *Clause 52.06-2* of the Scheme, before a new use commences, the required car parking spaces must be provided on the land. The following table identifies the car parking requirement under *Clause 52.06-5*, the provision on site, and the subsequent reduction:

Use	Statutory car parking requirement	On-site provision	Reduction requested
Restaurant	0.4 to each patron	Zero	43

23. Pursuant to *Clause 52.06-3* of the Scheme, a permit is required to reduce (including reduce to zero) the number of car spaces required under *Clause 52.06-5*.

Clause 52.07 Loading and unloading of vehicles

24. 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.* An off-site loading bay on Yarra Boulevard has been proposed, and as such a reduction of a loading bay space is required.

Clause 52.27 Licenced Premises

25. Pursuant to *Clause 52.27* of the Scheme, a planning permit is required for the sale and consumption of liquor on the premises.

Clause 52.34 Bicycle facilities

26. Pursuant to *Clause 52.34-1* of the Scheme, *a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.* The following table identifies the bicycle facility requirement under *Clause 52.34-3*:

USE	EMPLOYEE/RESIDENT	VISITOR/SHOPPER/STUDENT
Restaurant	1 to each 100 sq m of floor area available to the public	2 plus 1 to each 200 sq m of floor area available to the public if the floor area available to the public exceeds 400 sq m.

27. The subject building has a total floor area of 220sqm which requires 2 spaces for staff and 2 spaces for patrons. The proposal incorporates 20 on-site bicycle facilities (4 for staff and 16 for patrons), and therefore exceeds the statutory requirements.

General Provisions

Clause 65 Decision guidelines

28. 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)

Clause 11.04-1 Open space planning

29. The objective of this clause is:

(a) *To assist creation of a diverse and integrated network of public open space commensurate with the needs of the community.*

30. The relevant strategies are:

    (a) *Ensure that land is set aside and developed in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities.*
    (b) *Protect the overall network of open space by ensuring that where there is a change in land use or in the nature of occupation resulting in a reduction of open space, the overall network of open space is protected by the addition of replacement parkland of equal or greater size and quality.*
    (c) *Ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction and peace and solitude.*

    Clause 11.04-2 Open space management

31. The objective of this clause is:

    (a) *To provide for the long term management of public open space.*

32. The relevant strategies are:

    (a) *Ensure the provision of buildings and infrastructure is consistent with the management objectives of the park.*
    (b) *Protect sites and features of high scientific, nature conservation, biodiversity, heritage, geological or landscape value.*

    Clause 11.06-8 Open space network in Metropolitan Melbourne

33. The objective of this clause is:

    (a) *To strengthen the integrated metropolitan open space network.*

34. The relevant strategy is:

    (a) *Ensuring development does not compromise the Yarra River and Maribyrnong River corridors and other waterways as significant open space, recreation, aesthetic, conservation and tourism assets.*
    (b) *Ensure open space provision is fair and equitable with the aim of providing access that meets the needs of all members of the community, regardless of age, gender, ability or a person's location.*

    Clause 13.04-1 Noise Abatement

35. The objective of this clause is:

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

36. The relevant strategy is to:

    (a) *Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

    Clause 15.01-1 Urban design

37. The objective of this clause is :

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

38. The relevant strategy is to:

    (a) *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*

Clause 15.01-2 Urban design principles

39. The objective of this clause is:

    (a) *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

Clause 15.01-2 Urban design principles

40. The objective of this clause is:

    (a) *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

Clause 15.03-1 Heritage conservation

41. The objective of this clause is:

    (a) *To ensure the conservation of places of heritage significance.*

42. The relevant strategy is to:

    (a) *Support adaptive reuse of heritage buildings whose use has become redundant.*

Clause 15.03-2 Aboriginal cultural heritage

43. The objective of this clause is:

    (a) *To ensure the protection and conservation of places of Aboriginal cultural heritage significance.*

44. The relevant strategy is to:

    (a) *Ensure that permit approvals align with recommendations of a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.*

45. The subject site is within one or more areas of cultural heritage sensitivity as described in the Aboriginal Heritage Regulations 2007. However, pursuant to the Aboriginal Heritage Planning Tool, the following are exempt from requiring a Cultural Heritage Management Plan (CHMP) under the following regulations:

    (a) *Alterations of buildings (r.11);* and
    (b) *Demolition (r.13).*

    It further states *use of land or the construction of a building or the construction of carrying out of works for retail premises (r.43)* requires a CHMP if there is significant ground disturbance. Significant ground disturbance is defined as *disturbance of the topsoil or surface rock layer of the ground or a waterway by machinery in the course of grading, excavating, digging, dredging or deep ripping*. As the proposed works do not consist of significant ground disturbance, a CHMP is not required.

Clause 17.01 Commercial

46. The 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"*.

47. The relevant strategy is to:

    (a) *Locate commercial facilities in existing or planned activity centres.*

Clause 18.01 Integrated transport

48. The objective of this clause is:

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

Local Planning Policy Framework (LPPF)

Clause 21 Municipal Strategic Statement (MSS)

Clause 21.03 Vision

49. *Clause 21.03* of the Scheme outlines strategic objectives for land use, built form, transport and environmental sustainability within the City.

Clause 21.04 Land Use

50. Relevant objectives of this clause are:

    (a) *To reduce potential amenity conflicts between residential and other uses.*
    (b) *To maintain the long term viability of activity centres.*
    (c) *To increase the number and diversity of local employment opportunities.*

Clause 21.04-2 Activity centres

51. Relevant objectives of this clause are:

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

Clause 21.04-3 Industry, office and commercial

52. Relevant objectives of this clause are:

    (a) *Objective 8 To increase the number and diversity of local employment opportunities.*

Clause 21.04-5 Parks, gardens and public open space

53. Relevant objectives of this clause are:

    (a) *To establish a linked open space network.*
    (b) *To provide an open space network that meets existing and future community needs.*

Clause 21.06 Transport

54. Relevant objectives of this clause are:

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

Clause 21.08-10 Central Richmond (area between Bridge Road and Swan Street)

55. The neighbourhood character statement for this area states:

    (a) *The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid-Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood.*

56. The map at *Figure 23*: *Neighbourhood map: Central Richmond* identifies the site as being in close proximity to the Bridge Road Major Activity Centre (MAC). It further states *improve pedestrian and bicycle links from the main Yarra trail into and through Burnley Park*.

57. The map at *Figure 24*: *Built form character map: Central Richmond* identifies the site as *maintain and strengthen the natural landscape of the river edge*.

Relevant Local Policies

Clause 22.04 Advertising signs policy

58. This policy applies to all permit applications for advertising signs or for development which incorporates an advertising sign.

Clause 22.05 Interface uses policy

59. This policy applies to applications for use or development within Mixed Use, Business and Industrial Zones and seeks to manage the interface between residential, commercial and industrial land uses with respect to issues such as noise, visual impact and appearance, overlooking, overshadowing, odour and emissions, light spill, loading and unloading, rubbish removal and storage and construction noise. Whilst the subject site is not located within either of these zones, this policy is used as a guide to determine if the proposed use and development is appropriate.

Clause 22.09 Licensed premises

60. This policy applies to all applications for new licensed premises. The objectives of this clause are:

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

Clause 22.16 Stormwater management (water sensitive urban design)

61. This policy applies to applications for extensions to existing buildings which are 50 square metres in floor area or greater and recognises that increased development can result in greater hard surface area and changes to the volume, velocity and quality of stormwater drainage into natural waterways.

Incorporated Documents

62. Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 – The site is identified as being individually-significant.

Reference Documents

63. Conservation Management Plan: Former caretaker's cottage Burnley Park, Burnley Lovell Chen, 30 April 2015.

Advertising

64. The application was originally advertised in accordance with Section 52 of the *Planning and Environment Act* 1987 (the Act) by way of 914 letters sent to surrounding property owners and occupiers and the display of two signs on the site; one on the northern side and one on the western side of the building.

65. At the time of writing the report, a total of one hundred and fourteen (114) objections had been received. The grounds of objection are summarised as follows:

    (a) Privatisation of a public park;
    (b) Excessive operating hours;
    (c) Increase in noise impacts on residential uses from patrons, music, deliveries, large functions being held at the venue;
    (d) Increase in anti-social behaviour and increase in litter;
    (e) Impact on existing car parking in the area and increased traffic;
    (f) Building over existing park land;
    (g) Impacts on existing off-leash park area for dogs and wild life;
    (h) Heritage concerns; and
    (i) Lack of community consultation/transparency during the EOI process (non-planning consideration).

66. Council received a total of fifteen (15) support letters which are summarised as follows:

    (a) A positive use of a derelict and disused building;
    (b) Provision of a community focused initiative; and
    (c) Re-activating the Richmond precinct, including the walking and bicycle tracks.

Referrals

External Referrals

Acoustic

67. The application was referred to SLR Consulting Australia (SLR) for acoustic comments. The comments are located in the Appendix to this report.

Melbourne Water

68. Under the previous Environmental Significant Overlay (ESO), the application was required to be referred to Melbourne Water for comment. However, under the new Significant Landscape Overlay (SLO1), the proposal does not require a planning permit and as such, was not required to be referred to Melbourne Water.

Internal Referrals

69. The application was referred to Council's Engineering Department, Open Space Department, Heritage, Environmentally Sustainable Design officer (ESD), Social Planning Department, Compliance Department and City Works Department. The comments are located in the Appendix to this report.

OFFICER ASSESSMENT

70. The key planning considerations for Council in considering the proposal are:

    (a) Use;
    (b) Sale and consumption of liquor;
    (c) Reduction in car parking and loading bay requirements;
    (d) Buildings and works and heritage;
    (e) Signage; and
    (f) Objector concerns.

    Use

71. The discussion of the appropriateness of the proposed use (restaurant) will be guided by the purpose and decision guidelines of the Public Park and Recreation Zone (PPRZ) at *Clause 36.02-5* and the requirements of the "Interface uses policy" at *Clause 22.05* of the Scheme.

72. As stated previously, the proposed use is a Section 2 permit required use within the PPRZ. The condition which must be met in the Table of uses in the zone is that the uses *"must be associated with the public land use"*. If this condition is not met the uses are prohibited.

73. *Croydon Developments Pty Ltd vs Yarra Ranges Sc* [2006] VCAT 360 (16 March 2006) discusses the test of whether a proposed use (in this instance a restaurant) is in association with the existing use (public park). As stated in this VCAT case, the term 'in association with' *has its ordinary meaning. The ordinary meaning connotes a connection, a combination or a joining in a positive way*. The existing subject building, being the caretaker's cottage, is unoccupied and not maintained. The majority of sporting activities within Burnley Park occur further to the south of the overall site, with the area around and inside the cottage (for most part) underutilised.

74. The building and proposed works would utilise 0.2% of the overall park area and would provide a service not currently located in the park (i.e. serving food and drink). Furthermore, the upgrade and use of the heritage building would also have a beneficial impact by improving the usability of the space (currently inaccessible to the public). Subject to consideration of the impacts of the use, the ability to allow public access to an area currently unavailable with additional bicycle and toilet facilities is seen as a positive connection with the park use.

75. As such, the proposal meets the objective at *Clause 17.01-1* (Business) of the Scheme which encourages development to *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.* The proposal will provide net community benefit by using an existing, vacant, dilapidated cottage and thereby increasing the use of the existing park and enhance the underutilised portion of Burnley Park.

76. The next test is whether the use of the land is acceptable, having regard to the purpose and decision guidelines of the zone. The purposes of the Public Park and Recreation Zone (PPRZ) are as follow:

    (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 recognise areas for public recreation and open space.*

(c) *To protect and conserve areas of significance where appropriate.*
(d) *To provide for commercial uses where appropriate.*

77. It is clear from the above purposes that public recreation and use of open space does not preclude commercial activities. Rather it is the appropriateness of the business and how it relates to the parkland. In the VCAT case *Teesdale vs Surf Coast Sc* [2016] VCAT 1224 (22 July 2016) the Tribunal stated they: *place major weight on the fact that the purposes of the PPRZ overtly anticipate possible commercial uses*. As such, it then becomes a question of the scale or size and operation of the restaurant as to whether this is an "appropriate" use and whether it is consistent with the purpose of the PPRZ. Scale is determined by hours of operation, patron numbers, noise, and how it interacts with the park, etc.

78. Whilst *Clause 22.01* (Discretionary uses in the Residential 1 Zone) of the Scheme cannot be strictly applied to the proposed use as it is in a PPRZ, it is useful as a guide to ensure that the adjacent residential amenity is not adversely affected by this non-residential use. It is policy under *Clause 22.01-3* of the Scheme that the *hours of operation should be limited to 8am to 8pm*. The proposed hours of operation are outside these hours; between 7.00am to 11.00pm seven days a week. These hours, especially the 11.00pm close is considered to be inappropriate given the residential context to the west of the site, and that the cottage is located within a public park which is largely not utilised after dark (apart from the sports area further south which is lit). Given that the use needs to be "associated with the public land use", the hours of operation would need to better reflect the main park use which would be daylight hours. Limiting the operation to largely daylight hours would better respond to the hours outlined under *Clause 22.01* of the Scheme, and reduces the scale of the proposal to ensure that the proposed use is appropriate and consistent with the purpose of the PPRZ.

79. In addition, given that the proposed cottage is within a public park with limited lighting, this raises safety concerns for both patrons of the restaurant and park-goers. Whilst the shared walkway/bicycle lane between the residential streets to the west and the cottage has three light posts, the pathway between the cottage and Yarra Boulevard to the east does not have any lighting. As such, night time operation (after daylight) raises safety concerns.

80. Daylight hours vary throughout the year, but sunrise is generally at 7.00am (earlier in summer and later in winter). On balance, it is considered that a 7.00am commencement time is appropriate (rather than linking the hours to sunrise, which can be as early as 5.50am) as there will be some activity within the park at this time, and the building does not directly abut dwellings. Similarly, sunset varies but is generally at 6.00pm (later in summer), and this time does not impact on residents ability to sleep (taken as 10pm for sleep disturbance). Therefore, a condition will require operation to be limited to the following hours:

(a) Non-Daylight Savings: 7.00am to 6.00pm, Seven (7) days a week.
(b) Daylight Savings: 7.00am to 9.00pm, Seven (7) days a week.

81. It could be argued that the proposed deck, extending from the western side of the cottage will not provide a *net community benefit* as the deck will be constructed, covering existing park land. Council's Open Space Department have stated that the size of the undercover deck zone is too large, and has recommended it to be reduced in area by approximately 28sqm from the western-most section (which is a reduction of 20 patrons). As such, a condition will require this deck area to be reduced in size. A condition will also require the notations relating to Council providing public lighting, garden beds and outdoor furniture (further south of the cottage), to be removed from the plans as per the recommendation from the Open Space Department. This will further reduce the impact on existing park land.

82. The reduction in the decking area and patron numbers can also be supported by the comments provided by Council's Social Planning department which states a Restaurant and Café licence *requires tables and chairs to be available for at least 75 per cent of patrons attending the premises at any one time. Given that a maximum of 108 patrons are proposed, seating is required for 81 people. The total seating provided equals 108, however only 48 are proposed internally. While the outdoor area is covered and enclosed on the sides, people may not want to use this area in winter or within inclement weather. Therefore consideration should be given to whether the maximum patron numbers proposed are appropriate.* A reduction to 40 patrons externally will ensure that the majority of the seating will be provided within the cottage.

83. Clause *22.05-1* (Interface uses policy) of the Scheme identifies that there is a need to support commercial uses and ensure they are well managed with regard to amenity impacts and their proximity to residential uses. The policy includes various considerations for non-residential uses located near residential properties, with decision guidelines (relevantly) relating to noise, visual impact and appearance, overlooking, odour and air emissions, light spill, loading and unloading, rubbish removal and storage and other operational disturbances that may cause detriment to the amenity of nearby residential sites.

Noise

84. Noise generated from the proposed commercial premises for the hours proposed must be carefully considered given the residential context to the west, the patron numbers (with 60 patrons out of the 108 patrons being seated externally), and the operating hours.

85. The acoustic report provided by the applicant and prepared by Watson Moss Growcott Acoustics, suggests the following recommendations to reduce noise from patrons:

    (a) Closure of the northern and western wall sections in the outdoor patron area between 6.00pm and 10.00pm;
    (b) The outdoor patron area to be closed between 10.00pm and 11.00pm; and
    (c) The bi-folding doors between the restaurant and the outdoor patron area to be closed between 10.00pm and 11.00pm.

86. Council referred the acoustic report to SLR who advised that: *the assumed patron noise levels and predictions of patron noise to the nearest residential area are generally considered reasonable. Details of the wall bi-folding walls around the outdoor patron area are not provided in the acoustic report and there is potential ambiguity with regard to the proposed works.*

87. The plans and information submitted do not show detail of the louvre panels, therefore a condition will require this information to be shown (including whether the individual louvre blades are operable). Discussions with the acoustic consultants have suggested that the louvers blade will be operable. Therefore, it has been recommended by SLR that: *it should be clarified that the louvres themselves are also required to be closed during the evening* to reduce any noise impacts to the closest residential uses. As such, a condition will require the acoustic report to be amended to state that the bi-folding louvre panels proposed for the outdoor patron area are to have closable louvres, and that the individual louvres, as well as the bi-folding panels, are to be closed from 6 pm seven days a week and condition plans to show louvres meeting the recommendation of SLR. With the reduction in operating hours at night time, combined with the closure of the bi-folding walls of the decking area at 6.00pm, the noise impacts from patrons will be reduced.

88. Aside from patron noises, there are possible noise impacts from the proposed music system; i.e. speakers. SLR has recommended that a *SEPP N-2 assessment of noise from the use to be conducted once the sound system is installed and prior to the restaurant opening.* The recommendation further states, *the assessment should include measurements in the residential area, under appropriate conditions (e.g. low background noise levels and suitable weather). The sound system should be calibrated and guidance for amplifier settings provided to ensure that SEPP N-2 day/evening and night noise limits are not exceeded. The night noise limits will apply after 10 pm most nights, after 9 pm Sunday night, and during some times of the morning (up until midday on Sunday mornings)*.

89. The SLR recommendations also state *if there is a perceived risk of nuisance / SEPP N-2 non-compliance, a music noise limiter / compressor should be installed in the audio chain*. As such, a condition will require the acoustic report to be amended to reflect the above requirements.

90. The third possible source of noise is from machinery. Given that the proposed use is a restaurant, it is not anticipated that heavy machinery will be used. However, the Applicant's acoustic report states that mechanical plant noise is proposed to be assessed to SEPP N-1. SLR has stated that *if the advice included in the report is followed it is likely SEPP N-1 will be met for mechanical plant noise.*

91. In addition to the above conditions, a standard condition will require the use to operate within the limits of the relevant EPA noise standards for commerce, industry and trade (SEPP N-1).

92. As stated previously, a condition will require the size of the proposed deck to be reduced, which will reduce the number of patrons to 40 (from 60) to be seated externally. This will further reduce noise impacts to the closest residential uses.

93. Subject to the above conditions, the proposed use would be appropriate.

Odour and air emission

94. Two exhaust flues are to be installed above the kitchen. Given the scale of the proposed restaurant, and the distance between the nearest residential use (45m), it is not anticipated that adverse odour or air emissions will occur. Nonetheless, a condition will require compliance with the relevant EPA requirements to ensure the amenity of the surrounding area is adequately protected.

Loading and unloading

95. While there is no loading bay to be provided on the site, a loading bay on the west side of Yarra Boulevard has been proposed. This loading zone is to operate outside of school pick up and drop off times. Council's Engineering Services have no objection to the Loading Zone, subject to assessment and approval by Council's Management unit. A condition will require this detail and any costs associated with the change to be borne by the permit holder. As the delivery and loading/unloading times have not been clearly specified, a condition will require all deliveries to take place between 7.00am to 9.00pm on any day. Furthermore, as the loading bay is to be located on Yarra Boulevard, over 110m from the residential uses, the deliveries and loading/unloading activities will have limited, if any, impact on the local traffic and other uses.

Light spill

96. According to the proposed site plan, there are sensor security lighting proposed around the existing building, on the edges of the existing and proposed roof forms. A condition will require the proposed elevations updated to clearly show the location and details of these lights. In addition, the proposed 0.28sqm flood-lit business identification sign will be attached to the north-western corner of the deck area.

Given the restaurant is proposed to operate between 7.00am to 11.00pm, seven days of the week, there would be concerns with light spillage on the surrounding park. However, with the closest residential uses located over 45m from the subject building, subject to appropriate detail regarding the lights) these uses would not be impacted. However, with the reduced hours proposed, lighting will not be an issue with the business closed at 9pm (latest). A condition will ensure sensor lighting is turned off at close of business hours.

97. Council's Open Space Lighting Policy recommends *light all building access points where building is open at night* for a building entrance and to be used during hours of building operation or opening. However, given that the operating hours are to be reduced by way of condition; 6.00pm (non-daylight savings) and 9.00pm (daylight savings), combined with the reduction in the deck area, the extent of light spillage on the park and surrounding area will be reduced.

98. Furthermore, whilst the proposed signage is flood-lit and is located on the side of the residential uses, it is small in scale and will be located over 45m away. A condition will require the sign turned off at the close of business hours. Combined with the above conditions, the extent of light spillage is considered acceptable.

Waste management

99. In accordance with *Clause 22.05-4.3* of the Scheme, commercial waste management practices, storage and disposal should be carried out with a minimum odour and noise disruption to nearby residential properties.

100. The Applicant has provided a waste management plan, dated 10 January 2017 by Leigh Design, which adequately details how waste will be managed onsite and disposed of. Council's Waste Management department is satisfied with the proposed waste collection methods provided on this plan. A condition will require compliance with the endorsed waste management plan.

101. In addition, the venue has appropriate waste and recycling bins located further north-east of the subject building. This arrangement will have minimal impact on surrounding properties as the location of the bins is closer to Yarra Boulevard, away from the residential interfaces to the west.

102. In addition to the above amenity considerations, policy at *Clause 22.05-4.2* addresses off-site amenity matters relating to overlooking, visual bulk, loss of daylight and overshadowing. This will be discussed later in the report; under buildings and works.

103. On balance, in relation to the SPPF and LPPF the proposed restaurant (subject to conditions) achieves the various land use objectives compliance with the relevant policies, and will support the purpose of the PPRZ as well as protect the amenity of nearby residential land.

Sale and consumption of liquor

104. The relevant permit triggers in this instance are *Clause 52.27* (Licensed Premises Policy), which together with the local policy at *Clause 22.09* (Licensed Premises Policy) articulates decision guidelines relating to cumulative impact, off-site amenity impacts, and land use conflict considerations. In relation to the decision guidelines at *Clause 52.27* and policy at *Clause 22.09* – Licensed Premises, the following assessment is provided.

105. Amongst other things such as the hours of operation, patron numbers, and the general impact of licensed premises on the amenity of an area, the decision guidelines of *Clause 52.27* of the Scheme require consideration of the cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

106. A majority of the above considerations are contained in Council's licensed premises policy (*Clause 22.09*) which will be discussed later in the report. In addition to this, it is necessary to give consideration to potential cumulative impacts associated with the new liquor licence. The "Corner Hotel" decision (*Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors*) provides a potential assessment methodology for considering applications that may result in cumulative impact.

107. The decision also acknowledges that depending on the nature of the use (i.e. premise type, patron numbers and operating hours) the required level of assessment will vary.
108. In relation to the cumulative impact of licensed premises, the *Corner Hotel* decision advanced an assessment methodology for considering applications that may generate cumulative impacts. Applying the matrix of risk below, a reasonable consideration would suggest that a score of 1-3 would be *no risk*, but that a score higher than 3 would be a *potential risk* and require a cumulative impact assessment.

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

109. In this instance, the proposed application does not trigger a cumulative impact assessment, as the proposal is afforded a maximum score of 2.

110. The applicant submitted a Noise and Amenity Action Plan (NAAP) that addresses Council's requirements at *Clause 22.09* of the Scheme, which is a policy to guide the assessment of extended or new licensed premises within the municipality. *Clause 22.09 contains* six key elements that will be considered in the following sections.

Clause 22.09-3.1 – Location and Access

(a) *New licensed premises should be located such that:*

(i) they are not in Residential, or Mixed Use zones
(ii) premises that are closed at ground floor level during the day do not unduly interrupt continuous active retail frontage in activity centres

(iii) there is appropriate opportunity to manage or buffer potential amenity impacts including ingress by queuing patrons, egress of those who have consumed alcohol on the premises, anti-social behaviour, in relation to more sensitive uses and, in particular, residential use
(iv) there is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises
(v) there is adequate infrastructure including space for smokers, public toilets in the vicinity.

111. The proposal satisfies the requirements of the policy as the premises are not located in a residential or Mixed Use Zone. However, it is located in a PPRZ. The appropriateness of the proposed use in this public park has already been discussed in this report.

112. Whilst the site is within close proximity to dwellings to the west, it has been established that there is an appropriate buffer distance of over 45m from the cottage, with limited detriment being caused to these properties. However, given that the subject site abuts a residential area (with commercial areas being located over 300m from the subject building), the residents living in or near this area can expect a certain level of amenity. Therefore, subject to conditions which will require the size of the deck to be reduced, which in turn reduces the number of patrons, and conditions relating to both music and patron noise combined with the reduced operating hours the use will be able to operate while protecting the amenity of nearby residents.

113. Public ingress and egress will be from the main pedestrian doorway located to the east of the building, away from the residential uses. Given the nature of the use of the site; i.e. restaurant, it is unlikely that queues will form. The area at the front of the site (facing Yarra Boulevard) is considered sufficient to allow for an appropriate buffer zone and also allow for sufficient surveillance.

114. The proposed sensor lighting on the roof forms will provide a level of public safety and surveillance of patrons entering/exiting the premises. However, as explained previously, given that there is a lack of lighting within this section of the park, and the existing light along the shared pathway will be switched off by 10.30pm (as per Council's Open Space Lighting Policy), safety issues for the patrons, including park-goers arise.

115. Toilet facilities are readily available for patrons within the subject building.

116. There is no smoker's area proposed. As such, patrons can smoke within the public realm, in accordance with the relevant smoking regulations.

Clause 22.09-3.2 – Hours of Operation

(a) *Assessment of the impact of the hours of operation on the amenity of the surrounding area consider;*

(i) The proposed use.
(ii) The zoning of surrounding land.
(iii) The location of the premises and location of car parking.
(iv) The nature of surrounding uses and hours of operation.
(v) Potential noise emissions from the premises.
(vi) The impact of patrons arriving and leaving the premises.

(b) *Licensed premises in a Residential or Mixed Use Zone or within 30 metres of a residential area not trade beyond 11pm on any night unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.*

(c) *Licensed premises in a Business or Industrial Zone not trade beyond 1am, unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.*

117. The application is for the sale and consumption of liquor at the proposed restaurant between 7.00am to 11.00pm seven (7) days a week.

118. The proposed licenced hours will meet the current policy, which allows for licenced premises within 30m of a residential or mixed use zones to be open until 11pm. As stated previously, whilst the subject building is over 45m from the residential uses, the proposed trading hours are to be reduced by way of condition. However, the policy states that *the nature of surrounding uses and hours of operation*, including the *potential noise emissions from the premises* should be considered. As explained previously, the proposed 11.00pm closing time is considered excessive and is required to be reduced by way of condition; 6.00pm (non-daylight savings) and 9.00pm (daylight savings), which meets the policy.

119. Council's Social Planning Department have stated that Council's draft licenced premises policy recommends *that licensed premises should not commence the sale and consumption of liquor before 9am. This removes the potential for ongoing drinking / flow on drinking from other late night licenced venues. Consideration should be given to enforcing commencement hours of 9am rather than 7am as proposed.*

120. Council's Compliance Department has stated that *given that the adjacent residential area historically hasn't been directly exposed to regular commercial activities*, the operating hours should be altered to 7.00am to 9.00pm between Monday to Friday, 8.00am to 9.00pm on Saturdays and 9.00am to 9.00pm: Sunday and Public Holidays. The condition restricting hours of operation set out earlier in the report will be in alignment with this suggestion.

121. Furthermore, on 1 December 2009, Council brought in the Consumption of Liquor in Public Places Local Law which bans the drinking of alcohol in public areas, however this policy does not apply to local parks and gardens, where the drinking of alcohol is allowed between 9.00am-9.00pm. Burnley Park was identified as a local park where this ban does not apply and where alcohol could be consumed between the prescribed hours.

122. Taking into account all of the above considerations, the proposed hours for the sale and consumption of liquor will be conditioned to 9.00am to 6.00pm (non-daylight savings) and 9.00am to 9.00pm (daylight savings). The Applicant has agreed to these hours.

123. The NAAP submitted by the Applicant provides measures to address potential amenity impacts. Measures include the playing of only background music, the presence of a manager on-site at all time to immediately address any amenity issues, the training of staff to the relevant industry standards (RSA) and erection of signs along the exits reminding patrons that the surrounding area is residential and to respect the neighbourhood amenity.

124. Given the measures as outlined in the NAAP and subject to conditions, it is considered that there would be no unreasonable detriment to the surrounding area.

Clause 22.09-3.3 – Patron Numbers

(a) *The number of patrons not exceed the safe and amenable operating capacity of the premises;*
(b) *The number of patrons not adversely affect the amenity of the surrounding area.*

125. The premises is to cater for up to 108 patrons (48 internally and 60 externally). As detailed earlier, a condition will require the decking area to be reduced, which would in turn reduce the proposed patron numbers by 20. This will further reduce impacts on the surrounding residential area.

Clause 22.09-3.4 – Noise

(a) *The operation of licensed premises have minimal impact on the amenity of the area, in relation to noise;*
(b) *Noise emissions from licensed premises comply with the standards specified in the State Environmental Protection Policy;*
(c) *On-site noise attenuation measures be considered for licensed premises where amenity impacts on the surrounding area may result from the proposed activities*

126. The NAAP submitted with the application outlines measures to ensure that the sale and consumption of liquor would not be detrimental to the amenity of the area.

127. The Applicant has identified that the nature of the proposed business, function type and patron profile provides more of a local restaurant for residents unlike other premises within the municipality creating more significant amenity impacts. As such, noise impacts will not be those which one might expect from a nightclub or pub.

128. The acoustic report provided by the Applicant identifies the two main sources of noise; patron noise and music noise within the venue. Whilst no formal guidelines exist around the restriction of patron noise from licensed premises, when assessing noise impacts in conjunction with the State Environment Protection Policy (SEPP N-1), noise impacts occurring within the night-time period (after 10pm) raise the most concerns. Given that the proposed conditions will reduce operating hours, and external patron numbers, noise impacts will also be reduced. Furthermore, as previously stated, conditions outlined by SLR will also be imposed, further protecting the amenity of the surrounding residential uses.

129. Given the measures above, it is considered that noise would be effectively managed and it is not expected that this would result in unreasonable impacts (subject to conditions).

Clause 22.09-3.5 – Car Parking

(a) *Car parking from new licensed premises not adversely impact on residential areas by way of on-street, over-flow parking or vehicles accessing off-street car parking.*
(b) *Car parking from new licensed premises not adversely impact on residential areas by way of on-street, over-flow parking or vehicles accessing off-street car parking.*

130. In assessing whether the car parking reduction is appropriate, an assessment against the relevant decision guidelines at *Clause 52.06* of the Scheme will be discussed later in the report.

Clause 22.09-3.6 – Noise and Amenity

(a) *Licensed premises be managed in accordance with a Noise and Amenity Plan.*

131. Many of the requirements of *Clause 22.09-3.6* of the Scheme in relation to the provision of a NAAP have already been addressed in this report. The provisions within the submitted NAAP are considered appropriate to manage the extended operation hours and extended areas of the restaurant, without causing detriment to the amenity of the area.

The location, type and details of existing licenced premises in the locality

132. As stated previously, a full assessment of existing licenced premises in the locality and its cumulative impact is not required in this instance as the proposal is afforded a maximum score of 3. However, the Cumulative Impact Assessment done by the Applicant states that there are about 8 licensed premises within 500m of the subject site. These licensed premises are predominantly restaurant and café liquor licenses, as well as on-premises licences issued for taverns and bars. The closest venues to the subject site are as follows:

(a) The Bridge Hotel at 642 Bridge Road Richmond;
(b) Amora Hotel River walk at 639 Bridge Road Richmond;
(c) Romulus and Remus at 648 Bridge Road Richmond;
(d) Friends of Mine at 506 Swan Street Richmond;
(e) Chingon at 413 Swan Street Richmond;
(f) The Grand Richmond at 333 Burnley Street Richmond;
(g) The Rising Sun Hotel at 395 Swan Street Richmond; and
(h) Koutouki Coffee shop at 402 Burnley Street Richmond.

The identification of all noise sources associated with the premises (including, but not limited to, music noise, entries and exits to the premises and courtyards) likely to impact on nearby residential properties

133. An assessment has been done in paragraphs 84 to 92 and 126 to 129.

Measures to be undertaken to address all noise sources identified, including on and off-site noise attention measures

134. An assessment has been done in paragraphs 84 to 92 and 127 to 129.

Procedures to be undertaken by staff in the event of complaints

135. The NAAP states that in the event of complaints being made against the venue, a staff member at management level will investigate and if justified, take relevant steps to address and resolve the complaint. The NAAP further states this staff member will keep an up-to-date logbook to record any complaints against the licensed premises or patrons.

Details of staffing arrangements / training of staff

136. The applicant has stated that adequately trained 2 staff members would be on site at any one time. No security staff is proposed given the nature of the business. The manager on duty will perform the necessary security measures. All staff will be trained in a 'Responsible Service of Alcohol' program.
Lighting

137. External security, sensor lighting has been proposed on the existing and proposed roof forms.

Waste management

138. An assessment has been done in paragraphs 99 to 101.

Music

139. According to the NAAP, music will be limited to low-level background music and will comply with standards set out in SEPPN-2. No live music or DJ will perform in the premises. As stated previously, aside from the conditions recommended by SLR to amend the existing acoustic report, a condition will require compliance with SEPP N-1 and SEPP N-2.

140. The proposed NAAP is considered to generally address the criteria of *Clause 22.09-3.6* of the Scheme in a satisfactory manner.

<u>Reduction in car parking and loading bay requirements</u>

141. *Clause 52.06-1* of the Scheme requires that prior to a new use commencing, the car parking spaces required under *Clause 52.06-5* must be provided on the land or as approved under *Clause 52.06-3* to the satisfaction of the responsible authority. As previously identified, forty-three car spaces are required for the proposed restaurant. A reduction to zero for the car parking requirement is required as no on-site car spaces are proposed.

142. Relevant decision guidelines include:

    (a) *The availability of alternative car parking in the locality of the land*
    (b) *On street parking in residential zones in the locality of the land that is intended to be for residential use.*
    (c) *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
    (d) *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
    (e) *The need to create safe, functional and attractive parking areas.*
    (f) *Access to or provision of alternative transport modes to and from the land.*
    (g) *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*

143. The subject building is located over 450m south of the Bridge Road MAC and over 300m of the Swan Street Mac. Given the nature of the area, with a mix of retail, food and drink and office uses, the activity centre is a main attraction for workers and visitors. There is a wide range of both restricted and unrestricted car parking available along Yarra Boulevard, as well as in surrounding local street network.

144. As part of the traffic report prepared by Ratio Consultants (dated 12 January 2017); on Thursday 14 April 2016 between 11.00am and 8.00pm, and on Saturday 16 April 2016, the survey area included on-street spaces on both sides of Yarra Boulevard, Park Grove, Brooks Street, Bellevue Street, Campbell Street and sections of Bendigo Street. The survey further states that a number of Permit Zones in the area were not counted as part of the study. A total number of 134 to 158 publicly available spaces were identified. The survey recorded a peak occupancy along Yarra Boulevard at 3.30pm of 72% of spaces occupied or 44 spaces vacant. It has been suggested that the peak time is likely associated with pick up times at the nearby Melbourne Girls School. The survey further states that on-street parking in Yarra Boulevard was available during lunch periods (between 11:00am to 2:00pm) and dinner periods (between 5:00pm to 8:00pm). Residential streets such as Campbell Street, Bellevue Street and Park Grove each contain Permit zones on one side of the street and as such parking occupancy in these streets are generally high, with very few vacant spaces. As such, patrons to the restaurant can park along Yarra Boulevard.

145. The parking generated by this use would be part of the overall parking associated with existing sporting activities in Burnley Park, along Yarra Boulevard and the MACs located close by. Therefore, the proposed restaurant will benefit from a sharing of parking resources with existing uses in the area.

146. Since the proposed development is licensed, it is possible that patrons attending the site would be inclined to make alternative travel arrangements rather than drive. The time-restricted, on-street parking available along Yarra Boulevard and other neighbouring streets will provide an adequate turnover of these short term parking spaces. As with many inner-city commercial areas, businesses in Richmond predominantly operate without the provision of off-street car parking for customers.

147. The subject site has excellent access to public transport services, via tram routes running along both Bridge Road and Swan Street. The availability of adequate and easily accessible public transport is considered to substantially mitigate the proposed reduction of 43 spaces and will further support the use of sustainable transport alternatives.

Furthermore, on and off-street bicycle lanes are found within the surrounding street network, including trails along Burnley Park.

148. Furthermore, as a condition will require the number of patrons to be reduced to 88, the reduction in the car parking requirement will reduce to 35 car spaces. Therefore, the impacts on the existing parking spaces in the surrounding streets will be further reduced.

149. In addition, as a condition will require the operation hours to be reduced (6.00pm during non-daylight savings and 9.00pm during daylight savings), this would minimise conflicts with residential parking requirements which are generally higher in the evenings.

150. Council's Engineering Unit has confirmed that the proposal should not adversely impact the existing parking conditions of the area.

151. *Clause 52.07* of the Scheme specifies that no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless loading and unloading facilities are provided in accordance with the clause. The proposed development does not meet the requirements for loading and unloading facilities, and therefore a waiver is required. Ratio Consultants have recommended the introduction of an on-street Loading Zone on the west side of Yarra Boulevard to operate outside of school pick up and drop off times. However, the details of this loading bay, i.e. dimensions, signage, etc. have not been provided. A condition will require this information to be provided.

152. Given the scale of the proposed restaurant, subject to conditions, it is considered that a reduction of one loading bay space for the proposed restaurant is appropriate, and will provide for reasonable deliveries from Yarra Boulevard. Furthermore, Council's Engineering Department have stated that *Engineering Services has no objection to the Loading Zone, subject to assessment and approval by Council's Management unit*. It is considered that the reduction of loading bay requirements will not cause an unreasonable loss of amenity or adverse effect on traffic flow and road safety.

153. Overall, it is considered that the proposed reductions are unlikely to generate unreasonable impacts on parking conditions in the surrounding street network and a reduction can be supported in this instance having regard to the relevant decision guidelines of the car parking and loading bay provisions.

Buildings and works and heritage

154. *Clause 36.02-5* of the Scheme assesses *whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.* It has been established that the proposed undercover deck is required to be reduced, which would further reduce the overall scale of the proposed use. Whilst the proposed buildings and works are located over 45m from the residential uses, and the limited policy relating to buildings and works in a PPRZ under *Clause 36.02-5* of the Scheme, the decision guidelines of *Clause 22.05* (Interface Uses Policy) are used in order to ensure that the proposed buildings and works appropriately respond to and will not impact the amenity of adjacent or surrounding properties. The decision guidelines from *Clause 43.01-4 Heritage Overlay* and policy from *Clause 22.02* (*Development Guidelines for Sites Subject to the Heritage Overlay*) of the Scheme are also used to assess the proposed works.

155. *Clause 22.05-4.2* refers to impacts on the amenity of any adjoining residential properties in terms of unreasonable overshadowing of private open space (POS), visual bulk or loss of daylight to habitable room windows. The decision guidelines of the zone, *Clause 36.02-5* states to consider *whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.*

The proposed louvered screens along the northern and western boundaries of the new deck are acceptable as they will be setback over 45m from the closest dwellings to the north and west, and as such there will be no unreasonable visual bulk when viewed from the POS of these dwellings or cause overshadowing on these POS. Furthermore, the proposal will not result in any overlooking as the deck is less than 800mm above natural ground level and will be located well over the 9m overlooking arc (as set our under Rescode if it applied). As a result, the proposal is compliant with *Clause 22.05-4.2*, which seeks to minimise the potential for unreasonable overlooking of POS areas and into habitable room windows.

156. *Clause 22.05-4.2* also states (relevantly) *provide for a high level of acoustic protection to adjoining residential properties by locating plant and other service infrastructure (including automatic garage doors) in discrete* locations and *building in effective acoustic insulation.* The requirements set by SLR will be conditioned as a response to this policy. Furthermore, this policy states *minimise the opportunity for views from adjoining residential properties into the site, especially where the storage, preparation, business or industrial activity could present an unsightly appearance*. The proposed bin storage is located further north-east of the subject site and the kitchen, including the pizza oven is located over 45m from the residential uses.

157. While the proposed deck is over 50sqm, the plans do not specify the material of the proposed deck. Council's ESD Officer has stated *the flexible nature of the walls and roof does not prevent the space from being assessed as additional floor area. The additional louvered roof will create additional catchment area, creating an opportunity to collect rainwater and the refurbishment of the toilets presents an opportunity to re-use that rainwater.* It is also recommended that *the landscaped area adjacent to the deck area may present an opportunity to install a raingarden.* Furthermore, the comments state *it is important to note that the heritage significance of the building may make it difficult for the applicant to reach the best practice WSUD stormwater standard (100% STORM) for the whole building that the Clause 22.16 requires. A partial STORM score would be a suitable response for a project of this nature.*

158. A condition will require the provision of stormwater treatments; either a tank to flush the toilets or a raingarden in the location of the herb garden, in order to reach a partial STORM score.

159. Overall, it is considered that the proposal is consistent with the provisions of *Clause 65* and the decision guidelines of *Clause 22.05* and *Clause 36.02-5*, represents an appropriate use of the land, and will not result in any adverse amenity impacts.

160. The relevant purpose of the Heritage Overlay is to ensure that development does not adversely affect the significance of heritage places. The subject site is included in HO229, 299 and 298, and is identified as part 'individually-significant' building within this site. *Clause 22.02* articulates Council's local planning policy in relation to development guidelines for sites subject to the heritage overlay.

161. A Conservation Management Plan (CMP) was prepared by Lovell Chen between 2014 to 2015, on behalf of Council. This CMP superseded the CMP prepared by John Patrick and Lovell Chen in 2007. The new CMP specifically focused on the Caretaker's cottage (i.e. remnant building) to clarify the nature and extent of the heritage significance and values of the place, including provided guidance on the care and management of the significant components of the property including future works. It has been found that *the original part of the cottage is the masonry section that had a very early timber addition at the rear (west). A number of substantial weatherboard additions have been made over the life of the building, some of which survive. Extensive remodelling was undertaken in 1916/17 which explains fenestration details in the masonry part of the building which clearly are not from the Victorian-era*. In essence, the CMP has identified three parts to the subject building; Building 1 being the Caretaker's cottage (1862), Building 2 being the western addition (1890) and Building 3 being the northern addition (1986).

162. The proposed extent of demolition of the existing windows and doors to the west, door to the north and the existing access ramp located to the east are consistent with the directions provided under *Clause 22.02-5.1* of the Scheme which states where original fabric is to be removed from an individually-significant building; if *it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place*. The CMP has found that these are later additions (from 1917) to the originally built cottage in the 1862. Therefore, the removal of these elements will not impact the significance of this cottage. Furthermore, Council's Heritage Advisor has not raised any concerns with the extent of demolition and has stated that *in accordance with the recommendations of the Conservation Management Plan, alterations to the western side of Building 2 raise no substantial heritage issues. Therefore, the extent of demolition proposed is considered acceptable*. Furthermore, the extent of existing roof to be removed is also acceptable as it is not visible from Yarra Boulevard, and will be the roof form over Building 2, which is the later addition. The 1826 Caretakers cottage will remain intact and will continue to be the "front" of the overall building.

163. The extent of new works proposed includes the construction of a new bin storage area and path, landscaping, an undercover deck and façade treatments. *Clause 22.02-5.7.1* of the Scheme encourages additions to individually significant places to be located as far as possible, and be concealed by existing heritage fabric when viewed from the front street.

164. The proposed undercover deck area will be attached to the north-western corner of Building 2 and will be below the existing building height. The CMP has identified this part of the building as being one of two areas that will have the least visual impact on the setting of the original 1860s Caretaker's cottage. Council's Heritage Advisor has stated that the proposed deck will be fully concealed along view lines from Yarra Boulevard as a result of the existing building. As such, the undercover deck in the proposed location is acceptable.

165. As established previously, Building 3 or the northern addition is the least significant portion of the overall subject building as it was constructed around 1986. The proposed bin storage area will be located behind the northern wall of this addition, with an overall height of 2.7m. The proposed bin storage is consistent with *Clause 22.02-5.7.1* as it will be lower than the height of the existing building and will be located behind the least significant section of the overall building, with the works not being visible from the front of the building or the most significant part which is Building 1 (Caretakers cottage). Council's Heritage Advisor has recommended that as no colour has been specified for the perforated panels of the bin storage or the herb garden, *the screening to be finished to match the adjacent wall colour so it blends in with the existing building, rather than contrasting with the more significant surrounding landscape*. This will not be conditioned as the proposed materials help to clearly distinguish between the existing fabric from the new fabric.

166. Council's Heritage Advisor has stated that the *rendered planter box is of no heritage concern, as it is located against non-contributory fabric, which might be damaged as a result of water from the boxes*.

167. The proposal includes solar panels, exhaust flues, and sensor lighting to be located on the roof of Building 2. Furthermore, the existing pedestrian ramp located to the east of the building is to be replaced with a new ramp. *Clause 22.02-5.7.2* of the Scheme encourages ancillaries or services, including wall and roof top mounted lighting *to be concealed when viewed from street frontage.* It states, *where there is no reasonable alternative location, ancillaries and services which will reduce greenhouse gas emissions or reduce water consumption, such as solar panels or water storage tanks, or provide universal access (such as wheel chair ramps), may be visible but should be sensitively designed.* The CMP states that the roof of Building 2 is of little significance and the most important objective is to *retain the appearance of a secondary "utility" area behind the masonry cottage*.

As such, the proposed ancillaries have been sensitively designed and will have little impact on the eastern (principal) façade of the elevation and are therefore supported. Council's Heritage Advisor is supportive of the new access ramp on the eastern side of the building as it will be *timber framed and easily removed in the future*. However, details of the new path from the bin store will be required (i.e. layout, material, etc.).

168. The proposed bike racks and pizza oven will be located to the south and west, respectively of Building 2. Given the scale of these additions and they will be located within a less significant part of the building, these additions will not adversely affect the significance of the overall site.

169. The proposed external works include *restore and make good* and *patch and paint as required*. However, the plans do not clarify the extent of these works (which may include replacement to "make good"), and as such a condition will require words "make good" to be deleted from the plans and confirm the exact extent of these works. *Clause 22.02-5.3* of the Scheme states *encourage the reconstruction of a building or works which previously existed in a heritage place if the reconstruction will enhance the heritage significance of the heritage place* and *Clause 22.02-5.4* states *encourage paint colours to be consistent with the period of the heritage place*. As such, Council's Heritage Advisor has stated that *the external paint scheme for the finished building should adopt colours that are consistent with the mid-Victorian period of the heritage building. The rendered walls should be painted natural cement grey or lime washed in colours that resemble natural stone colours*. Given that the existing overall building has been painted a number of times over the years, a condition will require the paint colours to match the existing paint colour.

170. Overall, the proposal appropriately responds to the particular requirements contained within *Clause 22.02* (Development Guidelines for sites subject to the Heritage Overlay) and *Clause 43.01* (Heritage Overlay) of the Scheme, and therefore is considered acceptable (subject to conditions) in relation to the heritage context of the street.

Signage

171. The proposal includes the display of three business identification signs; one (0.28sqm) floodlit sign attached to the new roof above the deck, and two (0.15sqm each) non-illuminated plaques, attached to the building. The relevant considerations from a signage perspective include the decision guidelines of *Clause 22.02* (*Development guidelines for sites subject to the heritage overlay*) and *Clause 22.04* (*Advertising signs policy*).

172. The scale and form of all proposed business identification signage, including the floodlit sign is appropriate for the size of the awning and building on which they are to be displayed. These signs will not obscure important views or vistas or dominate the existing building. Therefore, these three signs are considered acceptable from a heritage perspective.

173. Given the scale and location of the proposed floodlit business identification signage, it will not be visible from persons travelling along Yarra Boulevard, and will only be visible when you come close to the cottage. It is considered that the proposed signage has been designed and positioned to respect the scale and character of the building and will not dominate the host building. The adjoining area to the west is predominately residential, where signage is rarely found. However, the proposed signs are small in scale and given that there will only be three signs, there will be no visual clutter. Lighting will be turned off at the close of business hours.

174. It is not expected that the floodlit sign on the awning will cause any detrimental impact on pedestrian or traffic safety of the adjacent road network given the size and location of the sign, its setback from the street, and the fact that it is not animated.

175. Pursuant to *Clause 22.04-3.5* of the Scheme, external illumination sources for signs to be *concealed where possible or otherwise sensitively designed and located to minimise impact on the surrounding area*. As the elevations do not show where the proposed external light source will be located, a condition will require this to be shown on the plans, to ensure that the lighting is appropriately shielded and baffled and will not impact the abutting properties.

176. Overall, the proposed signage is not considered to dominate the building or site and complies with the policy at *Clause 22.02* and *Clause 22.04* of the Scheme.

Objector Concerns

177. The majority of concerns raised by the objectors have been addressed in the above assessment. A summary of the response to objector concerns is provided as follows:

178. *Privatisation of a public park*
An assessment has been done in paragraphs 71 to 83.

179. *Excessive operating hours*
The impact as a result of the proposed hours has been discussed in paragraphs 78 to 80 and 117 to 125.

180. *Increase in noise impacts on residential uses from patrons, music, deliveries, large functions being held at the venue*
Noise has been considered throughout this report with regard to the restaurant and liquor licence assessment (see paragraphs 84 to 92 and 127 to 130). The proposal is acceptable, and would not result in unreasonable noise impacts, subject to conditions.

181. *Increase in anti-social behaviour and increase in litter*
The primary focus of the proposed use is the consumption of the food and not vertical drinking. With food being the primary focus, this further discourages anti-social behaviour. In addition, all staff and management will be provided with the minimum industry training in the Responsible Serving of Alcohol to reduce the possibility anti-social behaviour. Further to this, the reduced operating hours will reduce any potential amenity impacts in terms of noise and anti-social behaviour due to the early close.

182. *Impact on existing car parking in the area and increased traffic*
An assessment has been done in paragraphs 141 to 150.

183. *Building over existing park land*
An assessment has been done in paragraphs 81 to 82.

184. *Impacts on existing off-leash park area for dogs and wild life*
This is not a planning consideration. However, paragraphs 71 to 83 discuss the impacts of the proposed use on the existing park use.

185. *Heritage concerns*
An assessment has been done in paragraphs 161 to 170.

186. *Lack of community consultation/transparency during the EOI process (non-planning consideration)*
This is a separate process to the planning application, and is not a planning consideration.

Conclusion

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

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN16/0755 for use of part of the land as a restaurant, sale and consumption of liquor, and associated reduction in the car parking and loading bay requirements, buildings and works associated with a ground floor addition, part demolition, and the construction and display of flood-lit business identification signage at 150 Yarra Boulevard Richmond VIC 3121 subject to the following conditions:

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

    (a) Removal of notations such as “make good” and clarify the extent of works; i.e. demolition and proposed.
    (b) Reduction of the western-most area of the undercover deck for a width of approx. 2.6m
    (c) Deletion of notations relating to garden beds, outdoor furniture and public lighting to be provided by Council.
    (d) The location of the proposed bike racks reoriented to the south of the entry way path, including details of how these will be installed.
    (e) Details of the planter-boxes, including materials, species, locations and quantities of proposed planting.
    (f) Details of new path from bin storage to road (including width, material and layout).
    (g) Dimensions of the proposed signage plaques.
    (h) External light (floodlit) detail (dimensions, height above ground level and setbacks).
    (i) Materials and details of the proposed deck and louver panels (including whether individual louvers will be operable), including proposed paint colour to match existing.
    (j) The provision of a water tank or rain-garden, including notations to confirm the use of the water.

<u>Use</u>

2. The use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Except with the prior written consent of the Responsible Authority, the use (Restaurant) authorised by this permit may only operate between the following hours:

    (a) Non-Daylight Savings: 7.00am to 6.00pm, Seven (7) days a week.
    (b) Daylight Savings: 7.00am to 9.00pm, Seven (7) days a week.

4. The northern, western and southern bi-folding panels (including individual louvres) of the undercover deck area to be closed from 6.00pm, seven (7) days a week.

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

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

    to the satisfaction of the Responsible Authority.

6. No more than 88 patrons are permitted within the restaurant to the satisfaction of the Responsible Authority.

7. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 9pm on any day.

8. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.

9. The provisions, recommendations and requirements of the endorsed Waste Management Plan as per Leigh Design (Dated 10 January 2017) must be implemented and complied with to the satisfaction of the Responsible Authority.

10. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

11. Sensor lighting to be turned off at close of business hours to the satisfaction of the Responsible Authority.

Acoustic conditions (12 to 14):

12. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Watson Moss Growcott Acoustics and dated May 2016, but modified to:

    (a) confirm that individual louvres on the bi-folding panels of the deck area, including the panels themselves are to be closed after 6.00pm, seven (7) days a week.
    (b) SEPP N-2 assessment of noise from the use to be conducted once the sound system is installed and prior to the restaurant opening. If the sound system is not SEPP N-2 compliant, a music noise limiter / compressor to be installed in the audio chain, or similar to the satisfaction of the Responsible Authority.

13. Prior to the restaurant use commencing, an acoustic report 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 compliance of the use and, where necessary, 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.

14. The provisions of the endorsed acoustic reports must be implemented and complied with to the satisfaction of the Responsible Authority.

15. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

16. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

<u>Liquor Licence</u>

17. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit.

The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Ratio and dated 19 January 2017, but modified to include (or show, or address):

(a) A maximum number of 88 patrons.
(b) The sale and consumption of liquor at the restaurant to commence from 9am and end at 6.00pm (Non-Daylight Savings) and 9.00pm (Daylight Savings).

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

19. The sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

20. No more than 88 patrons are permitted on the land at any time liquor is being sold or consumed.

21. No more than 2 staff are permitted on the land at any one time.

22. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor at the Café may only occur between the following hours:

(a) Non-Daylight Savings: 9.00am to 6.00pm, Seven (7) days a week.
(b) Daylight Savings: 9.00am to 9.00pm, Seven (7) days a week.

23. Except with the prior written consent of the Responsible Authority, the provision of music on the land must be at a background noise level.

24. Speakers external to the building must not be erected or used.

25. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent uses and to leave in a quiet and orderly manner.

26. This permit will expire if the sale and consumption of liquor (including the use) is not commenced within two years from the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

Buildings and works

27. 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.

28. 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.

29. 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) the satisfaction of the Responsible Authority.

Loading bay

30. Prior to the use commencing, details including the location, dimensions and signage of the loading bay on Yarra Boulevard are to be provided to the satisfaction of the Responsible Authority. Once approved, the plans/details will be endorsed and the loading bay must be provided on Yarra Boulevard prior to the use commencing to the satisfaction of the Responsible Authority, with all associated costs to be borne by the permit holder.

Signage

31. The location and details of the sign, including the supporting structure, 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.

32. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.

33. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.

34. The sign must not include any flashing or intermittent light, and the sign must be turned off at close of business.

35. This permit will expire if the sign is not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.

36. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

    (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm,;
    (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
    (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

NOTE: 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.

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

NOTE: A building permit may be required before development is commenced. Please contact Council's Building Department on Ph. 9205 5585 to confirm.

CONTACT OFFICER: **Nish Goonetilleke**
TITLE: **Statutory Planner**
TEL: **9205 5005**

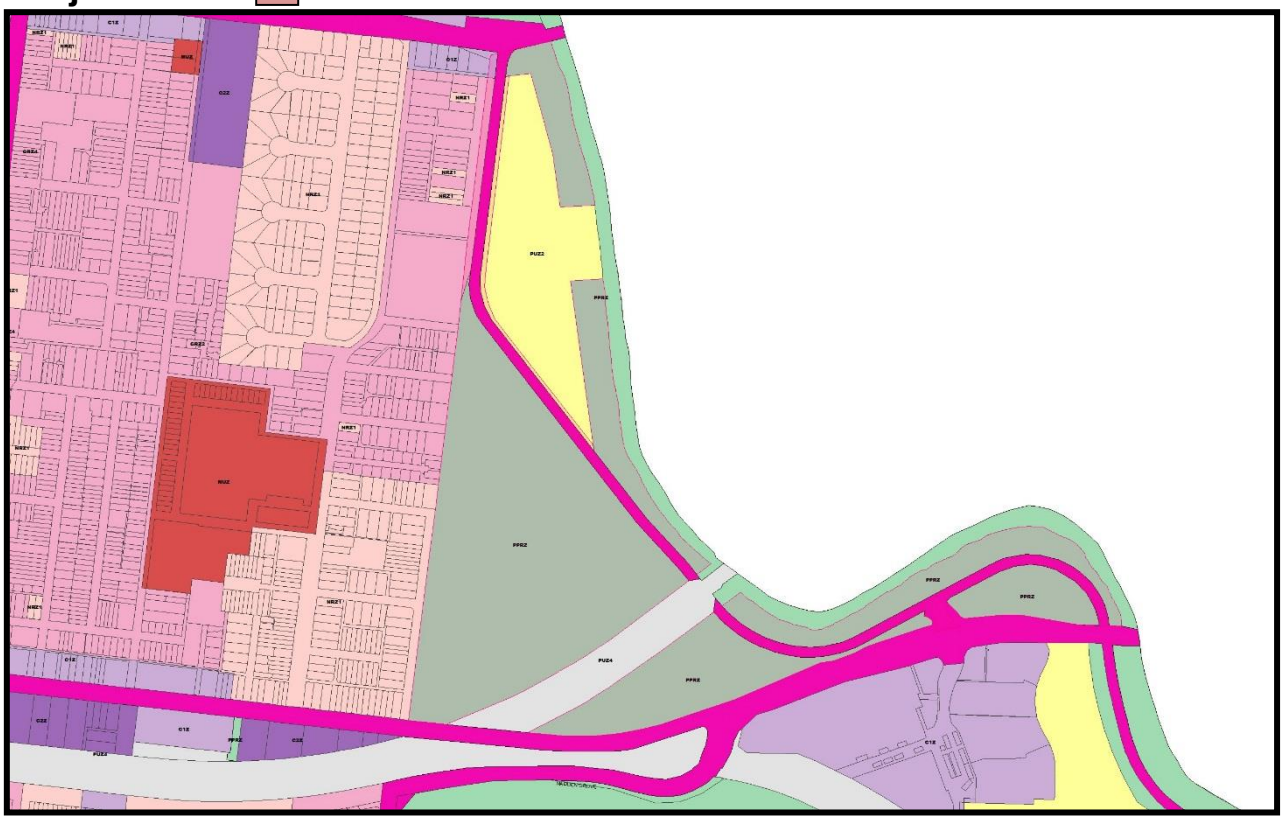
Attachments
1 PLN16/0755 - 150 Yarra Boulevard Richmond - Subject Land
2 PLN16/0755 - 150 Yarra Boulevard Richmond - Engineering comments
3 PLN16/0755 - 150 Yarra Blvd Richmond - Open Space Comments
4 PLN16/0755 - 150 Yarra Boulevard Richmond - Heritage advice

5 PLN16/0755 - 150 Yarra Blvd Richmond - Social Planning Comments
6 PLN16/0755 - 150 Yarra Blvd Richmond - Compliance Department Comments
7 PLN16/0755 - 150 Yarra Boulevard Richmond - SLR Acoustic Comments
8 PLN16/0755 - 150 Yarra Blvd Richmond - Waste Management Department Comments
9 PLN16/0755 - 150 Yarra Blvd Richmond - ESD Comments
10 PLN16/0755 - 150 Yarra Boulevard Richmond - Decision Plans

Attachment 1 - PLN16/0755 - 150 Yarra Boulevard Richmond - Subject Land

SUBJECT LAND: 150 Yarra Boulevard Richmond ⇧ North

Subject Land



Subject Site & Building



Attachment 2 - PLN16/0755 - 150 Yarra Boulevard Richmond - Engineering comments

CITY OF YARRA

MEMO

To:	**Nish Goonetilleke**	
From:	**Mark Pisani**	
Date:	**27 February 2017**	
Subject:	**Application No:**	**PLN16/0755**
	Description:	**Restaurant; Reduction in Car Parking and Loading**
	Site Address:	**150 Yarra Boulevard, Richmond**

I refer to the above Planning Application received on 7 February 2017 and the accompanying report prepared by Ratio Consultants in relation to the proposed development at 150 Yarra Boulevard, Richmond. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION

Proposed Development

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Restaurant	108 patrons	0.4 spaces to each patron permitted	43 spaces	0

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

Car Parking Demand Assessment

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

- *Multi-Purpose Trips within the Area*. Patrons to the restaurant would highly likely combine their visit by engaging in other activities or business. Being located within Burnley Park, the restaurant could potentially attract persons who are already in the park or persons who work in the nearby Botannica estate or attend the University of Melbourne campus.
- *Convenience of Pedestrian and Cyclist Access*. The restaurant has good pedestrian and bicycle connectivity to Swan Street, the Capital City Trail and the nearby residential area. Given the site's location (not on a Public Highway), it is probable that a significant proportion of patrons would be pedestrians already in the area. Local residents might account for some patrons attending the restaurant. The restaurant has very good exposure to pedestrian and bicycle traffic.
- *Variation of Car Parking Demand over Time*. Car parking demands associated with the restaurant would likely peak at lunchtimes and dinner periods. It is agreed that parking demands would vary due to the day of the week and the choice of travel mode.
- *Availability of Public Transport in the Locality of the Land.* The restaurant is within walking distance of tram services operating along Swan Street.

Attachment 2 - PLN16/0755 - 150 Yarra Boulevard Richmond - 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*. Ratio Consultants had conducted on-street parking surveys in the surrounding area on Thursday 14 April 2016 from 11:00am to 8:00pm and on Saturday 16 April 2016 from 11:00am to 4:00pm. The survey area encompassed both sides o Yarra Boulevard, Park Grove, Brooks Street, Bellevue Street, Campbell Street and sections of Bendigo Street. A number of Permit Zones were identified in the study and were not counted as spaces available to the public. An inventory ranging from 134 to 158 publicly available parking spaces was identified. In Yarra Boulevard, the results indicate that parking in this street tended to peak at around 3:30pm. On-street parking in Yarra Boulevard was available at lunch periods (say, 11:00am to 2:00pm) and dinner periods (say, 5:00pm to 8:00pm). Residential streets such as Campbell Street, Bellevue Street and Park Grove each contain Permit zones on one side of the street and short-stay resections on the other. Parking occupancy in these streets is generally high with very few vacant spaces. Patrons to the restaurant could park in Yarra Boulevard.
- *Relevant Local Policy or Incorporated Document*. The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the lack of on-site car parking would potentially discourage private motor vehicle use.
- *Practicality of Providing Car Parking on the Site*. The site does not have capacity to contain an off-street parking area for patrons or staff.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking for the proposed restaurant is considered appropriate in the context of the development and the surrounding area. Being situated within a public reserve, the restaurant is likely to attract persons using the park or who are already in the area (residents and local workers).

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

LOADING PROVISION

Ratio Consultants have suggested the introduction of an on-street Loading Zone on the west side of Yarra Boulevard to operate outside of school pick up and drop off times. Engineering Services has no objection to the Loading Zone, subject to assessment and approval by Council's Management unit.

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 3 - PLN16/0755 - 150 Yarra Blvd Richmond - Open Space Comments

CITY OF YARRA

diverse
vibrant
exciting
inclusive

Memo

To: Nish Goonetilleke

Cc: Justin Hanrahan

From: Carrie Lindsay

Date: 28/02/2017

Subject: PLN16/0755 150 Yarra Boulevard (Burnley Park Caretakers Cottage)

Dear Nish

I have reviewed the plans submitted as part of the above application, and provide the following comments.

Proposed Site Plan (AR-TP-030)

- Please delete reference to "proposed public lighting by Council"
- The proposed location of the "proposed bike racks for 16x bikes 'Arc De Triomphe" presents as a barrier along a key pathway in Burnley Park. It would be better to reorient these south of the entry way path (refer to notation on AR-TP-100). Please also show details of how these will be installed.

Proposed Floor Plan

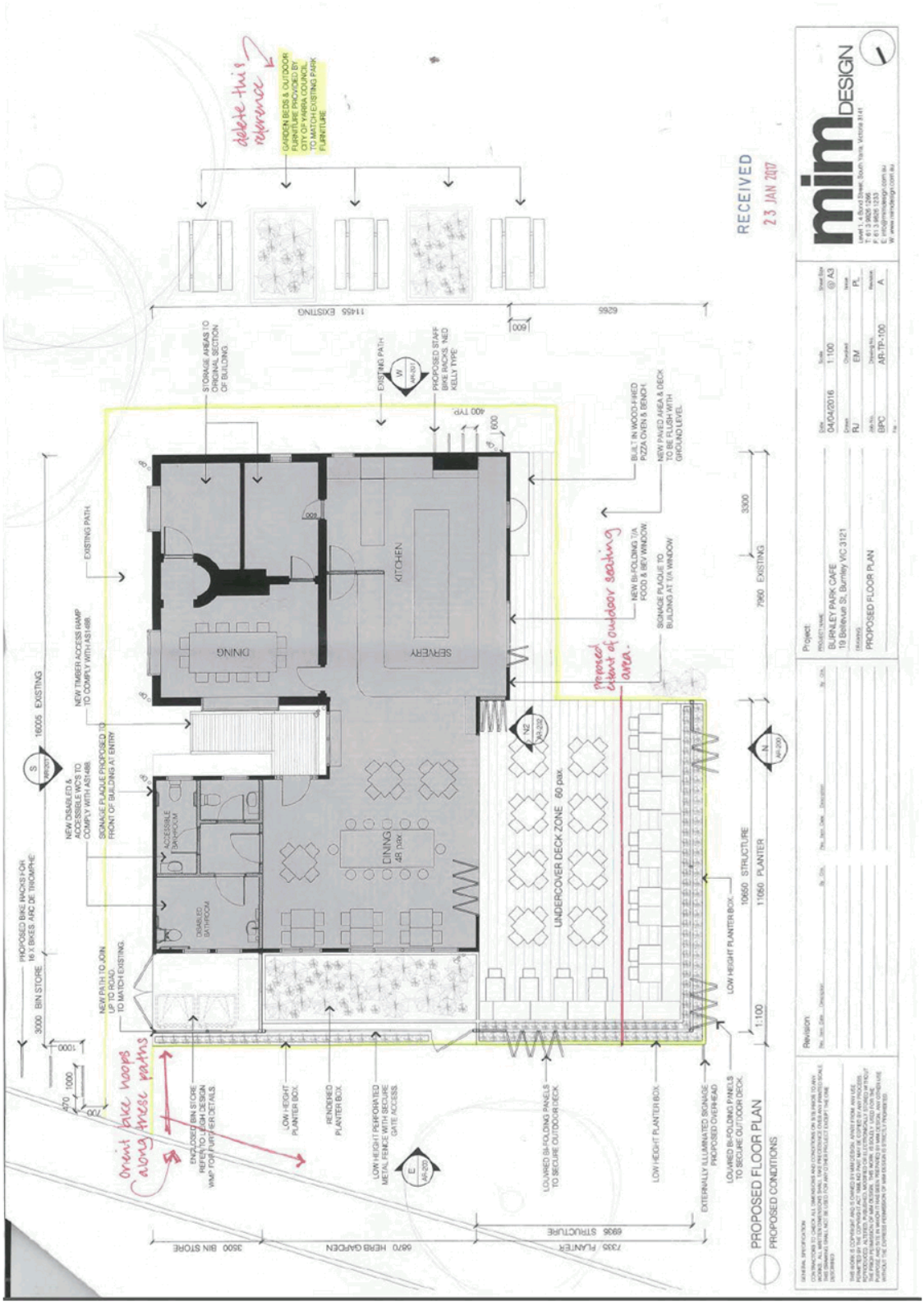
- The size of the undercover deck zone is considered to be too large - please reduce the floor area as noted on the plan AR-TP-100.
- Please delete reference and notation of "Garden beds and outdoor furniture provided by City of Yarra Council. To match existing park furniture."
- The gates on the bin storage will block the path when opened, meaning that the bins will move off the path when being removed - this will add wear and tear to the adjacent grassed area. Maybe consider reconfiguring the space, or installing a sliding door?
- Please provide a landscape plan including details of the planter-boxes, including materials, planting media, drainage, species, locations and quantities of proposed planting.

If you require any further input, or would like to discuss these comments in more detail, please don't hesitate to contact me on 9205 5725.

Yours sincerely

Carrie Lindsay
Coordinator Open Space Planning and Design

Attachment 3 - PLN16/0755 - 150 Yarra Blvd Richmond - Open Space Comments



Attachment 4 - PLN16/0755 - 150 Yarra Boulevard Richmond - Heritage advice

City of Yarra
Heritage Advice

Application No.:	*PLN16/0755*
Address of Property:	***150 Yarra Boulevard, Richmond***
Planner:	*Nish Goonetilleke*
Yarra Planning Scheme References:	*STATE POLICY:* • *Clause 15.03 Heritage* *LOCAL POLICY:* • *Clause 21.05-1 Built Form (Heritage)* • *Clause 43.01 Heritage Overlay* • *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay*
Heritage Overlay No. & Precinct:	*HO299 - Former Park Keeper's Cottage, The Boulevard Richmond, The Boulevard Parklands.*
Level of significance:	*Individually significant (within HO299) constructed 1838-1930s (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007-updated Sep 2015)*
General description:	*Alterations and additions to existing building for new restaurant.*
Drawing Nos.:	*Set of 12 x A3 drawings prepared by MIM Design, received by Council and date stamped 23 January 2017*
Reference information:	*"Conservation Management Plan: Former caretaker's cottage Burnley Park, Burnley" Lovell Chen, 30 April 2015.* *John Patrick Pty Ltd and Allom Lovell & Associates. "Richmond Park Conservation Management Plan", 2007. Available: http://vhd.heritagecouncil.vic.gov.au/places/103863*

WHY IS THE PLACE INDIVIDUALLY SIGNIFICANT?

THE BOULEVARD PARKLANDS

Richmond Park, Burnley Park, and Yarra Boulevard are of local historic and aesthetic significance to the City of Yarra.

The Boulevard Parklands are historically significant as one of the oldest reserves in Victoria and demonstrates how large areas of land were set aside for parkland as part of the first surveys of Melbourne. The surviving nineteenth century fabric including the buildings and plantings associated with the Horticultural Society gardens, the remnants of the Dutch Elm Avenue, mature Sugar Gums and the **park keeper's cottage** are of particular significance as evidence of the development of the park during the nineteenth century. (Criterion A)

It is significant as an example of the large informal reserves created during the nineteenth century park, that contain sections of naturalistic landscapes with remnant indigenous vegetation combined with introduced plantings and hard landscape elements. (Criterion D)

It is historically and socially significant as **the oldest park within Richmond** and as a place of passive and active recreation that has been in continuous use for over 150 years. (Criterion A & G)

Yarra Boulevard is historically significant as an example of the major public works projects undertaken to provide unemployment relief during the Great Depression. It is an example of the roads constructed along 'scenic' routes during the interwar period and is associated with the increasing use of private motor cars for sightseeing and leisure. (Criteria A & D)

Aesthetically, it is significant for its semi-naturalistic and highly picturesque landscape, which combines remnant indigenous trees with semi-formal plantings of exotic species. Yarra Boulevard is notable as a

Attachment 4 - PLN16/0755 - 150 Yarra Boulevard Richmond - Heritage advice

fine example of an interwar public landscape with a distinctive character created by the rock walls and garden edging, and mature exotic trees and shrubs. (Criterion E)

PARK KEEPER'S COTTAGE (FORMER)

One of few elements of hard landscape located within Richmond Park is the former Caretaker's Residence, built in the 1870s, although the exact date of construction has not been finally established.

A Ranger, Caretaker, Park keeper, Bailiff or Curator, as the incumbent was variously known, of the Survey Paddock, and later Richmond Park, was first appointed in 1852. This was considered necessary for the security of the Surveyor's horses, as Melbourne was virtually deserted of males, following the discovery of gold in 1851, and protection of government land and property by police was considered essential.

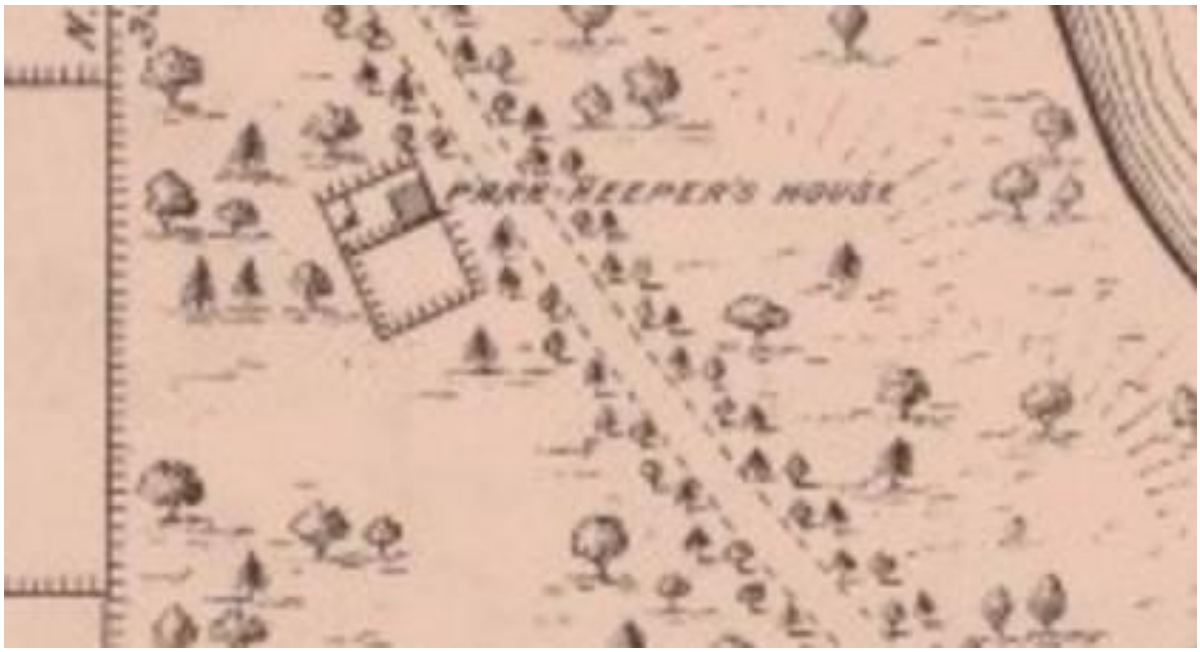
The former caretaker's cottage is of historical significance as one of the earliest designed elements to be incorporated into Richmond Park and one of the oldest extant buildings in Burnley. It contributes to an understanding of the history of the park and its development from Survey Paddock to park in the middle decades of the nineteenth century; and more broadly to an understanding of caretakers' residences in parks and gardens.

The former caretaker's cottage is of aesthetic/architectural interest. While it is an important historic building within the park, alterations and additions have impacted on the architectural form and legibility of the original 1862 building. Within the context of caretaker's residences across the State, the subject building is also a modest and rudimentary example. It does however make an aesthetic contribution when combined with stands of early trees and other early elements, to reinforce the early character of the park.

CONTEXT DESCRIPTION:

The subject site is a large parkland located north-west of the Yarra River over some 70+hectares. The caretaker's cottage is located at the north-west of the parklands, at the culmination of Bellevue Street, Richmond, and is visible from all elevations. The cottage is surrounded by a number of intersecting paths and significant landscaping.

The former Caretaker's Cottage is a four roomed structure which was clearly built in three stages, which according to the CMP were c.1862, c.1890 and c.1986. The south-eastern portion (constructed c.1862) has a hipped roof, masonry walls and quoining around windows that is evident under unsympathetic paint. To the south-west of the original cottage is a weatherboard structure with a brick chimney, located under a gabled roof (constructed c. 1890). The gabled roof has been extended to the north of both these sections, creating an L form under a separate hipped roof (constructed c.1986).



Above: Extract from Plan of Richmond Park, AL Martin, Surveyor, 1872. The 1862 lodge is shown centre left of plan

Attachment 4 - PLN16/0755 - 150 Yarra Boulevard Richmond - Heritage advice

In essence, the original part of the cottage is the masonry section that had a very early timber addition at the rear (west). A number of substantial weatherboard additions have been made over the life of the building, some of which survive. Extensive remodelling was undertaken in 1916/17 which explains fenestration details in the masonry part of the building which clearly are not from the Victorian-era.



Above: Extract from CMP showing general construction history of the site.

ASSESSMENT OF PROPOSED WORKS:

Summary of recommendations from CMP ("Conservation Management Plan: Former caretaker's cottage Burnley Park, Burnley" Lovell Chen, 30 April 2015, Section 5.4.2, pp.3.

5.4.2 Form and fabric generally

In summary, the potential for changes to the form and fabric of the cottage group is as follows:

- The external form and appearance of Building 1 (1862) should be retained; to a lesser degree this also applies to Building 2 (c.1890). Additions or substantial alterations which would alter the broad form of the building group should generally be confined to Building 3.
- For Building 1 (1862) there are no opportunities for substantial works or change to the south and east elevations, with more flexibility to the north elevation. No original windows survive. Nonetheless, new openings should be made with regard for the early character of the building. Consideration should be given to reinstating the original entry located near the centre of the east elevation.
- Building 2 (c.1890) to the west of the caretaker's cottage offers some opportunity for change, although the simple gable-ended form of the building should be retained. Alterations or simple additions to its west side, to an appropriately understated design would raise no substantial heritage issues.
- Demolition or substantial alterations or additions to Building 3 should have regard for their impacts on Building 1 and to a lesser degree Building 2. However works of this type are unlikely to raise any substantial heritage issues.

<u>Comments regarding proposed demolition:</u>

Attachment 4 - PLN16/0755 - 150 Yarra Boulevard Richmond - Heritage advice

The extent of demolition proposed by this application includes removal of internal fabric and windows along the western elevation.

The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct.

There are no internal controls on the building. A curved wall has been identified as potential contributory internal fabric, but no demolition works affect this wall.

The existing windows and doors along the western elevation are later additions from c.1917 and onwards.

In accordance with the recommendations of the Conservation Management Plan, alterations to the western side of Building 2 raise no substantial heritage issues. Therefore, the extent of demolition proposed is considered acceptable.

Comments regarding new development, alterations and additions:

The extent of new works proposed by this application includes development of a new bin storage area, landscaping, undercover deck and façade treatments to accommodate a café/restaurant.

The majority of works are within the envelope of the existing building and new structures extend to the decking area and bin storage.

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.

Regarding the bin storage area

The new structure for the bin storage will be attached to the northern side of the building – the least significant portion which was constructed c.1986. The overall height of the storage area is 2.7metres and meets the underside of the existing roof.

The addition and overall height of the bin storage area is supported as being recessive to the contributory elements of the building.

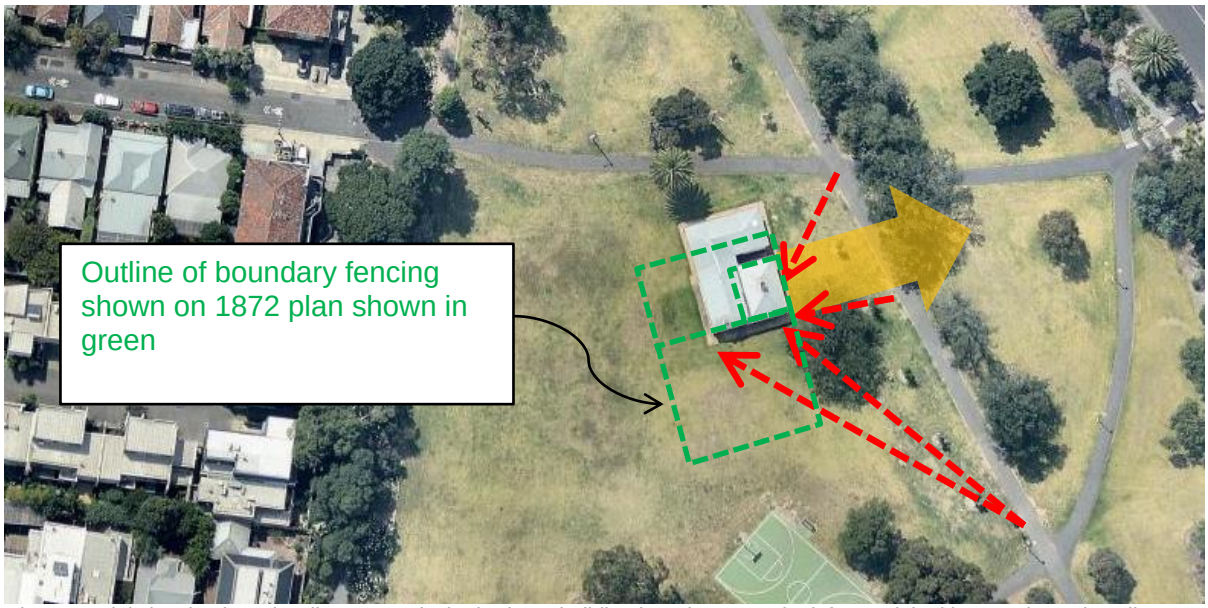
The bin storage area is to be clad in perforated panels. The same panels are to be utilised for a 1200mm high garden bed. No colour has been specified for the screening but it is strongly recommended that the screening be finished to match the adjacent wall colour so it blends in with the existing building, rather than contrasting with the more significant surrounding landscape.

The rendered planter box is of no heritage concern, as it is located against non-contributory fabric, which might be damaged as a result of water from the boxes.

Regarding the undercover deck area

The proposed undercover deck area will be attached to the north-eastern corner of the existing house. The proposed location for the deck is one of two identified in the CMP that will have the least visual impact on the setting of the original 1860s house. The diagram below demonstrates the key view lines towards the heritage building. The proposed deck will be fully concealed along these view lines by the existing building. It is therefore considered that the location of the proposed deck is appropriate.

Attachment 4 - PLN16/0755 - 150 Yarra Boulevard Richmond - Heritage advice



Above: Aerial showing key view lines towards the heritage building in red. Key outlook from original house shown in yellow.

The appearance of the undercover deck, which will include bi-fold doors, is more like an addition to the building. Again, the overall height of the addition is to the underside of the eave, making it recessive against the existing building. No colour has been specified for the 'louvered panel, bi-fold doors', but again, these should be a recessive colour that matches the main wall.

Regarding the new ancillaries and exhaust flues

The proposal includes a number of solar panels and exhaust flues, to be located on the roof of the western addition (c.1890). Whilst not ideal, the CMP does note that this roof is of little significance in and of itself and that the most important objective here is to retain the appearance of a secondary "utility" area behind the masonry cottage. The proposed ancillaries will have little impact on the eastern (more principal) façade of the elevation and are thus supported.

Bike racks, pizza oven and new ramp

The proposed bike racks and pizza oven to the south and west (respectively) of the 1890's addition are supported as being minimal interventions that will not adversely affect the significance of the site. The new access ramp (to replace existing) is also supported as being timber framed and easily removed in the future.

External works

The extent of external works proposed includes:

- "Restore existing windows and make good";
- "Patch and paint as required" ;
- "Make good to all window frames"; and
- "Patch cracks and paint as required to original condition".

Clause 22.02-4 of the Yarra Planning Scheme states as objectives:

- To encourage the preservation, maintenance, **restoration** and where appropriate, reconstruction of heritage places.
- To ensure the adaptation of heritage places is **consistent with the principles of good conservation practice**.
- To ensure that additions and new works to a heritage place respect **the significance** of the place.

These works, while acceptable, will do nothing to enhance the character and appearance of the original building. The external paint scheme for the finished building should adopt colours that are consistent with the mid-Victorian period of the heritage building. The rendered walls should be painted natural cement grey or lime washed in colours that resemble natural stone colours.

Attachment 4 - PLN16/0755 - 150 Yarra Boulevard Richmond - Heritage advice

RECOMMENDATIONS:

On heritage grounds, the works proposed in this application may be approved subject to the following conditions:

1. That the heritage building must be repainted in colours that are consistent with the mid-Victorian period. The proposed colours must be submitted and approved prior to the commencement of works;
2. That the proposed bin enclosure and deck structure must be painted to match the main wall colour of the original house;

OTHER COMMENTS:

The former caretaker's house was originally enclosed. As part of the proposed works, consideration could be given to the introduction of a natural timber simple picket fence along the lines of the original allotment as shown in the 1872 plan. An example of the typical fence is shown below:

Use of a fence like this may also provide partial screening of the proposed new deck area in a manner that is in keeping with the original setting of the former cottage.



SIGNED:

Ruth Redden

DATED: 15 March 2017

Attachment 5 - PLN16/0755 - 150 Yarra Blvd Richmond - Social Planning Comments

CITY OF YaRRA

MeMO

TO:	Nish Goonetilleke, Statutory Planner
FROM:	Erika Russell, Senior Planner (Community Health and Safety)
DATE:	23 February 2017
ADDRESS:	150 Yarra Boulevard, Richmond
APPLICATION NO:	PLN16/0755
DESCRIPTION:	Use of the land as a restaurant, and associated reduction in the car parking and loading bay requirements, buildings and works associated with a ground floor addition, part demolition, and the construction and display of flood-lit business identification signage.

Social Policy and Research has been requested to make comments on the proposal, particularly in relation to the 7am commencement of licenced hours.

PROPOSAL

Key aspects of the site and proposal include:

- The site is located within the Public Park and Recreation Zone (PPRZ).
- The proposal involves the use of a single storey weatherboard building which is located approximately 80 metres west of Yarra Boulevard and approximately 43 metres east of Bellevue Street. The building is currently vacant.
- The proposal includes the sale and consumption of liquor (Restaurant and Café licence) with hours of 7.00am to 11.00pm Monday to Sunday. A maximum of 108 patrons are proposed. Seating is proposed internally and externally (within an undercover deck area).

COMMENTS

- A Restaurants and Café licence requires the predominant activity, at all times, to be the preparation and serving of meals for consumption on the premises. It also requires tables and chairs to be available for at least 75 per cent of patrons attending the premises at any one time. Given that a maximum of 108 patrons are proposed, seating is required for 81 people. The total seating provided equals 108, however only 48 are proposed internally. While the outdoor area is covered and enclosed on the sides, people may not want to use this area in winter or within inclement weather. Therefore consideration should be given to whether the maximum patron numbers proposed are appropriate. The 75 per cent seating requirement should be further enforced via a planning permit condition and/or indicated on the plans.
- Council's draft licenced premises policy states that licensed premises should not commence the sale and consumption of liquor before 9am. This removes the potential for

ongoing drinking / flow on drinking from other late night licenced venues. It is noted that many applicants apply for 7am as this is the ordinary commencement hours under the liquor licence. Consideration should be given to enforcing commencement hours of 9am rather than 7am as proposed.

- On 1 December 2009, Council brought in the Consumption of Liquor in Public Places Local Law which bans the drinking of alcohol in public areas. The ban does not apply in local parks and gardens, where the drinking of alcohol is allowed from 9am-9pm. Consideration should be given to any implications or intentions that this local law has when determining appropriate hours for the proposal.

Attachment 6 - PLN16/0755 - 150 Yarra Blvd Richmond - Compliance Department Comments

TO:	**Nish Goonetilleke**
cc:	
FROM:	**Steve Alexander**
DATE:	**24/02/17**
APPLICATION:	**PLN16/0755**
SUBJECT:	**Amenity Enforcement Referral – 150 Yarra Bvd. Richmond**

Dear Nish,

Following my earlier referral of 13 February 2017 and considering further information in relation to the proposed outdoor area I'd like to add further comment in relation to trading hours.

As discussed the Consumption of Liquor in Public Places Local Law No.8 of 2009 in relation to alcohol strictly wouldn't apply to this application however it's appropriate to consider the hours as a point of reference on this occurrence given the location is within a park and not within the usual Commercial zone.

I've had the opportunity to review my original referral and given that the adjacent residential area historically hasn't been directly exposed to regular commercial activities I recommend the following trading hours;

Monday to Friday – 7am to 9pm
Saturday – 8am to 9pm
Sunday and Public Holidays – 9am to 9pm

Should you wish to discuss the application further, please feel free to contact me on 9205-5166.

Regards,

Steve Alexander
Coordinator – Civic Compliance

Attachment 7 - PLN16/0755 - 150 Yarra Boulevard Richmond - SLR Acoustic Comments

22 March 2017

640.10090.04630 150 Yarra Bvd Richmond 20170310.docx

City of Yarra
PO Box 168
Richmond VIC 3121

Attention: Nish Goonetilleke

Dear Nish

150 Yarra Boulevard, Richmond
Planning Assessment Acoustical Review

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the restaurant and outdoor patron areas proposed for 150 Yarra Boulevard, Richmond.

Details of the report are as follows:

- Title: Proposed Restaurant, 21 Bellevue Street, Burnley
- Reference: 11862-1jg
- Date: May 2016
- Prepared by: Watson Moss Growcott Acoustics (WMG)

The acoustic report has been prepared to address potential noise impacts from music, patrons and mechanical plant.

1 Site Details

(Sections 1 and 2 of the acoustic report)

The application is for a restaurant with internal and external dining spaces. The facility is proposed to operate from 7 am to 11 pm, 7 days a week. Details of the proposed use are as follows:

- Restaurant with internal and external dining spaces
- Up to 108 patrons on site, and up to 60 patrons in the outdoor courtyard.
- Opening hours from 7 am to 11 pm, 7 days a week
- The closest dwellings are identified as being in Bellview Street and Albert Place, approximately 45 m west of the subject development and include single and multi-level dwellings.
- The outdoor dining space is proposed to be constructed on the north west side of the existing building and will be under cover.

SLR Consulting Australia Pty Ltd Suite 2, 2 Domville Avenue Hawthorn VIC 3122 Australia
T: +61 3 9249 9400 F: +61 3 9249 9499
E: melbourne@slrconsulting.com www.slrconsulting.com
ABN 29 001 584 612

SLR Comment:

The site and proposed use are fully described.

2 Background Noise Monitoring

Attended and unattended measurements have been conducted to quantify existing ambient noise levels for the purpose of setting noise limits. Full details of the attended measurement are not provided in the report.

Details of the unattended noise logging are included. The logger was located on the roof of the existing building for a period of five (5) days, including one weekend, in April 2016. The data is provided graphically in an appendix to the report.

SLR Comment:

The monitoring location is closer to Yarra Boulevard than the dwellings, and potentially exposed to higher background noise levels. However in my discussions with WMG it was explained that the attended measurements conducted in the residential area showed that the background noise levels were comparable. Given this, I accept that the logging data is representative of noise at the closest receivers.

Details of the weather during the monitoring and the noise monitoring equipment are not included in the acoustic report. From our review of the historical data the weather was suitable for noise logging.

3 Patron Noise

3.1 Noise Limits

(Section 5.1 and 5.3 of the acoustic report)

Patron noise is proposed to be assessed to SEPP N-1. The SEPP N-1 noise limits are provided in Section 5.3 of the report.

SLR Comment:

It is agreed that SEPP N-1 provides appropriate assessment criteria for patron noise. Alternative criteria often used in the City of Yarra is 'background noise + a variable margin', as developed by Marshall Day Acoustics. These targets can be less stringent, particularly during the day and evening periods.

The SEPP N-1 noise limits provided in the report look reasonable.

3.2 Assessment

(Sections 6.1 and 7.1 of the acoustic report)

Predictions of patron noise to the residential area are based on an estimated maximum patron noise level, within the outdoor deck, of 79 dB L_{Aeq}. An indication of the calculation methodology is provided in Section 7.1. Patron noise is predicted to comply with the identified SEPP N-1 noise limits provided that the operational constraints detailed in Section 7.1 are met. These comprise:

- Closure of the northern and western wall sections in the outdoor patron area between 6 pm and 10 pm
- No use of the outdoor patron areas between 10 pm and 11 pm

- Bi-folding doors between the restaurant and the outdoor patron area to be closed between 10 pm and 11 pm

SLR Comment:

The assumed patron noise levels and predictions of patron noise to the nearest residential area are generally considered reasonable.

Details of the wall bi-folding walls around the outdoor patron area are not provided in the acoustic report and there is potential ambiguity with regard to the proposed works. Based on my discussions with WMG I understand that the northern and western sides of the proposed outdoor patron area will be fitted with bi-folding louvre panels, and that the louvres in the panels will be able to be closed such that the panels form a relatively gap free surface. During the evening period, between 6 pm and 10 pm, the panels and the louvres are proposed to be closed.

The proposed noise controls are reasonable, however it should be clarified that the louvres themselves are also required to be closed during the evening.

3.3 Music

3.3.1 Noise Limits

(Section 5.2 of the acoustic report)

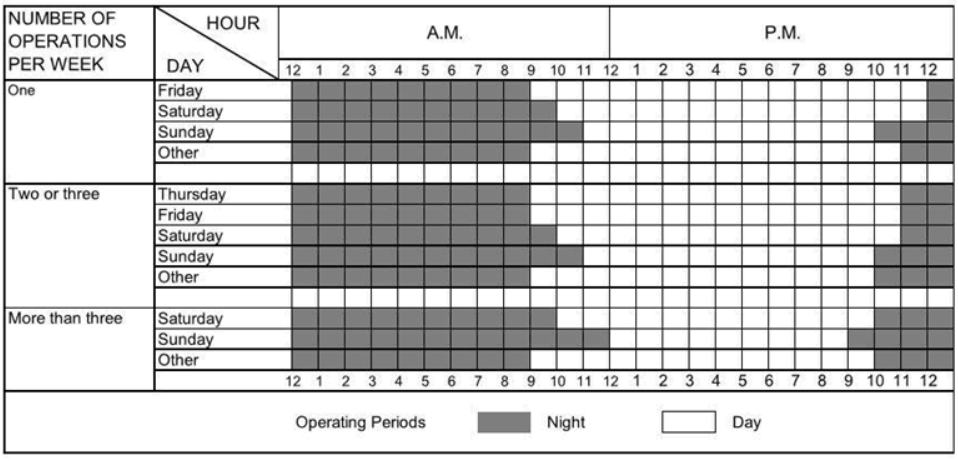
Music is proposed to be assessed to SEPP N-2. The identified day/early evening noise limits is 49 dB L_{Aeq} and is based on the lowest measured background noise level of 44 dB L_{A90}.

The octave band background noise data and SEPP N-2 night noise limits are provided in the report.

SLR Comment:

The use of 44 dB L_{A90} for the day/evening period and the identified 49 dB L_{Aeq} noise limit is reasonable. The octave band limits identified for the night period also appear reasonable. For this venue, which is proposed to operate seven days a week, the octave band limits should be met after 10 pm Monday to Saturday and after 9 pm Sundays. Octave band limits also apply during the morning (see figure below).

Figure 1 SEPP N-2 Definitions of day/evening and night operating times



3.3.2 Assessment

(Sections 7.2 of the acoustic report)

Music is predicted to comply with SEPP N-2 provided that:

- Music indoors does not exceed 75-80 dB L_{Aeq} within 3 m from speakers.
- Music in the outdoor patron area does not exceed 75-80 dB L_{Aeq} within 3 m from speakers.

WMG note that the music will not include significant low frequency content. Advice is provided in the report for speaker placement. WMG also note that the in-house sound system can be set up to ensure that the recommended music levels are not exceeded.

SLR Comment:

As the outdoor patron area is proposed to be closed after 10 pm, it can also be assumed that music will not be played in the outdoor patron area between 10 pm and 11 pm.

It is recommended that a SEPP N-2 assessment of noise from the use is conducted once the sound system is installed and prior to the restaurant opening. The assessment should include measurements in the residential area, under appropriate conditions (e.g. low background noise levels and suitable weather). The sound system should be calibrated and guidance for amplifier settings provided to ensure that SEPP N-2 day/evening and night noise limits are not exceeded.

If there is a perceived risk of nuisance / SEPP N-2 non-compliance, a music noise limiter / compressor should be installed in the audio chain.

3.4 Mechanical Plant

(Sections 5.1 and 7.3 of the acoustic report)

Mechanical plant noise is proposed to be assessed to SEPP N-1. A recommended maximum sound power level of 83 dB L_{Aeq} is provided in the report for mechanical plant, such that the SEPP N-1 noise limits will be met.

SLR Comment:

If the advice included in the report is followed it is likely SEPP N-1 will be met for mechanical plant noise.

4 Recommendations

The report includes a generally clear and comprehensive set of recommendations for operation of the restaurant, including limits for music, guidance for operating conditions including the allowable extent of openable windows and the like, and the requirement to fit sound absorbing material to the underside of the restaurant ceiling.

The outdoor patron are is not to be used after 10 pm, and is required to be semi-enclosed between 6 pm and 10 pm.

SLR Comment:

It is recommended that further detail be provided regarding the western and northern wall sections of the outdoor patron area. In particular, it should be clear that the proposed louvred bi-folding panels are to have closable louvres. In other respects the advice is clear and appropriate for the proposed use.

Attachment 7 - PLN16/0755 - 150 Yarra Boulevard Richmond - SLR Acoustic Comments

5 SLR Summary

The acoustic report prepared for the restaurant proposed for 150 Yarra Boulevard addresses the issue of music, patron and mechanical plant noise. We recommend that:

- The acoustic report and / or the permit condition for the project should clarify that the bi-folding louvre panels proposed for the outdoor patron area are to have closable louvres, and that the individual louvres, as well as the bi-folding panels, are to be closed from 6 pm daily unless compliance with the identified noise limits is demonstrated.
- A SEPP N-2 assessment of noise from the use is conducted once the sound system is installed and prior to the restaurant opening. The assessment should include measurements in the residential area, under appropriate conditions (e.g. low background noise levels and suitable weather). The sound system should be calibrated and guidance for amplifier settings provided to ensure that SEPP N-2 day/evening and night noise limits are not exceeded. The night noise limits will apply after 10 pm most nights, after 9 pm Sunday night, and during some times of the morning (up until midday on Sunday mornings).
- If there is a perceived risk of nuisance / SEPP N-2 non-compliance, a music noise limiter / compressor should be installed in the audio chain.

Yours faithfully,



Dianne Williams
Associate – Acoustics

Checked by: JA

Attachment 8 - PLN16/0755 - 150 Yarra Blvd Richmond - Waste Management Department Comments

Goonetilleke, Nish

From: Agostino, Joe
Sent: Friday, 24 February 2017 2:10 PM
To: Goonetilleke, Nish
Cc: Valente, Enzo
Subject: RE: Waste Management Plan Referral - Planning Permit No PLN16/0755

Hi Nish

Yes you are correct; it is 150 Yarra Boulevard Richmond. Apologies I should have noted this address.

Kind Regards

Joseph Agostino
Project Officer
City Works
Yarra Operations Depot, Clifton Hill

City of Yarra PO Box 168 Richmond 3121
T(03) 9205 5540 **F**(03) 8417 6666
E Joe.Agostino@yarracity.vic.gov.au **W** www.yarracity.vic.gov.au

Please consider the environment before you print this email!

From: Goonetilleke, Nish
Sent: Friday, 24 February 2017 2:05 PM
To: Agostino, Joe
Cc: Valente, Enzo
Subject: RE: Waste Management Plan Referral - Planning Permit No PLN16/0755

Hi Joe,

Hope you're well. Thank you for your email.

Just to clarify – the address is 150 Yarra Boulevard Richmond. I know the Waste Management Plan addresses it as 19 Bellevue Street Burnley, however, it is 150 Yarra Blvd Richmond (the little cottage on Burnley Park).

Just wanted to confirm as you stated that this WMP supersedes all previous WMPs.

Thank you.

Kind Regards,
Nish Goonetilleke
Statutory Planner
City of Yarra PO Box 168 Richmond 3121
T (03) 9205 5005 F (03) 8417 6666
E Nish.Goonetilleke@yarracity.vic.gov.au
W www.yarracity.vic.gov.au

From: Agostino, Joe
Sent: Friday, 24 February 2017 1:49 PM

Attachment 8 - PLN16/0755 - 150 Yarra Blvd Richmond - Waste Management Department Comments

To: Goonetilleke, Nish
Cc: Valente, Enzo
Subject: Waste Management Plan Referral - Planning Permit No PLN16/0755

Hi Nish

I am responding to the Waste Management Plan referral from Danielle Connell dated 7 Feb 2017.

The Waste Management Plan prepared by LEIGH DESIGN dated 10th January 2017 for 19 Bellevue Street Burnley is satisfactory from the City Works Branch's perspective. This WMP supersedes all previous WMP's.

If you have any queries please give me a call.

Kind regards,

Joseph Agostino
Project Officer
City Works
Yarra Operations Depot, Clifton Hill

City of Yarra PO Box 168 Richmond 3121
T(03) 9205 5540 **F**(03) 8417 6666
E Joe.Agostino@yarracity.vic.gov.au **W** www.yarracity.vic.gov.au

Please consider the environment before you print this email!

Attachment 9 - PLN16/0755 - 150 Yarra Blvd Richmond - ESD Comments

Goonetilleke, Nish

From: Williamson, Euan
Sent: Wednesday, 10 May 2017 3:48 PM
To: Goonetilleke, Nish
Subject: 150 Yarra Boulevard, Richmond

Nish,
I have reviewed the proposed plans for the development of the existing caretakers into a restaurant/café.
Although it is somewhat ambiguous in the definitions of "additional floor area", the WSUD stormwater Clause 22.16 should apply to this project, in my opinion.
The flexible nature of the walls and roof, does not prevent the space from being assessed as additional floor area.

The additional louvered roof will create additional catchment area, creating an opportunity to collect rainwater and the refurbishment of the toilets presents an opportunity to re-use that rainwater.
In addition, the landscaped area adjacent to the deck area may present an opportunity to install a raingarden.

It important to note that the heritage significance of the building may make it difficult for the applicant to reach the best practice WSUD stormwater standard (100% STORM) for the whole building, that the Clause 22.16 requires.
A partial STORM score would be a suitable response for a project of this nature.

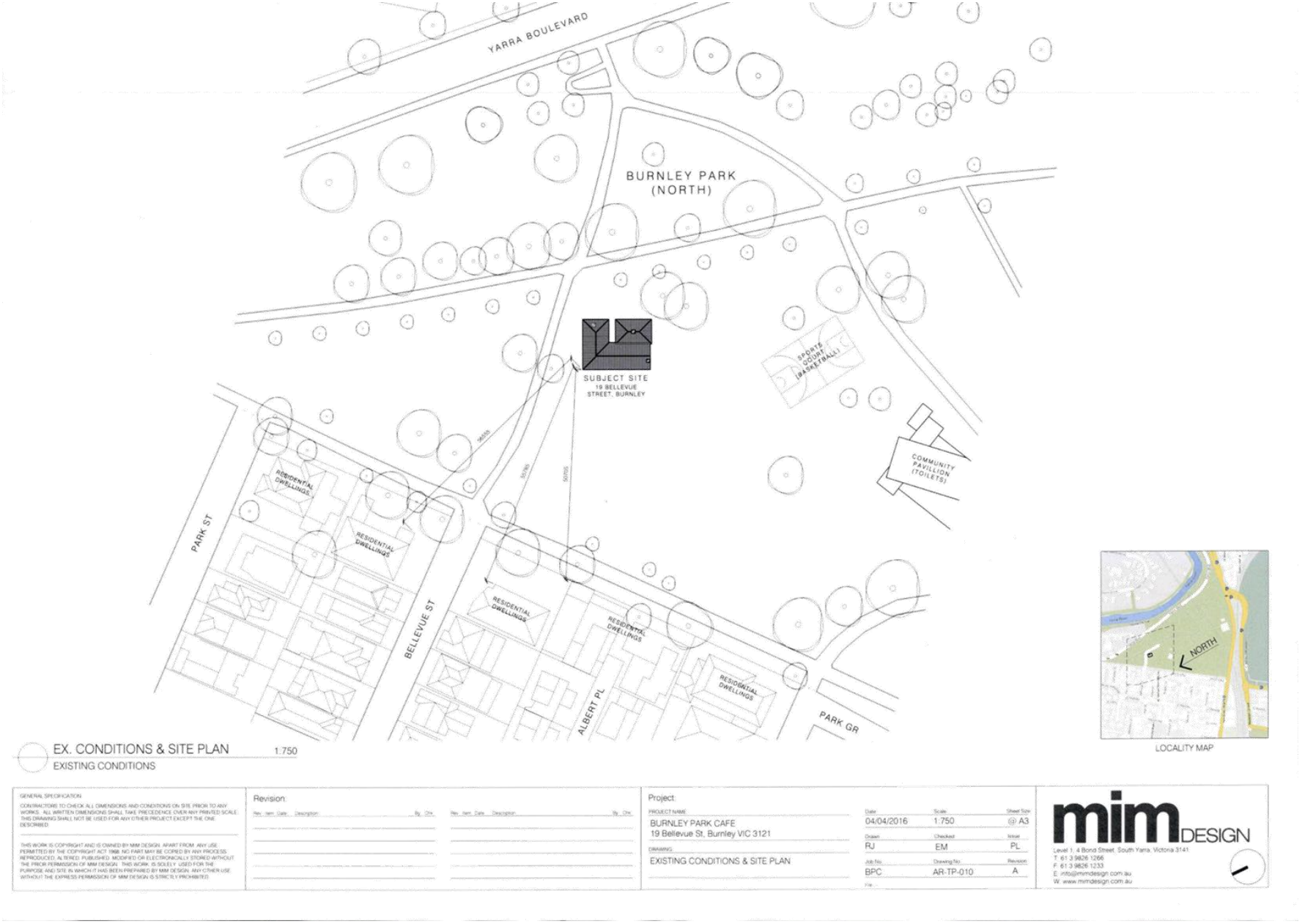
If you or the applicant would like to discuss my comments or recommendations further, don't hesitate to contact me.

Euan.

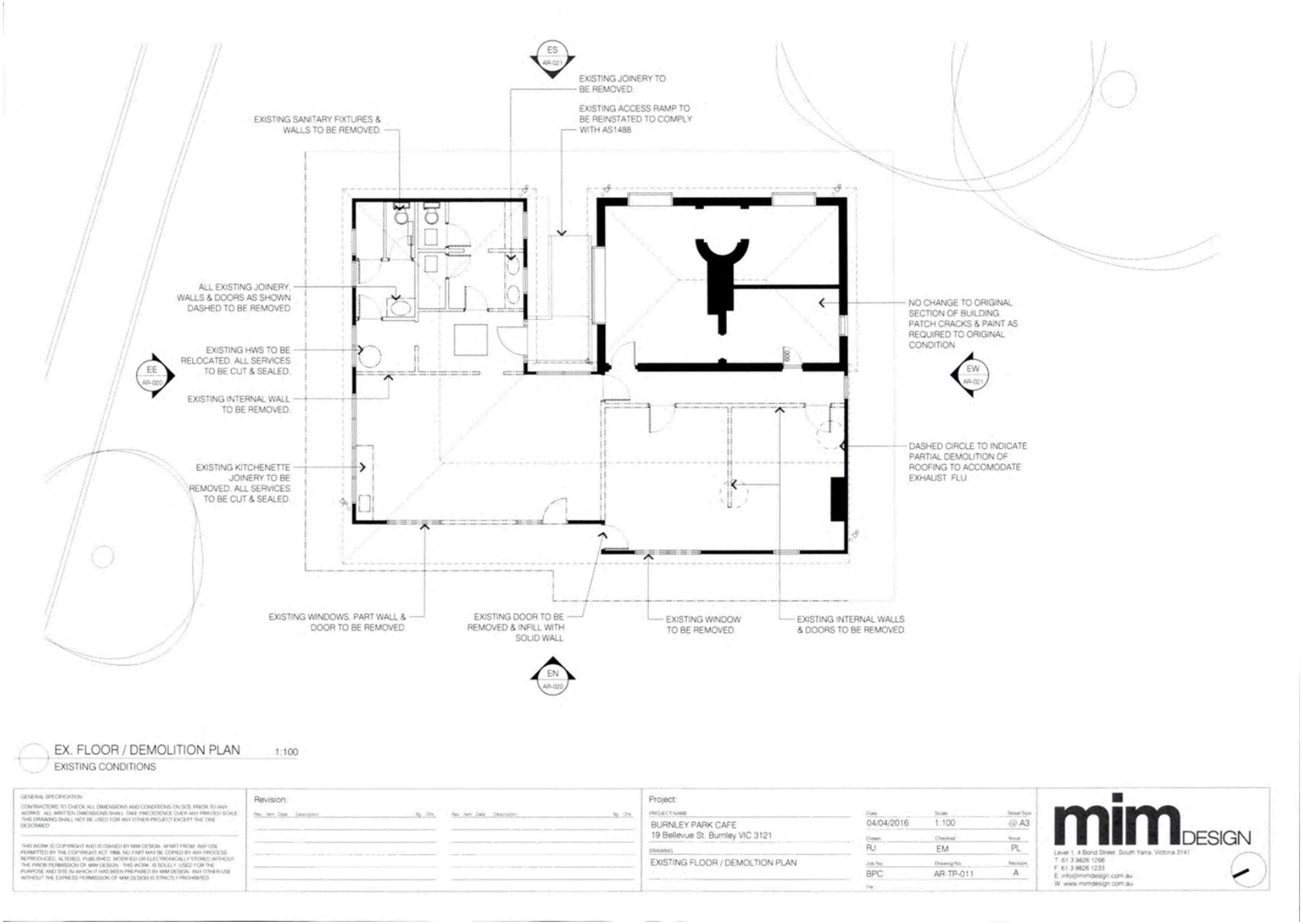
Euan Williamson
Environmental Sustainable Development Advisor
City of Yarra PO Box 168 Richmond 3121
T (03) 9205 5366 **F** (03) 8417 6666
E Euan.Williamson@yarracity.vic.gov.au
W www.yarracity.vic.gov.au

Did you know: There are new sustainability requirements of developments within Yarra? The new Clause 22.17 of the Yarra Planning Scheme is based on the popular SDAPP program and requires new developments greater than 2 dwellings to meet a best practice standard in their planning applications. See the City of Yarra website for more information.

Attachment 10 - PLN16/0755 - 150 Yarra Boulevard Richmond - Decision Plans



Attachment 10 - PLN16/0755 - 150 Yarra Boulevard Richmond - Decision Plans



EX. FLOOR / DEMOLITION PLAN 1:100

EXISTING CONDITIONS

GENERAL SPECIFICATION

CONTRACTORS TO CHECK ALL DIMENSIONS AND CONDITIONS ON SITE PRIOR TO ANY WORKS. ALL WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER ANY PRINTED SCALE. THIS DRAWING SHALL NOT BE USED FOR ANY OTHER PROJECT EXCEPT THE ONE DESCRIBED.

THIS WORK IS COPYRIGHT AND IS OWNED BY MIM DESIGN. APART FROM ANY USE PERMITTED BY THE COPYRIGHT ACT 1968, NO PART MAY BE COPIED BY ANY PROCESS, REPRODUCED, ALTERED, PUBLISHED, MODIFIED OR ELECTRONICALLY STORED WITHOUT THE PRIOR PERMISSION OF MIM DESIGN. THIS WORK IS SOLELY USED FOR THE PURPOSE AND SITE IN WHICH IT HAS BEEN PREPARED BY MIM DESIGN. ANY OTHER USE WITHOUT THE EXPRESS PERMISSION OF MIM DESIGN IS STRICTLY PROHIBITED.

Revision:

Rev.	Item	Date	Description	By	Chk.

Project:

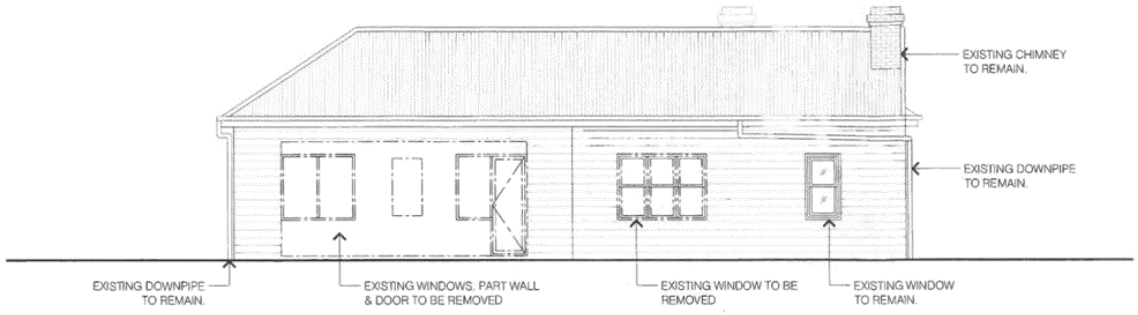
PROJECT NAME
BURNLEY PARK CAFE
19 Bellevue St. Burnley VIC 3121

DRAWING
EXISTING FLOOR / DEMOLTION PLAN

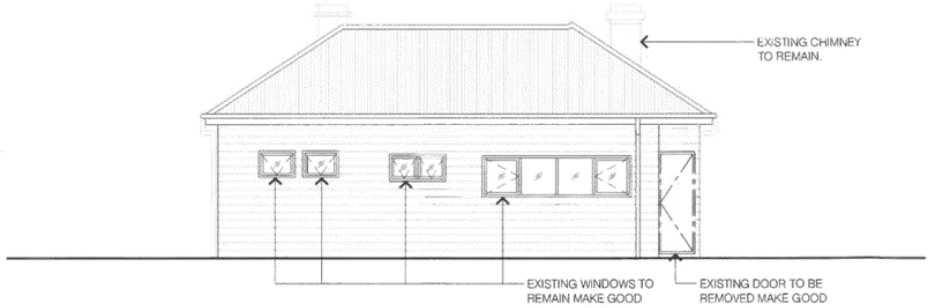
Date	Scale	Sheet Size
04/04/2016	1:100	@ A3
Drawn	Checked	Issue
RJ	EM	PL
Job No.	Drawing No.	Revision
BPC	AR-TP-011	A

mim DESIGN
Level 1, 4 Bond Street, South Yarra, Victoria 3141
T: 61 3 9826 1266
F: 61 3 9826 1233
E: info@mimdesign.com.au
W: www.mimdesign.com.au

Attachment 10 - PLN16/0755 - 150 Yarra Boulevard Richmond - Decision Plans



EN WEST ELEVATION 1:100
EXISTING CONDITIONS
a|02|17 ng



EE NORTH ELEVATION 1:100
EXISTING CONDITIONS
a|02|17 ng

RECEIVED
23 JAN 2017

GENERAL SPECIFICATION
CONTRACTORS TO CHECK ALL DIMENSIONS AND CONDITIONS ON SITE PRIOR TO ANY WORKS. ALL WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER ANY PRINTED SCALE. THIS DRAWING SHALL NOT BE USED FOR ANY OTHER PROJECT EXCEPT THE ONE DESCRIBED.

THIS WORK IS COPYRIGHT AND IS OWNED BY MIM DESIGN. APART FROM ANY USE PERMITTED BY THE COPYRIGHT ACT 1968, NO PART MAY BE COPIED BY ANY PROCESS, REPRODUCED, ALTERED, PUBLISHED, MODIFIED OR ELECTRONICALLY STORED WITHOUT THE PRIOR PERMISSION OF MIM DESIGN. THIS WORK IS SOLELY USED FOR THE PURPOSE AND SITE IN WHICH IT HAS BEEN PREPARED BY MIM DESIGN. ANY OTHER USE WITHOUT THE EXPRESS PERMISSION OF MIM DESIGN IS STRICTLY PROHIBITED.

Revision:

Rev	Item	Date	Description	By	Chk

Project:
PROJECT NAME
BURNLEY PARK CAFE
19 Bellevue St, Burnley VIC 3121
DRAWING
EXISTING ELEVATIONS

Date	Scale	Sheet Size
04/04/2016	1:100	@ A3
Drawn	Checked	Issue
RJ	EM	PL
Job No.	Drawing No.	Revision
BPC	AR-TP-020	A

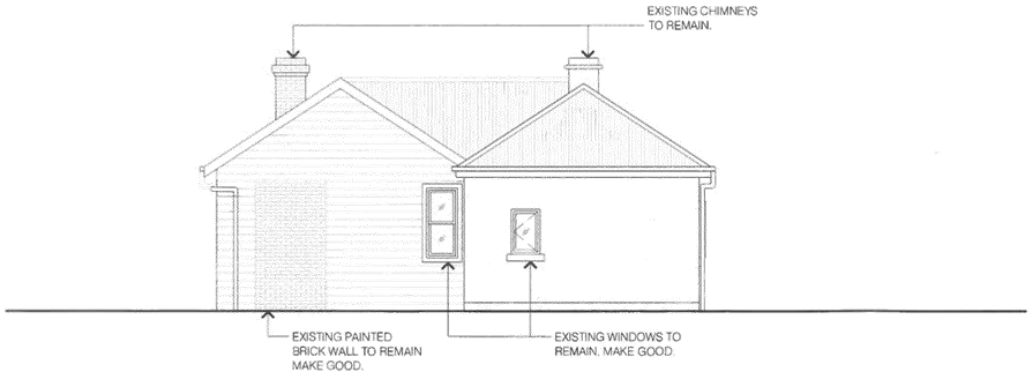
mim DESIGN
Level 1, 4 Bond Street, South Yarra, Victoria 3141
T: 61 3 9826 1266
F: 61 3 9826 1233
E: info@mimdesign.com.au
W: www.mimdesign.com.au

Attachment 10 - PLN16/0755 - 150 Yarra Boulevard Richmond - Decision Plans

GENERAL NOTE:
ENTIRE BUILDING TO BE PAINTED IN WHITE PAINT FINISH TO MATCH AS CLOSE TO EXISTING AS POSSIBLE.



ES EAST ELEVATION 1:100
EXISTING CONDITIONS
01/02/17 mg



EW SOUTH ELEVATION 1:100
EXISTING CONDITIONS
01/02/17 mg

RECEIVED
23 JAN 2017

GENERAL SPECIFICATION
CONTRACTORS TO CHECK ALL DIMENSIONS AND CONDITIONS ON SITE PRIOR TO ANY WORKS. ALL WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER ANY PRINTED SCALE. THIS DRAWING SHALL NOT BE USED FOR ANY OTHER PROJECT EXCEPT THE ONE DESCRIBED

THIS WORK IS COPYRIGHT AND IS OWNED BY MIM DESIGN. APART FROM ANY USE PERMITTED BY THE COPYRIGHT ACT 1968, NO PART MAY BE COPIED BY ANY PROCESS, REPRODUCED, ALTERED, PUBLISHED, MODIFIED OR ELECTRONICALLY STORED WITHOUT THE PRIOR PERMISSION OF MIM DESIGN. THIS WORK IS SOLELY USED FOR THE PURPOSE AND SITE IN WHICH IT HAS BEEN PREPARED BY MIM DESIGN. ANY OTHER USE WITHOUT THE EXPRESS PERMISSION OF MIM DESIGN IS STRICTLY PROHIBITED.

Revision:

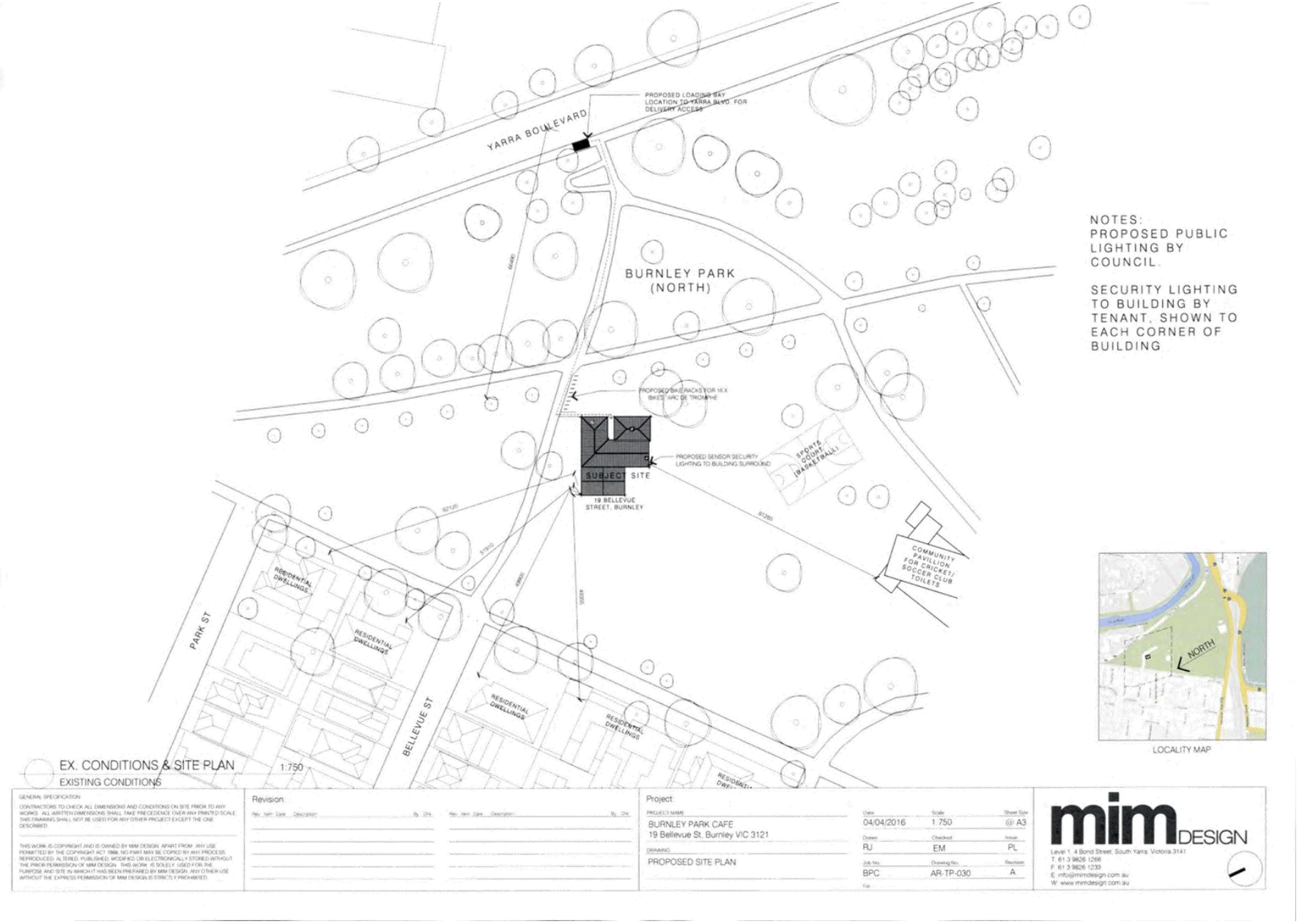
Rev.	Item	Date	Description	By	Chk

Project:
PROJECT NAME
BURNLEY PARK CAFE
19 Bellevue St, Burnley VIC 3121
DRAWING
EXISTING ELEVATIONS

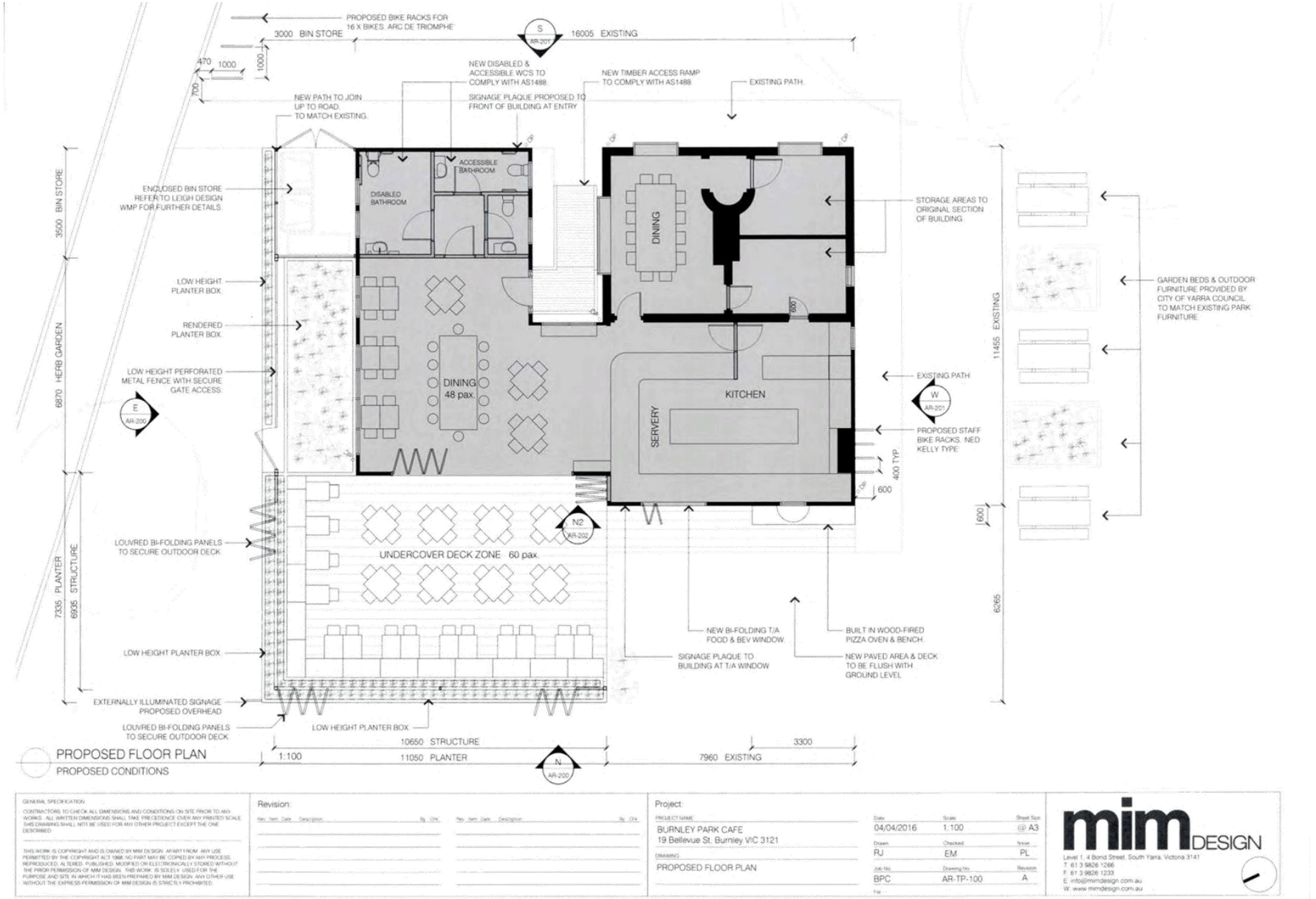
Date	Scale	Sheet Size
04/04/2016	1:100	@ A3
Drawn	Checked	Issue
RJ	EM	PL
Job No.	Drawing No.	Revision
BPC	AR-TP-021	A

mim DESIGN
Level 1, 4 Bond Street, South Yarra, Victoria 3141
T: 61 3 9826 1266
F: 61 3 9826 1233
E: info@mimdesign.com.au
W: www.mimdesign.com.au

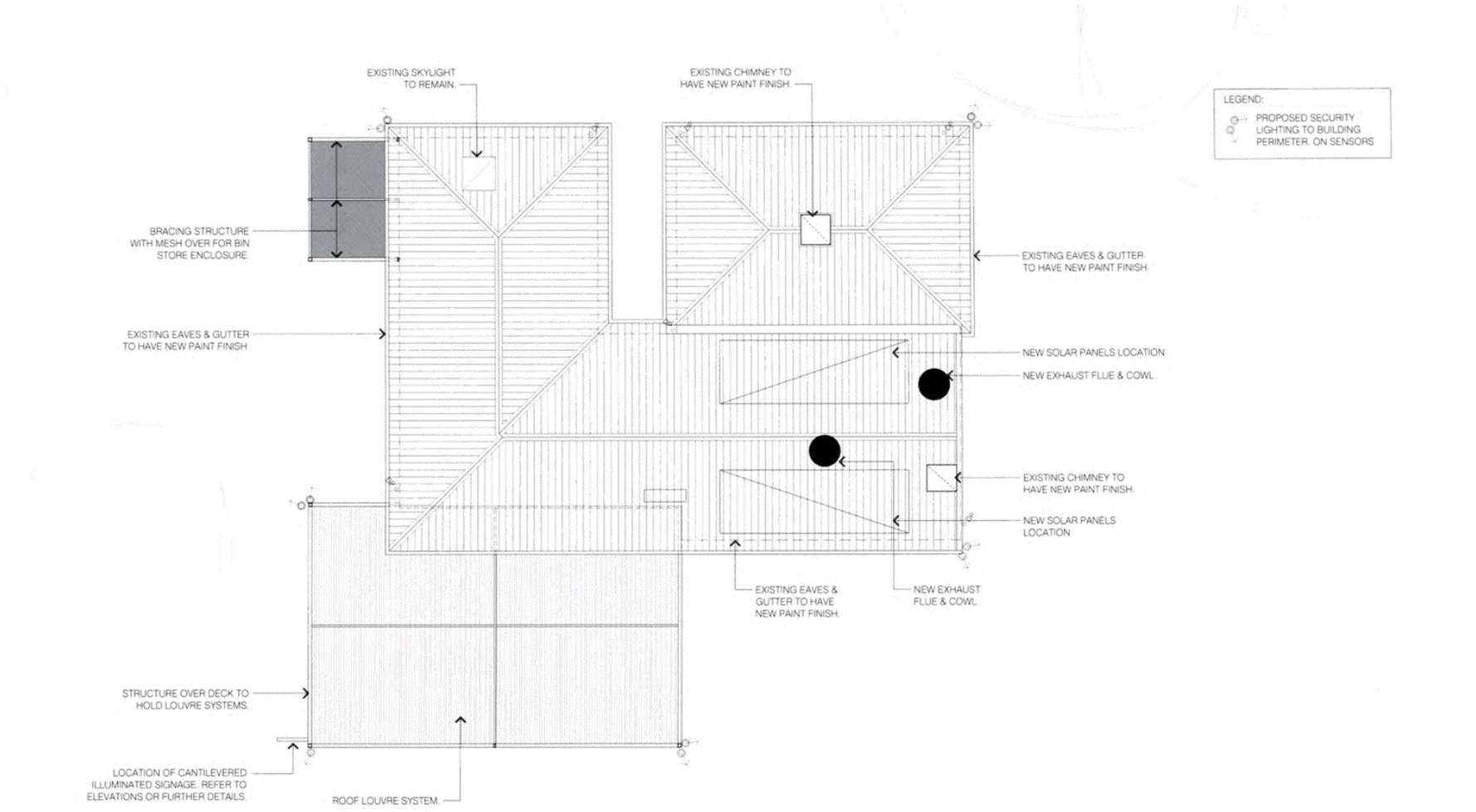
Attachment 10 - PLN16/0755 - 150 Yarra Boulevard Richmond - Decision Plans



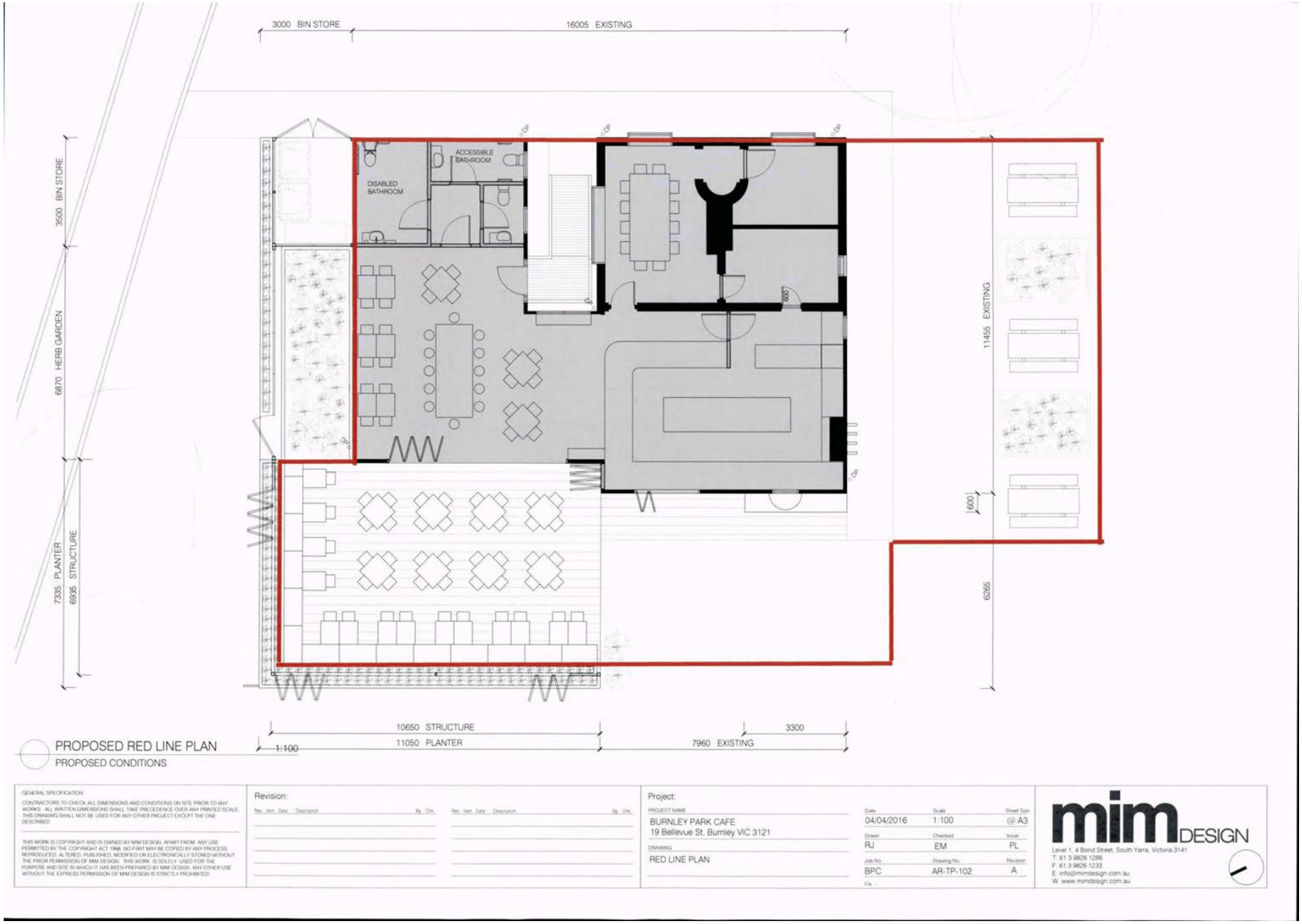
Attachment 10 - PLN16/0755 - 150 Yarra Boulevard Richmond - Decision Plans



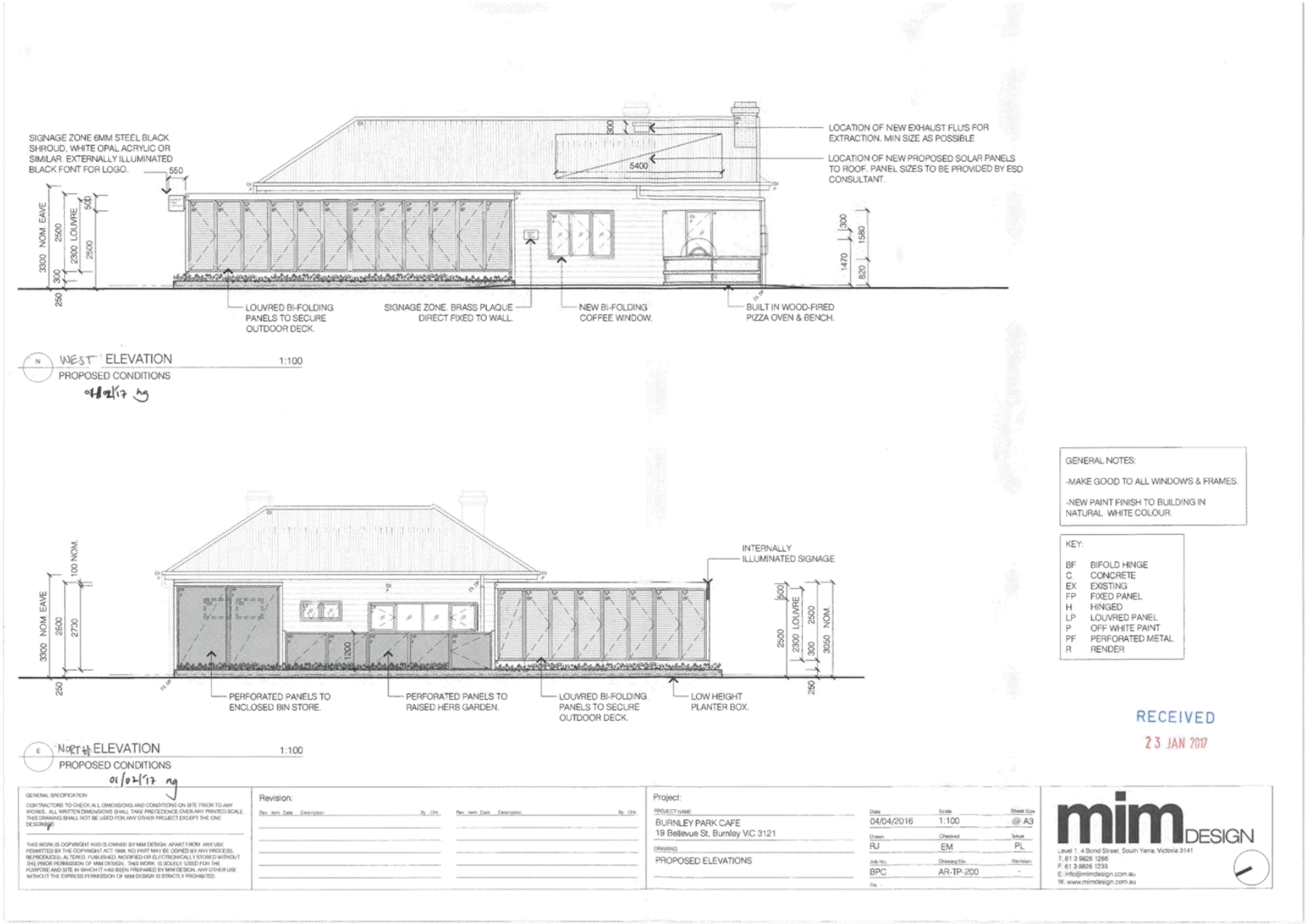
Attachment 10 - PLN16/0755 - 150 Yarra Boulevard Richmond - Decision Plans



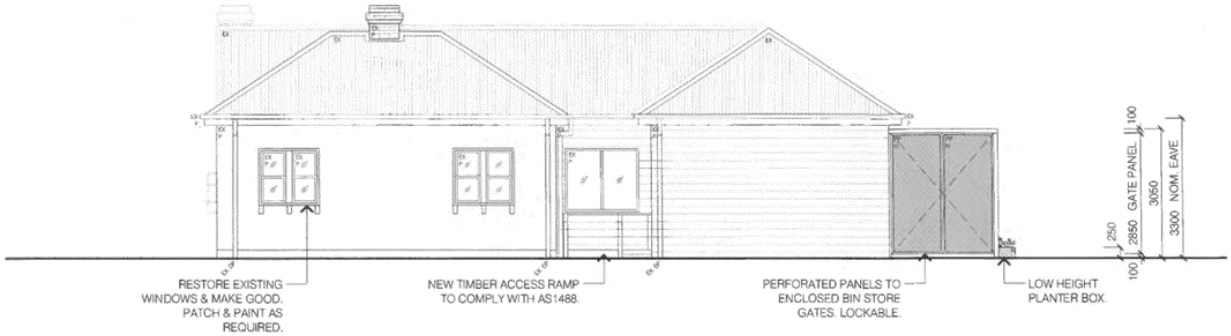
Attachment 10 - PLN16/0755 - 150 Yarra Boulevard Richmond - Decision Plans



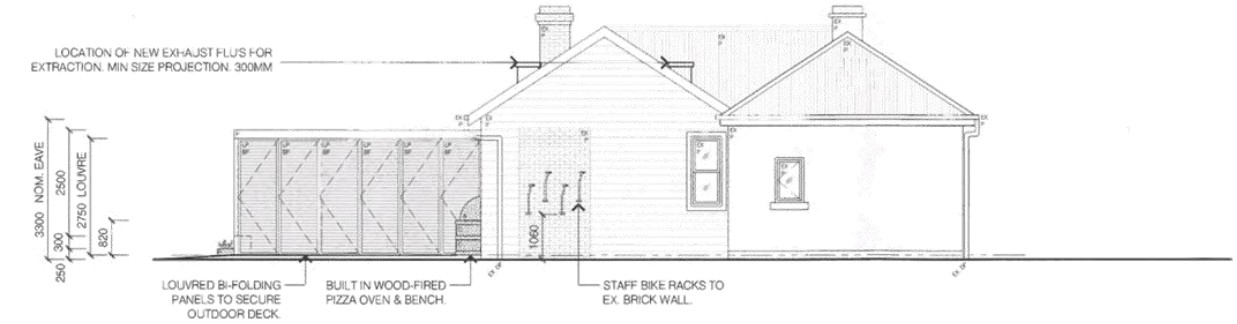
Attachment 10 - PLN16/0755 - 150 Yarra Boulevard Richmond - Decision Plans



Attachment 10 - PLN16/0755 - 150 Yarra Boulevard Richmond - Decision Plans



S EAST ELEVATION 1:100
PROPOSED CONDITIONS
01/02/17 ng



W SOUTH ELEVATION 1:100
PROPOSED CONDITIONS
01/02/17 ng

GENERAL NOTES:

-MAKE GOOD TO ALL WINDOW FRAMES.

-NEW PAINT FINISH TO BUILDING IN OFF WHITE COLOUR.

KEY:

BF	BIFOLD HINGE
C	CONCRETE
EX	EXISTING
FP	FIXED PANEL
H	HINGED
LP	LOUVRED PANEL
P	PAINT
PF	PERFORATED METAL
R	RENDER

RECEIVED
23 JAN 2017

GENERAL SPECIFICATION
CONTRACTORS TO CHECK ALL DIMENSIONS AND CONDITIONS ON SITE PRIOR TO ANY WORKS. ALL WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER ANY PRINTED SCALE. THIS DRAWING SHALL NOT BE USED FOR ANY OTHER PROJECT EXCEPT THE ONE DESCRIBED

THIS WORK IS COPYRIGHT AND IS OWNED BY MIM DESIGN. APART FROM ANY USE PERMITTED BY THE COPYRIGHT ACT 1968, NO PART MAY BE COPIED BY ANY PROCESS, REPRODUCED, ALTERED, PUBLISHED, MODIFIED OR ELECTRONICALLY STORED WITHOUT THE PRIOR PERMISSION OF MIM DESIGN. THIS WORK, IS SOLELY USED FOR THE PURPOSE AND SITE IN WHICH IT HAS BEEN PREPARED BY MIM DESIGN. ANY OTHER USE WITHOUT THE EXPRESS PERMISSION OF MIM DESIGN IS STRICTLY PROHIBITED.

Revision:

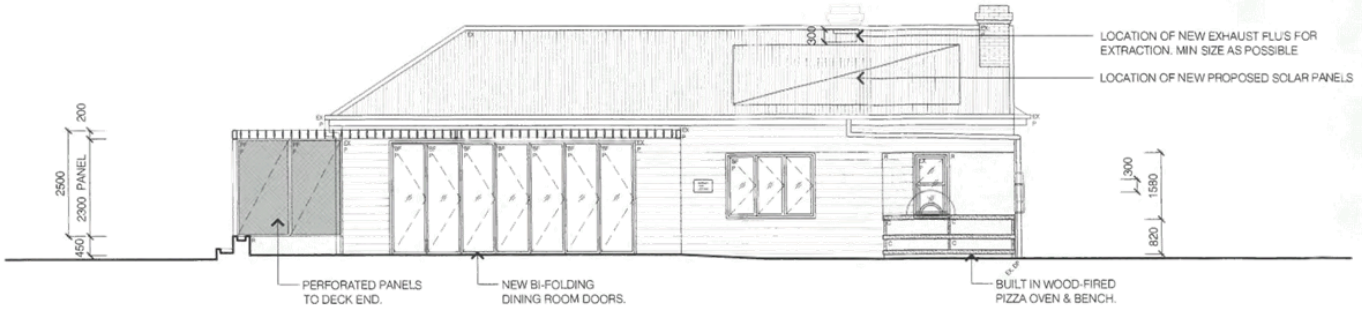
Rev	Item	Date	Description	By	Chk

Project:
PROJECT NAME
BURNLEY PARK CAFE
19 Bellevue St, Burnley VIC 3121
DRAWING
PROPOSED ELEVATIONS

Date	Scale	Sheet Size
04/04/2016	1:100	@ A3
Drawn	Checked	Issue
RJ	EM	PL
Job No.	Drawing No.	Revision
BPC	AR-TP-201	-

mim DESIGN
Level 1, 4 Bond Street, South Yarra, Victoria 3141
T: 61 3 9826 1266
F: 61 3 9826 1233
E: info@mimdesign.com.au
W: www.mimdesign.com.au

Attachment 10 - PLN16/0755 - 150 Yarra Boulevard Richmond - Decision Plans



N2 WEST ELEVATION (2) 1:100
PROPOSED CONDITIONS

RENDERED/CONCRETE FINISH

BRASS FINISH FOR SIGNAGE

WHITE POWDERCOAT/PAINT FINISH

MESH SCREENING

GENERAL NOTES:

-MAKE GOOD TO ALL WINDOW FRAMES.

-NEW PAINT FINISH TO BUILDING IN OFF WHITE COLOUR TO MATCH AS CLOSE TO EXISTING AS POSSIBLE.

KEY:

BF	BIFOLD HINGE
C	CONCRETE
EX	EXISTING
FP	FIXED PANEL
H	HINGED
LP	LOUVRED PANEL
P	PAINT
PF	PERFORATED METAL
R	RENDER

FINISHES BOARD
PROPOSED CONDITIONS

RECEIVED
23 JAN 2017

GENERAL SPECIFICATION

CONTRACTORS TO CHECK ALL DIMENSIONS AND CONDITIONS ON SITE PRIOR TO ANY WORKS. ALL WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER ANY PRINTED SCALE. THIS DRAWING SHALL NOT BE USED FOR ANY OTHER PROJECT EXCEPT THE ONE DESCRIBED

THIS WORK IS COPYRIGHT AND IS OWNED BY MIM DESIGN. APART FROM ANY USE PERMITTED BY THE COPYRIGHT ACT 1968, NO PART MAY BE COPIED BY ANY PROCESS, REPRODUCED, ALTERED, PUBLISHED, MODIFIED OR ELECTRONICALLY STORED WITHOUT THE PRIOR PERMISSION OF MIM DESIGN. THIS WORK IS SOLELY USED FOR THE PURPOSE AND SITE IN WHICH IT HAS BEEN PREPARED BY MIM DESIGN. ANY OTHER USE WITHOUT THE EXPRESS PERMISSION OF MIM DESIGN IS STRICTLY PROHIBITED.

Revision:

Rev	Item	Date	Description	By	Chk

Project:
PROJECT NAME
BURNLEY PARK CAFE
19 Bellevue St, Burnley VIC 3121
DRAWING
PROPOSED ELEVATION
FINISHES BOARD

Date	Scale	Sheet Size
04/04/2016	1:100	@ A3
Drawn	Checked	Issue
RJ	EM	PL
Job No.	Drawing No.	Revision
BPC	AR-TP-202	-

mim DESIGN
Level 1, 4 Bond Street, South Yarra, Victoria 3141
T: 61 3 9826 1266
F: 61 3 9826 1233
E: info@mimdesign.com.au
W: www.mimdesign.com.au

1.3 PLN16/0391 - 197B Brunswick Street Fitzroy - Use of the land as a function centre and cafe (no permit required for cafe use), on premises liquor licence and an associated reduction in car parking.

Executive Summary

Purpose

1. This report provides Council with an assessment of planning permit application PLN16/0391 at 197B Brunswick Street Fitzroy and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 34.01 – Commercial 1 Zone;
   (b) Clause 52.06 – Car parking;
   (c) Clause 52.27 – Licensed Premises;
   (d) Clause 21.04-2 – Activity Centres;
   (e) Clause 21.06 – Transport;
   (f) Clause 22.05 – Interface Uses Policy;
   (g) Clause 22.09 – Licensed Premises;

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Use of the land for the sale and consumption of liquor and function centre/art gallery use;
   (b) Car parking reduction / traffic; and
   (c) Objector concerns.

Objector Concerns

4. 53 objections were received to the application, these can be summarised as:
   (a) Offsite amenity impacts from the use (noise, patrons loitering and/or smoking, and anti-social behaviour);
   (b) Car parking impacts on the surrounding street network;
   (c) Excessive patron numbers;
   (d) Proposed hours of operation are excessive;
   (e) The application is advertised as 197B Brunswick Street (which is the formal address), but primarily operates from Moor Street;
   (f) The application lacked detail and clarity;
   (g) The application material included ‘false’ or ‘misleading’ information (these objections related to the original application).

5. One letter of support was provided noting the operators support for local producers, artists and musicians and general contribution to local business and activity.

Conclusion

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

CONTACT OFFICER: **James Sutherland**
TITLE: **Principal Statutory Planner**
TEL: **9205 5083**

1.3 PLN16/0391 - 197B Brunswick Street Fitzroy - Use of the land as a function centre and cafe (no permit required for cafe use), on premises liquor licence and an associated reduction in car parking.

Trim Record Number: D17/57002
Responsible Officer: Coordinator Statutory Planning

Proposal:	Sale and consumption of liquor associated with use of the land as function centre and cafe (no permit required for cafe use) and reduction in the car parking requirement.
Existing use:	Café
Applicant:	Georgina Knightley
Zoning / Overlays:	Commercial 1 Zone Heritage Overlay, Schedule 311
Date of Application:	8 May 2016
Application Number:	PLN16/0391

Planning History

1. Planning permit PL03/0884 was granted for part demolition, buildings and works (new shopfront and awning) and car parking reduction.

2. Planning permit PL08/0605 was granted for advertising signage and painting by Council on 12 September 2008.

Background

3. The application was initially advertised to surrounding owners and occupiers in June and July 2016. A total of 52 objections were received. The application was then amended on 24 November 2016 under Section 57a of the *Planning and Environment Act* 1987 to make the following changes:
   (a) The café use to operate 8am to 5pm, 7 days a week (instead of 8am to 4pm);
   (b) The function centre / art gallery to operate 6pm to 11pm up to 7 days a week (previously 6pm to 1am the following day);
   (c) The sale and consumption of liquor between 8am to 11pm during operating hours (previously 8am to 1am 7 days a week);
   (d) The maximum number of patrons to be 100 (previously 120); and
   (e) Additional information including a traffic report prepared TTM Consulting.

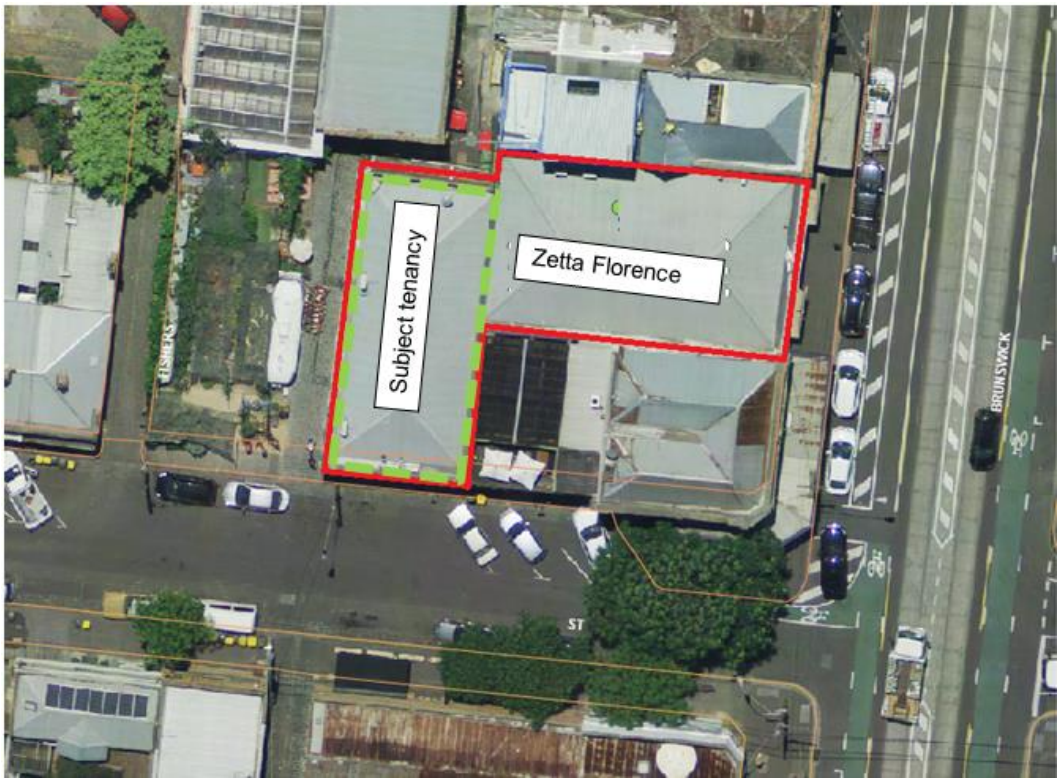
4. The amended application was re-advertised in March 2017. One additional objection was received, no objections were withdrawn.

Existing Conditions

Subject Site

5. The subject site is located at the corner of Brunswick Street and Moor Street in Fitzroy. The land is an 'L' shape with two tenancies, one fronting Brunswick Street operating as Zetta Florence (stationary/paper/card shop), the other fronting Moor Street (operating as a café). The tenancy which is the subject of the application fronts Moor Street, with the entry being approximately 26m west of Brunswick Street.

6. The subject tenancy is a single storey, flat roof brick building constructed to all boundaries. The primary access is via a roller door from Moor Street which has an entry alcove and double doors behind. There are two large windows on either side of the entry. Four windows are located on the western boundary wall which faces a laneway/ROW. The land is approximately 20.5m long and 11m wide with an area of 225sqm. The image below shows the subject site and tenancy.



7. The Zetta Florence tenancy is a single storey brick building with two large windows either side of a double width pedestrian entry from Brunswick Street. There is internal access between the two spaces.

Surrounding Land

Immediate surrounds

8. To the north of the subject tenancy is a ROW and two storey building used as seating/lounge areas associated with the Grubb Food Van. To the north on Brunswick Street are commercial tenancies.

9. To the south across Moor Street is a single storey building use partly as a café (fronting Moor Street) and a shop fronting Brunswick Street. Further south-east are commercial properties fronting Brunswick Street. To the south-west are dwellings fronting Moor Street.

10. To the east of the subject tenancy is the 'Zetta Florence' shop and 'Labour in Vain' pub at the corner of Brunswick and Moor Streets. Labour in Vain is located in a one and two storey building and with an open deck at the first floor abutting the subject site. The venue is licensed to operate until 11pm Sundays (and Good Friday and Anzac Day) and 1am any other day with 150 patrons and incorporates live music. Further east across Brunswick Street is the Perseverance Hotel which is licensed until 11pm-12pm Sunday/Anzac Day/Good Friday and 3am any other day for up to 510 people.

11. To the west/north-west is the Grubb Food Van site which and essentially operates as a cafe but the current planning permit (PL03/0732) also allows for place of assembly (art gallery/art exhibition/performance space), retail premises (art dealership) and education centre (workshop) inside the building at ground and first floor (within a building at the rear of the site) and associated liquor licence. This site contains an open courtyard and includes four water tanks along the west boundary (with a 2m high acoustic fence installed to the west side of the tanks) and a silver caravan (used for food service) on the east side. The courtyard is generally open to Moor Street apart from large planter boxes along the frontage and a 2m high wooden fence that wraps around the south-west corner. The building on the site is located north of the courtyard and constructed to the north, east and west property boundaries.

12. Further west are dwellings fronting Moor Street and a residential area extending to Nicholson Street, and to Johnston Street in the north, and Gertrude Street in the south.

Wider area

13. The wider area is largely defined by two things, the commercial precinct along Brunswick and Johnston Streets and the residential areas behind. The commercial precincts contain a wide range of retail, restaurant, bar and pub offerings. The residential areas behind these commercial strips are characterised by 1-2 storey dwellings (many with a Victorian/Edwardian character) in areas zoned Neighbourhood Residential with pockets of taller in-fill development in Mixed Use Zone areas.

14. The site is well connected to public transport with trams on Brunswick Street and Nicholson Street (270m west) as well as buses on Johnston Street 370m to the north, and trams along Gertrude Street and Victoria Parade 450m and 730m to the south respectively.

The Proposal

15. The proposal is for use of the land as an art gallery, function centre and cafe (no permit required for the cafe use), on premises liquor licence and an associated reduction in car parking. More specifically:

Uses

16. The site is proposed to be used as a café Monday to Sunday 8am to 5pm for 60 patrons. At 6pm, the premises is intended to be used as mixed purpose function centre/art gallery to cater for private, pre-booked functions.

17. The function centre would provide a space for a range of events that could involve food service for up to 100 patrons. The applicant estimates 6-12 functions a month.

18. Regarding the function centre and art gallery use, the description provided by the permit applicant is “gallery openings to coincide with exhibitions, writer groups, speaker & reading groups, celebrations, on a small scale, product launches, forums, workshops, classes, presentations etc.”

19. This clearly fits within the Function Centre land use under clause 74 of the Scheme. Accordingly, the use will be assessed as such and the ‘art gallery’ use will be disregarded as the use would not be for the ‘display of works of art’ (painting, sculpture furniture, textiles etc.).

20. All uses would include the sale and consumption of alcohol Monday to Sunday 8am to 11pm.

21. Access to the venue would be via the doors on Moor Street only and no outdoor areas are proposed. Music is proposed to generally be background levels with allowance for live acoustic music also. No speakers would be located externally.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

22. A planning permit is required under clause 34.01-1 of the Yarra Planning Scheme [the Scheme] to use the site as a function centre. No permit is required for the cafe use.

Overlays

Heritage Overlay (HO311 – Brunswick Street Precinct, Fitzroy)

23. Under clause 43.01-1 of the Scheme there are no permit requirements to use land and as no external works are proposed, a permit is not triggered under this overlay.

Particular Provisions

Clause 52.06 – Car parking

24. The purpose of this clause (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. Car parking rates are specified 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).

25. The application has a statutory requirement of 9 car parking spaces associated the existing café (4 spaces/100sqm of leasable floor area) and 30 spaces associated with the proposed function centre (0.3 spaces per patron), with none provided on-site a reduction to zero is sought.

Clause 52.07 – Loading and unloading of vehicles

26. The purpose of this clause 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'. Given no buildings and works are proposed, this requirement does not apply.

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. Under the provisions of clause 52.34-3 a place of assembly/function centre requires 1 space to each 1500sqm of net floor area which results in a requirements of 0.15 spaces rounded down to zero.

Clause 52.27 – Licensed Premises

29. The purpose of this provision is:
    (a) To ensure that licensed premises are situated in appropriate locations.
    (b) *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

30. A permit is required to use land to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998 (amongst others).

General Provisions

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

State Planning Policy Framework (SPPF)

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

Clause 11.03-1 – Activity centre network

33. 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*. The following strategies relevant to this proposal:
    (a) *Develop a network of activity centres that:*
        (i) *Comprises a range of centres that differ in size and function*
        (ii) *Is a focus for business, shopping, working, leisure and community facilities*
        (iii) *Is connected by public transport and cycling networks.*
        (iv) *Maximises choices in services, employment and social interaction.*

Clause 11.03-2 – Activity centre planning

34. 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.*

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

Clause 13.04-1 – Noise abatement

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

Clause 17.01-1 – Business

37. 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.*

38. *Relevant strategies include:*

    (a) Locate commercial facilities in existing or planned activity centres.

Clause 18.01-1 – Land use and transport planning

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

Clause 18.02-1 – Sustainable personal transport

40. The objective of this clause is: *To promote the use of sustainable personal transport.*

Clause 18.02-5 – Car parking

41. The objective of this cluse: *To ensure an adequate supply of car parking that is appropriately designed and located.*

42. 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 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

43. 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*

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

Clause 21.04 – Land use

Clause 21.04-2 – Activity Centres

44. 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 4.3 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.*

Clause 21.04-3 – Industry, office and commercial

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

Clause 21.06 – Transport

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

Clause 21.08-7 – Fitzroy

47. The following relevant elements are outlined in this clause:
    (a) *Fitzroy is a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/ industrial activities.*
    (b) *The role of the Brunswick Street centre can be characterised as hospitality, entertainment, clothing and footwear, art galleries and studios, and non-government community services, all with a metropolitan focus*

48. The site as shown within the Activity Centre at Figure 12 – Neighbourhood Map: Fitzroy.

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

49. This policy applies to applications for use or development within Mixed Use and Business Zones (albeit Business Zones are now 'commercial zones'), amongst others.

50. The relevant objective of this clause is: *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity*.

51. Clause 22.05-4.2 outlines a range of policy guidance for non-residential development near residential properties. The guidance aims to minimise overlooking, visual bulk, minimise noise transmission and light spill. The policy also encourages waste management plan and construction management practices to minimise the impact on nearby residential and business uses.

52. It is policy at clause 22.05-3 that (as relevant):
    (a) 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 22.09 – Licensed Premises

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

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

55. The policy includes guidance in relation to location and access, hours of operation, patron numbers, noise, car parking, Noise and Amenity Action Plan [**NAAP**].

56. In respect of licensed hours in the Commercial 1 Zone, the policy at clause 22.09-3.2 is:

    (a) Licensed premises in a Business or Industrial Zone not trade beyond 1am, unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.

    Other documents

    Amendment C209

57. Council has recently exhibited (until 16 December 2016) and was considered by an independent Planning Panel on 26 and 27 April 2017. The policy has been adopted by Council and thus is considered a 'seriously entertained' document. A summary of the key elements of the revised policy will be discussed later in the report.

Advertising

58. The application was advertised under section 52 of the *Planning and Environment Act,* 1987 in June and July 2016 by way of 44 letters to surrounding properties and a sign to the Moor and Brunswick Street frontages with a total of 52 objections received. A section 57A amended application was received in November 2016. The amended application was re-advertised in March 2017 by way of letters to existing objectors. One additional objection was received for a total of 53 which can be summarised as follows:

    (a) Offsite amenity impacts from the use, predominately associated with potential noise, loitering patrons, smoking patrons and anti-social behaviour.
    (b) Car parking impacts on the surrounding street network.
    (c) The proposed patron numbers are excessive.
    (d) The proposed hours of operation are excessive.
    (e) The application is advertised as 197B Brunswick Street (which is the formal address), but primarily operates from Moor Street.
    (f) The application lacked detail and clarity.
    (g) The application material included 'false' or 'misleading' information (these objections related to the original application)

59. One letter of support was received noting the operators support for local producers, artists and musicians and general contribution to local business and activity

Referrals

    External Referrals

60. The application was not required to be referred (or notice given) to any referral authorities under Clause 66 of the Scheme.

    Internal Referrals

61. The applications was referred internally to:
    (a) Community Amenity Unit (comments are in respect of the original application; and
    (b) Engineering Services Unit.

62. Both sets of comments will be discussed as relevant and are attachments to this report.

OFFICER ASSESSMENT

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

    (a) Strategic justification;
    (b) Use of the site and sale and consumption of liquor;
    (c) Traffic and car parking;
    (d) Objector concerns; and
    (e) Other Matters.

    Strategic justification

64. The location of a licensed café and function centre is considered to have strategic support given:
    (a) State and local planning policies encourage the concentration of commercial and entertainment uses in activity centres (AC), such as Brunswick Street which are well connected to public transport (clauses 11.03-1, 11.03-2 and 21.04-2);
    (b) Clause 17.01-1 also encourages the aggregation of commercial facilities which can be achieved by locating them in an AC such as Brunswick Street;
    (c) The Commercial 1 Zone which affects the land includes the purpose to *create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses*. The provision of a mixed use facility catering for a range of users is considered to help implement this purpose.

65. Whilst there is overarching strategic policy support for new businesses to locate in the Commercial 1 Zone and Activity Centres such as Brunswick Street, the impacts of these venues should be appropriately limited as outlined by relevant clauses such as 22.05, 22.09 and 52.27. These clauses required careful consideration of on and off-site amenity impacts that will be considered later in this report.

    Use of the site and sale and consumption of liquor;

66. Whilst the café use does not require a planning permit and is already operating, it is proposed to be licensed and accordingly, the following assessment of the whole operation of the venue will be considered under clauses 22.05, 22.09 and 52.27 which provide the most relevant guidance for the types of activities proposed.
    Cumulative Impact Assessment

67. In relation to cumulative impacts, a planning decision made by the Victorian Civil and Administrative Tribunal (VCAT) known as the *Corner Hotel* decision (Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors) formulated a potential assessment methodology for considering applications that may result in cumulative impacts, which developed a risk factor matrix as follows:

Type of premise	***Risk Factor***
Café / Restaurant	**0**
Bar / Restaurant / Café	1
Bar	3
Hotel / Tavern	3
Nightclub	3
Place of assembly	**2**

Size of premise	***Risk Factor***
0-49 patrons	0
50-99 patrons	**1**
100-199 patrons	**2**
200+	3

Closing hours of premise	***Risk Factor***
11.00 pm	**0**

12.00 am	1
1.00 am	2
2.00 am	3
3.00 am	3
Beyond 3.00 am	4

68. Applying the matrix of risk a reasonable consideration would suggest a score of 1-3 would be no risk, higher than three (3) would be a potential risk and requires a cumulative impacts assessment.

69. The proposal is afforded a risk factor score of one (1) for the café and four (4) for the function centre/place of assembly. Accordingly, the primary focus of the cumulative assessment will be on the function centre.

Planning and policy context

70. As already discussed, the location of the proposed venue is considered to have strategic planning/policy support given its location in the Brunswick Street AC and Commercial 1 zoning. Clause 22.09-1 acknowledges that many of Yarra's licensed venues are in activity centres and currently discourages them in Residential or Mixed Use zones, i.e. they are encouraged to locate in commercial areas.

Surrounding land use mix and amenity, location, access and patron numbers

71. The immediately abutting properties are commercial in nature as well as those to the west across the ROW and include two licensed venues. To the east and north-east/south-east are commercial properties fronting Brunswick Street which include licensed premises as well as retail uses. To the west along Moor Street beyond the adjacent properties is a residential area.

72. Whilst the site technically has a Brunswick Street address, the building including the entry is located on Moor Street, approximately 26m from the corner of Brunswick Street and 19m from the nearest dwelling in the Neighbourhood Residential Zone. The site is therefore at an interface location where conflicts between commercial uses and dwellings require careful consideration.

73. The objections received indicate that the amenity of the residential and commercial area is impacted by activity (including licensed venues) through noise from music and people (within venues as well as on the street), rubbish left in the street and from garbage collection, vandalism/property damage, violence and other anti-social behaviour. Given the level of activity in the area is already generating negative impacts, additional patrons and hours need to be considered.

74. Clause 22.09-3.1 encourages locations for licensed premises that are not in a residential or mixed use zone, ensure opportunities to buffer impacts from residential uses and provide a high level of surveillance of patrons as they enter and leave. The proposed policy under Amendment C209 encourages venues with a capacity of more than 200 patrons to front Brunswick Street. This would not apply to the proposed venue as there would be between 60 (café) and 100 function centre.

75. It is also policy at Clause 22.09-3.3 that patron numbers not adversely affect the amenity of the surrounding area.

76. The question is then whether increased patron numbers and additional licensed area is acceptable. In this case, the level of impact is considered to be acceptable on the following grounds:

(a) There is an adequate buffer distance from dwellings 19m to the west of the site given the proposed use which would be fully enclosed and be limited to background music and non-amplified acoustic music until 11pm;
(b) The sale and consumption of alcohol associated with the café use for up to 60 people is considered a low intensity and low risk outcome given the primary purpose of the activity is eating which would occur during typical business hours 8am-5pm;
(c) The site would not operate as a nightclub or pub which are more likely to attract queues on the street, with associated potential for noise and anti-social behaviour impacts;
(d) The 11pm closing time is considered to result in fewer patrons moving west along Moor Street into the residential area as Brunswick Street provides the closest and diverse location for people wanting to attend another venue or access public transport. Additionally, the nature of the venue for pre-booked functions until 11pm only is unlikely to attract a large volume of patrons that have been consuming alcohol at another venue and who may make a greater contribution to amenity impacts;
(e) The function centre would operate on average three times per week or up to 12 times a month. There would therefore be on average four nights a week or approximately 18-19 nights a month when the venue would not operate past 5pm. This limited night time operation is considered a reasonable balance within close proximity to a residential area;
(f) Patrons wanting to smoke would only have the option to use Moor Street since there is no open area on-site. Figures from *the ABS National Health Survey: First Results, 2014-15* show that on average 14.9% of adults smoke. Applying this rate, there may be up to 9 people during the day and 15 during the evening that would need to use the footpath (assuming a full venue and all smokers going outside at once). Again, given the 19m separation distance from the venue to the closest dwellings, 11pm closing time and limited nights per month a function would be held, the impact is considered acceptable. However, to further limit disturbance to the residential area, the Noise and Amenity Action Plan should contain specific actions to direct smokers away from the residential area similar to efforts to direct exiting patrons to Brunswick Street to access transport; and
(g) Impacts associated with licensed venues are generally greater the later at night and with 200 or more patrons. The closing time of 11pm and maximum number of patrons at 100 is considered to limit the risk of anti-social behaviour evidenced by the 11pm closing time contributing a zero risk rating under the matrix outlined above. Moreover, if one less patron was proposed, the matrix would not require a cumulative impact assessment at all.

77. In respect of the patron numbers proposed, the application material indicates 60 patrons seated during the café hours. The plans submitted with the permit application does not clearly show the seating number and should be clarified (60 seats maximum) by condition requiring amended plans to be provided for endorsement.

78. Whilst in general terms, it may be considered that another licensed venue in this location may cause additional amenity impacts on the surrounding area, that is not a reason to refuse to grant a planning permit. The magnitude of potential impacts must be considered given the specific nature of the venue which in this case is considered to be appropriately limited as discussed above.

What is the mix of licenced premises in the area?

79. There is a range of the type of licensed premises located along Brunswick Street and in the nearby area with a mixture of BYO, General, Late Night (general), Late Night (on-premises), On-premises, Restaurant and Café and Packaged Liquor licences.

80. The following tables highlight a range of venues along Brunswick Street 500m north and south of the site (including those adjacent to Brunswick Street on side streets) and those along Johnston Street between Nicholson Street and Napier Streets.

General licences (ordinary trading hours are until 11pm)

Licence number	Venue Name	Latest trading time	Maximum patron numbers	Address	Suburb
31911759	Fitzroy Rainbow Hotel	Trading To 1am	150	27 SAINT DAVID STREET	FITZROY
31913913	The Standard Hotel	Ordinary Trading Hours	200	293 FITZROY STREET	FITZROY
31920669	J36	Trading To 1am	None Specified	36 JOHNSTON STREET	FITZROY
31920790 (currently suspended)	Madam Sousou	Trading To 1am	72	231 Brunswick Street	Fitzroy
31952747	Fitzroy Social	Trading To 12 Midnight	300	218-222 BRUNSWICK STREET	FITZROY
33122152	Metropole Hotel Apartments & Conference Centre	Ordinary Trading Hours	1964	42-44 BRUNSWICK STREET	FITZROY

General late night licences

Licence number	Venue Name	Latest trading time	Maximum patron numbers	Address	Suburb
31910389	Perseverance Hotel	Trading to 3am	510	196 Brunswick Street	Fitzroy
31910931	Provincial Hotel	Trading to 3am	501 (with planning approval for an increase to 685)	299 Brunswick Street	Fitzroy
31912763	Ichi Ni Nana Izakaya	Trading to 3am	478	127 Brunswick Street	Fitzroy
31914325	Tankerville Arms Hotel	Trading 24 hours	600	230 Nicholson Street	Fitzroy
31914804 (currently suspended)	Town Hall Hotel Fitzroy	Trading to 3am	126 (after 12pm only)	166 Johnston Street	Fitzroy
31920685	The Rum Diary Bar	Trading to 3am	56	334 Brunswick Street	Fitzroy
31921047	La Sangria Bar	Trading to 3am		46 Johnston Street	Fitzroy
31921322	Laundry Fitzroy	Trading to 3am	272	48-50 Johnston Street	Fitzroy

Late night on premises licences

Licence number	Venue Name	Latest trading time	Maximum patron numbers	Address	Suburb
31821996	Bar Open	Trading to 3am	200	317 & 1st Floor 319 Brunswick St	Fitzroy
31822625	The Brothers Public House	Trading to 3am	86	42 Johnston Street	Fitzroy
32227399	The Old Bar	Trading to 3am	175	74-76 Johnston Street	Fitzroy
32228256	George's Bar At 120 Johnstone Street	Trading to 3am	143	Ground Floor	Fitzroy

32235847	The Kodiak Club	Trading to 3am	140	272 Brunswick Street	Fitzroy
32236631	The Night Cat	Trading to 3am	471	141 Johnston Street	Fitzroy
32239833	The Black Pearl Bar	Trading to 3am	170	304 Brunswick Street	Fitzroy
32256314	Kanela Bar Restaurant	Trading to 3am	60	56 Johnston Street	Fitzroy
32264032	The Stone Hotel	Trading to 3am	300	298 Brunswick Street	Fitzroy
32290855	Vau D'vile	Trading to 3am	266	62-70 Johnston Street	Fitzroy

On premises licences (ordinary trading hours are until 11pm)

Licence number	Venue Name	Latest trading time	Maximum patron numbers	Address	Suburb
31820958	Labour In Vain	Trading to 1am	150	197a Brunswick Street	Fitzroy
31821784	Sossa	Trading to 1am	None specified	315 Brunswick Street	Fitzroy
32205575	Rice Paper Scissors	Ordinary Trading Hours	100	307 Brunswick Street	Fitzroy
32224147	Naked For Satan	Trading to 1am	500	285 Brunswick Street	Fitzroy
32234338	Baxter's Lot	Trading to 1am	116	302 Brunswick Street	Fitzroy
32251233	Rize Chinese Restaurant And Bar	Ordinary Trading Hours	None specified	262 Brunswick Street	Fitzroy
32253308	Chiquito & Co	Ordinary Trading Hours	66	275 Brunswick Street	Fitzroy
32257637	Black Cat Coffee Lounge	Trading to 1am	36 (on the footpath) no internal limit	252 Brunswick Street	Fitzroy
32269074	Sir Charles	Ordinary Trading Hours	50 (internal)	121 Johnston Street	Fitzroy
32273366	Grubb Food Van	Ordinary Trading Hours	200	87-89 Moor Street	Fitzroy
32280185	Mr Ottorino	Trading to 1am	100	122 Johnston Street	Fitzroy
32281385	Radio Bar And Cafe	Trading to 1am	50	79 Gertrude Street	Fitzroy
32333954	Finas Vegetarian Cafe 2	Ordinary Trading Hours	70	339 Brunswick Street	Fitzroy
32301274	Dianne Tanzer Gallery	5pm	20	108-110 Gertrude Street	Fitzroy
32308551	Hares And Hyenas	Ordinary Trading Hours	80	63 Johnston Street	Fitzroy
32319439	The Rooks Return	Trading to 1am	113	201 Brunswick Street	Fitzroy

81. There are an additional 41 café and restaurant licenses in the area generally operating until 11pm, 12pm and 1am.

82. In respect of the license mix there is a wide variety. Several of the general and late night licenses are associated with pubs or bars that would at times exhibit a high degree of standing and or alcohol consumption only, rather than with food. However, there are also a large number of smaller bar/restaurants and restaurants that would have a significant food offering, thus a reasonable balance is being provided within the area and it is not considered that it is offering a risky cluster of 'vertical drinking' venues.

83. Moreover, the proposed café and function centre would add a different type of venue, not relying on the service of alcohol as one of its primary attractions. The venue has significant areas of seating available (60% of the maximum number of patrons) and will have food service for patrons during the day and as an option in the evening for functions. Accordingly, it is considered to represent a lower risk venue than one without those features.

Transport and dispersal

84. The site is located 25m west of Brunswick Street which provides tram services and access to taxis, as well as buses on Johnston Street. Given this proximity, it is considered that patrons are more likely (in general) to move towards the main commercial strip rather than to the residential area to the west (particularly with an 11pm closing time). Given the venue would close before a number of other nearby venues on Brunswick and Johnston Streets, patrons seeking transport or another venue are again likely to move east as the most direct access to those venues.

85. Whilst there can be no guarantee that no patrons would move west with potential impacts on the residential area, the likelihood is considered reasonably low especially since at 11pm trams remain available on Brunswick Street. This is contrasted with venues operating later where patrons may move west to access trams on Nicholson Street that operate all night on weekends (Brunswick Street trams cease at 12.30am during the week and 1.30am Friday-Saturday).

86. Additionally, as discussed earlier, the venue with its relatively low patron numbers, early closing hours and food service capability presents a risk of anti-social behaviour at the lower end of the spectrum (especially when combined with a maximum of 12 nights a month). This is considered reasonable for an interface location such as this.

Impact mitigation

87. Impact mitigation is generally achieved through venue/patron management and restrictions placed on venues including hours, music, patron numbers and noise attenuation measures. These will be discussed in response to Council's local licensed premises policy (current version) with reference also to the proposed policy (under Amendment C209).

Venue/patron management and noise impacts

88. Having established that the proposal is acceptable from the strategic planning policy and cumulative impact perspective, specific amenity impacts and venue operation matters will be considered below. Clauses 22.05, 22.09 and 52.27 all require consideration of the impact on the amenity of the surrounding area. Clause 22.09 provides the most relevant guidance for decision making and will be used as the primary assessment tool.

Noise and hours of operation

89. Clauses 22.05 and 22.09 require venues to have a minimal noise impact, compliance with State Environmental Protection Policy and where appropriate noise attenuation measures.

90. Clause 22.09-3.2 recommends that venues with the Commercial 1 Zone not trade beyond 1am and those within 30m of a residential area not trade beyond 11pm.

91. Council's Community Amenity Unit recommended that liquor only be consumed between 10am and 11pm and the venue close at 11pm on all days and that only background level music be played with no live music. These comments were provided in respect of the original proposal, not the amended hours which were brought down to 11pm. The application was not re-referred since the amendments brought the hours more in line with the recommendations made.

92. Having regard to the above, the proposed venue and hours are considered acceptable given:

    (a) The site is in a Major Activity Centre and does not directly abut dwellings in a residential zone;
    (b) The policy context of the site gives rise to an expectation of these types of venues with trading hours into the evening as proposed. Again 11pm is considered reasonable for an interface location on a side street and meets policy at clause 22.09-3.2;
    (c) Music levels would generally be at background levels with unamplified/acoustic live music also being played which can be required to be at background levels also. This is considered acceptable for a venue with no outdoor area and no direct residential abuttals. Music and patrons noise is considered to be able to be contained reasonably within the venue;
    (d) Music from the venue would need to meet State Environmental Protection Policies.
    (e) Noise from patrons leaving the venue cannot be controlled by the planning permit, but given the relatively small size (100) patrons and limited hours (11pm) closing, proximity and direction (away from the residential area) of Brunswick Street for public transport and taxis, the risk of unreasonable noise impacts is considered acceptable; and
    (f) As noted earlier, the night time operation of the venue would be limited to a maximum of 12 times per month, thus limiting the impact of any noise (i.e. compared to a venue operating every night).

93. The commencement for the sale and consumption of liquor is proposed to be 8am in conjunction with the café use. Council's proposed clause 22.09 under Amendment C209 recommends a 9am commencement time for all venues. Given the side street location and proposed café use, there does not appear any specific need to commence the sale and consumption outside the 9am time encouraged under the proposed policy. Accordingly, a condition will limit the commencement to 9am.

Noise and amenity action plan (NAAP)

94. As noted above, noise impacts can be associated with venue management. In accordance with clause 22.09-4.3, the applicant has submitted a NAAP for consideration. The NAAP includes the following initiatives:

    (a) Provision of one security staff member for functions. The specific functions of this staff member should be detailed including their role in managing the entry and exit of patrons including smokers;
    (b) Patrons to be directed towards Brunswick Street by staff after functions;
    (c) Signs within the venue notifying patrons of the surrounding residential area and to leave quietly;
    (d) Staff to have Responsible Service of Alcohol training;
    (e) Commitment to deal with any complaints with the involvement of Victoria Police, Council and the Victorian Commission for Gambling and Liquor Regulation. This would be supplemented by the maintenance of a complaints register which will be required by condition; and
    (f) Storage of waste on the premises (i.e. there would be no emptying of bins externally with potential noise impacts associated with glass bottles and the like) with collection at 7.30am.

95. The NAAP is considered adequate for a venue of the type proposed and will be required to be endorsed by way of planning permit condition. In respect of waste collection, this is discussed in more detail below and should be further regulated by permit condition. The NAAP also does not deal with deliveries which is also discussed in more detail below.

96. As discussed earlier, the NAAP should be modified to include specific details regarding how the operator will encourage smokers to move toward Brunswick Street rather the west toward the residential area on Moor Street. This may be through signage and security staff at the entry/exit actively informing patrons.

Council's proposed clause 22.09 under Amendment C209

97. Council is proposing a new licensed premises policy which has recently been considered by an independent planning panel. A summary table of the changes and relevant/compliance for the proposed venue is provided below:

Revised policy	**Assessment**
Identification of preferred locations floor larger venues (200+ patrons) within identified Core Entertainment Precincts (includes properties fronting and with pedestrian access from Brunswick Street)	The proposed venue is not for more than 200 patrons thus would not be required to be located on Brunswick Street.
Policy regarding the provision of a cumulative impact assessment.	A cumulative impact assessment was provided with the application.
Policy regarding the design of licensed venues to incorporate principals of the Design Guidelines for Licensed Venues (Department of Justice 2009)	The proposed venue is considered to generally meet the Design Guidelines for Licensed Venues (Department of Justice 2009) by: • Clear glazed entry/exit and windows and entry onto a main street (not lane) to enhance passive surveillance; • Signs requesting patrons leave quietly at the exit; • Security staff utilised for functions; • Provision of options for seating and food during functions to reduce vertical drinking; • Clear lines of sight within the venue to ensure a high degree of visibility for patrons and staff; Whilst these are many initiatives contained the Design Guidelines for Licensed Venues, many are considered not relevant to this type and size of venue.
Policy regarding the preferred commencement of licensed hours (9am at the earliest) and preferred hours for deliveries and waste collection (not after 10pm or before 7am) Monday to Saturday and before 9am Sunday or public holiday except for those allowed under a local law).	The proposal does not comply with the commencement time proposed and a condition will address this. The proposed rubbish collection at 7.30am on a Friday complies but times should be limited in line with the proposed policy which will also give flexibility to the operator. Delivery hours are not specified but should be via condition to comply with the proposed policy which is reasonable.
Identification of application requirements relevant to the type of application and potential impacts. Noise and Amenity Actions Plans, cumulative impact assessments, acoustic reports and assessments against design guidelines only required in certain circumstances.	A Noise and Amenity Action Plan was provided with the application and will be required to be endorsed via condition. No acoustic report was required as part of the application and is not considered necessary given background and non-amplified music is proposed, the venue is fully enclosed without outdoor seating or smoking areas and there are no direct residential abuttals.

98. Having regard to the above and subject to conditions, the proposal is considered to generally comply with relevant aspects of the proposed clause 22.09.

Function centre use

99. The function centre use is strategically justified given the location and relevant policy as and is considered to have a limited impact through the sale and consumption of liquor as detailed above including through noise, rubbish removal and collection, patron impact, the hours of operation and cumulative impacts on the area. Car parking and traffic impacts are discussed in the following section of this report.

100. It is acknowledged that the use of the site for a function centre gives rise to the potential for various groups to hire and use the space for a variety of events. There is an associated risk that the event operator may not be fully aware of the obligations of the planning permit and Noise and Amenity Action Plan. Accordingly, the NAAP should require and specify the role and function of a venue manager who is responsible for bookings, providing those booking a function with the obligations of the permit and NAAP and for management of events when they are taking place. This measure will ensure a reasonable degree of accountability for the venue for management of patrons.

Liquor and function center use summary

101. The proposed licensed premises is considered to meet relevant policy requirements given it is located within a Major Activity Centre where such uses are encouraged. Moreover, the impact on the amenity of the surrounding areas has been considered and the operational nature of the venue (subject to planning permit conditions) is considered to result in it having a limited impact on the amenity of the surrounding area.

Car parking and traffic

102. The proposed venue is required to have 9 car parking spaces on site under clause 52.06-3 for the café (food and drinks premises) and 30 for the function center. It is policy at Clause 22.09-3.5 that car parking for venues does not detrimentally impact local roads and parking, and patrons are discouraged from parking in residential areas.

103. The applicant submitted a car parking and traffic assessment report prepared by TTM Consulting. The report is based on a car parking rate of 0.4 spaces per patron under a restaurant use. This is higher than the rates for the proposed uses for a café and function centre as outlined above. However, given the uses broadly align and TTM have effectively used a worst case scenario, the analysis is considered reasonable.

104. The TTM report also provides an assessment of car parking space availability in the area on a Thursday between 6pm and 10pm finding 297 car parking spaces in total with vacancies of between 59 at 8pm and 92 at 10pm.

105. Council's Engineering Services Unit have reviewed the proposed use and commented that the empirical rate of 0.2 spaces was accepted for a restaurant based on information considered by the Victorian Civil and Administrative Tribunal (VCAT) in *Project Domain Pty Ltd v Melbourne CC (VCAT P2915/2012).* The Tribunal considered evidence from traffic engineers of rates of between 0.27, 0.29, 0.3 and 0.4 spaces per patron ultimately deciding that rates around 0.27-0.3 are relevant and produce similar outcomes. This is the rate in the Scheme for a function centre which is considered reasonable to adopt.

106. Having regard to policy at 22.09-3.5 and 52.06-6, the proposed car parking reduction is considered acceptable for the following reasons:

    (a) Clause 21.06-3 of the Scheme encourages the reduction in the reliance on private motor cars. One approach to achieving this is to not provide additional spaces for patrons to park in;

(b) The site has good access to public transport (trams) as well as taxis that frequent the area, including a taxi rank 45m east of the site on Brunswick Street. These provide alternatives to car use and the need for car parking.
(c) The site is highly accessible on foot and by bike being well connected to the public road network. This assists in patrons accessing the site without a car.
(d) It is impractical to provide the additional car parking spaces on site given the total site area is only 220sqm in area and it is commonplace that cafes and small function spaces in inner-city location do not provide on-site car parking including for staff, especially where viable alternative transport options exist;
(e) The applicant has submitted a car parking report that shows there are enough car parking spaces in the local area to accommodate the predicted demand under clause 52.06.
(f) The site is located on a commercial strip where patrons are likely to attempt to park first. This would limit impacts on residential areas behind Brunswick Street to the east and west.
(g) The peak times for car parking are likely to be in the evenings when a number of shops are closed and not generating a car parking demand. This would result in a sharing of on-street spaces with other land uses.
(h) Council Engineering Services Unit have reviewed the proposed patron increase and commented that it would not unreasonably impact car parking in the area.

Traffic

107. Clause 22.09-3.5 encourages licensed venues to not detrimentally impact the functioning of local traffic networks. Since no car parking is provided on site, and the area is well serviced by public transport, access to taxis, bikes and a proximate residential population that have easy walking access, the impacts of additional cars attracted to the site is consider to be low and reasonable for the Major Activity Centre setting.

Objector concerns

Offsite amenity impacts from the use (noise, patrons loitering and/or smoking, and anti-social behaviour)

108. Off-site amenity impacts including patron numbers and their impacts have been addressed at paragraphs 62 - 94

Car parking impacts on the surrounding street network;

109. Car parking and traffic impacts have been addressed at paragraphs 95 – 99.

The application is advertised as 197B Brunswick Street (which is the formal address), but primarily operates from Moor Street;

110. The address of the premises is 197B Brunswick Street Fitzroy and forms one of the tenancies within a larger un-subdivided parcel of land. There is no other address for the land. The plans provided with the application clearly show the location of the relevant tenancy and its location fronting Moor Street.

The application lacked detail and clarity;

111. The description of the purposes of the proposed use as well as the hours of operation, patron numbers and licensed areas provide adequate detail to undertake an assessment against the relevant planning polices.

The application material included 'false' or 'misleading' information (these objections related to the original application).

112. A number of matters were raised particularly regarding the description of the location being 100m from a residential area, as well as the address not accurately representing the location of the venue and access directly from Moor Street. The original application material did describe the site as 100m from a residential area which is incorrect however it is clear that dwellings are within 19m of the site to the west and that the venue is accessed and fronts Moor Street. These matters have been taken into account in the assessment.

Conclusion

113. 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 objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Permit PLN16/0391 be issued 197B Brunswick Street, Fitzroy VIC 3065 for sale and consumption of liquor associated with use of the land as a function centre and cafe (no permit required for the cafe use) and reduction in the car parking requirement at 197B Brunswick Street, Fitzroy in accordance with the endorsed plans and subject to the following conditions:

Amended plans

1. Before the use 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 but modified to show:

    (a) A maximum of 60 seats within the premises.

Sale and consumption of liquor

2. The sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the function centre use and sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan Council date stamped 28 February 2017, but modified to include (or show, or address):

    (a) The specific role and function of security staff for functions including management of patrons entering and exiting the venue including for smoking;
    (b) The specific role and function of a venue/function manager(s) who is responsible for taking bookings, providing details of permit and NAAP restrictions and obligations to those making bookings and management of events when they occur. This must also specify that a venue/function manager must be on-site during all functions/events;
    (c) Responsibility for maintaining a catalogue of the number of events held at the premises including date and time and for enforcing the restriction on the number of events held (a maximum of 12 per calendar month as per condition 7).

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

5. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

Function centre

6. Except with the prior written consent of the Responsible Authority, the function centre use authorised by this permit may only operate between the hours of 6pm and 11pm Monday to Sunday.

7. Except with the prior written consent of the Responsible Authority, the function centre use authorised by this permit may only operate a maximum of 12 times per calendar month.

8. No more than 100 patrons are permitted on the land at any one time in association with the function centre.

9. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor associated with the function centre use may only occur between 6pm and 11pm Monday – Sunday.

Café

10. No more than 60 patrons are permitted on the land at any time liquor is being sold or consumed between the hours of 9am and 5pm.

11. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor associated with the cafe use may only occur between 9am and 5pm Monday – Sunday.

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

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

    to the satisfaction of the Responsible Authority.

13. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

14. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

15. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level.

16. Any live music played within the premises must not be amplified by any means and must be at a background noise level.

17. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.

18. Emptying of bottles and cans into bins in outdoor areas must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.

19. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

20. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land and collection of waste may only occur between 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday except for those allowed under any relevant local law.

21. This permit will expire if the sale and consumption of liquor or function centre use is not commenced within two years from the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

NOTES:

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 approval has been granted by Council's Health Protection Unit.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

CONTACT OFFICER: **James Sutherland**
TITLE: **Principal Statutory Planner**
TEL: **9205 5083**

Attachments
1 Subject land map
2 Site/floor layout and licensed area plan
3 Proposed and operation use summary
4 Proposed Noise and Amenity Action Plan
5 Permit applicant's Car parking and traffic Report
6 Council Engineering Services Unit referral comments
7 Counicl Community Amenity Referral Unit referral comments

Attachment 1 - Subject land map

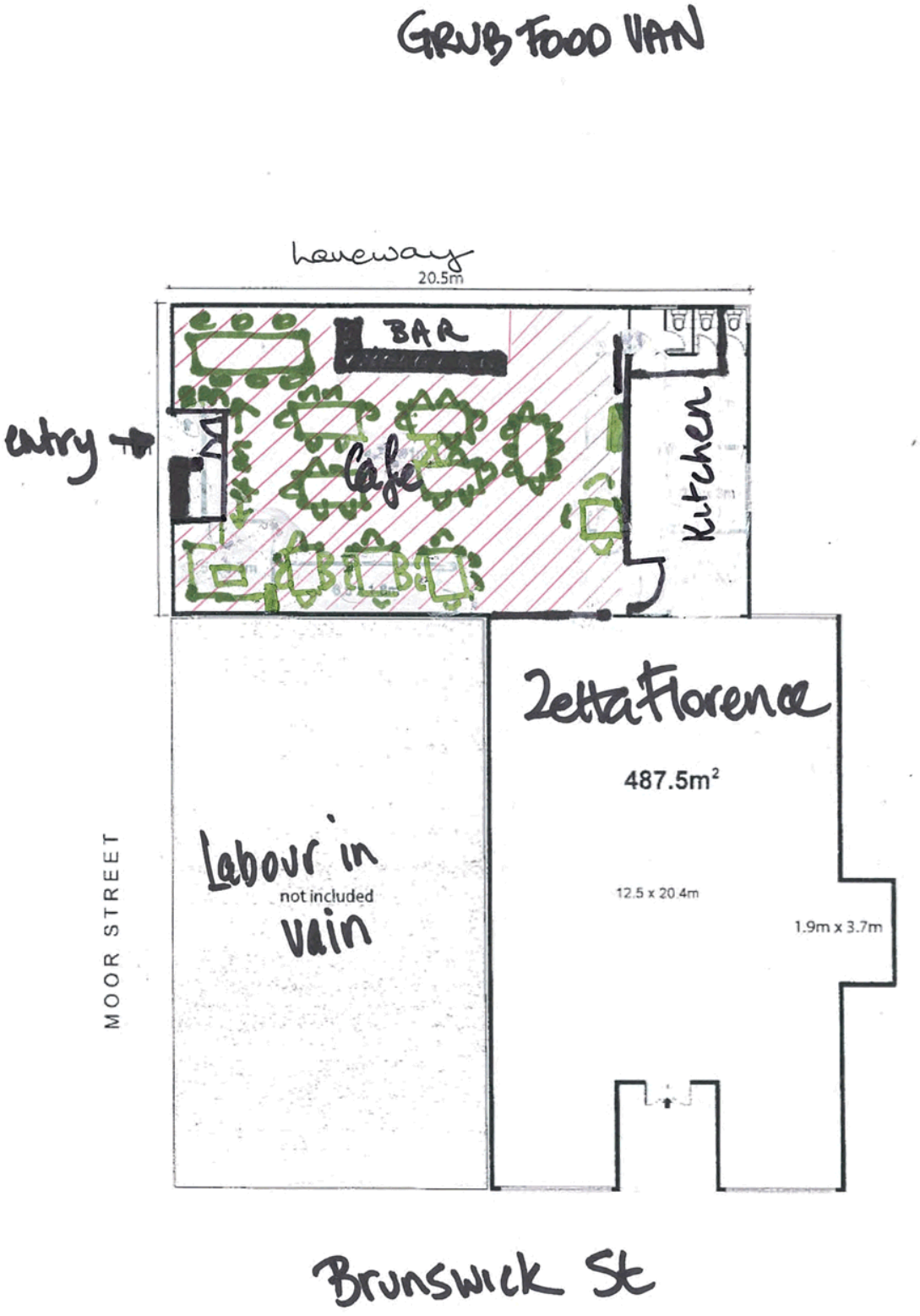
SUBJECT LAND: 197B BRUNSWICK STREET, FITZROY



North

Subject site

Attachment 2 - Site/floor layout and licensed area plan



Attachment 3 - Proposed and operation use summary

CITY OF YARRA
28 FEB 2017
RECEIVED

Cleaver & Quill

28 February 2017 (updated)

Mr. Julian Wearne
Statutory Planner
City of Yarra
PO Box 168
Richmond 3121

Dear Mr. Wearne

Re: PLN160391 Liquor Licence Application

This cover letter is in relation to the amendments to the planning permit application submitted for a Liquor Licence and change of use to an Events Space in addition to our existing Café.

Please note we have read both Swancom Pty Ltd v Yarra CC (includes Summary) (Red Dot) [2009] VCAT 923 (10 June 2009) and Assessment of cumulative impact of licensed premises on amenity of surrounding area Clause 52.27 (Licensed Premises) decision guidelines, so we are familiar with the requirements of the Council to make a decision in this case.

In addressing the application and amendments:

OPERATION

The Café operates in the renovated space that is accessed from 93 Moor Street and through the co-joining business, Zetta Florence, that fronts 197B Brunswick St, Fitzroy. Our proposal is for a liquor licence **until 11pm** for the enjoyment of the public who attend our venue. (Note our previous application requested a 1am closing time and intrusion into ZF space, however this has been reviewed since we don't believe our business will require this extended time or space. See amended RedLine.)

PURPOSE

The venue has been built to suit dual purposes. 1) as a daytime Café operating 8am-5pm and 2) as a Space for pre-booked events. These events will operate from 6pm until 11pm occasionally. We are not proposing to normally operate during the evening, other than for pre-booked events.

Based on the enquiry level to date, we expect 6-8 evening bookings per month. Our definition of an event is "gallery openings to coincide with exhibitions, writer groups, speaker & reading groups, celebrations on a small scale, product launches, forums, workshops, classes, presentations, etc." This artist and cultural precinct is under-serviced for a fully catered and upscale venue. Our

Attachment 3 - Proposed and operation use summary

mission is to provide a space that meets the demand from both local and surrounding areas, which importantly includes the offer of food and wine.[1]

ENTRY

We have built a double entry from Moor St – see pic below. That is, a fixed entry way and enclosed double door inside the roller door alleviates all sound exchange. This exterior door will be closed during evening events – and the adjoining door to Zetta Florence is closed. It should also be noted that the exterior walls are double brick, thus noise escape is virtually non-existent.



Entrance alcove looking towards Moor St.



Either side of the entrance

All daytime / evening trade operate inside the venue. We have no outdoor seating given the pathway is slightly too narrow to meet the regulations.

WASTE COLLECTION

Waste from the premises will be disposed during daylight hours. Waste collection for both Grub and our Café is via the same private contractor via the side laneway. The garbage vehicle is encouraged to reverse onto the laneway, collect the garbage and then exit in a forward direction.

[1] We **are not – and do not intend to be** - a bar, nightclub or any other like entertainment facility.

Attachment 3 - Proposed and operation use summary

VEHICLE TRAFFIC

With regard to motor traffic, we engaged TTM Consulting, Collingwood to prepare a traffic report, as they are familiar with the area and please find same enclosed.

STREET APPEAL

At the same time, over the past 2 years, we have been lobbying the Council to upgrade Moor St to a garden and bike precinct. As the street is one way, the usual traffic is delivery trucks and local residents[2]. It is not used as a thoroughfare as the street is narrow and does not serve motorists well, particularly as the parking is limited. On the other hand, it is a picturesque and tree lined street that is ideal as a pleasant walkway and bike route leading to the Melbourne Museum and Exhibition Gardens.

SUSTAINABLE BUSINESS

It should be noted that the commercial viability of the café is in part, dependent on event bookings, as rental levels have risen markedly. In fact, on this property the rent level has risen by 63% in the past 2 years[3]. Small business is simply not sustainable under the substantial rental burdens, unless there is preparedness to meet the needs of the market. **Without a liquor licence**, our business will be significantly diluted – and ultimately, will fail, as the rent cannot be met.

LOCAL SENTIMENT

We appreciate that there has been 54 objections to our application, however the objectors may not be fully aware of the proposal's detail. We have found that several local residents and traders are supportive of our investment and direction. To quote an elderly neighbour who enquired about the submission, "Just to let you know that we support what you are trying to do and didn't appeal your application after we spoke to you and found out what you were intending on doing for the community."

In conclusion, the number of objections to our application seems to be led by fear. Understandably, the residents of this quiet street are protective of the peace and ambience. We are completely in tune with this sentiment. In fact, we have invested heavily to maintain an unobtrusive spot that meets local and tourist demand. We are hoping the local communities will celebrate our efforts, and the objectors will realize that their initial fears were unwarranted. If necessary, we are prepared to meet with each of the objectors and discuss the business proposal.

Please advise when we can commence advertising.

Yours sincerely

[2] We are encouraging delivery trucks to use the Loading Zone on Brunswick St at the corner of Moor St to avoid movement along Moor St and parking in the no standing zone immediately in front of the café. An upgrade to the streetscape will assist with this.

[3] Evidence of this can be supplied if required.

Attachment 3 - Proposed and operation use summary

SHAUN WATSON
Director (Cleaver & Quill Café)

Attachment 4 - Proposed Noise and Amenity Action Plan

Noise and Amenity Action Plan

The Cleaver & Quill Café



www.cleaverandquill.com.au

93 Moor St FITZROY 3065

UPDATED 28 FEBRUARY 2017

Attachment 4 - Proposed Noise and Amenity Action Plan

I. Introduction

This report has been prepared to assist in the assessment of an application for a Liquor License to allow the Cleaver and Quill Café to increase patronage located at 93 Moor St FITZROY. This report presents the overview of the locale, and findings of a cumulative impact assessment, and to address the requirements of Practice Note 61, Licensed premises: Assessing cumulative impact and Particular Provisions – Clause 52.27.

II. Focus of the assessment

As stated in Practice Note 61, alcohol and licensed premises impact both positively and negatively upon communities in a multifaceted way. For example, negative cumulative impacts can include increased occurrences of nuisance including noise and anti- social behavior, infrastructure capacity problems, violence and threats, crime. Positive cumulative impacts can include the creation of a local tourism destination, enhanced vitality of an area, economic benefits, increase in consumer choice, increased ability to manage impacts such as transport, enhancement of the character or vibrancy of an area.

The consideration for this assessment is limited to the decision guidelines of Clause 52.27 of the Yarra planning scheme. The decision guidelines of Clause 52.27 state that the responsible authority must consider the impact of the sale or consumption of liquor permitted under a liquor licence, hours of operation and number of patrons, on the amenity of the surrounding area.

Practice Note 61 (March 2011)[1] provides guidance in relation to the assessment of an application under Clause 52.27. The practice note indicates that the 'surrounding area' should be considered to be the area within approximately 500 metres of the proposal site. In discussion with Council Officers, this site should have particular focus on the area within 250 metres, given the simple nature of the proposal.

The primary focus of this assessment is the likely impact of the proposed extension of trading hours and increase in patron numbers on the amenity of the surrounding area, including any cumulative impacts; particularly on residential zones.

[1] PN61-Licensed-premises_Assessing-cumulative-impact.pdf

Attachment 4 - Proposed Noise and Amenity Action Plan

III. Alcohol consumption and impacts

Alcohol consumption in moderation is a common and accepted part of life in Australia. Alcohol is consumed in religious and cultural ceremonies, social and business functions, and in conjunction with celebrations and recreational activities. Dining in restaurants is complemented with alcohol being served to provide a relaxed and social context. It is well exampled that the sale of food encourages people to both eat and drink, reducing the potential for patrons to become intoxicated to the same extent compared to only providing alcohol.[2]

IV. The proposal in context

There are clear and consistent spatial and temporal patterns in alcohol related social disorder/amenity impacts in Australia cities and cities throughout the world. Specifically,

1. Alcohol-related amenity impacts are concentrated between the hours of between 9pm and 3am peaking between midnight and 3am.
2. Alcohol-related amenity impacts are concentrated in areas with extensive night time economies.
3. The above trends arise in large part due to the congregation of drinkers in entertainment precincts. The congregation of drinkers in a place may enhance the relative safety of the drinking environment, due to formal and informal surveillance, and because the consumption of alcohol in licensed venues is moderated by responsible serving guidelines. However, congregation also opens up the possibility of conflict and may intensify amenity impacts for nearby residents.

[2] www.**yarra**city.vic.gov.au/DownloadDocument.ashx?DocumentID=4503

Attachment 4 - Proposed Noise and Amenity Action Plan

V. Assessment

The Decision Guidelines of Clause 52.27[3] indicate that applications for a Liquor License be assessed in terms of:

- The impact of the sale or consumption of liquor permitted by the liquor license on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

This report addresses the application for a liquor licence taking into account the location and impact on other businesses and residents in terms of cumulative noise, traffic, parking and clustering of licensed premises.

[3] YPS52_27.pdf

Attachment 4 - Proposed Noise and Amenity Action Plan

1. The Proposal

Our research highlights a gap in the market for upscale space for events tailored around creativity, such as:- Gallery exhibitions, talks and forums, workshops, meetings, product launches, etc. Our mission is to provide a fully equipped kitchen and technologically advanced space to operate these functions, and during the daytime, we will offer the space as a café / work space.

2. Hours of Operation

TIME SLOTS	FREQUENCY
During the day (8am-5pm)	Up tp a 60-seat café trading 7 days a week
Evening events (for hours between 6pm-11pm)	Infrequent (estimated 6 -12 times per month) up to 100 patrons standing, or 60 patrons seated

3. The Character of Venues in the Immediate Environs

The immediate neighbours are Labour-in-Vain on the eastern joining wall and Grub Food Van on the western side, separated by a laneway. Doomsday (clothes + window coffee) are directly across the road. Next to the 197B Brunswick St entrance is a new development and next door to this is Rooks Return Wine Bar. On the other eastern side of Brunswick St is Perservance Hotel.

As the pavement area is too narrow, the café is ineligible for outdoor seating since the depth of the footpath does not meet regulations. Thus our trade is conducted inside our venue behind a purpose built internal entryway and door. There is no courtyard. The kitchen windows face a vacant laneway.

Attachment 4 - Proposed Noise and Amenity Action Plan

The following table outlines their hours of trade and corresponding noise levels.

BUSINESS	HOURS	CUMULATIVE NOISE
Grub Food Van (Licensed)	Mon Closed Tue 8 AM to 10 PM Wed 8 AM to 10 PM Thu 8 AM to 10 PM Fri 8 AM to 10 PM Sat 8 AM to 10 PM Sun 8 AM to 6 PM	Outdoor seating in a courtyard facing the street, surrounded by planter boxes and trees. Some chatter noise can be heard in the laneway adjoining the property. No additional noise can be heard from the street. Rubbish collection x once per week, some additional noise for about 10 minutes at about 8am when the truck collects the bins. If delivery trucks park in a no standing zone immediately in front of our premises, we are diverting them to the Loading Zone on Brunswick St (near corner of Moor St).
Labour in Vain (Licensed)	Mon – Wed | 3pm to late Thurs – Sat | 2pm to 1am Sunday | 2pm to 11pm The 1st floor beer deck is open to 10pm Monday to Thursday and to 11pm Friday - Sunday.	Live Music on Fri & Sat nights can be heard on Brunswick St. Beer kegs delivered x 1 per week and the driver is being re-directed to the Loading Zone on Brunswick St to restrict the noise. Deliveries are being unloaded from the Loading Zone on Brunswick St.
Doomsday (Unlicensed)	8am-4pm daily	Hole in Wall coffee vendor. Some gathering of patrons on the street immediately in front of the service window. Minimal noise from general chatter.
Cleaver & Quill (License pending)	8am-5pm daily Open for pre booked events or functions 6pm-11pm occasional. All patrons are catered for internally.	Some low level chatter noise from the internal seating between the roller door and the double doors. Deliveries are from Brunswick St Loading Zone. Rubbish removal truck is at the same time as Grub, so is not additional noise.

6

Attachment 4 - Proposed Noise and Amenity Action Plan

4. Amenity of the Surrounding Area

The proposal is to extend Cleaver & Quill's trading hours until 11pm and increase patron numbers. Cleaver & Quill is located on Moor St near the corner of Brunswick St, which is identified as one of City of Yarra's existing late night entertainment precincts. In the context of Brunswick Street's status as an existing late night entertainment precinct, the proposal to increase trading hours to 11pm (at the latest) and patron numbers to 100, is conservative.

Further to the above, Cleaver & Quill has a number of key attributes, which mean that the risk posed by the venue to the amenity and safety of the surrounding area is negligible. Specifically, Cleaver & Quill focuses on the provision of quality food and beverages. Cleaver & Quill patrons typically appreciate than ambience provided and as a result, the atmosphere within the venue is one of moderation and appreciation, rather than excess. The premises are kept clean and well presented, which contributes in setting high behavioural expectations. The venue is well laid out with sufficient public amenities available for patron use, including toilets and rubbish disposal. There is ample space for circulation. The venue, which is essentially a cafe and function space would unlikely attract uninvited crowds which means there is no need to manage queues.

5. Transport

The only reasons for patrons to disperse in the surrounding residential streets is to walk home; walk to their car; or walk to another venue. With an additional 100 patrons, the traffic report has indicated that the public transport options and lack of on street car parking will encourage public transport usage. If this is the case, train, tram and bus routes can all be accessed via Brunswick and Nicholson Streets without entering nearby residential areas. A taxi rank sits opposite the Perservance Hotel on Brunswick St and Moor St corner.

Attachment 4 - Proposed Noise and Amenity Action Plan

6. Noise exposure

Identifying all the factors that contribute to the overall noise exposure, measuring the noise level and calculating the overall cumulative noise exposure follows:-

1. Sound system, background music during the daytime operation of the café (ie 8am-5pm daily)
2. General chatter
3. Option to offer internal low level acoustic music during evening functions
4. General kitchen operations

The definition for noise is "a sound, especially one that is loud or unpleasant or that causes disturbance." The building has a roller door – open during trading hours, and double entry doors - generally closed at all times except on fine days. When one stands within 10 M of the building, it is impossible to hear any noise coming from inside the building. Cumulative noise from the café business, as such, is non-existent during open or closed hours.

The surrounding businesses ie Labour in Vain, Grub Food Van and Doomsday cause varying degrees of noise, mainly through the delivery of food and liquor. Delivery diesel trucks cause disruption, pollution and noise beyond acceptable levels, and as such we encourage them to avoid parking in the **No Standing Zone** immediately in front of our café and redirect them to the Loading Zones on Brunswick St, close to the Moor St corner.

7. Sensitive Uses

Practice Note 61 states that land uses such as such as houses, schools or community and medical facilities, can increase amenity expectations for an area. The area within 250 metres and beyond of the proposal site was inspected to identify any such sensitive uses.

A. Residential Dwellings

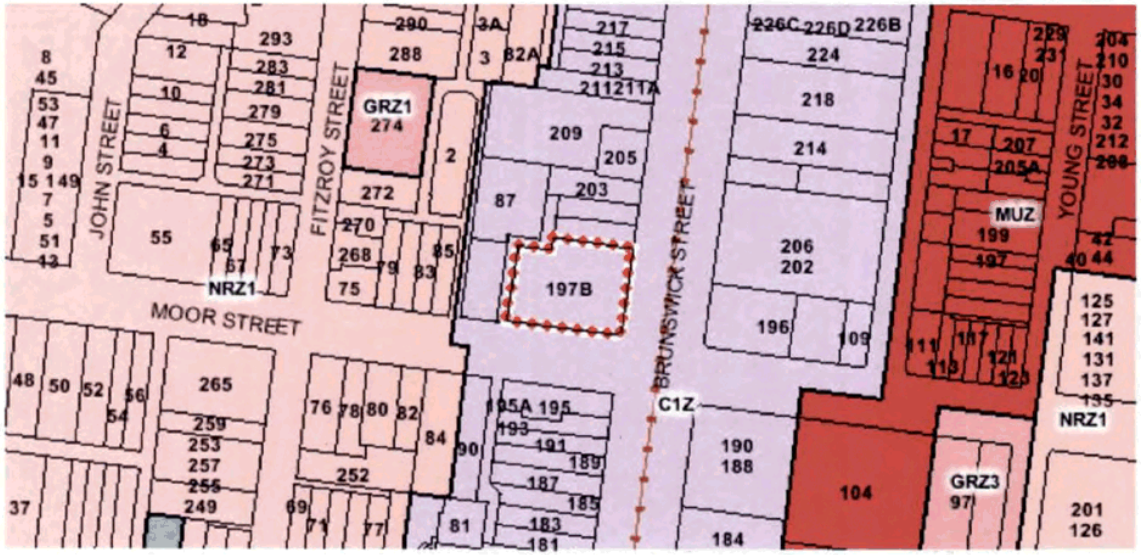
Land zoned for residential purposes (NRZ, GRZ and MUZ) consist of detached and terrace housing, warehouse conversions and multilevel apartment buildings. Residential dwellings to the north, south and east of the site are further than 500 metres away. The closest residential dwelling is located to the southwest of Moor St, approximately 50 metres from Cleaver & Quill. Between the site and the residential area are several other businesses such as Grub, Standard Hotel and Edwards Moore. As far as we can tell, there are no residents living in close proximity (ie within 100 metres) along Brunswick St.

Attachment 4 - Proposed Noise and Amenity Action Plan

B. Community services

The closest schools are Fitzroy Primary School located on George Street, Fitzroy to the north and Academy of Mary Immaculate 88 Nicholson St, Fitzroy to the south-west. Both are 5 klms from the site. The closest medical facilities are The Integrated Medical Centre to the north at 460 Brunswick St and North Yarra Community Health to the south at 75 Brunswick St.

As the above shows, there are some sensitive residential land uses located within 500 metres of the proposal site and are currently located in close proximity to other existing licensed premises. (Legend: Light pink is low density residential, purple is business and red is mixed use.) Cleaver&Quill forms part of 197B Brunswick St



4

Attachment 4 - Proposed Noise and Amenity Action Plan

8. Noise Sources from the premises itself and from surrounding businesses.

The café proprietors have designed and built a purpose enclosed entry and doorway preventing sound exchange to the Moor St entrance. See below. As such there is no noise transference to the exterior of the building, particularly given the building is constructed from bluestone and double brick.



Attachment 4 - Proposed Noise and Amenity Action Plan

9. Patronage and control measures.

Cleaver & Quill can cater for up to 100 patrons standing inside the building space, or 60 patrons seated. Patrons are advised via invitation on the date and times of the function or events; in other words, the attendees all come and go at the same time. There is no queuing, or the need for frequent arrivals and departures. Upon closing time, we will be escorting patrons out of the premises towards Brunswick St. We will also remind them with a notification, that this is a residential area and as such their co operation in leaving quietly would be appreciated. The Inviter will also be encouraged to ensure that Taxis, Ubers, etc are available for pick ups from Brunswick St and we will remind them in writing at the time of booking about the residential nature of Moor St.

10. Procedures in the event of complaints or threats

Should by a member of the public, the Victoria Police, a Council officer or an officer of the Victorian Commission for Gambling and Liquor Regulation make a compliant, our procedures are multileveled depending on the level of compliant.

Level 1	Low Level compliant ie poor service, food quality etc.	Staff trained to deal positively with the complaint
Level 2	Complaint from Police or Council or Commission	Immediately desist and corrective procedures
Level 3	Other patrons causing undue noise or threats	Seek to immediately remove the person from the premises. If they refuse to leave, then police are called
Level 4	Staff or patrons threatening to become violent or intent to cause harm	Immediately call police. Protect patrons and staff by moving them to a safer area, such as into the adjoining Zetta store or outside the premises.

Our staff are fully trained with weekly meetings, and formal monthly reviews. Monthly meetings include our nominated safety officer spending 15 minutes reviewing safety procedures and our staff are trained in basic first aid. We also have an easily accessible and checked fire retardant and fully equipped first aid kit. We log all incidences, notices, inspections and complaints and review them at our monthly meetings and instigate procedures to avoid the situation reoccurring. Contact details for all emergency services including police, fire and ambulance are displayed prominently on the kitchen wall, within all published procedure manuals and on the contact list on the staff smart phones.

Attachment 4 - Proposed Noise and Amenity Action Plan

11. Hours of operation for all parts of the premises

Trading now as a café/restaurant from 8-5pm 7 days a week, and we are proposing a liquor license to allow us to offer events until 11pm. Our evening bookings are expected to be spasmodic, though Friday and Saturday may be booked more frequently.

12. Lighting within the boundaries of the site

Internal down lights are around the perimeter of the premises, with 4 industrial-size lights from the ceiling. There are no external lights.

13. Security lighting outside the premises

The only external lighting is from power poles, which provide street lighting directly in front of the premises and across the road.

14. Music including the frequency and hours of entertainment provided by live bands and/or DJs

Internal sound system only. Live music will be occasional and acoustic only. Cleaver & Quill music will not amplified.

15. Waste management plan

Currently we use a 1000 litre general waste and 1000 litre recycling bin which is collected weekly on Friday mornings. They are stored at the back of the premises out of public access and view. There is no emptying of bins between 10pm and 7am, and bins are collected on Friday mornings at 7.30am.

12

Attachment 4 - Proposed Noise and Amenity Action Plan

16. Details of staffing arrangements

STAFF	Café Hours	Rostered Hours	Function Hours	Rostered Hours
Security staff & on-premises manager	8am - 5pm daily	Manager during busy periods	6pm - 11pm as booked	1 x Security 1 x Manager
Chef, bar staff, barista, waiters/waitresses, other staff		1 x chef, 1 x apprentice, 2 wait staff, 1 x barista		1 x chef, 1 x apprentice, 3-4 wait staff, 1 x barista

The hospitality staff selected to work with Cleaver & Quill are well experienced in the industry, and we condu[illegible]gular reviews on all aspects of the business including liquor licensing laws. All staff have RSA training and accre[illegible]n before engagement.

17. Training

Provided for bar staff in the responsible serving of alcohol

Before each event, we hold a briefing session so staff are familiar on the specifi[illegible]ocedures for the event, and re-cap on our existing procedures and policies. The staff are also responsible for escortin[illegible]trons from the premises at closing times. We make every effort to direct these patrons to waiting taxi / uber services o[illegible]runswick St. In other words, the patrons do not depart along Moor St.

18. The mix of licensed premises

The mix of licensed premises in an area can influ[illegible]otential cumulative impacts. The area has a mix of restaurants and small bars and some large hotels. Given late-nig[illegible]ding hours for licensed premises has been associated with increased harm, the liquor licence application is fo[illegible]trading hours to 11pm, which may reduce the risks of late-night alcohol- related harm. Also it is evidenc[illegible]premises with a patron capacity over 200 may pose a greater risk of alcohol-related harm and result[illegible]umulative impact. Our venue can only cater for 100 patrons standing and so is considered less risk both in

Attachment 4 - Proposed Noise and Amenity Action Plan

terms of trading hours and no. of patrons.

19. Addressing potential threats

It is noted that Victoria Police generally focus on patron behaviour on the street and Community Amenity generally deal with issues of noise from within premises. For our part from within the premises, antisocial behaviour from intoxicated persons, violence and perceived threats to safety, crime including vandalism, or trespass and property damage will have zero tolerance. The following table shows a decline in the no. of incidents in the Fitzroy locale over the past 5 years for disorderly conduct.

Attachment 4 - Proposed Noise and Amenity Action Plan



Top five crimes in Fitzroy in the past year

Other theft	408
Obtain benefit by deception	365
Steal from a motor vehicle	273
Non-aggravated burglary	192
Steal from a retail store	177

Select a specific crime from the second list.

Disorderly and offensive conduct | All categories

Disorderly and offensive conduct in Fitzroy *

Worst areas for disorderly and offensive conduct

Melbourne City	2330
Dandenong / Bangholme	614
Geelong + South / Bareena / Chilwell	508
Mornington	443
St Kilda	438

Incidents in your neighbourhood

Fitzroy	171

[5] Source: http://www.theage.com.au/victoria/melbourne-crime-interactive-map-track-crime-in-your-postcode-over-five-years-20161109-gslcx n.html

15

Attachment 4 - Proposed Noise and Amenity Action Plan

20. Licensed Premises in close proximity to The Cleaver & Quill Cafe

As a general guide, a cluster would occur where there are three or more licensed premises within a radius of 100 metres from the subject land; or 15 or more licensed premises within a radius of 500 metres from the subject land. Below summaries premises with liquor licences within a 250 sq metre radius.

LICENCE	NAME	ADDRESS	No. of Patrons Stand	No. of Patrons Seat	Ratio	Hours	TYPE OF VENUE	ACTIVITIES	SMOKING	QUEUING
Restaurant and cafe Licence	BON AP	193 BRUNSWICK	0	40	0:40	Tues–Sun 10:00am–Late	Restaurant	Seated Meals	N/A	N/A
Late night (general) Licence	PERSEVERANCE HOTEL	196 BRUNSWICK	100	60	1:06	Th,FRI,SAT 5pm-late	Hotel	Bar Live Music	Court yard	At times
On-Premises Licence	LABOUR IN VAIN	197A BRUNSWICK ST	60	20	3:10	2pm til 1am	Hotel	Bar Live Music	Court yard	At times
On-Premises Licence	THE ROOKS RETURN	201 BRUNSWICK	20	40	1:20	Week 4pm-1am W/E 1pm-1am	Beer Garden	Bar Live Music	Court yard	N/A
General Licence	FITZROYSOCIAL	218 BRUNSWICK	0	150	0:10	10am – 12pm	Restaurant	Seated Meals	N/A	N/A
Restaurant and cafe Licence	GUTZ CAFE	221 BRUNSWICK	0	20	0:20	7am to 4:30pm	Café	Casual meals	N/A	N/A
On-Premises Licence	GRUBB FOOD VAN	87-89 MOOR ST	0	100	0:10	8am - 10pm	Restaurant	Seated Meals	Court yard	N/A
On Premises Licence pending approval	Cleaver&Quill	197B Brunswick	100	60	5:30	8am-4pm	Café	Seated Meals	Exterior seats w. extractor fan	N/A

16

Attachment 4 - Proposed Noise and Amenity Action Plan

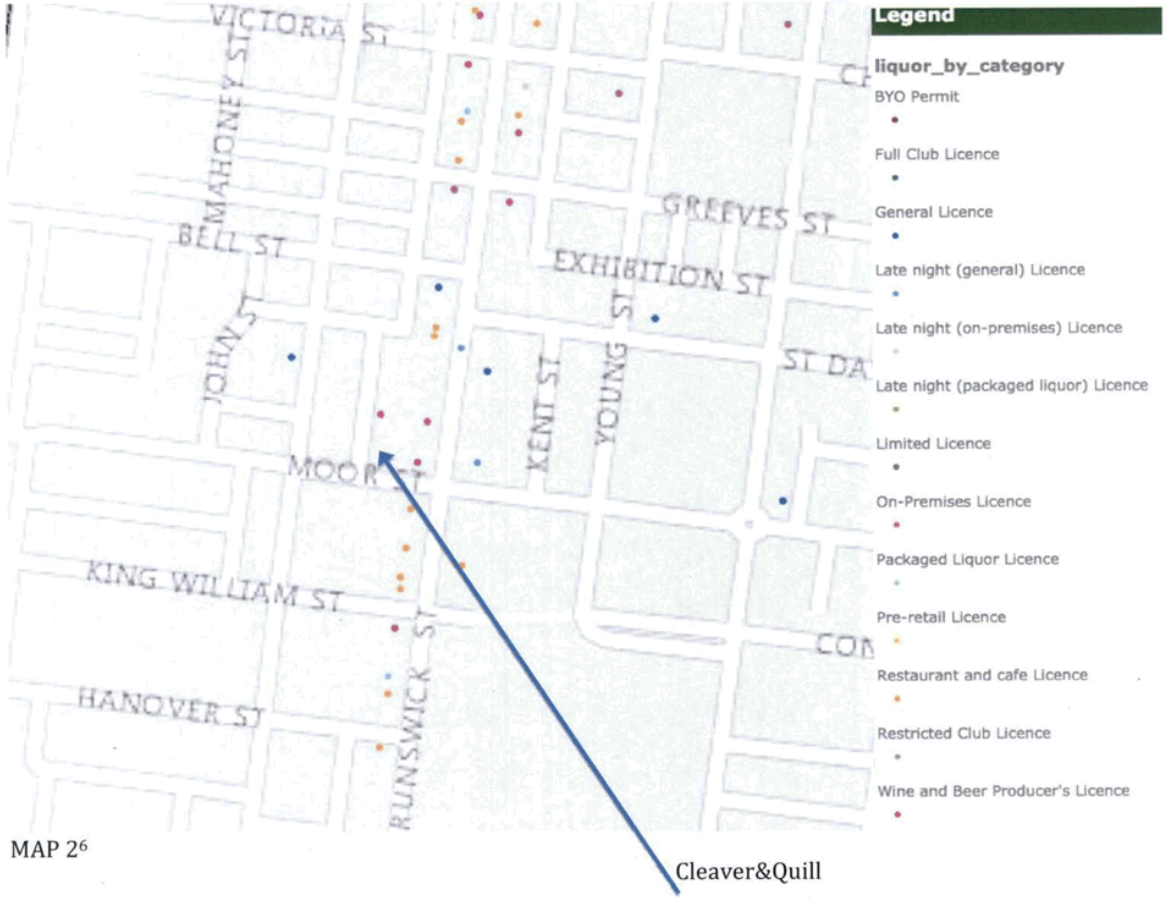
The following map shows the types of businesses in relation to the Cleaver&Quill site.



MAP 1

17

Attachment 4 - Proposed Noise and Amenity Action Plan



MAP 2[6]

[6] https://liquor.vcglr.vic.gov.au

18

Attachment 4 - Proposed Noise and Amenity Action Plan

LIQUOR LICENCE BRUNSWICK / MOOR ST FITZROY VICINTY
JANUARY 2017

ï»¿OBJECTID	Lic. No	Category	Premises	Address1	Address2
19990	31955818	General Licence	THE ELYSIAN WHISKY BAR	113 BRUNSWICK ST	
8534	32053910	Packaged Liquor Licence	WINE WINDOW	113-115 BRUNSWICK STREET	
1985	31912763	Late night (general) Licence	ICHI NI NANA IZAKAYA	127 BRUNSWICK STREET	
2036	31913824	General Licence	THE PUMPHOUSE HOTEL	128 NICHOLSON STREET	
16097	32310786	Restaurant and cafe Licence	ARGOS LOVES COMPANY	149 BRUNSWICK STREET	
14875	32308103	Restaurant and cafe Licence	SLOWPOKE ESPRESSO	157 BRUNSWICK STREET	
9812	32056667	Packaged Liquor Licence	KIMCHI KOREAN JAPANESE GROCERY	161-163 BRUNSWICK STREET	
13259	36115544	Limited Licence		162 KERR STREET	
4938	32236932	Restaurant and cafe Licence	CAFE UMAGO	171-173 BRUNSWICK STREET	
8972	36075752	Limited Licence	CAFE UMAGO	171-173 BRUNSWICK STREET	
195	32220981	Restaurant and cafe Licence	AKARI JAPANESE RESTAURANT	177 BRUNSWICK STREET	
2554	32228345	Restaurant and cafe Licence	BLUE CHILLIES	182 BRUNSWICK STREET	
14099	32303187	Restaurant and cafe Licence	PHO 54 MANDALAY BAY	183 BRUNSWICK STREET	
5653	32244684	Restaurant and cafe Licence	BON AP	193 BRUNSWICK STREET	
1852	31910389	Late night (general) Licence	PERSEVERANCE HOTEL	196 BRUNSWICK STREET	
5406	31820958	On-Premises Licence	LABOUR IN VAIN	197A BRUNSWICK STREET	
17402	32319439	On-Premises Licence	THE ROOKS RETURN	201 BRUNSWICK STREET	
11547	31952747	General Licence	FITZROYSOCIAL	218-222 BRUNSWICK STREET	
14050	32304604	Restaurant and cafe Licence	GUTZ CAFE	221 BRUNSWICK STREET	
5306	32240818	Restaurant and cafe Licence	CURRY SMUGGLER	223 BRUNSWICK STREET	
4240	31920790	General Licence		231 BRUNSWICK STREET	
7211	36054992	Limited Licence	FLOWERS VASETTE	247 BRUNSWICK STREET	
12078	32293803	Restaurant and cafe Licence	BRUNSWICK ST ALIMENTARI	251 BRUNSWICK STREET	
7113	32257637	On-Premises Licence	BLACK CAT COFFEE LOUNGE	252 BRUNSWICK STREET	
6479	32251233	On-Premises Licence	RIZE CHINESE RESTAURANT AND BAR	262 BRUNSWICK STREET	
16831	32064505	Packaged Liquor Licence	WINE REPUBLIC	265 BRUNSWICK STREET	
17499	32319065	Restaurant and cafe Licence	TANNER AND TEAGUE	266 BRUNSWICK STREET	
1929	31911759	General Licence	FITZROY RAINBOW HOTEL	27 SAINT DAVID STREET	
4755	32235847	Late night (on-premises) Licence	THE KODIAK CLUB	272 BRUNSWICK STREET	
6643	32253308	On-Premises Licence	CHOCOLATERIA SAN CHURRO - FITZROY	275 BRUNSWICK STREET	
5400	32242933	Restaurant and cafe Licence	STAGGER LEE'S	276 BRUNSWICK STREET	
20452	32334659	On-Premises Licence	MONDOPIERO	28 BRUNSWICK ST	

Attachment 4 - Proposed Noise and Amenity Action Plan

LIQUOR LICENCE BRUNSWICK / MOOR ST FITZROY VICINTY
JANUARY 2017

2603	32224147	On-Premises Licence	NAKED FOR SATAN	285 BRUNSWICK STREET
7262	32259744	Restaurant and cafe Licence	THAI THANI	293 BRUNSWICK STREET
2040	31913913	General Licence	THE STANDARD HOTEL	293 FITZROY STREET
18427	32324117	Restaurant and cafe Licence	ROADHOUSE BURGERS	295 BRUNSWICK STREET
18434	36136273	Limited Licence	ROADHOUSE BURGERS	295 BRUNSWICK STREET
7729	32264032	Late night (on-premises) Licence	THE STONE HOTEL	298 BRUNSWICK STREET
1884	31910931	Late night (general) Licence	PROVINCIAL HOTEL	299 BRUNSWICK STREET
11133	36100044	Limited Licence	BRUNSWICK STREET GALLERY	3 / 322 BRUNSWICK SREET
5238	32239833	Late night (on-premises) Licence	THE BLACK PEARL BAR	304 BRUNSWICK STREET
3634	32205575	On-Premises Licence	RICE PAPER SCISSORS	307 BRUNSWICK STREET
5798	31821784	On-Premises Licence	SOSSA	315 BRUNSWICK STREET
5722	31821996	Late night (on-premises) Licence	BAR OPEN	317 & 1ST FLOOR 319 BRUNSWICK ST
15799	32310338	Restaurant and cafe Licence	MR BURGER	320 BRUNSWICK STREET
16280	32312958	Restaurant and cafe Licence	SHAWCROSS PIZZA	324 BRUNSWICK STREET
17889	36134310	Limited Licence	SHAWCROSS PIZZA	324 BRUNSWICK STREET
2346	32240834	Restaurant and cafe Licence	CHINA BAR (BRUNSWICK)	325 BRUNSWICK STREET
4100	32230172	Restaurant and cafe Licence	HECHO EN MEXICO	326 BRUNSWICK STREET
5925	32246165	Restaurant and cafe Licence	THE AFGHAN GALLERY RESTAURANT	327 BRUNSWICK STREET
4661	32234744	Restaurant and cafe Licence	NOODLE PALACE (FITZROY)	328 BRUNSWICK STREET
4080	31920685	Late night (general) Licence	THE RUM DIARY BAR	334 BRUNSWICK STREET
20333	32333954	Restaurant and cafe Licence	FINAS VEGETARIAN CAFE 2	339 BRUNSWICK STREET
470	32222797	Restaurant and cafe Licence	ALPHA OUZERI	342 BRUNSWICK STREET
2688	32224171	Restaurant and cafe Licence	THE FITZ	347 BRUNSWICK STREET
11960	32288214	On-Premises Licence	THE ALCHEMIST BAR & CAFE	361 BRUNSWICK STREET
285	32223646	On-Premises Licence	VIETROSE RESTAURANT	363 BRUNSWICK STREET
19348	32328797	Restaurant and cafe Licence	MUKKA	365 BRUNSWICK STREET
3946	32229406	On-Premises Licence	JOE'S GARAGE	366 BRUNSWICK STREET
5507	32242496	Restaurant and cafe Licence	MADAME'S K VEGETARIAN	367 BRUNSWICK STREET
12940	32295960	On-Premises Licence	SPUDBAR FITZROY	368 BRUNSWICK STREET
15632	32308690	Restaurant and cafe Licence	PHO LA QUE BASIL LEAF	369 BRUNSWICK STREET
13172	32298366	On-Premises Licence	GAMI PAC	370 BRUNSWICK STREET
4099	32231380	Restaurant and cafe Licence	PATEE THAI RESTAURANT	371-373 BRUNSWICK STREET
146	31909029	Late night (general) Licence	BIMBO DELUXE	376 BRUNSWICK STREET

Attachment 4 - Proposed Noise and Amenity Action Plan

LIQUOR LICENCE BRUNSWICK / MOOR ST FITZROY VICINTY
JANUARY 2017

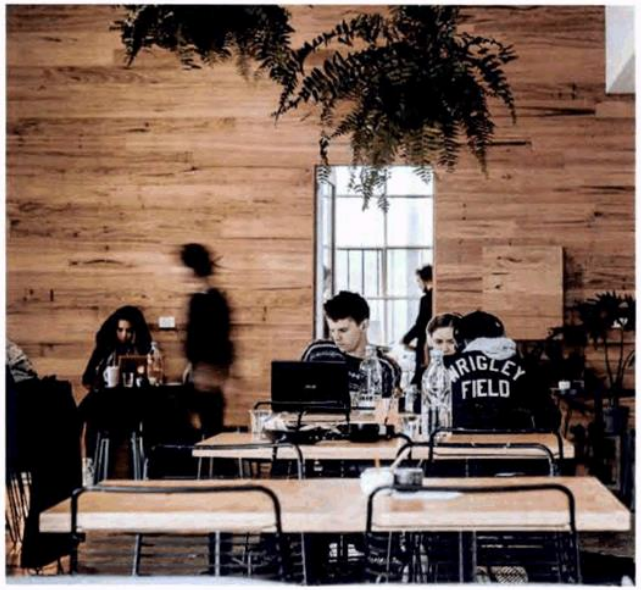
5336	32241123	Restaurant and cafe Licence	THE VEGIE BAR	378-382A BRUNSWICK STREET	
16118	32312411	Restaurant and cafe Licence	LORD OF THE FRIES BRUNSWICK	383 BRUNSWICK STREET	
5516	32242242	Restaurant and cafe Licence	HOOKED - HEALTHY SEAFOOD TO GO	384 BRUNSWICK STREET	
2361	32223840	Late night (on-premises) Licence	BRUNSWICK STREET CIDER HOUSE	386-388 BRUNSWICK STREET	
1271	32235164	Late night (on-premises) Licence	POLLY BAR	401 BRUNSWICK STREET	
19168	36138055	Limited Licence	POLLY BAR	401 BRUNSWICK STREET	
13678	32299948	Restaurant and cafe Licence	RUSTICA SOURDOUGH BAKERY CAFE	402 BRUNSWICK STREET	
5429	32241937	Restaurant and cafe Licence	EAST MEET WEST RESTAURANT	406 BRUNSWICK STREET	
2378	32000852	Packaged Liquor Licence	FITZROY CELLARS	409 BRUNSWICK STREET	
1019	32221539	Restaurant and cafe Licence	BROTHER BURGER AND THE MARVELLOUS BREW	413 BRUNSWICK STREET	
4031	32230740	Restaurant and cafe Licence	BONTEMPO PIZZERIA	418 BRUNSWICK STREET	
6078	33122152	General Licence	METROPOLE HOTEL APARTMENTS & CONFERENCE CENTRE	42-44 BRUNSWICK STREET	
16588	36129462	Limited Licence	YONG GREEN FOOD	421-423 BRUNSWICK STREET	
11202	32059819	Packaged Liquor Licence		424-428 BRUNSWICK STREET	
1982	31912682	Late night (general) Licence	ROYAL DERBY HOTEL	446 BRUNSWICK STREET	
1052	31912098	General Licence	THE WORKERS CLUB	51 BRUNSWICK STREET	
8978	32273366	On-Premises Licence	GRUBB FOOD VAN PTY LTD	87-89 MOOR STREET	
4003	32228913	Restaurant and cafe Licence	888 SAKURA	GROUND FLOOR	263 BRUNSWICK STREET
4595	32233552	Restaurant and cafe Licence	SMITH & DAUGHTERS	GROUND FLOOR	175 BRUNSWICK STREET
19255	32329515	On-Premises Licence	ICEBAR MELBOURNE	GROUND FLOOR	319 BRUNSWICK STREET
5581	32244058	Restaurant and cafe Licence	PIREAUS BLUES	GROUND FLOOR & FIRST FLOOR	312 BRUNSWICK STREET
4198	32230766	On-Premises Licence	ATTABOY ROY	GROUND FLOOR 354-356 BRUNSWICK STREET	
12033	32290499	Restaurant and cafe Licence	UPTOWN JAZZ CAFE	LEVEL 1	177 BRUNSWICK STREET
17841	32320309	Restaurant and cafe Licence	NYALA AFRICAN RESTAURANT	LEVEL 1, 356 BRUNSWICK STREET	
14291	32304492	Restaurant and cafe Licence	I KNOW A PLACE	REAR 451 BRUNSWICK STREET	
8362	32268387	Restaurant and cafe Licence	BREIZOZ FRENCH CREPERIE	REAR GROUND FLOOR	49 BRUNSWICK STREET
8364	36070508	Limited Licence	BREIZOZ FRENCH CREPERIE	REAR GROUND FLOOR	49 BRUNSWICK STREET
6197	32248230	Restaurant and cafe Licence	MON AMI RESTAURANT & GALLERY	UNIT 5, 144 NICHOLSON STREET	

Attachment 4 - Proposed Noise and Amenity Action Plan

21. Concluding Remarks

Total elimination of cumulative noise relating to the operation of licensed premises is hard to do, but Cleaver&Quill has a number of attributes, which reflects the most positive facets of the night time economy, including offering quality produce in a quality venue and subdued social interaction. Moreover, Cleaver&Quill's business model actively discourages excessive alcohol consumption.

Brunswick St is one of City of Yarra's late night entertainment precincts. Cleaver & Quill's proposal to expand patron numbers and trading hours would enhance the venue's contribution to this precinct, without any undue impacts for the safety, noise and amenity of the surrounding areas.



19

Attachment 5 - Permit applicant's Car parking and traffic Report

TRAFFIC · PARKING · ACOUSTICS

PROPOSED EXTENSION TO HOURS OF OPERATION
197B BRUNSWICK STREET, FITZROY
PARKING ASSESSMENT REPORT

Prepared By
C. Tsiafidis
TTM Consulting (Vic) Pty. Ltd.
Suite 9, 70-80 Wellington Street,
Collingwood Vic 3066
(03) 9419 0911
email@ttmconsulting.com.au

Prepared For
Cleaver and Quill
197B Brunswick Street,
Fitzroy Vic 3065

February, 2017

1. INTRODUCTION AND SCOPE

TTM Consulting (Vic) Pty. Ltd. has been requested by the Applicant to prepare a parking assessment report for a proposed extension to hours of operation at 197B Brunswick Street, Fitzroy.

This report describes the expected traffic impacts of the proposal, including the likely effects on car parking availability and use, and concludes that there are no traffic or parking grounds which should warrant refusal of the sought planning application.

2. EXISTING CONDITIONS

2.1 The Subject Site

The site has a total area of approximately 220 square metres with approximately 11.4 metres of frontage to Brunswick Street and 21 metres of frontage to Moor Street. The site currently has no off-street parking.

Figure 2.1.1 shows the location of the subject site and the surrounding street network.

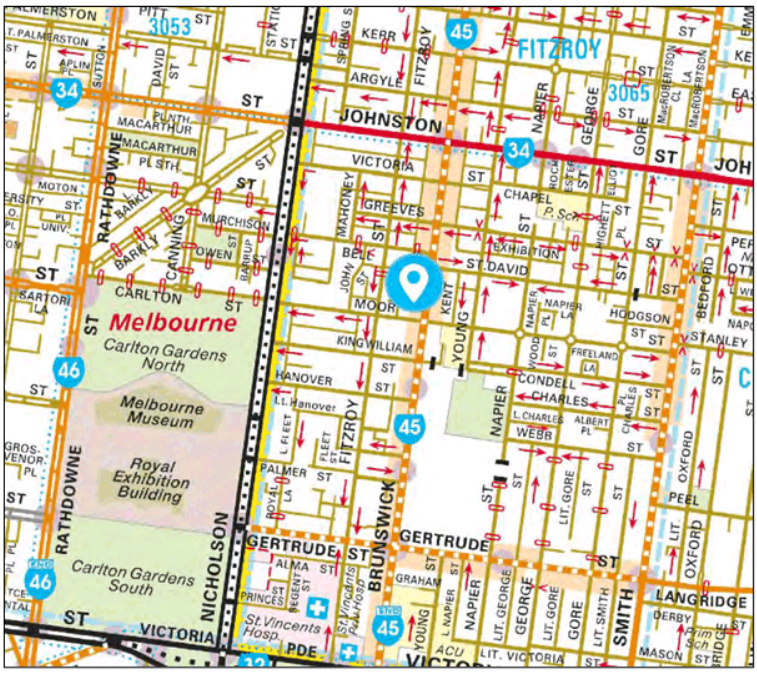


FIGURE 2.1.1 : SITE LOCALITY PLAN

The site is located within the Commercial Zone 1 (C1Z) in the Yarra Planning Scheme. Surrounding land use is a mixture of commercial and residential.

2.2 Road Network

Brunswick Street accommodates a 15.74 metres four lane, two way carriageway. Brunswick Street is a local road that provides parallel kerbside parking on both sections of the carriageway. Tram lanes are located along the centre of the carriageway. The parking along the street is P Ticket. The street has a 40km/h speed limit. On road bicycle lanes run along both directions of Brunswick Street.

Moor Street accommodates a 10.95 metres single lane carriageway. Moor Street is a local road that permits parallel kerbside parking on both section of the carriageway with 60 degree parking bays located along the northern side of Moor Street. The parking controls along the street are a mix of 1P and 2P, with some all-day permit zone restrictions. Moor Street permits one way traffic movement.

Figure 2.2.1 shows the typical configuration of Brunswick Street along the frontage of the subject site.



FIGURE 2.2.1 : BRUNSWICK STREET CONFIGURATION

2.3 Public Transport Facilities Proximate to the Site

The following public transport facilities are available within proximate distance of the subject site :-

- Tram stops for Routes 11 (West Preston – Victoria Harbour Docklands) and route 96 (East Brunswick – St Kilda Beach) are located within 320 metres of the subject site.
- The Route 207 bus operates along Johnston Street. The service operates between Melbourne CBD and Doncaster via Kew Junction and has a bus stop located on the corner of Johnston Street and Brunswick Street, 360 metres from the subject site.
- The Route 200 bus operates along Johnston Street. The service operates between Melbourne City (Queen Street) and Bulleen. The route has a bus stop located on the corner of Johnston Street and Brunswick Street, 360 metres from the subject site.
- Tram stops for Route 86 (Bundoora RMIT – Waterfront City Docklands) are located along Brunswick Street 490 metres from the site.
- Bus stops for routes 402 (Footscray – East Melbourne via North Melbourne), 250 (Latrobe University – City), 251 (Northland Shopping Centre – City), 905 *Smartbus* (City - The Pine Shopping Centre via Eastern Freeway), 907 *Smartbus* (City – Mitcham via Doncaster Road), 908 *Smartbus* (City – The Pines Shopping Centre), 318 (City – Deep Creek), 309 (City Donvale via Reynolds Road), 906 *Smartbus* (City – Warrandyte), 350 (City – Queen Street), 303 (City – Ringwood) and 684 (Eildon – Melbourne via Lilydale Station) are located within an 800 metres radius of the subject site.
- Tram stops for routes 12 (Victoria Gardens – St Kilda) and 109 (Port Melbourne – Box Hill) are located within 800 metres of the subject site.

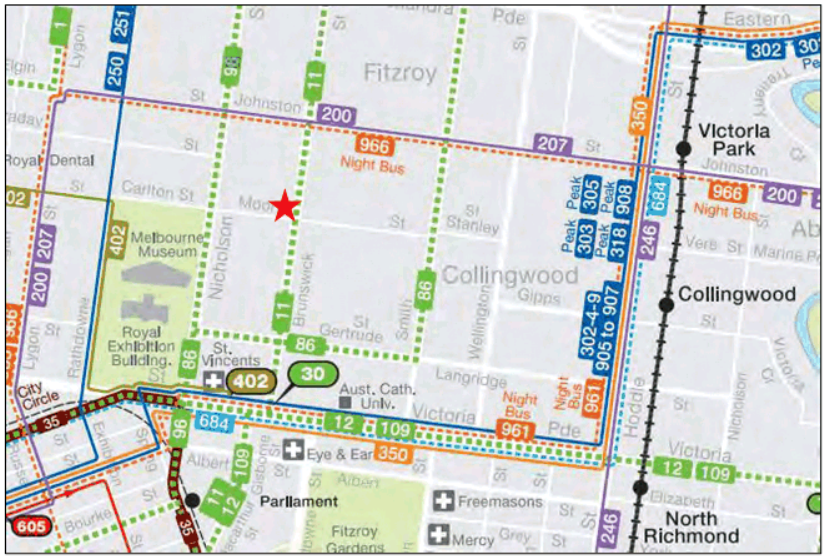
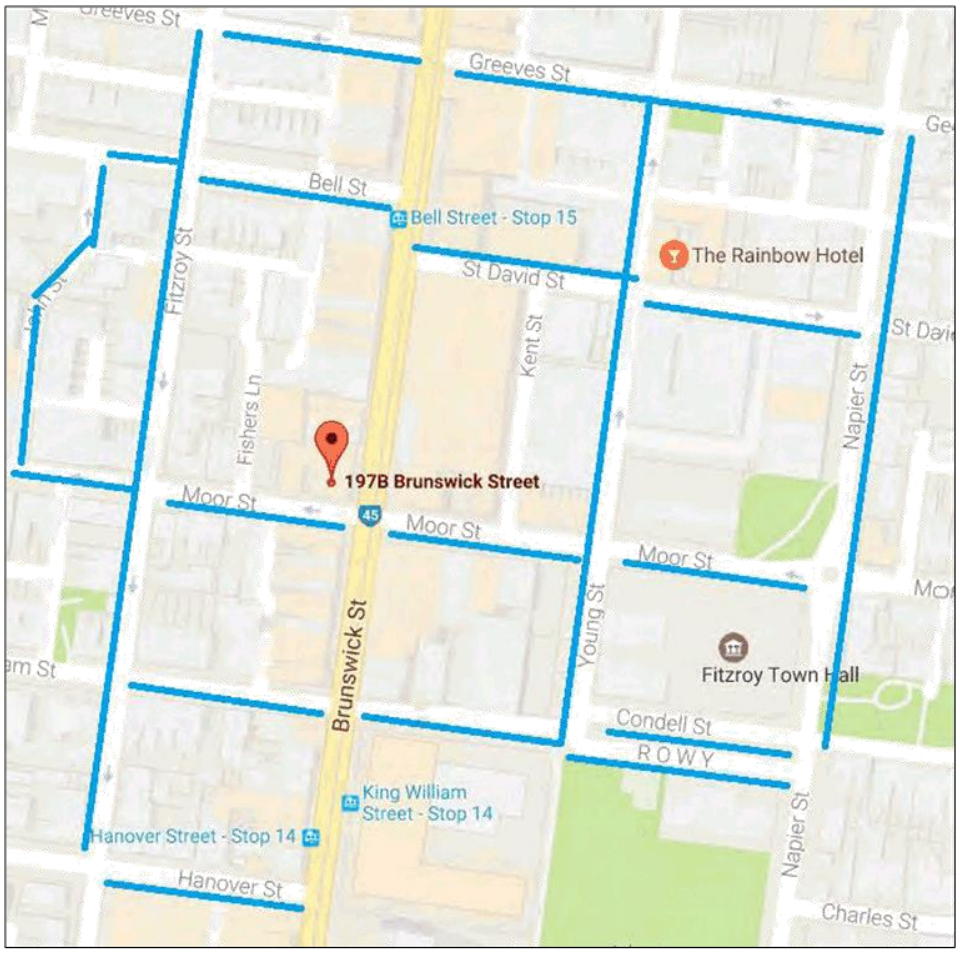


FIGURE 2.3.1 : PUBLIC TRANSPORT PROXIMITY

2.4 Availability of Car Parking in the Locality

TTM Consulting (Vic) Pty. Ltd. undertook surveys of parking utilisation within close proximity of the site to determine the existing demand for parking in the area. Figure 2.4.1 shows the parking areas that were surveyed.



2.4.1 : PARKING AREA SURVEYED

The following tables summarise the existing parking inventory, controls, utilisation and availability at the time of our surveys. Loading zones and full-time permit zones were excluded from each of the surveys.

Attachment 5 - Permit applicant's Car parking and traffic Report

Location	Controls	Inventory	Thursday 16/02/17			
			6pm	7pm	9pm	10pm
Brunswick Street (Greeves Street- Hanover Street) Western Side	**No control 6PM onwards**	17	17	17	15	15
	2P 7:30am – 6:30pm Mon- Sat P Ticket 6:30PM – Midnight Mon-Sat 9am- Midnight Sun	16	10	14	9	8
	Loading Zone 15minute 7am – 6pm P ticket 6:30am-midnight MON-SAT 9pm- midnight SUN	7	7	7	4	3
Brunswick Street (Greeves Street- Hanover Street) Eastern Side	**2P 7:30am – 6:30pm Mon- Sat P Ticket 6:30PM – Midnight Mon-Sat 9am- Midnight Sun**	22	12	18	19	18
	No control 6PM onwards	11	8	11	9	8
	2P 9am- 7pm	4	4	3	4	4
John Street	**2P 7am-1am**	7	6	7	5	5
	No control 6PM onwards	6	3	6	4	4
HanoverStreet (Brunswick Street- Fitzroy Street)	**No control 6PM onwards**	12	12	12	10	10
King William Street (Young Street – Brunswick Street)	**No control 6PM onwards**	6	6	6	6	6
Moor Street (Brunswick Street- John Street)	**1P 7am-6pm**	9	9	9	9	8
	2P 7am – 1am	7	7	7	6	5
Moor Street (Brunswick Street- Napier Street)	**No control 6PM onwards**	5	5	4	4	3
	1P *	1	1	1	1	1
	2P *	2	2	1	2	2
Bell Street (Brunswick Street- Fitzroy Street)	**1P ***	4	4	3	2	2
Greeves Street (Brunswick Street- Fitzroy Street)	**1P***	3	2	1	1	1
Greeves Street (Young Street- Napier Street)	**2P 7am –7pm Sat - Sun**	22	18	19	14	14
St. David Street (Young Street- Brunswick Street)	**1P* Ticket**	14	13	4	4	3
	1P*	2	2	2	2	2
St. David Street (Young Street- Napier Street)	**2P 7am-7pm**	14	13	11	10	10
Young Street	**1P***	4	4	4	2	2
Fitzroy Street (Greeves Street- Hanover Street)	**1P***	23	18	20	17	16
ROWY and Condell Street	**No control 6PM onwards**	33	23	22	26	26
Napier Street (Condell Street- Moor Street)	**No control 6PM onwards**	12	12	12	12	12
Napier Street (St. David Street- Moor Street)	**No control 6PM onwards**	19	19	18	16	16
Total		**296**	**237**	**239**	**213**	**204**
Parking Spaces Available			**59**	**57**	**83**	**92**
*** 7AM- 11PM**						

The parking demand surveys indicate that there were between 57 and 92 parking spaces available proximate to the site in the evening and on weekdays.

3. THE PROPOSAL

The Applicant has applied to amend the trading hours to extend from 6:00pm-11:00pm between Thursday and Sunday and until 12:00pm on Friday. The existing restaurant usage permits a maximum of 100 patrons on the premises at any one time. The restaurant currently has a permit to operate daily between 8:00am and 4:00pm.

4. PARKING DEMANDS, REQUIREMENTS AND LIKELY IMPACT

4.1 Planning Scheme Parking Requirement

The parking overlay applicable to the subject site Clause 45.09 – Precinct 1 Schedule confirms that the parking requirement from Table 1 to Clause 52.06 is to be based upon the Column A rates. The following table provides a summary of the Planning Scheme parking requirements for the proposed development.

Planning Scheme Use	Parking Scheme Parking Requirement Rate	Inventory	Parking Requirement
Restaurant	0.4 to each patron permitted	100 patrons	**40**
Total Parking Spaces Required			**40 no.**

The Planning Scheme parking for the existing use is 40 spaces. With the extended business hours, there are no building works required and therefore a parking shortfall of 40 spaces will continue for the extended trading hours.

To reduce the number of car parking spaces required for the development, the Responsible Authority requires that a car parking demand assessment be prepared which must consider the following matters, as appropriate.

An assessment of the car parking demand likely to be generated by the use with regard to the following factors, as appropriate :-

- *Multi-purpose trips within an area.*
- *The variation of car parking demand over time.*
- *The short-stay and long-stay car parking demand.*
- *The availability of public transport in the locality.*
- *The convenience of pedestrian and cyclist access to the site.*
- *The provision of bicycle parking and end of trip facilities for cyclists.*
- *The anticipated car ownership rates of likely or proposed occupants (residents or employees).*

An assessment of the appropriateness of allowing fewer spaces to be provided than the number likely to be generated by the use, with regard to the following, as appropriate :-

- *Any relevant local planning policy or incorporated plan.*
- *The availability of car parking including :-*
  - *Efficiencies gained from the consolidation of shared car parking spaces.*
  - *Public car parks intended to serve the land.*
  - *On street parking in nonresidential zones and streets in residential zones specifically managed for non-residential parking.*
  - *On street parking in residential zones for residential use.*
- *Any adverse economic impact a shortfall of parking may have on the economic viability of an activity centre.*
- *The future growth and development of an activity centre.*
- *Any car parking deficiency associated with the existing use of the land.*
- *Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge scheme or cash-in-lieu payment.*
- *Local traffic management.*
- *The impact of fewer car parking spaces on local amenity including pedestrian amenity and the amenity of nearby residential areas.*
- *The need to create safe, functional and attractive parking areas.*
- *Access to or provision of alternative transport modes.*
- *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.*
- *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
- *Any other relevant considerations.*

4.2 Car Parking Assessment

The requirements of the planning scheme are not considered to be representative of the anticipated use. The following items have been considered in the car parking demand assessment to determine the actual likely parking demand.

- *The availability of alternative car parking in the locality of the land.*
- *The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.*
- *The convenience of pedestrian and cyclist access to the site.*
- *The provision of bicycle parking and end trip facilities for cyclists.*
- *The availability of public transport in the locality.*
- *The practicality of providing car parking on the site.*

4.2.1 Availability of Alternative Parking in the Locality

In order to undertake an assessment of the available parking in the vicinity of the site, TTM undertook parking surveys outlined in Section 2.4 of this report.

The surveys indicate that from the 296 spaces, there were between 57 and 92 parking spaces available. As such, there would be sufficient parking to accommodate the 40 parking spaces during the extended hours of operation.

It is noted that the development has a permit for use during the daytime where there is a higher parking demand in the local area. As such, extending the trading hours is unlikely to have a detrimental impact on parking supply in the local area.

4.2.2 The Likelihood of Multi-Purpose Trips within the Locality which are Likely to be Combined with a Trip to the Land in Connection with the Proposed Use

The restaurant will form part of the wider precinct of Brunswick Street and will attract custom from people that are already working, shopping or living in the area. The site's location near a large residential catchment is likely to attract local residents to the site on evenings and on weekends that are likely to walk to the site.

The nearby commercial uses are likely to attract people that have either arrived to the area by another mode of transport or already parked elsewhere and walked to the site. This occurs currently during the daytime business hours where the development has a permit allowing 100 patrons on-site.

The development has an existing permit for the same number of patrons during the day when there is a higher on-street parking demand in the local area. As such, the extension of these trading hours is unlikely to result in a detrimental impact on parking availability in the surrounding local area given the lower parking demand during the evenings.

4.2.3 The Convenience of Pedestrian and Cyclist Access to the Site

The site is easily accessible by pedestrians with footpaths located on both sides of Brunswick Street. The traffic lights located 120 metres south of the site along Brunswick Street in addition to the low speed traffic environment of 40km/h provides safe crossing opportunities for pedestrians to cross Brunswick Street.

Dedicated bicycle paths run along the west and east end of Brunswick Street as well as along Moor Street along the frontage of the site providing convenient access for cyclists to the premises.

4.2.4 The Provision of Bicycle Parking and End Trip Facilities for Cyclists

The site is currently operating during the day as a restaurant with on- street bicycle parking facilities accommodating the site's current bicycle parking requirements. It is anticipated that fewer people will ride to the site during the site's proposed extended hours.

A pole vault bike parking rail that can accommodate 2 bicycles is located along the frontage of the site. A total of 5 on-street bicycle racks are located within a 60 metres radius of the site that can accommodate a total of 10 bicycles providing multiple prospective bicycle parking opportunities for cyclists.

4.2.5 Availability of Public Transport

There are numerous public transport facilities located in close proximity to the proposed development with numerous bus and tram services providing services to and from the Melbourne CBD to both northern and eastern suburbs. As such, the use of public transport is a practical option for staff and visitors to the site.

4.2.6 The Practicality of Providing Car Parking on the Site

The site has no existing parking and no building works have been proposed. The site has an area of 220 square metres. The site does not have access to a rear laneway. The site is considered to be impractical for any on-site parking and the existing building does not provide any parking.

4.2.7 Impact of Parking Shortfall

The proposed extension of trading hours for the existing café is considered satisfactory and would not have a detrimental impact on the available on-street parking.

The site is located in the busy Brunswick commercial area and the majority of customers would be either working or living in the local area. However, there are still sufficient on-street parking spaces to accommodate parking associated with the development with between 57 and 92 spaces available in the local area.

The development has a parking shortfall of 40 spaces during the day when the on-street parking demand is higher. As such, extending the shortfall to the evening when the demand is lower is unlikely to create any additional parking issues.

5. SUMMARY AND CONCLUSIONS

The proposed change of use to restaurant at 197B Brunswick Street, Fitzroy is appropriate in a parking context.

The analysis of the development is summarised as follows :-

- The Applicant is seeking a full waiver of the on-site parking requirement as required by the Planning Scheme. The reduction is appropriate given :-
  - There are adequate parking spaces within close proximity of the site.
  - The area is well located within the public transport network.
  - The size of the site and the existing building restricts the possibility of providing on-site parking.
  - The current parking controls already protect the amenity of local residents with a mix of parking controls including a high number of all-day Permit zones within close proximity to the site.

There are no traffic or parking grounds which should warrant refusal of the sought Planning Permit.

TTM Consulting (Vic) Pty. Ltd.

Chris Tsiafidis

Chris Tsiafidis

Attachment 6 - Council Engineering Services Unit referral comments

CITY OF YaRRA

MEMO

To:	**James Sutherland**	
From:	**Artemis Bacani**	
Date:	**9 May 2017**	
Subject:	**Application No:**	**PLN16/0391**
	Description:	**Amendment; Food and Drink & Art Gallery/Function Centre – Reduction in the Car Parking Requirements**
	Site Address:	**197b Brunswick Street, Fitzroy**

I refer to the above application to amend Planning Permit PLN16/0391 received on 8 May 2017 in relation to the extension of the trading hours and a reduction in the number of patrons on the site at 197b Brunswick Street, Fitzroy. Council's Engineering Services unit advises the following:

CAR PARKING PROVISION

Amended Proposal

It is noted that the Parking Assessment Report prepared by TTM Consulting have assessed the Planning Scheme's car parking requirement based on a Restaurant use; however, the actual function of the site would be the same as for a Food and Drink Premises (café) and a Place of Assembly (art gallery/function centre). It is considered that the Restaurant use for the site is an overestimation of the car parking rate.

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

Proposed Use	Size/No.	Statutory Parking Rate	No. of Spaces
Food and Drink Premises (café)	220 m^2	4 spaces to each 100 m^2 of leasable floor area	8
Place of Assembly (art gallery/function centre)	100	0.3 spaces to each patron permitted	30

Since the site has a statutory requirement of 38 spaces and no spaces would be provided on-site, a full waiver in the car parking requirement is sought by the applicant.

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

Attachment 6 - Council Engineering Services Unit referral 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:

- *Short-stay and Long-stay Car Parking Demand*.
  Car parking associated with café and the art gallery/function centre is essentially short-stay parking for customers and patrons, and long-stay parking for staff. Since the property does not have any on-site parking, all parking generated by the site would be accommodated off-site (in the surrounding road network or any off-street car park).

- *Parking Demand Associated with the Place of Assembly.*
  At a VCAT hearing (VCAT case P2915/2012), the Tribunal had accepted a rate adopted by SALT Traffic Consultants for a function centre in South Yarra with a rate of 0.2 spaces per patron. Applying this rate to the proposed development would generate a parking demand of 20 spaces. Given the area's coverage of short-stay parking spaces, patrons who choose to drive to the site should be able to find an on-street parking space in the surrounding streets.

  In addition, some businesses in the area are unlikely to be operating after 5pm. This would free-up some of the on-street spaces in the area and allow customers and patrons to find an on-street parking space near the site.

- *Availability of Public Transport in the Locality of the Land*.
  The site is within walking distance of tram services along Brunswick Street, Smith Street, and Nicholson Street. Bus services are located within walking distance in Johnston Street. Easy access to public transport services would reduce the demand for parking on-site.

- *Multi-Purpose Trips within the Area.*
  Customers would likely combine their trips to the restaurant with visits to other shops, venues or businesses whilst in the area.

- *Convenience to Pedestrian and Cycling Access to the Site.*
  The catchment area surrounding the site includes residential properties and local businesses that would provide a source of local visitors. The site has excellent exposure to high pedestrian numbers and much of the site's customers would be pedestrians. The site also has good connectivity to the on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- *Availability of Car Parking*.
  TTM Consulting carried out on-street parking surveys of all public parking within close proximity of the site on Thursday 16 February 2017 at 6pm, 7pm, 9pm, and 10pm. The extent and duration of the survey was considered reasonable for this proposal.

  An inventory of 296 spaces was identified. The availability of parking ranged from 57 to 92 vacant spaces.

  In summary, the short-stay parking from the subject site could be accommodated on-street.

- *Access to or Provision of Alternative Transport Modes*.
  The site has very good accessibility to public transport and to the on-road bicycle facility network. Car share pods are available within walking distance of the site and provide an alternative mode of transportation. A GoGet car share pod is available in Moor Street, outside of the subject site.

Adequacy of Car Parking

Attachment 6 - Council Engineering Services Unit referral comments

From a traffic engineering perspective, the waiver of car spaces for the restaurant should not result in an adverse impact on existing parking conditions in the area. The area's coverage of short-stay parking and high parking demand would encourage staff and visitors to utilise public transport to the site.

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

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 7 - Counicl Community Amenity Referral Unit referral comments

TO:	**Julian Wearne**
cc:	
FROM:	**Steve Alexander**
DATE:	**13/07/2016**
APPLICATION:	**PLN 16/0391**
SUBJECT:	**Community Amenity Enforcement Referral**

Dear Julian,
Thank you for your referral dated 12 July 2016 in relation to 197B Brunswick Street Fitzroy.

The Compliance Branch has received a number of complaints in relation to alleged 'noise' and 'use' breaches from the above mentioned property. The dates are as follows:
11/7/16 – Noise
6/6/16 – Noise (patrons)
2/5/16 – Noise/Use
13/4/16 – Footpath trading
13/4/16 – Use
5/01/16 – Obstruction/Nuisance (bins)

In addition there has been one penalty infringement notice issued on 7/6/16 in relation to failure to comply with the planning scheme.

I note that the site fronts and is accessed from Moor Street. Considering the proximity to residential premises, the Compliance Branch has concerns with the impact the proposal will have to the amenity of the area.

The Compliance Branch does not support the proposed application to allow for 120 people and to operate as an art/gallery function centre until 1am.

It is recommended that any proposed liquor licence only allows for consumption between 10am and 11pm seven (7) days a week and the venue to operate no later than 11pm seven (7) days a week.

It is also recommended that no 'live music' or Dj's be permitted and only light background music be allowed.

Should you wish to discuss the application further, please feel free to contact me on 9205-5166.

Regards,

Steve Alexander
Coordinator – Civic Compliance

1.4 44-46 Greeves Street, Fitzroy - PLN16/1044 - Part demolition and construction of seven (7) triple-storey dwellings with roof terraces, removal of easement and a reduction in the statutory car parking requirement.

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Application PLN16/1044 at 44-46 Greeves Street, Fitzroy and recommends approval, subject to conditions.

Background

2. The application was received by Council on 21 November 2016 and subsequently advertised, with twenty-nine (29) objections received. A planning consultation meeting was held on 14 February 2017, with this meeting attended by the Applicant, Objectors and Council Officers. In response to this meeting, sketch plans were submitted to Council on 10 March 2017. These sketch plans included the following alterations to the design;
   (a) Addition of a raked wall at the second-floor along the southern boundary (with an additional setback of 0.8m from the southern boundary);
   (b) Setback of the south-west corner of the development at all levels to be within the title boundaries;
   (c) Design of the balustrade to the front terrace altered to provide an angled response;
   (d) Amended overlooking and shadow diagrams based on proposed alterations;
   (e) Bicycle hoops provided in each garage;
   (f) Proposed openings within the eastern boundary wall removed.

3. These sketch plans will be referenced throughout this report where necessary.

Key Planning Considerations

4. Key planning considerations include:
   (a) Clause 11 – Settlement;
   (b) Clause 15 – Built Environment and Heritage;
   (c) Clause 21.05 – Built Form;
   (d) Clause 22.02 – Development Guidelines for Sites Subject to a Heritage Overlay;
   (e) Clause 32.08 – General Residential Zone;
   (f) Clause 52.06 – Car Parking.

Key Issues

5. The key issues for Council in considering the proposal relate to:
   (a) Strategic policy support;
   (b) Clause 55 – Rescode;
   (c) Heritage;
   (d) Car Parking;
   (e) Other matters (removal of easement); and,
   (f) Objector's concerns.

Objector Concerns

6. Council received a total of twenty-nine (29) objections to the application. The grounds of objection are summarised as follows:
   (a) Neighbourhood character & heritage;
   (b) Building height;
   (c) Site coverage;
   (d) Visual bulk impacts;

(e) Off-site amenity impacts (loss of daylight, overlooking, overshadowing, noise);
(f) Lack of car parking;
(g) Waste collection;
(h) Safety of the adjacent laneway for vehicle access (traffic congestion);
(i) Issues during construction;
(j) Requires removal of existing street art;
(k) Removal of easement.

Conclusion

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

CONTACT OFFICER: **Lara Fiscalini**
TITLE: **Senior Statutory Planner**
TEL: **9205 5372**

1.4 44-46 Greeves Street, Fitzroy - PLN16/1044 - Part demolition and construction of seven (7) triple-storey dwellings with roof terraces, removal of easement and a reduction in the statutory car parking requirement.

Trim Record Number: D17/36259
Responsible Officer: Principal Statutory Planner

Proposal:	Part demolition and construction of seven (7) triple-storey dwellings with roof terraces, removal of easement and a reduction in the statutory car parking requirement.
Existing use:	Commercial
Applicant:	SJB Planning
Zoning / Overlays:	General Residential Zone (Schedule 1) Heritage Overlay
Date of Application:	21/11/2016
Application Number:	PLN16/1044

Planning History

1. Planning Permit No. 3916 was issued by the City of Fitzroy on 19 February 1986 to use the existing building at 44-46 Greeves Street, Fitzroy for the purposes of light industry and warehousing in accordance with the attached endorsed plan.

Background

2. The application was received by Council on 21 November 2016 and subsequently advertised, with twenty-nine (29) objections received. A planning consultation meeting was held on 14 February 2017, with this meeting attended by the Applicant, Objectors and Council Officers. In response to this meeting, sketch plans were submitted to Council on 10 March 2017. These sketch plans included the following alterations to the design;
   (a) Addition of a raked wall at the second-floor along the southern boundary (with an additional setback of 0.8m from the southern boundary);
   (b) Setback of the south-west corner of the development at all levels to be within the title boundaries;
   (c) Design of the balustrade to the front terrace altered to provide an angled response;
   (d) Amended overlooking and shadow diagrams based on proposed alterations;
   (e) Bicycle hoops provided in each garage;
   (f) Proposed openings within the eastern boundary wall removed.

3. These sketch plans will be referenced throughout this report where necessary.

Existing Conditions

Subject Site

4. The subject site is located on the southern side of Greeves Street, Fitzroy; approximately 40m to the east of Brunswick Street. A named bluestone laneway, known as Exhibition Street, wraps around the western and southern boundaries of the site. The site has a street frontage to Greeves Street of 11.88m and a maximum site depth of 39m, yielding an overall site area of approximately 466sqm. The site is rectangular in shape, with the exception of a splay in the south-west corner. The site has a minimal fall of 0.5m from south to north and a 1.22m wide easement (drainage and sewerage) extends from the east and west boundaries on the southern side of the site.

5. The site is developed with a single-storey, Edwardian-era brick warehouse with a number of outbuildings located to the rear. A hipped roof form is visible from Greeves Street. The building directly abuts Exhibition Street along its western and southern boundaries and is constructed along the full length of the eastern boundary. Built form covers the majority of the site.

6. The building façade is set back 1.6m from Greeves Street, with a wire and brick fence extending along the front boundary. A central pedestrian entrance is provided within an arched doorway, with similarly proportioned arched windows on either side.

7. There is no vehicle access provided to the site. The building currently operates as an arts supply outlet.

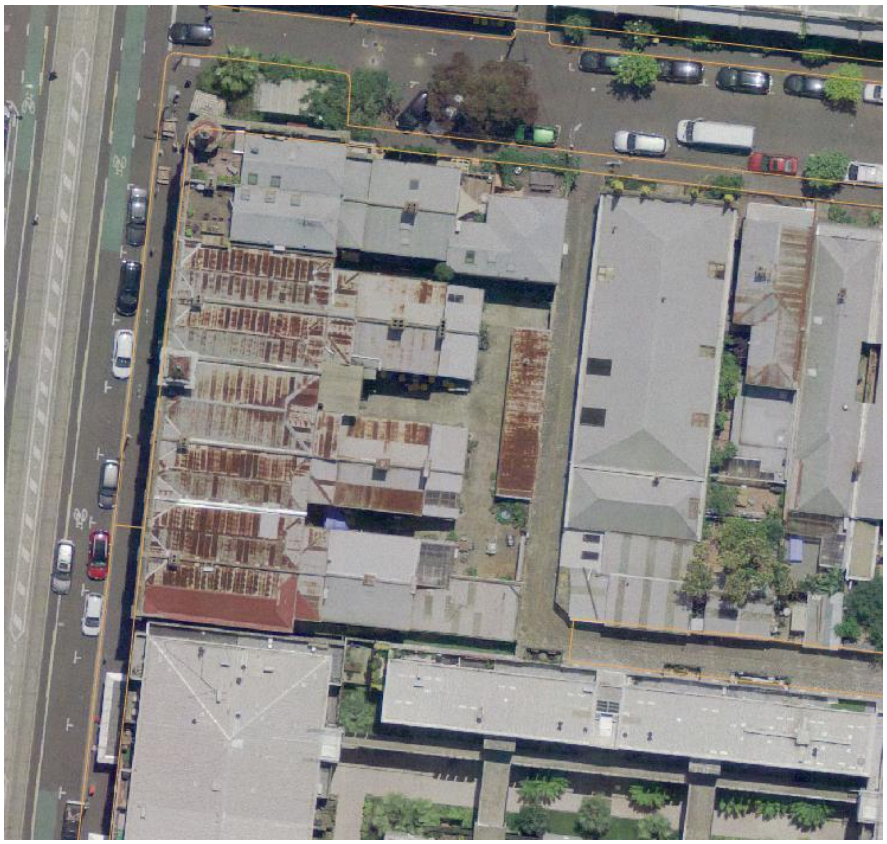


Surrounding Land

8. The site is located directly adjacent to the Brunswick Street Major Activity Centre (MAC) and provides a degree of transition between commercially zoned land to the west and residentially zoned land to the east. Surrounding built form is predominantly double to triple-storey in scale, with a row of single-storey dwellings further east. The site is well serviced by retail facilities, public transport options and public open space, including;
   (a) Immediate access to the shopping and entertainment facilities of the Brunswick Street MAC;
   (b) Access to Brunswick Street, Smith Street and Nicholson Street tram services;
   (c) Access to Johnston Street bus services;
   (d) Carlton Gardens, located 300m to the west of the site;
   (e) Convenient access to the Melbourne CBD.

9. To the east of the site is a double-storey brick dwelling, setback 3m from Greeves Street and 0.8m from the shared boundary, with the rear section of dwelling setback 1.8m and 2m from this interface. Four habitable room windows address the subject site at ground level, with an additional three at first-floor. The dwelling has a gabled roof form and balcony at its upper level. Secluded private open space (SPOS) is located on the southern side of the site, with vehicle access from Exhibition Street and a single-storey garage abutting the rear southern boundary.

10. To the west of the site is Exhibition Street, a 3.12m wide bluestone laneway that wraps around the site and extends through to Young Street in the east. On the western side of this street are a number of double and triple-storey buildings, extending to Brunswick Street. The double-storey building contains dwellings and addresses Greeves Street, with the triple-storey building containing a bar/café (the Black Cat) and commercial premises at ground level and residential above, largely addressing Brunswick Street. Private open space for the double-storey dwelling is provided in the form of a first-floor terrace, fronting Greeves Street. The western side of Exhibition Street is composed of single-storey brick boundary fences and an outbuilding associated with the commercial premises along Brunswick Street.



11. To the south of the site is Exhibition Street, which increases to a width of 3.7m along its east-west axis. Further south is a five-storey apartment building addressing St David Street. The ground floor of this complex contains internal garages, with apartments in the levels above. A number of habitable room windows and small balconies face north, with the upper level balconies projecting beyond the title boundaries, above Exhibition Street. This land is within a Mixed Use Zone.

12. On the opposite side of Greeves Street, to the north, are a row of attached, double-storey Victorian terraces.

The Proposal

13. The proposal seeks part demolition of the existing building and construction of seven (7) triple-storey dwellings with roof terraces, removal of easement and a reduction in the statutory car parking requirement. In summary, the application involves the following;

Demolition

(a) Remove upper portion of front fence (wire) and retain the brick plinth below;
(b) Demolish all walls and roofing and outbuildings, with the exception of the entire eastern boundary wall, the façade and a 4.8m length of the western wall;

Buildings and works

Ground level

(c) A new metal picket fence will sit atop the existing brick plinth (maximum height of 1.2m);
(d) Dwelling 1 to be largely constructed within existing built form at ground level, with the façade to be refurbished and the pedestrian entry to this dwelling provided from the principal façade;
(e) Existing windows within the eastern wall removed and infilled with matching brickwork, with three new openings to be created within this wall;
(f) Six dwellings constructed on the remainder of the site, with individual garages and pedestrian entrances provided from Exhibition Street. The garage entrance to dwelling 1 will also be provided from this laneway;
(g) This level will be constructed to the east and south boundaries, with the exception of the south-west splay, and set back 0.915m from the western boundary;
(h) This level will contain two bedrooms and a double-garage for dwelling 1, with single garages and one bedroom each for the remaining dwellings. The single bedrooms associated with dwellings 2-7 will have access to small lightcourts adjacent to the eastern boundary.

First-floor

(i) This level will be constructed to the west and south boundaries, with the façade angled to be setback 2.09m and 3.2m from the northern boundary;
(j) Dwelling 1 will extend along the eastern boundary for a length of 5.24m, with the remaining wall associated with dwellings 2-7 setback 1m from the eastern interface;
(k) The principal living areas for dwelling 1 will be located at this level, with a terrace extending to the façade parapet;
(l) Two bedrooms and bathrooms will be provided at this level for the remaining dwellings;

Second floor

(m) This level will be constructed to the west and south boundaries, with the façade angled to be setback 2.09m and 3.2m from the northern boundary;
(n) The eastern wall will be set back 2.68m from the eastern boundary;
(o) This level will contain the master bedroom for dwelling 1, with principal living spaces provided for the remainder of the dwellings;

Roof terraces

(p) Roof terraces will be provided for dwellings 2-7, with these areas of open space abutting the west and south boundaries and set back 3.7m from the eastern boundary;
(q) Each terrace will be separated by a 1.8m high balustrade (the material and transparency of the balustrades are not clearly shown on the plans);
(r) Air conditioning condensers and a separate service area will be located on the eastern side of each terrace;

General

(s) The maximum height of the development will extend to 10.4m (with balustrades associated with the roof terraces extending above this height);
(t) Dwelling 1 will have an asymmetrical and hipped roof profile, with the remaining roof to be a flat design;
(u) Lighting is proposed within the laneway above garages and pedestrian entrances;
(v) Each dwelling will be provided with a rainwater tank, with bin storage provided within each individual garage.

Materials and finishes

(w) White perforated metal cladding – upper level walls (west and north);
(x) White perforated metal operable shading – western windows;
(y) White perforated metal garage tilt door;
(z) White metal cladding – pedestrian entrance doors and upper level walls (east and south);
(aa) Red brickwork – existing walls and infill to eastern wall;
(bb) Metal roof cladding;
(cc) Metal front fence (above the existing brick plinth).

Planning Scheme Provisions

Zoning

General Residential Zone (Schedule 1)

14. The site is located within a General Residential Zone (GRZ), of which the purpose 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 encourage development that respects the neighbourhood character of the area.*
    (c) *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
    (d) *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

15. Pursuant to clause 32.08-2 of the Yarra Planning Scheme (the Scheme), a planning permit is not required to use the site for dwellings.

16. Pursuant to clause 32.08-6 of the Scheme, a planning permit is required to construct two or more dwellings on a lot.

17. Pursuant to Clause 32.08-9 of the Scheme, a building must not be constructed for use as a dwelling or a residential building that:
    (a) exceeds the maximum building height of 10.5m (as specified in schedule 1 to this zone); or
    (b) contains more than three storeys at any point.

18. Pursuant to Clause 32.08-14, the maximum building height and number of storeys requirements of Clause 32.08-9 introduced by Amendment VC110 does not apply to a planning permit application for the construction of a dwelling lodged before the approval date of Amendment VC110. As the application was lodged prior to this approval date (27 March 2017) the application is exempt from the requirements at clause 32.08-9 and the mandatory height controls do not apply.

Overlays

Heritage Overlay (South Fitzroy Precinct - 334)

19. Pursuant to clause 43.01-1 of the Scheme, a planning permit is required for demolition and to construct and carry out works, including a fence.

20. The site is identified as ‘contributory’ to the South Fitzroy Heritage Precinct, as outlined in the incorporated document (*City of Yarra Review of Heritage Areas 2007 Appendix 8, revised May 2016*).

Particular Provisions

Clause 52.02 – Easements, Restrictions and Reserves

21. Pursuant to clause 52.02 of the Scheme, a planning permit is required before a person proceeds:
    (a) Under Section 36 of the *Subdivision Act 1988* to acquire or remove an easement or remove a right of way.

Clause 52.06 – Car Parking

22. Clause 52.06-5 outlines the following car parking requirements.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Dwellings	7 x 3 bedroom dwelling	2 to each 3 or more bedroom dwelling	14	8	6
Residential Visitors	7 dwellings	1 space per 5 dwellings	1	0	1
Total			15	8	7

23. Based on this, the development results in a short-fall of 7 spaces, with Clause 52.06-3 outlining that a planning permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

Clause 55 – Rescode

24. The development must meet the requirements of Clause 55.

General Provisions

Clause 65 – Decision Guidelines

25. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider, amongst other things, 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)

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

Clause 11 – Settlement

27. *Planning is to recognise the need for, and as far as practicable contribute towards (as relevant);*
    (a) *Diversity of choice.*
    (b) *Adaptation in response to changing technology.*
    (c) *Economic viability*
    (d) *A high standard of urban design and amenity.*
    (e) *Energy efficiency.*
    (f) *Accessibility*
    (g) *Land use and transport integration*

28. *Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.*

Clause 11.02 – Urban growth

29. The objective of this clause is: *to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Clause 11.04-2 – Housing Choice and Affordability

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

Clause 11.04-4 – Liveable Communities and Neighbourhoods

31. The objective of this clause is: *to create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.*

Clause 15 – Built Environment and Heritage
Clause 15.01-1 – Urban design

32. 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

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

Clause 15.01-4 – Design for safety

34. The Objective of this Clause is *'to improve community safety and encourage neighbourhood design that makes people feel safe'.*

Clause 15.01-5 – Cultural identity and neighbourhood character

35. 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

36. 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 15.03 – Heritage

37. The objective of this clause is: *to ensure the conservation of places of heritage significance*

Clause 16 – Housing
Clause 16.01-1 – Integrated housing

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

Clause 16.01-4 – Housing diversity

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

Clause 18.02-1 - Sustainable personal transport

40. The objective of this clause is *'to promote the use of sustainable personal transport'.*

Local Planning Policy Framework (LPPF)

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

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04 – Land use
Clause 21.04-1 – Accommodation and Housing

42. The relevant Objectives and Strategies of this clause are:

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

Clause 21.05 Built Form
Clause 21.05-1 Heritage

43. The objective of this clause is: *to protect and enhance Yarra's heritage places;*

Clause 21.05-2 – Urban design

44. Built form in the municipality is characterised by low-rise urban form with pockets of higher development, which distinguishes Yarra from adjoining municipalities. In managing the City's built form, development that builds upon Yarra's existing sense of place is to be encouraged alongside new development that aspires to high quality architectural design, environmental sustainability and public domain enhancements. This clause incorporates the following objectives to achieve this:

(a) *Objective 16 - To reinforce the existing urban framework of Yarra;*
(b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
(c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
(d) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*

Clause 21.06 – Transport
Clause 21.06-1 – Walking and cycling

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

(a) *Objective 30 - To provide safe and convenient bicycle environments:*
(b) *Objective 32 - To reduce the reliance on the private motor car:*
(c) *Objective 33 - To reduce the impact of traffic:*

Clause 21.07 Environmental Sustainability
Clause 21.07-1 – Ecologically sustainable development

46. The relevant objective of this clause is:

(a) *Objective 34 To promote ecologically sustainable development:*

Clause 21.08 Neighbourhoods

47. Clause 21.08-7 – Fitzroy – *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.*

Relevant Local Policies

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

48. Clause 22.02 of the Scheme applies to all development where a planning permit is required under the Heritage Overlay. The objectives of the policy include:
    (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 adaption of heritage places is consistent with the principles of good conservation practice;*
    (g) *to ensure that additions and new woks to a heritage place respect the significance of the place;*
    (h) *to encourage the retention of 'individually significant' and 'contributory' heritage places; and*
    (i) *to protect archaeological sites of cultural heritage significance.*

Clause 22.02-5.1 Demolition - Removal of Part of a Heritage Place or Contributory Elements

49. *Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*
    (a) *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).*
    (b) *For a contributory building:*
        (i) that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or
        (ii) the removal of the part would not adversely affect the contribution of the building to the heritage place.

Clause 22.05 – Interface Uses Policy.

50. This clause relates to land within Mixed Use and Business (Commercial) Zones; land in Residential 1 Zones and within 30 metres of a Business or Industrial Zone; and land in Residential 1 Zones and within 30 metres of an existing Business or Industrial Zone. The objectives of this Clause are:

    (a) *To enable the development of new residential uses within and close to shopping 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 adjoining commercial centres or near industrial uses enjoy a reasonable level of amenity.*

Clause 22.07 – Development Abutting Laneways

51. The objectives at Clause 22.07-2 include;

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

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

52. This policy applies to applications for new buildings and recognises that increased development can result in greater hard surface area and changes to the volume, velocity and quality of stormwater drainage into natural waterways.

Clause 22.17 Environmentally Sustainable Development

53. The overarching objective outlined at Clause 22.17-2 is;
(a) *That development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.*

Advertising

54. The application was advertised under the provisions of Section 52 of the Act with 225 letters sent to surrounding owners and occupiers. Three signs were displayed on site.

55. Council received a total of 29 objections to the application. The grounds of objection are summarised as follows;
(a) Neighbourhood character & heritage
(b) Building height
(c) Site coverage
(d) Visual bulk impacts
(e) Off-site amenity impacts (loss of daylight, overlooking, overshadowing, noise)
(f) Lack of car parking
(g) Waste collection
(h) Safety of the adjacent laneway for vehicle access (traffic congestion)
(i) Issues during construction
(j) Requires removal of existing street art
(k) Removal of easement

56. A planning consultation meeting was held on 14 February 2017, with this meeting attended by the Applicant, Objectors and Council Officers. In response to this meeting, sketch plans were submitted to Council on 10 March 2017. These sketch plans included the following alterations to the design;
(a) Addition of a raked wall at the second-floor along the southern boundary (with an additional setback of 0.8m from the southern boundary);
(b) Setback of the south-west corner of the development at all levels to be within the title boundaries;
(c) Design of the balustrade to the front terrace altered to provide an angled response;
(d) Amended overlooking and shadow diagrams based on proposed alterations;
(e) Bicycle hoops provided in each garage;
(f) Proposed openings within the eastern boundary wall removed.

Referrals

57. An acoustic report conducted by Acoustic Logic was externally referred to SLR Consulting for review. These outcomes will be discussed later within this report.

58. The application was referred to City West Water and Melbourne Water under Section 23 of the *Subdivision Act* 1988. No objections to the removal of the easement were received.

59. The application was referred to the following internal parties, with comments attached to this report.
    (a) Engineering Services Unit;
    (b) Urban Design Unit;
    (c) Heritage Advisor;
    (d) ESD Officer;
    (e) City Works Branch.

OFFICER ASSESSMENT

60. This assessment will be framed around the following:
    (a) Strategic policy support;
    (b) Clause 55 Assessment;
    (c) Heritage;
    (d) Car parking/waste;
    (e) Other matters (removal of easement); and,
    (f) Objector's concerns.

Strategic policy support

61. There is strong policy direction to support the redevelopment of this site to provide higher density residential use. Policy at clauses 11.01, 16.01, 17, 21.04 and 21.05 of the Scheme, together with Plan Melbourne, encourage the accumulation of activities and the intensification of development in and around activity centres. The site is located within the Brunswick Street MAC and is well serviced by public transport and community services. This ensures efficient use of infrastructure and supports Council's preference that established areas experience residual increases in population and density.

62. The proposed development of the site achieves the various land use and development objectives outlined earlier within this report and achieves a sound level of compliance with relevant state and local planning policies applicable to the redevelopment of sites for residential use.

63. To guide the process of redevelopment and urban renewal of the subject site and surrounding land, the provisions of the Scheme relevant to design, heritage and built form are contained at Clauses 15, 21.05 and 22.02. These provisions and guidelines support development that responds to the existing or preferred neighbourhood character. Particular regard must be had to the acceptability of the design in terms of height and massing, street setbacks and relationship to adjoining buildings. These elements will be discussed in detail below.

Clause 55 – ResCode

B1 – Neighbourhood character objectives

64. The size, location and zoning of the subject site, along with the commercial appearance of the building, provide an appropriate context for higher built form within a densely settled inner-urban environment. Settlement patterns surrounding the site are varied, with built form scaled from single to triple-storey in height, and with higher elements of development (up to five stories) clearly visible immediately to the south. The double to triple-storey scale of the immediate streetscape allows for a more robust development of this scale to occur.

65. The site is zoned General Residential, thereby allowing a transition between the commercially zoned land addressing Brunswick Street and the Neighbourhood Residential zoning to the east. The differing provisions of these zones, including height and density expectations, along with the commercial nature of the building, contribute to the proposal being an acceptable response in this location.

66. Strategy 14.6 at clause 21.05 aims to protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form within heritage areas and from adjoining sites, whilst strategy 21.1 requires development within Yarra's activity centres to respect and not dominate existing built form. It is considered that the scale of the development respects these provisions, by according with the mandatory height restrictions outlined in the zone, whilst not specifically applying to this application. The representation of the streetscape scale in Figure 1 demonstrates how the height and massing of the development successfully integrates with existing built form within this section of Greeves Street.

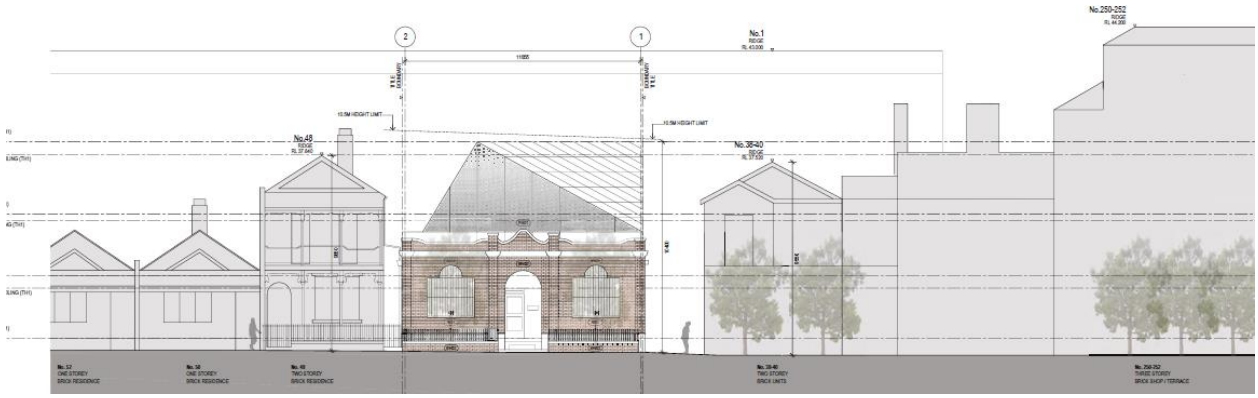


Figure 1 – Proposed streetscape

67. The proposal retains the existing façade and provides a modern extension comprising white perforated metal cladding with an asymmetrical roof profile. The additional built form has been designed to reference the prevailing hipped roof character in the area, with the proposed roof a contemporary interpretation of these traditional roof forms. The contemporary design of the addition is appropriate, with the restrained height of the development ensuring that the traditional streetscape is not overwhelmed. As stated, the scale of the development integrates well with the double to triple-storey scale of the immediately adjacent streetscape.

68. Council's Urban Design Unit raised concerns with the degree of setback provided for the additional levels, noting that this distance could be increased or the overall height of the pitched roof could be reduced, in order to make the new built form a less prominent element within the streetscape. It is highlighted that Council's Heritage Advisor was supportive of the setbacks provided (to be discussed later within this assessment). Failing an increased setback or reduction in height, Urban Design recommended that the proposed perforated metal cladding could be made more textured and transparent to better complement the brickwork. Further, the front first floor terrace for Dwelling 1 could incorporate more landscaping, to assist in tying the existing and new buildings together.

69. It is not considered that any of these alterations to the design are necessary. As discussed, the scale of the additional built form is respectful of the adjacent heights, with the overall height of the development meeting the height provisions of the zone. The setbacks provided allow for the existing façade to retain its presentation within the streetscape, with the simple and unaffected material allowing the original building to be the more prominent element. More textured or 'busy' material would not achieve this same outcome. The provision of landscaping in this location is not supported from a heritage perspective, with heritage advice recommending the introduction of a device that ensures that no permanent or temporary items can be positioned within 1m of the rear of the parapet.

This is to restrict the placement of plants or umbrellas in this space. The incorporation of landscaping will increase the prominence and visibility of the upper level addition, and would undermine the objectives of the design intention.

70. Heritage advice did question the colour of the perforated metal, stating that a more neutral colour would further achieve the aim of maintaining focus on the original façade and could reference the shades of more traditional roof coverings. This will be discussed later within the heritage section of this report.

71. The development is configured with individual pedestrian entrances to the townhouses via Exhibition Street (with the exception of dwelling 1, which is accessed from Greeves Street). Seven individual garages are also accessed directly from this street. Urban Design was not supportive of this arrangement, arguing that the entrances and garages encompass most of the ground floor frontage and therefore result in an inactive facade along this interface. A more active and prominent appearance for the dwelling entrances was recommended, to reduce the dominance of the garages. This may require changes to the car parking arrangement to create a more centralised car park, or a reduction in the number of garage entries along the laneway. This recommendation would require a complete redesign of the development and is not considered to be a reasonable requirement.

72. The western boundary of the site is a secondary interface, with the main façade retaining its integration with Greeves Street. It is not uncommon within corner developments that pedestrian and garage entrances are provided in this location. It is acknowledged however that the matching material and colour proposed for the separate entrances does not clearly identify the individual pedestrian entrances for each dwelling. A point of difference for these entrances, such as a contrasting colour, would assist in achieving this outcome. If a permit is to issue, a condition could be added to ensure this occurs.

73. Based on the conditions discussed, it is considered that the proposed development will adequately respect the existing and emerging neighbourhood character and is in accordance with the objectives at Clause 55.02-1 of the Scheme.

B2 – Residential policy objectives

74. The construction of seven new dwellings on the site will contribute to housing provision within Yarra. The proposed development meets the relevant SPPF and LPPF objectives with regard to providing increased housing diversity and housing choice, meeting forecast increases in resident and household numbers, providing higher density housing within proximity to public transport and commercial services and taking advantage of the existing local infrastructure associated with the residential neighbourhood. The objectives of the Standard are met.

B3 – Dwelling diversity objective

75. This Standard does not apply to developments with less than 10 dwellings.

B4 – Infrastructure objectives

76. The proposal is located within an area with existing utility services and infrastructure and these can be readily extended to accommodate new development on the site. The objectives of the Standard are met.

B5 – Integration with the street objective

77. The retention of the façade will ensure that the existing integration with the street is maintained. The low, transparent front fence will be replaced with a similar design, with the first-floor terrace providing a good degree of surveillance along the streetscape. The objective of the Standard is met.

B6 – Street setback objective

78. The retention of the original façade will ensure that the principal street setback to Greeves Street is retained.

B7 – Building height objective

79. No mandatory height provisions apply to this application. With the main building form extending to approximately 10.5m above ground level, this height would accord with the mandatory height that now applies to new applications in this zone.

80. The proposed height of the dwellings matches the scale of both adjacent dwellings addressing Greeves Street, with higher built form visible to the west and south. The height responds well to the context of the site and the objectives of the Standard are met.

B8 – Site coverage objective

81. The site coverage of the development will be 98%, thereby exceeding the 60% coverage recommended by the standard. Whilst high, this degree of built form is only a slight increase to that currently found on the site, with the front setback maintained and six lightcourts providing open space along the eastern boundary.

82. Based on existing conditions and the context of the site within a highly developed urban neighbourhood, the proposed site coverage is acceptable. The objective of the Standard is met.

B9 – Permeability objectives

83. Given the high site coverage proposed, limited opportunities for permeable surfaces are provided. However, information submitted with the application indicates that 2,000L capacity rainwater tanks will be installed within each individual garage, with a BESS report indicating that the tanks will be connected to toilets within each dwelling. The report notes that a STORM rating of 135% will be achieved.

84. The plans demonstrate tanks for dwellings 1-6, with no tank shown for dwelling 7. In addition, the STORM report is not included with the application. Council's ESD Officer has confirmed that the proposed rainwater storage to toilet flushing system is likely to produce this result; however a STORM report is required to confirm that the minimum 100% STORM score is achieved. This can be required via a permit condition, with a further condition ensuring that the tank for dwelling 7 is included on the ground floor plan. The provision of these tanks will assist in dealing with drainage and stormwater issues and the objectives of the Standard will be met.

B10 – Energy efficiency objectives

85. The proposal will achieve a reasonable level of energy efficiency, with the following commitments outlined within the application;
    (a) The development will exceed NCC thermal efficiency requirements with a 6.4 average NatHERS rating;
    (b) 2,000 litre rainwater tanks will be provided for each dwelling and will be connected to toilets for flushing;
    (c) Each dwelling will have good access to daylight and natural ventilation, with operable windows provided at all levels;
    (d) Adjustable exterior shading is provided along the western interface;
    (e) 6 Star instantaneous gas system is proposed;
    (f) Energy efficient heating / cooling and hot water will be provided, as will water efficient fixtures and taps.

86. Based on the inclusion of these features, the proposed development satisfies the requirements of Clause 22.17 – Environmentally Efficient Design of the Scheme. The proposal will not result in any significant loss of solar access to adjacent windows or areas of open space, ensuring that the energy efficiency of neighbouring properties will not be unduly impacted and the objectives of the Standard will be met.

B11 – Open space objective

87. This standard does not apply as no public or communal open space is proposed.

B12 – Safety objective

88. Each dwelling will be provided with a separate entrance along Exhibition Street, with dwelling 1 retaining the central entrance within the Greeves Street façade. The Exhibition Street entrances will be setback 0.915m from the western boundary, thereby providing a safe, transitional space for pedestrians and allowing a degree of separation from vehicles. An earlier condition required each entrance to be finished in a different shade to the garages; this will increase the visibility of the entrances to accord with the requirements of the Standard.

89. With regards to lighting of the pedestrian entrances, Council Engineers have outlined specific requirements, stating that lighting for pedestrian access 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*. These specifications can be incorporated into a condition, if a permit is to issue.

90. Engineering advice also recommended that 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. This requirement is considered onerous, with it unclear how close to the site the public lighting should be. With only one dwelling accessed from Greeves Street, upgrading all surrounding lighting is an unreasonable requirement. As long as the lighting provided within Exhibition Street meets the requirement outlined above, the objectives of this Standard are met.

B13 – Landscaping objectives

91. The high site coverage of the development will provide for limited landscaping opportunities; however the extent of vegetation within the existing front setback will be retained. This will soften the response of the development along the streetscape and is similar to that found in adjacent sites along Greeves Street. The objective of the Standard will be met.

B14 – Access objectives

92. This standard seeks to ensure that the number of vehicle crossovers respects the character of the street, whilst maximising the retention of on-street car parking spaces. The proposed development will provide all vehicle access from Exhibition Street, with no crossovers to Greeves Street proposed. This outcome will maintain the streetscape presentation along Greeves Street and will ensure that no on-street car parking spaces are removed.

93. Individual garage doors for each dwelling will be set back from Exhibition Street by 0.915m, with each garage door to be approximately 4m wide (Engineering Services have requested the dimensions of these garage doors be clearly demonstrated on the plans. This can be facilitated via a condition of the permit). Swept path diagrams of the B85 design vehicle have been provided by One Mile Grid traffic engineering consultants and are considered satisfactory. Whilst some vehicles may need to undertake an additional correction movement when manoeuvring into and out of the garages; this movement is permitted for residential parking under the Australian/New Zealand Standard AS/NZS 2890.1:2004.

94. It is noted that the floor plans (with the exception of the ground floor plan) have failed to incorporate the splayed south-west corner of the site. This corner splay forms part of Exhibition Street, which is classified as a municipal road under the *Road Management Act* 2004 and listed as a Public Road under Council's *Register of Public Roads*. The space above the road also forms part of a Public Road; therefore it is prohibited to construct any private building above this space.

95. In response, the sketch plans submitted by the Applicant on 10 March 2017 demonstrate a revised design to the upper levels of the development, with the south-west corners set back appropriately to incorporate the splay. A permit condition can be added to ensure that all floor plans are revised to incorporate this splay, as detailed in the sketch plans.

96. Council Engineers and Urban Designers highlighted that as Exhibition Street would provide the primary form of pedestrian access to six of the dwellings, the surface of this acessway should be improved. Council's Infrastructure Road Materials Policy notes that pedestrian access off a bluestone ROW in a Heritage Overlay area requires the developer to construct a 1.2m to 1.8m wide smooth bluestone pavement on one side of the laneway, from the development to the nearest abutting street (in this case, Greeves Street). This outcome would improve safety and access for dwelling residents and is considered to be a reasonable request. A condition of the permit can ensure this occurs.

97. Council Engineers also noted that the proposed use of Exhibition Street as the primary form of vehicle access is likely to result in detriment to the condition of this laneway, with the construction process also impacting on this laneway. In addition, 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. On this basis, Council's Engineering Services Unit recommended that Exhibition Street (from Greeves Street to the ninety degree junction) should be fully reconstructed at the Permit Holder's cost and to the satisfaction of Council.

98. It is difficult to anticipate the degree of which the proposed works may affect the condition of Exhibition Street. It is therefore considered reasonable to wait until the development has been finalised, and re-assess the state of the roadway at that point. On this basis, a condition noting that within 2 months of the completion of the development, any damage to Council infrastructure resulting from the development must be reinstated (including the re-sheeting of Exhibition Street, for the width of the property frontage if required by the Responsible Authority).

B15 – Parking location objectives

99. Individual garages will be provided at ground level, with access from Exhibition Street. Each garage is provided with good access to the respective dwelling within the development and allows secure, safe and efficient vehicle movements, consistent with the requirements of the standard.

100. The dimensions of the single garages satisfy Design standard 2: Car parking spaces of Clause 52.06-8 of the Scheme, with the 10.72m long tandem garage provided for dwelling 1 able to accommodate two B85 design vehicles. The objectives of the Standard are met.

B17 – Side and rear setbacks objective

Eastern elevation

101. The various setbacks from the eastern boundary are outlined below.

Wall location	Wall height	Setback required	Setback provided	Complies?
First-floor	5.2m	1.48m	1m	No
Second-floor	8m	3.09m	2.68m	No

Roof terraces	9.53m	4.62m	3.7m	No

102. All of the levels are non-compliant with this standard, however it is noted that a 4.2m high wall currently extends along the entire length of this boundary, thereby inhibiting views to the new sections of wall. The first-floor wall, at 5.2m in height, is only 1m higher than this existing wall and is setback a total of 3m and 3.2m from the adjacent windows. It is considered that the limited addition to the height of this wall and the gap provided will control visual impacts to the neighbouring dwelling.

103. The second-floor setback is non-compliant by 0.41m; however the overall setback of this wall from the adjacent windows extends to 4.2m and 4.4m. This degree of separation is considered appropriate to manage daylight and visual impacts to these windows.

104. At its highest point, the eastern wall will be set back a total of 5.4m and 5.6m from these windows. This degree of separation is considered acceptable in alleviating any unreasonable visual impacts that may occur. The setback of the walls from the adjacent SPOS to the east is also considered reasonable, with the existing 4.2m high wall and lower sections of new wall likely to inhibit views to the higher section of new wall, and the raked design providing further articulation that will reduce visual impacts from this space. As will be discussed in Standard A23 of this assessment, the non-compliant setback does not result in unreasonable overshadowing to this SPOS. This outcome is considered acceptable and the objective of the Standard is met.

Western elevation

105. At ground level, the development will be set back 0.915m from the western boundary. This setback reflects the existing setback provided at ground level for the dwelling to the west, and will increase the width of the laneway accordingly.

106. Whilst Urban Design recommended an increased setback from this boundary at ground level, this is not considered necessary. The setback provided will allow the laneway to continue to be used safely as a shared space, with Council Engineers noting that the proposed setback will allow efficient and successful vehicle manoeuvrability. The restricted length of the laneway will ensure that vehicles move at low speeds along Exhibition Street, with the narrow confines of this space allowing for good visibility between vehicles and pedestrians.

107. An earlier condition recognised that the development will result in increased pedestrian traffic along the laneway; with this condition requiring the construction of a 1.2m to 1.8m wide pavement from the development to the nearest abutting street (Greeves Street). This outcome would improve safety and access for dwelling residents and laneway users, with the limited access to the laneway by residents of surrounding developments further reducing potential conflict from occurring between vehicles and pedestrians.

108. This outcome accords with the relevant provisions at clause 22.07 – Development Abutting Laneways, which aims to provide safe environments for laneway users, and for built form to respect the scale of surrounding buildings.

109. The existing character of Exhibition Street largely contains rear boundary fences and roller doors to properties addressing Brunswick Street. Whilst the boundary fences directly abut the laneway, the ground floor setback references the existing setback of the dwelling to the west. The prevalence of garage doors within the proposal will also reflect the existing character of the laneway, whilst activating this interface and providing space for safe pedestrian access. Based on the reasons outlined above, it is considered that the objective of this Standard is met.

B18 – Walls on boundaries objective

Eastern boundary

110. The development will abut the eastern boundary for its full length at ground level; this wall is an existing feature and will be retained. The wall ranges in height from 3.4m to 4.2m. The only alterations to this wall will involve the infill of a number of existing windows, and the creation of three new high-level openings adjacent to the proposed bedroom lightwells. These openings are located directly on the boundary and are not supported by Council, based on the premise of borrowed light and the impact such openings may have on future development opportunities on the neighbouring site. Sketch plans submitted by the Applicant indicate that these openings can be removed, with a solid wall to extend along this boundary. A condition can be added to the permit to ensure that this outcome is achieved.

111. With no change to the length or height of this wall; this outcome is acceptable and the objective of the Standard is met.

112. One new section of wall will extend along the front of this boundary at first-floor; this wall will be 8.46m in length and a maximum of 5.2m in height. The additional section of wall is approximately 1m higher than the existing boundary wall; with the majority of this wall directly adjacent to a blank wall associated with the neighbouring dwelling. Whilst there are two habitable room windows opposite the rear section of this wall (one ground and one first-floor), these windows are currently opposite a 4.2m high wall. The additional section of wall will be lighter than the existing brickwork (with a permit condition ensuring this wall will be light-grey in shade). The minimal increase in height of this wall and the lightweight appearance will suitably assist in reducing visual impacts to these windows. Daylight impacts to these windows will be discussed within Standard B19 of this assessment.

Western boundary

113. The western wall will abut the western boundary at all levels above ground level. Direct abuttal of walls on boundaries is replicated on the western side of the laneway, with the double-storey dwelling to the west constructed to the laneway boundary at first-floor. The 3.1m width of Exhibition Street will provide a good degree of separation between these buildings, with the setback of the ground floor providing a degree of articulation to this interface. The objective of the Standard is met.

Southern boundary

114. The ground floor wall will extend along the full length of the southern boundary (to a length of 10m). The first-floor wall will extend along this interface for a length of 11.6m; however this length will decrease as a result of an earlier condition recognising the splayed south-west corner of the site.

115. The second-floor wall will also directly abut this boundary, however due to the setbacks from the eastern boundary, the length of this wall will reduce as the height increases, being only 8m long at its tallest point. Direct abuttal of walls on boundaries is replicated on the southern side of the laneway, with the five-storey residential building constructed to the boundary for its full height. The 3.7m width of Exhibition Street will provide a good degree of separation between these buildings, with high boundary walls being a characteristic of the immediate neighbourhood. The objective of the Standard is met.

B19 – Daylight to existing windows objective

116. A number of windows address the subject site; these are located within the dwellings to the east and west and the apartment building to the south.

Eastern windows

117. Four ground floor and three first-floor habitable room windows are located directly opposite the shared boundary within the double-storey dwelling to the east. An appurtenant easement extends along this boundary within the neighbouring lot, providing a 0.8m setback for two of these windows from the existing boundary wall. These existing conditions are already 0.2m less than the standard 1m requirement. Whilst an additional 1m high section of wall will be constructed opposite these windows, the existing non-compliance already inhibits daylight to the associated rooms. It is not anticipated that the higher wall will result in unreasonable loss of daylight to either the ground or first-floor window, based on these existing conditions.

118. The Standard notes that walls more than 3m 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. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

119. The second floor of dwelling 1 will be set back a total of 3.48m from these windows, with this wall extending to a maximum height of 9.8m. To meet the remainder of the Standard, this wall should be set back 4.9m from the ground floor window and 3.4m from the first-floor window (based on a finished floor level of 3m within the neighbouring dwelling). Whilst compliance with the Standard is not achieved for the lower window, it is met at first-floor.

120. Non-compliance with the Standard is considered acceptable, based on the following;
    (a) The 4.2m high brick wall that already extends along the shared boundary would limit daylight to this window under existing conditions;
    (b) Combined with the lack of setback provided for the window within the neighbouring site, the degree of daylight would already be limited.
    (c) It is not considered that the degree of daylight will greatly reduce based on a combination of these existing factors.

121. The remaining windows are all provided with space clear to the sky with a minimum of 3sqm and minimum dimension of 1m. Compliance with the remainder of this Standard is also achieved, as demonstrated in the table below;

Window	Height of wall opposite	Setback provided	Setback required	complies
Central ground floor window	9.5m	5.5m	4.75m	Yes
Central first-floor window	9.5m	5.5m	3.25m (based on ffl of 3m)	Yes
Southern-most ground floor windows	9.5m	5.8m	4.75m	Yes

Western windows

122. Two first-floor windows address the subject site within the dwelling to the west (at the northern end of Exhibition Street). These windows are set back 3.12m from the site, and will sit opposite an angled wall that extends from 8.8m to 10.4m in height.

123. Based on a 3m finished floor level for the adjacent dwelling, the additional sections of wall will extend 5.8m and 7.4m above these windows. To meet the Standard, setbacks of 2.9m and 3.7m should be provided. Whilst the requirement is partially met, the non-compliance for the southern-most window is considered acceptable, with the 0.6m extent of non-compliance minimal and the separation provided by the laneway maintaining a good degree of daylight available to this habitable room. The objective of the Standard is met.

Southern windows

124. There are no habitable room windows located at ground level within the development to the south. All of the windows within the levels above will be provided with a minimum area of 3sqm and minimum dimension of 1m clear to the sky, with the 3.7m width of Exhibition Street ensuring that this area will be maintained.

125. The first-floor windows are located approximately 3m above ground level. Based on the 10.4m high wall opposite these windows, and given their finished floor level, the remaining wall height (7.4m) should be set back 3.7m from the windows. This setback will be achieved. Given the compliance of the first-floor windows, all higher windows will clearly meet the Standard.

B20 – North-facing windows objective

126. The north-facing windows within the apartment building to the south are separated from the site by a 3.7m wide laneway. Based on the width of this separation, technically this standard does not apply. Irrespective of this, it is noted that only one habitable room window is located at first-floor, directly to the south of the development, as can be seen in Figure 3. This window is associated with a bedroom, with living room windows setback further behind a 1.7m high balcony screen. As will be discussed further within Standard B21 below, this bedroom window will continue to receive a degree of direct sunlight during the day, with the laneway separation ensuring that daylight will access this habitable room.

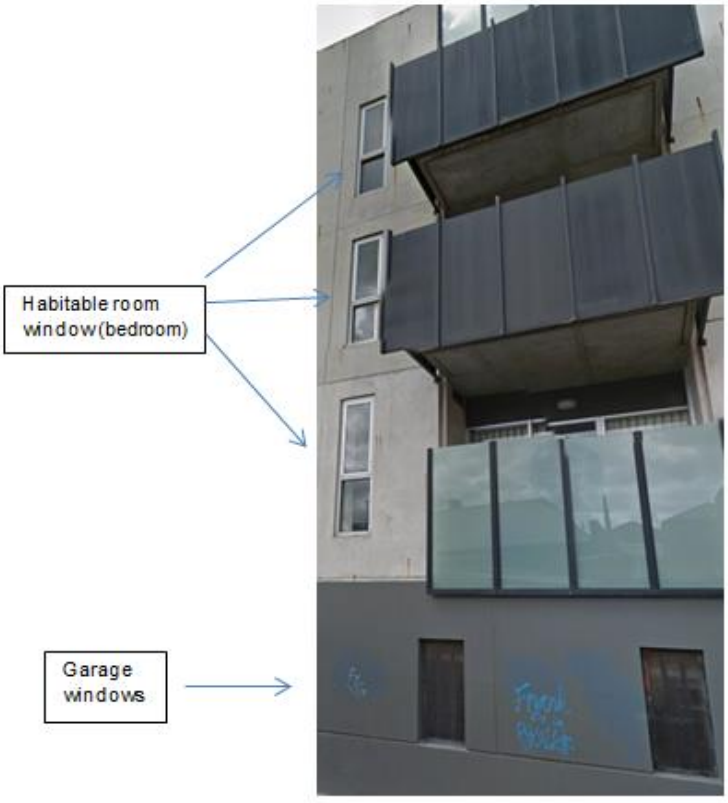


Figure 3 – Development to the south

127. Direct sunlight to the windows in the levels above will not be unreasonably affected by the proposal, based on the height of these windows above ground level. This outcome is clearly demonstrated within the sectional shadow diagrams at B21 – Overshadowing, of this report.

B21 – Overshadowing open space objective

128. Service yards associated with commercial properties are located on the western side of Exhibition Street. At 9am, additional shadows will fall within three of these yards, reducing to one affected site by 10am. At 11am, no part of these properties will be overshadowed by the development. The limited duration of additional overshadowing and the commercial zoning of this land ensure that these shadow impacts are reasonable.

129. A number of apartments within the building to the south rely on small north-facing balconies as their only area of private open space. As can be seen in figure 2, all of these balconies are screened to a height of 1.7m, thereby inhibiting the existing degree of sunlight able to access these areas. Of these balconies, two are located at first-floor and are directly beneath two second-floor balconies which protrude beyond the title boundaries into the airspace above. Sectional shadow diagrams (see Figure 3) demonstrate that both of the first-floor balconies are fully overshadowed throughout the day, based on the location of the balconies above. The development of the subject site will therefore not result in any additional shadow impacts to these areas of private space.

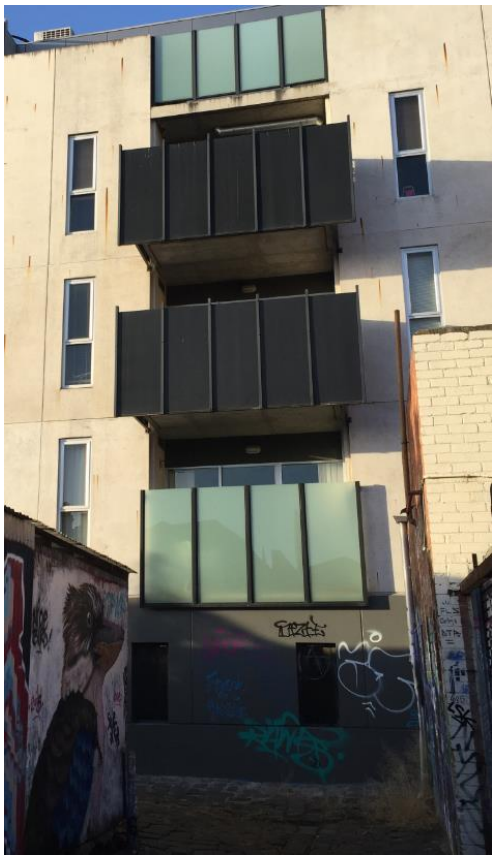
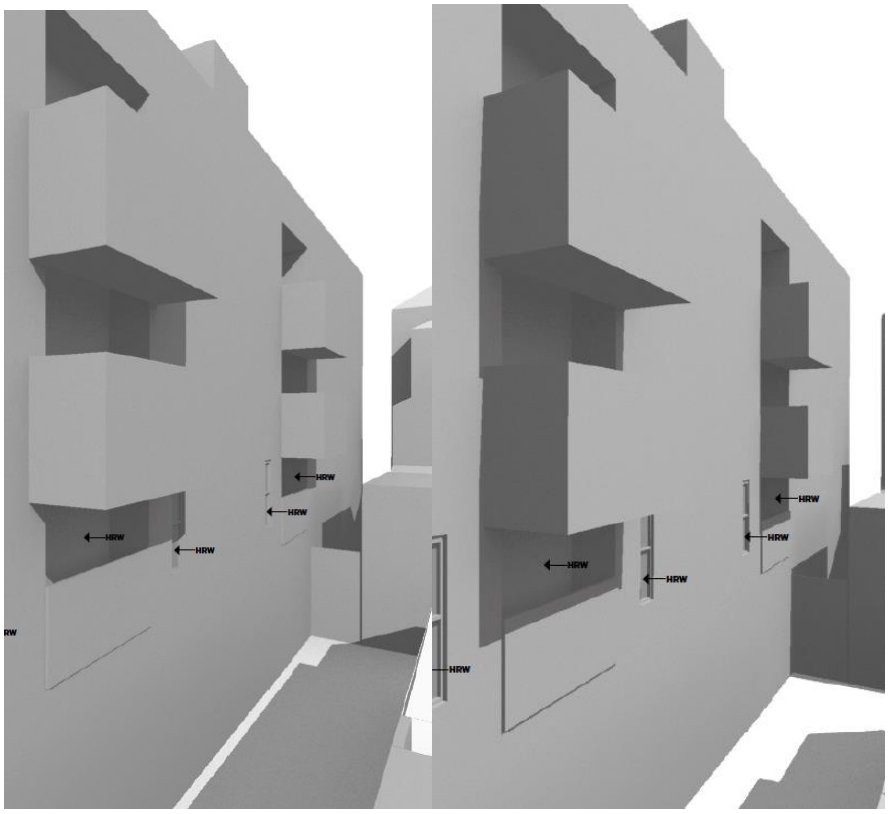


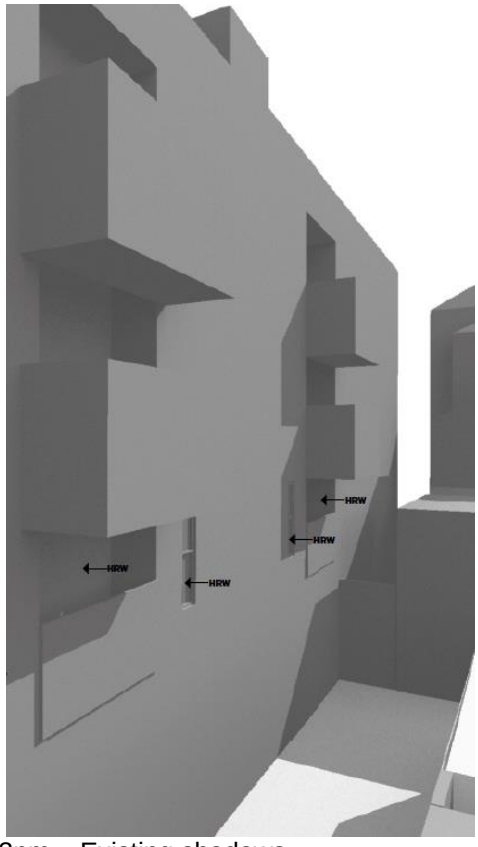
Figure 3 – Development to the south

130. The same diagrams also demonstrate that the second-floor balconies will not experience any additional overshadowing as a result of the development at any time throughout the day.



9am – Existing shadows

Midday – Existing shadows

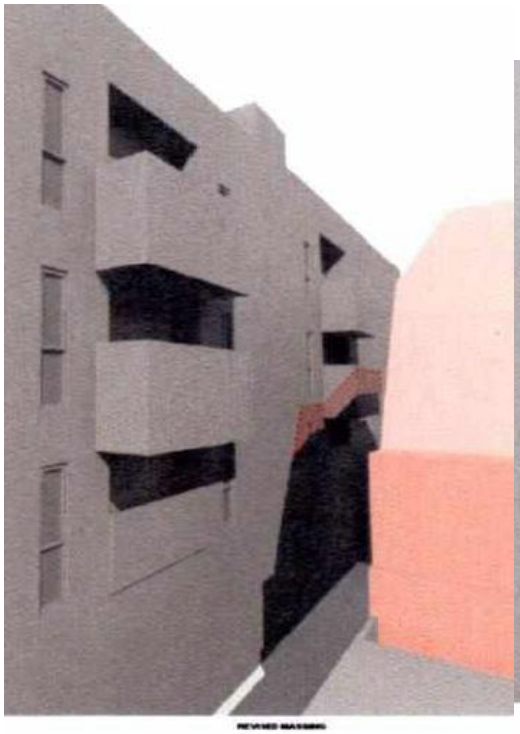


3pm – Existing shadows

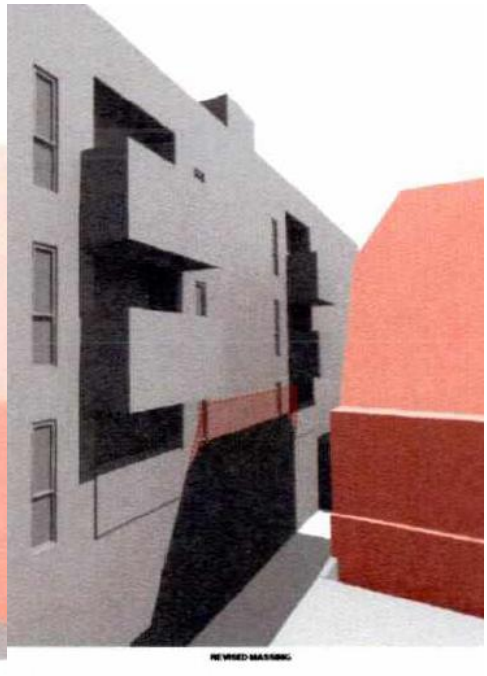
Figure 4 – Existing shadows affecting the north-facing balconies

131. Irrespective of this outcome, sketch plans were submitted by the Applicant which incorporated a 0.8m rake to the second-floor southern wall of the proposed building, with amended sketch shadow diagrams (see Figure 4) demonstrating that shadow impacts will be reduced along the northern wall between 9am and 3pm.

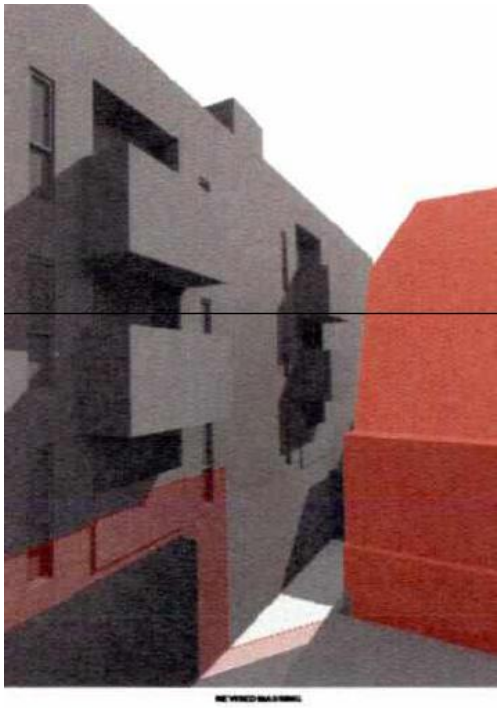
Whilst the existing conditions already shadow the first-floor balconies, any reduction in additional overshadowing is supported. A condition of any permit issued can ensure that this raked element is incorporated into the final design, as per the sketch plans submitted.



9am – Amended proposed shadows



Midday – Amended proposed shadows



3pm – Amended proposed shadows

Figure 5 – Amended sketch diagrams (the red section of shadow is the reduction achieved through the raked design).

132. Additional overshadowing will begin to affect the site to the east at 1pm. These shadows are extremely limited, being restricted to a narrow section of land directly adjacent to the existing shadow casts by the western boundary wall. Additional shadows at 2pm will be similarly limited. Based on the limited duration and scale of these shadows, this outcome is considered reasonable and the objective of the Standard is met.

B22 – Overlooking objective

133. Views to the north of the site from the first-floor terrace of Dwelling 1 will fall within the public realm, with the majority of views to the west limited to the service yards of commercial sites addressing Brunswick Street (and inhibited by an outbuilding extending along the boundary of these sites).

134. There are two first-floor windows associated with the dwelling on the opposite side of Exhibition Street, to the west. There are no windows proposed within the western wall of dwelling 1, with the existing wall along the western boundary acting as a balustrade to the first-floor terrace. This wall extends to a height of 1.7m along the western perimeter of the terrace, ensuring that no unreasonable overlooking will occur from dwelling 1 into these adjacent windows.

135. The closest west-facing windows will be associated with dwelling 2; these windows are offset 2.3m from the edge of the existing habitable room windows, thereby complying with the Standard.

136. Potential downward views may occur from the roof terrace of dwelling 2, with a 1m high balustrade extending along the western perimeter of this space. The sketch plans indicate that the inclusion of a 0.5m wide balustrade in this location will suitably mitigate unreasonable views. A condition can be added to any permit issued to ensure that this alteration occurs.

137. Concerns were raised regarding potential overlooking from the ground level wall openings proposed in the eastern boundary wall. These wall openings have been removed via an earlier condition and will no longer affect the adjoining site.

138. The existing boundary wall along the eastern boundary is approximately 1.9m higher than the finished floor levels of the first-floor. This alleviates any unreasonable downward views into the adjacent site to the east from the majority of dwellings. It is noted however that this boundary wall is lower at its southern end, with the existing wall providing a screen of only 1.2m to the adjacent area of SPOS. Overlooking into the adjacent SPOS therefore may occur. To alleviate this, a method of screening the first-floor east-facing windows of dwelling 7 to accord with the Standard must be provided. A permit condition can facilitate this.

139. The applicant has highlighted that potential upwards views may be possible from the first-floor windows of some dwellings (2 & 3) into adjacent habitable room windows within the second-floor of the neighbouring dwelling. To alleviate these views, sketch plans have been submitted that show the upper half of these windows to be obscured. The diagram below at Figure 6 demonstrates this. The additional screening of these windows is not considered necessary; it is evident in the sketch diagram that upward views from this level would be extremely restricted by the location of the existing boundary wall. If any views to the adjacent dwelling did occur, it is likely they would be restricted to the ceiling of the habitable room.

140. Potential overlooking from the same two dwellings has also been highlighted from the second-floor rooms into the adjacent second-floor windows. Again, the sketch diagram at Figure 6 demonstrates that a small degree of additional screening within the development will alleviate these views. If a planning permit is to issue, this additional screening for the second floor windows should be provided based on the details provided in the sketch plans submitted to Council on 10 March 2017.

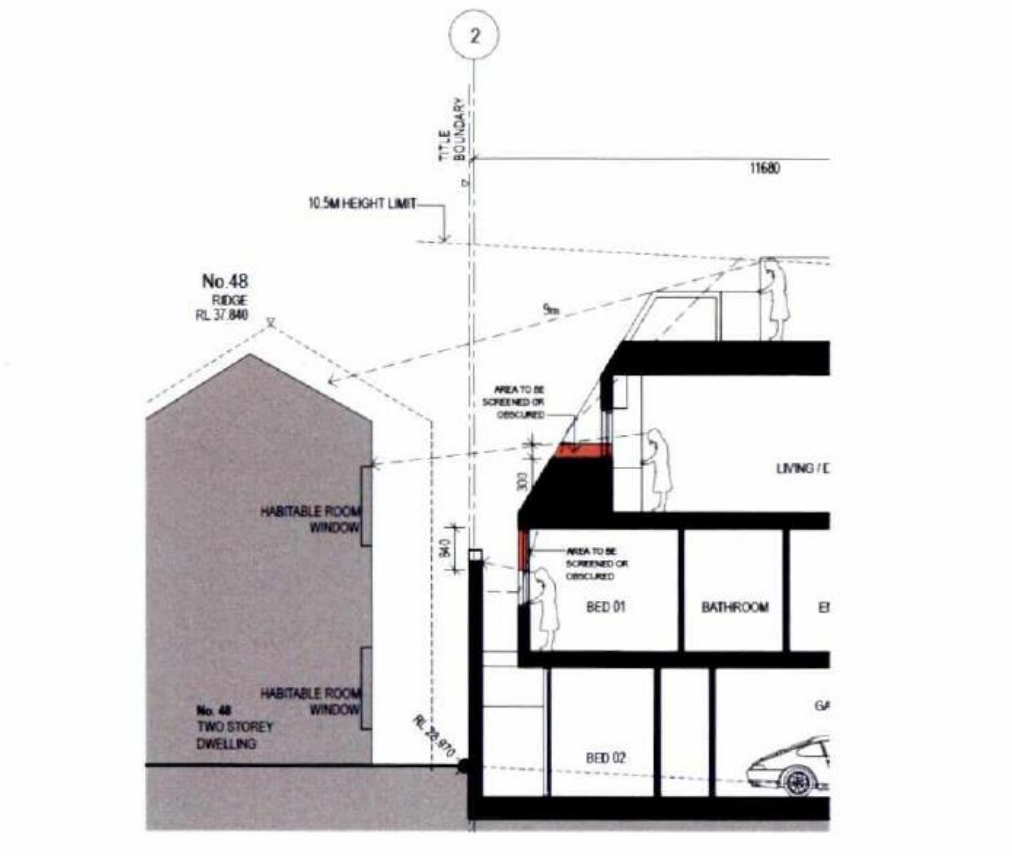


Figure 6 – Overlooking measures

141. The setback of the roof terraces from the eastern boundary will appropriately limit unreasonable overlooking to habitable room windows and SPOS to the east.

142. The only south-facing window within the development is restricted to a highlight window at ground level. This window is directly adjacent to a blank wall associated with the five-storey development to the south, with the upper level balconies within this residential building screened to heights of 1.7m. No upward views to any habitable room windows or balconies will be possible.

143. A 1m high balustrade will extend along the southern perimeter of the southern-most roof terrace. To ensure that unreasonable overlooking is alleviated from this space to adjacent windows, this balustrade must be increased to a height of 1.7m and have a maximum transparency of 25%. A permit condition can ensure this occurs.

B23 – Internal views objective

144. The roof terraces are separated by 1.7m high screens to inhibit overlooking into the individual areas of SPOS. The standard will be met.

B24 – Noise impacts objective

Internal noise impacts

145. An acoustic assessment was undertaken by Acoustic Logic, with this assessment subsequently reviewed by SLR Consulting. It was acknowledged that the streets immediately abutting the site carry low volumes of traffic, with the most significant traffic noise occurring along Brunswick Street, which is located approximately 40m to the west and includes a tram corridor.

A bar/cafe (the Blackcat) is located on the corner of Brunswick Street and Greeves Street, with music and patron noise from this premise a consideration for potential noise impacts within the development.

146. Acoustic Logic determined that façade treatments can be successfully incorporated into the design of the development through the use of either 6mm thick float glass or 6/12/6 thermal double glazing. In review, SLR noted that the glazing proposed will be sufficient to control the measured levels of road traffic and tram noise from Brunswick Street.

147. With regards to patron noise from the Black Cat, noise from the outdoor seating area was audible but low in level at the subject site boundary. Music noise was only just detectable (but not measureable above existing background noise levels) at the subject site on the corner of Exhibition and Greeves Street but not audible within Exhibition Street. These surveys were conducted on a Saturday night.

148. Given the lack of noise impacts from this venue, the proposed façade treatments recommended to alleviate traffic and tram noise would also reduce any impacts from patron and music noise. This outcome was accepted by SLR, particularly as the measurements were carried out on the busiest night of the week.

149. A wall mounted condenser unit is attached to the first-floor wall of the dwelling on the western side of Exhibition Street. Whilst the unit was not operational at the time the measurements were conducted, Acoustic Logic recommended that glazing upgrades to 10.38 mm thick laminated glass or 10.38/12/6 double glazing to the bedroom windows that will overlook the condenser unit would adequately protect the internal amenity of habitable rooms within the immediately adjacent dwellings.

150. This outcome was confirmed to be adequate by SLR, who noted on a site inspection that the unit has a sound power rating of 67 dBA (the rating was printed on the side of the unit). Based on this rating, SLR considered that the indoor noise levels, given the proposed glazing, will be acceptable when windows are closed. If a permit is issued, conditions can be added to ensure that these glazing specifications are incorporated into the design.

Noise from the Development

151. The acoustic report notes that the mechanical plant design has not been finalised, however it is anticipated that individual domestic air conditioning condensers will be located within each separate roof terrace (the location is shown on the roof plans). The following recommendations form part of the report, to ensure that noise impacts to adjacent sites are appropriately managed;
    (a) A line-of-sight imperforated screen should be installed between the proposed units and the dwelling to the east, and may be constructed of sheet metal, 6mm fibrous cement or acoustic equivalent. In addition, it is recommended that a line-of-sight imperforated screen be installed between each townhouse. Screens may be constructed of sheet metal, 6mm plexiglass, 6mm fibrous cement or similar.
    (b) Operation of the air conditioning unit would be required to comply with the EPA prescribed hours of operation.
    (c) The units shall be installed on vibration isolation mounts

152. To ensure that noise emissions from the mechanical plant serving the development do not impact adversely on the amenity of future occupants or neighbouring dwellings, noise levels emitted from the plant equipment shall comply with SEPP N-1.

153. SLR agreed with this advice, noting that the existing receivers will not overlook the mechanical plant. It was also highlighted that operational restrictions in accordance with the EPA Residential Noise Regulations may still apply: the units will be required to be switched off after 10 pm if they are audible within habitable rooms of nearby dwellings, irrespective of whether windows are open or closed.

154. Advice was provided for minimising noise impacts from the garage doors, with the following requirements to be met;
    (a) Garage entry doors shall be vibration isolated from the building;
    (b) Doors shall be quiet in operation;
    (c) Teflon guides shall be installed in all rails;
    (d) The door panels must not rattle, and the operation of any door guides, rollers, etc should be smooth;
    (e) Door guides should be fitted with vibration isolated fixings where required;
    (f) Door motors shall be fitted with a soft start/stop controller to minimise noise;
    (g) The door shall be stopped approximately 5 mm from the slab/ground to ensure the base of the door does not contact the concrete surface;
    (h) Operation of the door shall comply with EPA SEPP N-1.

155. The advice for the entry doors is considered sufficient for controlling impacts from this fairly low risk installation, with the above measures relating to mechanical services and garage doors to be incorporated into any permit conditions.

156. With regards to potential noise impacts from residents within the roof terraces, the site is located within a residential zone, where residential noises and associated activities are to be expected. On this basis, the objective of the standard and the provisions of clause 22.05 will be met.

B25 – Accessibility objective

157. The primary entrance for all dwellings is located at ground level; however the internal design of all dwellings relies on staircases, with the dwellings split between 3 levels. As there are no dwellings located fully at ground level, the Standard is met.

B26 – Dwelling entry objective

158. The earlier condition regarding a more prominent appearance of the individual entrances ensure that they will be clearly visible and easily identifiable, with the setbacks provided from the laneway ensuring that transitional space and shelter is provided around each entry. The objective of the Standard will be met.

B27 – Daylight to new windows

159. The majority of new habitable room windows will receive adequate daylight in accordance with the standard, being oriented to face an outdoor space clear to the sky with a minimum area of 3sqm and minimum dimension of 1m. The only windows failing to meet the standard requirements are associated with the ground floor bedrooms for dwellings 2-6. These bedrooms will have access to 2sqm lightcourts, which are partially covered and have dimensions that will not meet the 3sqm requirement outlined in the Standard.

160. Although non-compliant with the standard, the 2sqm lightcourts are considered acceptable in this instance, being associated with bedrooms and limited to only one room per dwelling. Further, the ‘back to back’ design of the lightcourts increases the overall degree of daylight able to access each bedroom.

161. The plans indicate that openings within the eastern wall will be constructed, with the objective to allow additional daylight into these spaces. Potential overlooking impacts were raised by the inclusion of these openings, with Council not supportive of new openings within these boundary walls due to borrowed amenity and equitable development opportunities within the adjacent site. These are not required to achieve an acceptable level of amenity and a condition has removed these features.

162. The bedroom associated with dwelling 7 has access to a 1sqm lightcourt, however this bedroom is also provided with a highlight window onto Exhibition Street, being within the southern-most dwelling. This outcome is acceptable and the Standard will be met.

163. The additional two bedrooms at first-floor within each townhouse will have access to adequate daylight in line with the Standard, with the principal living areas also achieving this outcome.

B28 – Private open space objective

164. Dwelling 1 will have access to a first-floor terrace, encompassing 19.1sqm. The remaining dwellings will be provided with roof terraces, all measuring 35.3sqm in scale. The terrace for dwelling 1 will be directly accessed from the adjacent living area, with the roof terraces only one level above the main habitable spaces for the remaining dwellings. The location and sizes of these terraces are considered satisfactory and the objective of this Standard is met.

B29 – Solar access to open space objective

165. The north-facing terrace associated with dwelling 1 will receive a good degree of solar access, with the remaining roof terraces also positioned to achieve high levels of solar penetration. All roof terraces will have northerly orientations, in line with the objective of the Standard.

B30 – Storage objective

166. Whilst the Applicant acknowledges that storage space can be provided for each dwelling, the plans do not indicate that any space has been designated at this stage. A permit condition can be added to ensure that a minimum of 6 cubic metres is provided for each dwelling, in accordance with the Standard.

B31 – Design detail objective

167. The proposed development is contemporary in design and incorporates modern materials and architectural responses to create a visually interesting outcome, whilst the retention of the heritage façade maintains the traditional streetscape at ground level. The retention of the brickwork at ground floor and the use of a lightweight perforated metal for the additional built form have been used to purposefully reduce visual bulk, with the articulated roof form referencing traditional pitched roof designs within the immediate area. The proposed design responds well to characteristics of the area and the objective of the Standard is met.

B32 – Front fences objective

168. The proposed front fence is similar to the height and design of the existing fence, extending to a maximum height of 1.2m. The transparent design of the metal pickets will provide passive surveillance opportunities to and from the building. The objective of the Standard is met.

B33 – Common property objective

169. There is no common property proposed within the development.

B34 – Site services objectives

170. Internal bin storage for each dwelling has been provided in each individual garage. A condition can be added to the permit to ensure that separate mail boxes are provided and clearly shown on the plans. Based on the inclusion of this condition, the Standard will be met.

Heritage

171. The relevant purpose of the Heritage Overlay is to ensure that development does not adversely affect the significance of heritage places. The subject site is included in HO334, which applies to the South Fitzroy Heritage Precinct, with the building identified as a 'contributory' building within this precinct. Clause 22.02 articulates Council's local planning policy in relation to development guidelines for sites subject to the heritage overlay.

172. The section of Greeves Street between Brunswick and Young Street is largely characterised by single to double-storey residential buildings, predominantly of the Victorian and early Edwardian period. On the corner of Greeves and Brunswick Street is a distinctive triple-storey building listed on the Heritage Victoria Database. Council's Heritage Advisor describes the subject buildings as a single-storey Edwardian-era warehouse that has been carefully designed with piers flanking a raised central entrance, a curved parapet above and decorative string moulds applied. The façade of the building has since been unsympathetically painted. It is likely that the façade was originally exposed brick with tuck-pointing. The building has a hipped roof that is visible from the street.

Demolition

173. With regards to the extent of demolition proposed upon the site, clause 22.02-5.1 generally discourages demolition of contributory buildings unless the part to be removed is not visible from the street frontage, the main building form (including roof form) is maintained and the removal of the part would not adversely affect the contribution of the building to the heritage place.

174. The extent of demolition involved in the development of the site is significant, with the only built form to be retained limited to the façade, the eastern boundary wall and 4.8m of the western boundary wall. No part of the roof form will be retained. Heritage advice notes that it does not appear the existing hipped roof has been altered in recent years, although a number of additions have occurred towards the rear of the site. This roof is 24m in length, with only the front section visible from Greeves Street. On this basis, it was concluded that the roof structure is not a strong defining characteristic of the subject building.

175. Council's Heritage Advisor compared the extent of demolition of the western boundary wall as akin to Facadism, with the building no longer able to be interpreted as a three-dimensional space. However, the retention of a visible section of side wall along the front section of the western boundary, along with the internal section of building immediately beyond the façade, still allows the heritage building to be viewed 'in the round' and maintains the original presentation within the streetscape. This outcome is considered acceptable.

176. Irrespective of the degree of demolition proposed, Council's Heritage Advisor is comfortable with the outcome, based on the commercial appearance of the building. As noted in heritage advice, "there is a level of change that is anticipated by the polices in Clause 22.02-5.7.2 that implies that upper level additions to non-residential buildings do not need to achieve the same level of visual concealment as residential buildings and that they should incorporate treatments that make them less apparent. On this basis of the existing roof's limited extent of visibility within the streetscape, it is considered that the full removal of the existing hipped roof form may be acceptable (particularly as the proposed addition has adopted the appearance of a contemporary hipped roof form from Greeves Street) which will make it generally less visually apparent".

177. Therefore, on the basis that the subject building is non-residential, the existing roof form is substantially concealed from the street and the proposed new work will have the appearance of a contemporary hipped roof form, it is considered that the extent of proposed demolition is acceptable.

Building and works

178. Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages the design of new development to respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape. It also seeks to ensure that new development is articulated to correspond with the prevailing building form of the heritage place and to be distinguishable from the original historic fabric. The significance of the heritage place must be retained.

179. The proposed front setback for the upper level addition is between 2m to 3m from the facade, with the terrace for dwelling 1 located directly behind the front parapet. The visibility of activity or development directly behind the parapet of a contributory building emphasises that the integrity of the original property has been lost and that the remaining building is no more than a façade. Accordingly, Council's Heritage Advisor recommended the full deletion of this terrace. However, it is acknowledged that there may be no other way in which SPOS can be provided for this dwelling. As this is the case, alternative advice was to design this terrace in a way so that no permanent or temporary items can be positioned close to the parapet. The sketch plans submitted by the Applicant indicate that an angled structure can be located within this space, ensuring that this outcome is achieved. As this modification has been suggested as an alternative solution by Council's Heritage Advisor, this outcome is considered reasonable. A condition can therefore be added to any permit issued to ensure that the details demonstrated in this sketch plan are replicated in the final design.

180. With regards to the additional development proposed, visibility of higher built form associated with commercial properties was addressed within *Leading Edge Construction v Yarra CC [2011] VCAT 3098*; with Member Davies stating;

> *Although there are specific requirements with respect to 'Residential Upper Storey Additions', I do not accept Ms Marcus' submission that they apply in this instance. While the proposed use of the upper levels is residential, this is not a residential heritage place. Rather, I agree with Mr Glossop's submission - which was supported by the evidence of Mr Raworth - that the relevant specific requirements in this case are under the heading 'Industrial, Commercial and Retail Heritage Place or Contributory Elements'. Those provisions are:*
>
> - *Encourage new upper level additions and works to:*
>   - *(a) 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.*
>   - *(b) Incorporate treatments which make them less apparent.*
>
> *The policy at Clause 22.02 has been altered in one important respect. It includes a requirement to provide sightlines to indicate the 'envelope' from the street of proposed upper storey additions - as shown in Fig 2 of Clause 22.02-5.7.1. However, it is critical to appreciate that while that requirement is included in the general policy and the specific requirements for 'Residential Upper Storey Additions', it is not a requirement under the heading 'Industrial, Commercial and Retail Heritage Place or Contributory Elements'. Essentially, the policy no longer requires concealment of upper level additions in this instance.*

181. Based on this decision and given the commercial context of the subject building, the degree of visibility of the uppermost level of the development is considered acceptable. Furthermore, as the maximum height of the building will be set back approximately 8m from the façade, it is considered that the proposed height of the new built form will be suitably recessed from the original building.

182. The proposed side setback for the new development will be zero metres. For the same reasons outlined above, the proposed side setbacks are supported from a heritage perspective.

183. The proposed roof form for the new development will be pitched at the front to form a mansard style roof. As the adjoining roof forms are hipped with projected gable ends, the proposed roof is considered a successful contemporary interpretation of a traditional roof form. The mansard roof will also allow views to adjoining contributory fabric and reduce the amount of bulk at the front of the property.

184. The floor plans indicate that windows and doors will be located within the northern façade of the additional levels; these openings are not apparent in the elevations or artistic renders. It appears that the perforated metal screening will inhibit views to these openings. From a heritage perspective, the preferred outcome is for the upper levels to have no visible openings. A condition can be added to the permit to confirm this outcome, ensuring that all fenestration is suitably concealed.

185. The colour of the proposed metal screening will be white. As outlined briefly within the neighbourhood character assessment of this report, this colour is considered to be too 'stark' when compared to the existing brickwork and colours found in surrounding contributory buildings. Accordingly, heritage advice recommended that the proposed colour of the metal screening should be modified to a shade that is evocative of aged corrugated metal (mid grey), to better interpret a traditional sheet metal roof and to be more recessive within the streetscape. A condition of a permit can facilitate this.

186. The proposal seeks to remove the existing grey paintwork from the original façade in order to expose the original brickwork below. These works are supported from a heritage perspective, on the basis that the following recommendations are adhered to;
    (a) Paint is to be removed using only a non-abrasive method that will not damage brickwork, such as chemical gel or light pressure spray;
    (b) Once paint has been removed, the façade is to be repointed with a mortar mix in accordance with AS3700 Mortar class M2. The colour and aggregate of the mortar must also be matched;
    (c) The façade is to be finished with a white or black tuck pointing;
    (d) Where render is damaged, it must be repaired with a traditional render, composed from a little-to-no cement based mixture;
    (e) It appears from the elevations that the existing façade windows are to be retained, refurbished and made operable. This is the only approach to the windows that will be supported from a heritage perspective. Ideally, the metal bars should also be removed from the windows.

187. If a permit is to issue, conditions relating to all recommendations above can be added.

188. Overall, based on the conditions discussed, the proposal appropriately responds to the particular requirements contained within Clause 22.02 -Development Guidelines for sites subject to the Heritage Overlay and Clause 43.01 - Heritage Overlay of the Scheme, and therefore is considered acceptable in relation to the heritage context of the street.

Car parking/waste

189. Under clause 52.06 of the Scheme, the Applicant is seeking the following parking reduction:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Dwellings	7 x 3 bedroom dwelling	2 to each 3 or more bedroom dwelling	14	8	6

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Residential Visitors	7 dwellings	1 space per 5 dwellings	1	0	1
Total			15	8	7

190. Based on this, a 7 car space reduction is required for the proposal. The Applicant provided a traffic engineering assessment, prepared by One Mile Grid Traffic Engineers, with this report outlining the likely car parking demand to be generated by the proposed development, along with traffic implications and the proximity of the site to alternative transport methods.

191. The 2011 ABS Census indicates that 58.2% of residents of three-bedroom dwellings within the municipality own no cars or one car only. Based on these statistics, the proposed allocation of one space for the three-bedroom dwellings is considered acceptable, with two car spaces proposed for dwelling 1. To offset the lack of a second car space for 6 of the dwellings, the site has very good accessibility to public transport and connectivity to the on-road bicycle network. The site is within walking distance to tram services operating along Brunswick Street, Smith Street and Nicholson Street. The site is also within walking distance to bus services operating along Johnston Street. These public transport options offer convenient alternative modes of transport to the site.

192. In addition, there are in excess of nine car sharing pods within easy walking distance of the site. These are operated by three different car sharing companies 'GreenShareCar', 'Flexicar' and 'GoGet'.

193. It is highlighted that occupants of the new dwellings will not be eligible to apply for on-street residential and visitor car parking permits. Furthermore, in 2013 Council adopted a parking management strategy which aims to reduce the numbers of cars parking in Yarra and promote sustainable transport alternatives. This means that long-term parking will be progressively replaced over time by more short-term parking restrictions. This measure accords with objective 32 of clause 21.06-3 of the Scheme, which aims to reduce reliance on the private motor car. This will also ensure that residents within the development will be dissuaded from owning additional cars, with the lack of car parking permits limiting opportunities for long-term on-street car parking in the future.

194. With regards to visitor car parking, it is acknowledged that the demand for on-street car parking in the Fitzroy area is very high and car parking is severely restricted. This creates a high level of turnover within the immediate area and also provides opportunities for visitor car parking. Peak parking for residential visitors generally occurs on weekday evenings and at weekends. This development would have a peak residential visitor parking demand of 1 car parking space. It is considered that the short-stay parking demand from the site can be accommodated on-street.

195. From a traffic engineering perspective, the waiver of parking for this site is considered appropriate in the context of the development and the surrounding area. The shortfall of one visitor space and six resident parking spaces should not adversely impact on the existing on-street parking conditions in the area. Council's Engineering Unit have raised no objection to the reduction in the car parking requirement for this site.

Bicycle Parking

196. The decision plans do not reference any bicycle parking spaces on-site; however the sketch plans include hanging bike hooks within each garage. The site is well serviced by bicycle infrastructure, with on-road bicycle lanes and bicycle routes within proximity to the site. Whilst not a statutory requirement of the Scheme, the provision of on-site bicycle storage is encouraged. Further details of these bicycle hooks and their clearance from the car spaces below is required; this can be facilitated via a condition of the permit.

Traffic

197. With regards to the degree of traffic generated by the proposed development, Council Engineers assumed a peak hour traffic generation of 0.4 trips per dwelling per peak hour. This would result in a peak hour traffic generation of around 3 trips in each peak hour. If each dwelling generated 4 trips per day, the total daily traffic volume of the development would be 28 vehicle trips per day. These volumes are not unduly high and should not adversely impact on the surrounding streets.

Waste

198. Individual bins will be stored within each garage, with residents to transfer waste bins along Exhibition Street to Greeves Street for Council collection. The Waste Management Plan (WMP) provided by the applicant was referred to Council's City Works Branch, who confirmed that the WMP was satisfactory.

Other matters (removal of easement)

Clause 52.02 – Easements, Restrictions and Reserves

199. The development seeks to remove a 1.22m wide sewerage easement that extends across the site (Easement 2 on Lot 2 on Plan of Subdivision 127596) from the south-west corner on an oblique angle. The existing warehouse currently extends above the full length of the easement. It is proposed to realign the sewerage drain as part of the development, resulting in an upgrade of the existing asset.

200. The removal of the easement was referred internally to Council's Engineering Services Unit for comment, along with City West Water and Melbourne Water.

201. Under the provisions of the *Building Regulations* 2006 (Reg. 310), a Report and Consent of a service authority is required to construct a building over an easement vested in that service authority. In this case, City West Water is the relevant authority vested in the easement at the subject site and not Council. The applicant needs to consult City West Water with respect to building over the sewerage easement or removing the easement.

202. Melbourne Water raised no objection to the removal of the easement, with City West Water advising that they consent to the granting of a town planning permit subject to the following conditions.
    (a) It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.
    (b) It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.
    (c) Prior to certification, the Plan of Subdivision must be referred to City West Water in accordance with Section 8 of the Subdivision Act 1988.

Objector concerns

203. Concerns raised in the objections have either been discussed previously throughout this report, or are addressed below.

Neighbourhood character & heritage

204. These issues have been discussed at paragraphs 64-73 and 171-188 of this assessment.

Building height

205. Building height has been discussed at paragraphs 79 & 80 of this assessment

Site coverage

206. Site coverage has been discussed at paragraphs 81 & 82 of this assessment.

Visual bulk impacts

207. These concerns have been discussed within the building height assessment at paragraphs 79 & 80, setbacks from boundaries assessment at paragraphs 101-109 and walls on boundaries assessment at paragraphs 110-115 of this report.

Waste collection

208. The collection of waste has been discussed at paragraph 198 of this assessment.

Safety of the adjacent laneway for vehicle access (traffic congestion)

209. Traffic associated with the development has been discussed at paragraph 197 of this assessment.

Issues during construction

210. Whilst construction issues are dealt with at the building stage, a Construction Management Plan will be included as a condition of the permit. This plan will manage the construction process associated with the development of the site.

Removal of existing street art

211. The demolition of existing built form on the site forms part of the heritage assessment of this report. There are no paint controls within this heritage precinct, and the existing street art does not require a planning permit to remove.

Removal of easement

212. The removal of the easement has been discussed at paragraphs 199-202 of this assessment.

Conclusion

213. 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.

214. 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 issue a Notice of Decision to Grant a Planning Permit PLN16/1044 for part demolition and construction of seven (7) triple-storey dwellings with roof terraces, removal of easement and a reduction in the statutory car parking requirement at 44-46 Greeves 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 Object/Subject Architects and dated 1 December 2016, but modified to show:

    (a) The dwelling entrance doors within the western interface to be finished in a different colour to the adjacent garage doors;
    (b) The dimensions of each garage door to be clearly notated on all relevant drawings;
    (c) Details of the proposed bicycle hooks, as shown in the sketch plans submitted on 10 March 2017, to be provided, including clearance dimensions from the car parking spaces;
    (d) The proposed 2,000L rainwater tank to be shown within the garage of Dwelling 7;
    (e) All floor plans to include the splay within the south-west corner of the site, as demonstrated in the sketch plan submitted on 10 March 2017;
    (f) All proposed openings within the ground floor wall along the eastern boundary to be deleted;
    (g) The second-floor wall raked away from the southern boundary 0.8m as demonstrated in the sketch plan submitted on 10 March 2017;
    (h) The western balustrade of the first-floor terrace associated with Dwelling 1 to be 0.5m wide, as outlined in the sketch plan submitted on 10 March 2017;
    (i) Treatment measures (as outlined in Section 01 on Sketch Plans submitted to Council on 10 March 2017) to limit overlooking from the second-floor east-facing habitable room windows into the second-floor habitable room windows within the double-storey dwelling to the east. These measures must accord with the requirements of Standard B22 of the Yarra Planning Scheme;
    (j) A 1.7m high privacy screen to extend along the southern perimeter of the roof terrace associated with Dwelling 7, with a maximum transparency of 25%;
    (k) The provision of 6 cubic metres of storage to be provided for each dwelling;
    (l) The addition of an angled structure within the first-floor terrace of Dwelling 1, as shown on the sketch plan submitted on 10 March 2017;
    (m) All windows and doors within the northern façade of the addition to be concealed from view through the design of the perforated metal screening;
    (n) The colour of the proposed perforated metal screening altered from white to mid-grey;
    (o) The existing façade paint is to be removed using only a non-abrasive method that will not damage brickwork, such as chemical gel or light pressure spray;
    (p) The original façade is to be repointed with a mortar mix in accordance with AS3700 Mortar class M2. The colour and aggregate of the mortar must also be matched;
    (q) The façade is to be finished with a white or black tuck pointing;
    (r) Any damaged render to be repaired with a traditional render, composed from a little-to-no cement based mixture;
    (s) The metal bars removed from the existing façade windows;
    (t) All glazing to be either 6mm thick float glass or 6/12/6 thermal double glazing, with the west-facing habitable room windows of Dwelling 2 to be composed of either 10.38 mm thick laminated glass or 10.38/12/6 double glazing;

(u) Notations on the plans indicating that the garage doors will meet the following requirements;
  (i) Garage entry doors shall be vibration isolated from the building;
  (ii) Teflon guides shall be installed in all rails;
  (iii) The door panels must not rattle, and the operation of any door guides, rollers, etc should be smooth;
  (iv) Door guides should be fitted with vibration isolated fixings where required;
  (v) Door motors shall be fitted with a soft start/stop controller to minimise noise;
  (vi) The door shall be stopped approximately 5 mm from the slab/ground to ensure the base of the door does not contact the concrete surface;

(v) The following measures as outlined in the acoustic report by Acoustic Logic;
  (i) A line-of-sight imperforated screen installed between the proposed development and the dwelling to the east, constructed of sheet metal, 6mm fibrous cement or acoustic equivalent;
  (ii) A line-of-sight imperforated screen installed between each proposed roof terrace, constructed of sheet metal, 6mm plexiglass, 6mm fibrous cement or similar.
  (iii) All proposed air conditioning units installed on vibration isolation mounts

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainable Design Assessment

3. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Lucid Consulting and dated 16 November 2016, but modified to include or show
  (a) The submission of a STORM report, confirming that the proposed rainwater storage to toilet flushing system achieves a minimum 100% STORM score.

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

Acoustic Report

5. 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

6. 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

7. 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 garages 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.

8. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

General

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.

13. 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.

14. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

15. 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.

Civil Works

16. 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 laneway, garage entrances and dwelling entrances must be provided within the property boundary. Lighting must be:
    (a) located;
    (b) directed;
    (c) shielded; and
    (d) of limited intensity,
    to the satisfaction of the Responsible Authority.

17. The lighting 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*.

18. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, a 1.2m to 1.8m wide smooth bluestone pavement must be provided on one side of the laneway, from the development to Greeves Street.

19. Within 2 months of the completion of the development, 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 Exhibition Street 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.

City West Water Conditions 20-22

20. The owner of the land must enter into an agreement with City West Water for the provision of water supply.

21. The owner of the land must enter into an agreement with City West Water for the provision of sewerage.

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

Construction Management Plan

23. 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;

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

Permit Expiry

25. 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

    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.

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

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.

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.

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

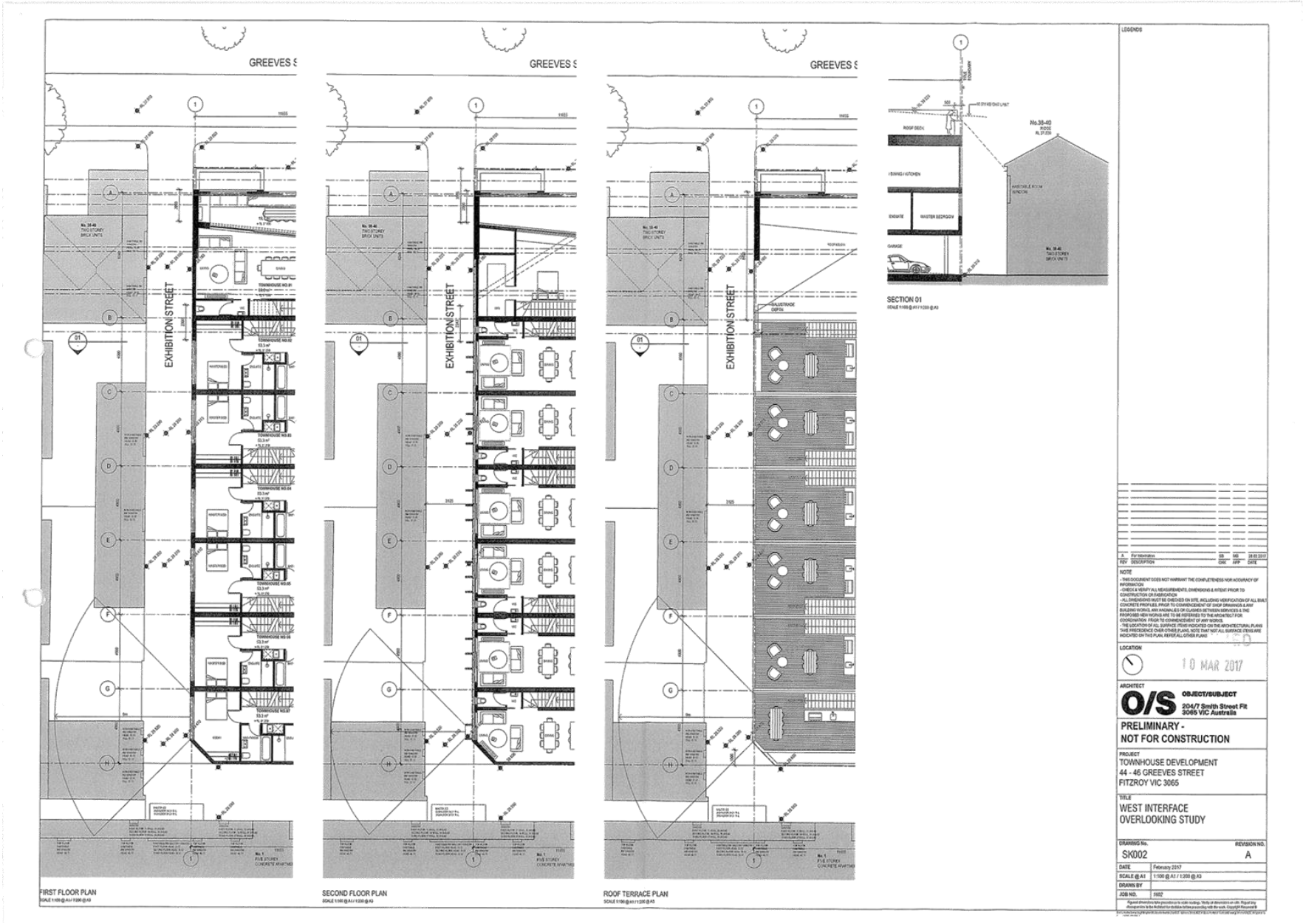
The developer must ensure that light projected from any existing, new or modified lights does not spill into the windows of any new dwellings or any existing nearby residences. Any light shielding that may be required shall be funded by the permit holder.

CONTACT OFFICER: **Lara Fiscalini**
TITLE: **Senior Statutory Planner**
TEL: **9205 5372**

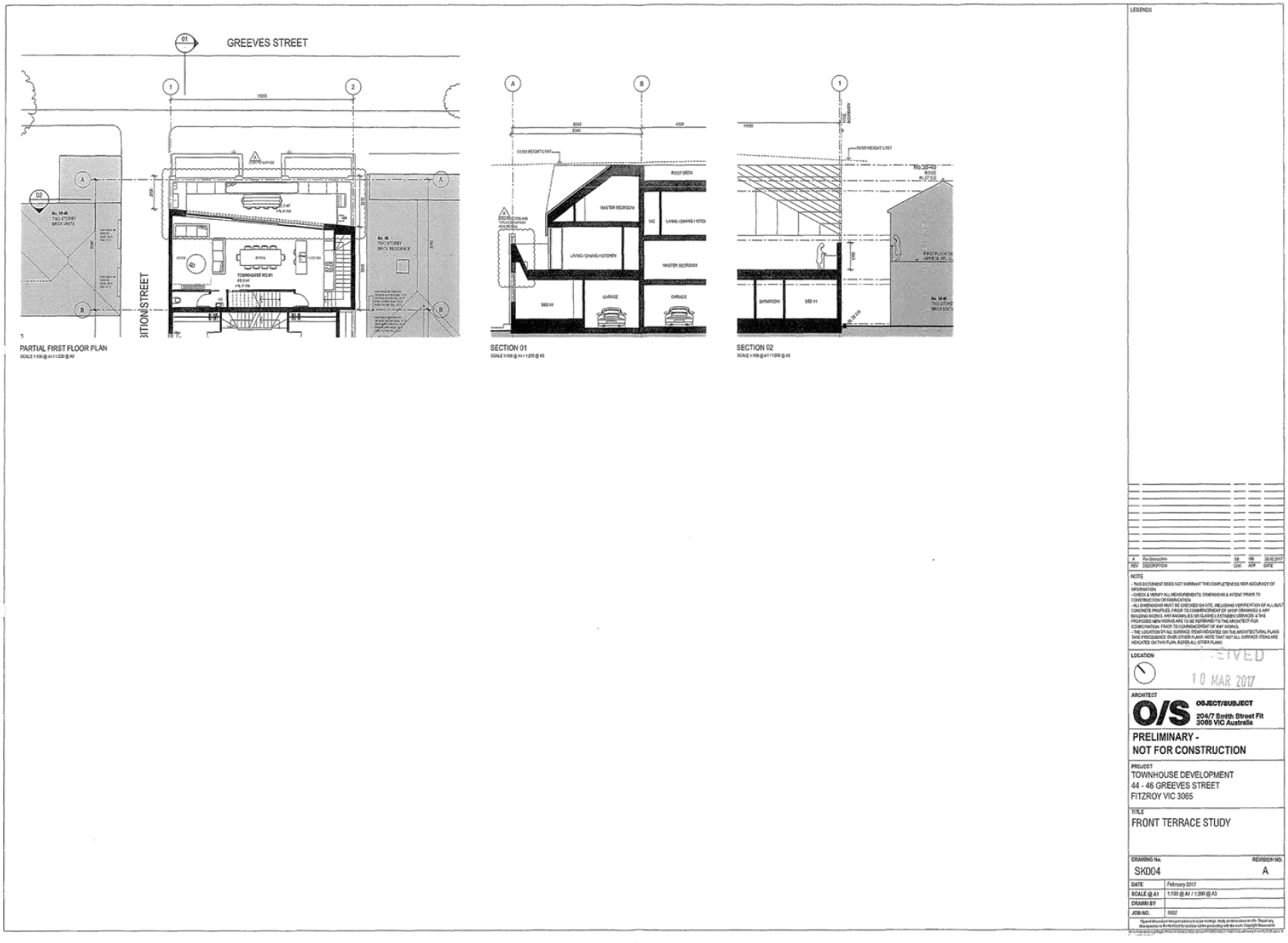
Attachments
1 PLN16/1044 - 44-46 Greeves Street, Fitzroy - Sketch Plans 10 March 2017
2 PLN16/1044 - 44-46 Greeves Street, Fitzroy - Proposed floor plans and elevations
3 PLN16/1044 - 44-46 Greeves Street, Fitzroy - Site Plan
4 PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams
5 PLN16/1044 - 44-46 Greeves Street, Fitzroy - Engineering Addendum - Sewer easement

6 PLN16/1044 - 44-46 Greeves St Fitzroy - ESD Referral Comments
7 PLN16/1044 - 44-46 Greeves Street, Fitzroy - Urban Design Referral Comments
8 PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Engineering comments
9 PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Heritage advice
10 PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Addendum - Engineering comments on encroachment of corner splay by proposed building
11 PLN16/1044 - 44-46 Greeves Street, Fitzroy - WMP referral comments

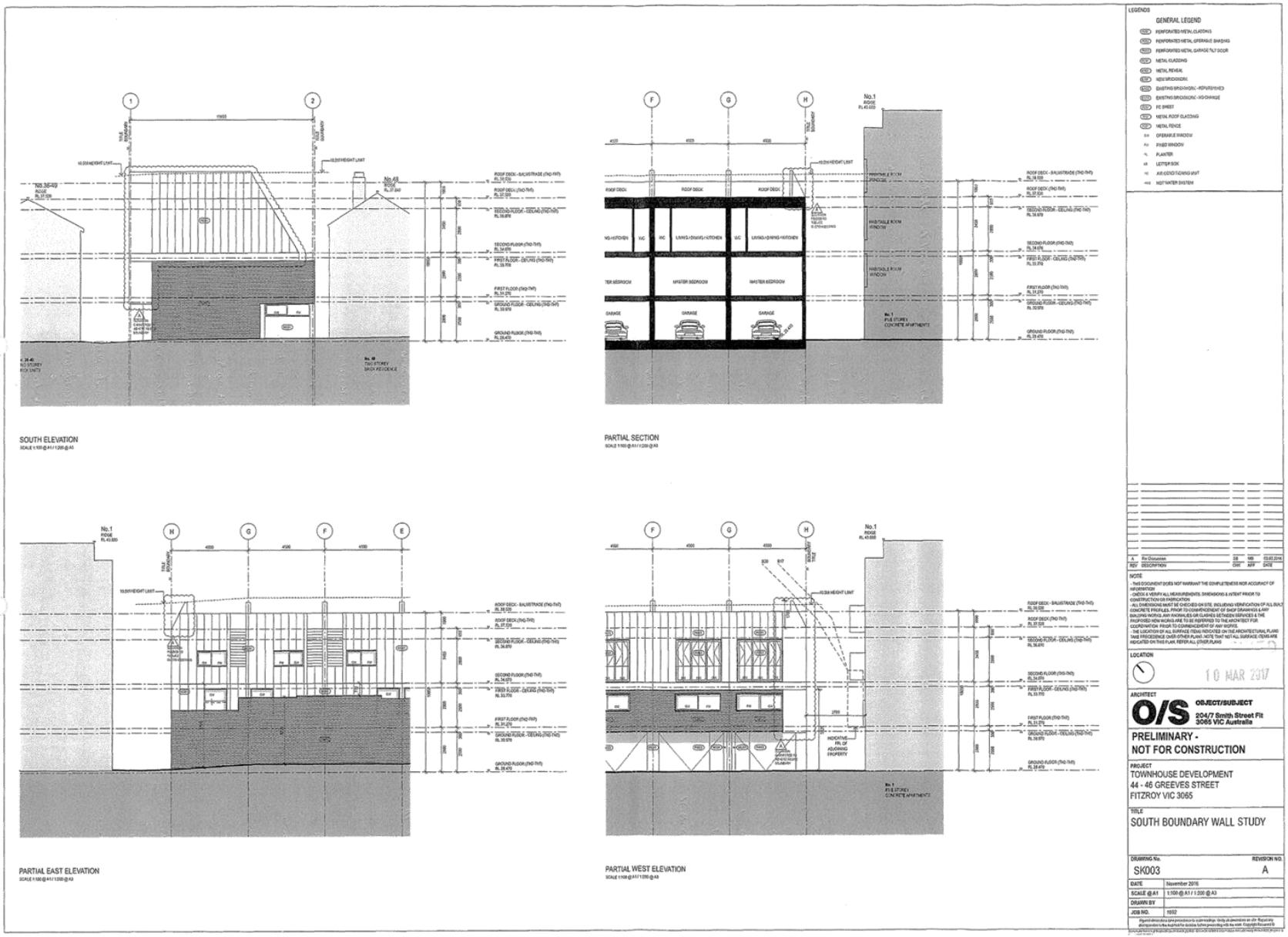
Attachment 1 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Sketch Plans 10 March 2017



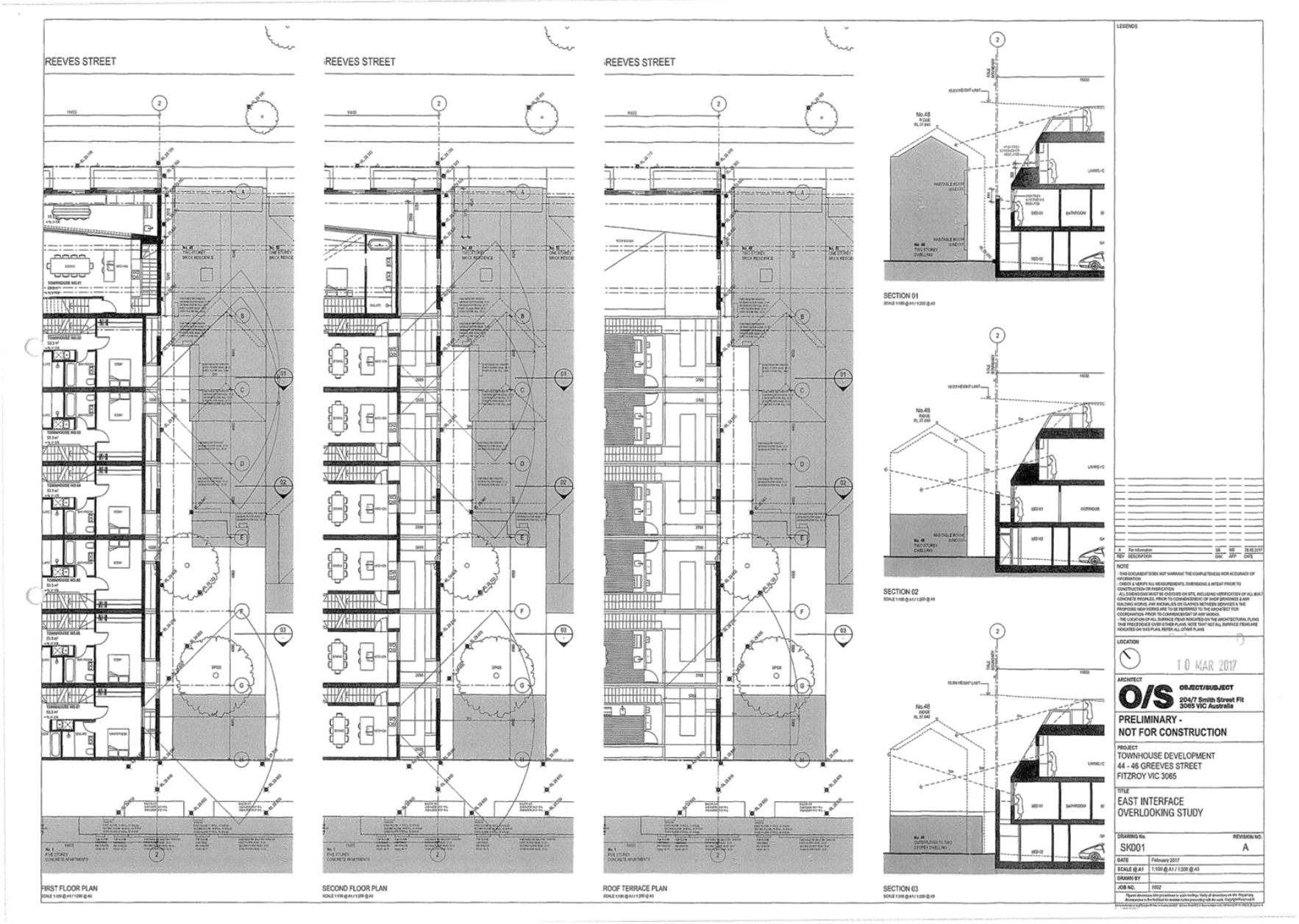
Attachment 1 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Sketch Plans 10 March 2017



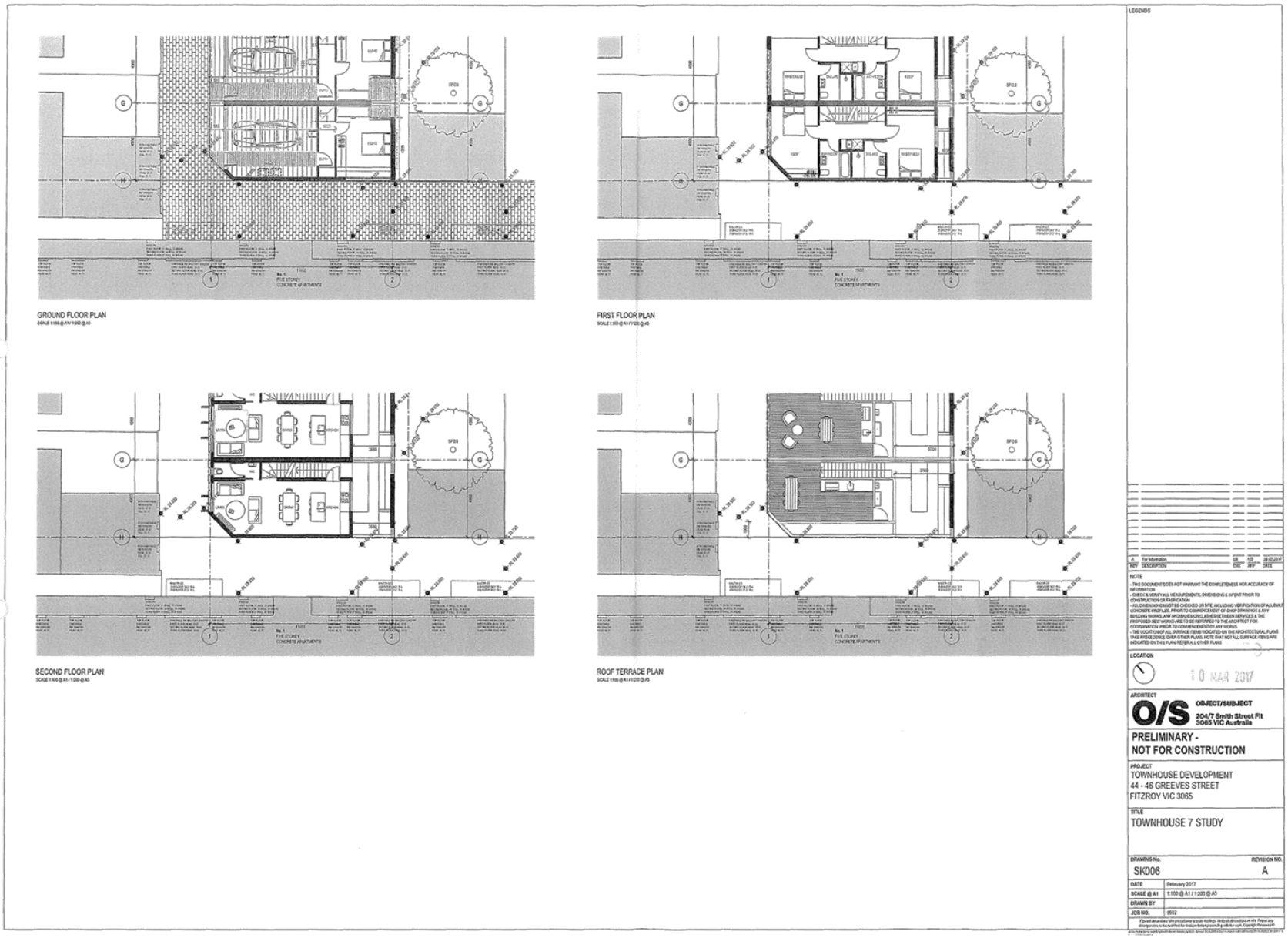
Attachment 1 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Sketch Plans 10 March 2017



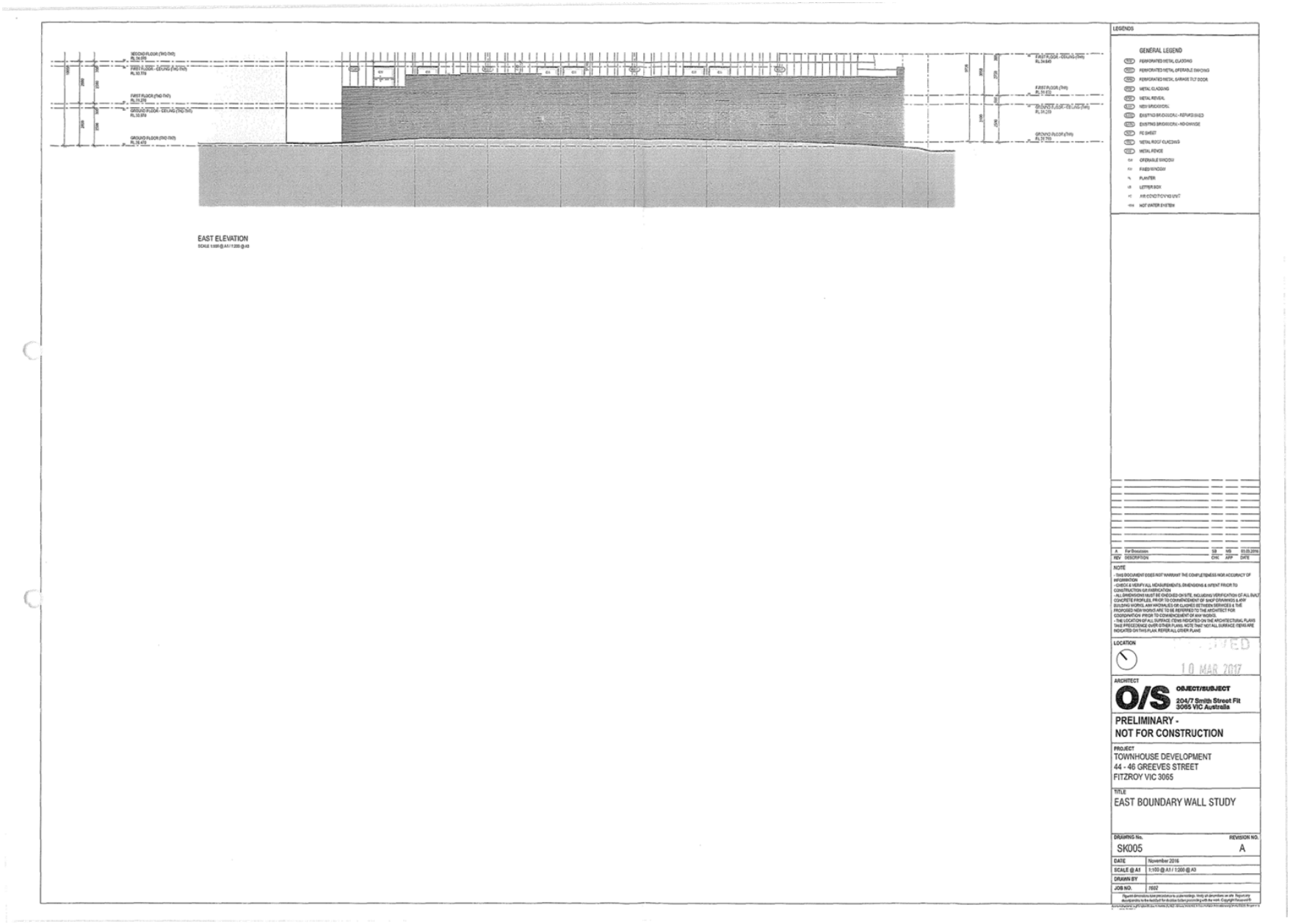
Attachment 1 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Sketch Plans 10 March 2017



Attachment 1 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Sketch Plans 10 March 2017



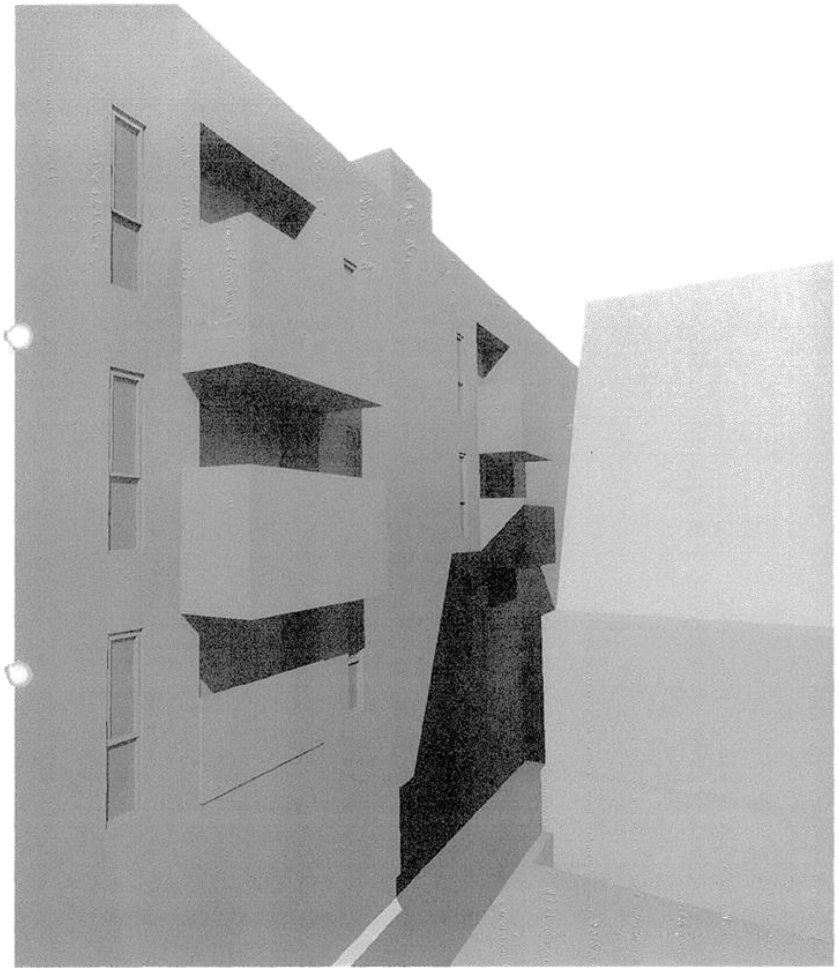
Attachment 1 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Sketch Plans 10 March 2017



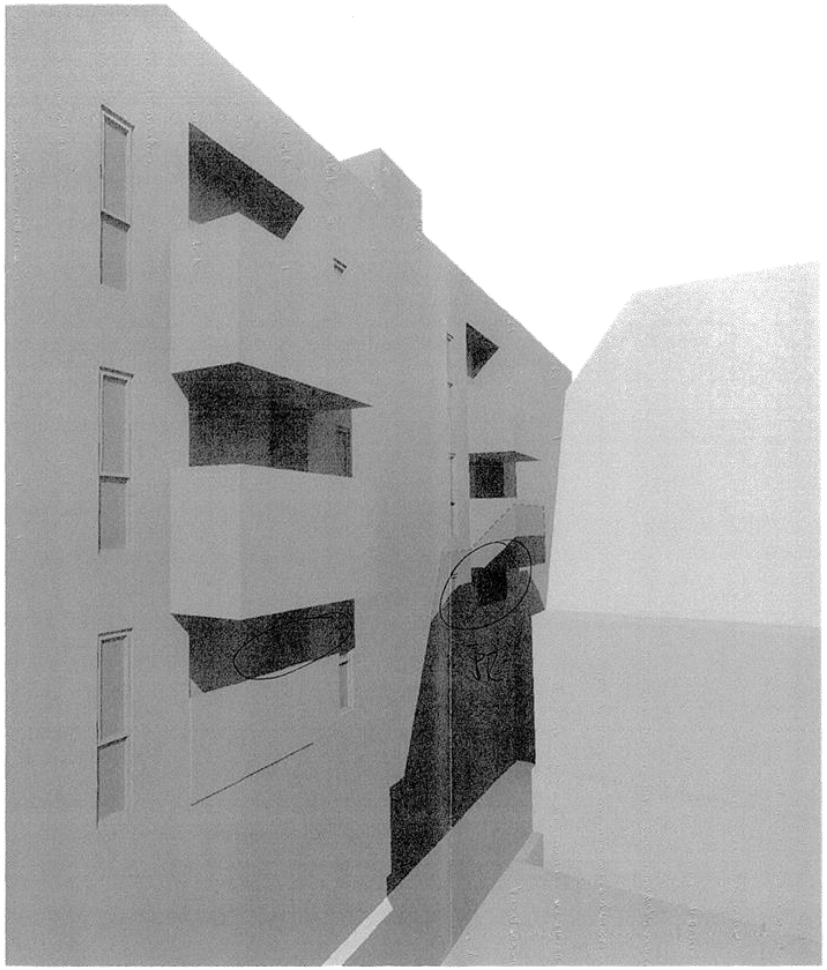
Attachment 1 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Sketch Plans 10 March 2017

SHADOW DIAGRAM
September 22 - 9am

SHADOW REDUCTION



ORIGINAL MASSING



REVISED MASSING

RECEIVED
10 MAR 2017

O/S

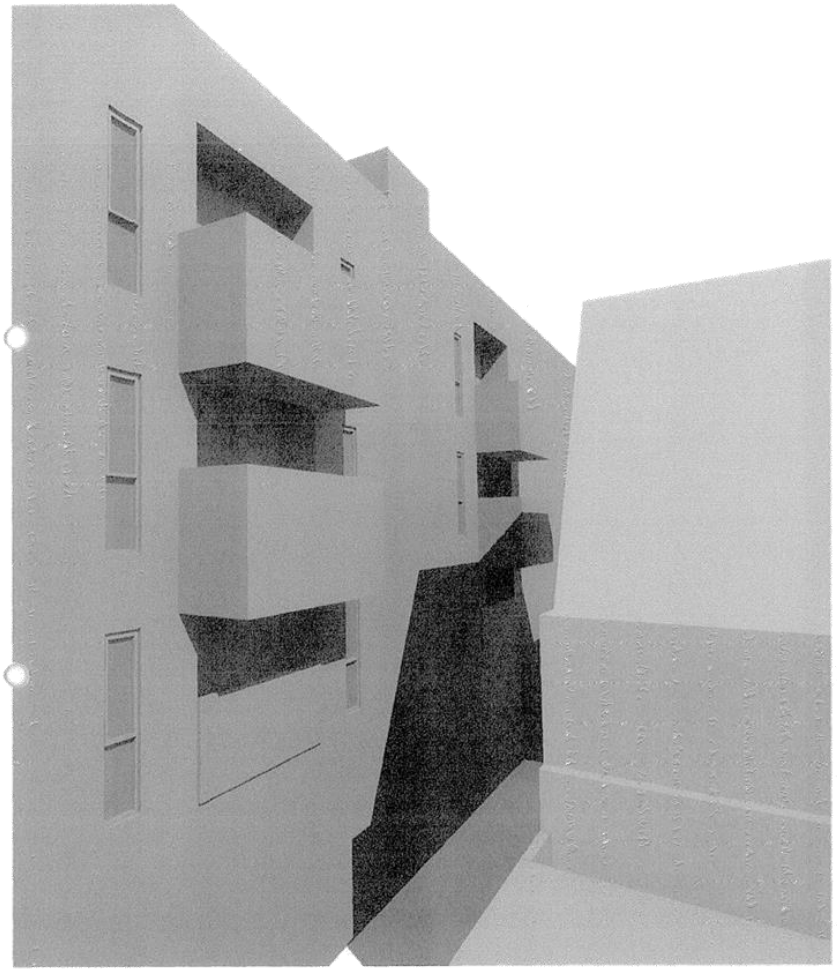
GREEVES STREET TOWNHOUSES
44-46 Greeves Street Fitzroy
3065 VIC Australia

OBJECT/SUBJECT
204/7 Smith Street Fitzroy
3065 VIC Australia

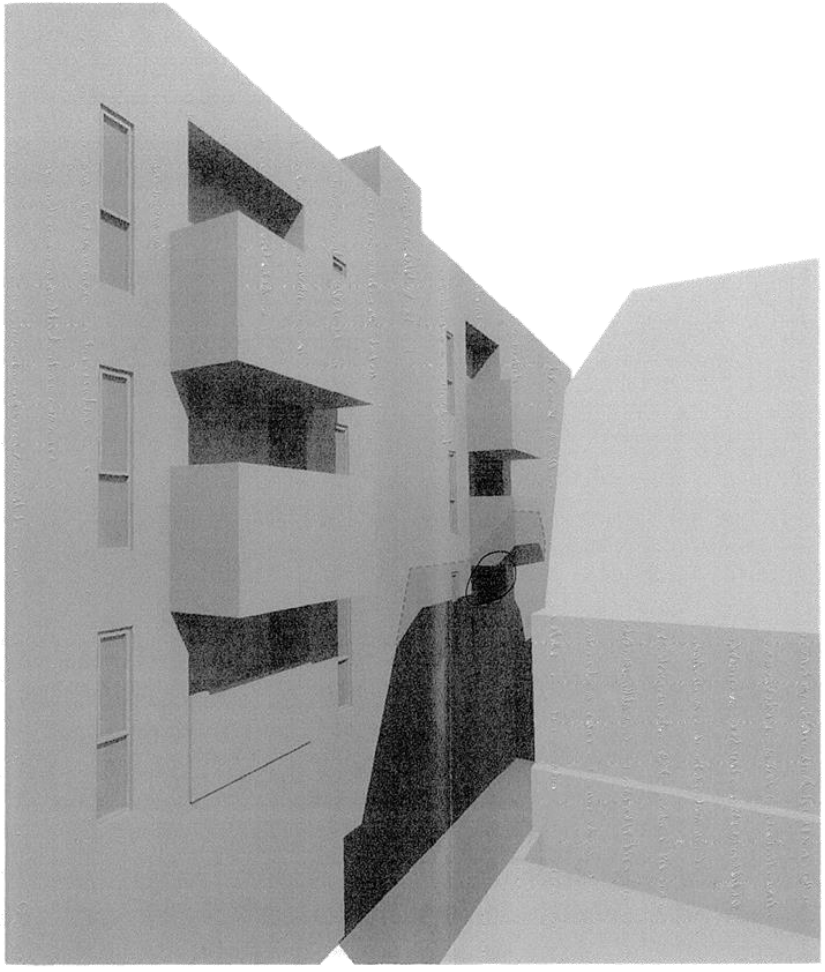
Attachment 1 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Sketch Plans 10 March 2017

SHADOW DIAGRAM
September 22 - 10am

SHADOW REDUCTION



ORIGINAL MASSING



REVISED MASSING

RECEIVED
10 MAR 2017

O/S

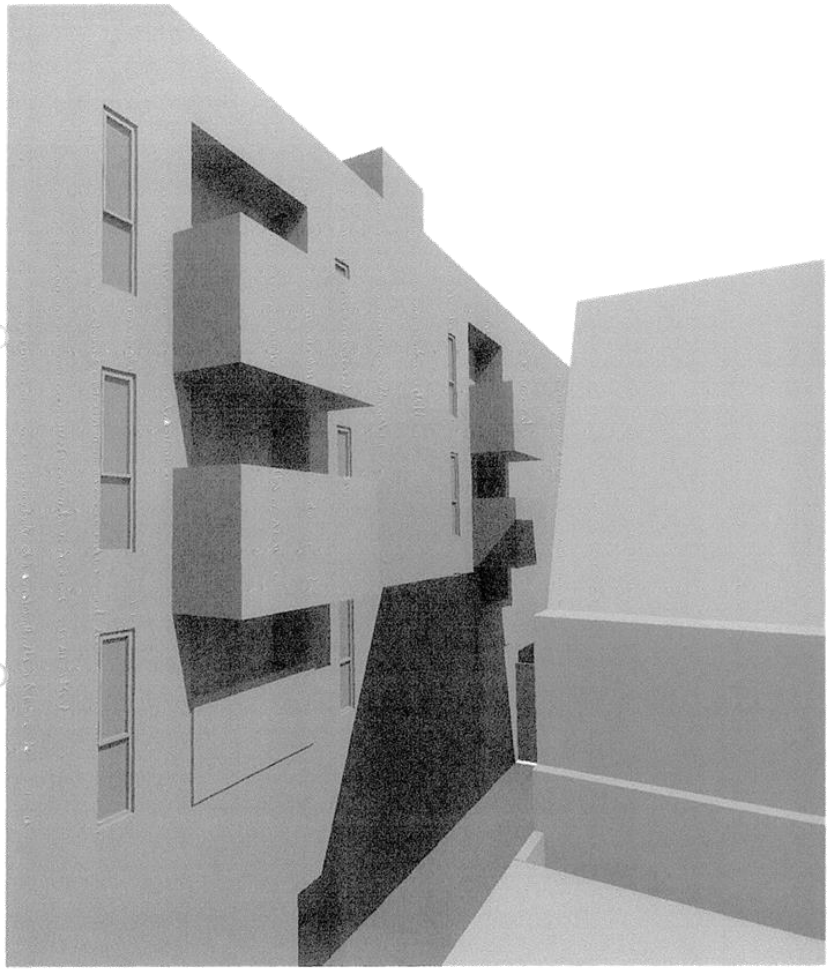
GREEVES STREET TOWNHOUSES
44-46 Greeves Street Fitzroy
3065 VIC Australia

OBJECT/SUBJECT
204/7 Smith Street Fitzroy
3065 VIC Australia

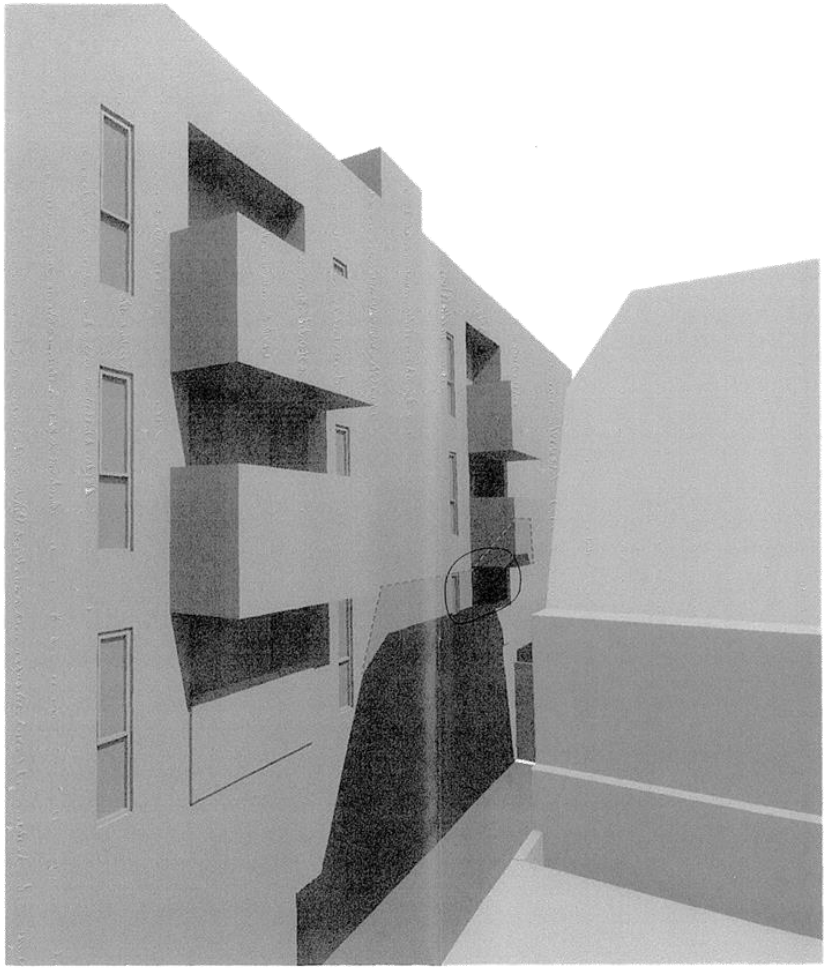
Attachment 1 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Sketch Plans 10 March 2017

SHADOW DIAGRAM
September 22 - 11am

SHADOW REDUCTION



ORIGINAL MASSING



REVISED MASSING

RECEIVED
10 MAR 2017

O/S

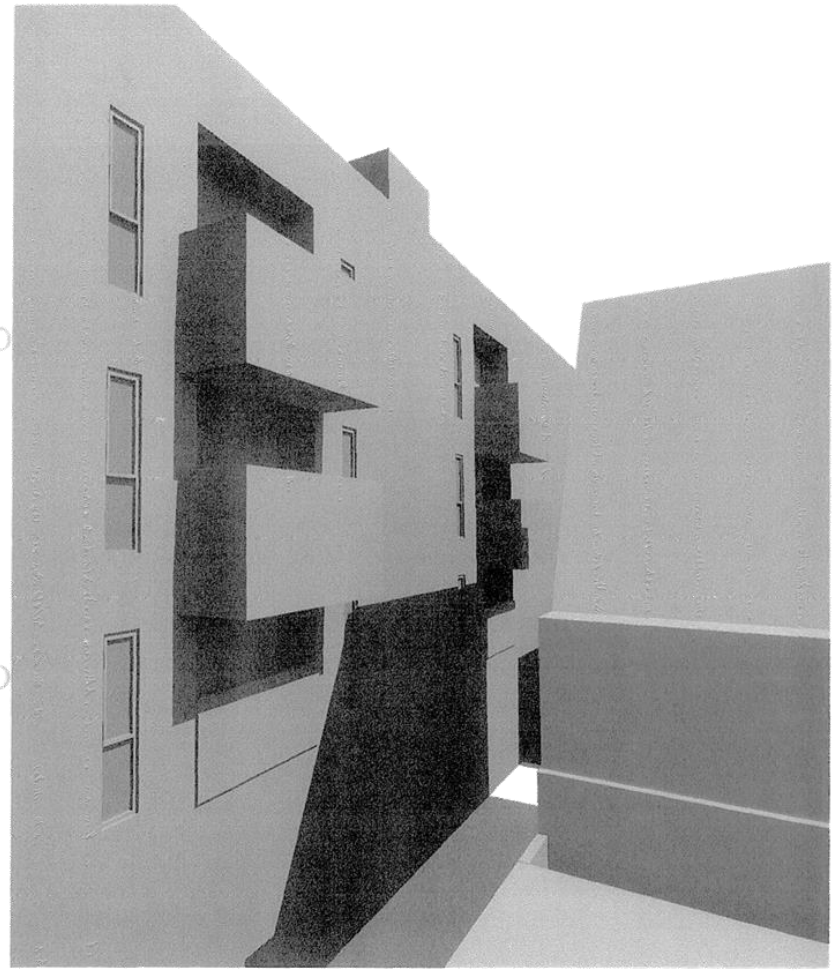
GREEVES STREET TOWNHOUSES
44-46 Greeves Street Fitzroy
3065 VIC Australia

OBJECT/SUBJECT
204/7 Smith Street Fitzroy
3065 VIC Australia

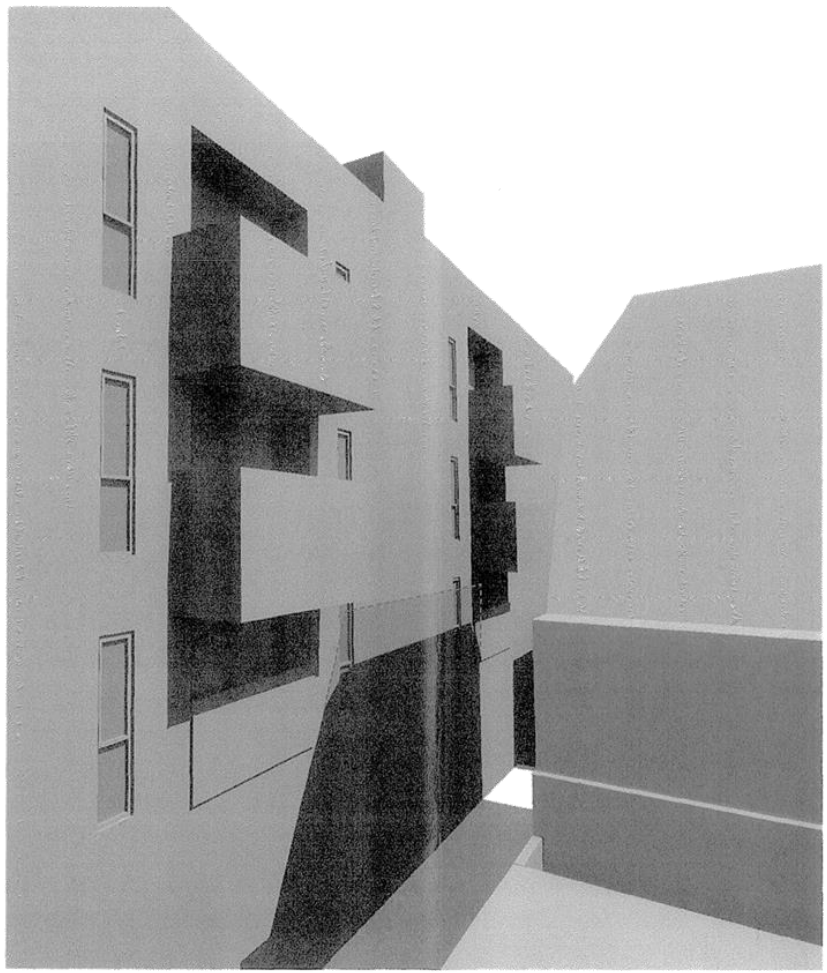
Attachment 1 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Sketch Plans 10 March 2017

SHADOW DIAGRAM
September 22 - 12pm

SHADOW REDUCTION



ORIGINAL MASSING



REVISED MASSING

RECEIVED
10 MAR 2017

O/S

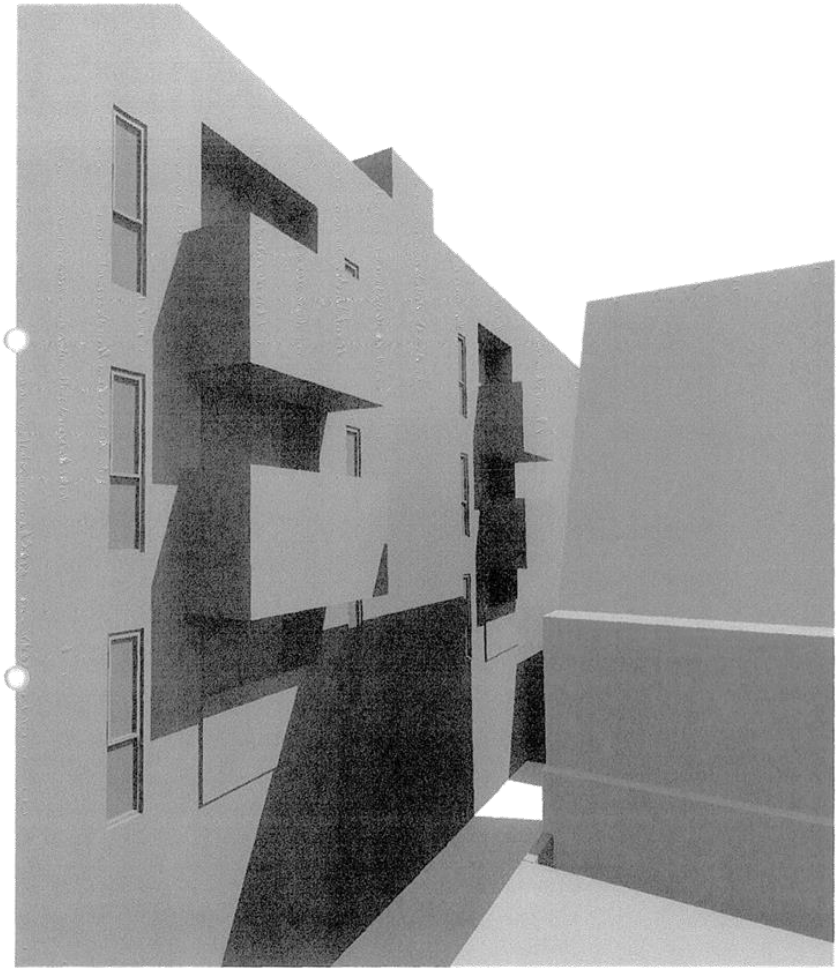
GREEVES STREET TOWNHOUSES
44-46 Greeves Street Fitzroy
3065 VIC Australia

OBJECT/SUBJECT
204/7 Smith Street Fitzroy
3065 VIC Australia

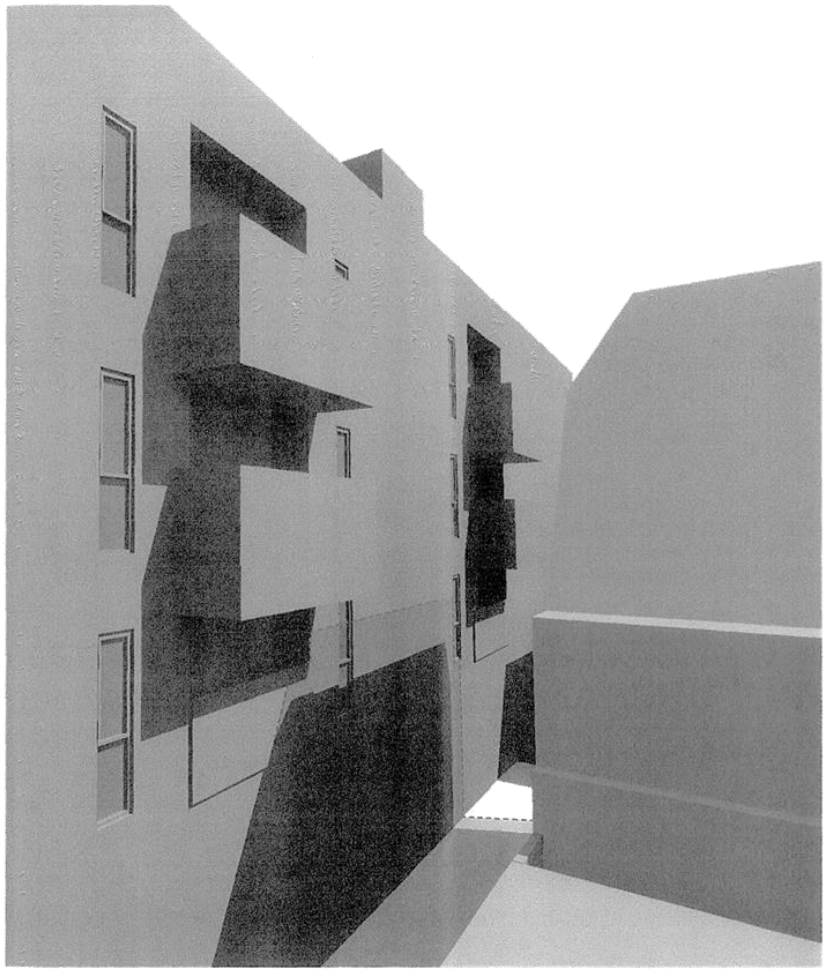
Attachment 1 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Sketch Plans 10 March 2017

SHADOW DIAGRAM
September 22 - 1pm

SHADOW REDUCTION



ORIGINAL MASSING



REVISED MASSING

RECEIVED
10 MAR 2017

O/S

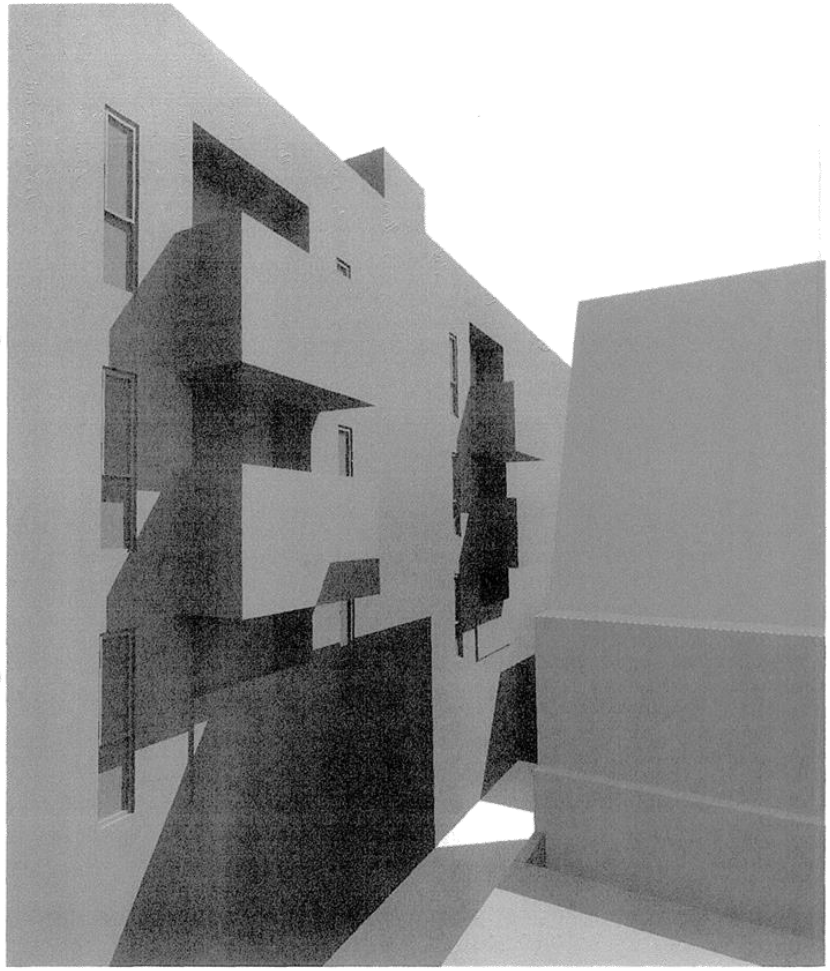
GREEVES STREET TOWNHOUSES
44-46 Greeves Street Fitzroy
3065 VIC Australia

OBJECT/SUBJECT
204/7 Smith Street Fitzroy
3065 VIC Australia

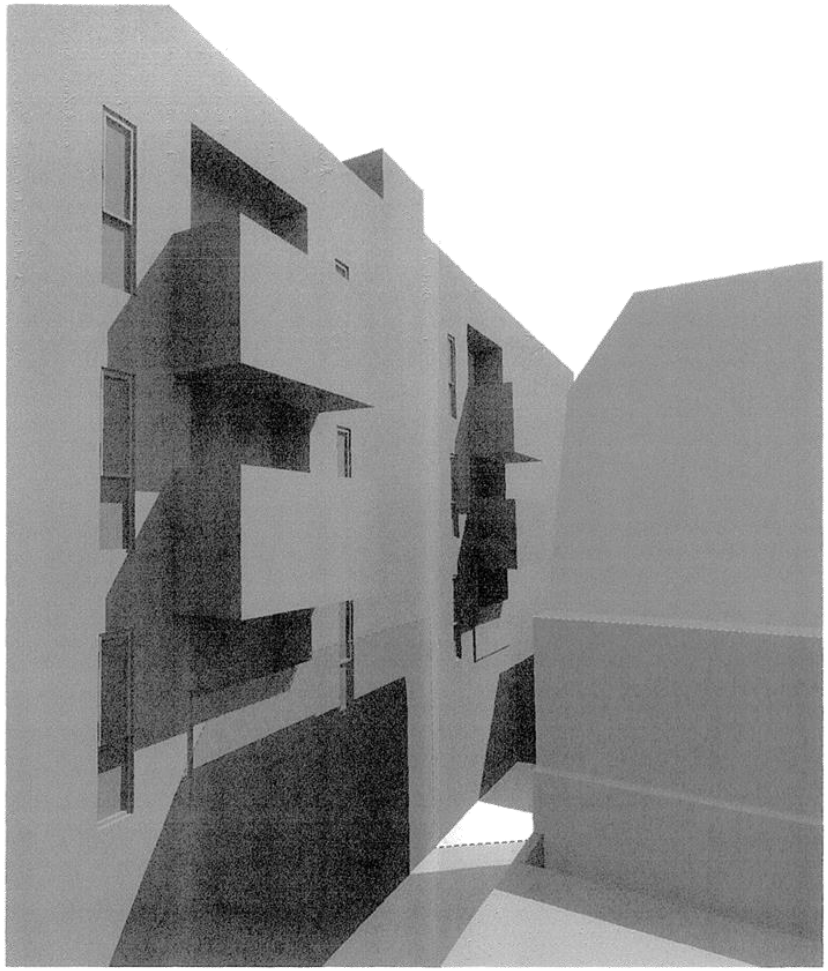
Attachment 1 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Sketch Plans 10 March 2017

SHADOW DIAGRAM
September 22 - 2pm

SHADOW REDUCTION



ORIGINAL MASSING



REVISED MASSING

RECEIVED
10 MAR 2017

O/S

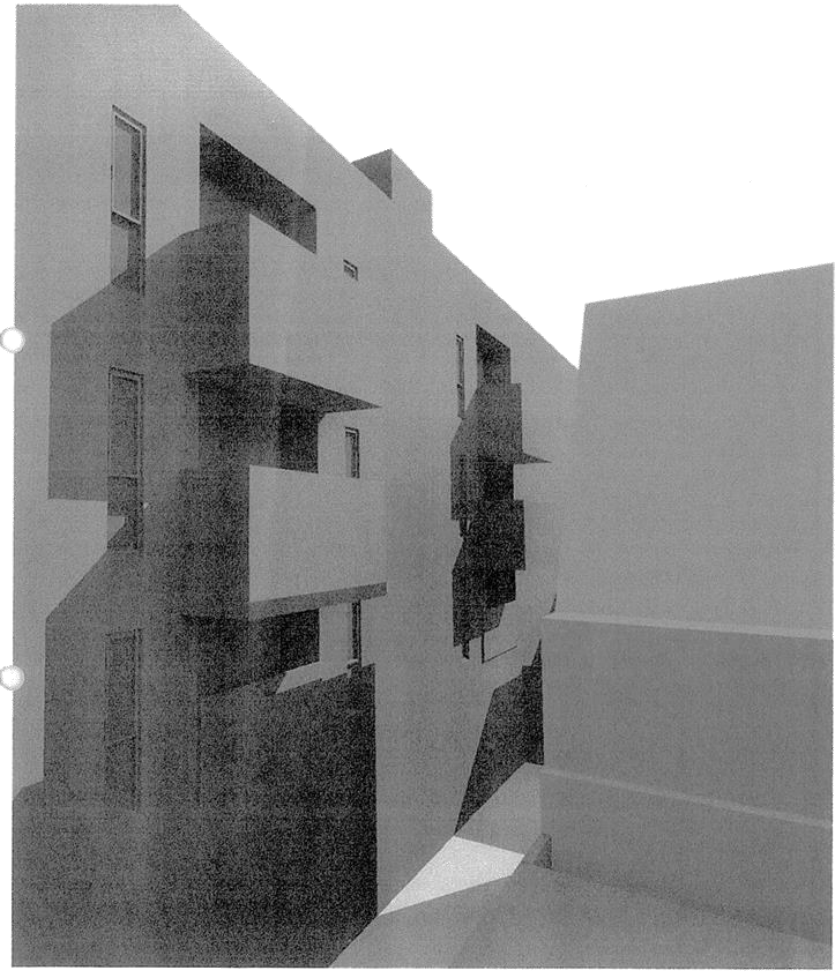
GREEVES STREET TOWNHOUSES
44-46 Greeves Street Fitzroy
3065 VIC Australia

OBJECT/SUBJECT
204/7 Smith Street Fitzroy
3065 VIC Australia

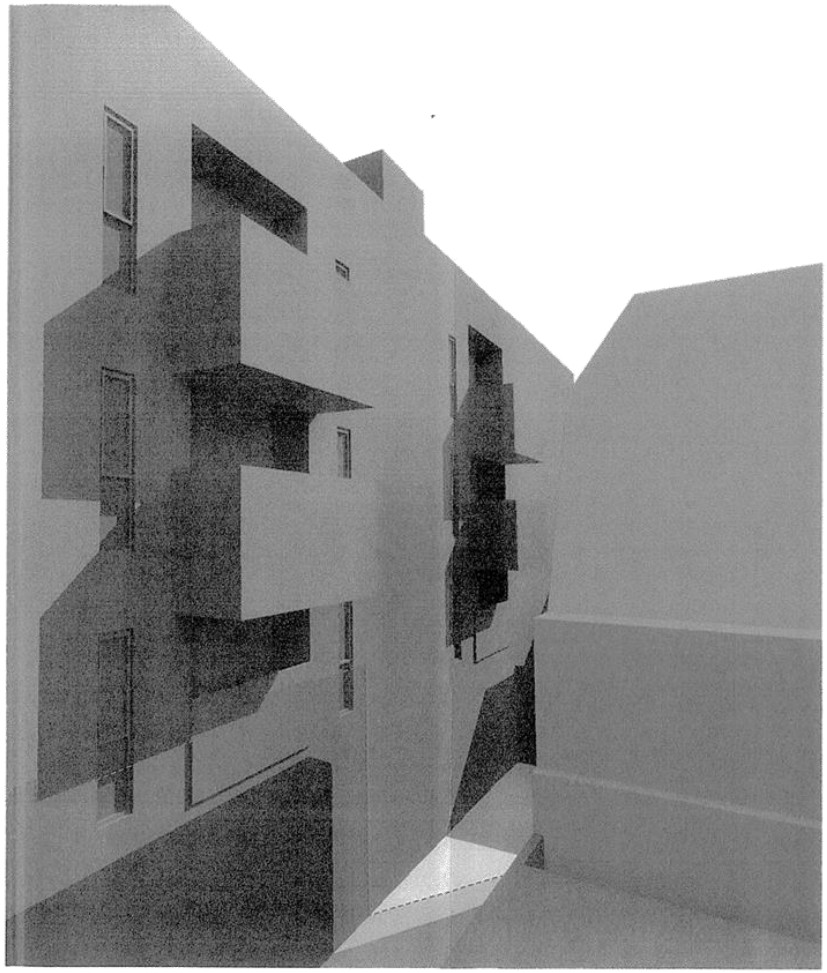
Attachment 1 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Sketch Plans 10 March 2017

SHADOW DIAGRAM
September 22 - 3pm

SHADOW REDUCTION



ORIGINAL MASSING



REVISED MASSING

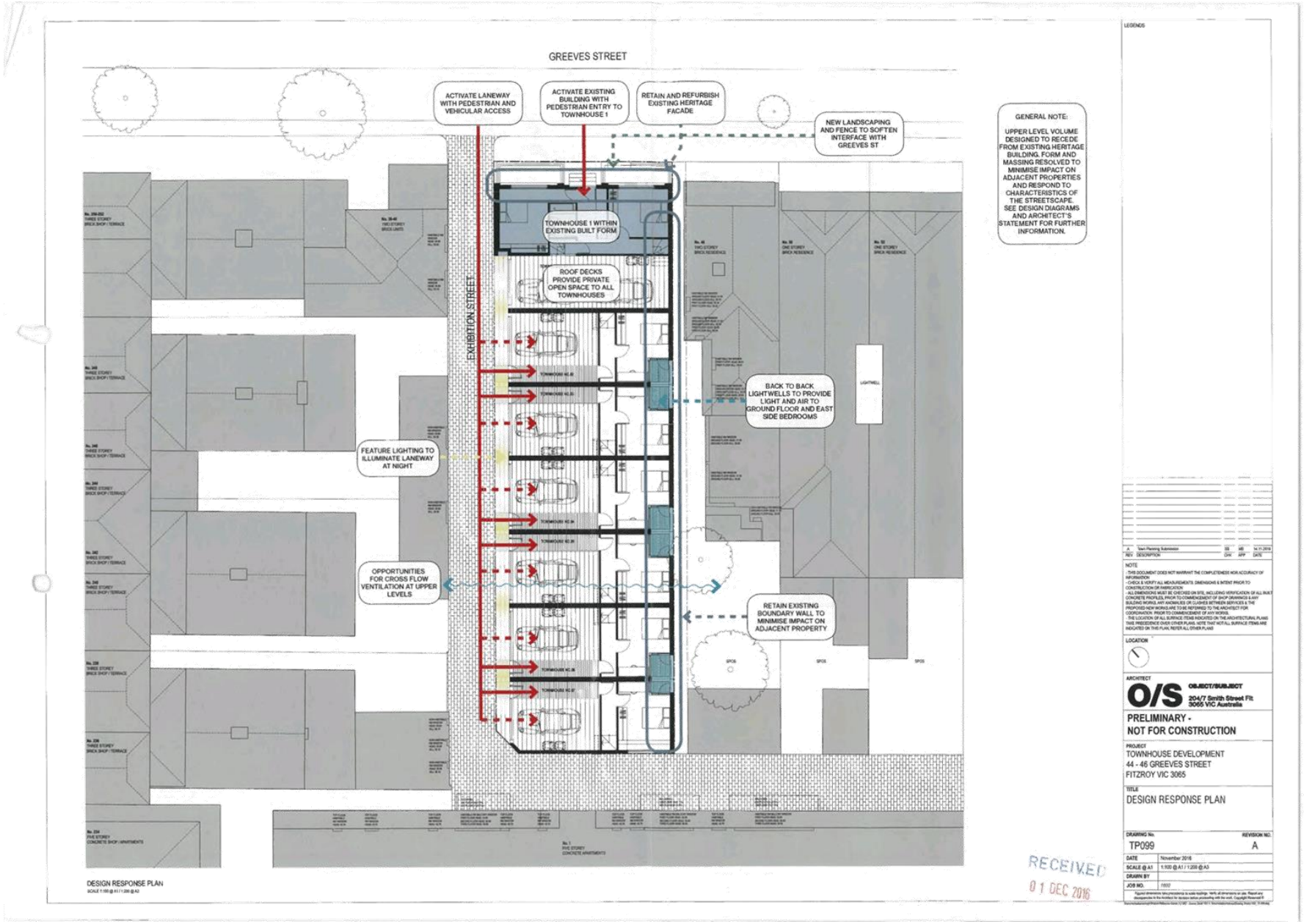
RECEIVED
10 MAR 2017

O/S

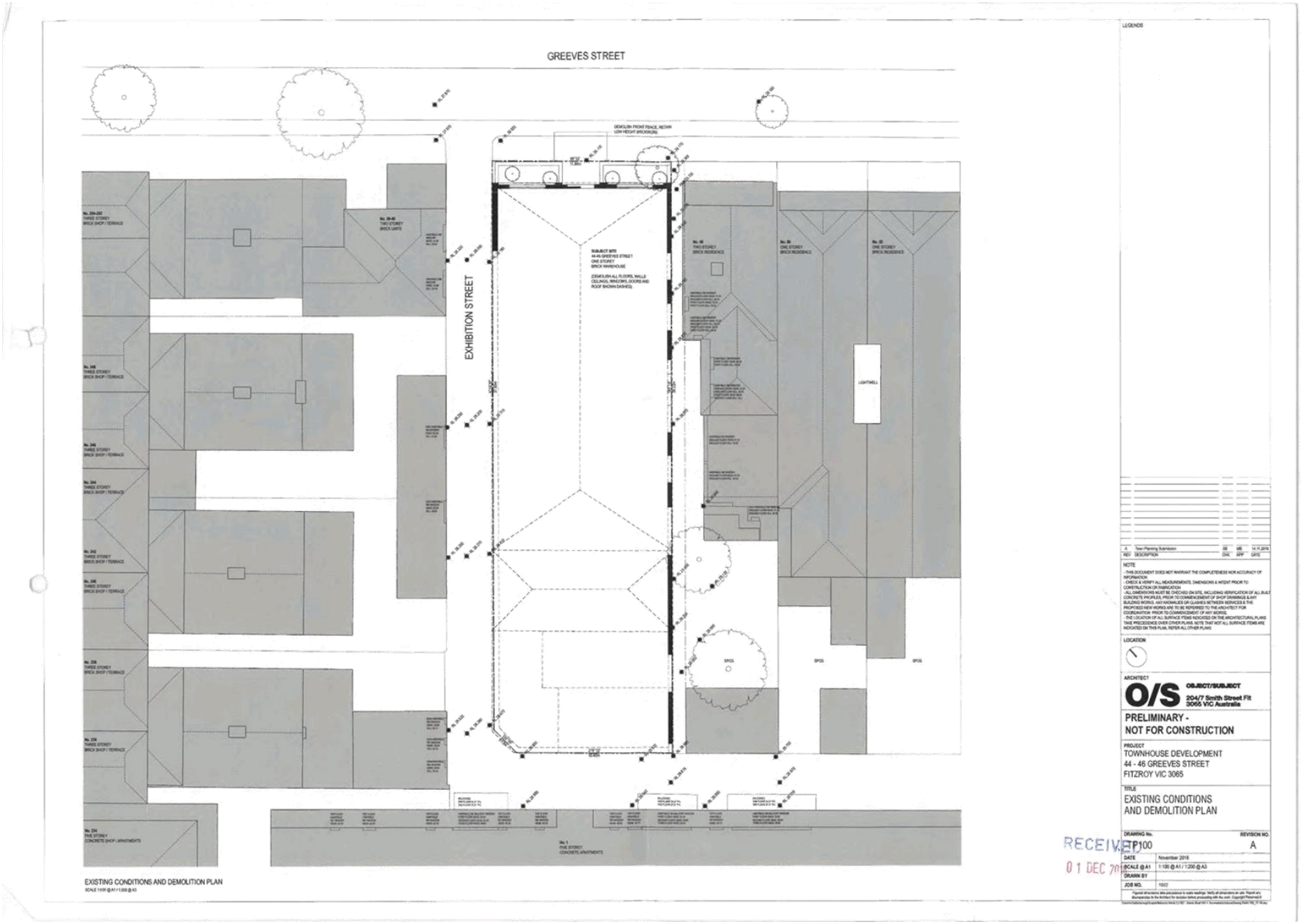
GREEVES STREET TOWNHOUSES
44-46 Greeves Street Fitzroy
3065 VIC Australia

OBJECT/SUBJECT
204/7 Smith Street Fitzroy
3065 VIC Australia

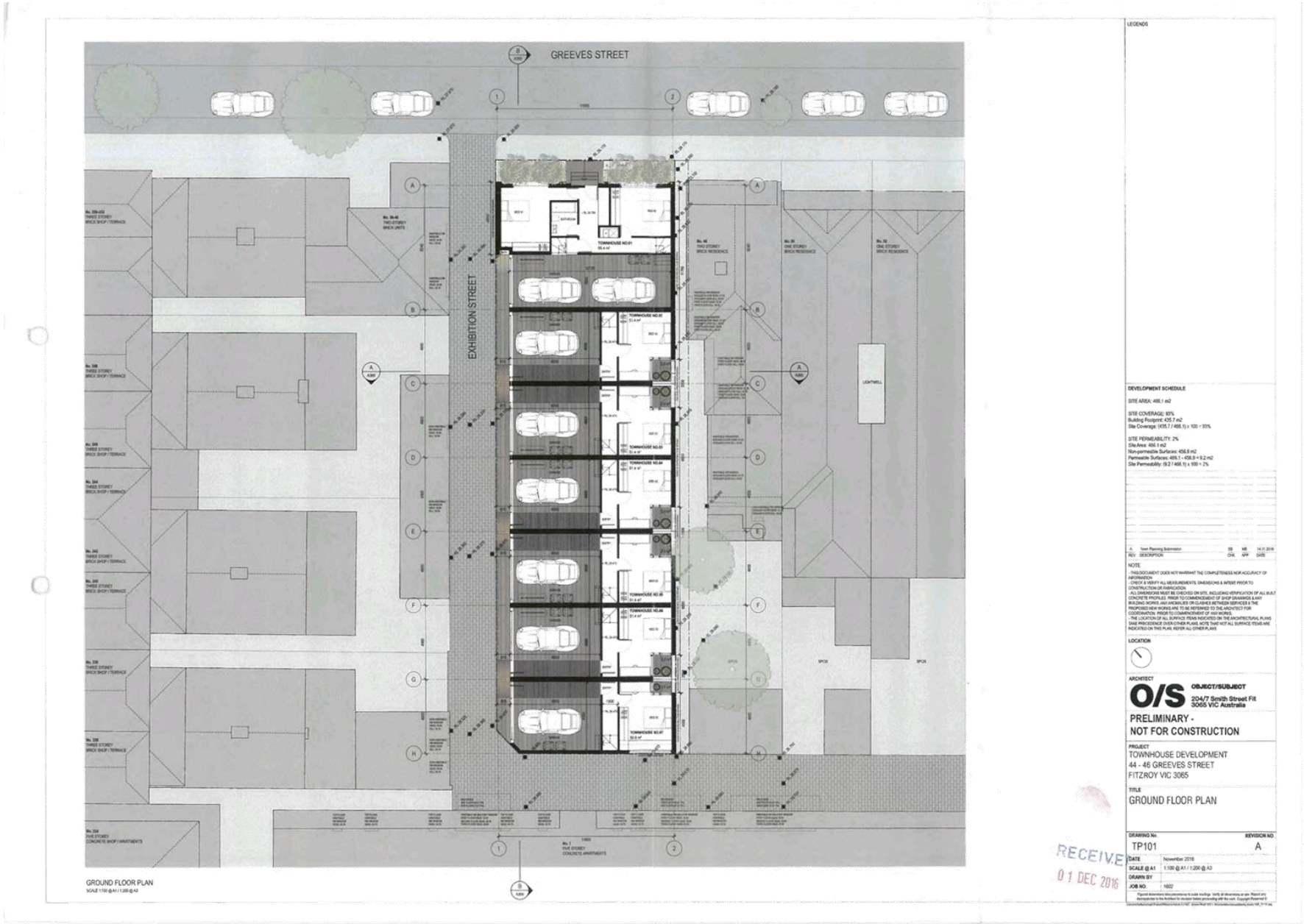
Attachment 2 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Proposed floor plans and elevations



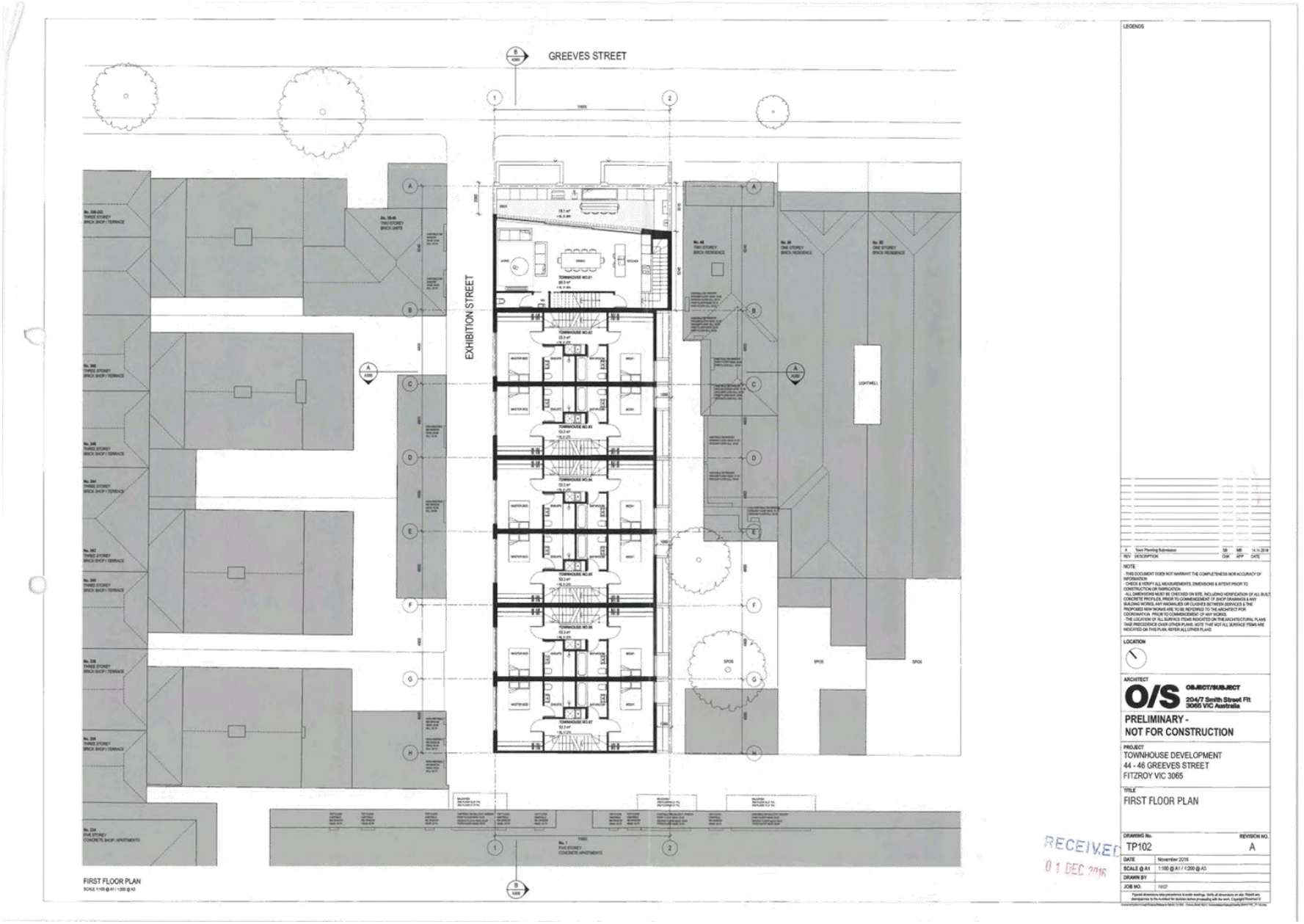
Attachment 2 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Proposed floor plans and elevations



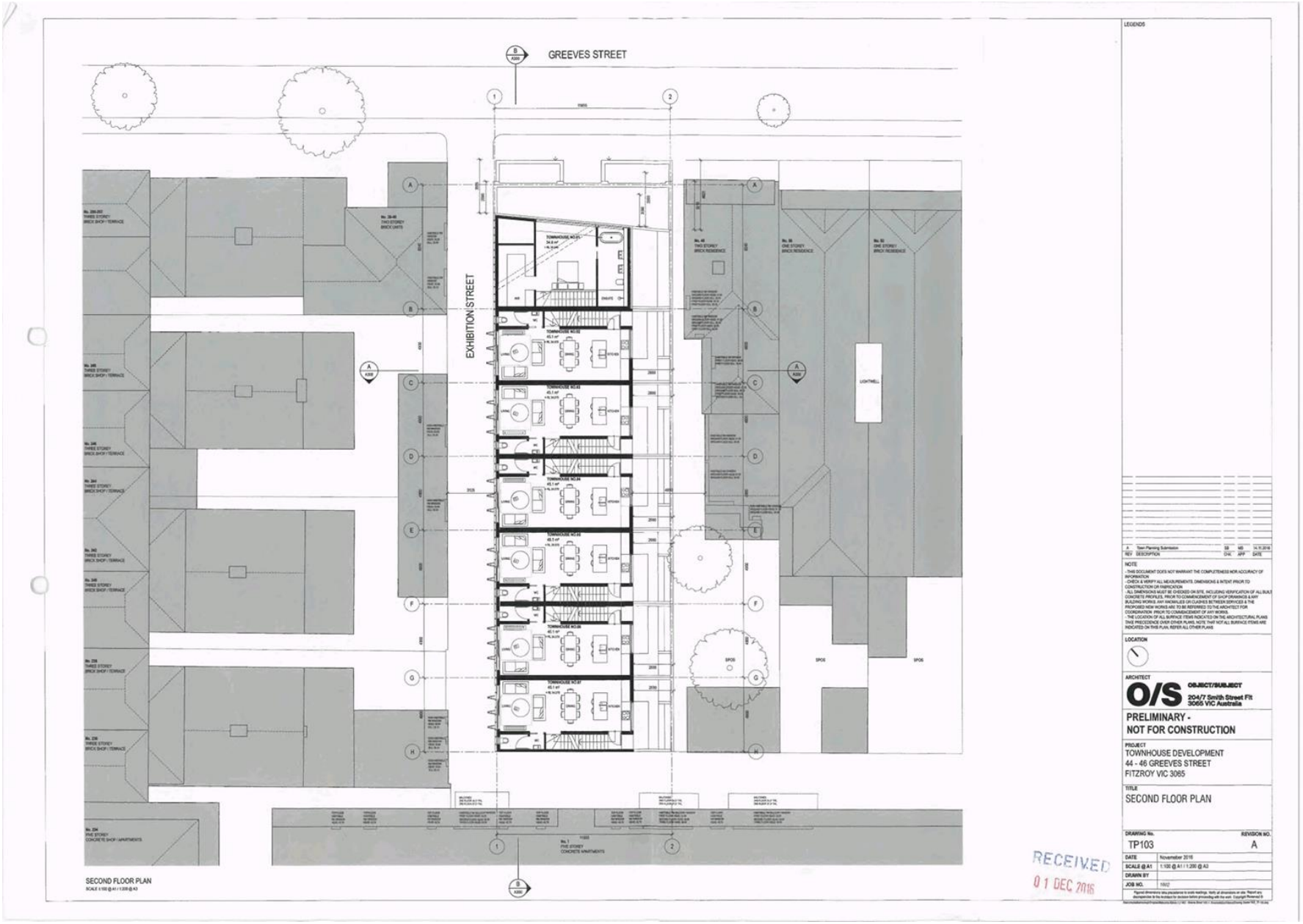
Attachment 2 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Proposed floor plans and elevations



Attachment 2 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Proposed floor plans and elevations



Attachment 2 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Proposed floor plans and elevations



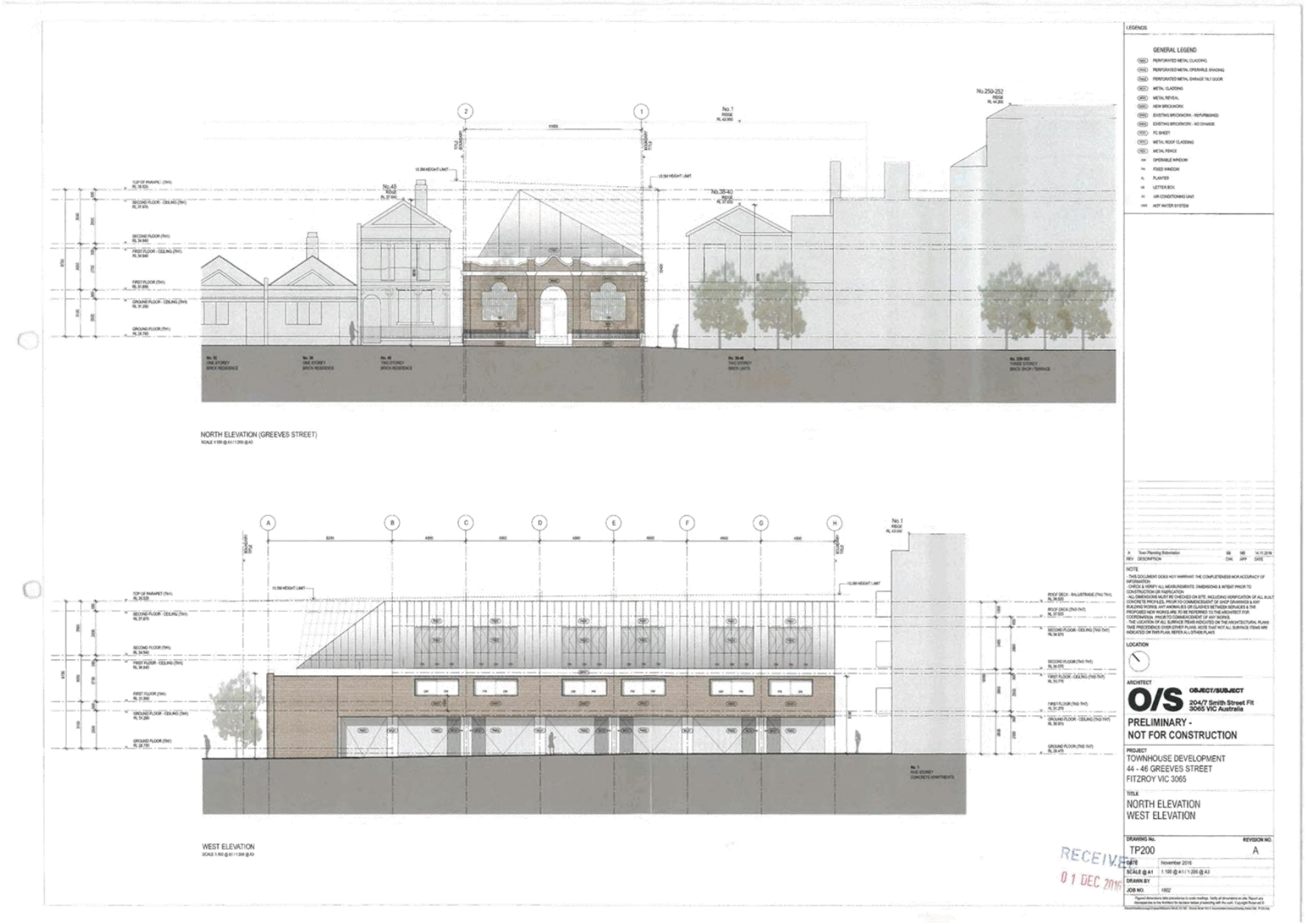
Attachment 2 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Proposed floor plans and elevations



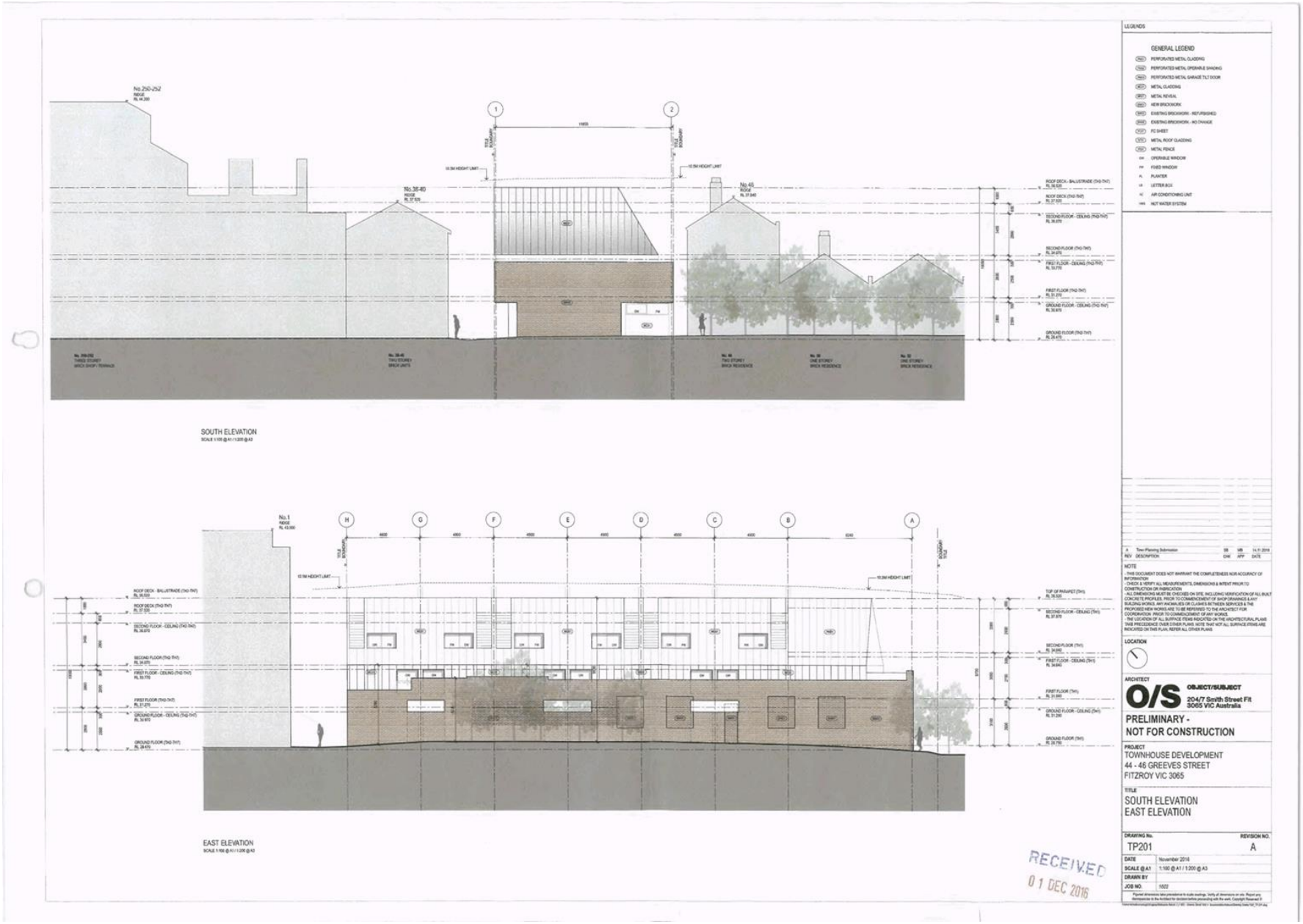
Attachment 2 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Proposed floor plans and elevations



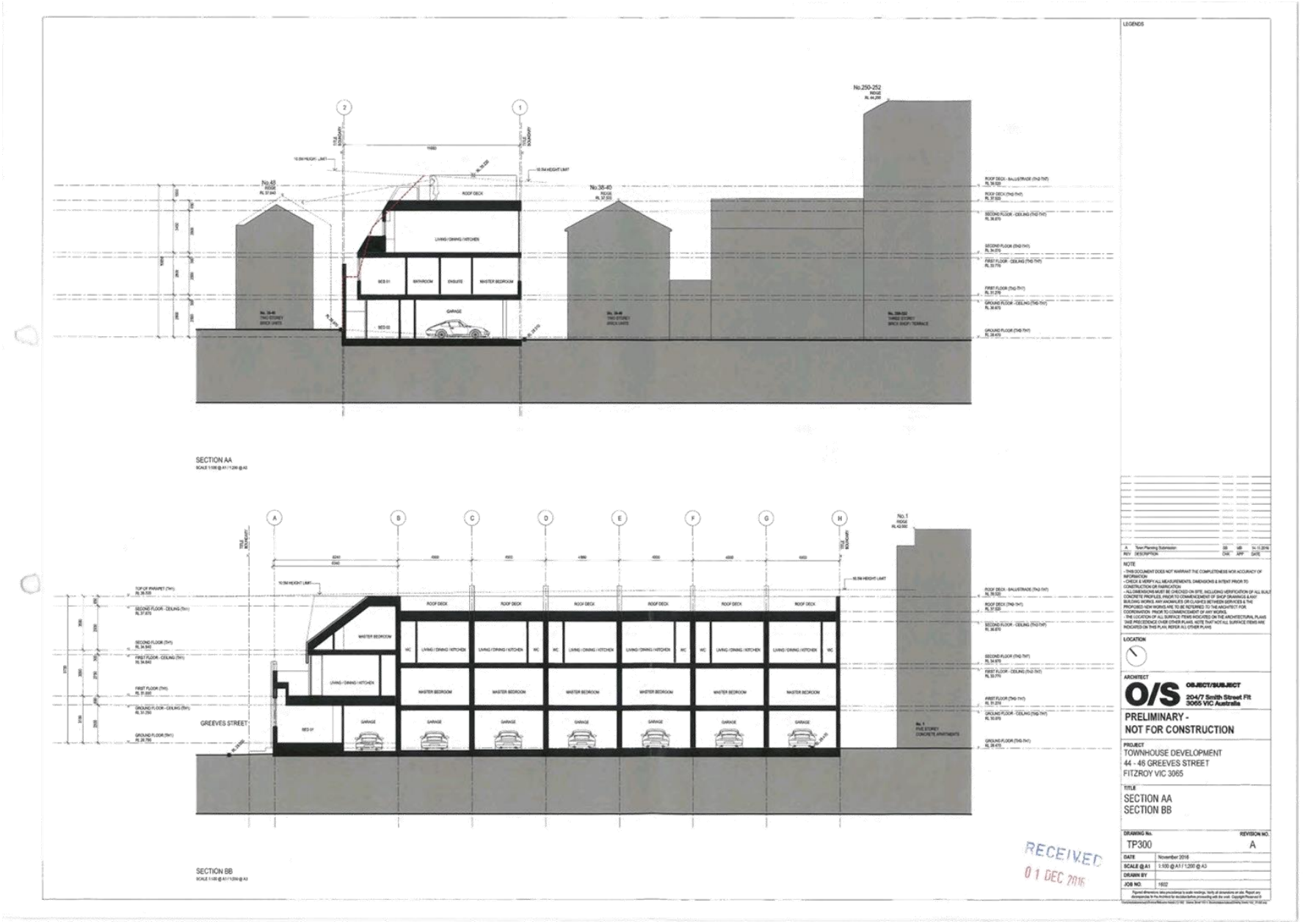
Attachment 2 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Proposed floor plans and elevations



Attachment 2 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Proposed floor plans and elevations



Attachment 2 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Proposed floor plans and elevations



Attachment 2 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Proposed floor plans and elevations

STREET VIEW 01



O/S

GREEVES STREET TOWNHOUSES
44-46 Greeves Street Fitzroy
3065 VIC Australia

RECEIVED
01 DEC 2016

27 / 50
November 2016

Attachment 2 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Proposed floor plans and elevations

STREET VIEW 02



O/S

GREEVES STREET TOWNHOUSES

44-46 Greeves Street Fitzroy
3065 VIC Australia

RECEIVED
01 DEC 2016

28 / 50
November 2016

Attachment 2 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Proposed floor plans and elevations

LANEWAY VIEW 01



O/S

GREEVES STREET TOWNHOUSES

44-46 Greeves Street Fitzroy
3065 VIC Australia

RECEIVED
01 DEC 2016

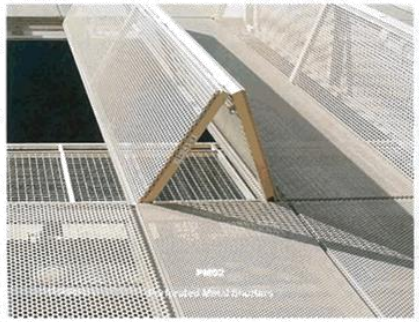
29 / 50

November 2016

Attachment 2 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Proposed floor plans and elevations

MATERIALS SCHEDULE

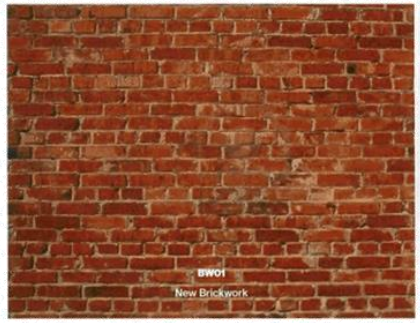

PM01
Perforated Metal Cladding

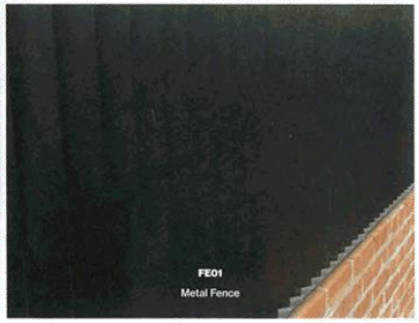

PM02
Perforated Metal Shutters


PM03
Perforated Metal Garage Tilt Door


MC01
Metal Cladding


RF01
Metal Roof Cladding


BW01
New Brickwork


FE01
Metal Fence


TD01
Timber Deck

O/S

GREEVES STREET TOWNHOUSES
44-46 Greeves Street Fitzroy
3065 VIC Australia

RECEIVED
01 DEC 2016

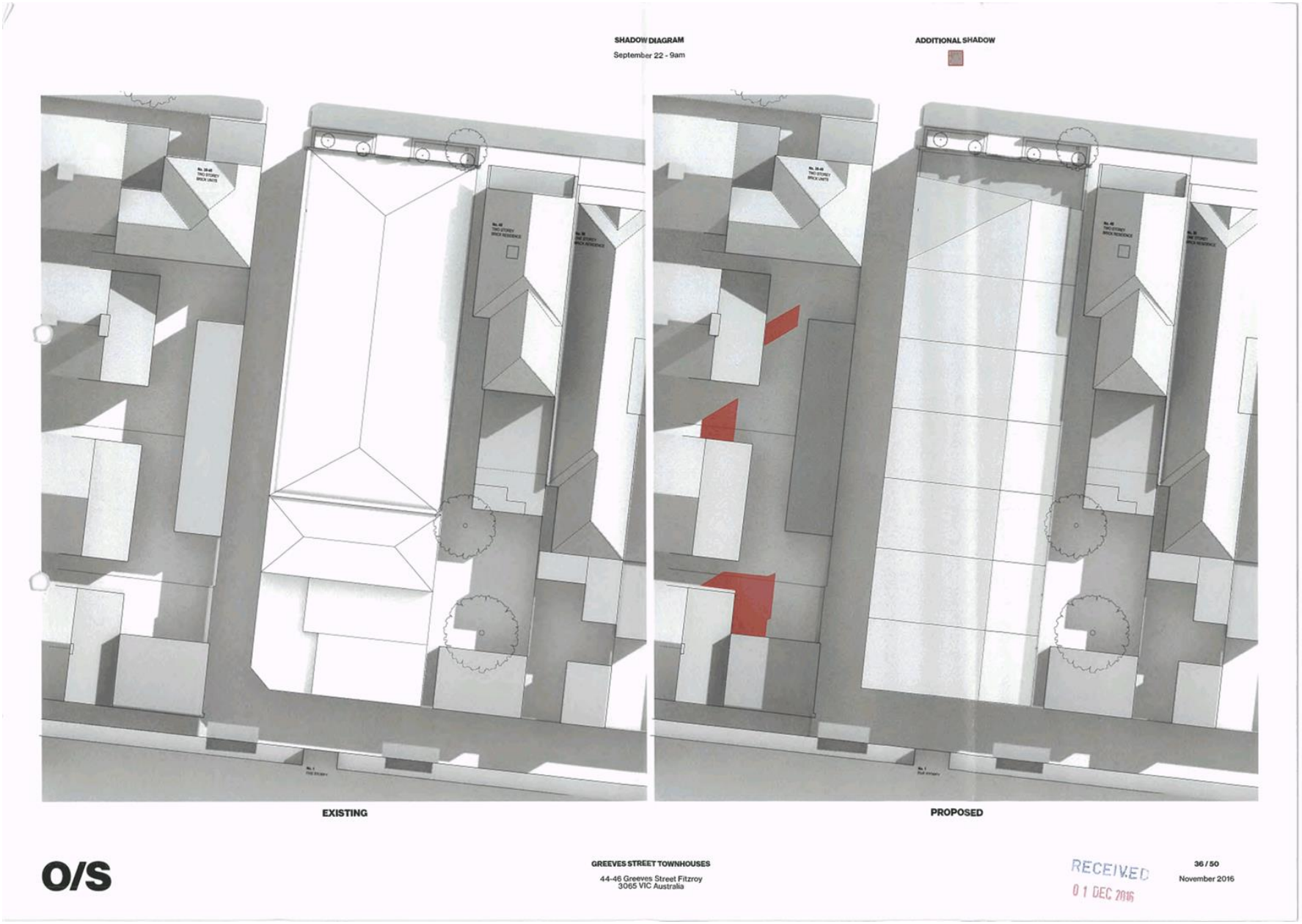
31 / 50
November 2016

Attachment 3 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Site Plan

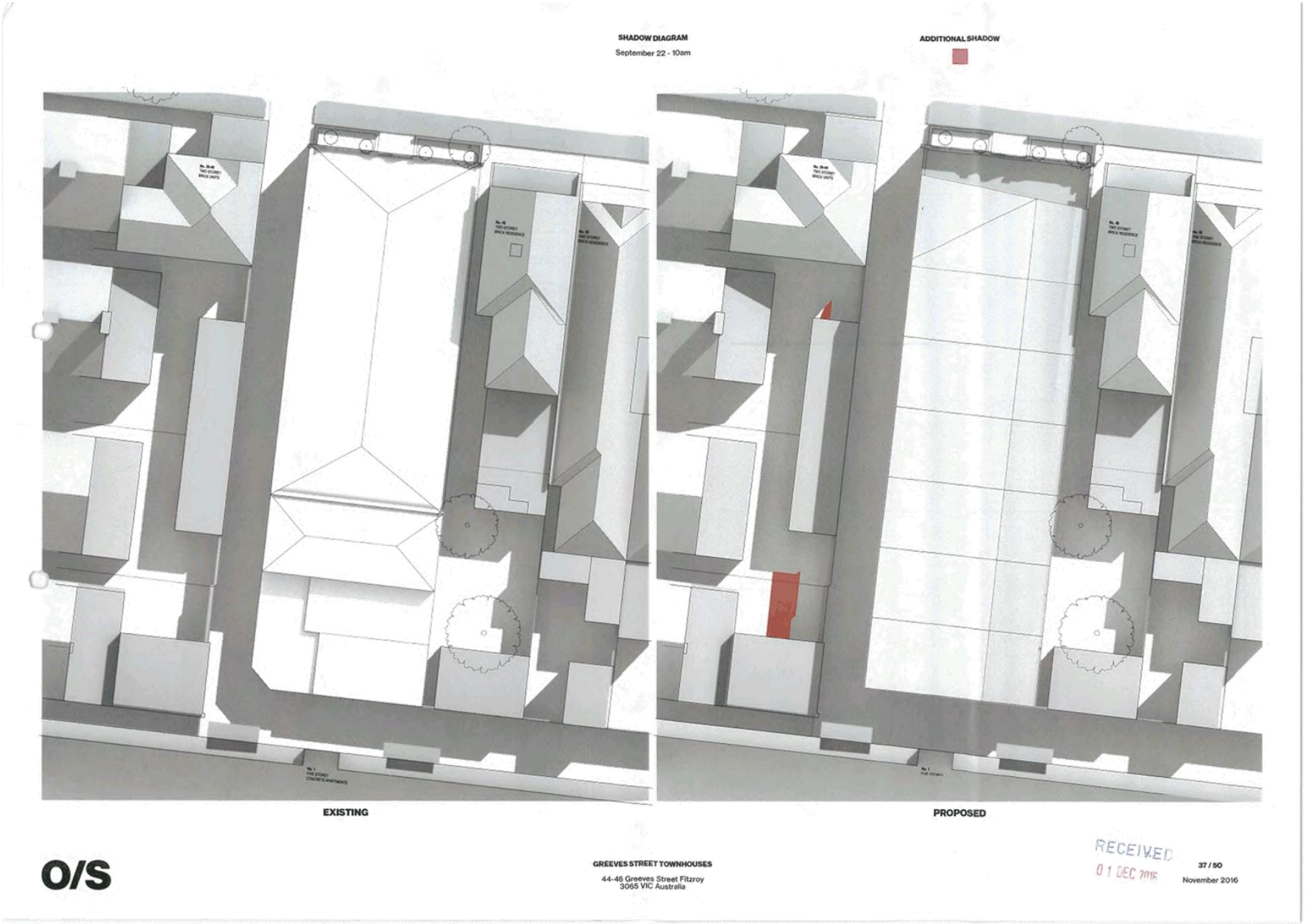
PLN16/1044 – 44-46 Greeves Street, Fitzroy



Attachment 4 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams



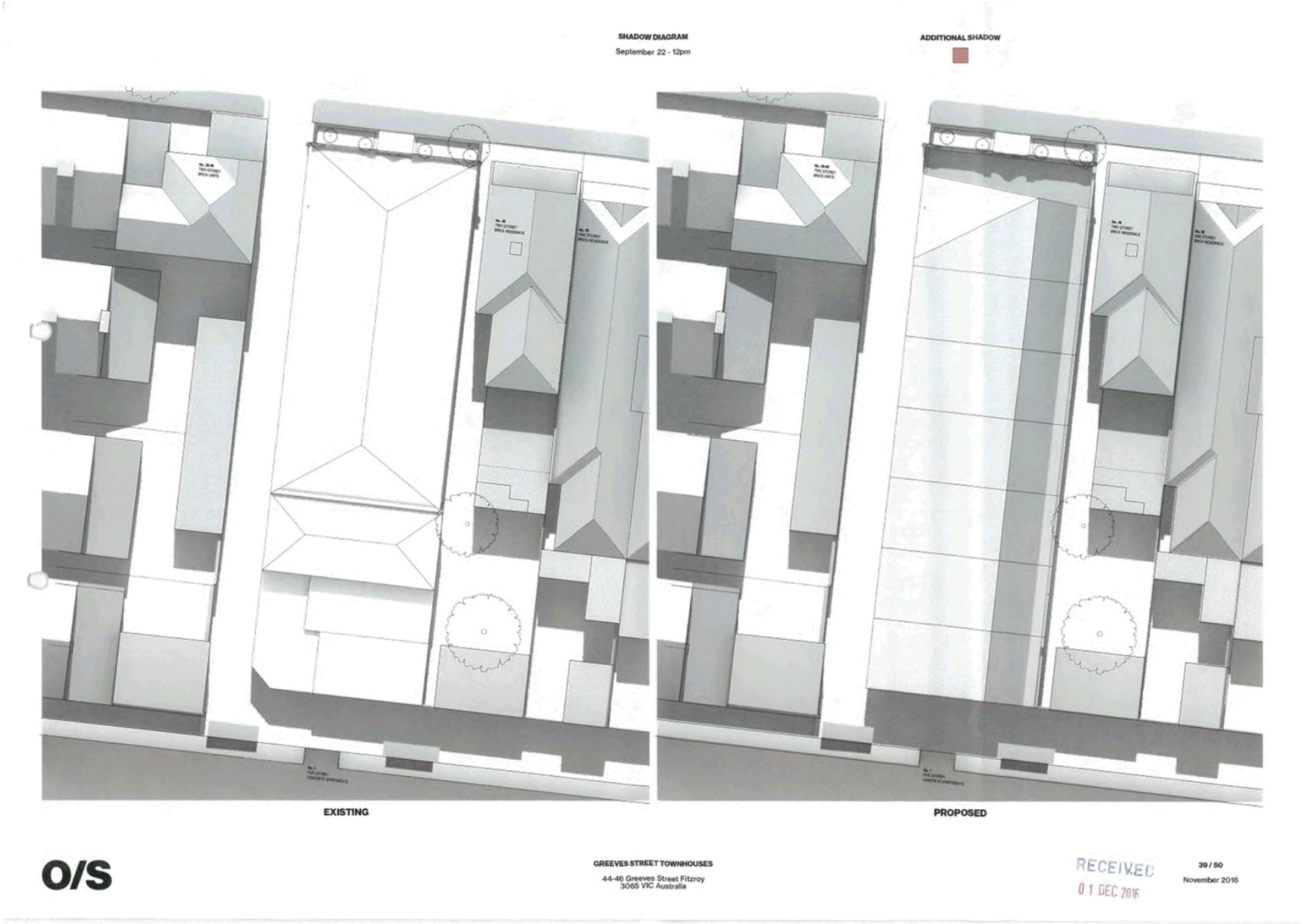
Attachment 4 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams



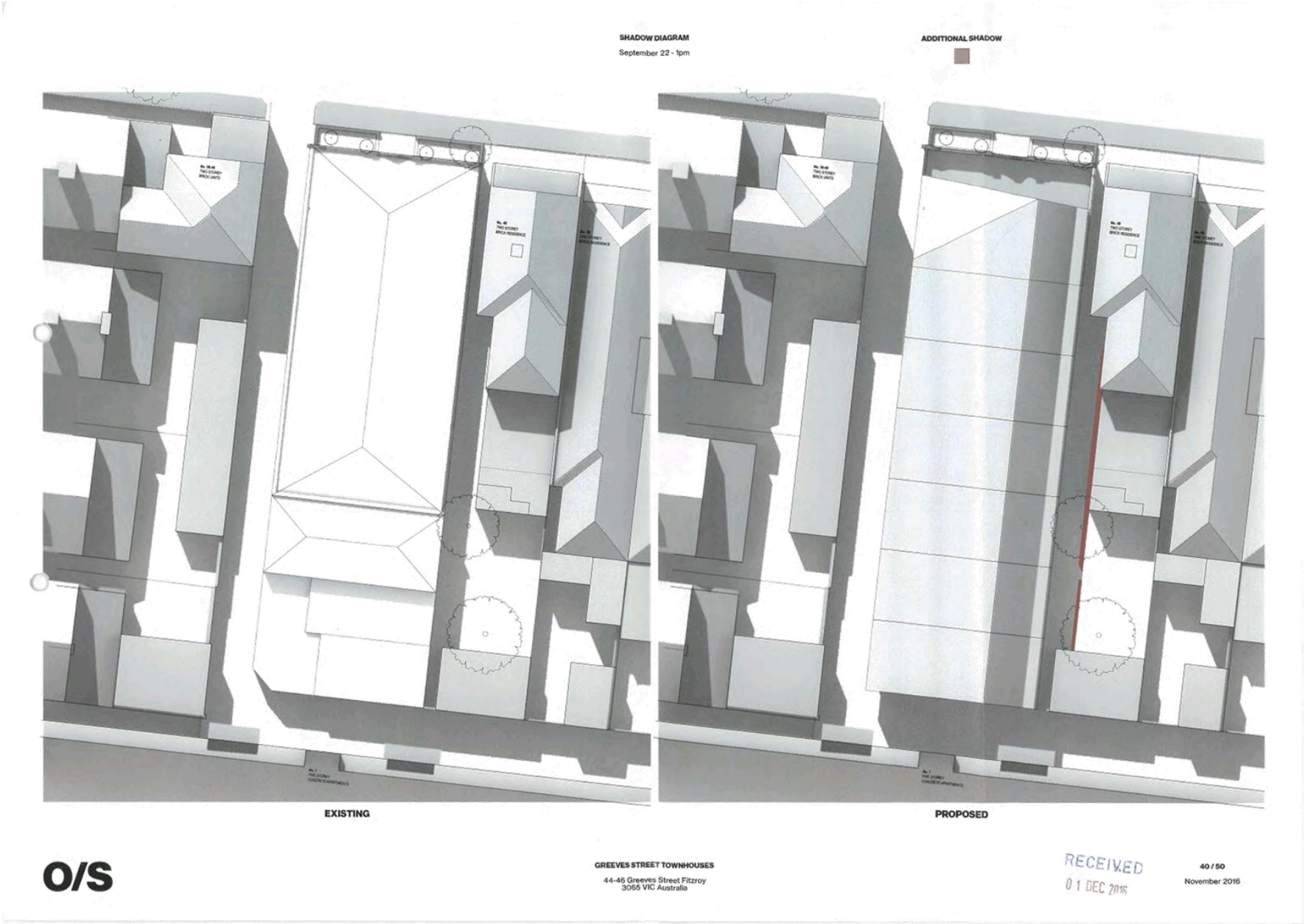
Attachment 4 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams



Attachment 4 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams



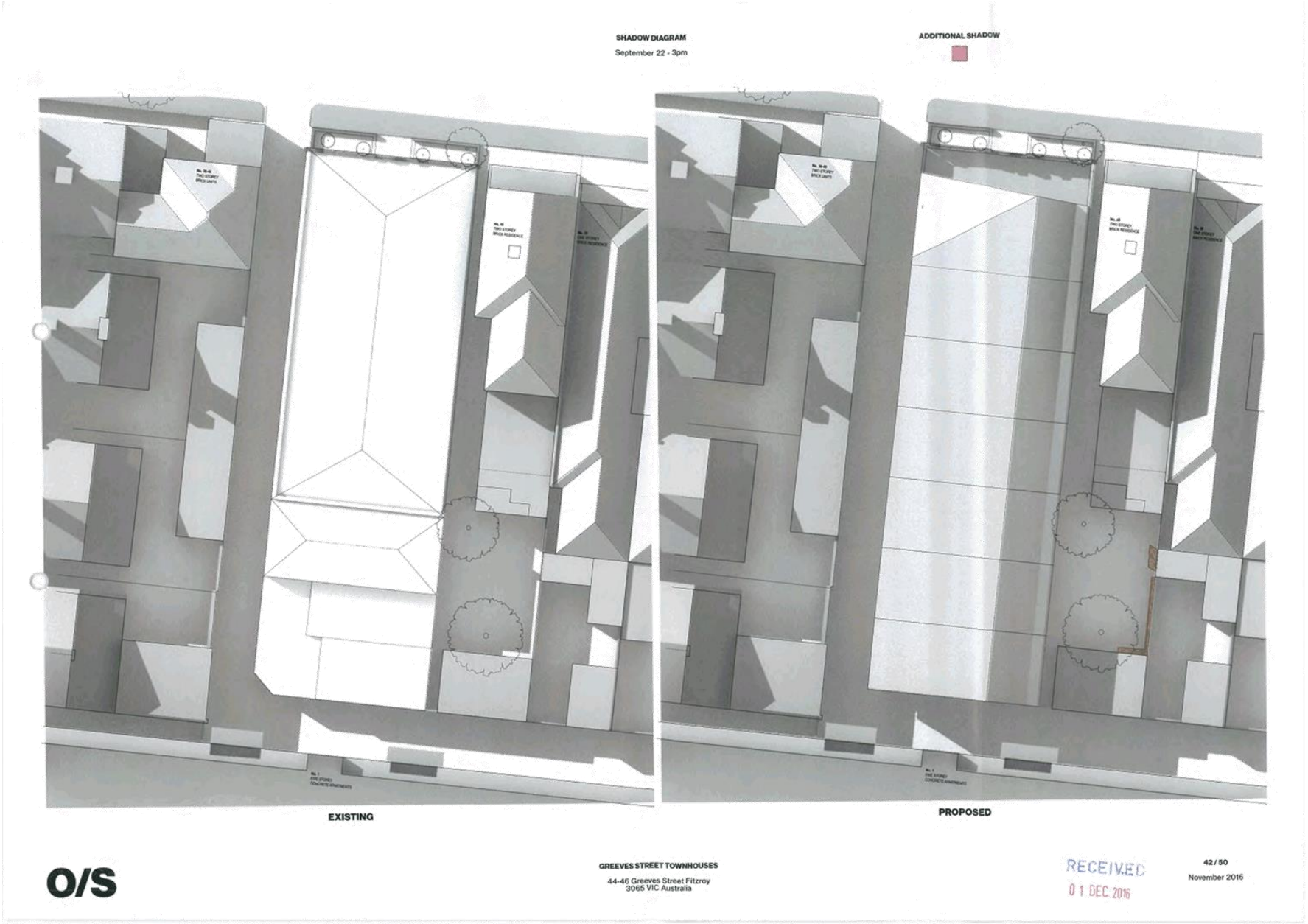
Attachment 4 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams



Attachment 4 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams



Attachment 4 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams



Attachment 4 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams

SHADOW STUDIES (ELEVATION)

Greeves Street Townhouses

44-46 Greeves Street Fitzroy
3065 VIC Australia

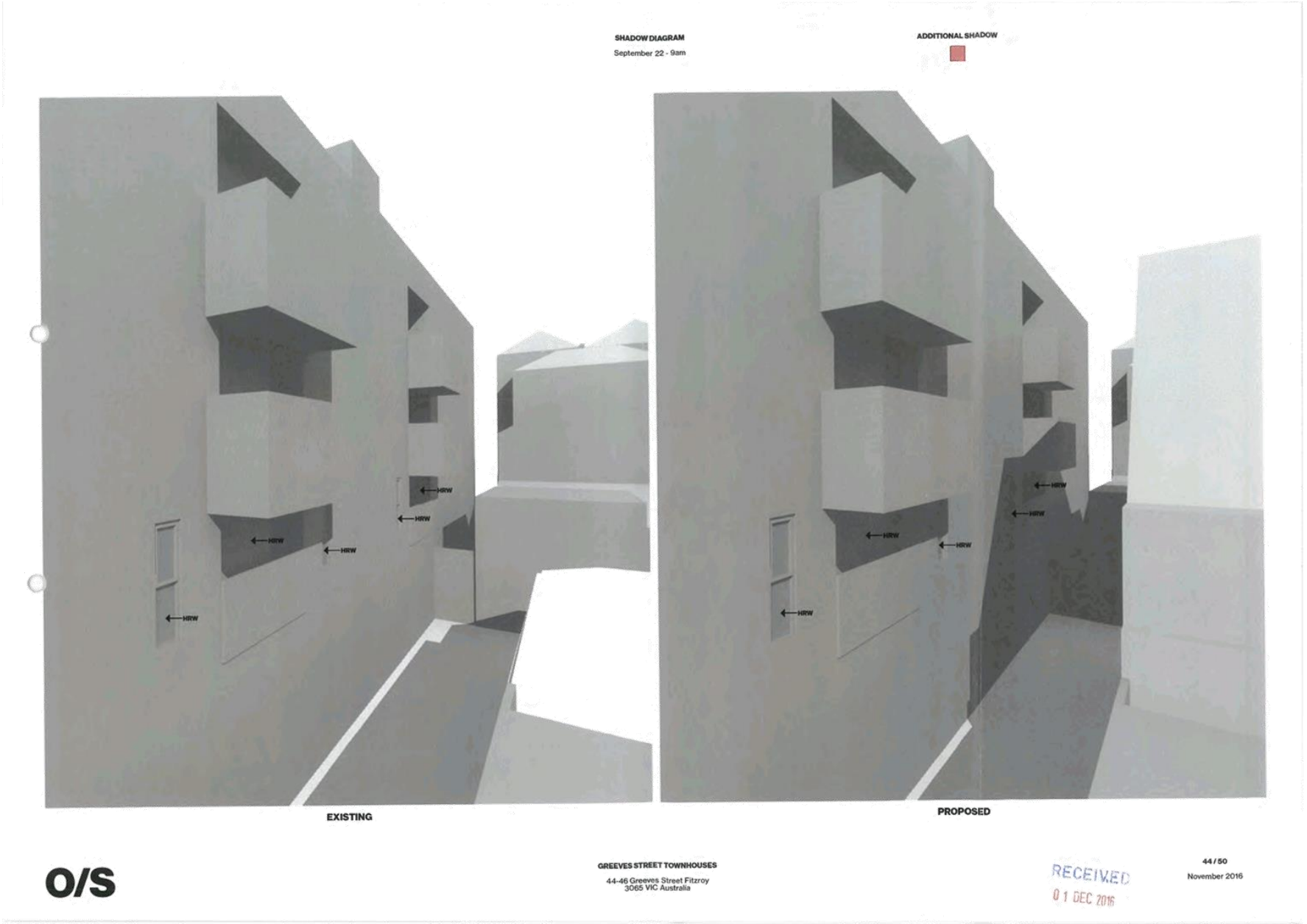
O/S

GREEVES STREET TOWNHOUSES
44-46 Greeves Street Fitzroy
3065 VIC Australia

RECEIVED
01 DEC 2016

43 / 50
November 2016

Attachment 4 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams



Attachment 4 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams



Attachment 4 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams



Attachment 4 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams



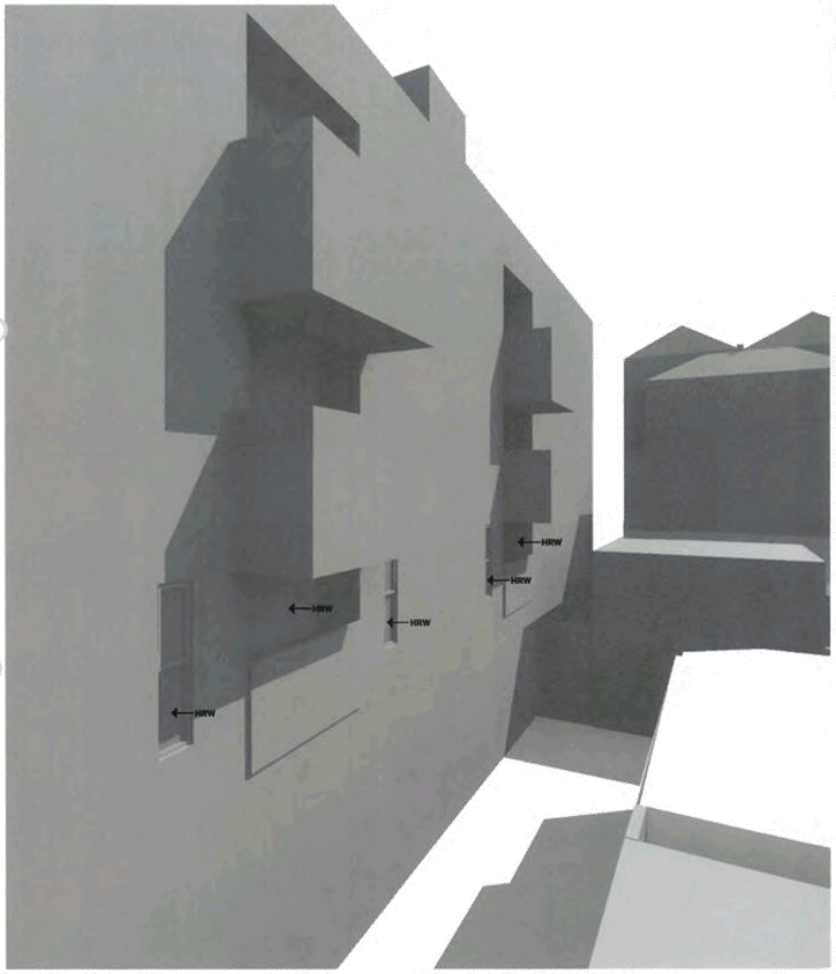
Attachment 4 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams



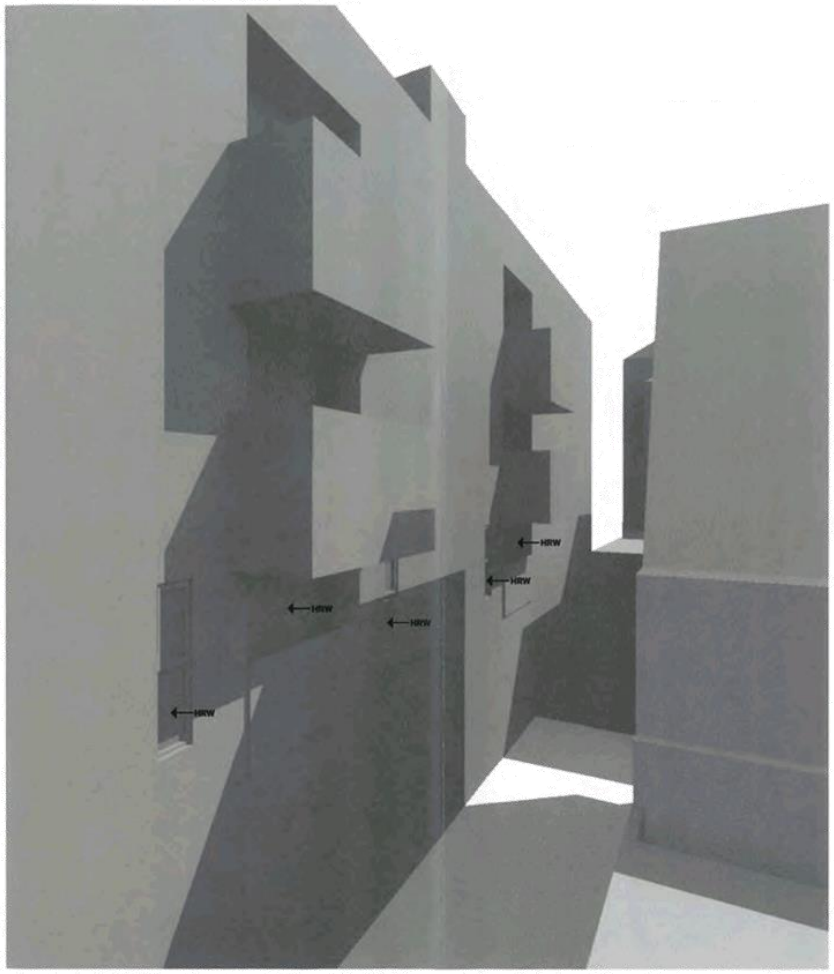
Attachment 4 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams

SHADOW DIAGRAM
September 22 - 2pm

ADDITIONAL SHADOW



EXISTING



PROPOSED

O/S

GREEVES STREET TOWNHOUSES
44-46 Greeves Street Fitzroy
3065 VIC Australia

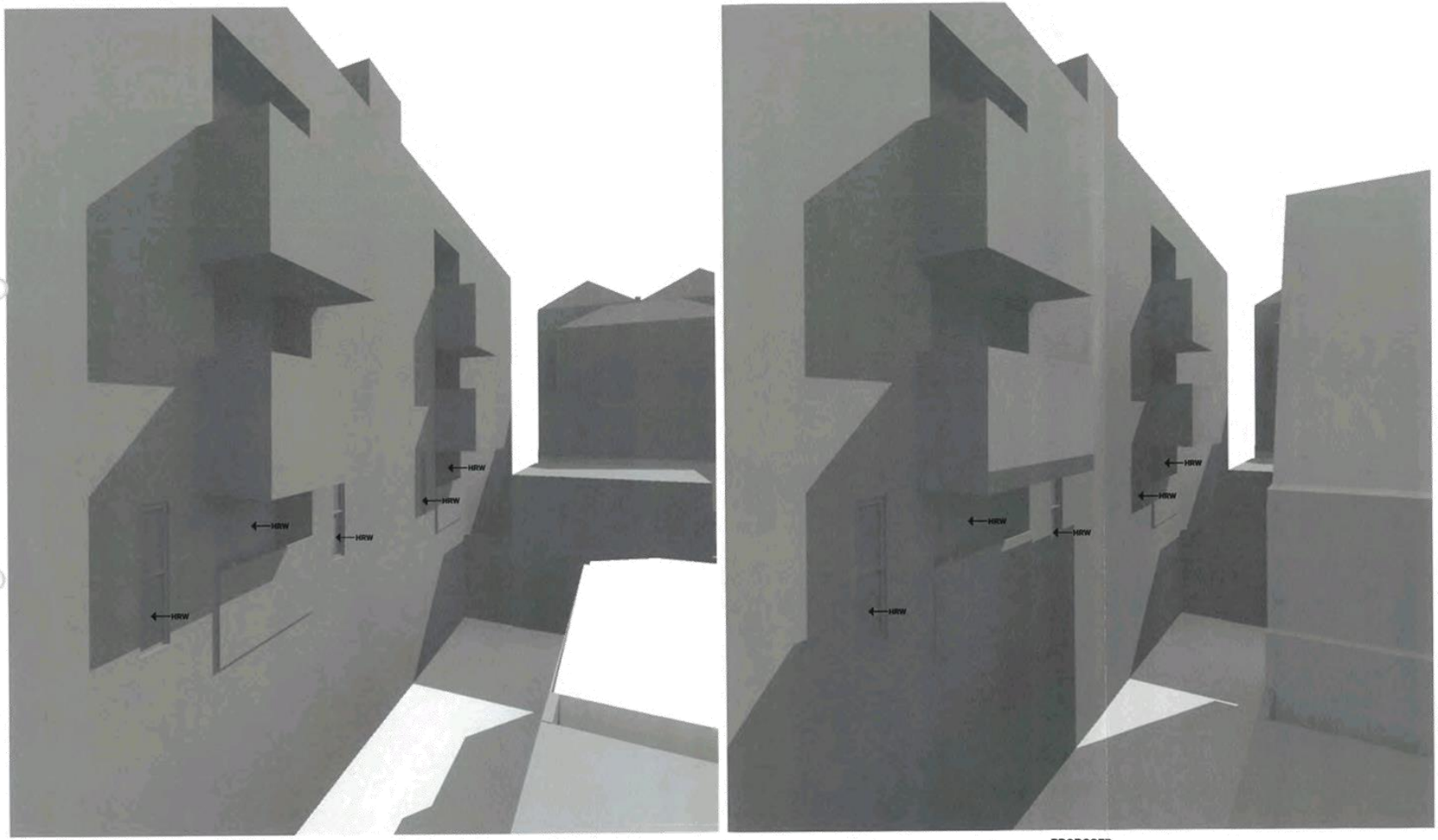
RECEIVED
01 DEC 2016

49 / 50
November 2016

Attachment 4 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Shadow diagrams

SHADOW DIAGRAM
September 22 - 3pm

ADDITIONAL SHADOW



EXISTING

PROPOSED

O/S

GREEVES STREET TOWNHOUSES
44-46 Greeves Street Fitzroy
3065 VIC Australia

RECEIVED
01 DEC 2016

50 / 50
November 2016

Attachment 5 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Engineering Addendum - Sewer easement

CITY OF YaRRA

ADDENDUM

To:	**Lara Fiscalini**	
From:	**Mark Pisani**	
Date:	**4 May 2017**	
Subject:	**Application No:**	**PLN16/1044**
	Description:	**Sewerage Easement on Property**
	Site Address:	**44-46 Greeves Street, Fitzroy**

I refer to the Planning Application for the proposed development at 44-46 Greeves Street, Fitzroy in relation to the existing sewer easement contained within the property. Council's Engineering Services unit provides the following information:

Existing Sewerage Easement
A check of the title for the subject site (Vol 09352 Fol 771) indicates that there is an existing sewerage easement (E-2) which has a width of 1.22 metres, extending from the south west corner of the property at an oblique angle.

Under the provisions of the *Building Regulations* 2006 (Reg. 310), a Report and Consent of a service authority is required to construct a building over an easement vested in that service authority. In this case, City West Water is the relevant authority vested in the easement at the subject site and not Council.

The applicant needs to consult City West Water with respect to building over the sewerage easement.

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 6 - PLN16/1044 - 44-46 Greeves St Fitzroy - ESD Referral Comments

Sustainable Design Assessment (SDA)
Referral Response by Yarra City Council

Assessment Summary:

Responsible Planner:		Lara Fiscalini	
ESD Advisor:		Euan Williamson	
Date: 12.12.2016		Planning Application No: PLN16/1044	
Subject Site:		44-46 Greeves Street, Fitzroy, VIC 3121	
Site Area:	Approx. 466m^2	Site Coverage:	100%
Project Description:		Development of 7 three-storey townhouses	
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:
- Exceeding NCC thermal efficiency requirements with a 6.4 average NatHERS rating.
- 2,000 litre rainwater tank in each dwelling connected to toilets for flushing.
- Good access to daylight and natural ventilation.
- Adjustable exterior shading.
- 6 Star instantaneous gas.
- Energy efficient heating / cooling and hot water.
- Water efficient fixtures and taps.

(2) Application ESD Deficiencies:
There are no outstanding deficiencies.

(3) Outstanding Information
- The BESS report includes an indicative 135% STORM score, but no actual STORM report was included. The rainwater storage to toilet flushing system that is proposed is likely to produce this result, but please submit a STORM report demonstrating a minimum 100% STORM score.

(4) ESD Improvement Opportunities:
- Consider opportunities for pergola-mounted solar PV on the rooftops to provide some shelter and contribute to electricity generation.

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 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Urban Design Referral Comments

CITY OF YaRRA

MeMO

TO:	Lara Fiscalini (Statutory Planning)
FROM:	Hayley McNicol (Urban Design)
DATE:	12 January 2017
SUBJECT:	44-46 Greeves Street, Fitzroy
APPLICATION NO:	PLN16/1044
DESCRIPTION:	Part demolition and construction of triple storey residential with roof terraces, accommodating seven dwellings

COMMENTS SUMMARY

Urban Design comments have been sought on the above proposal, in particular on the integration of the proposed building with the adjacent streetscape, and the design response of the building.

In summary we consider that the following changes should be incorporated to make the proposal more acceptable from an urban design perspective:

- The proposed additions should be located at least 3 metres from the front façade, and if possible the height of the building (at the top of the pitch) could be slightly lowered, to reduce the prominence of the additions in the streetscape and ensure that it better responds to the existing heritage façade.
- The proposed use of the perforated metal cladding should be made more textured and transparent, to appear less flat, and better complement the brickwork.
- The front terrace for Townhouse No. 1 should incorporate more landscaping that is visible from the street, as this would help to tie the existing and new buildings together
- The front entrances to the dwellings should have a more active and prominent appearance to improve the development's interface with the laneway and reduce the dominance of garages on the laneway. This may require changes to the car parking arrangement to create a more centralised car park, or reduce the number of garage entries along the laneway.
- Although a setback has been provided from the ground floor of the development from the western laneway, we encourage a further setback of 0.5 metres (ensuring a total laneway width of 4.5 metres) to provide improved pedestrian access along the laneway and facilitate vehicle turning movements in and out of the garages.
- The surface of the laneway should be improved to provide better pedestrian access leading to the dwelling entrances.

Attachment 7 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Urban Design Referral Comments

It is understood that there are capital works planned at the entrance of Greeves Street (where it meets Brunswick Street), to create a raised pedestrian crossing in line with the footpath along Brunswick Street. This is expected to be delivered this financial year as part of the Council's 'Black Spot Programme', which is being led by the Traffic Unit.

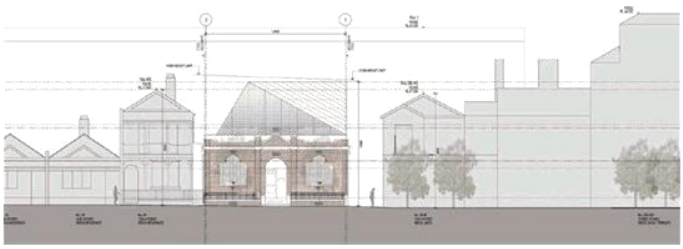
Proposal (Drawings TP099-TP104 and perspective renders stamped 1 December 2016)

It is proposed to demolish part of the existing building on the site and construct a new three storey building accommodating seven new dwellings. The proposal would retain the front of the existing building, and provide a modern extension comprising white perforated metal cladding with an asymmetrical roof profile.

Each dwelling would have its own entrance, with one from Greeves Street and the rest from the laneway. Seven individual car garages will be provided with direct access from the laneway.



View of proposed development from Greeves Street



North (front) elevation



West (side) elevation

Attachment 7 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Urban Design Referral Comments

Urban Design feedback

- *Built form and massing*

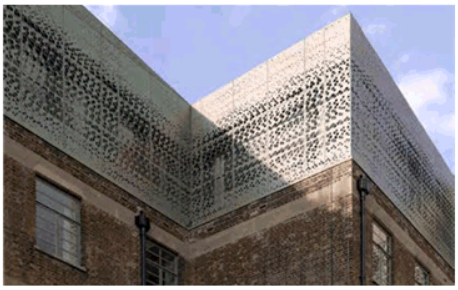
  In terms of the overall height, we note that the height of the proposed additions fit within the permitted 10.5 metre height limit for this GRZ1 zone, and would provide some transition between the residential properties to the east and Brunswick Street properties to the west.

  However to reduce the prominence of the additions when viewed from the street, we consider that the additions should be located at least 3 metres from the front façade of the building (as discussed in more detail below).

- *Streetscape fit and façade design*

  The proposal provides a contemporary addition to the existing heritage façade, with an asymmetrical roof profile. Considering that location of this site at the end row of residential properties, and directly behind the shops fronting Brunswick Street, we do not object to the style of the addition including the asymmetrical roof profile. However we make a number of suggestions which we consider would provide a more acceptable response to the existing heritage building (listed as contributory) on the site and sit more comfortably in the streetscape, as detailed below.

  - To better balance the vertical proportions of the proposed addition compared to the front façade, create some more distinction between the existing and new built form and make the additions appear more recessive, we recommend that the proposed addition is located at least 3 metres from the front façade, and if possible the height of the building (at the top of the pitch) could be slightly reduced.
  - The proposed use of the perforated metal cladding should be made more textured and transparent, to appear less flat and prominent, and better complement the brickwork (refer to applicant's precedent image below).
  - The front terrace for Townhouse No. 1 should incorporate more landscaping that is visible from the street, as this would help to tie the existing and new buildings together (refer to applicant's precedent image below).



Use of textured perforated metal



Use of greenery

Attachment 7 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - Urban Design Referral Comments

- *Building layout and interface*

  The development is configured with individual entrances to the townhouses via the laneway (with the exception of Townhouse No. 1 which is accessed from Greeves Street). Seven individual garages are also accessed directly from the laneway, and take up most of the ground floor frontage, resulting in an inactive frontage along the majority of the laneway. Although individual entrances are provided, these are only a metre wide and comprise solid doors with minimal window space, which result in a poor interface with the laneway.

  To address this concern, we recommend that the applicant reconsiders the parking arrangement to see if it is possible to have a more centralised car park (perhaps utilising the southern end of the site), to allow for an improved and more active ground floor frontage. If this is not possible we recommend that the individual entrances are widened and made more transparent to improve this interface (this might impact on the number of garages provided along the laneway).

- *Access*

  As the development requires pedestrians to use the western laneway to access the individual dwellings, the nature of this laneway would change and therefore we consider that the laneway environment should be improved for pedestrians. This includes the following matters:

  - The surface treatment of the laneway should be improved to provide adequate pedestrian access to the units.
  - Whilst we welcome the setback of the ground floor from the western boundary, to widen the laneway from approximately 3 metres to 4 metres, we encourage the applicant to increase the setback by 0.5 metres, to achieve a laneway width of 4.5 metres. This would allow a pedestrian and vehicle to more comfortably move along the laneway. This may also better accommodate the manoeuvring required for vehicles coming in and out of the garages, which appears to be tight at the moment.

- *Material and colour*

  As recommended above, the use of the perforated metal should be made more textured and transparent to better complement the existing building and reduce the prominence of the proposed additions.

Attachment 8 - PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Engineering comments

CITY OF YaRRA

MEMO

To:	**Lara Fiscalini**	
From:	**Mark Pisani**	
Date:	**9 January 2017**	
Subject:	**Application No:**	**PLN16/1044**
	Description:	**Triple Storey Residential Building**
	Site Address:	**44-46 Greeves Street, Fitzroy**

I refer to the above Planning Application received on 2 December 2016 and the accompanying report prepared by One Mile Grid traffic engineering consultants in relation to the proposed development at 44-46 Greeves Street, Fitzroy. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION

Proposed Development

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Three-bedroom dwelling	7	2 spaces per dwelling	14	8
Residential visitors	7 Dwellings	1 space per 5 dwellings	1	0
		Total	**15 Spaces**	**8 Spaces**

The development has a car parking shortfall of 7 spaces.

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

Car Parking Demand Assessment

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

- *Parking Demand for Three-Bedroom Dwellings*. The development would be providing on-site parking at a rate of 1.14 cars per dwellings. One Mile Grid traffic engineering consultants have sourced car ownership rates for the Fitzroy area from the 2011 census conducted by the Australian Bureau of Statistics. The average car ownership for three-bedroom dwellings (semi-detached, row or terrace house) in Fitzroy is 1.39 cars per dwelling. The providing one space each to six of the three-bedroom dwellings and two spaces to one of the dwellings is considered satisfactory, as the site has excellent public transport accessibility and pedestrian access to shops, businesses and essential facilities.

Attachment 8 - PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Engineering comments

- *Parking Demand for Residential Visitors*. Peak parking for residential visitors generally occurs on weekday evenings and at weekends. This development would have a peak residential visitor parking demand of 1 car parking space. The site cannot physically accommodate one visitor space on-site. Accommodating the parking overflow of one space off-site is considered appropriate.
- *Availability of Public Transport in the Locality of the Land*. The site is within walking distance of tram services operating along Brunswick Street, Smith Street and Nicholson Street. The site is also within walking distance of bus services operating along Johnston Street.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking*. The demand for on-street car parking in the Fitzroy area is very high. The short-stay parking demand from the site (one residential visitor parking space) can be accommodated on-street. Visitors to the site may be inclined to park in nearby Brunswick Street as Greeves Street contains after hours Permit Zones.
- *Access to or provision of Alternative Transport Modes*. The site has very good accessibility to a number of car share pods in the surrounding area (Victoria Street, just west of Brunswick Street; and St David Street, east of Brunswick Street).
- *Other Relevant Considerations*. Residents of the new dwellings will not be eligible to apply for on-street resident and visitor parking permits.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of parking for this site is considered appropriate in the context of the development and the surrounding area. The shortfall of one visitor space and six resident parking spaces should not adversely impact on the existing on-street parking conditions in the area.

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

TRAFFIC GENERATION
For the traffic generation of the site, we can conservatively assume a peak hour traffic generation of 0.4 trips per dwelling per peak hour. This would result in a peak hour traffic generation of around 3 trips in each peak hour. If each dwelling generated 4 trips per day, the total daily traffic volume of the development would be 28 vehicle trips per day. These volumes are not unduly high and should not adversely impact on the surrounding streets.

Attachment 8 - PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Engineering comments

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Individual Garage Doorways	Individual garage doors are set back from Exhibition Street (the 3.0 metre wide north-south aligned section) by 915 mm. Garage doorways incorporate pedestrian doors within the garage doorway width. Doorways are approximately 4.0 metres wide (not dimensioned on the drawings.
Vehicle Turning Movements	The swept path diagrams of the B85 design vehicle provided by One Mile Grid traffic engineering consultants are considered satisfactory. Some vehicles may need to undertake an additional correction movement when manoeuvring into and out of the garages – permitted for residential parking under the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Car Parking Modules	
Garage Dimensions	The dimensions of the single garages satisfy Design standard 2: Car parking spaces of Clause 52.06-8. The 10.72 metre long tandem garage can accommodate two B85 design vehicles and is considered satisfactory.

Design Items to be Addressed

Item	Details
Individual Garage Doorways	To be dimensioned on the drawings prior to endorsement.

ROAD INFRASTRUCTURE WORKS

The construction of the new buildings, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site.

It is essential that the developer rehabilitates/restores laneways, footpaths, kerbing and other road related items, as recommended by Council, to ensure that the Council infrastructure surrounding the site has a high level of serviceability for residents, employees, visitors and other users of the site.

Reconstruction of North-South Aligned Section of Exhibition Street

All garages of the development abut the north-south aligned section of Exhibition Street. This road is effectively a named Right of Way.

Exhibition Street comprises a bluestone pavement and will heave and deteriorate during and after the construction works on site. During the construction of the building, it is likely that the movement of construction traffic will rapidly increase the deterioration of the assets. Once the development is complete, the addition of daily, repetitive traffic movements from the development will further impact on the condition and serviceability of Exhibition Street. Upon the completion of all works,

Attachment 8 - PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Engineering comments

Exhibition Street (from Greeves Street to the ninety degree junction) must be fully reconstructed at the Permit Holder's cost and to the satisfaction of Council.

The redevelopment of the site would create primary pedestrian access off Exhibition Street. Under Council's *Infrastructure Road Materials Policy* (approved by Council on 19 May 2015), pedestrian access off a bluestone Right of Way in a Heritage Overlay area will require the developer to construct a 1.2 to 1.8 metre wide smooth bluestone pavement on one side of the Right of Way, from the development to the nearest abutting street (in this case, Greeves Street).

ENGINEERING CONDITIONS

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

Civil Works

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Greeves Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.

Reconstruction of Exhibition Street

- Upon the completion of all building works and connections for underground utility services, Exhibition Street (Greeves Street to the ninety-degree junction) must be reconstructed to Council's satisfaction and at the Permit Holder's expense.
- The reconstruction works in Exhibition Street shall also include the construction of a 1.2 to 1.8 metre wide smooth bluestone pavement on the east side of Exhibition Street, from Greeves Street to the ninety-degree junction. These works must be done to Council's satisfaction and at the developer's expense.

Construction Management Plan

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

Public Lighting

- The applicant must ensure that there is adequate public lighting along the road frontages of the site (Greeves Street and Exhibition Street). Lighting for pedestrian access 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 and poles shall be funded by the developer.

Impact of Assets on Proposed Development

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

NON-PLANNING ADVICE FOR THE APPLICANT

Legal Point of Discharge

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

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 9 - PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Heritage advice

City of Yarra
Heritage Advice

Application No.:	*PLN16/1044*
Address of Property:	***44-46 Greeves Street, Fitzroy***
Planner:	*Lara Fiscalini*
Yarra Planning Scheme References:	*STATE POLICY:* • *Clause 15.03 Heritage* *LOCAL POLICY:* • *Clause 21.05-1 Built Form (Heritage)* • *Clause 43.01 Heritage Overlay* • *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay*
Heritage Overlay No. & Precinct:	*HO-334 South Fitzroy Precinct*
Level of significance:	*Contributory (factory/warehouse), constructed 1900-1915 (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007)*
General description:	*Part demolition for construction of seven 3-storey townhouses*
Drawing Nos.:	*Set of 33 x A3 drawings prepared by Object/Subject, received by Council and date stamped 1 December 2016* *Memorandum of Advice, by Bryce Raworth, 1 December 2016*

CONTEXT DESCRIPTION:

The subject site is a rectangular allotment with a principal frontage to Greeves Street, side frontage to Exhibition Street and rear frontage to a bluestone laneway. The site is located on the southern side of Greeves Street, halfway between Brunswick and Young Streets to the west and east respectively.

The section of Greeves Street between Brunswick and Young Street is overwhelmingly characterised by masonry, double and single storey residential buildings, mostly of the Victorian and early Edwardian period. At the western end of the Greeves Street (236-252 Brunswick Street and 33-62 Greeves Street) is a State listed three-storey shop and residence.

The subject site contains a single storey Edwardian-era warehouse that has been carefully designed with piers flanking a raised central entrance, a curved parapet above and decorative string moulds applied. The façade of the building has since been unsympathetically painted. It is likely that the façade was originally exposed brick with tuck-pointing. The building has a hipped roof that is visible from the street front.

The existing building fully occupies the entire site.

Attachment 9 - PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Heritage advice



Left: Current aerial of the subject site, denoted by red dashed line.



Above Extract from 1945 aerial of the subject site (Outlined in red) [source http://1945.melbourne/]

Attachment 9 - PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Heritage advice



Above: Subject site as seen from across Greeves Street.



Above: Subject site as seen from Exhibition Street, looking north-east.



Above: Rear of subject site as seen from Exhibition Street looking east.

Attachment 9 - PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Heritage advice

ASSESSMENT OF PROPOSED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application essentially involves demolition of the entire site, except for the façade and 4.8 metres of the east and west side return walls. None of the roof will be retained.



Left: Extent of walls that will be retained shown in red

The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct.

Clause 22.02-4 of the Yarra Planning Scheme states as objectives:

- To conserve the historic fabric and maintain the integrity of places of cultural heritage significance; and
- To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.

Clause 22.02-5.1 of the Yarra Planning Scheme discourages the demolition of part of a contributory building or removal of contributory elements unless:

- That part of the heritage place has been **changed beyond recognition** of its original or subsequent contributory character(s).

For a contributory building:

- that part is **not visible from the street frontage** (other than a laneway), abutting park or public open space, and the **main building form including roof form** is maintained;

  or

- the removal of the part would **not adversely affect the contribution of the building** to the heritage place.

The subject building is contributory to the South Fitzroy Precinct, which is recognised as significant (in part) as:

> a substantially intact collection of predominantly mid to late nineteenth and early twentieth century building stock, interspersed with well preserved inter-war residential, commercial, retail and industrial buildings that contribute to the historical character of the area.

It is assumed that the existing building with its hipped roof form has not been changed beyond recognition, despite several later additions at the rear. Therefore, full removal of the roof structure on these grounds would not be justified.

The main hipped roof of the original building is about 24 metres deep from the front of the building but is only partially visible from the street (refer to image below). It is not a strong defining characteristic of the subject building.

Attachment 9 - PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Heritage advice



Above: Extent of roof form generally visible from the public realm shown shaded in red

The extent of demolition proposed will result in Facadism because the building will no longer be able to be interpreted as a three-dimensional space. It is universally considered that Facadism is not good conservation practice and therefore the extent of demolition proposed fails to achieve the objective set out in the heritage policy at Clause 22.02-4 that is:

> To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.

Despite this, there is a level of change that is anticipated by the polices in Clause 22.02-5.7.2 that implies that upper level additions to non-residential buildings do not need to achieve the same level of visual concealment as residential buildings and that they should incorporate treatments that make them less apparent. On this basis of the existing roof's limited extent of visibility within the streetscape, it is considered that the full removal of the existing hipped roof form may be acceptable (particularly as the proposed addition has adopted the appearance of a contemporary hipped roof form from Greeves Street) which will make it generally less visually apparent.

Therefore, on the basis that the subject building is non-residential, the existing roof form is substantially concealed from the street and the proposed new work will have the appearance of a contemporary hipped roof form, it is considered that the extent of proposed demolition is acceptable.

Comments regarding new development, alterations and additions:

The extent of new works proposed by this application includes development of seven three-storey townhouses and changes to the façade.

The key consideration for assessing this aspect of the works is whether the proposed new development will adversely affect the significance, character or appearance of the heritage building or the broader heritage precinct.

Setbacks:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

> setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.

In regard to non-residential buildings, Clause 22.02-5.7.2 specifically states that it policy to:

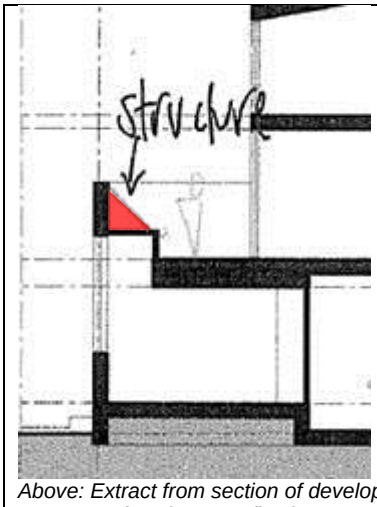
> Encourage new upper level additions and works to:
>
> - Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.

The proposed front setback for the upper level additions will be 2 metres from the principal façade, with a roof terrace immediately behind the parapet. All properties to the east of the site are contributory, and do not have upper level additions. These properties are however residential in character rather than commercial. The property to the west of the subject site is non-contributory but setback approximately 2 metres from the front title boundary to allow the immediately adjoining State listed property to dominate the streetscape.

Attachment 9 - PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Heritage advice

Although the proposed front setback supports the policy at Clause 22.02-5.7.2, the proposal to actively utilise this setback by creating a roof terrace will potentially undermine the visually benefit of setting the addition back in the first place.

The visibility of non-expected activity or development directly behind the parapet of a contributory building emphasises that the integrity of the original property has been lost and that the remaining building is no more than a façade. Accordingly, the terrace directly behind the parapet should ideally be deleted. Should it be convincingly demonstrated that there is no preferable or other reasonable location for the terrace, then a device that ensures that no permanent or temporary items can be positioned close to parapet must be designed as part of the works. Introducing a steeply inclined buffer (like the one shown in the diagram below) is one suggestion of how this may be achieved.



Above: Extract from section of development showing zone that should be made non-trafficable by including a sloped surface. Ensure surface is non-reflective to prevent glare.

The proposed side setback for the new development will be zero metres at the principal front. For the same reasons (and under the same conditions) as outlined above, the proposed side setbacks are supported.

Scale/height:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

> similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.

The proposed finished height for the new development will be 10.1 metres. The facade heights of the adjacent properties are 9.6 metres for No.48 Greeves Street (contributory) and 9.5 metres for No.36-40 Greeves Street (non-contributory). The common facade height of contributory buildings in the street is about 8 metres on the northern side of the street but lower for properties along the southern side.

The overall height of the development is achieved with 2.5 metre and 2.8 metre internal ceiling heights, which are minimal. There is no real opportunity to reduce the overall height of the development by lowering ceiling heights.

Given that the bulk of the maximum building height will be setback about 8 metres from the façade (where views are obscured by adjacent properties), it is considered that the proposed height of the new work will be acceptable.

Roof form:

As discussed, the proposed roof form for the new development will be pitched at the front to form a mansard style roof. As the adjoining roof forms are hipped with projected gable ends, the proposed roof is considered a successful contemporary interpretation of a traditional roof form. The mansard roof will also allow views to adjoining contributory fabric and reduce the amount of bulk at the front of the property.

The proposed roof form is supported.

Appearance:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages the design of new development to:

Attachment 9 - PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Heritage advice

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, **roof form**, **materials** and **heritage character** of the surrounding historic streetscape.
- Be articulated and massed to correspond with the **prevailing building form** of the heritage place or contributory elements to the heritage place.
- Be **visually recessive** and not dominate the heritage place.
- Be distinguishable from the original historic fabric.
- Not remove, cover, damage or change original historic fabric.
- Not obscure views of principle façades.
- Consider the architectural integrity and context of the heritage place or contributory element

A contemporary design approach has been adopted for the proposed new building. This approach is not unacceptable provided that adequate respect is given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration.

As discussed above, traditional roofs within the area are predominately hipped with projected gables. The proposed mansard roof has been designed to allow views to adjoining contributory fabric and to be a contemporary interpretation of a traditional pitched roof. The form of the roof is supported.

Drawings show that windows and doors are proposed for the northern façade, but artist's impressions of the development show only a metal screen. The section drawing appears to show the metal folding over the façade to conceal the fenestrations from the street. This detail should be confirmed as it is preferred from a heritage perspective that the facade has no visible openings. From a distance, the proposed upper level facades will be substantially concealed.

The colour of the proposed metal screening will be white. It is considered however that the white colouring will be stark and contrast dominantly against the existing building and the surrounding contributory buildings. Accordingly, it is strongly recommended that proposed colour of the metal screening should be modified to a shade that is evocative of aged corrugated metal (mid grey), to better interpret a traditional sheet metal roof and to be more recessive within the streetscape.

Restoration works:

The scope of works includes removing paint from the façade of the building, to expose the original bricks below. The works are supported with the following conditions:

i) Paint is to be removed using only a non-abrasive method that will not damage brickwork, such as chemical gel or light pressure spray.

ii) Once paint has been removed, façades are to be repointed with a mortar mix in accordance with AS3700 Mortar class M2. The colour and aggregate of the mortar must also be matched.

iii) The northern façade is to be finished with a white or black tuck pointing.

iv) Where render is damaged, it must be repaired with a traditional render, composed from a little-to-no cement based mixture.

It appears from the elevations that the existing façade windows are to be retained, refurbished and made operable. This is the only approach to the windows that will be supported from a heritage perspective. Ideally, the metal bars should also be removed from the windows.

RECOMMENDATIONS:

On heritage grounds, the works proposed in this application may be approved subject to the following conditions:

1) Delete the proposed open terrace behind the front parapet, or introduce a device that ensures that no permanent or temporary items can be positioned within 1 metre of the rear of the parapet.
2) Confirm details of northern façade and ensure no openings are visible from the street.

Attachment 9 - PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Heritage advice

3) Substitute the colour of the proposed white metal screening for the façade of the upper level addition with a shade of grey in a matte finish that is evocative of aged corrugated metal to better interpret traditional roof colouring;

4) Regarding paint removal and northern facade:

   a. Paint is to be removed using only a non-abrasive method that will not damage brickwork, such as chemical gel or light pressure spray.

   b. Once paint has been removed, façades are to be repointed with a mortar mix in accordance with AS3700 Mortar class M2. The colour and aggregate of the mortar must also be matched.

   c. The northern façade is to be finished with a white or black tuckpoint.

   d. Where render is damaged, it must be repaired with a traditional, little-to-no cement based mixture.

5) Retain rendered tops to brick fence at front title boundary.

Other comments:

Consideration should be given to removal metal bars on façade windows.

SIGNED:



Diahnn McIntosh

DATED: 25 January 2017

Attachment 10 - PLN16/1044 - 44 - 46 Greeves Street Fitzroy - Addendum - Engineering comments on encroachment of corner splay by proposed building

CITY OF YaRRA

ADDENDUM

To:	**Lara Fiscalini**	
From:	**Mark Pisani**	
Date:	**8 February 2017**	
Subject:	**Application No:**	**PLN16/1044**
	Description:	**Encroachment of Corner Splay**
	Site Address:	**44-46 Greeves Street, Fitzroy**

I refer to the Planning Application for the proposed development at 44-46 Greeves Street, Fitzroy in relation to the encroachment of the splay by the proposed building. Council's Engineering Services unit provides the following information:

Occupation of Corner Splay in Exhibition Street
The western and southern boundary of the site abuts Exhibition Street, which effectively functions as a Right of Way. The ninety-degree bend in the Right of Way contains a corner splay.

A check of the title for the subject site (Vol 09352 Fol 771) indicates that the corner splay forms part of the road. Exhibition Street is a classified as a municipal road under the *Road Management Act* 2004, with Council as the Coordinating Road Authority. Exhibition Street is listed as a Public Road under Council's *Register of Public Roads*.

The application drawings show that the corner splay is maintained at ground, however the first and second floor of the building occupy the airspace above the corner splay. The space above and below the road also form part of a Public Road and constructing any private building encroachments on the road (other than architectural features permitted under the *Building Regulations* 2006) is prohibited.

Engineering Services does not support the encroachment of Exhibition Street from the proposed building at 44-46 Greeves Street. The applicant must rectify the design and construct the building within the curtilage of the property before a Planning Permit is issued.

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 11 - PLN16/1044 - 44-46 Greeves Street, Fitzroy - WMP referral comments

44-46 Greeves Street, Fitzroy
Waste Management Referral

The Waste Management Plan prepared by Leigh Design dated 29th Nov 2016 for 44-46 Greeves Street Fitzroy is satisfactory from the City Works Branch's perspective. This WMP supersedes all previous WMP's.

Joe Agostino
Project Officer

City of Yarra PO Box 168 Richmond 3121
T (03) 9205 5474
E Joe.Agostino@yarracity.vic.gov.au
W www.yarracity.vic.gov.au

1.5 PLN15/1189 216 McKean Street, Fitzroy North - Development of the land for two additional dwellings, including alterations and additions to the existing dwelling, associated demolition works and reduction in car parking requirements.

Executive Summary

Purpose

1. This report provides Council with an assessment of the planning permit application for the development of 216 McKean Street, Fitzroy North for two additional dwellings including alterations and additions to the existing dwelling, associated demolition works and reduction in car parking requirements.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 55 – Rescode;
   (b) Clause 22.02 – Development guidelines for sites subject to the Heritage Overlay;
   (c) Clause 43.01 – Heritage Overlay;
   (d) Clause 52.06 – Car Parking

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) State and Local Planning Policy Framework,
   (b) Clause 55 (ResCode);
   (c) Heritage;
   (d) Car parking; and
   (e) Objector's concerns

Objector Concerns

4. Ten objections were received to the application, these can be summarised as:
   (a) Inadequate on-site car parking;
   (b) The development would be out of character with the area;
   (c) Visual bulk;
   (d) Loss of daylight and overshadowing;
   (e) Overlooking;
   (f) Noise from terrace areas;
   (g) Traffic impacts;
   (h) Loss of vegetation from the site.

Conclusion

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

CONTACT OFFICER: **Patrick Sutton**
TITLE: **Senior Statutory Planner**
TEL: **9205 5357**

1.5 PLN15/1189 216 McKean Street, Fitzroy North - Development of the land for two additional dwellings, including alterations and additions to the existing dwelling, associated demolition works and reduction in car parking requirements.

Trim Record Number: D17/53327
Responsible Officer: Senior Planner

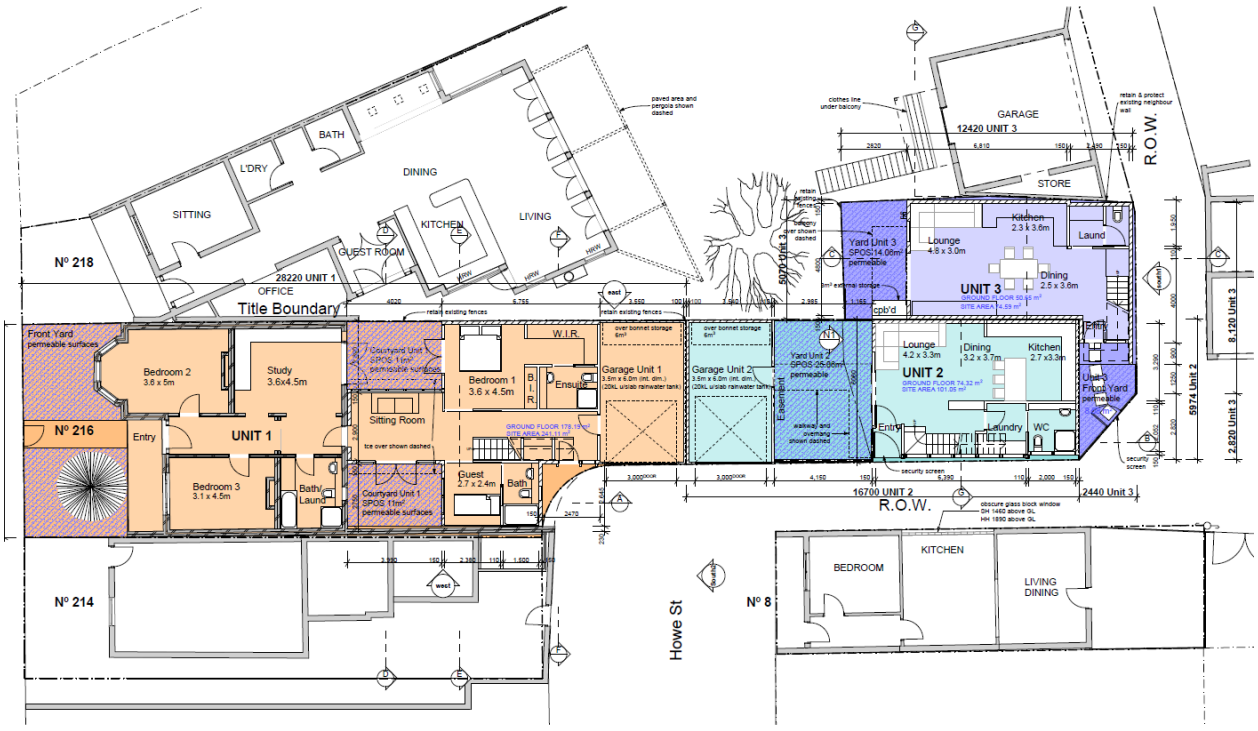
Proposal:	Development of the land for two additional dwellings, including alterations and additions to the existing dwelling, associated demolition works and reduction in car parking requirements.
Existing use:	Single dwelling.
Applicant:	Madge Alexandra.
Zoning / Overlays:	Neighbourhood Residential Zone – Schedule 1. Heritage Overlay – Schedule 327.
Date of Application:	1 December 2015
Application Number:	PLN15/1189

Planning History

1. There are no previous planning applications for the subject site which are relevant to the proposed development.

Background

2. The application was lodged on 1 December 2015 with the two proposed dwellings in a side-by-side configuration at the rear of the lot along with the proposed dwelling additions as shown below:



3. Council officers raised concerns with regards to the location of the entrance for Unit 3 onto the rear lane via the southern boundary (amongst other concerns relating to the configuration of car parking areas adjacent to the eastern end of Howe Street).

4. Following the receipt of further information on the 17th of February, 2016, the application was advertised with seven objections received.

5. The applicant was advised that the side-by-side layout which proposed access for Unit 3 via the southern boundary/laneway would not be supported by council officers and the application was subsequently amended on the 21st of July 2016 under Section 57(a) of the *Planning and Environment Act* 1987) to show the following:

   (a) The 2 x proposed dwellings rearranged into single-level dwellings at the rear of the lot, with Unit 3 located atop Unit 2.

6. The application was referred to council's Traffic Engineering Unit who outlined that the car parking access could not be supported as it would require lengthy reversing manoeuvres along Howe Street. Following the receipt of these comments, the application was again amended (25th November, 2016) under Section 57(a) of the *Planning and Environment Act* (1987) to show:

   (a) Deletion of the two car parking spaces;
      (i) Apply for a reduction in car parking requirements.

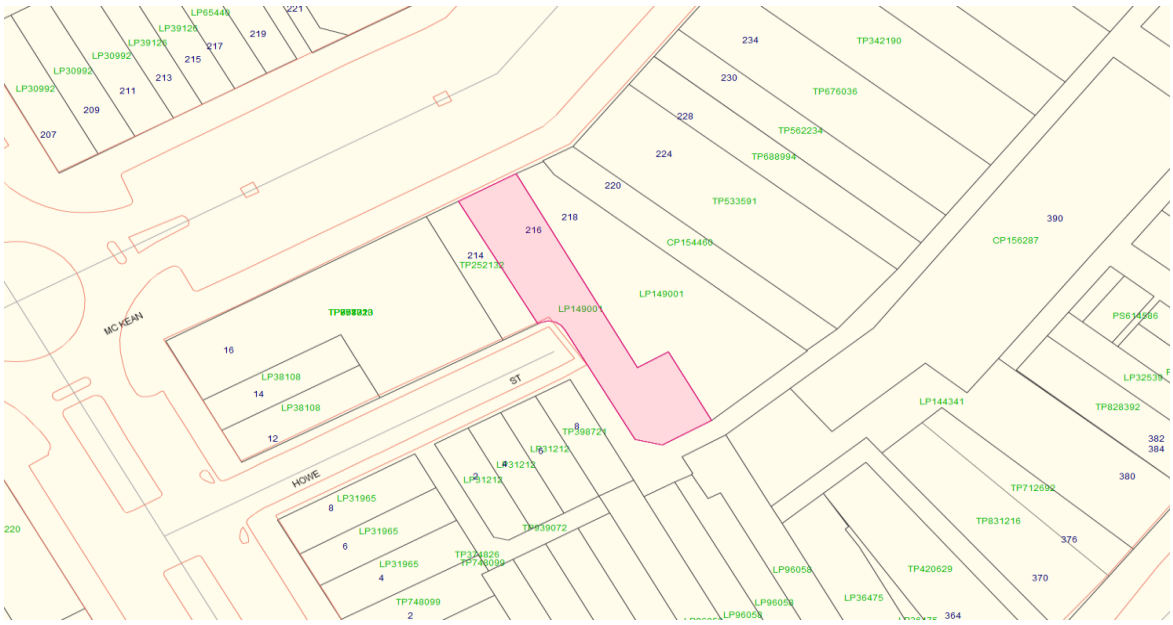
7. These plans (dated 25 November, 2016) were advertised and now form the 'decision plans' for this report.

Existing Conditions

Subject Site

8. The subject site is located on the southern side of McKean Street, approximately 50m east of the intersection between Michael and McKean Streets in Fitzroy North. As illustrated in Figure 1 below, the lot is irregularly shaped, with a frontage to McKean Street of 9.0m with a depth of 47m and covering a total site area of approximately 417m^2.

Figure 1 – subject site:



9. The subject site has a skewed orientated but for the purposes of writing this report, the McKean Street frontage will be referred to as the 'northern' boundary and the rear boundary abutting the laneway as the 'southern' boundary.

10. The western boundary of the subject site abuts Howe Street, which runs for approximately 50m to the west to intersect with Michael Street. Howe Street contains eleven (11) on-street parking bays on either side of the street which are subject to various time based controls.

11. A laneway extends south from Howe Street, running adjacent to the subject site's western boundary for approximately 13m before heading east and running behind McKean Street properties to the north and Queens Parade properties to the south.

12. The subject site is currently occupied by a single-storey dwelling which is orientated north towards McKean Street. The building is constructed to both side boundaries with an east-facing lightcourt located approximately 14m from the street frontage.

13. A single-storey garage/outbuilding is located within the south-eastern corner of the lot with the remainder of the site forming open space areas.

14. An irregularly shaped easement runs east-to-west through the southern third of the subject site. The title plan indicates the easement being in favour of MMBW and appears to be for sewerage purposes.

Restrictive Covenants

15. There are no restrictive covenants listed on the property title.

Surrounding Land

16. The surrounding area is mainly residential but with some commercial/community uses in proximity to the subject site. While lots facing north onto McKean Street are located within the Neighbourhood Residential Zone, properties to the south, on the opposite side of the laneway face onto Queens Parade and are included within the Commercial 1 Zone.

17. The McKean Street properties are generally constructed to at least one side boundary (if not both), with areas of private open space located to the rear of the dwelling. Properties typically have an outbuilding or shed abutting the rear lane. The immediately surrounding properties can be described as follows:

North – McKean Street

18. McKean Street contains on-street parking on both sides which is subject to 2P controls.

South – Queens Parade properties

19. Properties to the south of the subject site, on the opposite side of the 3.0m wide rear lane are generally orientated south towards Queens Parade. These properties are commercial in nature and contain a variety of food and drink and retail premises.

20. The areas to the rear (north) of these lots are typically utilised for car parking/loading bay purposes associated with the commercial uses with many of these utilising access via Howe Street into the lane.

East – No.218 McKean Street

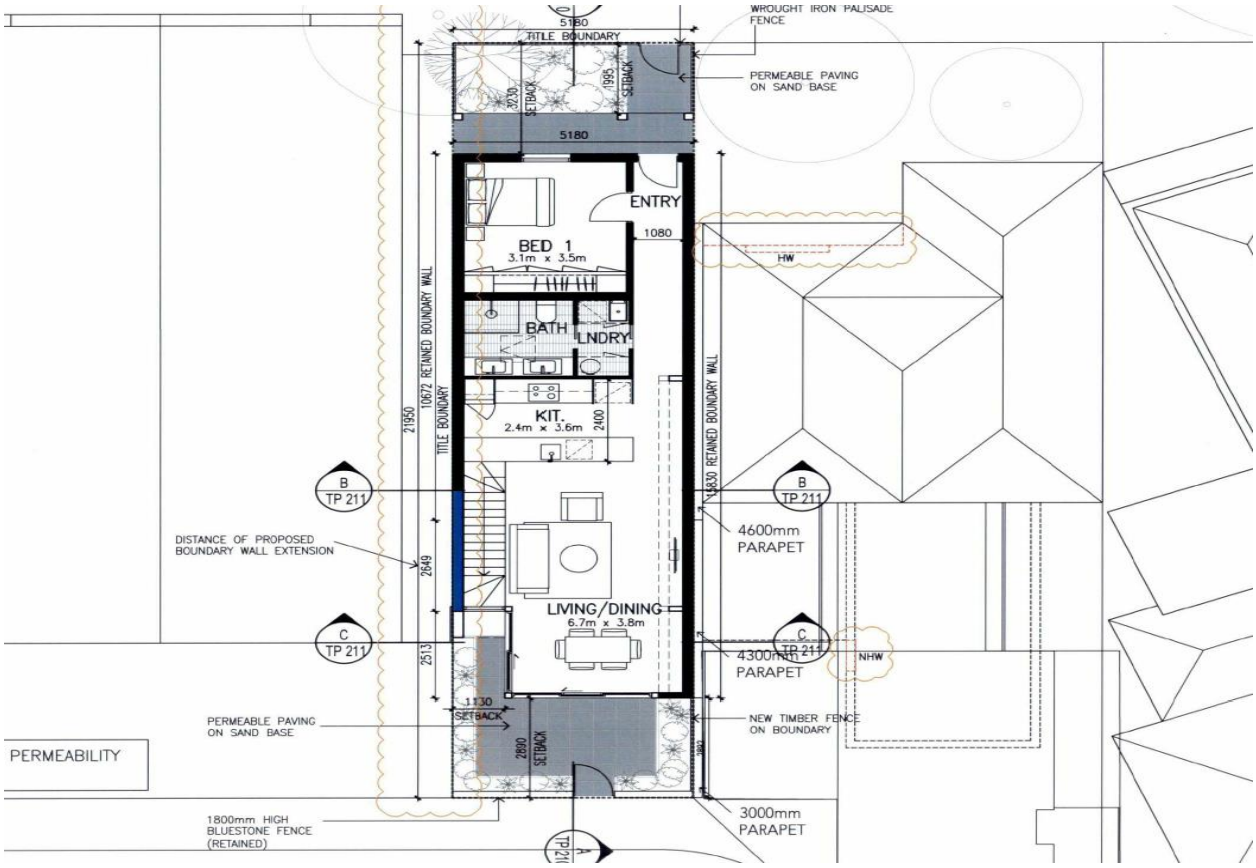
21. This property contains a double-storey dwelling which contains a series of south-west facing windows onto the subject site. Areas of private open space are located to the rear of the dwelling, with a double-storey garage/studio located within the south-western corner of the lot.

West – No.214 McKean Street & 8 Howe Street

22. No.214 McKean Street contains a single-storey dwelling which is orientated north towards McKean Street. The rear boundary of this property faces south onto Howe Street. This property has recently been issued with Planning Permit PLN16/0912 for ground and first floor additions to the rear of the dwelling.

23. While there are outstanding requirements to the permit which mean that there are no endorsed plans for the development at the time of writing this report, Figure 2 below shows the ground floor plan including an areas of secluded private open space (SPOS) to the rear of the site with areas otherwise being occupied by built form.

Figure 2: PLN16/0912



24. Further west is the Clifton Hill Presbyterian Church and kindergarten which is located on the corner of McKean and Michael Streets.

25. No.8 Howe Street is located to the south-west of the subject site, on the opposite side of a laneway which runs south from the termination of Howe Street.

26. This property contains a single-storey dwelling with first floor additions constructed to the rear. This dwelling is constructed to both side boundaries with an area of private open space to the rear. Part of the east-facing wall at ground floor is constructed of glass brick as shown in Figure 3 below – there is no visibility through the bricks but some light would pass into the dwelling through this section of on-boundary wall.

Figure 3 – No.8 Howe Street



The Proposal

27. The proposal is for the development of the land for two additional dwellings, including alterations and additions to the existing dwelling, associated demolition works and reduction in car parking requirements.

Demolition

(a) The following sections of the dwelling are proposed to be demolished:
   (i) Living/dining room;
   (ii) Kitchen;
   (iii) Store;
   (iv) Outbuilding.
   (v) A curved section of brick wall would be removed from the western boundary.

New dwellings

(b) Two (2) new dwellings are proposed at the rear of the subject site. Each dwelling would consist of a single level, with Unit 2 at ground floor and Unit 3 above.

(c) Unit 2 (ground floor) would contain an open plan kitchen/lounge area with 1 x bedroom plus 1 x study/bedroom, 2 x bathrooms and laundry. A 63m^2 area of private open space (POS) would be located to the north of the dwelling. This dwelling would be accessed via a pedestrian entrance from Howe Street.

(d) Unit 3 (first floor) would be accessed via a staircase leading from a ground floor lobby adjacent to the entrance for Unit 2. This dwelling would contain an open plan kitchen/dining/lounge area, 2 x bedrooms, bathroom/laundry and a 9m^2 south-facing balcony.

   (i) The building (consisting of the two new dwellings) would be constructed to the eastern boundary for 12.4m at ground floor and 9.3m at first floor (including screening) with a maximum height of 7.2m adjacent to the outbuilding within No.218 McKean Street.

(ii) The south-facing walls would be constructed to the boundary with the exception of a 1m deep light court adjacent to the ground floor bathroom and the balcony area at first floor which would be set back 2.2m with a maximum height of 6.2m.

(iii) A high level window over Bedroom 1 would be set back 1.2m from the boundary with a maximum height of 7.3m.

(iv) The west-facing walls would be constructed to the boundary for 11.7m at ground floor and 6.7m at first floor with maximum heights ranging between 3.3m and 6.3m.

Dwelling additions

(e) At ground floor the dwelling additions would include a sitting room, 2 x bedrooms each with an ensuite. First floor would contain an open plan kitchen/dining/lounge area with a north-facing (16m^2) terrace and 7m^2 east-facing terrace.

(i) The additions would be located approximately 13.5m from the McKean Street frontage, with the ground floor sitting room connecting the retained portion of the building with the additions at ground floor.

(ii) An east and west-facing courtyard would be located on either side of the sitting room with a terrace atop;

(iii) The east facing walls would be constructed to the boundary for a lengthy of 6.7m at ground floor and 5.9m at first floor (where associated with the terrace balustrade) to a maximum height of 5.1m.

(iv) The east-facing wall associated with the first floor dining room and kitchen would be set back 1.4m from the boundary with a maximum height of 7.0m.

(v) The west-facing walls would be constructed to the boundary for 4.2m at first floor (existing ground floor walls would be retained and utilised for the ground floor guest room) with a maximum height of 6.5m where associated with the lounge;

- A higher portion of west-facing wall at approximately 7.7m would be located 3.3m from the boundary where associated with the first floor dining/kitchen area.

General

(f) A ‘cream’ concrete rendered wall is proposed along the western boundary through the centre of the subject site. This wall would range in height between 3.2m and 3.4m.

(g) Two x 20,000lt rainwater tanks would be provided within the development (below ground).

(h) External walls would predominantly be constructed with ‘red’ brick, painted render, ceramic tiling, ‘Shale Grey’ Colorbond.

(i) Solar PV Panels are proposed to roofing areas above the first floor additions to the existing dwelling.

(j) No on-site car parking would be provided.

Planning Scheme Provisions

Zoning

Clause 32.04-8 – Neighbourhood Residential Zone

28. Pursuant to clause 32.09-6 of the Yarra Planning Scheme (the Scheme), a planning permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

29. Clause 32.09-14 – *Transitional provisions* states that the minimum garden area requirement of Clause 32.09-4 and the maximum building height and number of storeys requirements of Clause 32.09-9 introduced by Amendment VC110 do not apply to:

    (a) *A planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110*.

30. The application was lodged prior to the gazettal date for VC110 (27/3/2017) and therefore the above transitional provisions apply.

Overlays

Clause 43.01 – Heritage Overlay

31. Pursuant to clause 43.01-1 of the Yarra Planning Scheme, a planning permit is required to demolish or remove a building, construct a building or to construct or carry out works.

Particular Provisions

Clause 52.06 – Car parking

32. The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority before:

    (a) a new use commences; or
    (b) the floor area or site area of an existing use is increased; or
    (c) an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

33. Table 1 in Clause 52.06-5 states that one (1) car parking space is required to be provided to a dwelling with two or less bedrooms. Based on the above, a total of two (2) car parking spaces are required to be provided to the proposed development. A waiver of these requirements is sought as part of this application.

34. Clause 52.06-1 of the Scheme specifies that the above requirements do not apply to the extension of one dwelling on a lot in the Neighbourhood Residential Zone.

Clause 55 – Two or more dwellings on a lot

35. Pursuant to Clause 55 of the Scheme, this provision applies to an application to construct two or more dwelling on a lot in the Neighborhood Residential Zone.

General Provisions

Clause 65 – Decision guidelines

36. The Decision Guidelines of *Clause 65* of the Yarra Planning Scheme are relevant to this application and require consideration to be given to a variety of matters including the Planning Scheme policies, the purpose of the zone, orderly planning and the impact on amenity.

State Planning Policy Framework (SPPF)

Clause 15.01-1 – Urban Design

37. 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'*. The relevant strategies are as follows:

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

Clause 15.01-2 – Urban design principles

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

Clause 15.01-5 - Cultural identity and neighbourhood character

39. The objective of this clause is '*to recognise and protect cultural identity, neighbourhood character and sense of place*'.

    The relevant strategies are:

    (a) Ensure development responds and contributes to existing sense of place and cultural identity.
    (b) Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.

Clause 15.02-1 – Energy and resource efficiency

40. The objective of this clause is '*to encourage land use and development that is consistent with efficient use of energy and the minimisation of greenhouse gas emissions'*.

    The relevant strategy is as follows:

    (a) Improve efficiency in energy use through greater use of renewable energy.

Clause 16.01-2 Location of residential development

41. 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*'.

    The relevant strategies are:

    (a) Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.
    (b) Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.
    (c) Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.

(d) *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use*.

Clause 16.01-4 Housing diversity

42. The objective of this clause is to provide for a range of housing types to meet increasingly diverse needs.

The relative strategies are:

(a) Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.
(b) Encourage the development of well-designed medium-density housing which:
  (i) Respects the neighbourhood character.
  (ii) Improves housing choice.
  (iii) Makes better use of existing infrastructure.
  (iv) Improves energy efficiency of housing.
  (v) Support opportunities for a wide range of income groups to choose housing in well serviced locations.
(c) Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.

Local Planning Policy Framework (LPPF)

43. The following provisions of the LPPF are the most relevant to this application:

Clause 21 - Municipal Strategic Statement [MSS]

44. The MSS provides a broad demographic overview of the municipality and is structured into four themes at clause 21.03 consisting of 'land use', 'built form', 'transport' and 'environmental sustainability'. Clause 21.02 of the MSS acknowledges that whilst Yarra has a growing population, demographically the size of households is decreasing with fewer children and the elderly than the rest of Melbourne.

Clause 21.04-1 – Accommodation and Housing

45. The relevant objectives and strategies 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;

Clause 21.05-1 – Heritage

46. The relevant objectives and strategies of this clause are as follows:

(a) Objective 14 – *To protect and enhance Yarra's heritage places.*
  (i) Strategy 14.8 Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02

Clause 21.05-2 – Built Form, Urban Design

47. The relevant objective and strategies of this clause are as follows:

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

(c) Objective 18 - *To retain, enhance and extend Yarra's fine grain street pattern.*

(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.

Clause 21.05-3 Built Form Character

48. New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity.

49. The relevant objective and strategies of this clause are as follows:

(a) Objective 23: *To maintain and strengthen the identified character of each type of identified built form within Yarra.*
(i) Strategy 23.1 Require applicants for planning permits to identify the Built Form Character Types in which the subject site is located by reference to Maps in clause 21.08 Neighbourhoods and to identify how the proposed development responds to the Built Form Character Type.

(b) Objective 24: *To maintain and reinforce preferred character.*

Clause 21.07-1 – Ecological sustainable development

50. The relevant objective of this clause is:

(a) Objective 34 – *To promote ecologically sustainable development*.

Clause 21.06 – Transport

51. The relevant objectives under this clause are:

(a) Objective 32 – *To reduce the reliance on the private motor car.*
(b) Objective 33 – *To reduction the impact of traffic.*

Clause 21.08 – Neighbourhoods (Fitzroy North)

52. Figure 20 under clause 21.08-8 of the Scheme designates the subject site as being within a Heritage Overlay area which contains the objective "*Ensure development does not affect the significance of the heritage place".*

Relevant Local Policies

Clause 22.02 – Development guidelines for site subject to the Heritage Overlay

53. This policy applies to all sites located within a Heritage Overlay. The most relevant points under this clause are as follows:

Clause 22.02-5.1 – Demolition

(a) Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:
(i) That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).

For a contributory building:

(ii) that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained;
or
(iii) the removal of the part would not adversely affect the contribution of the building to the heritage place

Clause 22.02-5.7.1 General

(b) 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.

(c) 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.
(d) Encourage similar façade heights to the adjoining contributory elements in the street.
(e) Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.

Residential Upper Storey Additions

(f) Encourage new upper storey additions to residential heritage places or contributory elements to heritage places to:
(i) Preserve the existing roof line, chimney(s) and contributory architectural features that are essential components of the architectural character of the heritage place or contributory elements to the heritage place.
- Respect the scale and form of the heritage place or contributory elements in the heritage place by stepping down in height and setting back from the lower built forms.
- Sightlines should be provided to indicate the 'envelope' from the street of proposed upper storey additions (refer to the sightline diagrams in 22.02-5.7.1).

Clause 22.07 – Development abutting laneways

54. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal. The policy contains the following relevant objectives:

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

    Clause 22.16 – Stormwater Management

55. The policy contains the following objectives:

    (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.*
    (c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
    (d) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
    (e) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well being*

    Clause 22.17 - Environmentally Sustainable Development

56. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The following objectives should be satisfied where applicable:

    (a) Energy performance;
    (b) Water resources;
    (c) Indoor environment quality;
    (d) Transport;
    (e) Waste management;
    (f) Urban ecology.

57. An application must be accompanied by either a Sustainable Design Assessment or a Sustainability Management Plan as specified in Table 1, as appropriate. In this case, for two-three dwellings on a lot, Table 1 recommends the submission of a Sustainable Design Assessment (SDA).

    Other documents

58. The incorporated document *City of Yarra Review of Heritage Overlay Areas 2007, Appendix 8 (Graeme Butler and Associates), revised March 2011* recognises the site as 'contributory' to the surrounding heritage precinct.

Advertising

59. The application was advertised pursuant to Section 52 of the *Planning and Environment Act* 1987 (the Act), by way of 83 letters sent to adjoining and neighbouring owners and occupiers and two (2) notices displayed on site, at the McKean and Howe Street frontages.

60. A total of seven (7) objections were made to Council, the grounds of which are summarised as follows:

    (a) Inadequate on-site car parking;
    (b) The development would be out of character with the area;
    (c) Visual bulk;
    (d) Loss of daylight and overshadowing;
    (e) Overlooking;
    (f) Noise from terrace areas;
    (g) Traffic impacts;
    (h) Loss of vegetation from the site.

61. A second round of advertising was undertaken for the plans received by council on the 25th November, 2016 (Decision Plans) with an additional three (3) objections received (bringing the total to ten objections). Some objectors already registered provided further grounds but no new topics/issues were raised in these objections.

Referrals

External Referrals

62. The application does not trigger referrals to external authorities under the requirements of the Yarra Planning Scheme.

Internal Referrals

63. The application was referred to the following internal Departments, with the advice included as attachments to this report:

    (a) Traffic Engineering;
    (b) Urban design unit; and
    (c) Heritage advisor.

64. Copies of the comments received are included as attachments to this report.

OFFICER ASSESSMENT

65. The key planning considerations for Council relate to the following:

    (a) State and Local Planning Policy Framework;
    (b) Clause 55 (ResCode);
    (c) Heritage;
    (d) Car parking; and
    (e) Objector concerns.

State and Local Planning Policy Framework

66. In relation to the Yarra Planning Scheme (the Scheme), particularly Clause 16.01 - *Urban consolidation*, Clause 18 - *Transport*, and Clause 21.04 - *Housing*, the subject site is considered to be well located to take advantage of the opportunity for increased residential density for an area with access to good public transport (160m to the Queens Parade tram route, approximately 600m to Rushall Train Station) and shops and services along Queens Parade itself.

67. The proximity of the subject site to these services provides a level of strategic support for sensitively designed infill development to assist with achieving increased residential density where neighbourhood character issues and amenity impacts can be adequately resolved.

68. The zone purpose outlines that new development must respect the character of the area along with the provisions of the Scheme relevant to the design and built form contained at Clauses 15 - *Built Environment and Heritage*, 21.05 - *Built Form* and Clause 22.02 – *Development guidelines for sites subject to the Heritage Overlay*. These provisions all seek development outcomes which respond to the existing or preferred character and provide a contextual urban design response reflective of the aspirations of the area.

69. Overall, the proposed development is considered to enjoy a general level of policy support in regards to the points above.

Clause 55 (ResCode)

70. Clause 55 of the Scheme is comprised of 34 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner-city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test.

71. The following standards are not applicable to the consideration of this application:

    (a) B3 – Dwelling diversity (this application is for less than ten dwellings);
    (b) B11 – Open space (no communal open space is proposed);
    (c) B14 – Access (no vehicle crossovers are proposed);
    (d) B15 – Parking location (no car parking is proposed);
    (e) B20 – North-facing windows (no north-facing windows within 3m of the proposed development);

72. The following standards are relevant to the consideration of this application and are discussed in detail below:

Standard B1 – Neighbourhood character

73. The streetscape for both McKean and Howe Streets largely relates to Victorian and Edwardian-era dwellings and the resulting heritage character of the area. The construction of walls on boundaries is a feature of the neighbourhood, with the majority of having been constructed to at least one side boundary with areas of private open space to the rear of the building.

74. While the pattern of subdivision is somewhat irregular, changing substantially between Howe Street and McKean Street addresses, there is also a pattern of outbuildings being located at the rear of lots with a mix of flat and pitched roof, outbuildings constructed adjacent to rear lanes.

75. Lots are typically built form dominated and while established street tree plantings substantially soften the presentation of buildings to McKean Street, landscaping areas within the lots themselves are not a significant contributor to the character of the area.

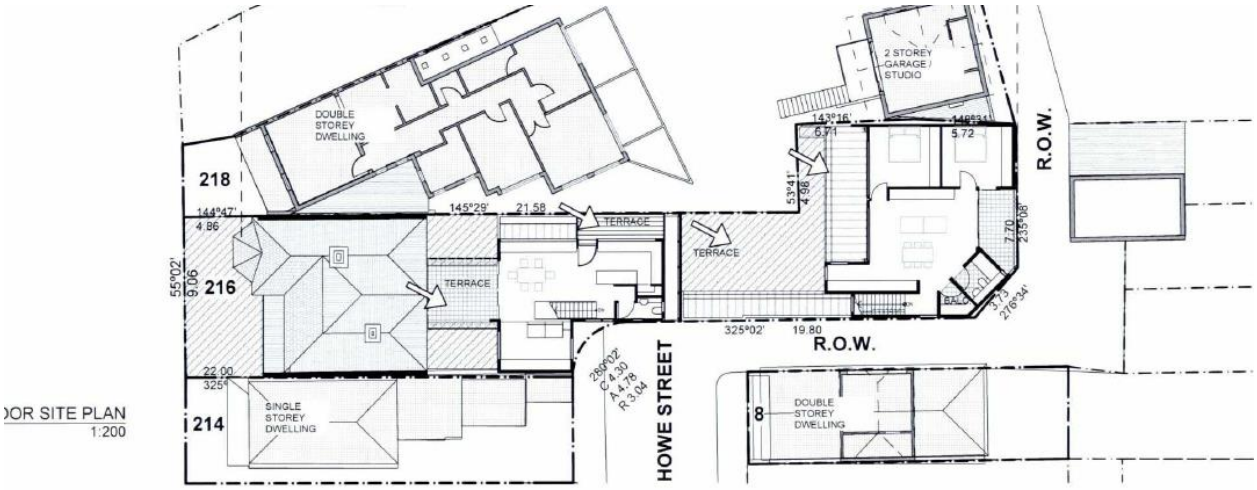
76. Due to the nature of the proposed development, there would be little change to the presentation of the subject site to McKean Street, with the proposed buildings being located well to the rear of the existing dwelling.

77. The photograph below is taken from the intersection between Howe and Michael Streets, looking east towards the subject site.



78. The photograph in conjunction with the site plans below (Figure 4) indicate that the presentation of the proposed dwellings would site behind the single-storey, Howe Street dwellings when viewed from this location and while being partially visible above the building, would present recessively within the streetscape.

Figure 4 – Site plan:



79. Through limiting the extent of change perceived from along Howe Street, the design of the development is considered to achieve an acceptable outcome in line with the objective of this Standard.

80. The interface of the proposed additions with Howe Street will also be assessed in detail later in this report with regard to heritage considerations which form a significant part of the existing neighbourhood character. It is sufficient at this point to state that the design of the dwellings would achieve a generally satisfactory outcome with regards to this heritage character.

81. In light of the points above, it is considered that the design responds appropriately to the established characteristics of the area and therefore complies with the objectives of the Standard.

Standard B2 – Residential Policy

82. The proposed development is considered to achieve consistency with the relevant planning policies under the Yarra Planning Scheme in regards to achieving residential growth in an area which is well serviced by public transport and other community infrastructure. The objective of the Standard is met.

Standard B4 – Infrastructure

83. The proposal is located within an existing residential area with existing utility services and infrastructure – The objective of the Standard is met.

Standard B5 – Integration with the street

84. The proposal will provide for two new dwellings both of which would have a pedestrian entry from Howe Street while the existing building would continue to front onto McKean Street.

85. The proposed dwelling entrances would be visible from Howe Street within a boundary wall which is considered to achieve an acceptable design response given the location of this boundary at the end of the street.

Standard B6 – Street setback

86. The Standard does not stipulate any setbacks for the proposed dwellings or the dwelling additions to Howe Street with no neighbouring dwellings having the same orientation with a frontage to Howe Street.

87. As assessed under Standard B5 above, it is considered that the integration of the proposed development to Howe Street has achieved an acceptable level of integration with the streetscape in any case.

Standard B7 – Building height

88. The maximum height of dwellings would be 7.5m, which is within the maximum 9m height recommended by this standard. The standard is met.

Standard B8 – Site coverage

89. The proposed site coverage is 68% which exceeds the maximum site coverage of 60% required under the standard. While this may be the case, the variation proposed is considered acceptable in this particular instance in light of the modest lot sizes along McKean Street where the 60% site coverage is often exceeded with the character of lots to be built form dominated and with little contribution from landscaping or setbacks from boundaries.

90. While sensitive interfaces with neighbouring lots will be assessed in detail later in this report, it is sufficient at this point to state that subject to conditions, the location of walls in relation to boundaries are considered to achieve an acceptable design response in this regard.

91. With the above point in mind the level of site coverage is considered to be generally in line with building footprints of adjoining dwellings and therefore meets the objective of this Standard.

Standard B9 – Permeability

92. The application material outlines that the development would comply with the requirements of this Standard by providing 30% permeable surfacing throughout the subject site's total area (ie rear private open space areas and front setbacks).

93. A condition of permit would also require the development to demonstrate that a STORM score of no less than 100% would be achieved. This outcome would also be generally in accordance with the policy under clause 22.16 – *Stormwater management* of the Scheme to reduce the impact of development in regards to additional stormwater runoff into the sewerage system.

Standard B10 – Energy efficiency

94. The layout of each proposed dwelling is considered to provide adequate opportunities for access to daylight and natural ventilation to reduce reliance on artificial heating/cooling, generally in accordance with the requirements of this Standard.

95. Through the application being amended twice during the application process, the Sustainable Design Assessment (SDA) initially provided with the application has become outdated. This issue would be resolved through a condition of permit requiring the submission of a new SDA to the satisfaction of the Responsible Authority for approval/endorsement.

96. Overshadowing and daylight to windows within neighbouring lots will be assessed later in this report under Standards B19 & B21, but overall it is considered that the development meets the objectives of this Standard.

Standard B12 – Safety

97. The comments received from Council's Urban Design Unit were critical of the original, side-by-side arrangement for Units 2 & 3 which proposed pedestrian entries via the southern boundary. As outlined earlier in this report, the decision plans (25/11/2016) revised the floor layout to locate both entries to areas visible from the eastern end of Howe Street.

98. The location of the dwelling entrances as now proposed would be clearly visible from Howe Street, including lighting to both entrances while the front fencing would delineate the street from private areas within the subject site. The objective of the Standard is met.

Standard B13 – Landscaping

99. While landscaping within lots does not form a significant part of the existing neighbourhood character for the surrounding area (beyond street trees) the applicant has expressed willingness to undertake some canopy planting within the open space area for Unit 2 as a result of discussions with objectors at the consultation meeting.

100. A condition of permit would require the plans to show the planting of at least one (1) canopy tree to this open space areas in light of these discussions.

Standard B17 – Side and rear setbacks

North-facing walls

101. The north-facing walls associated with the ground floor kitchen/dining area for Unit 2 and Bedroom/lounge area for Unit 3 would be set back between 3.0m and 3.8m from the dog-leg portion of boundary shared with No.218 McKean Street. The maximum height of these walls ranging between 6.2m and 7.2m would trigger a minimum setback of 2.29m – the Standard is met.

South-facing walls

102. The balcony area at first floor (Unit 3) would be set back 2.2m with a maximum height of 6.2m – exceeding the requirements of the Standard for a 1.78m setback. These walls would also face onto a splayed portion of the lane which is substantially wider (approximately 7m wide) which beyond meeting the Standard, provides additional setbacks from the south-facing walls to neighbouring lots.

East-facing walls

103. East-facing walls associated with the sitting room addition to the existing dwelling would be set back 2.89m from the boundary with a maximum height of 5.1m (including balustrading to the terrace atop). These setbacks meet the Standard which outline that a wall of this height should be set back 1.42m.

104. East-facing walls associated with the first floor kitchen/dining areas to the existing dwelling would be set back 1.4m from the boundary with a maximum height of 7.0m. Under the Standard, a wall of this height should be set back 2.09m and therefore a variation of 0.69m must be considered.

105. The space adjacent to these walls within the neighbouring property at No.218 McKean Street is a relatively narrow, at grade area which provides access to the western side of the building. The presentation of the proposed wall height to this space is considered to achieve an acceptable design response considering the larger portion of SPOS to the south-east which would be unaffected by built form impacts.

106. The presentation of these walls to the neighbouring, west-facing windows will be assessed in detail under Standard B19 – *Daylight to existing windows* later in this report. It is sufficient to state at this point that the setbacks to these neighbouring windows are considered to be acceptable.

West-facing walls

107. The proposed west-facing walls associated with the ground floor sitting room to the McKean Street dwelling would be set back 2.75m from the boundary with a maximum height of 5.0m (including balustrading to the terrace above), exceeding the requirements of this Standard (1.42m setback).

Standard B18 – Walls on boundaries

East-facing walls

108. With regards to the eastern boundary, the Standard outlines that the total length of new walls which can be constructed along the boundary without triggering a variation is 19.3m (being 10m plus 25% of the remaining boundary length shared with No.218 McKean Street).

109. The length of walls proposed to the eastern boundary (combining the length of Units 2 & 3 with the dwelling additions) would equate to 19.15m – meeting the Standard. While this may be the case, the height of these east-facing walls must also be considered.

110. Where associated with ground floor additions to the McKean Street dwelling (Bedroom 1), these walls would be constructed with maximum heights ranging between 3.4m and 5.1m (including balustrading at first floor). These heights trigger a variation to the standard being greater than the 3.2m average and 3.6m maximum specified under the Standard.

111. These walls would present onto a narrow space within the neighbouring lot at No.218 McKean Street with dimensions ranging between 1.1m and 2.7m in width. This space is considered to be distinctly separate from the primary areas of secluded open space (SPOS) associated with this neighbouring dwelling at No.218 McKean Street.

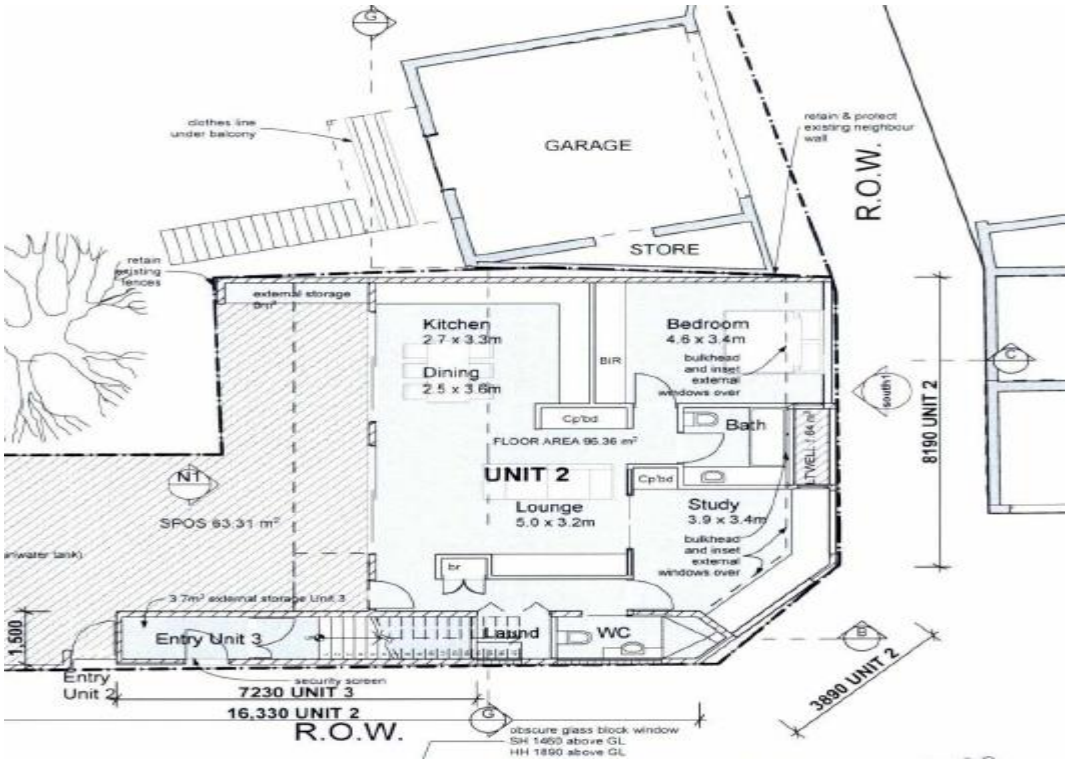
112. In an area where the use of on-boundary construction is common, the height of these walls is considered to achieve an acceptable design response to this neighbouring property, including the west-facing windows leading onto this space which would retain their southern aspect/view onto the open space at the rear of the building where relating to the primary living/kitchen areas.

113. The neighbouring guest room at ground floor would face onto a courtyard area and would therefore not be subject to any unreasonable visual bulk.

114. While issues relating to daylight to neighbouring windows will also be assessed later in this report under Standard B19 – *Daylight to existing windows*, the impact associated with the additional height of these walls is considered to be generally acceptable with the above points in mind.

115. For the east-facing walls associated with Units 2 & 3 at the rear of the subject site, these walls would be constructed to a maximum height of 7.2m and partially against ground and first floor walls associated with the neighbouring outbuilding as shown in Figure 5 below:

Figure 5



116. The additional height of the proposed east-facing walls is considered to achieve a reasonable design response with the majority of on-boundary construction being located to abut simultaneously constructed walls associated with the neighbouring garage/studio.

117. The interface with the neighbouring outbuilding and areas in proximity to the outbuilding are not considered to be unreasonably impacted through the additional height of the proposed walls in light of these spaces falling behind a staircase or behind the outbuilding itself.

118. Being located behind the neighbouring staircase, these walls would be located approximately 5m from the southern edge of the primary open space area, providing physical separation from the neighbouring open space and therefore avoiding unreasonable visual bulk impacts.

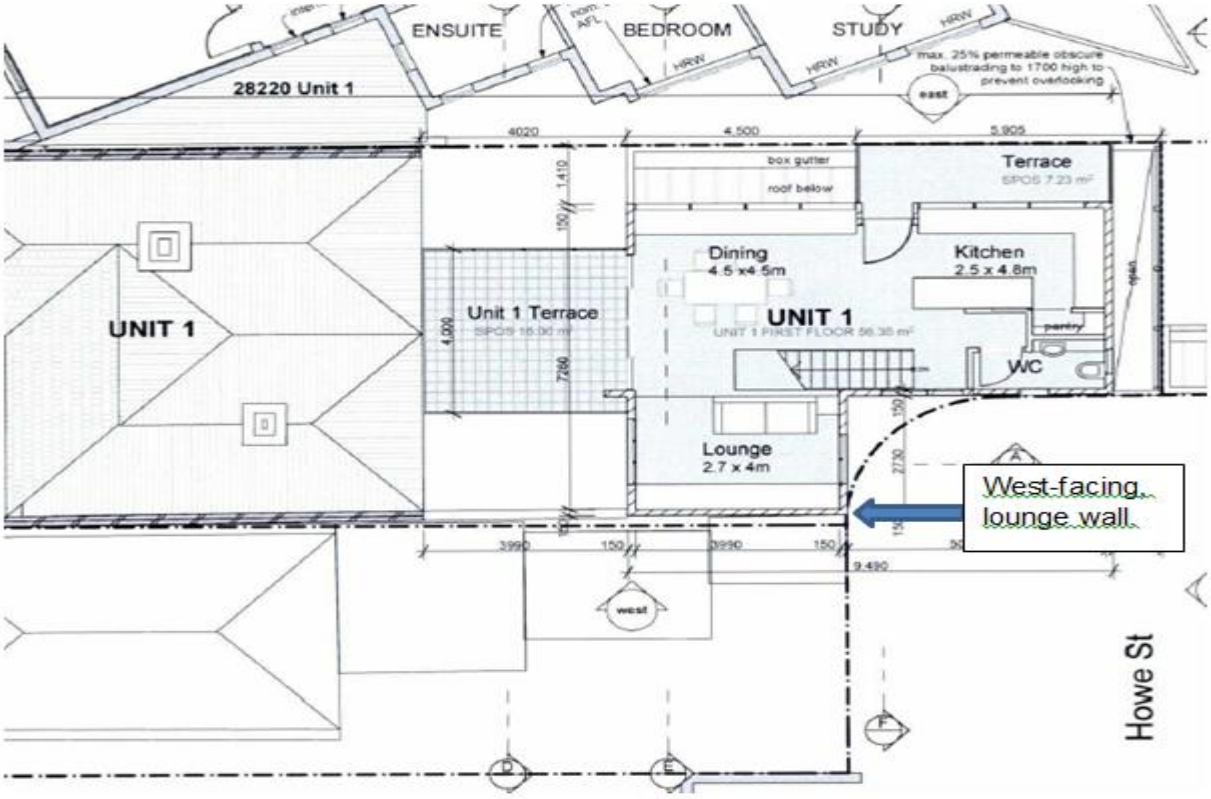
119. The location of these on-boundary walls also allows for the maintenance of an area of POS through the centre of the subject site which references the pattern of development found for properties fronting this section of McKean Street.

West-facing walls

120. The west-facing, first floor wall associated with additions to the McKean Street dwelling would be constructed to the boundary for 4.29m with a maximum height of 6.5m where associated with the lounge.

121. This west-facing, lounge wall extends above the on-boundary construction associated with No.214 McKean Street (shown in Figure 6 below) and this additional height triggers a variation under the Standard.

Figure 6 – Dwelling additions:



122. While on-boundary construction is commonly utilised within the surrounding area, the location of first floor walls opposite an area of SPOS is not considered reasonable in this particular instance as the building within the neighbouring lot is insufficiently wide to reduce the sense of enclosure that the first floor wall would create to this space.

123. It is considered that any first floor, on-boundary construction to the western boundary should be designed to better correspond with the neighbouring built form, as opposed to being located directly opposite POS areas.

124. This issue would be resolved through a condition of permit requiring the west-facing wall associated with the first floor lounge to be set back no less than 1.87m from the boundary. This figure is taken from the setbacks prescribed under Standard B16 – *Side and rear setbacks* for a 6.5m high wall.

125. While this condition would effectively delete the lounge, it is considered that sufficient living space would be retained for Unit 1 where associated with the study and sitting room at ground floor and dining areas at first floor.

126. The west-facing walls associated with Units 2 & 3 would be constructed for a length of 11.7m to areas which interface with a laneway which has a minimum width of 2.8m. The maximum height of these walls would range between 3.3m and 6.3m which trigger a variation for the height.

127. The variation is considered to be reasonable in light of the interface of these walls with a laneway which does not constitute a sensitive interface. With regards to the property at No.8 Howe Street which is located on the opposite side of the laneway from these walls, the 3.0m separation from its area of SPOS is considered sufficient to avoid any unreasonable visual bulk impacts with views to the east and south of this area being unaffected by the proposed development.

128. The east-facing glass block wall and first floor window associated with No.8 Howe Street as shown in Figure 3 earlier in this report would not be unreasonably impacted, with the glass blockwork not being visually transparent and the height of the first floor window retaining views over and above the proposed dwellings.

South-facing walls

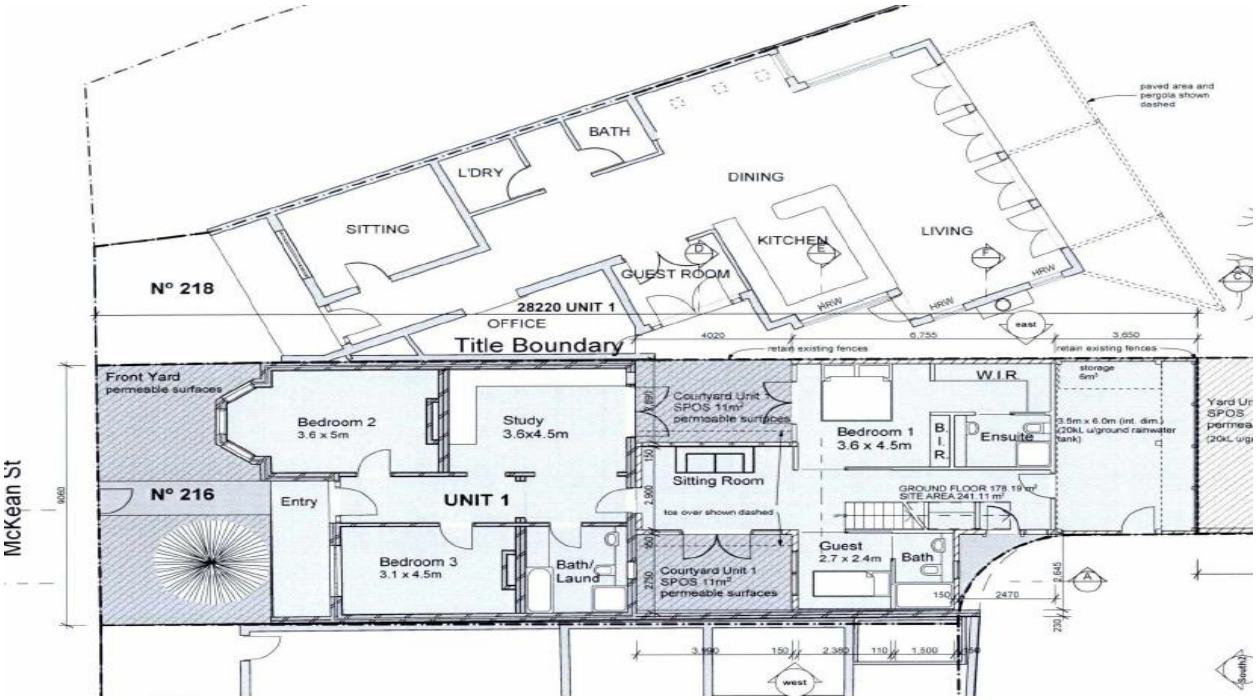
129. The proposed south-facing walls for units 2 & 3 would be constructed to the boundary with the exception of a 2.1m wide x 1m deep light court adjacent to the ground floor bathroom and the balcony area at first floor which would be set back 2.2m with a maximum height of 6.2m.

130. These walls would interface directly with laneway areas which have a minimum width of 3.0m increasing to 6.0m wide in parts to the south-east of the proposed dwellings. The height and length of these walls are both considered to achieve an acceptable design response given the interface with the commercial properties located further south and the negligible amenity impact this might have on the commercial uses.

Standard B19 – Daylight to existing windows

131. The proposed east-facing walls associated with additions to the McKean Street dwelling would be located opposite a series of west-facing, ground and first floor habitable room windows at No.218 McKean Street. These windows are staggered between 1.1m and 2.7m from the common boundary shared with the subject site as shown below:

Figure 7 – Ground floor No.218 McKean Street:



132. This Standard outlines that a wall greater than 3.0m in height should be set back from these neighbouring windows 50% of its maximum height. Where the existing window is above ground floor level, the wall height is measured from the floor level containing the window.

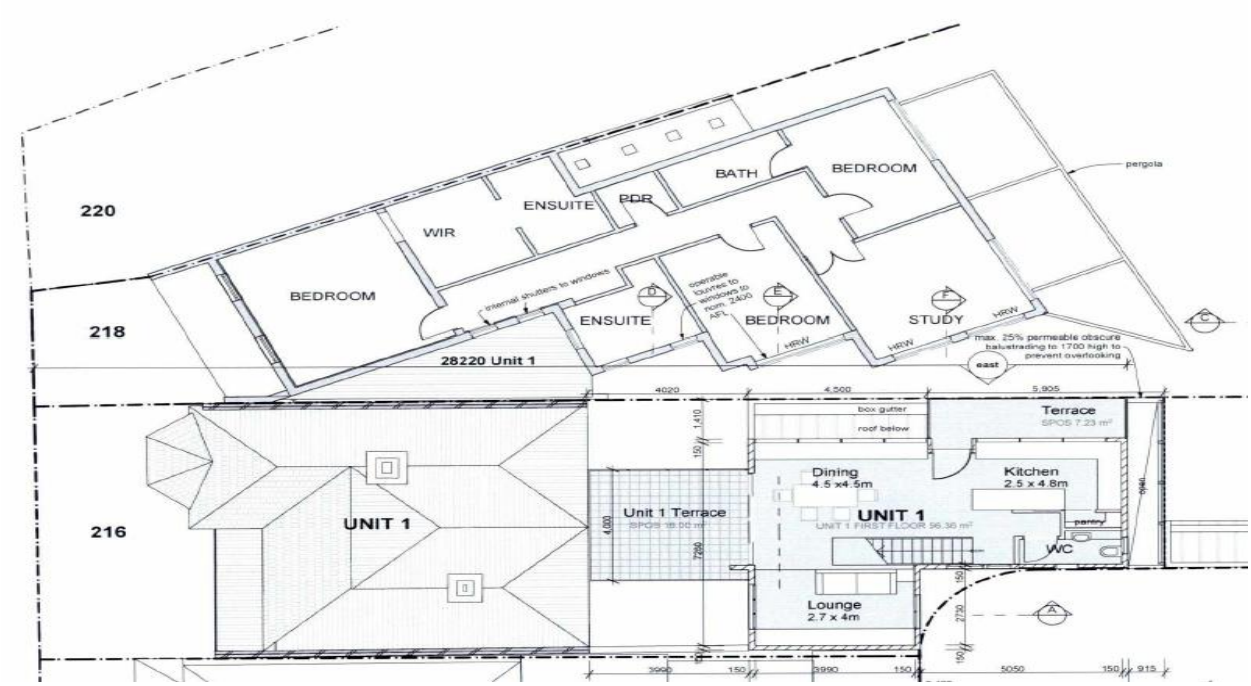
133. At ground floor, the proposed east-facing walls associated with Bedroom 1 and the terrace balustrading above would extend to a maximum height of 5.1m. This height triggers a set back of 2.55m. A variation of 1.15m is sought in relation to the closest, living room window which is set back 1.4m from the common boundary between the two lots.

134. This 1.15m variation is considered to be acceptable in light of the multiple east and south-facing windows which would continue to provide adequate daylight to the living room in addition to the second, west-facing window which is set back 2.7m (meeting the Standard).

135. The proposed bedroom wall where opposite the neighbouring kitchen window triggers a minimum setback of 1.6m with a partial variation required in light of the kitchen window being set back from the boundary between 1.1m and 2.0m. This variation is supported in light of the partial compliance and the proximity of the kitchen to east, west and south-facing windows facing onto the living areas to which it adjoins (providing alternative daylight access to the kitchen).

136. At first floor, the proposed 7.0m high walls associated with the dining room would be set back between 2.5m and 3.5m from the neighbouring kitchen window, partially meeting the requirements of this standard for a 3.5m setback.

Figure 8 - First floor No.218 McKean Street:



137. This outcome is considered to achieve an acceptable design response given it achieves partial compliance with the Standard and the location of the kitchen areas remains only 5m from the extensive glazed areas to the southern side of the living room and skylights on the western side of the dining area which would all continue to provide daylight to the kitchen.

138. The setbacks between the proposed first floor walls and the neighbouring study and bedroom windows at first floor comply with the Standard. These neighbouring rooms have a FFL of 4.2m above ground level (taken from the endorsed plans under Planning Permit PL04/0071.02) and therefore the proposed first floor walls do not trigger additional setbacks from the windows (being less than 3.0m high above FFL within the neighbouring building).

Standard B21 – Overshadowing

139. The proposed development would result in additional overshadowing to SPOS of neighbouring lots at No's 214 & 218 McKean Street and No.8 Howe Street.

No.8 Howe Street

140. At 9:00am an additional 1.7m^2 of shadowing would be cast to the SPOS of this property, leaving 2.8m^2 with access to direct sunlight at this time. Due to the modest nature of the SPOS at only 23m^2, any additional shadowing to this area triggers a variation to the Standard.

141. The variation is considered reasonable in this particular instance with shadows reducing after 9:00am to a point where no additional shadowing would be cast to this property by 10:00am. This impact is not considered to be unreasonable when taking into account the modest area which would be affected and the limited timeframe in which it would occur.

No.218 McKean Street

142. The SPOS associated with this neighbouring lot covers an area of approximately 296m^2. While the proposed development would cast some additional shadowing to the western edge of these areas during the afternoon, at no point would the area which retains access to direct sunlight be reduced beneath the 40m^2 specified under the Standard – the Standard is met.

No.214 McKean Street

143. Due to shadows cast by existing buildings over the SPOS associated with this neighbouring lot, no additional shadows would be cast to these areas by the proposed development with any shadows cast by the new buildings falling onto existing shadows or roofed areas.

Standard B22 – Overlooking

McKean Street additions

144. North and south-facing windows associated with the ground floor bedroom, sitting room, study and guest rooms would face onto courtyard areas which would be fenced by either on-boundary walls or fencing to a height of no less than 1.8m to avoid unreasonable overlooking opportunities in accordance with this Standard.

145. At first floor, the east-facing terrace would be screened with a 1.7m high balustrade. To ensure this treatment would avoid unreasonable overlooking opportunities (to the east and south), a condition for the balustrade to be nominated as allowing no more than 25% visual transparency would be required (generally in accordance with this Standard).

146. In light of the condition described above, the east-facing, kitchen window would also be screened from any unreasonable overlooking opportunities (in addition to be designed with a minimum sill height of 2.0m above FFL).

147. The lower of the two east-facing, dining room windows would be treated with obscure glass and the higher window designed with a minimum sill level at 2.0m above FFL. Both of these treatments/designs are in accordance with the requirements of this Standard and avoid unreasonable overlooking opportunities.

148. The north-facing, first floor terrace is shown in elevation and section to contain 1.7m high (obscure glass) balustrading to its eastern perimeter and 1.0m high to its western perimeter. A condition of permit would require further detail to be provided in relation to the western perimeter to demonstrate that no direct line of sight would be obtained to the SPOS of the adjoining dwelling at No.214 McKean Street. The treatment to the eastern perimeter would avoid unreasonable overlooking opportunities in accordance with this Standard.

149. An assessment by council officers reveals that no unreasonable overlooking would occur via the northern perimeter of the terrace, with any view (within a 9m radius) falling over roofing areas of the existing building or hitting walls/roofs of neighbouring dwellings.

150. An assessment by council officers indicates that any views obtained through the north-facing, lounge window would not reach secluded open space or habitable room windows associated with neighbouring dwellings (within a 9m radius), with these views being interrupted by roofing and/or other built form associated with the dwelling within No.214 McKean Street.

151. Views from the south-facing, lounge window would fall over Howe Street itself and would therefore not result in any unreasonable loss of privacy.

Units 2 & 3

152. The north-facing windows associated with Unit 2 would face onto an open space area which would be delineated from the SPOS associated with No.218 McKean Street. The floor plans show the boundary fencing to be retained in this area which is considered to avoid unreasonable overlooking in accordance with this Standard.

153. The south-facing windows associated with the ground floor bedroom and study would have minimum sill heights in excess of 2.5m above the laneway, facing onto commercial properties to the south and would therefore not result in opportunities for unreasonable overlooking.

154. At first floor, Unit 3 would contain north-facing windows associated with the lounge/dining area and bedroom 2 which would be screened by an external, fixed louver screen providing no more than 25% visual transparency and therefore meeting the requirements of this Standard.

155. Section 4 – *Plan Detail 1 Perforated Screen* of Drawing TP-16 relates to the south-facing terrace for Unit 3 and details that a perforated metal screen would interrupt views from the south-western corner of the terrace to the SPOS associated with No.8 Howe Street generally in accordance with this Standard.

156. While this may be the case, the length/location of the metal screen is not clearly depicted on the floor plan. This would be required through a condition of permit to ensure no unreasonable opportunities for overlooking to No.8 Howe Street were available.

157. The remaining views to the south from this terrace would fall over commercial properties and are therefore not considered to result in any unreasonable loss of privacy.

Standard B23 – Internal overlooking;

158. The overlooking screen associated with north-facing windows to Unit 3 described earlier in this report would avoid opportunities for unreasonable overlooking to Unit 2 below, generally in accordance with the objective of this Standard.

159. In light of the screening detail condition included for the first floor terrace to the additions to the McKean Street dwelling, the development would not contain any south-facing windows which would have a direct line of sight to areas associated either of the two proposed dwellings. The Standard is met.

Standard B24 – Noise impacts

160. Noise associated with any plant/equipment for the proposed dwellings would be controlled by the relevant State Environment Protection Policy. Noise from the proposed development is considered unlikely to be unreasonable in light of the residential nature of the proposal.

Standard B25 – Accessibility

161. Each of the proposed dwellings would contain a pedestrian entrance point at ground floor (with Unit 2 being entirely at ground floor) which does not require traversing over stairs to gain access to the entrance. For a development which comprises of two dwellings only, this outcome is considered to be acceptable against the objective of the Standard.

Standard B26 – Dwelling entries

162. The presentation of the dwelling entrances for Units 2 & 3 while being partially concealed behind the neighbouring dwelling at No.8 Howe Street when viewed from further west, would be readily visible from the northern side of the street before entering the laneway.

163. The entrances would be provided through individual doors with security intercom and lighting which are considered to provide an acceptable sense of address to both dwellings. While these entrances are a non-traditional approach to providing access into a dwelling, this is not considered fatal to the application in itself.

Standard B27 – Daylight to new windows

164. The light-courts adjacent to the ground floor kitchen of Dwellings 2 would not meet the 1m clear to the sky requirement under this Standard but would have a northern aspect which would allow for good solar access to this space in any case.

165. The overhang of the dwelling above is therefore considered to be an acceptable variation to the Standard in this particular instance.

166. All other remaining windows would face outwards to the proposed open space areas or towards McKean Street in accordance with the requirements of this Standard.

Standard B28 – Private open space

167. The McKean Street dwelling would be provided with a total area of 75m^2 of POS, including a 16m^2 terrace located adjacent to the primary living areas at first floor – Meeting the requirements of the Standard.

168. Unit 2 would be provided with 63m^2 of POS directly adjacent to the living areas – meeting the requirements of the Standard.

169. Unit 3 would be provided with a 9m^2 balcony located off the lounge/dining area. The balcony generally has a width of 2.2m but with a tapered western end but is otherwise considered to meet the objectives of this Standard.

Standard B29 – Solar access to open space

170. The Standard suggests that private open space should be located to the north of the development and this has been achieved for both the dwelling additions and Unit 2 which have substantial provision for open space with northern orientations.

171. The open space for Unit 3 has been located with a southern orientation to avoid the need for extensive screening/overlooking treatments to Unit 2 below. It is considered that the amenity of this area achieves and acceptable outcome for future residents when balanced between the lack of solar orientation with the much improved outlook to the south (in the absence of overlooking screens).

172. The location of the POS for Unit 2 within the centre of the subject site is also generally consistent with the existing pattern of open space for properties on the southern side of McKean Street and is considered to provide an appropriate design response based on the sensitive interfaces with adjoining lots.

Standard B30 – Storage

173. Dwelling 1 & 2 would be provided with 6m^3 of storage space to the rear of the building or within the open space areas – meeting the Standard.

174. Dwelling 3 would be provided with 3.7m^3 of storage space within an alcove to the entrance area at ground floor. This is considered to provide adequate storage for a moderately sized dwelling and therefore it is considered that this would meet the objective of the Standard.

Standard B31 – Design detail

175. The presentation of the proposed development is considered to achieve a design response which respects the existing neighbourhood character of the area as outlined earlier in this report under Paragraphs 73-81. While there is a range of dwelling types found within area, it is considered that the design detail of the proposed development is generally acceptable within the heritage context of the street.

176. This will be discussed in more detail under the ‘Heritage’ assessment section of this report.

Standard B32 – Front fences

177. No change to the McKean Street front fencing is proposed.

178. The proposed Howe Street fencing would be 3.3m high and constructed of cream rendered walls. It is considered that the section of wall delineating the SPOS for Unit 2 from the street would not be unacceptable given its location as a side-wall boundary at the termination of Howe Street.

Standard B33 – Common property

179. The proposed development is likely to be subdivided down the 'middle' of the development, negating the need for common property in the future.

Standard B34 – Site services

180. The development generally contains sufficient space for the required site services to be conveniently located to the dwellings without any impact on the amenity of the site and the surrounding area.

181. While this may be the case, it is unclear where bins/rubbish would be stored in association with Unit 3 given its location at first floor. This issue would be addressed through a condition of permit for amended plans to show a rubbish/bin storage area at ground floor. This would most likely require some extension to the entry area which is considered to be achievable in light of the generous open space areas located directly behind the entrance for Unit 3.

Heritage

Demolition

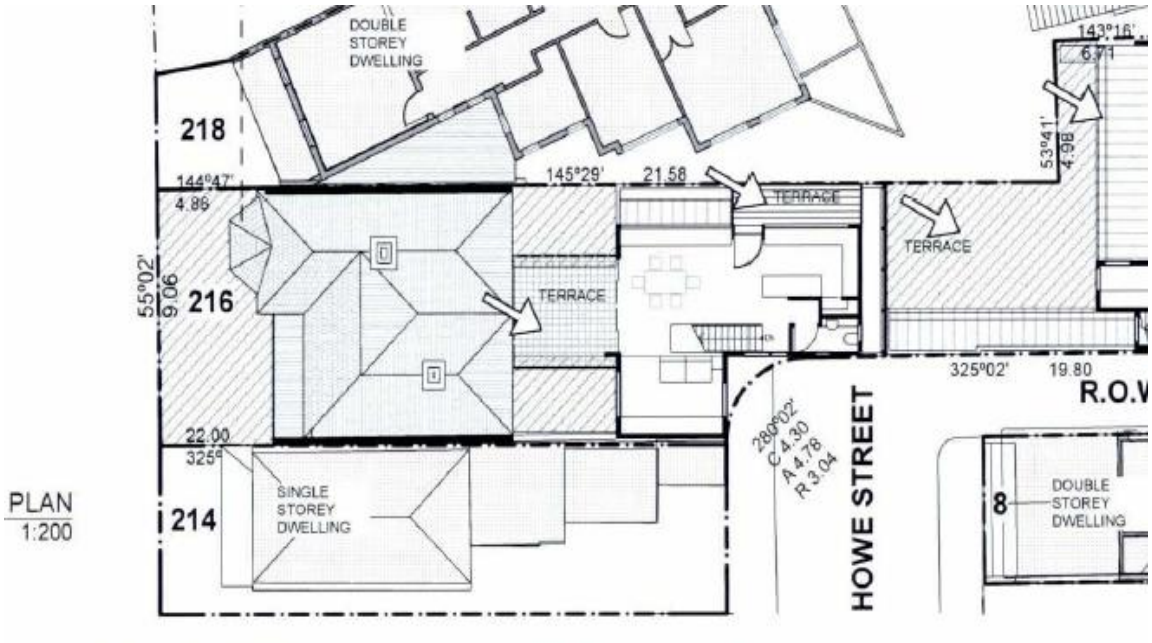
182. As outlined earlier in this report, the application proposes demolition to the rear, flat roofed additions at the rear of the McKean Street dwelling along with a shed in the rear yard.

183. While these areas are partially visible from some points along Howe Street, they are not visible from the principle street frontage which is McKean Street. The comments from council's heritage advisor state '*it is not considered that the removal of that portion will adversely affect the contribution of the place to Howe Street or the heritage precinct generally'.*

184. The extent of demolition to the existing dwelling is generally in accordance with the policy direction under clause 22.02 of the Scheme which discourages demolition of contributory rated heritage buildings unless: *that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained.*

185. The areas proposed for demolition would allow for the retention of the primary roof form as indicated in Figure 9 below which shows the western portion of the building being retained with the proposed additions further east:

Figure 9:



186. In conjunction with the comments received from council's heritage advisor, it is considered that the demolition proposed under this application would not detrimentally impact on the surrounding heritage place and is therefore supported.

Development

187. The proposed dwelling additions would be marginally visible from the opposite (northern) side of McKean Street as indicated in Figure 9 below. The additional 800mm height which would be visible above the sightline taken from the opposite side of McKean Street is considered to be generally in line with the policy under clause 22.02-5.7.1 of the Scheme, with this minimal extent of built form located in excess of 17m from the McKean Street frontage and approximately 45m from where sightline is taken from.

Figure 10 – McKean Street sightline:



188. The extent of setbacks provided by the proposed additions to the rear of the original building would ensure that the development would not become visually competitive with the single-storey heritage building and therefore this outcome is considered to be generally consistent with the policy direction under clause 22.02-5.7.1 – *New development, alterations and additions* of the Scheme.

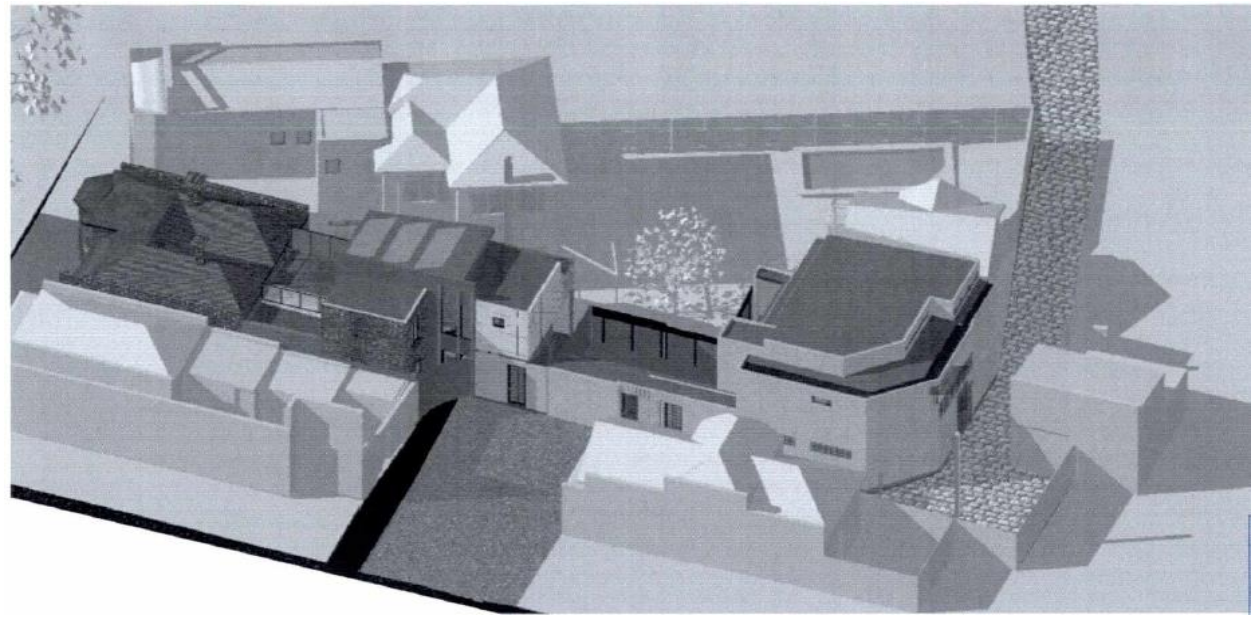
189. The comments from council's heritage advisor state that while the additions would be visible from Howe Street, the location of the additions to the rear of the building would mean that the retained portions of the existing building and proposed additions would not be visible within the same views which is generally in line with the policy direction under clause 22.02-5.7.1 – *New development, Alterations or Additions* in terms of both distinguishing new built form from heritage structures and also not obscuring views to principle facades of heritage buildings.

190. Overall, the proposed dwelling additions are considered to achieve a sensitive design response to the heritage value of the existing building and its contribution to the wider heritage area.

Proposed dwellings

191. With regards to the scale and massing of the proposed dwellings, their siting at the rear of the subject site would substantially diminish their prominence within wider views along Howe Street. Figure 10 below demonstrates the location of the proposed dwellings behind the terrace at No.8 Howe Street, separated by the abutting laneway with the photograph also depicting roughly the same view:

Figure 11:



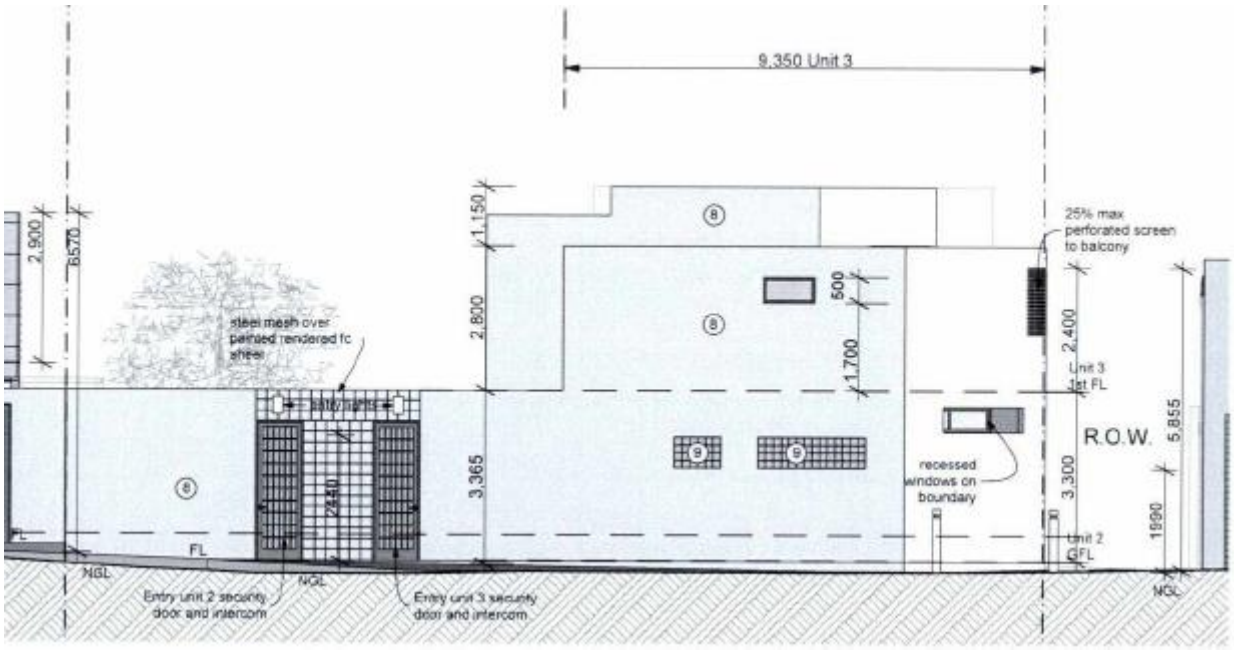


192. While being double-storey, it is considered that the setback and massing of the proposed dwellings would sit comfortably within Howe Street, being behind the terrace row.

193. While the comments from council's heritage advisor had raised concerns with previous use of materials such as the timber battens at first floor this has been rectified through the amendments to the plans under Section 57(a) of the Act.

194. When introducing the decision plans (25 November, 2016), the materials were amended to delete the use of timber battens for external walls to the proposed dwellings, instead opting to utilize cream rendered, concrete walls. This change in materials ensures that the building is visually cohesive within the streetscape as it would not be 'eye-catching' behind the more varied and ornately designed terraces sitting in the foreground.

Figure 12 – western elevation of proposed dwellings



195. Similar to the proposed additions, views of Units 2 & 3 from Howe Street would not cover or obscure any significant heritage fabric associated with neighbouring lots or obscure views to any principle facades due to the location at the rear of the subject site.

196. The degree of physical separate provided by the abutting laneway (no less than 2.8m) and the single-storey graduation in height with No.8 Howe Street are considered to provide an appropriate design response to the heritage characteristics of Howe Street in conjunction with the limited visibility of the new dwellings at the rear of the subject site.

197. The location of double-storey outbuildings at the rear of McKean Street properties are not uncommon and it is considered that the proposed development would be generally consistent with the pattern of development in the area in this regard.

198. Overall, the proposed development is considered to achieve an acceptable design response which allows the proposed dwelling to sit cohesively within the heritage streetscape without obscuring significant views to adjoining heritage buildings or becoming visually dominant within broader views along Nicholson Street. These outcomes are generally consistent with the objectives under the Heritage Overlay and local heritage planning polices

<u>Car parking</u>

199. As outlined earlier in this report, the application proposes a waiver of car parking requirements for the proposed dwellings (Units 2 & 3). No reduction is triggered for the proposed dwelling additions which are exempt under the provisions of clause 52.06-1 of the Scheme.

200. Council's Traffic Engineering Unit have reviewed the proposed reduction and offered no objections, detailing "*The car ownership data from the 2011 Census conducted by the Australian Bureau of Statistics suggest that there is a strong market for dwellings that have no on-site car parking. It is recognised that car ownership is influenced by a number of factors and that in inner areas many households do not own a car for a range of reasons.*

201. It is considered that the transport alternatives such as Queens Parade trams (within 200m walking distance), Rushall and Clifton Hill Railway Stations (both within 650m walking distance) and bus services along Michael Street all create a scenario where public transport is a viable option to private motor trips in addition to the commercial areas along Queens Parade itself which include a variety of retail and social services.

202. Marked bicycle lanes are provided along both McKean Street with car share pods also located within Rowe Street, approximately 200m walking distance from the subject site.

203. Council's ability to approve residential development without car parking spaces is the tool available to achieve the policy objectives under clause 21.06 – *Transport* of the scheme to reduce the reliance on private motor trips and reduce the impact of traffic.

204. It is significant that any future residents of Units 2 & 3 would not be eligible for on-street car parking permits as part of Council's local laws policies and with the surrounding area being subject to various time based controls, on-street car parking would not be a viable long-term option for residents who would be subject to fines if the vehicles were parked in areas beyond the time based restrictions.

205. Overall, it is considered that the waiver of car parking requirements for the proposed dwellings is an acceptable outcome for the reasons outlined above.

Infrastructure and works

206. The original referral comments from Council's Traffic Engineering Unit (12/4/2016) provide various comments with regard to restoring damage to public infrastructure and ensuring pedestrian access is suitably provided where from the laneway.

207. In line with these comments and Council's *Infrastructure Materials Policy,* a condition of permit would require the developer to provide a 1.2m to 1.8m wide smooth bluestone pavement on one side of the Right-of-Way, from the pedestrian access to Units 2 & 3 to Howe Street.

208. The requirement for cross-section drawings is no longer required due to the previously proposed car parking spaces having been omitted from the proposal.

209. The retention of bollards along the southern boundary has been suggested to provide additional protection to Units 2 & 3 from vehicles using the laneway. This is not considered to be a mandatory issue and will therefore not be included as a condition of permit.

210. The remaining issues raised within the Traffic Engineering Unit comments would be addressed through the inclusion of standard conditions of permit.

<u>Objector concerns</u>

211. While the earlier sections of this report have assessed most of the issues raised within the objections received, the following section will re-cap on those issues and any remaining topics.

Inadequate on-site car parking;

212. Issues associated with car parking have been assessed earlier in this report under Paragraphs 199-210 and found to achieve an acceptable outcome.

The development would be out of character with the area;

213. The proposed development has been assessed against the Neighbourhood Character Standard and relevant heritage policies earlier in this report and found to achieve an acceptable design response to the character of the surrounding area.

Visual bulk;

214. The proposed development has been assessed against clause 55 requirements and the sensitive interfaces with the adjoining lots and found to achieve an acceptable outcome.

Loss of daylight and overshadowing;

215. Overshadowing and impacts on daylight to neighbouring dwellings have been assessed earlier in this report against the relevant ResCode Standards and found to achieve an acceptable outcome.

Overlooking;

216. As assessed earlier in this report under Paragraphs 144-159, subject to conditions, the proposed development would not result in an unreasonable loss of privacy to the neighbouring properties subject to conditions.

Noise from terrace areas;

217. As assessed earlier in this report under Paragraph 160, noise from rooftop areas is not considered to be unreasonable in light of the residential nature of the proposed development.

Traffic impacts;

218. The proposed development would not include any new vehicle access points or provision for car parking within the subject site and is therefore considered likely to have a negligible impact on traffic conditions for McKean or Howe Streets.

Loss of vegetation from the site.

219. No planning permit is required for the removal of vegetation from the subject site and therefore does not form part of the assessment criteria. While this may be the case, the applicant has expressed willingness to include some form of canopy planting within the open space areas within the centre of the subject site.

220. It is considered that there would be some aesthetic benefit from this to reinforce the physical separation of built form between the proposed dwelling additions and built form associated with the new dwellings at the rear.

221. In light of the points above and the applicant’s willingness to undertake canopy plantings, a condition of permit would require the introduction of at least one (1) canopy tree to the open space area associated with Unit 2.

Conclusion

222. Based on the above report, the proposal is considered to substantially comply with the relevant Planning Scheme provisions and planning policy and therefore should be supported subject to conditions.

RECOMMENDATION

That a Notice of Decision to grant Planning Permit PLN15/1189 be issued for development of the land for two additional dwellings, including alterations and additions to the existing dwelling, associated demolition works and reduction in car parking requirements at 216 McKean Street, Fitzroy North, generally in accordance with the decision plans (Dated 25, November 2016) 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 (dated 25 November, 2016) but modified to show:
   (a) A STORM report demonstrating outcomes for no less than 100% with all relevant details included within the floor/site plans;
   (b) The west-facing wall associated with the first floor lounge to the McKean Street dwelling (Unit 1) set back no less than 1.87m from the boundary;
   (c) Balustrading to the east-facing, first floor terrace for Unit 1 providing no more than 25% visual transparency;
   (d) Details to demonstrate that no direct line of sight would be obtained to the SPOS of No.214 McKean Street via the first floor terrace associated with additions to the dwelling;
   (e) The length of screening measures associated with the south-facing terrace to Unit 3 included within the floor plans to demonstrate no unreasonable overlooking to No.8 Howe Street, generally in accordance with the overlooking requirements under Standard B22 under clause 55 of the Yarra Planning Scheme;
   (f) No less than one (1) canopy tree planted within the open space associated with Unit 2. Details of the species, height and maintenance details, including re-planting where necessary must be included;
   (g) Provision for an on-site bin storage areas to Unit 3 at ground floor;
   (h) A 1.2m to 1.8m wide, smooth bluestone pavement on one side of the Right-of-Way from the pedestrian entrances to units 2 & 3 to Howe Street

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the development commences, 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.

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

5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

   (a) at the permit holder's cost; and
   (b) to the satisfaction of the Responsible Authority.

6. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

7. 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.

8. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

   (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
   (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
   (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

9. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

10. This permit will expire if:

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

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

Notes:

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

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

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

CONTACT OFFICER: **Patrick Sutton**
TITLE: **Senior Statutory Planner**
TEL: **9205 5357**

Attachments

1 Subject site
2 Demolition plans
3 Floor plans
4 Elevations and Sections
5 Shadow diagrams
6 Engineering comments
7 Engineering comments
8 Heritage advice
9 Urban Design advice

Attachment 1 - Subject site

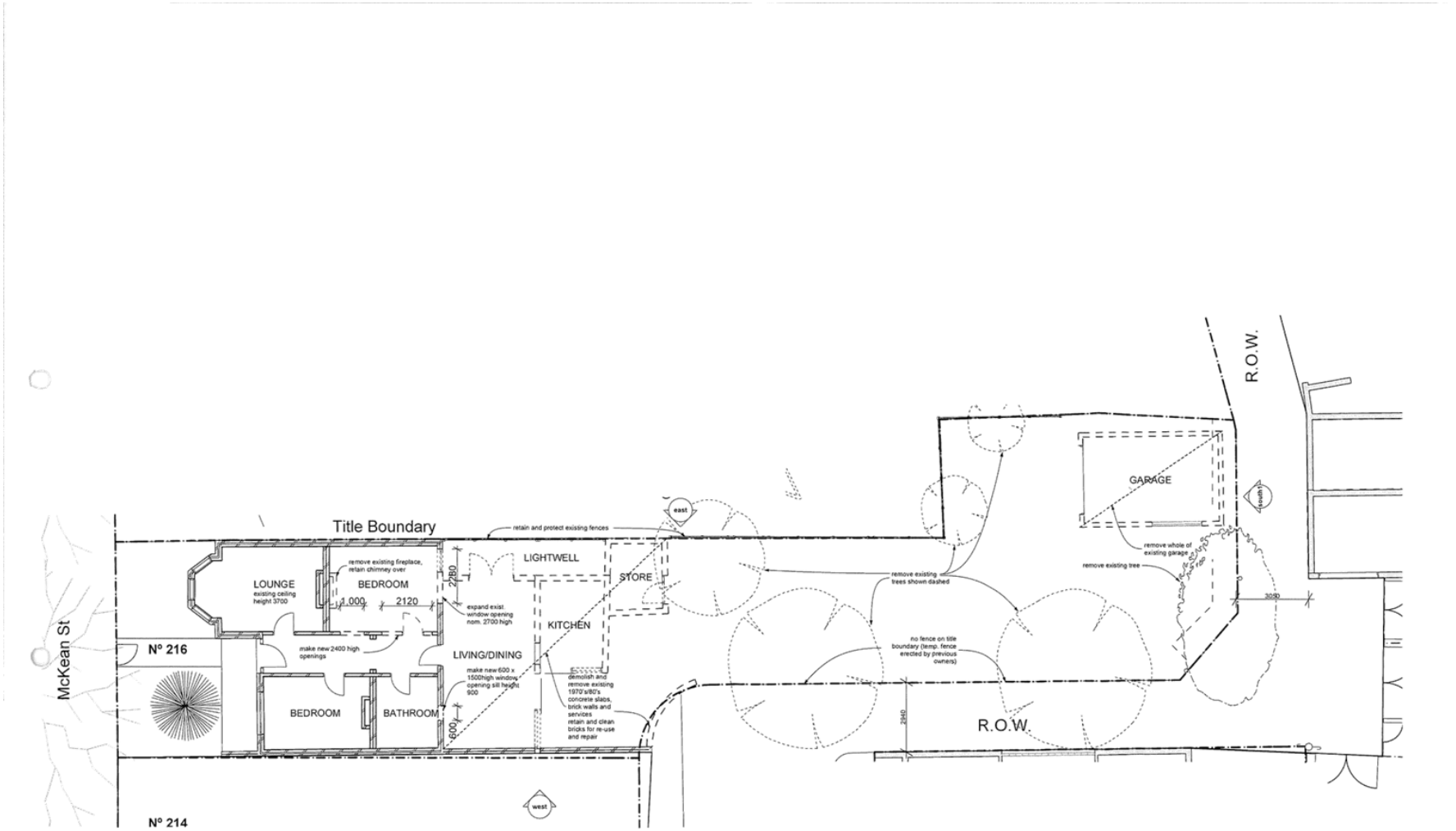
SUBJECT LAND: 216 McKean STREET, FITZROY NORTH



⇧ North

★Subject Site

Attachment 2 - Demolition plans

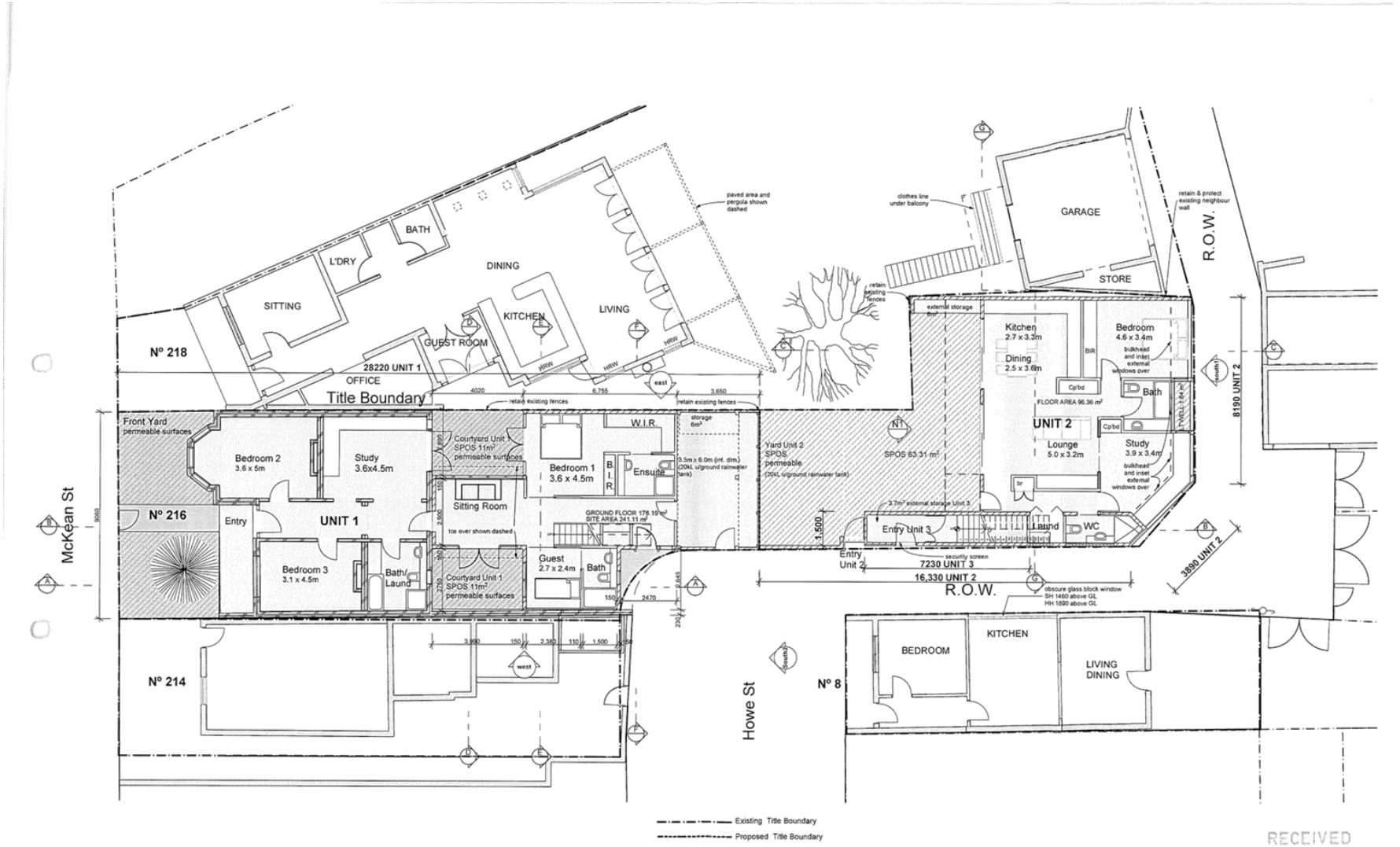


RECEIVED
25 NOV 2016

Madge Alexandra Architect
PO Box 218 Clifton Hill Vic. 3068 p. 03 9489 0939 f. 03 9486 8514 madge@alexandraarchitects.com.au

PROJECT	REDEVELOPMENT AT 216 Mc KEAN ST, FITZROY NORTH	TOWN PLANNING		DRAWN PM	These drawings are the copyright property of the architect. Figured dimensions to be taken in preference to scale measurements. Builder shall verify all dimensions and levels on site. Builder shall obtain the architects instruction in respect to any discrepancies in the drawings	24/11/2016	TOWN PLANNING APPLICATION NOT FOR CONSTRUCTION
DRAWING TITLE	DEMOLITION PLAN	JOB N0 1505	SCALE 1:100 @ A2	CHECKED MA		DWG TP 07 rD	

Attachment 3 - Floor plans

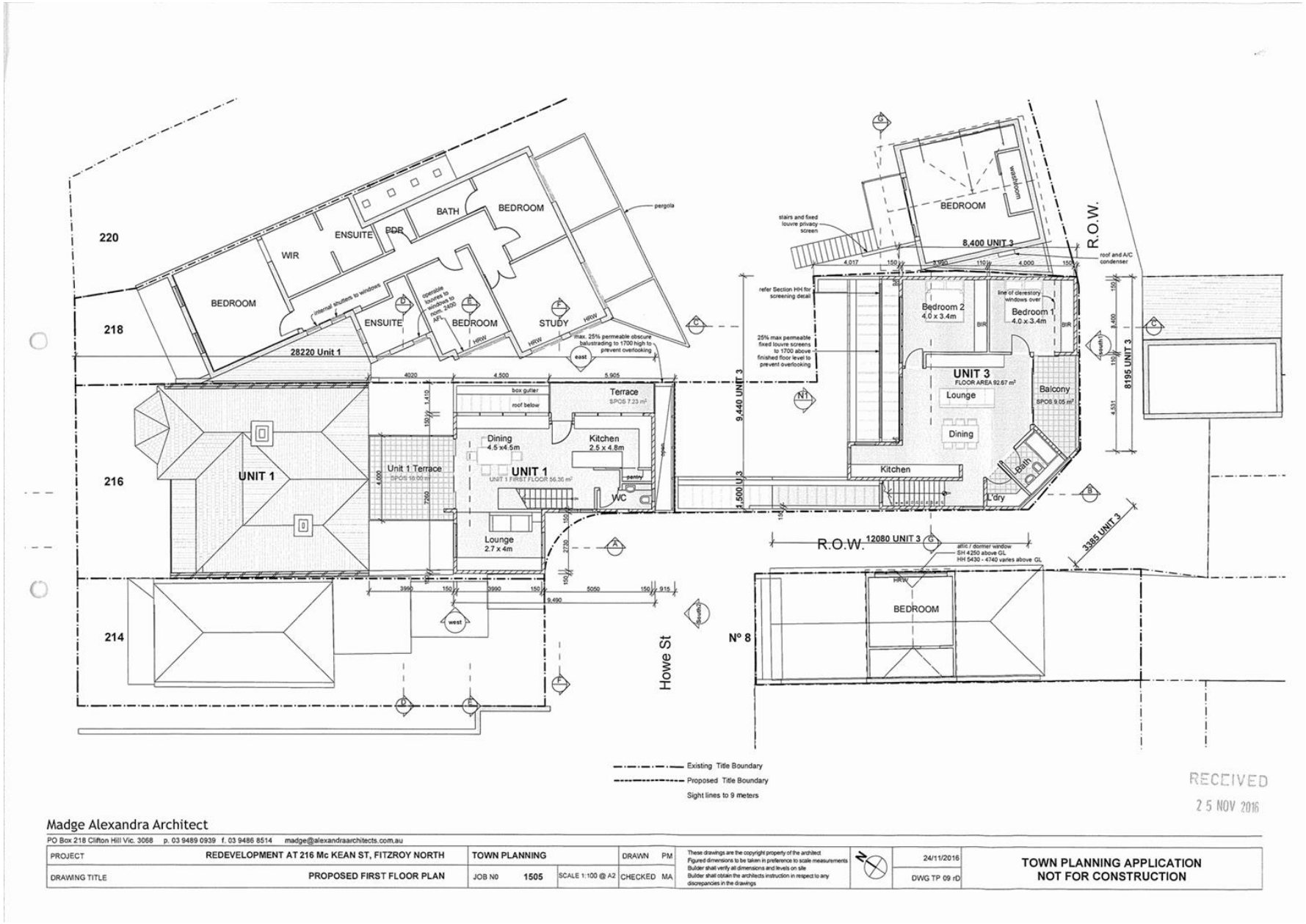


RECEIVED
25 NOV 2016

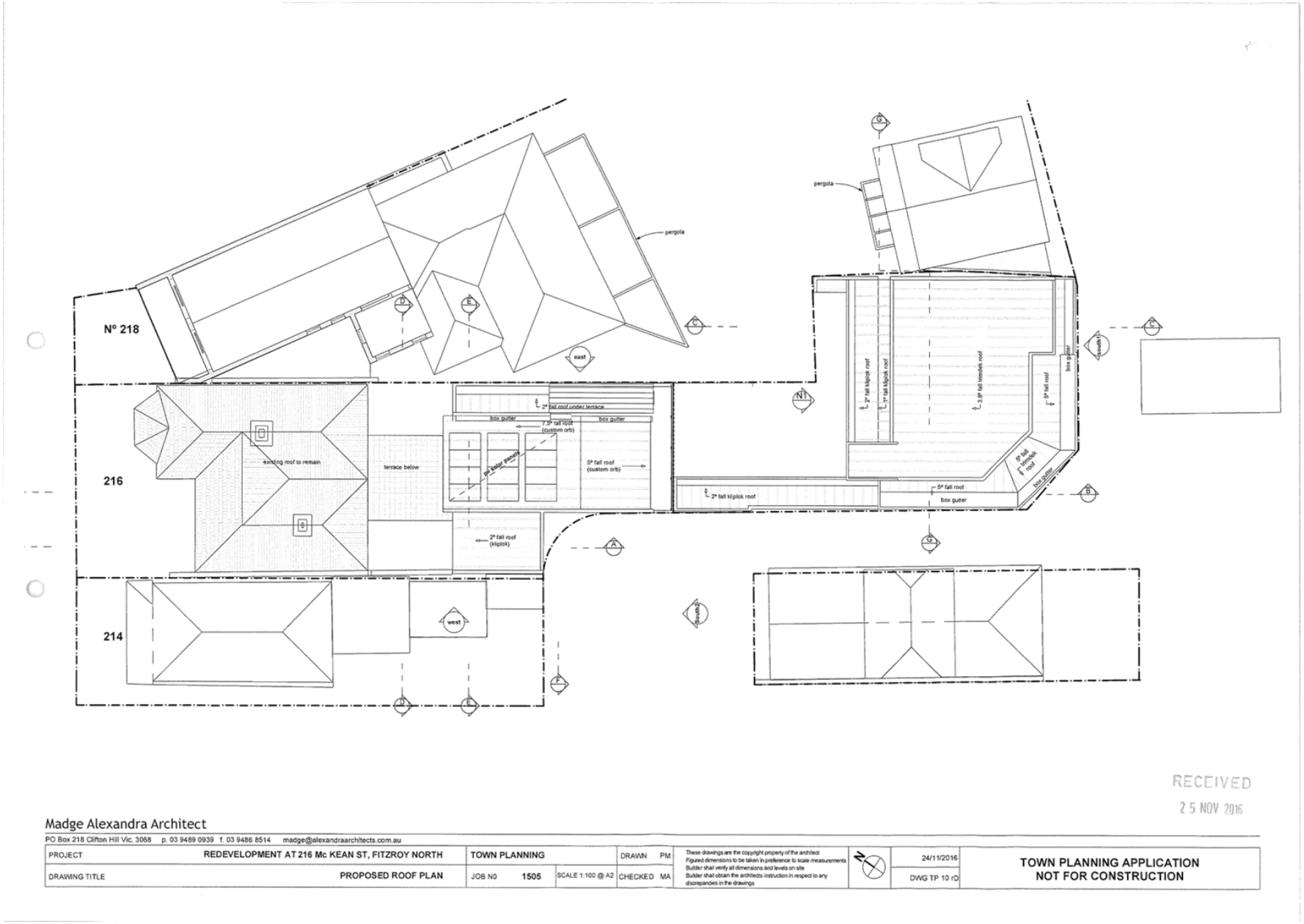
Madge Alexandra Architect
PO Box 218 Clifton Hill Vic. 3068 p. 03 9489 0939 f. 03 9486 8514 madge@alexandraarchitects.com.au

PROJECT	REDEVELOPMENT AT 216 Mc KEAN ST, FITZROY NORTH	TOWN PLANNING		DRAWN PM	These drawings are the copyright property of the architect. Figured dimensions to be taken in preference to scale measurements. Builder shall verify all dimensions and levels on site. Builder shall obtain the architects instruction in respect to any discrepancies in the drawings	24/11/2016	TOWN PLANNING APPLICATION NOT FOR CONSTRUCTION
DRAWING TITLE	PROPOSED GROUND FLOOR PLAN	JOB N0 1505	SCALE 1:100 @ A2	CHECKED MA		DWG TP 08 rD	

Attachment 3 - Floor plans



Attachment 3 - Floor plans

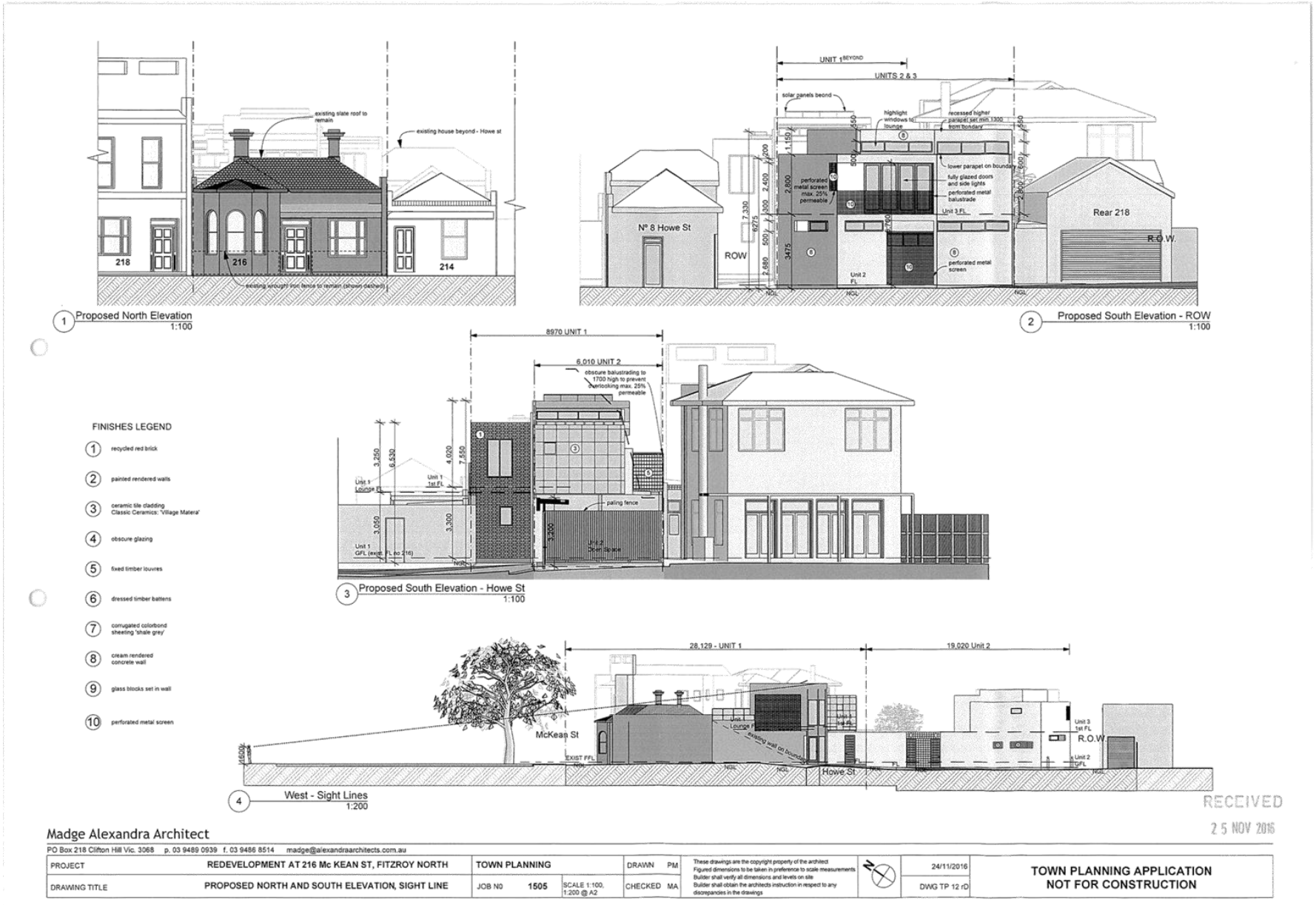


RECEIVED
25 NOV 2016

Madge Alexandra Architect
PO Box 218 Clifton Hill Vic. 3068 p. 03 9489 0939 f. 03 9486 8514 madge@alexandraarchitects.com.au

PROJECT	REDEVELOPMENT AT 216 Mc KEAN ST, FITZROY NORTH	TOWN PLANNING		DRAWN PM	These drawings are the copyright property of the architect. Figured dimensions to be taken in preference to scale measurements. Builder shall verify all dimensions and levels on site. Builder shall obtain the architects instruction in respect to any discrepancies in the drawings.		24/11/2016	TOWN PLANNING APPLICATION NOT FOR CONSTRUCTION
DRAWING TITLE	PROPOSED ROOF PLAN	JOB N0 1505	SCALE 1:100 @ A2	CHECKED MA			DWG TP 10 rD	

Attachment 4 - Elevations and Sections



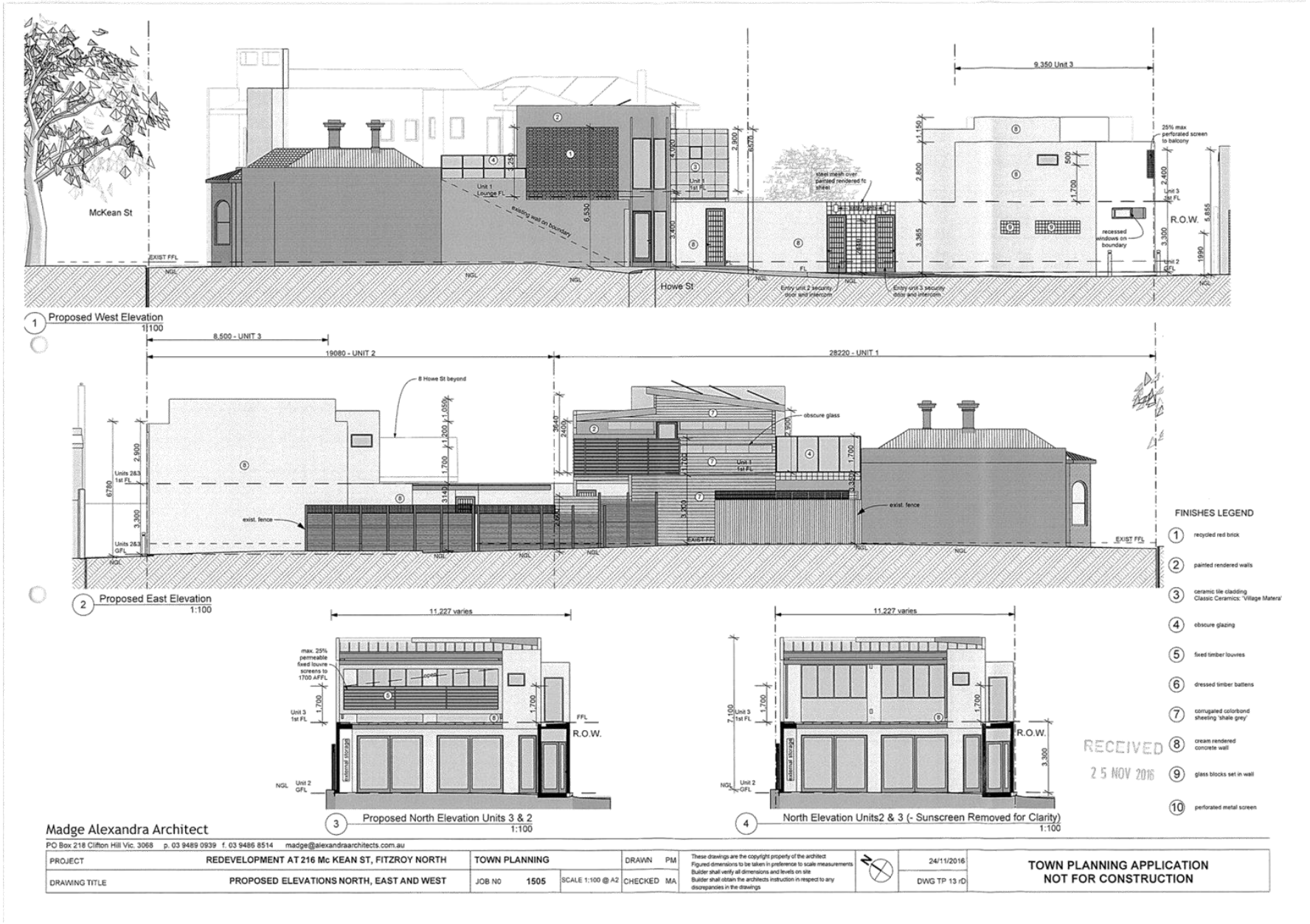
RECEIVED
25 NOV 2016

Madge Alexandra Architect

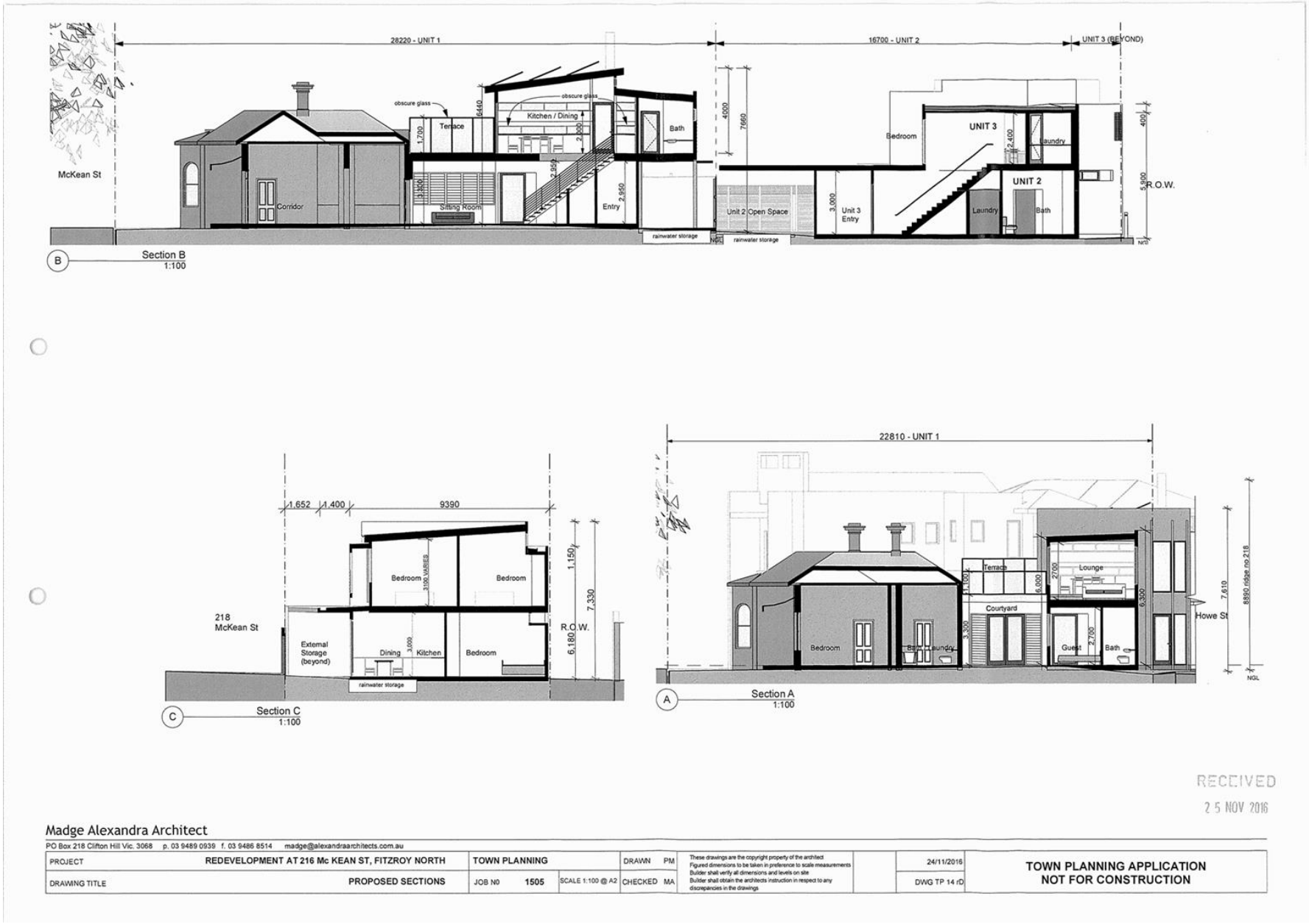
PO Box 218 Clifton Hill Vic. 3068 p. 03 9489 0939 f. 03 9486 8514 madge@alexandraarchitects.com.au

PROJECT	REDEVELOPMENT AT 216 Mc KEAN ST, FITZROY NORTH	TOWN PLANNING		DRAWN PM	These drawings are the copyright property of the architect Figured dimensions to be taken in preference to scale measurements Builder shall verify all dimensions and levels on site Builder shall obtain the architects instruction in respect to any discrepancies in the drawings	24/11/2016	TOWN PLANNING APPLICATION NOT FOR CONSTRUCTION
DRAWING TITLE	PROPOSED NORTH AND SOUTH ELEVATION, SIGHT LINE	JOB N0 1505	SCALE 1:100, 1:200 @ A2	CHECKED MA		DWG TP 12 rD	

Attachment 4 - Elevations and Sections



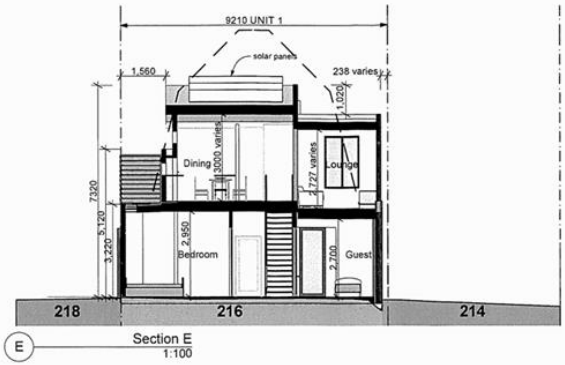
Attachment 4 - Elevations and Sections



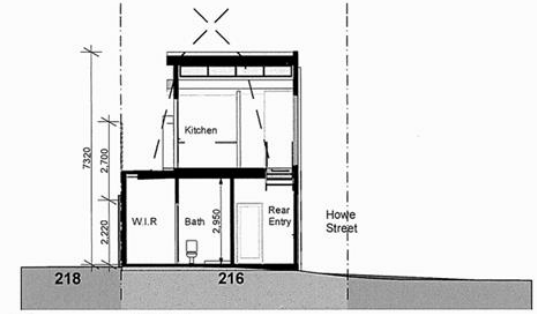
Attachment 4 - Elevations and Sections



Section D
1:100



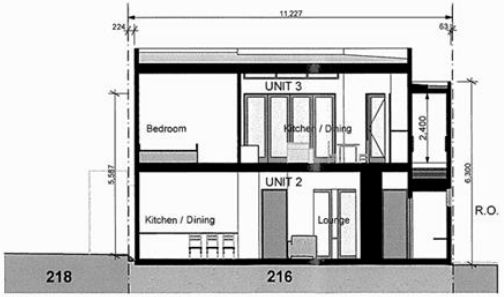
Section E
1:100



Section F
1:100

FINISHES LEGEND

1. recycled red brick
2. painted rendered walls
3. ceramic tile cladding Classic Ceramics: 'Village Matera'
4. obscure glazing
5. fixed timber louvres
6. dressed timber battens
7. corrugated colorbond sheeting 'shale grey'
8. cream rendered concrete wall
9. glass blocks set in wall



Section G
1:100

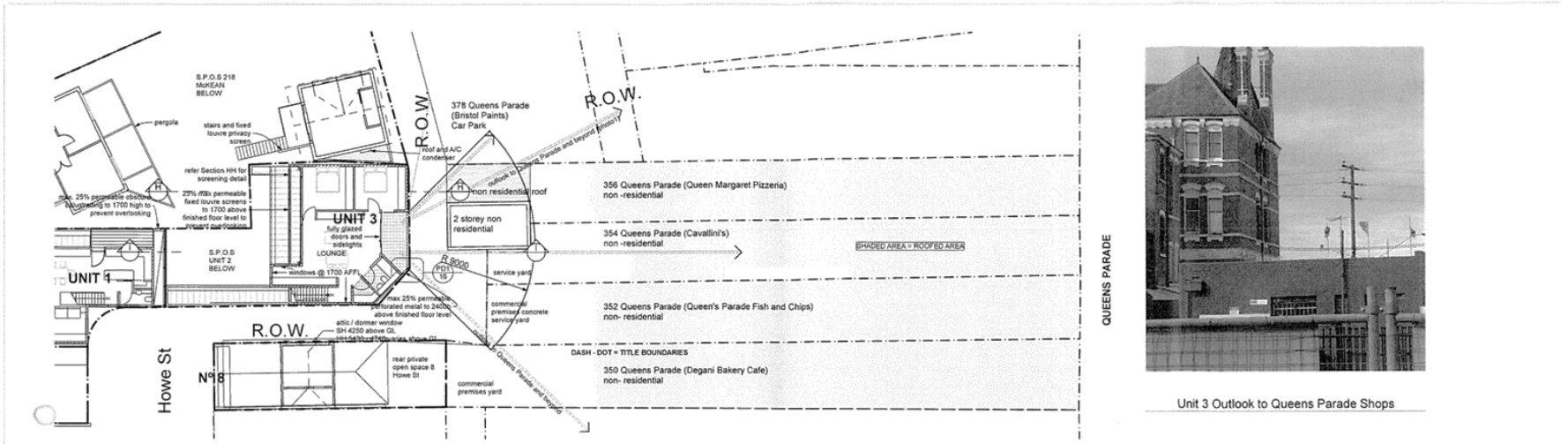
RECEIVED
25 NOV 2016

Madge Alexandra Architect

PO Box 218 Clifton Hill Vic. 3068 p. 03 9489 0939 f. 03 9486 8514 madge@alexandraarchitects.com.au

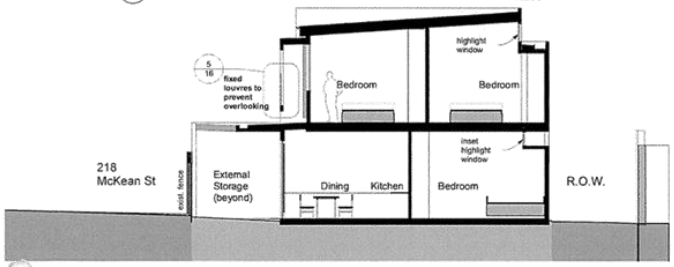
PROJECT	REDEVELOPMENT AT 216 Mc KEAN ST, FITZROY NORTH	TOWN PLANNING		DRAWN PM	These drawings are the copyright property of the architect. Figured dimensions to be taken in preference to scale measurements. Builder shall verify all dimensions and levels on site. Builder shall obtain the architects instruction in respect to any discrepancies in the drawings.	24/11/2016	TOWN PLANNING APPLICATION NOT FOR CONSTRUCTION
DRAWING TITLE	PROPOSED SECTIONS	JOB NO 1505	SCALE 1:100 @ A2	CHECKED MA		DWG TP 15 rD	

Attachment 4 - Elevations and Sections

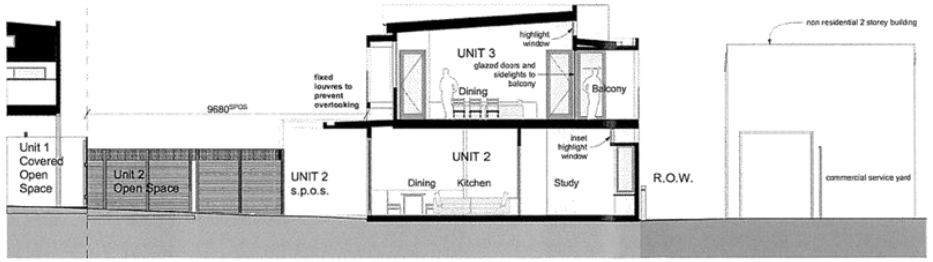


Unit 3 Outlook to Queens Parade Shops

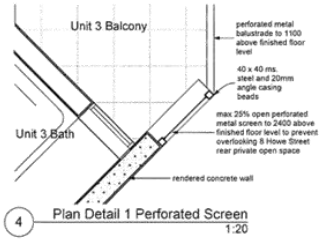
1 FIRST FLOOR WINDOW AND OUTLOOK SIGHT LINES 1:200



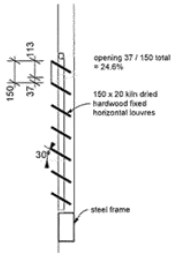
2 Section H 1:100



3 Section I 1:100



4 Plan Detail 1 Perforated Screen 1:20



5 Section Detail 1 Typical Fixed Louvre Screen 1:20



South Outlook to Queens Parade



West Outlook from ROW

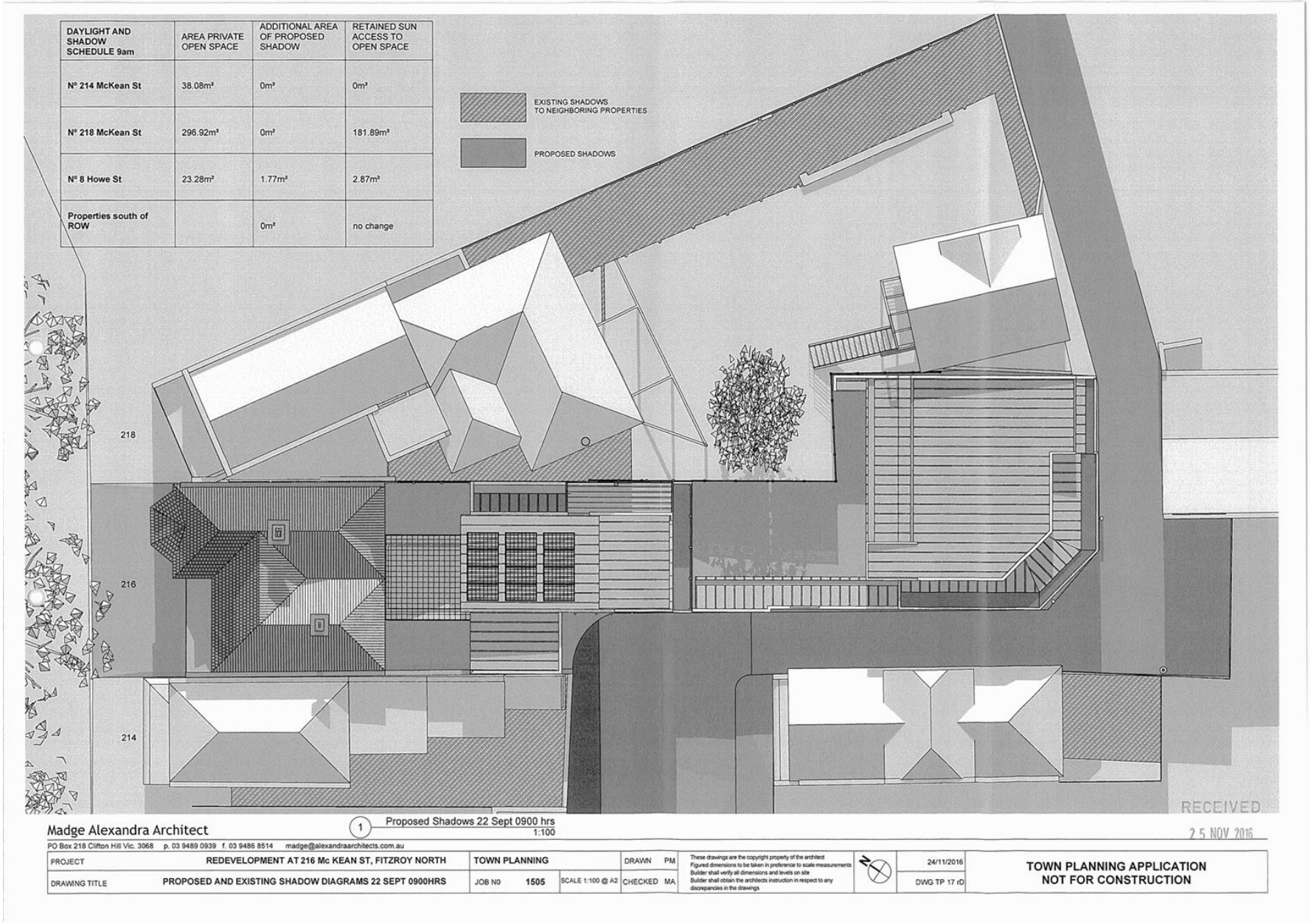
RECEIVED 25 NOV 2016

Madge Alexandra Architect

PO Box 218 Clifton Hill Vic. 3068 p. 03 9489 0939 f. 03 9486 8514 madge@alexandraarchitects.com.au

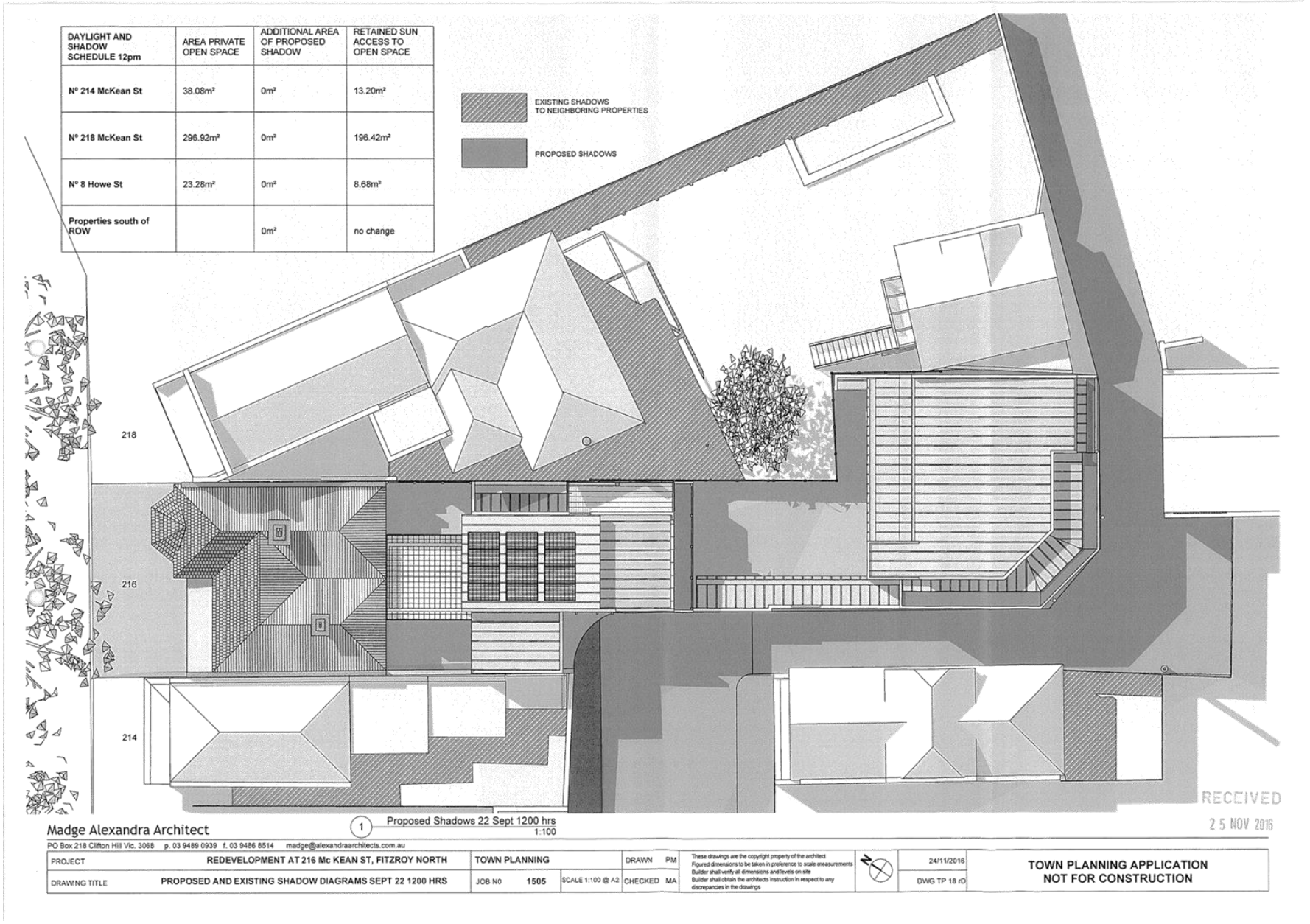
PROJECT	REDEVELOPMENT AT 216 Mc KEAN ST, FITZROY NORTH	TOWN PLANNING		DRAWN PM	These drawings are the copyright property of the architect Figured dimensions to be taken in preference to scale measurements Builder shall verify all dimensions and levels on site Builder shall obtain the architects instruction in respect to any discrepancies in the drawings	24/11/2016	TOWN PLANNING APPLICATION NOT FOR CONSTRUCTION
DRAWING TITLE	OVERLOOKING AND OUTLOOK AMENITY DIAGRAMS	JOB N0 1505	SCALE 1:200, 1:100, 1:20 1:2 @ A2	CHECKED MA		DWG TP 16 rD	

Attachment 5 - Shadow diagrams



Attachment 5 - Shadow diagrams

DAYLIGHT AND SHADOW SCHEDULE 12pm	AREA PRIVATE OPEN SPACE	ADDITIONAL AREA OF PROPOSED SHADOW	RETAINED SUN ACCESS TO OPEN SPACE
N° 214 McKean St	38.08m²	0m²	13.20m²
N° 218 McKean St	296.92m²	0m²	196.42m²
N° 8 Howe St	23.28m²	0m²	8.68m²
Properties south of ROW		0m²	no change

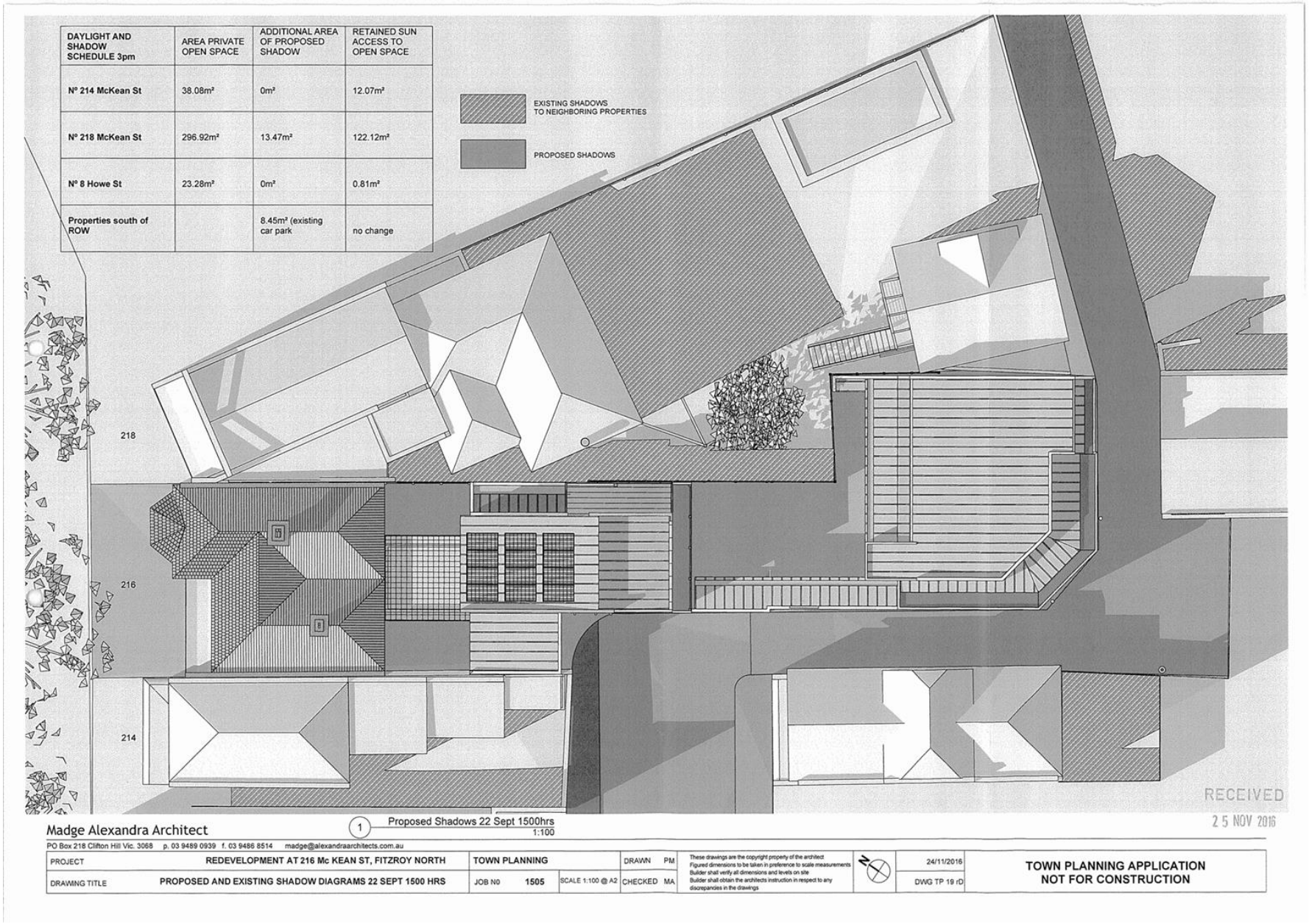


1 Proposed Shadows 22 Sept 1200 hrs
1:100

Madge Alexandra Architect
PO Box 218 Clifton Hill Vic. 3068 p. 03 9489 0939 f. 03 9486 8514 madge@alexandraarchitects.com.au

PROJECT	REDEVELOPMENT AT 216 Mc KEAN ST, FITZROY NORTH	TOWN PLANNING		DRAWN PM	These drawings are the copyright property of the architect. Figured dimensions to be taken in preference to scale measurements. Builder shall verify all dimensions and levels on site. Builder shall obtain the architects instruction in respect to any discrepancies in the drawings	24/11/2016	TOWN PLANNING APPLICATION NOT FOR CONSTRUCTION
DRAWING TITLE	PROPOSED AND EXISTING SHADOW DIAGRAMS SEPT 22 1200 HRS	JOB N0 1505	SCALE 1:100 @ A2	CHECKED MA		DWG TP 18 rD	

Attachment 5 - Shadow diagrams



A **ering comments**

CITY OF YaRRA

MEMO

To:	**Patrick Sutton**	
From:	**Artemis Bacani**	
Date:	**8 May 2016**	
Subject:	**Application No:**	**PLN15/1189**
	Description:	**Amendment - Dwellings – Reduction in the Car Parking Requirements**
	Site Address:	**216 McKean Street, Fitzroy North**

I refer to the above Planning Application received on 8 May 2017 in relation to the proposed development at 216 McKean Street, Fitzroy North. Council's Engineering Services unit advises the following:

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

Proposed Use	No.	Statutory Parking Rate	No. of Spaces
Two-bedroom dwelling	2	1 space to each one or two bedroom dwelling	2

Since no car spaces will be provided for Units 2 and 3, a full waiver in the car parking requirement is sought by the applicant.

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

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

- *Parking Demand for Dwellings*.
  The amended proposal would result in a shortfall of two car spaces. The car ownership data from the 2011 Census conducted by the Australian Bureau of Statistics suggests that there is a strong market for dwellings that have no on-site car parking. It is recognised that car ownership is influenced by a number of factors (public transport access, proximity to employment and education centres, affordability issues, environmental concerns, and access to services) and that in inner areas many households do not own a car for a range of reasons. The area's coverage of 1P and 2P restrictions should provide regular turnover of parking and create opportunities for visitors to find parking close to the site.

- *Availability of Public Transport in the Locality of the Land*.
  The site is well positioned for tram services along Queens Parade. Train services are available from Rushall railway station. Bus services are within walking distance of the site in Michael Street, Rushall Crescent, and Queens Parade. Easy access to public transport services would reduce the demand for parking on-site.

- *Convenience of Pedestrian and Cyclist* Access to the Land
  Pedestrians and cyclists should be able to access the site conveniently by using the existing infrastructure in front of the site and the surrounding streets. It is highly probable that some visitors to the site would either live or work locally. The site is positioned near the Queens Parade Activity Centre which has a very high serviceability for pedestrians. Access to the on-road and the off-road bicycle network are relatively good.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking* in the Area.
  McKean Street contains 2P 7am-7pm Monday to Friday and 2P 7am-7pm Monday to Saturday restrictions. In the surrounding area, there are various time-based restrictions (1P and 2P). The demand for on-street parking throughout much of Fitzroy North is generally high, and it is possible that some visitors would choose to make other travel arrangements such as take public transport or walk or ride a bicycle to the site, since the availability of long-stay parking is very scarce.

- *Access to or Provision of Alternative Transport Modes*.
  The site has very good accessibility to public transport and the on-road and off-road bicycle network. Carshare pods are available within walking distance of the site and provide an alternate mode of transportation for residents and visitors. A Flexicar pod is available one Rowe Street (near Michael Street), approximately 200 metres north of the site.

- *Other Relevant Considerations*.
  The residents of Unit 2 and 3 will not be eligible to apply for on-street residential and visitor car parking permits.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of two car spaces for this development is considered appropriate in the context of the development and the surrounding area.

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

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

A **ering comments**

CITY OF YaRRA

MEMO

To:	**Patrick Sutton**	
From:	**Artemis Bacani**	
Date:	**26 October 2016**	
Subject:	**Application No:**	**PLN15/1189**
	Description:	**Construction of Two Dwellings and Additions to the Existing Dwelling – Reduction in the Car Parking Requirements**
	Site Address:	**216 McKean Street, Fitzroy North**

I refer to the above Planning Application received on 22 September 2016 in relation to the proposed development at 216 McKean Street, Fitzroy North. Council's Engineering Services unit advises the following:

DEVELOPMENT LAYOUT DESIGN

Item	Assessment
Access Arrangements Swept Path Diagrams	The diagrams show that the path of a vehicle exiting garages for Units 1 and 2 would be required to perform a reversing movement towards the north side of Howe Street. This section of Howe Street is currently restricted with a "No Stopping 7.30am to 4.30pm Monday to Friday". Outside of these times, parking is permitted.
Pedestrian Entry – Right of Way	The location of the main pedestrian entry to Units 2 and 3 has been repositioned and would be off the Right of Way. Pedestrians exiting the property would step out immediately onto the Right of Way.
Pedestrian Access – Right of Way	The redevelopment of the site would have primary pedestrian access off the bluestone Right of Way.

Design Items to be Addressed
Attachment 7 - Engineering comments

Item	Details
Swept Path Diagram	A swept path diagram for a B85 design vehicle should include the existing on-street parking on this section of Howe Street (near the existing power pole). The diagrams are to show vehicle egress from the garages.
Pedestrian Entry – Right of Way	Given that the Right of Way carries some traffic, including cars and delivery trucks, the pedestrian visibility at the entry should be improved.
Pedestrian Access – Right of Way	Pedestrian access off a bluestone Right of Way in a Heritage Overlay area will require the developer to construct a 1.2 to 1.8 metre wide smooth bluestone pavement on one side of the Right of Way, from the development to the nearest abutting street (in this case, Howe Street). A copy of the policy is appended to this memo.

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 8 - Heritage advice

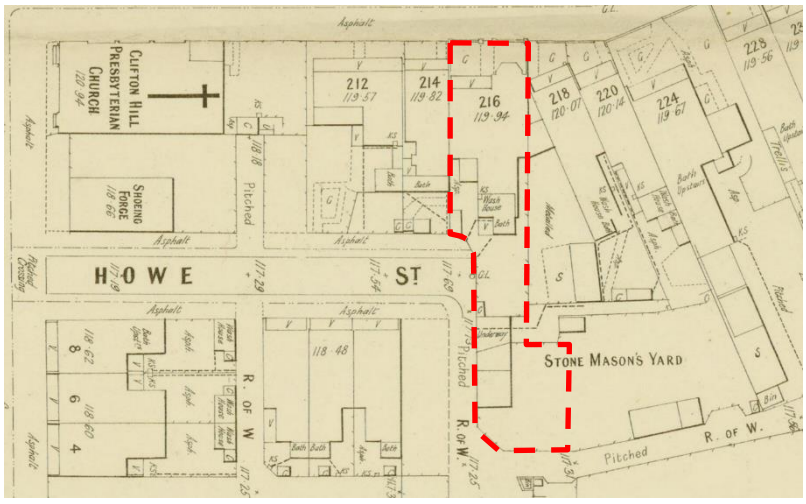
City of Yarra
Heritage Advice

Application No.:	*PLN15/1189*
Address of Property:	***216 McKean Street, Fitzroy North***
Planner:	*Patrick Sutton*
Yarra Planning Scheme References:	*STATE POLICY:* • *Clause 15.03 Heritage* *LOCAL POLICY:* • *Clause 21.05-1 Built Form (Heritage)* • *Clause 43.01 Heritage Overlay* • *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay* • *Clause 22.03 Landmarks and Tall Structures*
Heritage Overlay No. & Precinct:	*HO327 North Fitzroy Precinct*
Level of significance:	*Contributory, constructed 1880-1890 (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007)*
General description:	*Partial demolition, alterations to the existing dwelling and construction of two new dwellings at the rear*
Drawing Nos.:	*Set of 19 x A2 drawings prepared by Madge Alexandra Architect, received by Council and date stamped 17 Feb 2016*

CONTEXT DESCRIPTION:

The subject site is an irregular shaped allotment with a principal frontage to McKean Street, a partial secondary frontage to Howe Street and a rear frontage to two Right-of-ways.

Historically the site has been smaller although the house appears to be essentially unchanged. The size of the allotment has increased by the addition of land at the rear (which was formally part of a stonemason's yard) as well as part of a narrow pedestrian laneway. The structures shown within the former stonemason's yard are no longer in existence.



Above: Extract from Melbourne and Metropolitan Board of Works detail plan, 1264, Fitzroy & Collingwood (dated 1904) Subject site outlined in red.

Attachment 8 - Heritage advice



Above: Current aerial of the subject site

The subject site contains a single-storey house constructed of polychromatic brickwork and of late Victorian architectural style. Externally, the house appears to be substantially intact although aerials show that much of the original slate roof has been replaced with galvanised metal sheeting. There are two surviving original chimneys.

The metal railing front fence appears to be original.

There is a fibro-cement shed at the rear of the site that is of no apparent heritage value.

Attachment 8 - Heritage advice



Above: Subject site at 216 McKean Street



Above: Rear of the subject house as visible from Howe Street

Attachment 8 - Heritage advice



Above: View along Right-of-way at rear of site



Above: View along Right-of-way to the side of the subject site

The adjoining properties to the east are a group of two-storey polychromatic brick Victorian terrace houses that are of individual heritage significance. The adjoining property to the west is a single-storey dwelling of Victorian architectural style that is of contributory significance.

The subject site truncates views along Howe Street that is characterised by small, single-storey attached cottages of Victorian architectural style. The group of four dwellings are all of contributory significance.

Attachment 8 - Heritage advice



Above: View eastwards along McKean Street beyond the subject site



Above: View towards rear of the subject site along Howe Street

The immediate area is characterised by properties of the Victorian era with a substantial contribution from the Edwardian-period. There is also a contribution from some well-preserved inter-war buildings and individually significant places of all eras.

ASSESSMENT OF PROPOSED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application includes the demolition/removal of the rear flat roofed additions at the rear of the house and the freestanding shed.

The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct.

The areas to be demolished are not visible from the principal street frontage. Although the rear parts are visible from Howe Street, it is not considered that the removal of that portion will adversely affect the contribution of the place to Howe Street or the heritage precinct generally.

The demolition of the rear freestanding shed is of no heritage concern.

It is considered that the proposed demolition will not adversely affect the significance of the heritage building or the broader heritage precinct.

Attachment 8 - Heritage advice

Comments regarding new development, alterations and additions:

The extent of new works proposed by this application includes development of an addition to the existing house and the construction of two additional dwellings at the rear.

The key consideration for assessing this aspect of the works is whether the proposed development will adversely affect the significance, character or appearance of the heritage building or the broader heritage precinct.

Addition to existing house:

The proposed addition will be fully concealed from the principal street frontage. In this regard, it satisfies the requirements regarding the scale and positioning of additions to places of contributory significance.

From Howe Street, the proposed addition will be visible however, it will read as a completely separate element. There will be no ability to see the original house and the addition in the same context. The primary consideration is therefore whether the proposed development will adversely affect the significance, character or appearance of the Howe Street streetscape.

The submitted drawings do not show the proposed development in the context of Howe Street so it is difficult to fully understand its impact on that streetscape. On the basis that the adjacent property at No. 218 McKean Street is two-storey in scale, it is considered that the two-storey scale of the proposed rear addition is not unacceptable. The proposal to incorporate a lower and separate roof over the upper level living room is considered a reasonable approach for reducing the impact of the greater building height on the single-storey scale at the rear of No. 214 McKean Street.

The proposed open roof terrace between the original house and the rear addition will be fully concealed from all public vantage points. Although open roof decks are not encouraged for buildings of this architectural style, on this occasion, it is considered acceptable as activity and movable items will not be visible on the deck.

The appearance of a garage door at the termination of Howe Street is considered acceptable as access to the rear of the site has historically always been from this location.

New dwellings:

Setbacks:

The proposed setbacks for the new development will be essentially zero metres from both laneway frontages. The front setbacks of the adjacent structures fronting the laneway are also zero. In this regard, the proposed setbacks are consistent with the surroundings. Although this development involves the introduction of two new dwellings, it is not considered necessary on heritage grounds to introduce front setbacks the laneways as they do not exhibit the character of typical residential street frontages.

Scale/height:

The proposed facade height for the new development will be 7.3 metres to both the side and rear laneways. The facade height of the adjacent garage structure at the rear is between about 4 and 6 metres. The facade height of contributory building to the west of the side laneway is about 3.3 metres.

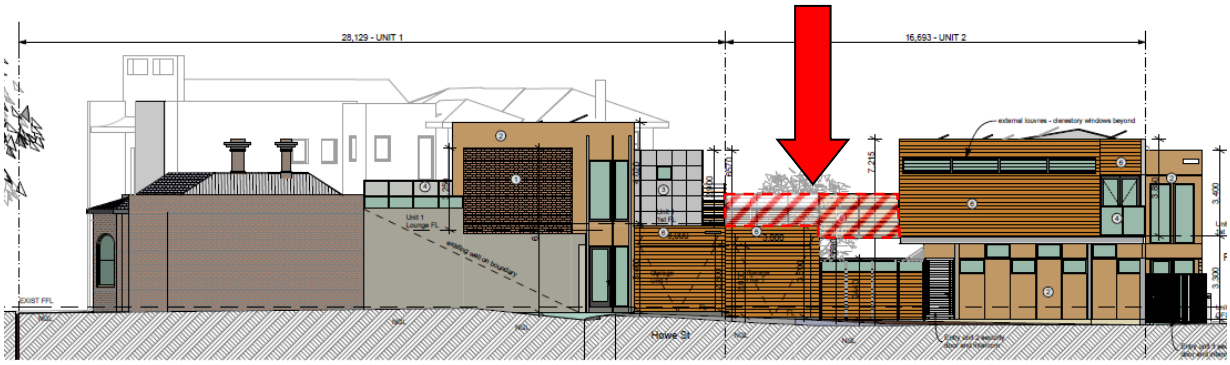
The proposed floor-to ceiling heights of 3 metres for both levels is considered generous and will result in buildings that are somewhat higher than you would typically expect fronting a laneway. Ceiling heights of about 2.5 would reduce the overall height of the new dwellings to a little over 6 metres, making it more consistent with the scale of the existing structures in the rear laneway.

Form and Appearance:

Attachment 8 - Heritage advice

A contemporary design approach has been adopted for the proposed new buildings. This approach is not unacceptable provided that adequate respect is given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration.

In regard to massing, there is a potential concern that the overall development will appear to be one continuous extension to the original house. It is considered that the original house with its rear addition and the two additional dwellings at the rear should appear to be two distinct built forms with a distinct spacing between them. It is therefore strongly suggested that the proposed roof terrace and connecting bridge to 'Unit 2' (as shown hatched in the diagram below) should be deleted.



Above: West elevation showing area for suggested deletion shown shaded in red.

While it is acknowledged that for the most part, a majority of the proposed new dwellings will not be generally visible from the nearby streets, it is considered that the development should still respond to the typical character of laneways. Many of the laneways within this precinct are characterised by simple structures constructed of pressed red bricks, corrugated natural metal and painted/unpainted weatherboards (refer to image below).



Left: Example of typical laneway structures

The exterior of the proposed new dwellings will predominantly be composed of plywood panels and timber battens. While use of these materials may be acceptable in a limited capacity, it is considered that a greater emphasis should be made on the use of materials that characterise the laneways as identified above.

RECOMMENDATIONS:

On heritage grounds, the works proposed in this application may be approved subject to the following conditions:

Attachment 8 - Heritage advice

1. That the proposed roof terrace above Unit 2's garage and the connecting bridge must be deleted;
2. That the external materials for Units 2 and 3 at the rear must be modified to be more characteristic of historic laneways such as pressed red bricks, corrugated natural finish metal sheeting and painted or unfinished weatherboards.

Other comments:

SIGNED:



Diahnn McIntosh

DATED: 6 April 2016

Attachment 9 - Urban Design advice

CITY OF YaRRA

MeMO

TO:	Patrick Sutton
FROM:	Hans Johansen
DATE:	26 April 2016
SUBJECT:	216 McKean Street, Fitzroy North
APPLICATION NO:	PLN15/1189
DESCRIPTION:	Development of the land for two additional dwellings, additions to the existing dwelling, associated demolition works and reduction in car parking requirements.

COMMENTS SUMMARY

Comments from an urban design perspective are requested on the following matters:

A. Presentation of the proposed buildings to Howe Street and the abutting laneway;
B. The design of Unit 3 in regards to sense of address and whether the access is suitable as proposed.
C. The choice of materials/colours.

Overall it is a good design but because of critical interface issues to rear lane, the proposal will most likely require a major reconfiguration of unit 2 and 3. In response to requested matters the summary includes:

A. Garage doors to be reconfigured to provide a sense of entry to dwellings.
B. The proposed access point to rear dwellings is not acceptable. Ensure that access to rear units is visible at the terminal view of Howe Street. To increase sense of safety at rear lanes the proposal should reconfigure car access points to allow for pedestrian entry and passive surveillance of street.
C. The choice of materials is supported.

Please refer to detailed comments below.

No capital works are approved or proposed within the area.

Attachment 9 - Urban Design advice

Site and context

Zoning

The site and street falls within NRZ1. At the rear of lane, towards Queens Parade, properties are zoned C1Z.

Heritage and other overlays

218-224 McKean Street, adjacent to the east are individual significant and so is the church on the corner to the west. The whole neighbourhood falls within HO327.

Street character

McKean Street has a quite distinct established heritage character. To the rear, where change will be most visible, there are many 2 storey buildings built to edge of lanes.



The subject site situated at the end of Howe Street

The site

The subject site is long and narrow stretching from McKean Street to the rear lane. The short street, Howe Street, terminates at the centre of the subject site and a lane conect this street to the rear lane.

Immediate surroundings

McKean Street is characterised by 2 storey Victorian era townhouses. The building on the subject site and site to the west are 2 storey Victorian brick houses. South of these is the Presbyterian Church complex on the corner block.

Attachment 9 - Urban Design advice

On Howe Street Presbyterian Church is built to edge with only a couple of windows along brick wall providing limited passive surveillance to the street. On the other side of the street is a row of one storey terrace houses.

North of the subject site, the two storey heritage building has increased in size by a new 2 storey extension.



Terminal view of Howe Street looking north-east. Two storey extension north of subject site visible in centre of photo

Built form and massing

The new built form is hardly visible from McKean Street and is well integrated in that regard. At the rear lane 2 storey built form is in keeping with mixed existing character with many 2 storey buildings to the lane.

Façade design and streetscape fit

Terminal view at end of Howe Street focus on the proposed two garage doors and is not acceptable. Garage doors are recommended reconfigured to provide a sense entry to dwellings. Refer to suggestion under section below*: Internal/external amenity and sense of safety.*

Attachment 9 - Urban Design advice

Building layout

The building layout is generally acceptable however the pedestrian entry points are not acceptable and the layout of two rear units is required in that regard. Refer to comments below.

Material and colour

The choice of materials is generally acceptable and provides a reasonable distinction between new and established heritage. Yet the brickwork creates a reference to heritage character.

Internal/external amenity and sense of safety

The rear lane that continues from the end of Howe Street is permeable for pedestrians and small vehicles and connects to Queens's Parade. There are many sharp bends along the lane and the connection is very indirect meaning that sense of safety is compromised. During the day there seems to be relatively lot of activity along the lane but at night it would not be perceived as safe for walking or as access to potential dwellings. No existing dwellings have access from the lane and there is very limited overlooking/surveillance from dwellings to the lane.

The position of entry points to unit 2 and 3 is not acceptable given their location adjacent to the lane. The passive surveillance to expect form Howe Street would mainly be from the eastern side of the street where there is dwellings. Therefor it is important that any entry points to dwellings are visible at the terminal view of Howe Street.

The *Safer Design Guidelines Victoria* highlights the importance of passive surveillance and sense of safety. Specific to the proposed development the points below are of importance:

- Objective 3.1. *To design buildings that contributes to the natural surveillance of adjacent streets and public space.* Design suggestion 3.1.4 – *Avoid blank walls, fences, service areas, car parks and garage doors fronting streets.*
- Objective 3.3 *To design entrances which provide easy access to all users, afford visibility to and from the street, and minimise the potential for hiding spots.* Design suggestion 3.3.1 – *Entrances of all dwellings should face the street. The priority is for clear sightlines and direct access from the street to the front door to maximise surveillance of the public environment.*

In practise this means that unit 2 and 3 needs to be reconfigured or be amalgamated into one unit. Pedestrian entry points can for example be combined with pedestrian access and front Howe Street to utilise the limited space.

Attachment 9 - Urban Design advice

In any case it is recommended that car access points is reconfigured by removing garage doors and to have low gate openings that provide passive surveillance towards Howe Street to increase sense of safety.



Example car park entry points that is gated but still provide passive surveilance to the street.



Bank Street, Richmond – an example of car spaces integrated as part of forecourt with front fence. Importantly it provide passive surveilance to the street and a sense of address without tall garage doors that is non-transparent.

Attachment 9 - Urban Design advice

Windows on the 1st floor provides some passive surveillance to the lane, which is encouraged, but this does not justify any entry from laneway. It is recommended that the bedroom window in unit 3 to the east allow for better overlooking of the lane.