YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

to be held on Wednesday 12 July 2017 at 6.30pm in Meeting Room 3 at the Richmond Town Hall

Rostered Councillor membership

Items 1 & 2
Councillor Stephen Jolly
Councillor James Searle
Councillor Mike McEvoy

Items 3 & 4
Councillor Amanda Stone
Councillor Jackie Fristacky
Councillor Mi Lin Chen Yi Mei

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

II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

III. CONFIRMATION OF MINUTES

IV. COMMITTEE BUSINESS REPORTS

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"Welcome to the City of Yarra. Yarra City Council acknowledges the Wurundjeri 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	PLN16/0925 - 59 - 77 Victoria Parade and 5 - 7 Brunswick Street (plus Council ROW) and 20 - 32 Fitzroy Street Fitzroy - Development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site.	5	54
1.2	PLN16/0926 - 93 - 99 Victoria Parade Fitzroy - Use and development of the land for part demolition, alterations and a three storey addition to the existing car park.	187	211
1.3	114-120 Nicholson Street, Fitzroy - PLN16/0153 - Development of the land for double and four-storey additions at the rear and associated works, including part demolition and an intensification of the existing backpackers lodge.	268	308
1.4	PLN17/0034 - 340 - 344 Victoria Street Richmond	391	410

1.1 PLN16/0925 - 59 - 77 Victoria Parade and 5 - 7 Brunswick Street (plus Council ROW) and 20 - 32 Fitzroy Street Fitzroy - Development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site.

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Permit application No. PLN16/0925 for development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 9.01 – Plan Melbourne
   (b) Clause 11.06 – Metropolitan Melbourne
   (c) clause 15 – Built Environment and Heritage
   (d) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
   (e) Clause 32.04 – Mixed Use Zone;
   (f) clause 32.09 – Neighbourhood Residential Zone, Schedule 1
   (g) clause 34.01 – Commercial 1 Zone;
   (h) clause 43.02 – Design and Development Overlay, Schedule 2;
   (i) clause 52.06 – Car Parking;
   (j) clause 52.34 – Bicycle facilities;
   (k) Clause 63 – Existing uses; and
   (l) Clause 65 – Decision Guidelines.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic policy support;
   (b) Heritage impacts;
   (c) Built form and design;
   (d) Amenity impacts;
   (e) Traffic, car parking, bicycle facilities, waste management and loading; and
   (f) Infrastructure.

Objector Concerns

4. A total of 19 objections were received to the application, these can be summarised as:
   (a) Lack of comprehensive development/master plan for the hospital;
   (b) Impact on the heritage significance and character of the site and surrounding area (including the proposed demolition, heights, setbacks and design);
   (c) Impact on the general character and amenity of the area; and
   (d) Impacts on traffic and car parking.

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: **James Sutherland**
TITLE: **Principal Statutory Planner**
TEL: **9205 5046**

1.1 PLN16/0925 - 59 - 77 Victoria Parade and 5 - 7 Brunswick Street (plus Council ROW) and 20 - 32 Fitzroy Street Fitzroy - Development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site.

Trim Record Number: D17/71431
Responsible Officer: Coordinator Statutory Planning

Proposal:	Development of the land for construction of a multi storey building as an extension to the existing hospital, including part demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site.
Existing use:	Hospital
Applicant:	St Vincent's Healthcare Limited
Zoning / Overlays:	Commercial 1 Zone, Mixed Use Zone and Neighbourhood Residential Zone (Schedule 1) Heritage Overlay Schedules 150, 190 and 334 Design and Development Overlay Schedule 2.
Date of Application:	11 October 2016
Application Number:	PLN16/0925

Planning History

1. Since 1991 there have been approximately 12 planning permits issued for the site, most for minor demolition and alterations to the hospital and signage.

2. One of these permits, PL04/0679 resulted in more significant re-arrangements including internal alterations at the ground floor, levels 1, 2 and 9 with the addition of three beds.

Background

3. The St Vincent's Hospital has operated in the precinct bordered by Victoria Parade, Brunswick Street, Nicholson Street and Gertrude Street since 1893. The site of the private hospital which is the subject of this application was opened in 1972 including the existing tower at the corner of Fitzroy Street and Victoria Parade. Subsequent alterations and additions were undertaken during the 1990s including the main entry on Victoria Parade and upper-level additions on the east side of the 1970s tower building. The long established use of the land for a hospital as accrued 'existing use rights' pursuant to clause 63.11 of the Yarra Planning Scheme.

4. During the early 2000s until present, a number of minor modifications have been made to signage and to the entry on Victoria Parade, as well as a more significant internal rearrangement as noted above. The hospital currently providing 227 multi-day patient beds, 33 same day beds, eight operating rooms and consulting suites among other facilities.

5. The hospital has now identified that to accommodate regulatory and capacity requirements, an expansion and re-configuration is needed and has applied for a planning permit for the development.

Sketch plans

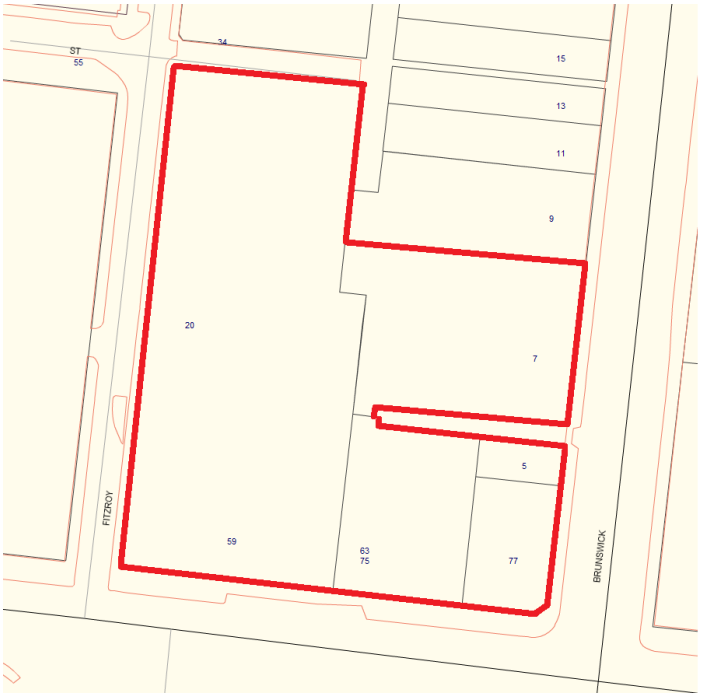
6. Following comments received from Council's Urban Design and Open Space Units as well as external urban design consultant, the applicant provided 'sketch plans' which seek to respond to matters that were raised. The 'sketch plans' are provided as an attachment to this report and include floor plans, elevations and landscape plans and include the following changes in summary:
   (a) Setback of the ground floor to Brunswick Street and cut-out at levels 1 and 2 at the interface of the East Hill Hotel;
   (b) A 1m x 1m rebate in the podium levels on Victoria Parade at the interface of the west wall of the East Hill Hotel with Level 3 setback 1m from the wall;
   (c) Victoria Parade entry showing the proposed canopy as being 5m above the footpath and extending further west and south over car parking spaces on Victoria Parade.
   (d) The Brunswick Street curb extended further south with additional seating;
   (e) The indented parking on Victoria Parade maintained at its current length with the new drop curb reduced in width and additional seating added;
   (f) The existing drop curb at the corner of Victoria Parade and Brunswick Street at its existing location;
   (g) Removal of bollards from the Brunswick Street entry and the drop curb;
   (h) Addition of 12 public bike hoops on Brunswick Street and 20 on Victoria Parade; and
   (i) Re-arrangement of the basement car parking area to increase secure staff bike parking and detail shower and change room facilities.

7. The changes shown in the 'sketch plans' will be discussed where relevant.

Existing Conditions

Subject Site

8. The subject site is made up of seven lots incorporating 59-61 Victoria Parade, 71-75 Victoria Parade, 77 Victoria Parade, 5 and 7 Brunswick Street and 20-32 Fitzroy Street in Fitzroy (as well as a Council laneway between 5 and 7 Brunswick Street). Collectively the lots are bounded by Victoria Parade (south), Brunswick Street (east), Fitzroy Street (west) and a laneway/ROW at the north-western corner as shown in the cadastral map below:



9. Buildings on the site range in height from 2-3 storeys along Brunswick Street and the eastern half of Victoria Parade; up to 10 storeys to the existing tower at the corner of Fitzroy Street and Victoria Parade; and seven storeys to the car park at the northern end on Fitzroy Street. These are shown in the aerial photograph below.



10. The land is generally flat and contains little vegetation except some landscaping including trees and shrubs within the front setback of No. 5 Brunswick Street. Two of the buildings on the site are on the Victorian Heritage Register:
    (a) The former Eastern Hill Hotel at 77 Victoria Parade is a three storey building constructed in 1854 with a rendered façade and rows of symmetrical windows facing the street; and
    (b) Edensor/Dodgshun House – 7 Brunswick Street is a two storey building constructed in 1865 with a rendered Italianate façade.

11. No. 71/73 Victoria Parade is a three storey building with a Spanish Mission style façade dating from c1930 and is graded 'Individually significant' within the South Fitzroy Heritage Overlay Precinct.

12. As discussed earlier, the site has a long history of use as a hospital resulting it accruing 'existing use rights' pursuant to clause 63.11 of the Yarra Planning Scheme. The hospital accommodates 227 multi-day patient beds, 33 same day beds, eight operating rooms and consulting suites among other facilities providing care and services in the areas of ear, nose & throat, gastrointestinal, gynecology, cardiac Services, maternity, neuroscience - brain and spinal, oncology & haematology, oral & maxillofacial, orthopaedic, rehabilitation cardiac rehab, urology and sleep study.

13. The buildings also contain a number of ancillary uses including a pharmacy and café at the ground floor of the 59-61 Victoria Parade building. The site also contains a loading bay from Fitzroy Street as well as multi-level car park for 398 car spaces.

    Surrounding Land

14. To the north of the site on Brunswick Street is a two storey building known as Depaul House operating as a drug and alcohol rehabilitation service operated by St Vincent's Hospital. Beyond that is a row of 2-3 storey Victorian era buildings constructed to the front and side boundaries.

15. To the northern end of the site along Fitzroy Street is a laneway/Council ROW beyond which is a two storey building built to the front and side boundaries with rear at-grade car parking. Further north are a row of 2-4 storey buildings built hard to the street on the east side and a two storey streetwall on the west side with a 10-11 storey tower behind. The northern end of Fitzroy Street contains 1-2 storey buildings including several dwellings.

16. To south is Victoria Parade a major east-west boulevard containing 8-9 lanes of traffic plus large central grassed median with large canopy trees. Directly opposite the site is a tram 'super-stop' with multiple pedestrian shelters, walking and waiting areas and landscaping. On the southern side of Victoria Parade is the 10 storey Eye and Ear Hospital. Beyond this building is St Patrick's Cathedral at the corner of Albert and Gisborne Streets.

17. South-east on Victoria Parade are a mix of two and three storey attached Victorian era buildings built to the street. Further east on the southern side of Victoria Parade beyond Lansdowne Street are 7-9 storey buildings with no upper level setbacks and which appear to be offices.

18. To the east across Brunswick Street is the Australian Catholic University (ACU). The ACU campus contains numerous buildings and open areas including:

    (a) Two storey building at the corner of Brunswick Street and Victoria Parade;
    (b) Public open square north-east of the subject site fronting Brunswick Street;
    (c) 9-10 storey building east of the open square;
    (d) 6 storey building at 115 Victoria Parade.

19. The ACU is currently in the process of seeking planning approval to amend the approved Development Plan (DP) for the campus which affects land on Victoria Parade, Young Street, Napier Street and Brunswick Street. Proposed changes include:
    (a) a new 12 storey building plus plant (13 storey) building on the corner of Victoria Parade and Napier Street including 7 basement levels accommodating 270 cars accessed from Napier Street;
    (b) increase student numbers from 2,125 full time students to 12,900 students (inclusive of surrounding sites not included within the DP);
    (c) increase staff numbers from 180 to 1,200 staff (inclusive of surrounding sites not included within the DP);
    (d) a new 3 level (equivalent of 4 levels) triangular shaped building surrounded by landscaping on Young Street.

20. The ACU has appealed to VCAT for a determination of the amendments to the DP. A hearing is scheduled for 27 June 2017 for four days.

21. At is meeting on 21 March 2017 Council resolved that if it had been in a position to it would have approved the amendments to the DP with changes including:
    (a) Reduction in the height of the building on the corner of Victoria Parade and Napier streets from 59.45m to approximately 42.95m (3-4 storeys);
    (b) Increased setbacks at levels 1-3 from Napier Street by approximately 3.5m;
    (c) Increased setback from Napier Street of additions to the Mary Gowery Building from 31.9m to at least 42m.

22. Also to the east along Victoria Parade is a three storey building containing a childcare centre with an 8 storey car parking building behind, all operated by St Vincent's Hospital. Immediately east of the childcare centre is a two storey building being the former Melbourne & Metropolitan Tramway Board Offices which is graded 'individually significant' within the South Fitzroy Precinct.

23. To the north-east along Brunswick Street are 1-3 storey buildings, most built to the front and side boundaries and having a Victorian era character.

24. To the west is a 7 storey building at the western corner of Victoria Parade and Fitzroy Street. This is part of the St Vincent's public hospital that contains buildings of 2-11 storeys to the corner of Nicholson Street as well as to the north behind Victoria Parade. There is a large open car parking/drop-off area off Fitzroy Street servicing the hospital with pedestrian access also through to Nicholson Street.

25. The wider area contains and is characterised by the following:

    (a) The Brunswick Street Major Activity (and Gertrude Street) centre to the north which contains a large range of retail, food and drink, dining, pubs and bars and services. The built form character is generally Victorian shop fronts 1-3 storeys with some taller examples as well as public housing towers up to 21 storeys;
    (b) The Melbourne CBD which commences on the southern side of Victoria Parade;
    (c) The broader health and education precinct including the St Vincent's Private Hospital, St Vincent's Public Hospital, St Vincent's Research Unit, the ACU, Eye and Ear Hospital, Epworth/Freemasons as well as numerous consulting and specialist medical services located in buildings along Victoria Parade as well as Albert Street to the south. The proximity of these services is highlighted in the image below (provided in the permit applicant's town planning report); and
    (d) Public transport services include trams along Victoria Parade, Brunswick Street, Nicholson Street (250m west), Gertrude Street (220m north), Parliament Train Station 300m south-west and buses on Victoria Parade.



The Proposal

26. The applicant proposes part demolition of buildings on the site and construction of a multi-storey extension including streetscape works. More specifically:

    Demolition

    (a) All of the building at 63-73/71 Victoria Parade known as Easthill House;
    (b) All of the buildings at 75 Victoria Parade and 5 Brunswick Street
    (c) Part of Level 4 and glazing at the parapet of the existing tower as well as part of the eastern façade of the tower up to level 9;
    (d) Removal of the main pedestrian entry at the ground floor of the No. 59-61 Victoria Parade building;

(e) The north-western corner of No. 77 Victoria Parade known as the Former Eastern Hill Hotel (this does not require a planning permit. Approval from Heritage Victoria is required since the land is on the Victorian Heritage Register);
(f) An outbuilding within the rear of 7 Brunswick Street known as Edensor House as well as the brick fence along the southern boundary (this also does not require a planning permit as the land is also on the Victorian Heritage Register);
(g) Removal of the bluestone laneway between 5 and 7 Brunswick Street and the corresponding crossover;
(h) Part of the ground floor façade of the car parking building on Fitzroy Street;
(i) Internal demolition of the car park and No.59-61 Victoria Parade building (no permit required)

Construction

27. The proposed alterations and additions can be summarised as follows:
    (a) Construction of a multi-storey addition and alterations to the existing hospital building generally comprising:
        (i) Additional facilities and services including:
            - 91 multi-days hospital beds;
            - 12 same day hospital beds;
            - 8 operating theatres;
            - 37 recovery and pre-operating beds;
            - 10 consulting suites.
        (ii) Ground floor ancillary services including
            - café(s) totally 301.5sqm;
            - Relocated pharmacy; and
            - Retail space;
        (iii) A four storey (16.9m) street wall/podium on Victoria Parade between Nos. 59-61 and 77 and a three storey (11.7m) street wall at No. 5 Brunswick Street;
        (iv) An 11 storey (plus plant room) tower above the podium levels up to 47.3m in height. The tower would be setback at least 10.1 from Brunswick Street from Level 3 and above, 9.1m from Victoria Parade from Level 4 and above (the staircase in the south-east corner would be setback 7.2m), 6.5-6.8m from the southern wall of the Dodgshun House and 22.25m from the subject site's northern boundary (eastern half). Up to Level 5, the new and existing towers would be abut one another forming a continuous wall, setback 9.1m from Victoria Parade. From level 6 and above the towers would be separated by 12m at the southern end and 8m at a setback of 16.5m from Victoria Parade. A new link would be constructed between the two towers up to level 9 setback 29m from Victoria Parade;
        (v) The southern face of the tower to Victoria Parade would be 30.5m wide, the eastern face to Brunswick Street 33.9m and 30m on its northern side.
        (vi) An open courtyard on the northern side of the ground floor including new paving and seating within No. 7 Brunswick Street where the proposed building would cantilever over with a staggered setback from the southern wall of Dodgshun House between 1m at the western end 15m at the eastern end up to level 2. At level 3 and above the tower would be setback 6.5m-6.8m encroaching into the land within the VHR registration by approximately 5.5m;
        (vii) The pedestrian entrance on Victoria Parade within No. 59-61 would be replaced with glazing with a new entry within the new Victoria Parade façade at 63-75 Victoria Parade including an indented sliding door and canopy over;
        (viii) A new car park entrance to the Fitzroy Street car park approximately 10m south of the existing entry/exit;
    (b) Internally, the ground floor of the retained buildings would be rearranged to provide:
        (i) Re-location of the existing pharmacy, café, front of house and consulting suites, new retail space, administration areas and meeting room within the 59-61 Victoria Parade Building;

(ii) Café at the corner of Victoria Parade and Brunswick Street in the Former Eastern Hill Hotel building as well as café space adjacent to the new pedestrian entry on Brunswick Street partially within the new building and partially with the Former Eastern Hill Hotel building;

(c) The new building would provide medical imaging and circulation areas within the new ground floor as well as open seating areas on the north side.

(d) Above the ground floor the new building would contain operating rooms, recovery suites, pre-operation suites (levels 1-2), maternity ward (level 3), inpatient wards (Level 4-8), intensive care unit (level 9), consulting suites and oncology unit (level 10) and plant room at the level 11.

(e) The existing tower will continue to accommodate consulting suites, cardiac services, maternity ward and inpatient suites as well as being rearranged to accommodate new consulting suites and special care nursery at Level 3, internal courtyard at Level 4 between the existing and new towers and link between the two buildings at all levels (except level 10);

(f) Expansion and alterations to the basement level including:
   (i) New sterile and supply rooms, plant and equipment and back of house areas generally under the new building and north-western corner of the Former Eastern Hill Hotel;
   (ii) New basement level 2 beneath the new tower containing plant and equipment;
   (iii) Re-arranged back of house areas and loading dock (expanded) underneath the existing tower building.

(g) Modifications to the carpark building on Fitzroy Street including:
   (i) New plant and equipment areas, bike store and car parking bay location and drop off area at the basement level;
   (ii) Separation of entry and exit areas by creating a new entry to the south of the existing, addition of bike parking and shower change areas and new hospital entry in the south-east corner.

Design and materials

(h) The proposed building is modern in appearance comprising several different features including:
   (i) On the south side, the Victoria Parade streetwall is to be constructed of vertically orientated light beige coloured panels with a semi-rough stone finish. The panels would be punctuated by horizontal sections of windows and louvred sections at the western end. The ground floor would contain a 6m wide indented entry surrounded by feature purple glass panels above which would be a metal canopy;
   (ii) Above the streetwall the tower would be made up of horizontal bands of glazing and light grey panels which would be organised to form the general appearance of a ‘cross’ albeit on a 45 degree tilt. The uppermost two levels would have a darker panel and be angled away from the street as well as the existing tower. At the eastern end of the facade would be a projecting stair element appearing as a series of blocks with a large tinted glazing panel at each level. The stair would be capped with a polycarbonate feature extending a storey above the parapet to the level of the plant room;
   (iii) The eastern façade facing Brunswick Street would comprise a new three storey section of copper coloured aluminium cladding to the southern end with clear and bronze tinted glazing and projecting bronze colour canopies.
   (iv) Above the streetwall, the tower would be a series of horizontally articulated segments stacked on top of each other. Each segment would be clad in textured fibre cement panel, square windows with projecting bronze aluminium hoods. Sections of copper coloured cladding panels would be located either side of the windows along the façade. The top two levels would have long glazed panels that rake back at the northern end. The southern end of the façade would contain the extended stair section in grey fibre cement panels and translucent danpolon panels.

(v) On the north side, the lower podium levels would generally be clear glazing with sections of copper coloured aluminium cladding at the eastern and western end. At the tower level, each floor would have a series of square windows with projecting horizontal and partly angled bronze coloured aluminium shading. The walls would primarily be clad in grey and charcoal coloured panels. There would be a vertical strip of copper coloured aluminium panels at the eastern which would cover the top two levels which contain larger horizontal bands of glazing with the plant room raking back into the site. The western end would have a vertical staircase with boxed windows at each level.

(vi) The western elevation would generally be obscured by the existing tower but would be clad in a light colour aluminium panel with several sets of windows at each level.

Environmentally Sustainable Design

28. The proposed development will incorporate the following ESD features:
    (a) Energy efficient mechanical ventilation;
    (b) Daylight factor of 2% to 30% of office floor area. Min VLT 0.4;
    (c) Exceed minimum BCA/NCC thermal energy efficiency standards by 10%;
    (d) STORM report with a 101% STORM score has been submitted that relies on 1,390m2 of roof area connected to 18,000 litres of rainwater storage, connected to toilet flushing for 80 occupants or more;
    (e) High efficiency (90%) gas hot water systems;
    (f) High efficiency HAVC system;
    (g) Energy efficient lighting with occupancy/daylight sensor controls throughout;
    (h) 46 bicycle parking spaces have been provided for staff and visitors. End of trip facilities (7 showers and lockers) provided for staff; and
    (i) Electric vehicle charging facilities.

Car parking provision and layout, bike parking, loading and waste

29. The following car parking provision is proposed:
    (a) A total of 185 new car parking spaces across the subject site and at No. 93-99 Victoria Parade in association with the expansion of that car park under planning permit PLN16/0926;
    (b) Re-location of staff car parks from the Fitzroy Street car park to create an additional 112 visitor spaces on the site;
    (c) Creation of an onsite drop-off/pick-up area at the basement level of the Fitzroy Street car park;
    (d) Provision of 12 visitor bike spaces and 34 staff spaces within the Fitzroy Street car park with shower and change room facilities;
    (e) Modification of the basement loading bay to create an additional space;
    (f) Expansion and re-location of the on-site waste storage and collection area within the basement.

Landscaping and streetscape works

30. The following is proposed:
    (a) Removal of power poles along Victoria Parade;
    (b) Replacement of street trees on Victoria Parade and Brunswick Street;
    (c) Extension of the curb/footpath at the corner of Victoria Parade and Brunswick Street north along Brunswick Street and extension of the footpath to the east outside the new Brunswick Street entry;
    (d) Expansion of indented car parking along Victoria Parade; and
    (e) New paving to footpaths with bollards, seating and planter boxes.
    (f) Landscaping on the northern side of the ground floor.

Planning Scheme Provisions

Zoning

31. The site is contained within the Commercial 1 Zone, Mixed Use Zone and Neighbourhood Residential Zone (Schedule 1).

Commercial 1 Zone

32. Pursuant to clause 34.01-1 use of the land as a hospital requires a permit as an unlisted use and a medical centre/consulting suites are a section 1, no permit required use. However, both uses have established existing use rights under clause 63.11 of the Scheme, thus use of the land for the hospital does not require a permit.

33. The cafes/food and drinks premises uses are section 1, uses and do not require a permit.

34. The pharmacy and retail/shop uses are considered 'ancillary' to the hospital use given their internal location, direct and depended relationship with the hospital use and do not require planning permission.

35. Pursuant to clause 34.01-4, a planning permit is required to construct a building or construct or carry out works.

Mixed Use Zone

36. Pursuant to clause 32.04-1 use of the land for a hospital and medical centre require a planning permit. However, as stated earlier, both these uses have existing use rights, thus no permit is required for them.

37. Pursuant to clause 32.04-8 a permit is required to construct a building or construct or carry out works for a use in section 2 of clause 32.04-1.

Neighbourhood Residential Zone, Schedule 1

38. Pursuant to clause 32.09-1 use of the land for a hospital and medical centre (given permit exemptions are not met) require a planning permit. However, as stated, both these uses have existing use rights, thus no permit is required for them.

39. Pursuant to clause 32.09-9 a permit is required to construct a building or construct or carry out works for a permit required use.

Road Zone Category 1

40. Pursuant to clause 34.04-2 a permit is required to construct a building or construct or carry out works for a use in section 2 (clause 34.04-1). The hospital is a section 2 use and proposes to construct a canopy into Victoria Parade (over the footpath), thus a permit is required.

Overlays

Heritage Overlay, Schedules 150 (Dodgshun House), 190 (Former Eastern Hill Hotel) and 334, South Fitzroy Precinct.

41. Pursuant to clause 43.01-1, a permit is required to demolish or remove a building and to construct a building or construct or carry out works.

42. Pursuant to clause 43.01-2 a permit is not required to develop (including demolishing) a place/building which is included on the Victorian Heritage Register (VHR). Both the

Dodgshun House and Former Eastern Hill Hotel sites are included on the VHR, thus a permit is not required for demolition and new building under the HO on those sites. Heritage matters for those sites are dealt with by a permit application to Heritage Victoria.

Design and Development Overlay, Schedule 2 (Main Roads and Boulevards)

43. Pursuant to clause 43.02-2 a permit is required to construct a building or construct and carry out works.

Particular Provisions

Clause 52.06 – Car parking

44. 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).

45. The car parking requirements for the proposed uses are summarised below:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Hospital	Additional 103 same and multi-day beds, 8 operating rooms and 37 recovery and pre-operation beds.	Not specified. Car parking provided to the satisfaction of the Responsible Authority/Council.	N/A	180 (net additional spaces to be located in an extension of the existing staff car park at 93-99 Victoria Parade)	N/A
Consulting suites/medical centre	10 practitioners	5 to the first person providing health services plus 3 to every other person providing health services	32		0
Café/food and drinks premises	301.5sqm	4 to each 100 sqm of leasable floor area	12	0	12
Total			**44**	**180**	

46. Car parking for all staff is proposed to be located within an existing car park owned and operated by St Vincent's Hospital at 93-99 Victoria Parade (50m east of the hospital). The car park is proposed to be extended via planning permit application PLN16/0926 for an additional 185 car parking spaces (there would be a net increase of only 180 spaces given five are proposed to be removed from the Fitzroy Street car park to facilitate the new drop-off/pick up area at basement level). This car park accommodates only staff for the hospital.

47. As part of the proposed development a reallocation of parking spaces from the Fitzroy Street car park will occur resulting in the following outlined at page 31of the applicant's Transport Impact Assessment prepared by One Mile Grid:

Table 5 Car Parking Allocations

Location	Allocation	Existing Supply	Change	Ultimate Supply
Fitzroy Street	Staff	134	-112	22
	Visitors	264	+107	371
	Sub-Total	398	-5	393
Victoria Parade	Staff	529	+185	714
	Visitors	0	0	0
	Sub-Total	529	+185	714
Total		**927**	**+180**	**1,107**

48. For the purposes of clause 52.06, the table shows that all new staff parking including the consulting suites will be provided within the Victoria Parade car park (714 spaces overall). Accordingly, a permit is required under clause 52.06-3 to provide all the medical centre/consulting suite staff spaces on another site. Visitor spaces (371 overall) are proposed to be accommodated within the Fitzroy Street car park on the site through the reallocation of 112 staff spaces to visitor spaces.

Clause 52.34 – Bicycle facilities

49. Pursuant to Clause 52.34-1 a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities are provided on the land.

50. A permit may be granted to vary, reduce or waive the requirements. The table at Clause 52.34-3 specifies the required bicycle parking spaces as summarised below follows:

Use	No/Area	Requirement	Total
Hospital	103 beds	1 space per 15 beds for employees 1 space per 30 beds for visitors	7 3
Medical Centre	10 practitioners	1 space per 8 practitioners for employees 1 space per 4 practitioners for visitors	1 3
Retail Premises (Café)	301.5 sq m	1 space per 300 sq m of leasable floor area for employees 1 space per 500 sq m of leasable floor area for visitors	1 1
Total		Employees Visitors	9 7

51. In addition, Table 2 of Clause 52.34-3 requires that where 5 or more employee bicycles are provided, shower and change room facilities should be accommodated. The requirement is summarised below:

	No Employee Bicycle Spaces	Requirement	Total
Shower	9	If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.	1

52. A total of 46 additional bicycle spaces are provided in the development, 12 publically accessible spaces on the ground floor of the Fitzroy Street car park, and another 34 secure staff spaces at the basement and ground levels. The proposal provides in excess of the requirements and thus no permit is required.

53. There are also 4 new shower/change rooms located within the ground level of the Fitzroy Street carpark.

Clause 63 – Existing Uses

54. As previously stated, the use of the land for a hospital as a long and established history which has accrued 'existing use rights' under to clause 63.11.Pursuant to clause 63.05, where an existing use right has been established and the use is in section 2 of the relevant zone, a planning permit is required to construct buildings and works.

General Provisions

Clause 65 – Decision Guidelines

55. Clause 65 is relevant to all applications and requires, amongst other things, consideration be given to:

(a) *The matters set out in Section 60 of the Act.*
(b) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
(c) *The purpose of the zone, overlay or other provision.*
(d) *Any matter required to be considered in the zone, overlay or other provision.*
(e) *The orderly planning of the area.*
(f) *The effect on the amenity of the area.*
(g) *The proximity of the land to any public land.*

State Planning Policy Framework (SPPF)

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

Clause 9.01 – Plan Melbourne Implementation

57. This clause states that among other things, *Where relevant, planning and responsible authorities must consider and apply the strategy Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land Water and Planning, 2017).*

Clause 10.02 – Objectives

58. The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. The objectives of planning in Victoria are:

(a) *To provide for the fair, orderly, economic and sustainable use, and development of land;*
(b) *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
(c) *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
(d) *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
(e) *To protect public utilities and other facilities for the benefit of the community;*

(f) *To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e); and*
(g) *To balance the present and future interests of all Victorians.*

Clause 10.04 – Integrated decision making

59. *Among other things, this clause states:*

(a) *Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.*
(b) *Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.*

Clause 11 – Settlement

60. This clause contains the following relevant statements:

(a) *Planning is to recognize the need for, and as far as practicable contribute towards:*
(i) Health and safety.
(ii) Diversity of choice.
(iii) Adaptation in response to changing technology.
(iv) Economic viability.
(v) A high standard of urban design and amenity.
(vi) Energy efficiency.
(vii) Prevention of pollution to land, water and air.
(viii) Protection of environmentally sensitive areas and natural resources.
(ix) Accessibility.
(x) Land use and transport integration

(b) *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 11.01-1 Settlement networks

61. The objective of this clause is:
(a) To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

62. Relevant strategies are to:
(a) *Focus investment and growth in places of state significance, including the following locations:*
(i) Health and Education Precincts (among other locations)

Clause 11.02 – Urban growth

63. The objective of this clause is:

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

64. Relevant strategies include:

(a) *Planning for urban growth should consider:*

(i) Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
(ii) Neighbourhood character and landscape considerations.

Clause 11.03-2 Activity centre planning

65. The objective of this clause is to:
(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.*

66. Relevant strategies include:
(a) *Locate significant new education, justice, community, administrative and health facilities that attract users from large geographic areas in or on the edge of Metropolitan Activity Centres or Major Activity Centres with good public transport.*

Clause 11.04-4 – Liveable Communities and Neighbourhoods

67. The objective of this clause is:

(a) *To create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.*

68. Relevant strategies include:

(a) *Protect Melbourne and its suburbs from inappropriate development.*
(b) *Achieve and promote design excellence.*

Clause 11.06-1 – Jobs and investment

69. The objective of this clause is:
(a) *To create a city structure that drives productivity, attracts investment, supports innovation and creates jobs.*

70. Relevant strategies include:

(a) *Support the significant employment and servicing role of Health and Education Precincts by:*
(i) focussing on improving access, particularly public transport access.
(ii) encouraging co-location of facilities to better utilise existing infrastructure.
(iii) supporting and facilitating growth of associated businesses and industries.
(iv) reinforcing their specialised economic functions while also providing opportunities for ancillary retail, commercial, accommodation and supporting services.

Clause 13 – Environmental Risks

Clause 13.04-1 – Noise abatement

71. The objective of this clause is:

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

Clause 15 – Built Environment and Heritage

Clause 15.01-1 – Urban design

72. 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.*

Clause 15.01-2 – Urban Design Principles

73. 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.*

74. 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.

75. This Clause also states that planning must consider as relevant:

(a) *Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) in assessing the design and built form of residential development of five or more storeys; and*
(b) *Safer Design Guidelines for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment, 2005) in assessing the design and built form of new development.*

Clause 15.01-4 – Design for safety

76. The objective of this clause is:

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

Clause 15.01-5 – Cultural identity and neighbourhood character

77. The objective of this clause is:

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

Clause 15.02 – Sustainable Development

Clause 15.02-1 – Energy and resource efficiency

78. The objective of this clause is:

(a) *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Clause 15.03-1 – Heritage conservation

79. The objective of the clause is:
(a) *To ensure the conservation of places of heritage significance.*

80. Relevant strategies include:
(a) *provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value;*
(b) *encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations;*
(c) *retain those elements that contribute to the importance of the heritage place;*

(d) *encourage the conservation and restoration of contributory elements;*
(e) *ensure an appropriate setting and context for heritage places is maintained or enhanced; and*
(f) *support adaptive reuse of heritage buildings whose use has become redundant.*

Clause 17 – Economic development

Clause 17.01-1 – Business

81. The objective of this clause is:

(a) *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 17.02-4 - Innovation and research

82. The objective of this clause is:
(a) *To create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education.*

83. Relevant strategies are:
(a) *Support the development of business clusters.*
(b) *Encourage the provision of infrastructure that helps people to be innovative and creative, learn new skills and start new businesses in activity centres and near public transport.*

Clause 18 – Transport

Clause 18.01-1 – Land use and transport planning

84. The objective of this clause is:

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

85. A relevant strategy is:

(a) *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.

Clause 18.02-1 – Sustainable personal transport

86. The objective of this clause is:

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

Clause 18.02-2 – Cycling

87. It is an objective:

    (a) *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*

    Clause 18.02-5 – Car parking

88. The objective is:

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

89. Relevant strategies include:

    (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)

    *Municipal Strategic Statement [**MSS**]*

    Clause 21.03 – Vision

90. *The overarching vision for Yarra to the year 2020 includes as relevant:*

    (a) Increased opportunities for employment and a range of activities to meet the needs of the community including people from across Melbourne;
    (b) New development that demonstrates design excellence, historic fabric that demonstrates the development of Melbourne and is internationally recognised and a low rise form with areas of higher development;
    (c) Walking, cycling and public transport is prioritised; and
    (d) New development has high quality ESD outcomes.

91. Within the Strategic Framework Plan Map at Figure 1, the site is located in the Brunswick Street Major Activity Centre and adjacent to an area highlighted as a Specialist Medical Precinct.

    Clause 21.04-2 – Activity Centres

92. This clause notes the important roles Yarra's activity centres play in providing a diverse range of service, retail and entertainment uses. Relevant objectives and strategies include:
    (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. Strategy
        (ii) 4.2 Support the regional role of the Major Activity Centres as an important component of Yarra's economy and as a metropolitan destination.
    (b) *Objective 5 To maintain the long term viability of activity centres.*

(i) Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.

Clause 21.04-3 – Industry, office and commercial

93. This clause highlights the volume of commercial and associated uses is so significant that they form clusters of interrelated activity.

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

Clause 21.04-4 - Community facilities, hospitals and medical services

95. This clause states *Council wishes to retain community services which cater to a range of needs (in particular for disadvantaged groups). Community facilities may be private or not for profit organizations. While large regional facilities such as the Epworth and St Vincent's hospitals are important to the community, their operation and expansion must respond to the local context.*

96. Relevant objectives and strategies include:

(a) *Objective 10 To provide accessible community services.*
   (i) Strategy 10.1 Encourage community facilities and services to co-locate and to locate within or adjacent to activity centres and locations that support multipurpose trips and shared parking arrangements for people of all abilities.
   (ii) Strategy 10.2 Encourage community facilities to locate where they are easily accessible by public transport.
(b) *Objective 11 To limit the impact of regional community facilities. Strategy 11.1 Require the preparation of master plans for regional community facilities including hospitals and schools.*

Clause 21.05-1 - Heritage

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

Clause 21.05-2 – Urban design

98. The relevant objectives and strategies 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 20 To ensure that new development contributes positively to Yarra's urban fabric.*
(e) *Objective 21 To enhance the built form character of Yarra's activity centres.*
(f) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 – Public environment

99. 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 28.1 Encourage universal access to all new public spaces and buildings.
(ii) Strategy 28.2 Ensure that buildings have a human scale at street level.
(iii) Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.
(iv) Strategy 28.5 Require new development to make a clear distinction between public and private spaces.
(v) Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.

Clause 21.06-1 – Walking and cycling

100. The relevant objective and strategies of this clause are:
(a) *Objective 30 To provide safe and convenient pedestrian and bicycle environments.*
(i) Strategy 30.1 Improve pedestrian and cycling links in association with new development where possible.
(ii) Strategy 30.2 Minimise vehicle crossovers on street frontages.
(iii) Strategy 30.3 Use rear laneway access to reduce vehicle crossovers.

Clause 21.06-2 – Public transport

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

Clause 21.06-3 – The road system and parking

102. The relevant objective and strategies of this clause are:
(a) *Objective 32 To reduce the reliance on the private motor car.*
(i) *Strategy 32.1 Provide efficient shared parking facilities in activity centres.*
(ii) *Strategy 32.2 Require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and to encourage walking, cycling and public transport.*
(b) *Objective 33 To reduce the impact of traffic.*
(i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks.*

Clause 21.07-1 – Ecologically sustainable development

103. The relevant objective of this clause is:
(a) *Objective 34 To promote ecologically sustainable development.*

Clause 21.08-7 – Fitzroy

104. The following relevant commentary is offered at 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) *Victoria Parade, an important boulevard with substantial office development and the St Vincent's Hospital precinct, is on the south side of this neighbourhood. The Brunswick Street and Smith Street major activity centres run north south through the middle, while the Johnston and Gertrude Streets neighbourhood activity centres run east west through the neighbourhood. The Smith Street centre borders on Collingwood and is discussed in clause 21.08-5.*
    (c) *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.*

105. The Neighbourhood Map at Figure 17 shows the site partly within the Brunswick Street Major Activity Centre. The map includes a note stating 'Require the preparation of a master plan for the St Vincent's Hospital'. The note points to the public hospital but does not specify whether if refers to the public or private hospital or both.

106. The Built form character Map at Figure 18 identifies the site as within the Heritage Overlay area where it states 'Ensure development does not adversely affect the significance of the heritage place'.

107. Implementation of land use strategies relevantly includes:
    (a) *Requiring the preparation of a master plan for St Vincent's Hospital.*

108. Implementation of built form strategies relevant includes:
    (a) *Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.*
    (b) *Supporting the existing scale and character of the Brunswick Street and Gertrude Street activity centres.*

Relevant Local Policies

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

109. The relevant objectives of this clause are:
    (a) *to conserve Yarra's natural and cultural heritage;*
    (b) *to conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
    (c) *to retain significant view lines to, and vistas of, heritage places;*
    (d) *to preserve the scale and pattern of streetscapes in heritage places; and*
    (e) *to ensure that additions and new works to a heritage place respect the significance of the place.*

110. Clause 22.02-5.1 Demolition (Full demolition or Removal of a Building) outlines that it is policy to (relevantly):
    (a) generally encourage the retention of a building in a heritage place, unless:
        (i) the building is identified as a contributory building, and
        (ii) new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Areas 2007 Appendix 8, revised September 2015 and
    (b) *the building does not form part of a group of similar buildings;*
    (c) *Note: The poor condition of a heritage place should not, in itself, be a reason for permitting demolition; and*

(d) *an application for demolition is to be accompanied by an application for new development.*

111. For removal of part of a heritage place or contributory elements it is policy that:
   (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).
      (ii) For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.

112. Clause 22.02-5.7 (New Development, Alterations or Additions) outlines that it is policy to (relevantly):
   (a) *encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place;*
   (b) *respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
   (c) *be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
   (d) *be visually recessive and not dominate the heritage place;*
   (e) *be distinguishable from the original historic fabric;*
   (f) *not remove, cover, damage or change original historic fabric;*
   (g) *not obscure views of principle façades;*
   (h) *consider the architectural integrity and context of the heritage place or contributory element;*
   (i) *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; and*
   (j) *encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*

113. Clause 22.02-5.7.2 Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail) (as relevant):
   (a) *corner sites and sites with dual frontages:*
      (i) encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place; and
      (ii) encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection; and
   (b) *ancillaries and services:*
      (i) encourage ancillaries or services such as satellite dishes, shade canopies and sails, access ladders, air conditioning plants, wall and roof top mounted lighting, roof top gardens and their associated planting, water meters, and as far as practical aerials, to contributory or significant buildings, to be concealed when viewed from street frontage;
      (ii) 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;
      (iii) encourage ancillaries or services in new development to be concealed or incorporated into the design of the building; and

Clause 22.03 – Landmarks and Tall Structures

114. This policy applies to all development and is policy at clause 22.03-3 that
    (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; and*
    (c) *Ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.*

115. Relevant built form responses at clause 22.03-4 include:
    (a) *Development should protect the silhouette/profile of the church spire on the corner of Watkins Street and St Georges Road, North Fitzroy, seen from the intersection of Brunswick Street with Victoria Parade; and*
    (b) *Development should protect the silhouette/profile of St Patrick's Cathedral seen from the intersection of Brunswick Street with St Georges Road.*

    Clause 22.05 – Interface Uses Policy

116. This policy applies to the Commercial 1 and Mixed Use Zones, amongst others.

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

118. Clause 22.05-3 also states that it is policy 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 22.16 – Stormwater Management (Water sensitive urban design)

119. This policy applies to applications for more than 50m² extensions to existing buildings (amongst others) and requires consideration of water sensitive urban design matters to *provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended)* (among other things).

    Clause 22.17 – Environmentally Sustainable Development

120. This policy outlines objectives relating to energy performance, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology. Clause 22.17-4 requires the submission of a Sustainability Management Plan (SMP) with the application. This was provided by the applicant.

121. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

    Other documents

    Plan Melbourne

122. Plan Melbourne is the overarching strategic planning document that seeks to guide land use and development with the vision that *Melbourne will continue to be a global city of opportunity and choice.*

123. Key elements of Plan Melbourne have been incorporated into the Scheme via clause 11 in particular however, additional relevant information, outcomes and directions include:

(a) Metropolitan Melbourne is expected to accommodate an additional 3.4 million people reaching 7.9 million by 2051, with Victoria estimated to have a up to 10.1 million in total;

(b) *Outcome 1 – Melbourne is a productive city that attracts investment, supports innovation and creates jobs:*

(i) Direction 1.1 - Create a city structure that strengthens Melbourne's competitiveness for jobs and investment

(ii) Identifies *places of state significance that will be the focus for investment and growth* including health and education precincts with the purpose*:*

- *To support health and education services that are well served by public transport in a range of locations across Melbourne. Their specialised economic functions will be reinforced, and they should provide opportunity for ancillary health and education services, retail, commercial and accommodation uses.*

(iii) The St Vincent's Hospital and Australian Catholic University Precinct (East Melbourne/Fitzroy) is identified as such a precinct.

(iv) The inner area where the subject site is located is estimated to accommodate an additional 233,000 jobs by 2031 with key industries including *Professional scientific and technical services, finance and insurance services, healthcare and social assistance, public administration and safety.*

(v) The subject site is located adjacent to the Central City area which policy seeks to support to become *Australia's largest commercial and residential centre* by finding new space for industries such as health and medical research which are identified as a strength.

(vi) Policy 1.1.4 deals specifically with health and education precincts noting in particular:

- *Major health and education precincts across metropolitan Melbourne have been identified for further services and jobs growth. These precincts stimulate innovation, create employment and are of fundamental importance to the emerging knowledge economy and surrounding communities; and*
- *Planning for the growth of these precincts will need to focus on improving access—particularly via public transport—and diversifying job choices. Co-location of facilities (for example, a university with a hospital) will make better use of existing infrastructure and support the growth of associated businesses and industries. Specialised economic functions should be reinforced, but there should also be opportunities to provide ancillary retail, commercial, accommodation and supporting services.*

(c) *Outcome 2 - Melbourne is a distinctive and liveable city with quality design and amenity.*

(i) Policy 4.1.3 is to *Strengthen Melbourne's network of boulevards* with the following relevant description:

- *Melbourne's grand boulevards—such as St Kilda Road, Victoria Parade and Royal Parade—are wide, generous, tree-lined spaces that serve multiple uses and can accommodate relatively tall buildings. Melbourne should aim to create contemporary boulevards that enhance the city's distinctiveness, extending these into parts of the metropolis that lack boulevards.*

(ii) Policy 4.3.1 is to *Promote urban design excellence in every aspect of the built environment.*

(d) Direction 4.4 is to *Respect Melbourne's heritage as we build for the future where it is noted:*

(i) Heritage will continue to be one of Melbourne's competitive strengths, contributing to its distinctiveness and liveability and attracting visitors, new residents and investors. Heritage is an important component of Victoria's tourism industry and benefits the economy.

(ii) Policy 4.4.1 is to *Recognise the value of heritage when managing growth and change, noting that:*

- *Realising the community benefit of heritage will require careful management of the ongoing processes of change to the urban environment. Decisions must be based on an appreciation of Melbourne's past as well as an understanding of its future needs.*

Incorporated document

124. Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 – The site is identified as:
    (a) 59-61 Victoria Parade (including the car park buildings at 20 – 32 Fitzroy Street) – Individually significant;
    (b) 71 Victoria Parade (Easthill House) – Individually Significant;
    (c) 75 Victoria Parade – Not contributory;
    (d) 77 Victoria Parade – Victorian Heritage Register
    (e) 5 Brunswick Street – Not contributory; and
    (f) 7-9 Brunswick Street (Dodgshun House) – Victorian Heritage Register

Advertising

125. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act*, 1987 for 28 days by 947 letters sent to surrounding owners and occupiers and by three signs displayed on site. This included notices to the City of Melbourne as well as owners and occupiers within the municipality, VicRoads, Public Transport Victoria, VicTrack and Heritage Victoria. A public information session was held during the advertising period.

126. Council received 19 objections which can be summarised as follows:
    (a) Lack of comprehensive development/master plan for the hospital;
    (b) Impact on the heritage significance and character of the site and surrounding area (including the proposed demolition, heights, setbacks and design);
    (c) Impact on the general character and amenity of the area; and
    (d) Impacts on traffic and car parking.

127. A consultation meeting was held on 9 May 2017 with objectors, the permit applicant and representatives and Council planning officers in attendance. No agreement on changes to the proposed development were reached.

External Referrals

128. The application was not required to be referred externally, however, the following authorities who were notified provided a responses (see attachments to this report: were notified:
    (a) VicRoads ;
    (b) Public Transport Victoria; and
    (c) VicTrack

Internal Referrals

129. The application was referred internally to:
    (a) Heritage Advisor;
    (b) ESD Advisor
    (c) Open Space Unit;
    (d) Urban Design Unit;
    (e) Engineering Services Unit;
    (f) Contract Services Unit;
    (g) Strategic Transport Unit;
    (h) Urban Design Consultant – Rob McGauran, MGS Architects and Urban Designers.

130. All referral advice is contained within attachments to this report except as noted below received via email:

Strategic Transport

131. *From my reading of the supplied material - street bike parking should be provided in a convenient spot close to the main building entrance. I note that visitor spaces are proposed in the ground level and basement of the car park however these are unlikely to be attractive for visitors and will probably not be easy to find.*

132. *I suggest 10 bike hoops should be provided. I am unable to specify exactly where at this time although I can send an engineer to advise in due course.*

Open space Unit (sketch plan of proposed tree locations included as an attachment)

Victoria Parade

133. *I would support 6 trees as proposed (2 groups of 3 trees). In positioning the trees the developer should take into consideration the recommended tree species (Acer negundo 'Sensation') has a maximum spread of 6m spread. The developer's drawing should also show standard 6m carpark spacings. Rather than porous paving, it would be preferable to provide mulched tree squares during the tree establishment period (2 years) and then install either granitic gravel or a rubberised material such as FlowStone (as used in Bridge Road footpath tree surrounds).*

Brunswick Street

134. *I would support 4 trees. I have prepared a draft layout attached showing trees positioned in the roadside in line with the extended footpath. This would then free up footpath space (according to the GIS the existing footpath is 2.6m) and it would not be necessary to have porous paving in this location. I have shown 2 x 6m carparks for short term parking.*

Estimated cost of tree removals, planting and establishment maintenance:

135. *I have revised the total estimated cost to the developer to $8537 to cover the additional 4 trees.*

Location of above and underground services

136. *The developer will need to check the location and depths of underground services to ensure there is sufficient clearance for tree planting at the proposed locations. The developer should show the location of fire hydrants on the relevant drawings.*

OFFICER ASSESSMENT

137. The key areas for assessment are:

(a) Strategic policy support;
(b) Heritage impacts;
(c) Built form and design;
(d) Amenity impacts;
(e) Traffic, car parking, bicycle facilities, waste management and loading;
(f) Other matters.

<u>Strategic policy support</u>

State and local policy

138. Relevant State policy has been outlined above and provides strong support for development of an expansion to the existing hospital. Key messages that support this proposition from the policy highlighted are:
    (a) Plan Melbourne identifies Melbourne and Victoria's population is expanding and seeks to harness this growth to promote places of State significance such as the St Vincent's Hospital/ACU health and education precinct as a focus for investment. These areas are identified as being close to public transport, stimulating innovation and employment, making best use of existing infrastructure by co-locating facilities.
    (b) These areas are also intended to assist in re-enforcing the central city of Melbourne in becoming Australia's largest commercial centre including though the delivery of an additional 233,000 jobs by 2031 with scientific, health and medical industries identified as key to this;
    (c) The expectation and policy direction of Plan Melbourne for site is included in the scheme specifically at clauses 11.01-1 and 11.06-1, highlighting all those matters discussed above. Clause 9.01 also requires the Responsible Authority/Council to consider and apply Plan Melbourne where relevant.
    (d) Clause 11.01 states that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and social facilities;
    (e) In addition to policy supporting the growth of the site and area as an identified health and education precinct, clauses 11.03-2 encourages the growth of the Brunswick Street MAC and area on the edge of the Melbourne CBD more broadly by providing a concentration of major developments in these areas including significant new administrative and health facilities that attract users from a large geographic area in a location with good public transport;
    (f) Clause 17.01-1 further articulates the importance of encouraging development that provides a net community benefit in *accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

139. At a local level, again relevant policy is extensively outlined earlier with the key messages that again provide strong support for the proposed development including:
    (a) The overarching vision for the City includes to provide for increased opportunities for employment with the site being located in/adjacent to the Brunswick Street Major Activity Centre and adjacent to an area highlighted as a Specialist Medical Precinct;
    (b) Clause 21.04-4 recognises the importance of activity centres and seeks to increase the range of services they accommodate to support their significant role in Yarra's economy and as metropolitan destinations. Development is supported that contributes to the economic growth and long term viability of activity centres;
    (c) Clause 21.04-3 and 21.04-4 collectively highlight the clusters of interrelated commercial activity in Yarra, the desire to increase the number and range of local employment opportunities. Strategies include the co-location of community facilities especially in activity centres where they are easily accessible by public transport with shared parking arrangements for people of all abilities.
    (d) Clause 21.06-2 again encourages large trip generators to be located close to public transport.

140. Notwithstanding the above, the proposed development still has an obligation to acceptably respond to its local physical context in respect of its appearance, height and setbacks as well as impact on heritage fabric. This will be discussed later in this report.

Need for re-development and expansion and community benefits

141. In addition to consideration of strategic policy regarding location, it is relevant to consider the need for the expansion of the hospital, and community benefits that are likely to flow from it.

142. In this regard, the hospital's last major expansion was the construction of the 10 storey building at the corner of Fitzroy Street and Victoria Parade in 1972, with a smaller addition over the existing footprint completed in 1996. Since that time, demand has grown and regulatory changes have (in the case of the central sterilisation unit), meant the existing facility in no longer compliant and must be upgraded to meet new requirements. Information provided by the applicant also notes the following for the year 2015:

    (a) Average weekly occupancy of overnight patients of 82% (184 out of 224 beds);
    (b) Average Monday-Friday occupancy of 92% of beds;
    (c) Utilisation of operating theatres of 82.9% with 99% of 320 operating sessions permanently allocated. New practitioners seeking operating space are increasingly required to undertake work in non-traditional sessions being evenings and weekends;
    (d) The hospital is experiencing 'bed block' where-by patients are re-directed to other hospitals as beds are not available and all consulting suites are occupied.

143. Based on the age of existing facilities and existing utilisation it is evident that the hospital is in need of upgrade and re-development. This need was highlighted by the Victorian Civil and Administrative Tribunal in the decision of *Epworth Healthcare v Yarra CC (includes summary) (Red Dot) [2012] VCAT 1801* where in respect of a major expansion of the Epworth Hospital in Richmond it was noted at paragraph 7 that:

    [7] *While hospitals have always played an important role in our community, Australia's aging population and Victoria's strong population growth over the last 10 years or so has increased the demand for health services in Melbourne - indeed some might say our health services are under stress. Combined with the demands arising from more rigorous regulatory requirements for health care, common sense alone indicates that the hospital will need continuous change in order to properly respond to the challenge of providing high quality health care.*

144. In respect of community benefits, these are clearly connected with the provision of enhanced and expanded healthcare opportunities for both the local, metropolitan and state-wide community given the variety of services the hospital provides. These benefits are significant and are also combined with others supported by State and local policy including:
    (a) more employment opportunities including prior to, during and after construction, supporting the on-going viability of the Brunswick Street MAC and those surrounding it including Gertrude and Smith Streets;
    (b) contribution to an agglomeration of related activities that will support ongoing innovation and investment in the area;
    (c) enhanced public spaces through streetscape works funded by the hospital (discussed later in this report); and
    (d) enhancement of services within an area with equity of access given the proximity of trains, trams and busses as well as enhanced car parking access and location to major thoroughfares and freeways.

Need for a master plan

145. A key focus of objections received by Council was on the lack of overarching master plan for the hospital to manage and guide its long-term development and impact on the surrounding area. Objectors viewed a master plan as providing an opportunity for the hospital, community and Council to participate in a mutually beneficial process of consultation and to provide a greater level of certainty about the hospital's plans for future expansion.

146. In respect of relevant policy, clause 21.04-4 notes that important regional facilities such as St Vincent's hospital must respond to their local context with objective 11 aiming to limit the impact of regional facilities including by requiring master plans for hospitals. Clause 21.08-7 includes as one of its land use strategies to require the preparation of a master plan for St Vincent's Hospital. Related to this is the Neighbourhood Map at clause 21.08-7 which includes the same notation directed to land occupied by the St Vincent's public hospital.

The Strategic Framework Plan at clause 21.03 highlights a Specialist Medical Precinct on land occupied by the St Vincent's Public Hospital.

147. Having regard to the above, it is not clear whether policy at clause 21.08-7 requiring a master plan specifically relates to the St Vincent's Private hospital/subject site. However, given the location of the note in the Neighbourhood Map and Specialist Medical Precinct shown in the Strategic Framework plan generally align with the location of the public hospital, that site is considered the focus of the requirement.

148. Strategy 11 at clause 21.04-4 does not specify which hospitals a master plan should be required for.

149. Whether or not clause 21.08-7 specifically applies to the subject site, it is not uncommon for Councils to require master plans/development plans for large institutional and other development or uses and there are several in the City of Yarra including for the ACU to the east of the site, the former Amcor paper mill site and Channel 9 studios in Richmond.

150. However, the requirement for a master plan is not mandatory (Council has no local policy stating this is mandatory, nor has it placed a planning control such as the Development Plan Overlay on the site which can require preparation of a plan before a permit is granted). Whether a master plan is needed to ensure an acceptable planning outcome is a matter to be determined in each case. This approach was confirmed by VCAT in *Healthscope v Moreland CC & Ors (includes Summary) (Red Dot) [2013] VCAT 99*, paragraph 71.

151. In that case, the Tribunal considered that a re-development of a hospital in Coburg did not require a master plan because *issues relevant to determining whether or not a permit ought to be issued are capable of being addressed through the planning permit process* (paragraph 71).

152. This reasoning was also used by the Tribunal in *The King David School Holdings P/L v Stonnington City Council [2004] VCAT 239*, when considering an application for a new school campus. In that case, the Tribunal identified that the requirement for a master plan before a permit, may be necessary to address amenity impacts including from numerous *ad hoc* and unplanned expansions.

153. In terms of the proposed development there are several facts which result in a master plan not being necessary. These are:

    (a) Issues relevant to the determination of the permit are capable of being addressed through the planning permit process and are discussed in this report;
    (b) The proposed development is not in a residential precinct and does not have unacceptable impacts on nearby dwellings (discussed further in this report);

    (c) The development is to occur on land already occupied by the hospital and does not seek to expand into residential areas or residentially zoned land (it is noted that the car park on Fitzroy Street is zoned NRZ but that this is an historical anomaly and does not reflect the use of the land nor the prevailing use of Fitzroy Street). Accordingly, amenity impacts are limited;
    (d) The proposal itself is comprehensive and should not be characterised as *ad hoc*.

    Summary

154. The proposed development is strongly supported by State and Local policy directing the expansion of health facilities on the site to maximise existing infrastructure, support economic development, jobs, investment, innovation and the provision of health services with equity of access.

The hospital has a demonstrated need to expand and will provide a range of tangible community benefits for the local area as well as people across Melbourne and Victoria. As discussed later in this report, the hospital will not unreasonably impact residential amenity given its location and does not give rise to the need for a master plan prior to determination of this planning permit.

Heritage Impacts

Relevance of part of the site being on the Victorian Heritage Register

155. As described earlier, parts of the site are on the Victorian Heritage Register and a planning permit is not required for their partial demolition or construction of buildings and works within their boundaries. Rather a permit is required from Heritage Victoria.

156. The applicant has advised that no permit application has been made to Heritage Victoria. However, this is not relevant to the consideration of this permit application. There is no statutory requirement for a permit from Heritage Victoria to be issued prior to a planning permit being issued. Heritage Victoria may decide to grant a permit in any form it considers appropriate or refuse it. In each case, the applicant would need to seek further approval from Council to make corresponding modifications to the approved building which is provided for via permit conditions and the *Planning and Environment Act* 1987.

Demolition

157. State and local policy as well as the Heritage Overlay generally seek to conserve places of heritage significance (clauses 15.03-1, 21.05-1 and 43.01). Clause 43.01-4 requires consideration of the effect on the significance of the place and any Statement of Significance for the place.

158. Local policy at Clause 22.02-5.1 generally encourages the retention of, and generally discourages the demolition of, part of an individually significant place unless the place has changed beyond recognition of its original contributory character or the demolition does not negatively affect the significance of the place.

159. In terms of significance, Nos. 75 Victoria Parade and 5 Brunswick Street are graded not contributory and thus their demolition is not opposed by policy and is acceptable. The car park building at No. 20-32 Fitzroy Street is not specifically graded in the relevant Incorporated Document but is considered to fall within the 59-61 Victoria Parade site (given the citation specifically acknowledges the existence of the car park noting it was added after the 1970s tower). However, given car park is in essence a separated building from the tower and does not form an important part of the heritage significance of the site, the partial demolition of its façade is considered acceptable.

160. The remainder of the buildings are graded ‘individually significant’ within the South Fitzroy Precinct. The relevant Statement of Significance for this area highlights:

(a) Fitzroy as among the first subdivisions outside the original Melbourne settlement;
(b) The area being among the first to include minimum construction and street width requirements;
(c) The development of major commercial strips with the assistance of early powered public transport;
(d) The early development of major industries and institutions including St Vincent’s Hospital;
(e) A relatively high level of buildings graded ‘individually significant’ (22%);
(f) The main development era being Victorian with a substantial contribution from the Edwardian and a contribution from some inter-war buildings;
(g) 1-2 storey wall heights with some 3-5 storey landmark buildings;

(h) Building materials including face brickwork, bluestone and stucco, slate, corrugated iron and terracotta tiles;
(i) Victorian and Edwardian era infrastructure including bluestone road paving and some distinctive rear and side service lanes.

161. The St Vincent's Private Hospital building at No. 59-61 Victoria Parade also has a Statement of Significance which includes:
(a) Its historical and social significance being associated with the early established hospital;
(b) Architecturally significant cuboid form, curved corners, punched fenestration, luxurious hotel-like interior and departure from contemporary hospital design.

162. The Easthill House also has a Statement of Significance that was developed during the permit application process (i.e. not part of the Scheme) and involved four formal revisions, the last one dated 16 May 2017 identifies:
(a) The façade as a c1930 addition/re-modelling of two Victorian era shop buildings to create a block of flats with ground floor shops;
(b) Ownership during the remodelling by noted oculist Dr Edward Ryan (although he never practiced from the premises but did from St Vincent's Hospital);
(c) The re-modelled façade having a Spanish Mission style appearance used a commercial typology for what at the time was a new style of housing (apartments). The ground level of the façade in particular, has been altered with modified windows installed;
(d) The appearance of the building as being unique compared to other flats built during the same period that exhibit a Modern style and others in Yarra that were constructed to appear as large suburban houses;
(e) Historical significance for being a remodelled commercial building and part of the commercial area of Fitzroy as well as its association with medical use as a private hospital 1912, and owner Dr Ryan;
(f) Aesthetically significant as a fine example of the Spanish Mission style having several notable features including decorative parapet, arched plaster cornices between twisted columns, cantilevered balconies and wrought iron balustrades and decorative corbels.

No.59 – 61 Victoria Parade

163. The existing tower building would have a strip of the eastern façade removed to allowed the proposed connection to the new tower as well as some elements of the podium roof and a balustrade at the uppermost roof level. The pedestrian entry on Victoria Parade would also be removed and replaced with glazing to complement the existing design. This level of demolition is considered acceptable given:
(a) The primary, most visible and contributory features of the building will be maintained including the curved feature corner element, window patterning, external cladding and overall form and appearance. Accordingly, its significance would not unreasonably be diminished, nor its contribution to the South Fitzroy precinct. Moreover, it would remain part of the St Vincent's hospital, thus maintaining its link to its historical use;

(b) Council's Heritage Advisor has reviewed the proposed demolition and commented that it is acceptable noting in particular that the architectural composition of the building would be maintained with demolished areas away from the main façade and well setback.

Easthill House

164. All of the building is proposed to be demolished and it is recognised that the contribution this building makes in and of itself as well as to the wider South Fitzroy Precinct will be lost. Policy discourages this outcome but does not prohibit it, thus consideration must be given to the impact of this loss as well as benefits that would flow from it.

165. In respect of the impact of the loss of the building Council's Heritage Advisor commented that:

    (a) The significance of the South Fitzroy Precinct would not be unreasonably diminished as the building is not from the main development period for which the area primarily derives its significance. Additionally, the character of this part of Victoria Parade lacks a consistent or intact heritage character and therefore the removal of the building would not leave a 'gap' an disrupt and important visual cohesion.
    (b) Upon review of the final version of the building citation (after providing initial comments based on the first version) the additional information and reasoning for significance did not change their view on the demolition, specifically highlighting:
        (i) The building was not an example of inter-war flats since it was not built for that purpose, being a re-modelling and adaptation of shop/commercial/hospital buildings;
        (ii) The association with Dr Ryan is not a strong one given he never practiced from the premises.

166. In respect of the benefits that flow from the demolition, planning must consider the matter in the context of integrated decision making that balances competing objectives in favour of net community benefit and sustainable development (clause 10.04).

167. This principle allows consideration of the benefits as a result of the demolition of the building rather than an assessment solely on whether the demolition is acceptable in respect of heritage conservation matters. The ability was confirmed in a decision of the Victorian Supreme Court in *Boroondara City Council v 1045 Burke Road Pty Ltd & Ors [2015] VSCA 27*.

168. This case follows an earlier decision by VCAT (*University of Melbourne v Minister for Planning [2011] VCAT* 469) which considered the loss of significant heritage fabric for the development of a research facility. The decision outlines that there are often competing policy objectives that must be balanced in favour of net community benefit and sustainable development. The decision states:

    77. The Supreme Court has recently considered the meaning of "acceptable outcomes" within the terms of clause 65 in Rozen v Macedon Ranges SC. After referring to the provisions of what is now Clause 10.04 and clause 65, Osborn J said:

        [171] *The test of acceptable outcomes stated in the clause is informed by the notions of net community benefit and sustainable development. An outcome may be acceptable despite some negative characteristics. An outcome may be acceptable because on balance it results in net community benefit despite achieving some only of potentially relevant planning objectives and impeding or running contrary to the achievement of others.*

        [172] The weight to be given to the various considerations which may be relevant on the one hand, and to particular facts bearing on those considerations on the other hand, is not fixed by the planning scheme but is essentially a matter for the decision maker.

        [173] Furthermore, the potential complexity of issues raised by a particular application renders the question of what would be the optimal form of development or use in a particular case fundamentally difficult of resolution and one on which different minds might reasonably differ.

        [174] In Knox City Council v Tulcany Pty LTD, I observed:

The planning scheme does not require an ideal outcome as a prerequisite to a permit. If it did, very few, if any, permits for development would ever be granted and there would be difficult differences of opinions as to whether the outcomes were in fact ideal. The Tribunal is entitled to grant a permit where it is satisfied that the permit will result in a reasonably acceptable outcome having regard to the matters relevant to its decision under the planning controls.

[175] For these reasons I accept the appellants' submission that the test which the Planning Scheme requires to be applied is one of acceptable and not ideal outcomes.

[176] The question in the present case is whether the Tribunal's reasons read in context demonstrate that it has failed to apply the correct test. The underlying task of the Tribunal is after all to reach the 'correct or preferable' decision on the material before it.

[177] In this sense the preferable outcome is not to be equated with the 'ideal' outcome.'

169. The benefits associated with an updated and expanded hospital have already been discussed and go beyond the improvement in healthcare offering to Victoria. It is also relevant that policy seeks to maximise these benefits and developments such as this. With this in mind, the applicant has advised that ongoing review of the design of the building and impact of retention of the façade of Easthill House would render the development unfeasible. Critical impacts being:

    (a) The floor levels of the building do not match those of the existing building and given requirements to align floor levels for ease of use for patients and staff, internal spaces behind the retained façade would have limited access to daylight, resulting in poor internal amenity outcome. This would likely result in the removal of six recovery bays with the flow-on effect of removal of four operating theatres;
    (b) Retention of the façade would require setting back the proposed basement expansion to ensure adequate footings below, thus impacting on the size and functionality of the proposed sterilization unit which must be updated to meet current standards. It would also require additional structural support reducing internal areas including the ground floor radiology area likely reducing an ultra-sound room and x-ray room, at level 1 an operating theatre and recovery rooms would likely be lost, and at level 2 likely loss of an operating theatre;
    (c) Retention of the façade would require level 3 to be setback from Victoria Parade resulting in the loss of a maternity delivery suite.

170. Having regard to the above, whilst the loss of Easthill house would have some impact on the South Fitzroy precinct, that loss is not considered to be so great that:
    (a) It would unreasonably diminish the overall significance of the Precinct as noted by Council's Heritage Advisor;
    (b) It would warrant limiting the healthcare benefits that would result from it; and
    (c) The significant and wide ranging benefits that would result from maximising the development would off-set this loss.

171. On balance, it is considered that an acceptable outcome is reached in favour of net community benefit and sustainable development. However, in recognition of the significance of the building a condition will require a photographic archival record of it be taken. This will ensure that the appearance of the building is formally documented and retained in accordance with relevant conservation practice.

    Bluestone Laneway

172. The bluestone laneway between 5 and 7 Brunswick Street is within the Heritage Overlay but is not specifically graded. Laneways and bluestone paving are generally noted as forming part of the significance of the Precinct. However, for the same reasons articulated above, the removal of the laneway is considered to be adequately off-set by the benefits that would flow from it.

173. Additionally, the laneway:

    (a) Services only the hospital buildings and thus has limited public use and utility;
    (b) Has limited use in providing evidence of other contributory elements such as stables and outhouses given the hospital buildings on the south and west sides are not from the Victorian or Edwardian period;
    (c) Provides limited interaction with Dodgshun House given the high fence along the northern side of the lane.

    New built form

174. The relevant objectives of Clause 22.02-4 are "to preserve the scale and pattern of streetscapes in heritage places" and "to ensure that additions and new works to a heritage place respect the significance of the place". Clause 22.02-5.7 provides specific guidance on new development, alterations and addition, including to:
    (a) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
    (b) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
    (c) *Be visually recessive and not dominate the heritage place.*

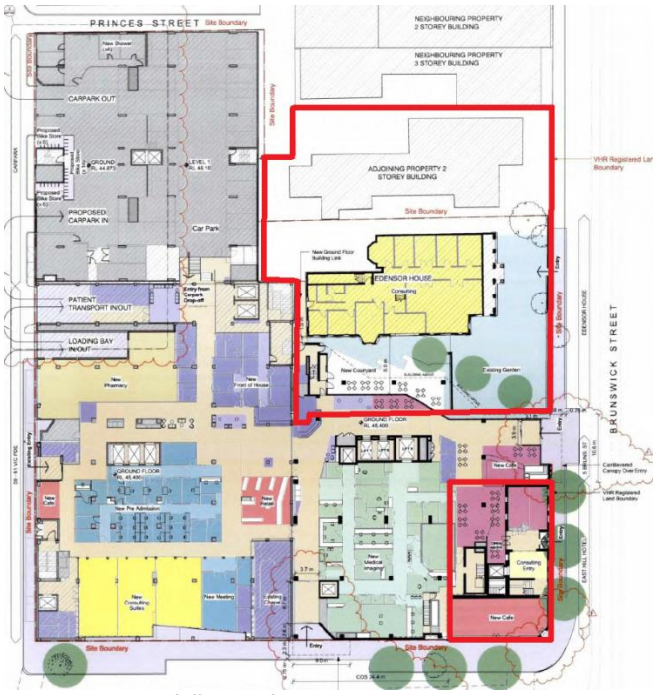
175. Clause 22.02-5.7.2 provides additional guidance on sites with dual frontages requiring a recognition of adjoining form and character.

176. Clause 15.03-1 includes strategies to encourage appropriate development that respects places with identified heritage values, creates a worthy legacy for future generations, and ensures an appropriate setting and context for heritage places is maintained and enhanced. Plan Melbourne also includes similar policies as already discussed.

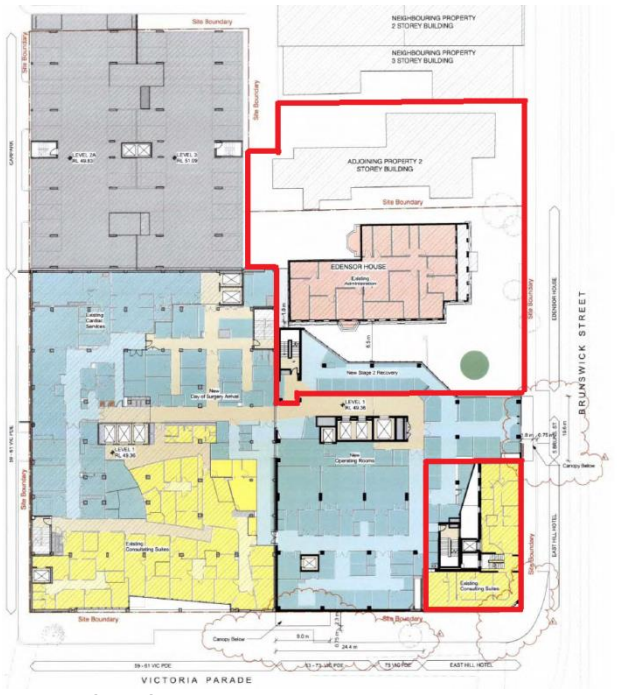
177. Clause 43.01 includes the purpose to ensure that development does not adversely affect the significance of heritage places. Relevant decision guidelines at clause 43.01-4 include:
    (a) *Any applicable statement of significance, heritage study and any applicable conservation policy;*
    (b) *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place; and*
    (c) *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*

178. In terms of the context, assuming demolition of Easthill House:
    (a) The Former Eastern Hill Hotel is a three storey Victorian era building constructed to the street edge;
    (b) Dodgshun House is a two storey mansion style building setback from the street behind a high fence and located within landscaped surrounds;
    (c) The 59-61 Victoria Parade building is a 10 storey tower with a simple modern appearance and distinctive curved south-western corner element and four storey streetwall;
    (d) Brunswick Street to the north contains a number of individually significant two and three storey Victoria era buildings constructed to the street edge;
    (e) To the north on Fitzroy Street beyond the car park building are a row of single storey Victoria terraces.

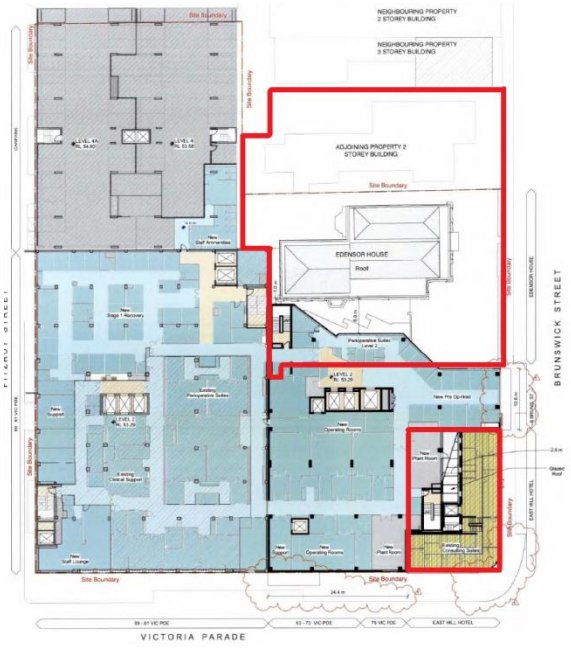
179. Although it is noted that some elements of the new building do not require a planning permit under the Heritage Overlay as they extend into the boundaries of the Former Eastern Hill Hotel and Edensor House, the following assessment will have regard to their impact on these two heritage places. The parts of the proposed building are highlighted with the boarders of red line in the extract of the development plans below.



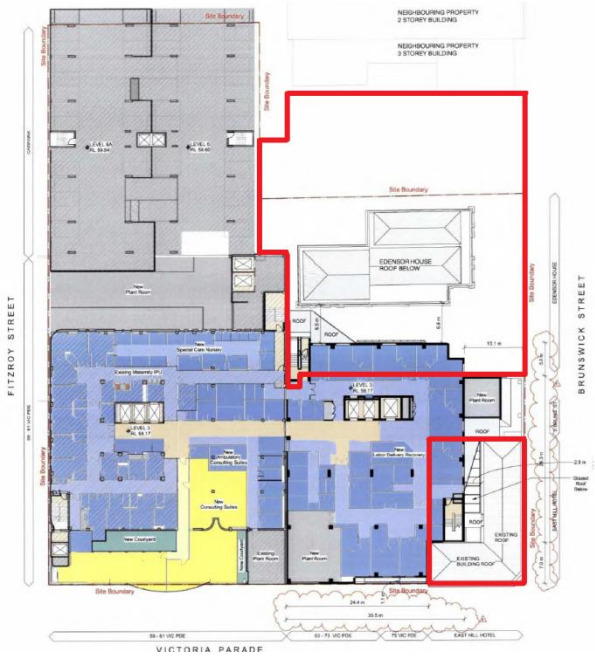
Ground floor plan



Level 1 plan



Level 2 Plan



Level 3 Plan (tower sections shown in blue)

180. This approach uses those elements of the Commercial 1 Zone and Mixed Use Zone which do trigger permits for the built form within the VHR sites and which require consideration of matters such as:

(a) The SPPF and MSS, both of which contain policy relevant to consideration of impacts on heritage fabric;
(b) The objectives of planning in Victoria at section 4(1) of the P&E Act 1987 which includes *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*;

181. It also recognises that it is not practically feasible to assess the impact of the building on its heritage context by ignoring the sections that do not require a planning permit under the Heritage Overlay because they are integral parts of the overall design and appearance of the building.

182. Notwithstanding the above, these considerations are not intended to replace considerations Council will have under a referral from Heritage Victoria for a permit for those works under the Heritage Act 1995. Accordingly, the decision made by Council in respect of the planning permit application will not prejudice any decision in response to the eventual Heritage Victoria referral.

183. In respect of the proposed development, Council's Heritage Advisor commented that a number of modifications should be made to the building including:
    (a) Level 10 should be setback to match the setback of 59-61 Victoria Parade and level 11 should be deleted or setback so as to make the southern face of the new tower no higher than the existing tower. This change would ensure that the new built form does not dominate the existing heritage fabric;
    (b) The eastern face of the tower should be setback so it does not extend beyond the western wall of the Former Eastern Hill Hotel building so as to reduce the mass of the tower to a width in keeping with the existing 59-61 tower and to limit visual encroachment into the Former Eastern Hill Hotel. This would equate to an additional setback of approximately 6m for a setback from Brunswick Street of 16.1m.
    (c) Increase in the setback of the three storey podium to Brunswick Street from 0m to 4m to provide increased visibility of the northern side of the Former Eastern Hill Hotel;
    (d) The appearance/design of the Victoria Parade tower façade should be plainer and more neutral in appearance having little obvious window patterning. Angled elements within the façade and the horizontal alignment of windows and panelling are also sought to be removed as they are considered to be incongruous with the design of 59-61 Victoria Parade which has stronger vertical elements.
    (e) The eastern façade of the tower is considered a better response to the 59-61 Victoria Parade building but that angled material transition should be re-designed;
    (f) Incorporation of some brickwork at the lower levels is considered to assist in visually linking the existing and new buildings.

184. In respect of the massing, the proposed heights and setbacks are considered acceptable given:
    (a) The height of the Level 10 parapet on Victoria Parade is only 3.31m taller than the existing tower building to the west and is separated by 7.7m at levels 7 – 9. At level 10, the western wall of the new tower rakes east away from the existing building to a setback of 8.5m. Level 11 then steps back further from Victoria Parade to 17.9m and 8.8m behind the façade of the existing tower with a further rake away to the east for a setback from the existing tower of approximately 9.5m. The relatively small increase in height and increasing separation will ensure the existing tower maintains a reasonable level of visual prominence and is not overwhelmed or dominated by the new tower. This is also achieved by the location of the new tower to the east of the existing tower with the primary and most prominent view of the existing building from the south and south-west on Victoria Parade. In these views, the new tower would appear as a complimentary element, rather than a dominant one. Council's Heritage Advisor acknowledges that views of the eastern façade are limited under existing circumstances and that views of that side of the building are less important that south-western views. Due to the separation of the two towers, the eastern wall of the existing building will remain visible in views from the south-east;
    (b) In terms of the width of the proposed tower, no changes are considered necessary as it would be only 6.4m wider (28.5m compared to 34.9m) at levels 7-9 before the western wall begins to taper eastward. Accordingly, given the robust nature of the existing tower and separation discussed above, it is considered the proposed width would not result in an unreasonably dominating presence compared to the existing tower;

(c) The podium on Victoria Parade would be four storeys/16.9m high and would be approximately 0.4m higher than the podium of the existing tower and separated by an existing higher infill element that acts as a break between the new and old forms. Accordingly, the proposed podium will sit comfortably next to the existing podium;

(d) In terms of the podium transition to the Former Eastern Hill Hotel, on Victoria Parade the western side is a prominent section without windows but employs an angled transition to a lighter weight section of panels with glazing making the level below appear more dominant at approximately the same height as the parapet of the Former Eastern Hill Hotel. This change in materials and articulation successfully transitions the taller new podium to the street wall of the adjoining Former Eastern Hill Hotel, ensuring it is not a dominating presence. Additionally, the 'sketch plans' provided by the applicant show a 1m x 1m recess in the ground to level 2 wall of the new podium at the interface of the Former Eastern Hill Hotel, with Level 3 being setback completely by 1m. This provides an extra level of separation and relief between the new and old forms, assisting in the Former Eastern Hill Hotel maintaining its prominence as a separate building element, and thus its significance. The recess shown in the sketch plans can be required by condition;

(e) On the Brunswick Street side, the tower would be setback 10.1m from the street and 2.8m from the retained western wall of the Former Eastern Hill Hotel and would be built across 7.5m of its Brunswick Street frontage.
The proposed setbacks to both Victoria Parade and Brunswick Street are considered to provide adequate separation to the existing heritage fabric which has a robust three storey height with strong parapet line that would maintain a degree of visual prominence in all views in which the tower will appear as a distinct and separate element, particularly from the south-west, south and north along Brunswick Street where the 10.1m setback ensures that the parapet line of the Former Eastern Hill Hotel is not seen with the tower directly behind it.

(f) From the south-east and east, the new building will be clearly visible above the parapet of the Former Eastern Hill Hotel, but even in those views, the new building would appear as a clearly distinct element with the northern parapet clear of built form directly behind it;

(g) The new Brunswick Street podium element is three storeys high (11.6m), 0.77m lower than the parapet of the Former Eastern Hill Hotel. The height is therefore considered acceptable, ensuring visual prominence of the existing Hotel. There would be a plant room at level 3 setback 3.5m from the northern wall of the Hotel and 4m from Brunswick Street that would be a recessive element with little impact on Hotel. At the interface of the proposed podium and the Hotel, a simple copper coloured panel wall is proposed that appears as a relatively neutral transition to the glazing at the northern end. Council's Heritage Advisor has recommend that the podium be setback 4m from Brunswick Street to provide a greater appreciation of the northern wall of the Hotel building. The applicant has provided 'sketch plans' that show a 1.5m setback from Brunswick Street with a 1.2m x 1.5m chamfer at level 1 and 2. This is considered adequate to reveal the north-eastern corner of the Hotel, which is currently obscured by the existing building at No 5 Brunswick Street (i.e. is currently not highly visible). The changes shown in the 'sketch plans' can be required by condition;

(h) In respect of Edensor House, the proposed buildings are acceptable given:
  (i) The new building link at the rear on the ground floor would be at the back of the existing building and would not have a prominent impact on it appearance;
  (ii) The new staircase in the north-western corner is setback from the existing building by 1m and is approximately 35m from the street, thus having a limited presence in views of the existing building;
  (iii) The north-facing podium zig-zags away from the existing building from the rear to the front providing setbacks of 9m-12m at ground level, 1m-15.5m at level 1-2, at level 3, the new north-western staircase is setback 5.5m with the tower form being 6.5m-6.8m back which would remain consistent up to level 10 where the building rakes back to the south slightly;

(iv) The tower itself would be setback behind the façade of the existing building by 1.75m-4.25m and when combined with the 6.5-6.8m separation, assists in the existing building maintaining an adequate level of visual prominence and also provides a visual transition down to the lower 3-4 storey podium which extends beyond the line of the existing façade and appears at street level as the more comparable visual element;

(v) The podium levels will have a lightweight appearance being largely glazed to assist in creating visual breathing space between the two buildings;

(i) The proposed glazed roof between the Former Eastern Hill Hotel and tower would have no streetscape presence and is supported by Council's Heritage Advisor and would not negatively impact the public appreciation of the former Hotel;

(j) The impact on the wider South Fitzroy Precinct would be acceptable given buildings in the immediate vicinity (other than those discussed above) are well separated and there would be little visual presence in low scale residential areas. Moreover, the precinct is characterised by a juxtaposition of lower scale heritage buildings in and around newer often institutional buildings which have traditionally been part of the character and even form part of significance of the place. The proposed building will be the newest addition to this layering of constantly evolving building forms.

185. In respect of the external appearance of the building, changes recommended by Council's Heritage Advisor are not considered necessary given:
    (a) The new tower adequately references the existing tower building with glazing bands at the same floor levels providing an adequate visual connection;
    (b) The angled panels in the new tower to Victoria Parade are a subtle design feature and does not give rise to a jarring visual juxtaposition between it and simpler tower form;
    (c) The proposed prominent staircase visually balances the similar feature of the existing tower but in a modern way;
    (d) The Brunswick Street face is a heavier form which includes rectangular window forms in a regular pattern that adequately reference the Former Eastern Hill Hotel façade below and solid brick heritage fabric further north. The angled material transitions in this façade are again considered subtle and provide a visual connection to the Victoria Parade side;
    (e) The northern face of the tower employs a similar aesthetic to the Brunswick Street side with squarer window forms and angled material transitions.

186. Council's Heritage Advisor also commented that the removed bluestone laneway should be referenced with interpretive paving in the same location. This is not considered necessary given the construction of other parts of the building would result in there being no evidence that a laneway existed and the paving having little by way of contextual references.

Summary

187. The proposed demolition and new built form will not unreasonably impact the significance of the site and surrounding area and will facilitate and maximise the benefits of the development of enhanced healthcare facilities in a location with strong strategic policy support.

Built form and design (non-heritage considerations)

188. The strategic planning context for the site has been established and is considered to support an expansion of the hospital on the site including for a multi-storey building. However, this must be balanced against achieving acceptable urban design outcomes for the site having regard to relevant built form polices (in addition to heritage considerations).

189. The relevant policy context and guidance includes:

(a) Clause 15.02-1 – development should contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties;
(b) Clause 15.01-5 - recognise and protect cultural identity, neighbourhood character and sense of place;
(c) Clause 21.05-2 - reinforce the existing urban framework of Yarra, retain Yarra's identity as a low-rise urban form with pockets of higher development, development in activity centres should be 5-6 storeys unless specific benefits can be demonstrated, retain, enhance and extend Yarra's fine grain street pattern, ensure that new development contributes positively to Yarra's urban fabric, enhance the built form character of Yarra's activity centres, require development within Yarra's activity centres to respect and not dominate existing built form.
(d) Clause 22.03 - Ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.
(e) Clause 43.02, Schedule 2 (relevant to the Johnston Street side) – seeks to ensure development recognises the main road character of the area, contributing positively to urban design, safety, limit visual clutter and consider the impacts of height and bulk on the surrounding area.

190. In terms of the physical context, the site is influenced by buildings 2-11 storeys along Victoria Parade associated with other institutional uses including St Vincent's Public Hospital, the existing 10 storey tower on the subject site, the 10 storey Eye and Ear Hospital on the opposite side of Victoria Parade as well as office buildings further east in the order of 8-9 storeys. The ACU includes buildings up 10 storeys east of the site. Buildings on Brunswick Street are 1-3 storeys with public housing towers up to 21 storeys near the corner of Gertrude Street. The St Patricks Cathedral is also located south of the side at the corner of Albert and Gisborne Streets within the City of Melbourne. Victoria Parade itself is a significant boulevard containing a central median with rows of large Plane trees.

191. In terms of advice and response to this policy and physical context, Council's external urban design consultant generally supported the building heights and setbacks commenting that in summary:
(a) Healthcare facilities typically have a different form from their sometimes lower scale surrounds with a more dense and visible scale;
(b) There is strong strategic policy support for expansion of healthcare facilities on the subject site which has a long history of use as a hospital;
(c) The physical context which includes a variety of buildings of comparable height can sustain the proposed built form;
(d) The proposed tower appropriately references the existing building at 59-61 Victoria Parade;
(e) The new built form adequately frames the lower Former Eastern Hill Hotel building and uses appropriate podium levels to transition height from the lower Edensor House form including through the provision of an internal courtyard;

192. Having regard to the above, the building height and setbacks as described earlier are considered an acceptable 'fit' within the physical context of the area considering the prevailing policy context given:
(a) The three and four storey podium forms provide an appropriate scale at street level and relationship to existing buildings on the site as well as those adjoining which have similar streetwall heights;
(b) The proposed tower is comparable to other institutional and office developments in proximity to the subject site. The overall height is appropriately recessed through setbacks of 10.1m to Brunswick Street and 9.1m to Victoria Parade;
(c) The proposed built form will not result in direct impacts on dwellings;
(d) The proposed built form will not unreasonably impact the public realm through overshadowing (discussed in more detail later in this report);

(e) The broad form of the building necessarily reflects its institutional use as a hospital which requires a maximisation of floor space and limited articulation through multiple setbacks. However, this should not be seen as a negative aspect of the proposal as the area, particularly Victoria Parade, is characterised by buildings of similar configuration and use;

Architectural quality and detailed design

193. Clause 15 seeks to make "the environment more liveable and attractive", while Clause 15.01-2 seeks "to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm". The architectural quality section of Clause 15.01-2 states that "new development should achieve high standards in architecture and urban design" and "any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design". In addition, one of the elements at Strategy 17.2 of Clause 21.05-02 which allows for development above 5-6 storeys is "architectural design excellence".

194. Given the height and massing have been discussed above, the architectural quality relates to materials and finishes, fenestration patterns and the ability to combine the various components of the building into a cohesive design. Building layout and design matters also require consideration.

195. Council's expert Urban Design consultant commented that overall design is well considered including the use of colour and different materials and the façade treatments are generally appropriate. Some specific comments included:
    (a) The proposed development will deliver an enhanced public realm response including access to, and internal movements within the hospital;
    (b) The materiality and appearance of the building is generally acceptable subject to provision of some indicative detailed cross-sections to demonstrate the assumed level of articulation will be achieved and demonstration of the quality of materials through a materials and finishes board;
    (c) The development should provide a better transition to the northern wall of the Former Eastern Hill Hotel building by indenting the ground floor and rebating the upper levels to provide a greater reading of the Hotel's northern wall.
    (d) Clarification should be provided as to the interface of the Victoria Parade façade and that of the Former Eastern Hill Hotel to confirm whether a recess is proposed or not;
    (e) Additional detail of the south-eastern corner at Level 3 should be provided including articulation and relationship to the Former Eastern Hill Hotel;
    (f) Additional seating and waiting space should be provided at the new Victoria Parade entry;

196. In response to concerns raised, the permit applicant provided 'sketch plans' as discussed earlier that include:
    (a) Setback of the ground floor to Brunswick Street and cut-out at levels 1 and 2 at the interface of the Former Eastern Hill Hotel;
    (b) A 1m x 1m rebate in the podium levels on Victoria Parade at the interface of the west wall of the Former Eastern Hill Hotel with Level 3 setback 1m from the wall;
    (c) Victoria Parade entry showing the proposed canopy as being 5m above the footpath and extending further west and south over car parking spaces on Victoria Parade.

197. Council's external Urban Design Consultant reviewed the sketch plans and commented that the rearrangements shown were acceptable. The changes shown in the sketch plans will be required by condition.

198. Having regard to the above, the proposed development is considered to provide an appropriate architectural response to the physical and policy context with the following specifically highlighted:

(a) The building has been designed 'in the round' with each of the southern, eastern and northern faces having a well resolved and outward looking appearance with high levels of fenestration, articulation and consideration of materiality and composition; and
(b) Plant and equipment is integrated into the building design within a recessed enclosed level above the primary parapet and in an integrated enclosure on Brunswick Street;

Street interfaces and the public realm

199. Clauses 15.01-2, 21.05-3 and 4 encourages the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user and to improve the interface with the street.

200. The proposed development generally provides active and transparent frontages at the ground floor levels and is considered to result in acceptable interfaces to the street and impacts on the public realm, given:

(a) The Brunswick Street podium would have a new entry with canopy for weather protection and glazing above to provide greater transparency and passive surveillance;
(b) The Victoria Parade building would also provide a new pedestrian entry and canopy for weather protection with windows at all levels to maintain the levels of transparency and passive surveillance achieved under existing conditions;
(c) The development will provide streetscape upgrades discussed further below, thus enhancing the public realm and amenity;
(d) The building would not unreasonably overshadow the public realm casting no additional shadow on the north or south sides of Victoria Parade and west side of Brunswick Street than there is currently; and additional shadow on the east side of Brunswick Street falls from approximately 1.30pm onwards which is considered reasonably limited in the context of a MAC.

201. Regarding the above, the 'sketch plans' show the Victoria Parade canopy increased in height from 3.2m to 5m above the footpath and extended out over the car parking space on Victoria Parade and with an angled design. Whilst there is no concern with the height and design of the canopy shown in the 'sketch plans', it should be setback at least 750mm from the curb to limit conflicts with cars and trucks. This can be required by condition.

Impacts of views and vistas

202. Clause 22.03-4 requires new built form to maintain the silhouette/profile of the St Patrick's Cathedral when viewed from the intersection of Brunswick Street and St Georges Road in North Fitzroy, a distance of approximately 2.5km. The reverse view from Brunswick Street/Victoria Parade to the church spire at the corner of Watkins Street and St Georges Road is also to be protected.

203. Given the view line is generally straight in each direction, the proposed 10.1m setback of the tower from Brunswick Street will ensure the church spires remain prominent as shown in the image below, since it would be setback further than the 10 storey Eye and Ear Hospital on the south side of Victoria Parade.



3D VIEW - BRUNSWICK ST TOWARDS VICTORIA PARADE

Landscaping and streetscape works

204. As part of the development, the applicant proposes to undertake streetscape works generally summarised as:
    (a) Removal of power poles along Victoria Parade
    (b) Replacement of street trees on Victoria Parade and Brunswick Street;
    (c) Extension of the curb/footpath at the corner of Victoria Parade and Brunswick Street, north along Brunswick Street and extension of the footpath to the east outside the new Brunswick Street entry;
    (d) Expansion of indented car parking along Victoria Parade; and
    (e) New paving to footpaths with bollards, seating and planter boxes.

205. Following comments provided by Council's Open Space and Urban Design Units, the applicant submitted 'sketch plans' which show the following changes:
    (a) The Brunswick Street curb extended further south with additional seating;
    (b) The indented parking on Victoria Parade maintained at its current length with the new drop curb reduced in width and additional seating added;
    (c) The existing drop curb at the corner of Victoria Parade and Brunswick Streets at its existing location;
    (d) Removal of bollards from the Brunswick Street entry and the drop curb;
    (e) Addition of 12 public bike hoops on Brunswick Street and 20 on Victoria Parade;
    (f) Increased Victoria Parade entry canopy height, length and width and altered angled design.

206. Further comment was provided by both Open Space and Urban design noting the following requirements or modifications that can be achieved by conditions:

    (a) Additional tree on the north side of the Brunswick Street entrance to provide extra shade;
    (b) Confirmation of adequate width between the drop curb on Victoria Parade and the new pedestrian entrance;
    (c) Café seating on Victoria Parade should be noted as indicative only, requiring assessment by Council's Compliance Unit for suitability within the modified streetscape;
    (d) The design detail of public seating and footpath planter boxes should be provided including heights, widths, materials, fixings etc.;
    (e) Plant type and height as well as maintenance details and responsibility for the moveable planter boxes on the street should be provided;

(f) Paving be simplified to use bluestone only (or a mix, only where it can be demonstrated another material is required for ease of access to utilities) and porous paving around new trees should be replaced with another material due to concerns about accessibility;
(g) The plans should show dimensions of all footpaths, setbacks of new drop curbs etc;
(h) Trees on Brunswick Street should be re-positioned into the extended curb/road to provide extra footpath width;
(i) The applicant should be required to provide $8537 for planting and maintenance of new street trees;
(j) Street tree species should be *Acer negundo* 'Sensation' (Box Elder Maple Sensation) on Victoria Parade and *Acer buergerianum* (Trident Maple) on Brunswick Street.
(k) All street tree spacing should be dimensioned on the plans.

207. Council's Parking Management Unit reviewed the loss of on street car parking space on Brunswick Street associated with the expanded footpath noting that a reduction to 2-3 spaces may be acceptable in order to provide an enhanced streetscape outcome. The plans show two spaces would be maintained.

208. Council's external Urban Design Unit also commented on the proposed alterations noting they are positive responses whilst supporting the view that new footpath paving should be consistently applied as bluestone.

209. Council's Engineering Services Unit also commented on the streetscape works recommending a number of conditions including detailed plans addressing drainage, location of existing infrastructure including signs and the use of bluestone curbing. This can be required by condition.

210. VicRoads also commented on the streetscape requiring the removal of planter boxes and the movement of bollards on Victoria Parade from the southern side of the new drop-curb to the northern side. These can be required by condition.

211. Landscaping is also proposed in the courtyard on the northern side of the ground floor with paving, seating and tree planting proposed. Council's Open Space Unit commented that a detailed planting schedule be provided including all plant types, location, numbers, planting size, size at maturity. This can be required by condition.

212. Having regard to the above, the proposed development is considered to provide an enhanced and positive streetscape and landscaping outcome for the site.

On site amenity

213. The proposed development will provide an acceptable level of amenity and indoor environmental quality consistent with objectives of clause 22.17 via the following elements as noted by Council's ESD Advisor:

(a) New open space areas at the ground floor and level 4;
(b) Acceptable levels of natural daylight with energy efficient mechanical ventilation to balance the lack of operable windows, good levels of thermal comfort through access to ventilation, balanced passive heat gains and high levels of insulation.

214. Council's External Urban Design Consultant also commented that the re-organised layout with central southern entry and east-west access from Brunswick to Fitzroy Streets will also provide a better patient and visitor experience with enhanced legibility and wayfinding.

Environmentally Sustainable Design (ESD)

215. The ESD initiatives have been described in the 'Proposal' section of this report and were reviewed by Council's ESD Advisor who commented that there are no obvious deficiencies, requesting that the assessment number for the review against the Built Environment Scorecard be provided to verify ESD standards and the location and size of the water tank be shown on the plans noting a discrepancy between the BESS and STORM reports in the size of the tank. These matters can be addressed by condition.

216. Additionally, it was recommended that solar PV panels be considered for the roof to contribute to electricity consumption and a HVAC system with 100% economy and heat recovery be provided. However, neither of these is required to meet Council's Best Practice ESD Standards, and therefore will not be required.

Off-site amenity impacts

217. There are no dwellings that abut the subject site, the closest being approximately 60m to the north on Brunswick Street in the Mixed Use Zone. There are also dwellings 120m and 150m north-east on Young Street and Napier/Little Napier Streets.

218. Given the separation of these dwellings from the subject site and orientation to the north, amenity impacts such as overshadowing of open space and windows, loss of daylight, noise from plant and equipment, and visual impacts from private open space, would be limited.

219. In respect of overshadowing of the public realm, this has been discussed earlier and is considered acceptable.

Car parking, traffic, bicycle facilities, waste management and loading

220. Car parking is to be provided within the existing car park on the site at 20-32 Fitzroy Street and in the staff car park that services both the St Vincent's public and private hospitals at 93 – 99 Victoria Parade.

221. As previously noted, the following car parking requirements apply for the proposed use and development:

(a) Hospital – to Council's satisfaction;
(b) Consulting suites/medical centre – 32 (no specified requirements for staff or visitors); and
(c) Café – 12 (no specified allocation for staff or customers).

222. With the proposed re-arrangements in the Fitzroy Street and Victoria Parade car parks, the following changes and car parking provision would be achieved:

Table 5 Car Parking Allocations

Location	Allocation	Existing Supply	Change	Ultimate Supply
Fitzroy Street	Staff	134	-112	22
	Visitors	264	+107	371
	Sub-Total	398	-5	393
Victoria Parade	Staff	529	+185	714
	Visitors	0	0	0
	Sub-Total	529	+185	714
Total		**927**	**+180**	**1,107**

223. The applicant has indicated that 112 staff car spaces removed from Fitzroy Street will be allocated within the expanded Victoria Parade location, thus 112 of the new spaces proposed there (Victoria Parade) would be taken up immediately by existing staff demand, resulting in an effective new supply of 73 staff spaces. No spaces would be specifically allocated to staff or customers of the café.

Hospital demand, allocation and location

224. The applicant has undertaken an empirical assessment of the likely demand associated with the expansion of the hospital based on the following:
    (a) 158 new staff associated with the hospital;
    (b) 103 new beds
    (c) 10 practitioners associated with the consulting suites;

225. Various car parking rates were assessed including:
    (a) Empirical assessment - 60% of employees within the City of Yarra use a car to get to work (2011 ABS data) + Case studies showing a 0.55 space visitor demand per bed + Consulting suite rates as per clause 52.06 showing a total of demand of 184 spaces
    (b) Department of Health car parking evaluation tool for hospitals outside the Melbourne CBD showing a total of 180 spaces; and
    (c) NSW RTA/RMS 'Guide to Traffic Generating Developments' which uses a formula based on the number of beds + Consulting suite rates as per clause 52.06 + demand generated by Radiography services showing 159 spaces.
    (d) A car parking reduction for the existing hospital use by the relocation of 63 administration staff off the site, reducing existing demand by 38 spaces based on ABS journey to work data.

226. In summary based on the analysis undertaken, the hospital may generate a new demand of:
    (a) Empirical Assessment = 184 spaces – 38 space credit = 146 spaces
    (b) Department of Health tool = 180 spaces – 38 space credit = 142 spaces
    (c) RTA NSW = 159 spaces – 38 space credit = 121 spaces

227. The applicant has accepted the 146 spaces as the likely demand with a 50-50 split between visitors and staff (inclusive of the consulting suites), i.e. 73 for each user.

228. In terms of supply as noted earlier, 112 new visitor spaces will be available on the site within the Fitzroy Street car park, generating a predicted surplus of up to 39 spaces. A total of 185 new staff spaces would be provided in the Victoria Parade car park for staff with 73 of these for new staff associated with the expansion.

229. Council's Engineering Services Unit reviewed the applicant's assessment and raised no concern with the approach taken or ultimate rate adopted or provision of car parking across the two sites, noting specifically:

    (a) The hospital has excellent access to public transport and pedestrian connectivity;
    (b) It is reasonable to increase capacity for visitors on the site and provide staff car parking elsewhere within proximity (110 east from the main hospital entrance).

230. In addition to the above, the following is noted in support of the proposed car parking assessment, supply and allocation:
    (a) The applicant has proposed to increase the supply of visitor and staff bike parking spaces on the site and within the public realm to a total of 84 staff (with approximately 70 being in a secure area) and 44 visitor spaces, via the submitted' sketch plans'. This is achieved by re-arrangement of the basement level to provide an enlarged secure bike store in the north-eastern corner with associated shower and change facilities in the south-west corner. This would come at the expense of four car parking spaces within the new basement drop-off area (reducing the visitor provision to 108). This change is considered a positive one since the visitor car parking supply remains well above the predicted demand and positive benefits associated with an increased secure bike parking supply for staff.
    (b) The provision of car parking off-site for staff of the consulting suites is considered acceptable for the following reasons have regard to clause 52.06-5:
        (i) The car park on Victoria Parade is within reasonably proximity being 110m from the main hospital entrance to the east and easily and directly accessible via Victoria Parade;

(ii) The car park is owned and operated by the hospital and was purpose built by them and also includes an attached childcare centre. The car park is not subject to any lease or licence agreements and is considered to provide genuine long term availability for hospital staff;
(iii) There is no relevant local policy or plan which directs the location of car parking for the site or for car spaces provided for a use on another site;
(iv) There is no Car Parking Overlay applicable to the site.

(c) The loss of 1-2 on street parking spaces associated with the extension of the curb on Brunswick Street will be off-set by the rearrangement of the Fitzroy Street car park to provide a drop-off/pick-up area at the basement level. This area will be accessible without charge and would contain five car parking spaces including four disabled spaces. This area would provide direct access to the hospital in an on-site location providing benefits including weather protection and less impact on traffic flow on Brunswick Street and Victoria Parade.

231. Having regard to the above, the provision and location of car parking for hospital staff and visitors (including for the consulting suites) is considered acceptable subject to conditions including a car parking management plan addressing issues such as car parking allocation, security and signage as well as an agreement under section 173 of the Act requiring staff parking to be permanently provided on the 93-99 Victoria Parade site.

Café parking

232. No on-site car parking is proposed to be allocated for staff or visitors of the cafés and 12 are required under clause 52.06. The applicant's Transport Impact Assessment report suggests that the café would not generate a demand in its own right since it will serve staff and visitors of the hospital or others who would otherwise have already been in the area.

233. Council's Engineering Services Unit reviewed the proposed arrangement and agreed that the cafés are unlikely to generate little if any new customer demand given the location within the existing/expanded hospital.

234. Having regard to the above and relevant considerations at clause 52.06-7, the proposed reduction is considered acceptable for the following reasons:

(a) Car parking demand for customers is considered to be negligible for the reasons discussed above; and
(b) The location of the site has excellent access to public transport by train, tram and bus as well as high accessibility by bike and foot. All these alternative transport modes reduce the need for staff to drive to the site.

Car parking design and layout

235. Council's Engineering Services Unit reviewed the layout out of the modified Fitzroy Street car park including drop-off/pick-up area commenting that they are acceptable. Modified car parking layout plans will be required for assessment in conjunction with the changes outlined in the 'sketch plans'.

Traffic impacts

236. The Fitzroy Street car park is proposed to accommodate nine less car parking spaces subject to the implementation of additional bike parking provided at the basement level as shown in the 'sketch plans'. The applicant's Transport Impact Assessment considered that traffic from staff and visitors is unlikely to alter significantly with 4-5 additional movements generated by the pick-up/drop-off area resulting in one every 12-15 minutes which would not unreasonably impact the road network.

237. Council's Engineering Services Unit reviewed the proposed development and raised no concern with the traffic impacts on Fitzroy Street or surrounding streets from the proposed alterations. Moreover, any increase in traffic to and from the Fitzroy Street car park will use main roads (Victoria and Gertrude) to access and exit the precinct, and Fitzroy Street which does not contain any private dwellings. Accordingly, any impacts will be restricted to these non-residential areas and would be acceptable.

Bike parking

238. Pursuant to clause 52.34, bike parking is required to be provided on site at rates of:
    (a) 11 for the hospital;
    (b) 4 for the consulting suites/medical centre;
    (c) 2 for the cafes; and
    (d) 1 shower/change room.

239. The applicant originally proposed 46 spaces comprising 12 for visitors and 34 for staff across the ground and basement levels of the Fitzroy Street car park with a total of seven shower/change rooms to be provided. The 'sketch plans' provided by the permit applicant show this increased to 84 for staff and 44 visitor spaces. These numbers significantly exceed the requirement of clause 52.34 and are considered acceptable. However, conditions should requiring detailed design drawings off all bike parking spaces to ensure adequate space and configurations are achieved.

240. Additionally, the sketch plans show an area for showers and changes rooms and lockers in the south-west corner of the basement. The details of these areas must be provided by condition with no less than eight shower/change rooms on site generally in accordance with the rates under clause 52.34 of the Scheme.

241. Having regard to the above, the bike parking provision and location is considered acceptable subject to condition.

Green Travel Plan (GTP)

242. The applicant submitted a Green Travel Plan which summarises the initiatives the hospital will take to encourage staff and visitors to utilise sustainable transport options including public transport and cycling. The initiatives include:
    (a) Provision of on-site secure bike facilities and end-of-trip facilities.
    (b) Public transport information provided on the hospital's web-site as well as posters and leaflets in public and staff areas. The information will provide details of relevant services including location, timetables, location and information on ticket purchase, and links to other transport services;
    (c) Real-time public transport information provided at the ground floor of the hospital;
    (d) Access to discounted public transport tickets for staff;
    (e) Information provided to staff on carpooling websites;
    (f) Provision of transport information to new staff during inductions; and
    (g) Free car share membership for staff.

243. These initiatives are considered adequate to encourage sustainable transport use associated with the hospital. However, given the supported modifications shown in the sketch plans to improve on and off-site bike parking, the GTP should be required by condition to be updated to reflect these changes also. Additionally, the GTP and floor plans should be required to show the specific location of real-time public transport information at ground floor to ensure it is adequately accessible and visible for visitors and staff.

Loading and unloading

244. A loading bay is not technically required under clause 52.07 of the Scheme. However, it is a relevant consideration for the expansion of a large institutional use such as that proposed.

245. The permit applicant's Transport Impact Assessment provides a detailed analysis of the existing loading capacity on the site as well as within Fitzroy Street commenting that:

    (a) Loading is currently undertaken from the on-site loading bay accessed from Fitzroy Street for vehicles up to 3m in height with two spaces available;
    (b) Larger vehicles use the public loading spaces on Fitzroy Street and occasionally Fitzroy Street is blocked in part to accommodate the largest vehicles;
    (c) Surveys indicate that the capacity of the on-site and on-street loading is sometimes breached resulting in delivery vehicles parking illegally in Fitzroy Street due largely to the capacity of the on-site loading bay.

246. The proposed development seeks to improve the capacity of the on-site loading bay including:
    (a) Increasing the number of on-site spaces from 2 to 3 accommodating two 6.4m long vehicles and one standard car length, or one 8m long truck and a single standard length car/van;
    (b) Improved loading circulation, levels, forklift area and waste storage area.
    ‘

247. These modifications are considered to improve the efficiency and capacity of the on-site loading bay, thus reducing demand for and freeing capacity of on-street spaces. ‘

248. Council's Engineering Services Unit reviewed the proposed loading configuration and consider it satisfactory. Accordingly, and having regard to the above, loading and unloading facilities are considered acceptable.

249. The applicant's Transport Impact Assessment also discussed recommendations to re-locate some loading to the St Vincent's and Mercy Private loading dock on Gipps Street in East Melbourne which has additional capacity (in particular for larger vehicles that cannot be accommodated on the subject site).

250. However, this would be to limit the blocking of Fitzroy Street which should not be occurring and thus the hospital should already be making alternative arrangements for large delivery vehicles, requiring them to load elsewhere and therefore will not be required by condition as this situation is already dealt with under relevant road rules.

Waste Management

251. The applicant has submitted a waste management plan in conjunction with re-arrangements at basement level for waste storage. All waste is to be stored on-each level as required and transferred internally to the new basement central storage area for collection on-site by private contractor. This is generally in accordance with existing procedures. Council's Contract Services Unit reviewed the plan and commented that additional details should be provided and can be via condition. Subject to these conditions, waste management is adequately addressed.

Other matters

Infrastructure

252. Council's Engineering Services Unit has made a number of recommendations regarding infrastructure and civil works most of which will be addressed via conditions relating to streetscape works.

Development over a Council laneway

253. Council's Engineering Services Unit also commented on the proposed construction over and incorporation of the Council ROW accessed from Brunswick Street on the south side of

Edensor House. It was noted that before development within the ROW can begin, it must be discontinued in accordance with the *Local Government Act 1989*. The applicant has commenced this process through Council's Valuations and Rates Unit who are managing the process.

254. The building could not be constructed as proposed if the laneway is not acquired by the applicant. Should the applicant not be able to acquire the land, the development would not be able to proceed as planned and would need to be amended which is allowed for under the relevant permit conditions and the *Planning and Environment Act* 1987. However, the acquisition process not being completed is not a reason to modify or refuse the application. The planning permit is the first in a series of approval a including building permits, road and utility consents that are required, and should not be rejected on the basis that these subsequent approvals may require changes to the building approved under it.

255. However, a condition will be included requiring the discontinuance of the laneway prior to commencement of the development.

VicRoads and PTV recommended conditions

256. Both authorities recommended conditions be placed on any permit issued relating to impacts on public transport and road safety. Given the scale and potential impacts of the proposed development, these conditions are considered acceptable and should be included as modifications to the plans or standalone conditions.

Objector concerns

257. Objector concerns have been addressed throughout this report including:

Need for a master plan for the hospital

258. Paragraphs 145 – 153.

Heritage impacts including demolition

259. Paragraphs 155 - 187

Impacts on the character and amenity of the area through height, setbacks and design

260. Paragraphs 188 – 212.

Traffic and car parking impacts

261. Paragraphs 220 - 237 and 244 – 249.

Conclusion

262. Based on the report, the proposal is considered to substantially comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies and objections, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN16/0925 for development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site at Nos. 59-77 Victoria Parade, 5-7 (and Council ROW) Brunswick Street and 20-32 Fitzroy Street and laneway, Fitzroy subject to the following conditions

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the 'decision plans' prepared by Billard Leece Partnership P/L, Council date stamped 23 November 2016, but modified to show:

    (a) Changes shown in the 'sketch plans' prepared by Billard Leece Partnership P/L and Council date stamped 3 April 2017 which include:
        (i) Setback of the ground floor to Brunswick Street podium by 1m and cut-out at levels 1 and 2 at the interface of the Former Eastern Hill Hotel;
        (ii) A 1m x 1m rebate in the podium levels on Victoria Parade at the interface of the west wall of the Former Eastern Hill Hotel with Level 3 setback 1m from the wall;
        (iii) A modified pedestrian entry on Victoria Parade including internal seating areas
        (iv) Additional secure staff bike parking and shower and change room facilities at basement level;
    (b) At least 8 shower/change rooms on the ground floor or within the basement of the Fitzroy Street car park;
    (c) The location and size of bin storage areas at basement level;
    (d) Any modifications as a result of detailed design required by condition 3 (landscape and streetscape plans);
    (e) The specific location of real-time public transport information at ground floor level;
    (f) The canopy over the Victoria Parade pedestrian entry setback at least 750mm from the edge of the curb;
    (g) The location and capacity of the rainwater collections tanks.

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.

Archival record

3. Before demolition commences, a detailed and annotated photographic record of the existing EastHill House building in its context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:

    (a) include the interior and each external elevation of the buildings;
    (b) be submitted in black and white format; and
    (c) be taken by a suitably qualified heritage photographer.

On-going involvement of the architect

4. As part of the ongoing consultant team, Billard Leece Partnership P/L Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:

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

Landscape and streetscape plans

5. 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 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 LBA Design dated October 2015, but modified to show:

(a) Changes shown in the 'sketch plans' prepared by LBA Design and dated September 2016 including:
    (i) The Brunswick Street curb extended further south with additional seating;
    (ii) The indented parking on Victoria Parade maintained at its current length with the new drop curb reduced in width and additional seating added;
    (iii) The existing drop curb at the corner of Victoria Parade and Brunswick Streets at its existing location;
    (iv) Removal of bollards from the Brunswick Street entry and the drop curb;
    (v) Addition of 12 public bike hoops on Brunswick Street and 20 on Victoria Street.
(b) The planter boxes along Victoria Parade Must be removed (VicRoads condition)
(c) The three (3) bollards positioned opposite the new entry along Victoria Parade to be repositioned along the north side of the tactile indicators (VicRoads condition);
(d) Detailed design drawings of all bike hoops on the footpath(s) and along Victoria Parade within setback areas of the site;
(e) An additional tree on the north side of the Brunswick Street hospital entrance;
(f) Dimensions showing the width of the footpath between the drop curb on Victoria Parade and the new pedestrian entrance. If adequate width is not available, the drop curb may be required to be deleted;
(g) Café seating on Victoria Parade noted as indicative only, or deleted;
(h) Paving simplified to use bluestone only (or a mix, only where it can be demonstrated another material is required for ease of access to utilities)
(i) Porous paving deleted and replaced with bluestone to match the remainder of new footpath paving
(j) Tree pits noted as being 1m x 1m and specified as mulched;
(k) Dimensions of all footpaths, setbacks of new drop curbs from the building line, drop curb widths and design specifications;
(l) Trees on Brunswick Street should re-positioned into the extended curb/road;

(m) All street trees on Victoria Parade as being *Acer negundo* 'Sensation' (Box Elder Maple Sensation);
(n) All street trees on Brunswick Street being *Acer buergerianum* (Trident Maple) All street trees
(o) The dimensions of all proposed street tree spacing;
(p) All existing infrastructure assets, signs, pole, pits and other roadside objects;
(q) The kerb and channel along the Victoria Parade and Brunswick Street road frontages must be reconstructed with a 300 mm wide bluestone kerb with 250mm-300 mm gutter stone;
(r) Any property drains that run within the footpaths to be reconstructed;
(s) For the landscaping on the site (new northern courtyard):
    (i) A detailed planting schedule including all plant types, location, numbers, planting size, size at maturity, irrigation, and maintenance regime and responsibility.

to the satisfaction of the Responsible Authority.

6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

7. Before the development commences, the permit holder must make a one off contribution of $8537 to the Responsible Authority to be used for replacement/new street tree plantings that are required as a result of the development.

Sustainable Management Plan

8. 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 Murchie Consulting, dated 07/10/2016, but modified to include or show:

   (a) Any changes as a result of condition 1;
   (b) The relevant BESS report and project number;
   (c) The rainwater tank noted consistently throughout.

9. 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

10. Before the development commences, an amended Waste Management Plan prepared by a suitably qualified person and 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 Meinhardt and dated October 2016, but modified to include or show:
    (a) A plan showing the size and location of the basement waste storage room;
    (b) Details of cleaning including provision of taps hoses and drainage systems;
    (c) Location of hard waste storage;
    (d) The location of bin collection; and
    (e) Swept path diagrams showing adequate circulation space for waste collection vehicles.

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

Green Transport Plan

12. Before the development commences, an amended Green Transport Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Transport Plan prepared by One Mile Grid and dated 7 October 2016, but modified to include or show/address:
    (a) The number of bike parking spaces provided on and off site in accordance with the plans endorsed under conditions 1 and 5.
    (b) The specific location of real-time public transport information at ground floor level.

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

Car Parking Management Plan

14. Before the development commences, a Car Park Management Plan (for the car park at 20 - 32 Fitzroy Street) prepared by a suitably qualified person and 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 and location of car parking spaces allocated to each use;
    (b) At least one space with an electric vehicle charging point;
    (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
    (d) any necessary monitoring arrangements and formal agreements; and
    (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, etc.

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

Council laneway

16. Before the development commences, the Permit Holder must do all things necessary to have the required parcels of land (Council ROW) discontinued to enable them to purchase the land required to construct the building. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of this process/these processes, including the reasonable costs borne by the Responsible Authority.

Section 173 Agreement

17. Prior to the commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to be registered on the certificates of title for the subject site and No. 93 – 99 Victoria Parade, which provides for the following:
    (a) That at least 185 car parking spaces for staff of the St Vincent's Private Hospital will be provided on the land at 93 – 99 Victoria Parade (in addition to the existing number of spaces already within the car park) and that the car parking spaces will be made available in perpetuity.

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

Construction Management Plan

19. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
    (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
    (b) works necessary to protect road and other infrastructure;
    (c) remediation of any damage to road and other infrastructure;
    (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
    (e) facilities for vehicle washing, which must be located on the land;
    (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
    (g) site security;

(h) management of any environmental hazards including, but not limited to:
  (i) contaminated soil;
  (ii) materials and waste;
  (iii) dust;
  (iv) stormwater contamination from run-off and wash-waters;
  (v) sediment from the land on roads;
  (vi) washing of concrete trucks and other vehicles and machinery; and
  (vii) spillage from refuelling cranes and other vehicles and machinery;

(i) the construction program;

(j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;

(k) parking facilities for construction workers;

(l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

(m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;

(n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

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

(p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008.
The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  (i) using lower noise work practice and equipment;
  (ii) the suitability of the land for the use of an electric crane;
  (iii) silencing all mechanical plant by the best practical means using current technology;
  (iv) fitting pneumatic tools with an effective silencer;
  (v) other relevant considerations; and
  (vi) any site-specific requirements.

During the construction:

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

(r) 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;

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

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

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

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

General

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area(s) 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.

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

23. All pipes (excluding downpipes), 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.

Public Transport Victoria Condition (condition 24)

24. The permit holder must take all reasonable steps to ensure that disruption to the public transport services along Victoria Parade and Brunswick Street is kept to a minimum during construction of the development. Foreseen disruptions to bus and tram operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

VicRoads conditions (conditions 25 and 26)

25. Prior to the commencement of the development. the owner of the land must enter in to an agreement with the Department of Environment Land Water and Planning pursuant to Section 138A (11) of the Land Act 1958 for elements of the approved development that project more than 300mm beyond the land's Victoria Parade boundary (i.e., the canopies, fixed shading devices, architectural features), to indemnify the Crown in relation to any claim or liability arising from the projections within the Victoria Parade road reserve.

26. Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within the Road Zone Category 1 (i.e. Victoria Parade). Please contact VicRoads prior to commencing any works.

Civil Works

27. Before commencement of the development, detailed engineering drawings prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the detailed engineering drawings will be endorsed and will form part of this permit. The detailed engineering drawings must address/show, but not be limited to, the following:
(a) Extension of the existing underground drain along the west side of Brunswick Street to facilitate approved curb extensions/modification.
(b) Relocation of the existing grated side entry pit further to the north; and
(c) A new grated side entry pit constructed adjacent to the new kerb extension;

28. The drainage works shown on the endorsed detailed engineering drawings must not be altered without the prior written consent of the Responsible Authority.

29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the drainage works shown on the endorsed detailed engineering drawings endorsed under condition 26 must be carried out and completed to the satisfaction of the Responsible Authority.

30. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.

31. Prior to completing the development, subject to the relevant authority's consent, the relocation of any utility or other services providers poles, structures or pits necessary to facilitate the development must be undertaken:

    (a) in accordance with any requirements or conditions imposed by the relevant authority;
    (b) at the permit holder's cost; and
    (c) to the satisfaction of the Responsible Authority.

32. Within 2 months of completing 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 (if required by the Responsible Authority):
    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.

33. 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, nature strip, and kerb and channel:
    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.

34. 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.

    Expiry

35. 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:

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

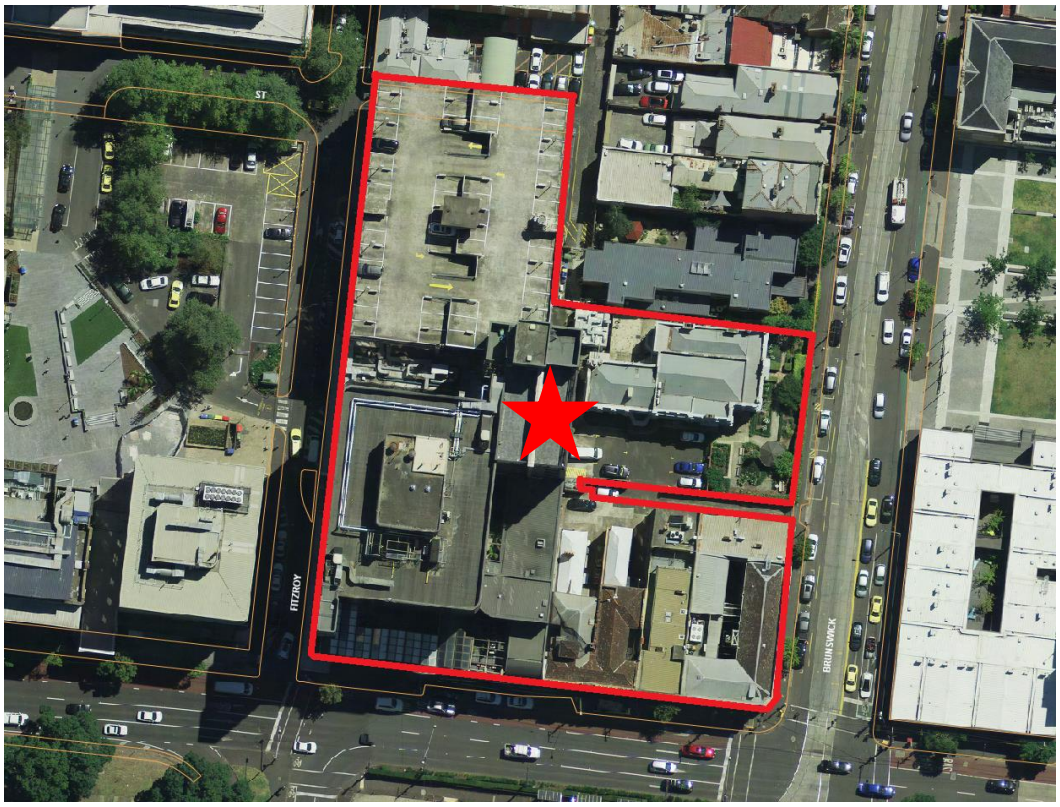
CONTACT OFFICER: **James Sutherland**
TITLE: **Principal Statutory Planner**
TEL: **9205 5046**

Attachments

1 Subject site map
2 Plans Part 1
3 Plans Part 2
4 Plans Part 3
5 Plans Part 4
6 Plans Part 5
7 'Sketch plans' and explanatory information
8 External Urban Design Comments
9 Heritage Advisor comments
10 Heritage Advisor comments - Follow-up advice
11 Engineering Services Unit comments
12 Internal Urban Design comments
13 Open Space Unit comments - suggested tree locations
14 Victrack comments
15 Public Transport Victoria comments
16 VicRoads comments.

Attachment 1 - Subject site map

Subject Site Map: 59 - 77 Victoria Parade and 5 - 7 Brunswick Street (plus Council ROW) and 20 - 32 Fitzroy Street Fitzroy.



North

Subject site

Attachment 2 - Plans Part 1

ST VINCENT'S PRIVATE HOSPITAL
FITZROY REDEVELOPMENT

Cover Page Sheet List	
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A00	
AA00-0001	COVER SHEET
A03 - SITE CONTEXT	
AA03-0001	SITE CONTEXT PLAN - EXISTING
AA03-0011	SITE CONTEXT PLAN - PROPOSED
AA03-0051	SITE CONTEXT PLAN - SHADOW DIAGRAM - 9AM EQUINOX
AA03-0052	SITE CONTEXT PLAN - SHADOW DIAGRAM - 10AM EQUINOX
AA03-0053	SITE CONTEXT PLAN - SHADOW DIAGRAM - 11AM EQUINOX
AA03-0054	SITE CONTEXT PLAN - SHADOW DIAGRAM - 12PM EQUINOX
AA03-0055	SITE CONTEXT PLAN - SHADOW DIAGRAM - 1PM EQUINOX
AA03-0056	SITE CONTEXT PLAN - SHADOW DIAGRAM - 2PM EQUINOX
AA03-0057	SITE CONTEXT PLAN - SHADOW DIAGRAM - 3PM EQUINOX
A05 - Precinct - Existing	
AA05-0000	PRECINCT PLAN -EXISTING -SITE
AA05-0001	PRECINCT PLAN -EXISTING -GROUND
AA05-0101	PRECINCT PLAN -EXISTING -LEVEL 1
AA05-0201	PRECINCT PLAN -EXISTING -LEVEL 2
AA05-0301	PRECINCT PLAN -EXISTING -LEVEL 3
AA05-0401	PRECINCT PLAN -EXISTING -LEVEL 4
AA05-0501	PRECINCT PLAN -EXISTING -LEVEL 5
AA05-0601	PRECINCT PLAN -EXISTING -LEVEL 6
AA05-0701	PRECINCT PLAN -EXISTING -LEVEL 7
AA05-0801	PRECINCT PLAN -EXISTING -LEVEL 8

Cover Page Sheet List	
Sheet Number	Sheet Name
AA05-0901	PRECINCT PLAN -EXISTING -LEVEL 9
AA05-1001	PRECINCT PLAN -EXISTING -LEVEL 10
AA05-B101	PRECINCT PLAN -EXISTING -BASEMENT
A06 - Precinct - Demo	
AA06-0000	PRECINCT PLAN -PROPOSED DEMOLITION -SITE
A07 - Precinct - Proposed	
AA07-0000	PRECINCT PLAN -PROPOSED -SITE
AA07-0001	PRECINCT PLAN -PROPOSED -GROUND
AA07-0002	PART PLAN - FITZROY CAR PARK ENTRANCE
AA07-0101	PRECINCT PLAN -PROPOSED -LEVEL 1
AA07-0201	PRECINCT PLAN -PROPOSED -LEVEL 2
AA07-0301	PRECINCT PLAN -PROPOSED -LEVEL 3
AA07-0401	PRECINCT PLAN -PROPOSED -LEVEL 4
AA07-0501	PRECINCT PLAN -PROPOSED -LEVEL 5
AA07-0601	PRECINCT PLAN -PROPOSED -LEVEL 6
AA07-0701	PRECINCT PLAN -PROPOSED -LEVEL 7
AA07-0801	PRECINCT PLAN -PROPOSED -LEVEL 8
AA07-0901	PRECINCT PLAN -PROPOSED -LEVEL 9
AA07-1001	PRECINCT PLAN -PROPOSED -LEVEL 10
AA07-1101	PRECINCT PLAN -PROPOSED -LEVEL 11
AA07-B101	PRECINCT PLAN -PROPOSED -BASEMENT
AA07-B201	PRECINCT PLAN -PROPOSED -BASEMENT 2

Cover Page Sheet List	
Sheet Number	Sheet Name
A08	
AA08-0001	PRECINCT ELEVATION -SOUTH
AA08-0002	PRECINCT ELEVATION -EAST
AA08-0003	PRECINCT ELEVATION -WEST
AA08-0004	PRECINCT ELEVATION -NORTH
AA08-2001	PRECINCT SECTION
A96	
AA96-1001	EXTERNAL FINISHES & MATERIALS - EAST ELEVATION
AA96-1002	EXTERNAL FINISHES & MATERIALS - SOUTH ELEVATION
AA96-1003	EXTERNAL FINISHES & MATERIALS - WEST ELEVATION
AA96-1004	EXTERNAL FINISHES & MATERIALS - NORTH ELEVATION
A97	
AA97-0001	PERSPECTIVE
AA97-0002	PERSPECTIVE - ST VINCENT'S PLAZA
AA97-0003	PERSPECTIVE - VICTORIA PARADE
AA97-0004	PERSPECTIVE - NORTHEAST AERIAL
AA97-0005	PERSPECTIVE - OVERALL
AA97-0006	PERSPECTIVE - STREET
AA97-0007	PERSPECTIVE - INTERIOR



ST VINCENTS HEALTH

ST VINCENT'S PRIVATE HOSPITAL REDEVELOPMENT

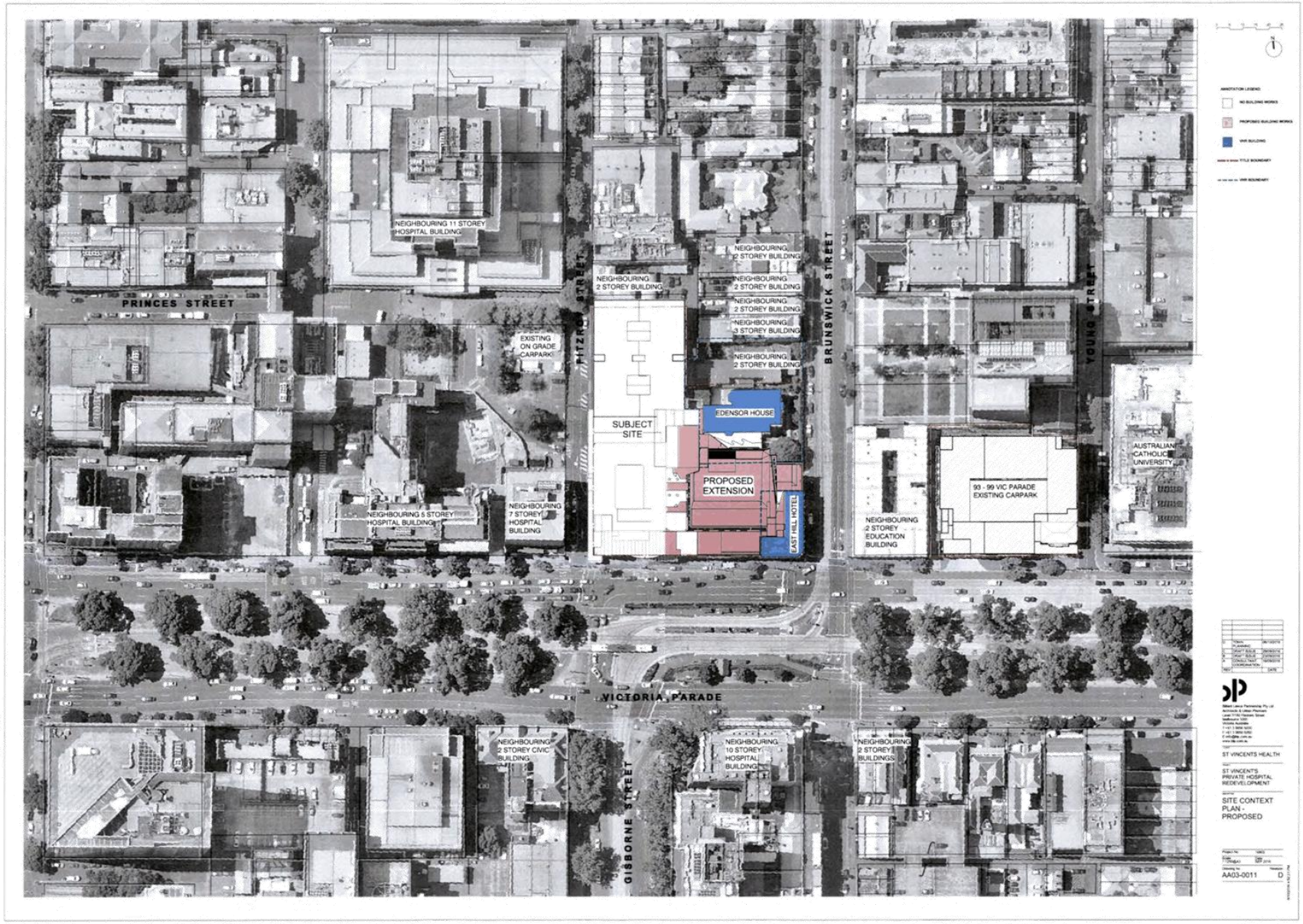
COVER SHEET

AA00-0001

Attachment 2 - Plans Part 1



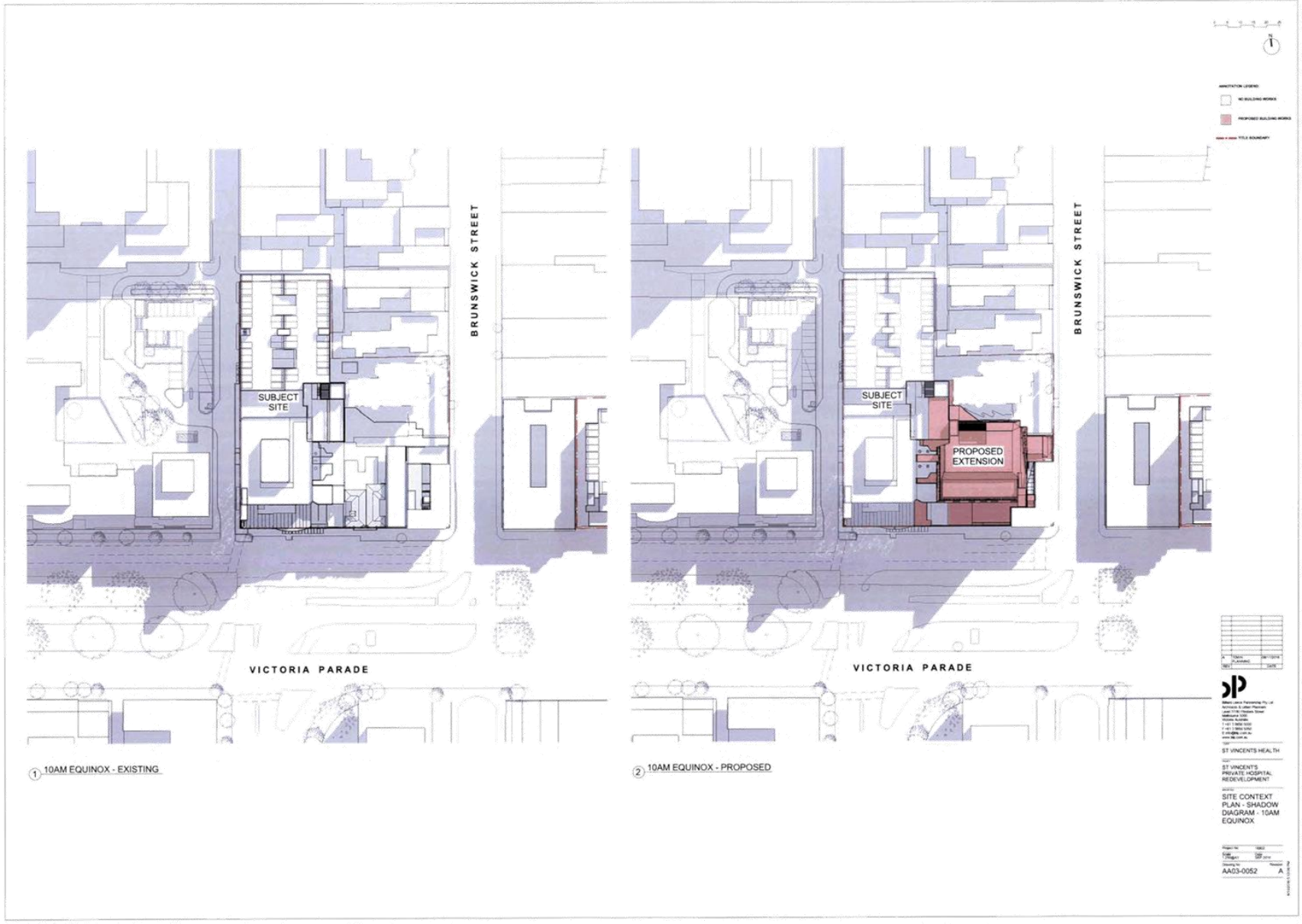
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Attachment 2 - Plans Part 1



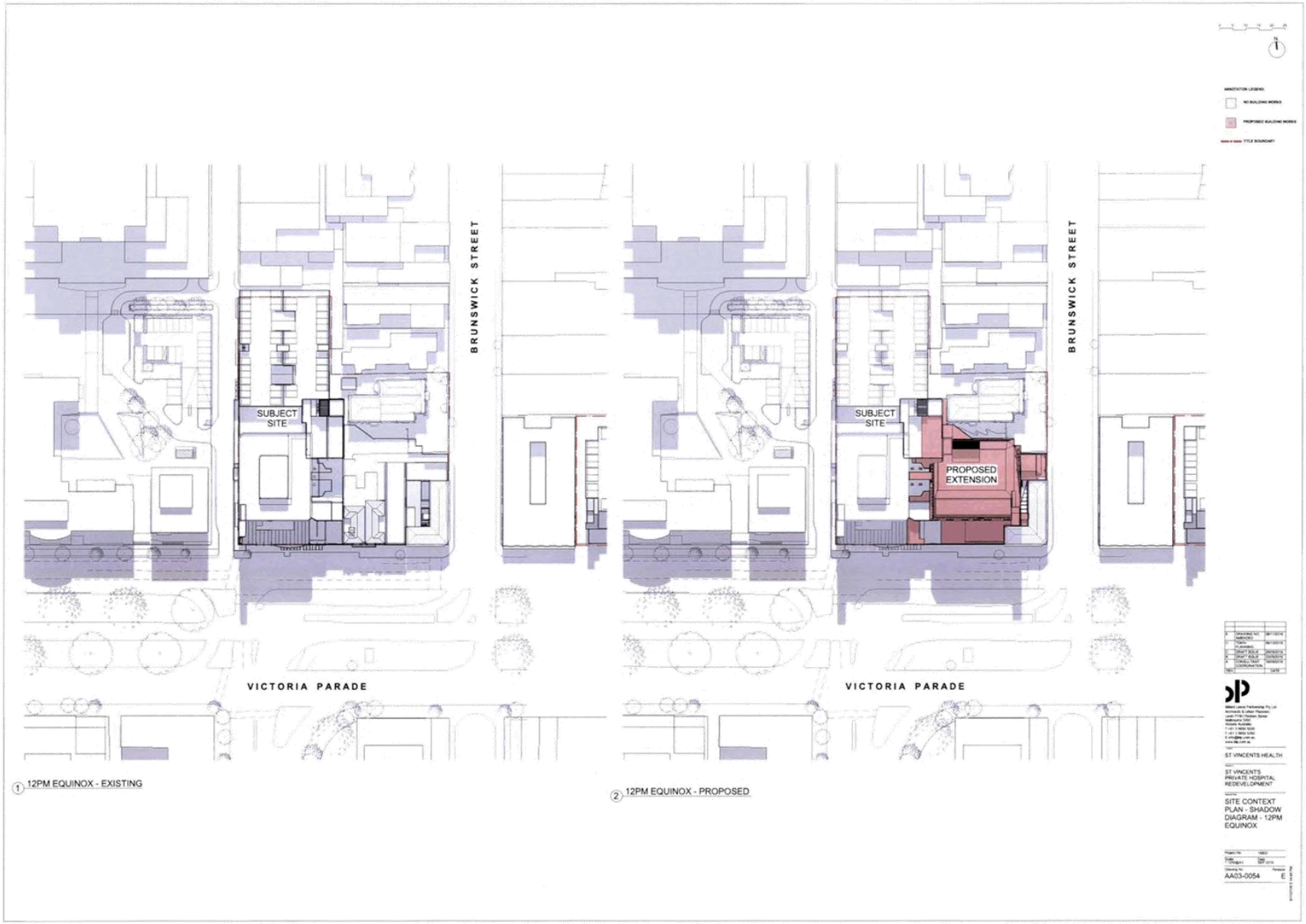
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Attachment 2 - Plans Part 1



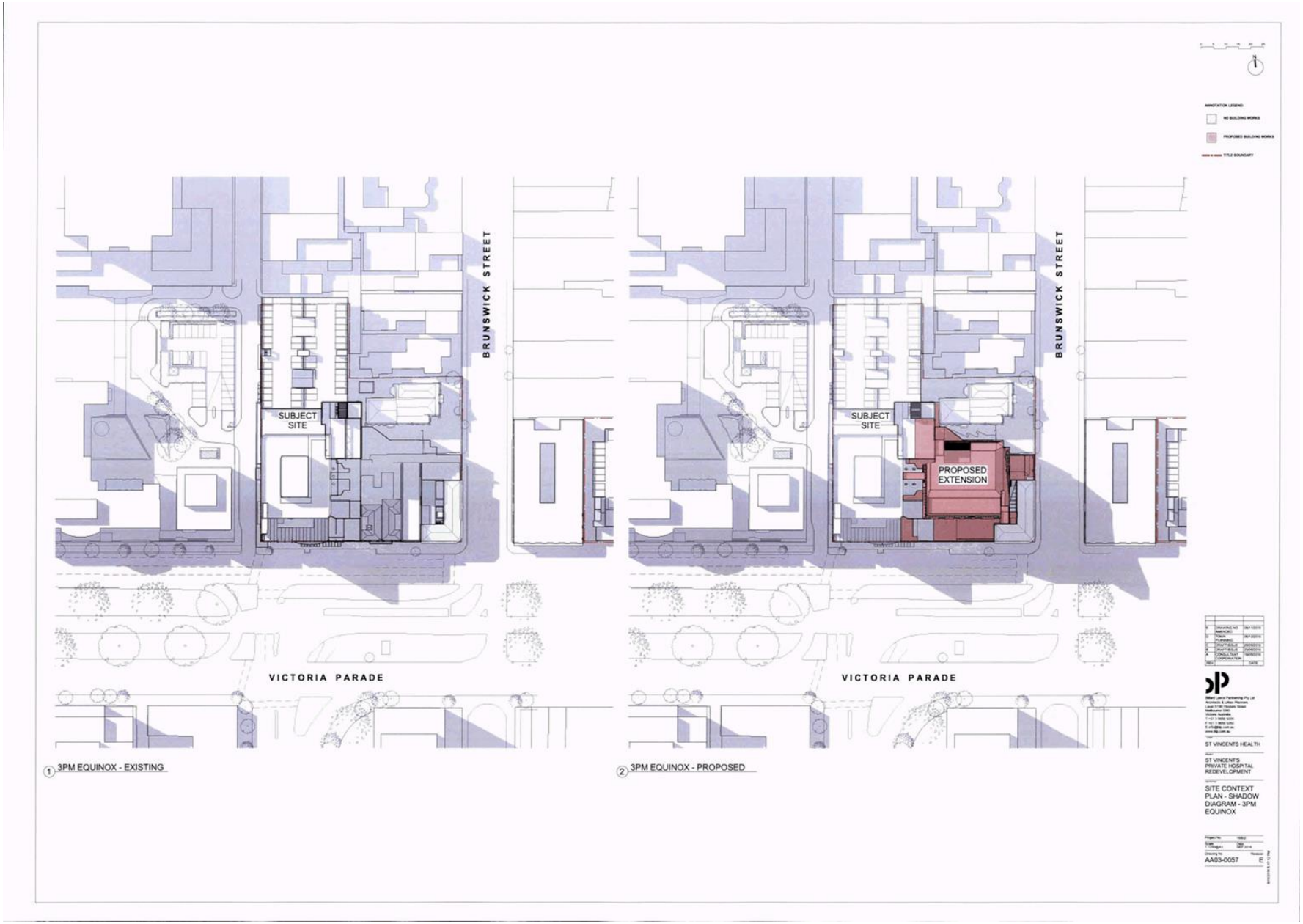
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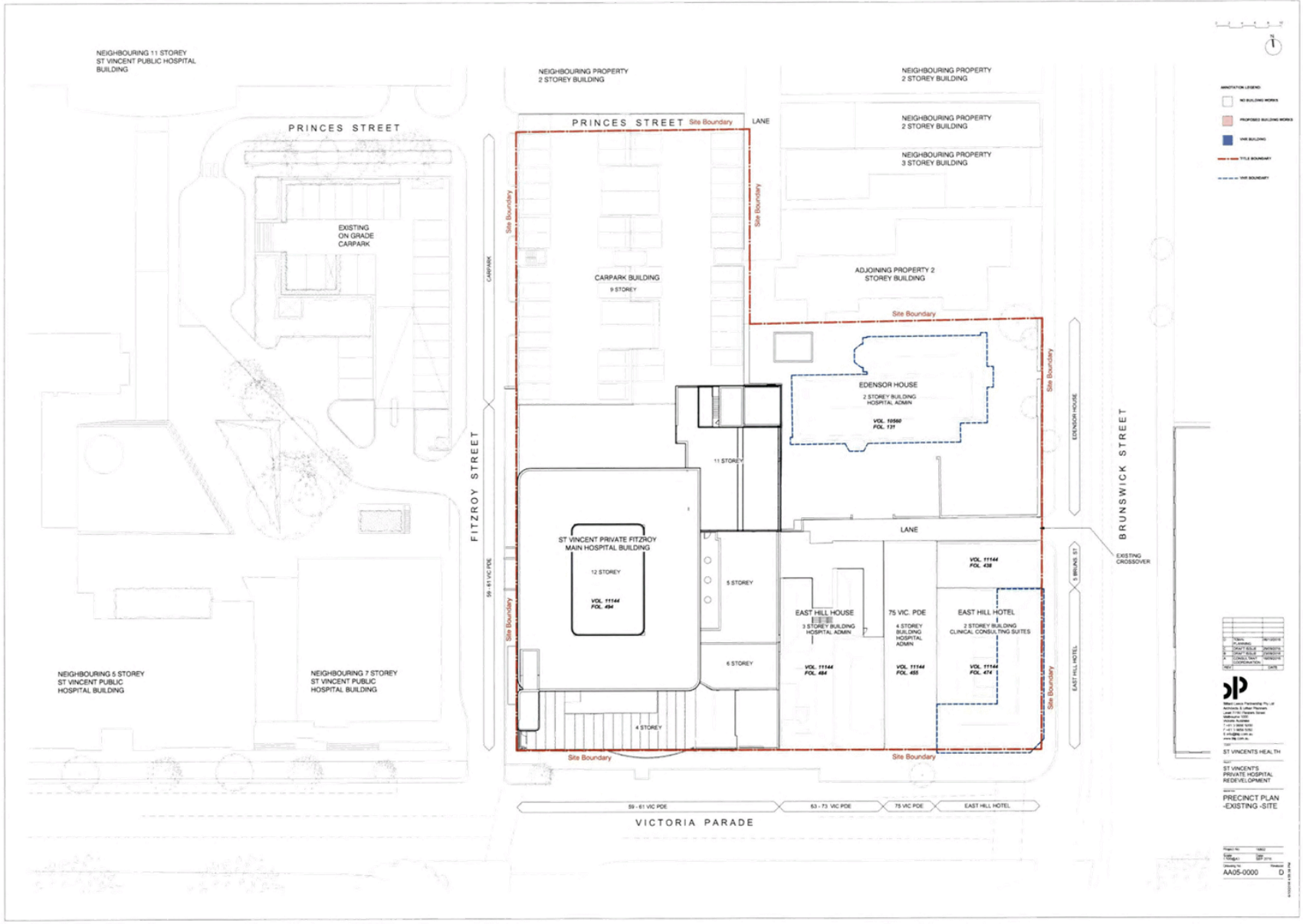
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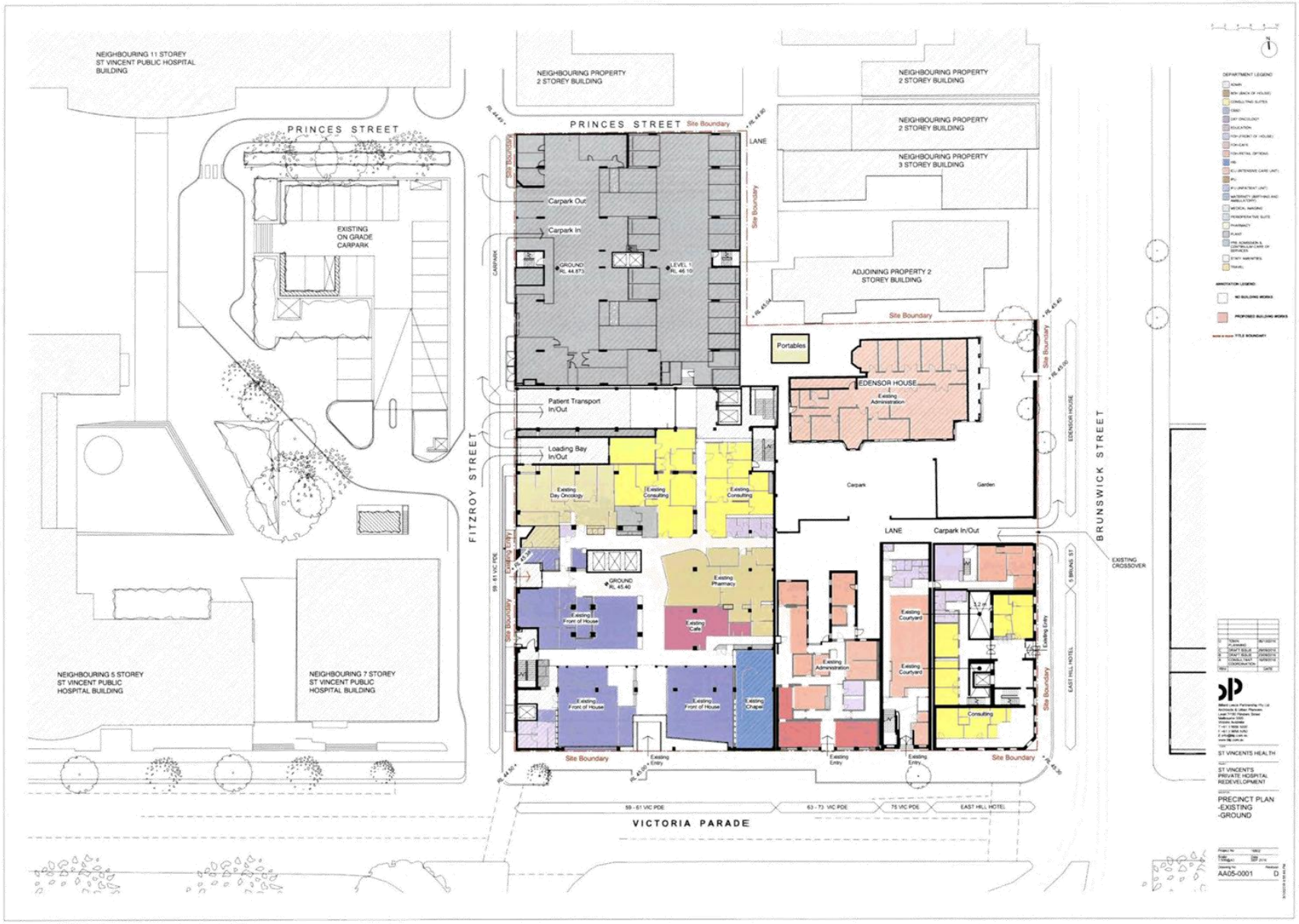
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Attachment 2 - Plans Part 1



Attachment 3 - Plans Part 2



Attachment 3 - Plans Part 2



Attachment 3 - Plans Part 2



Attachment 3 - Plans Part 2



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Attachment 3 - Plans Part 2



Attachment 3 - Plans Part 2



Attachment 3 - Plans Part 2



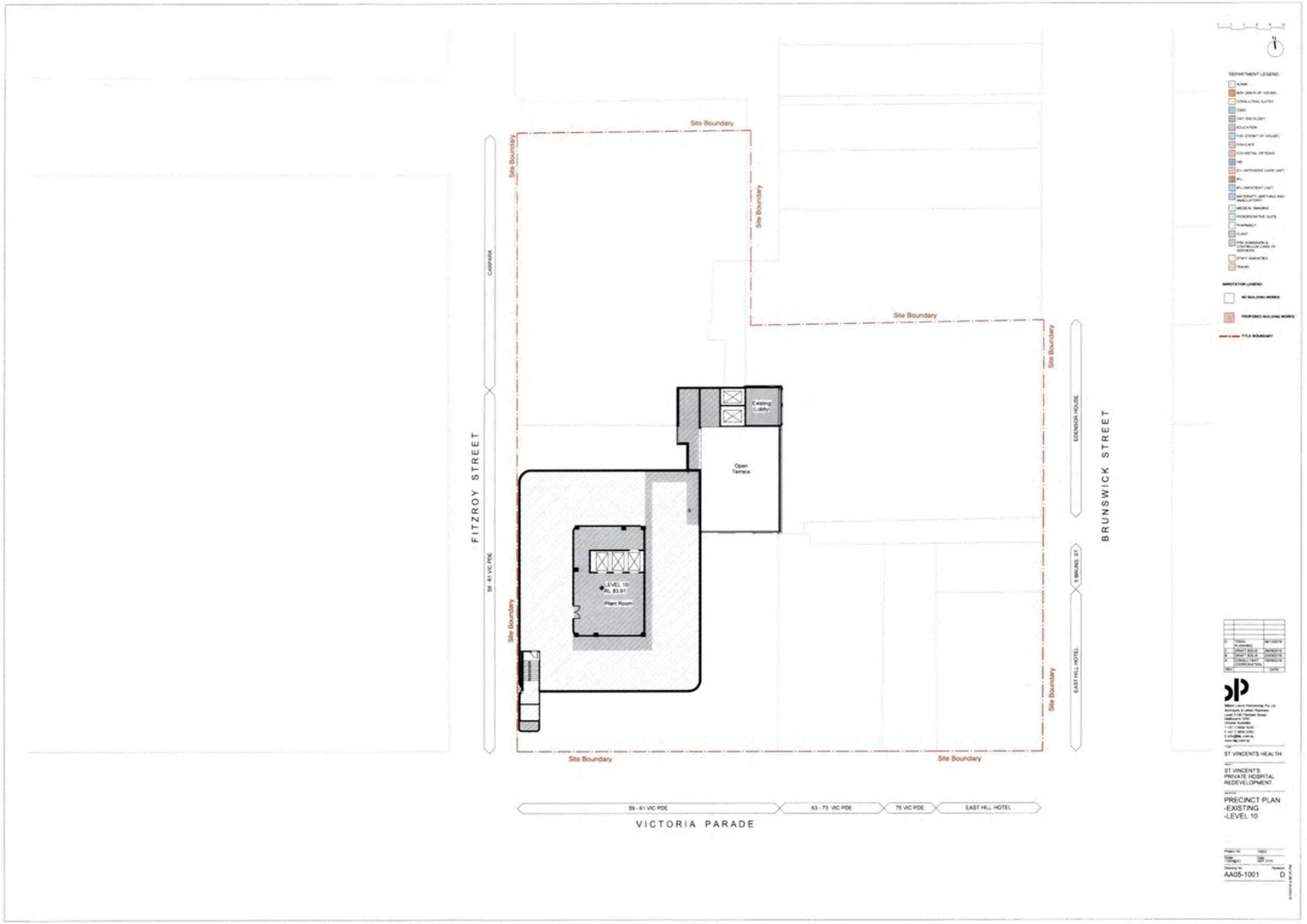
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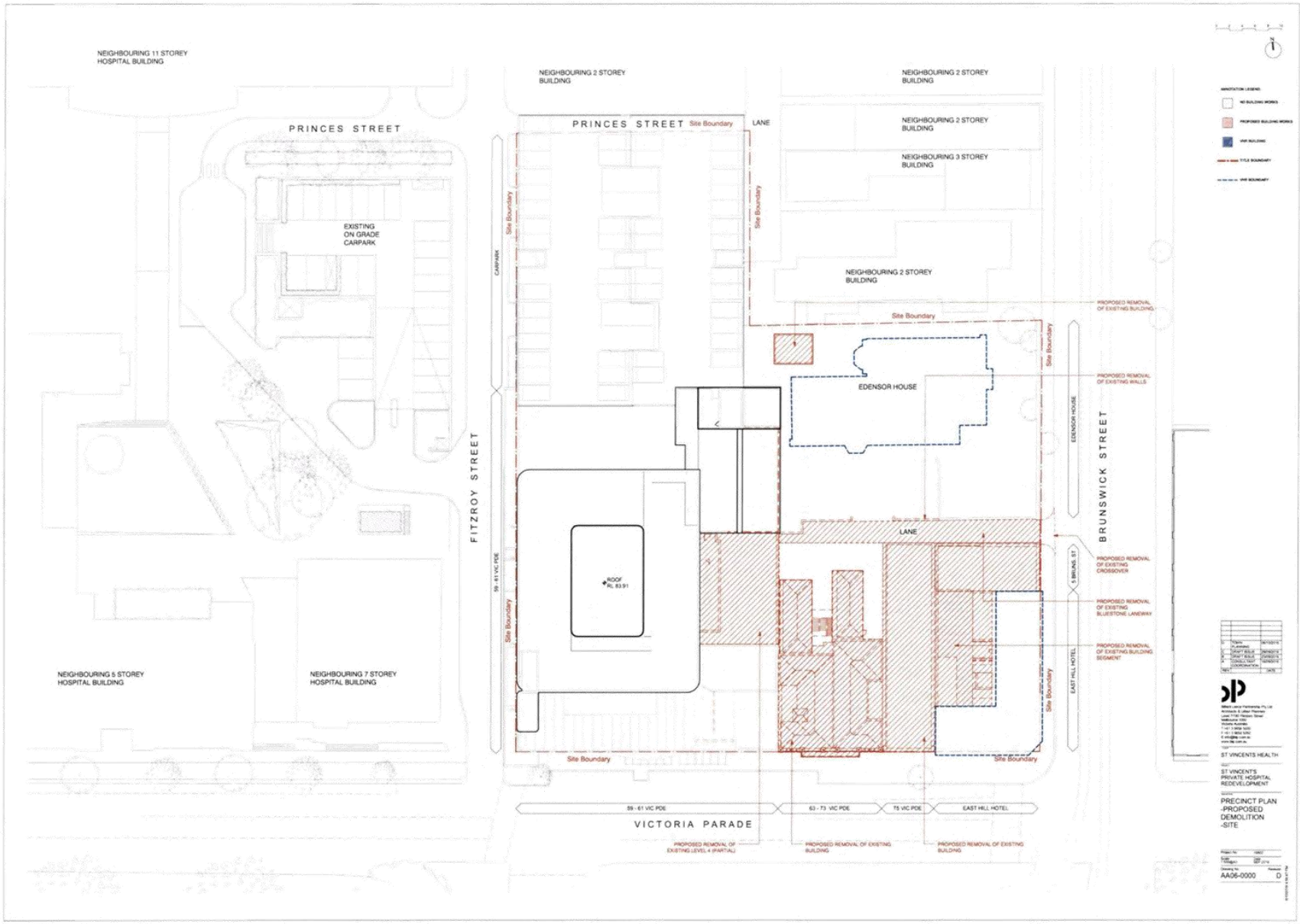
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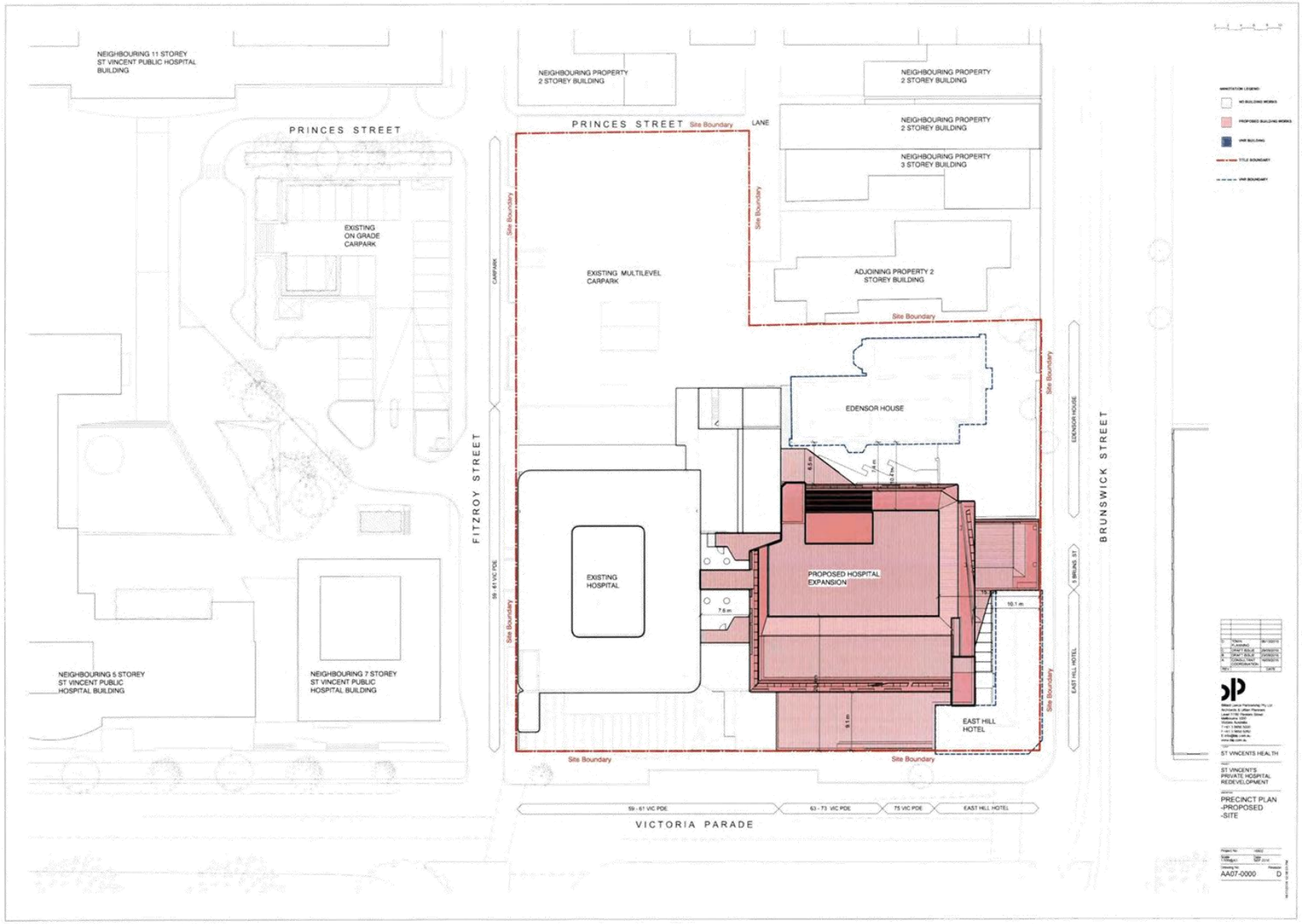
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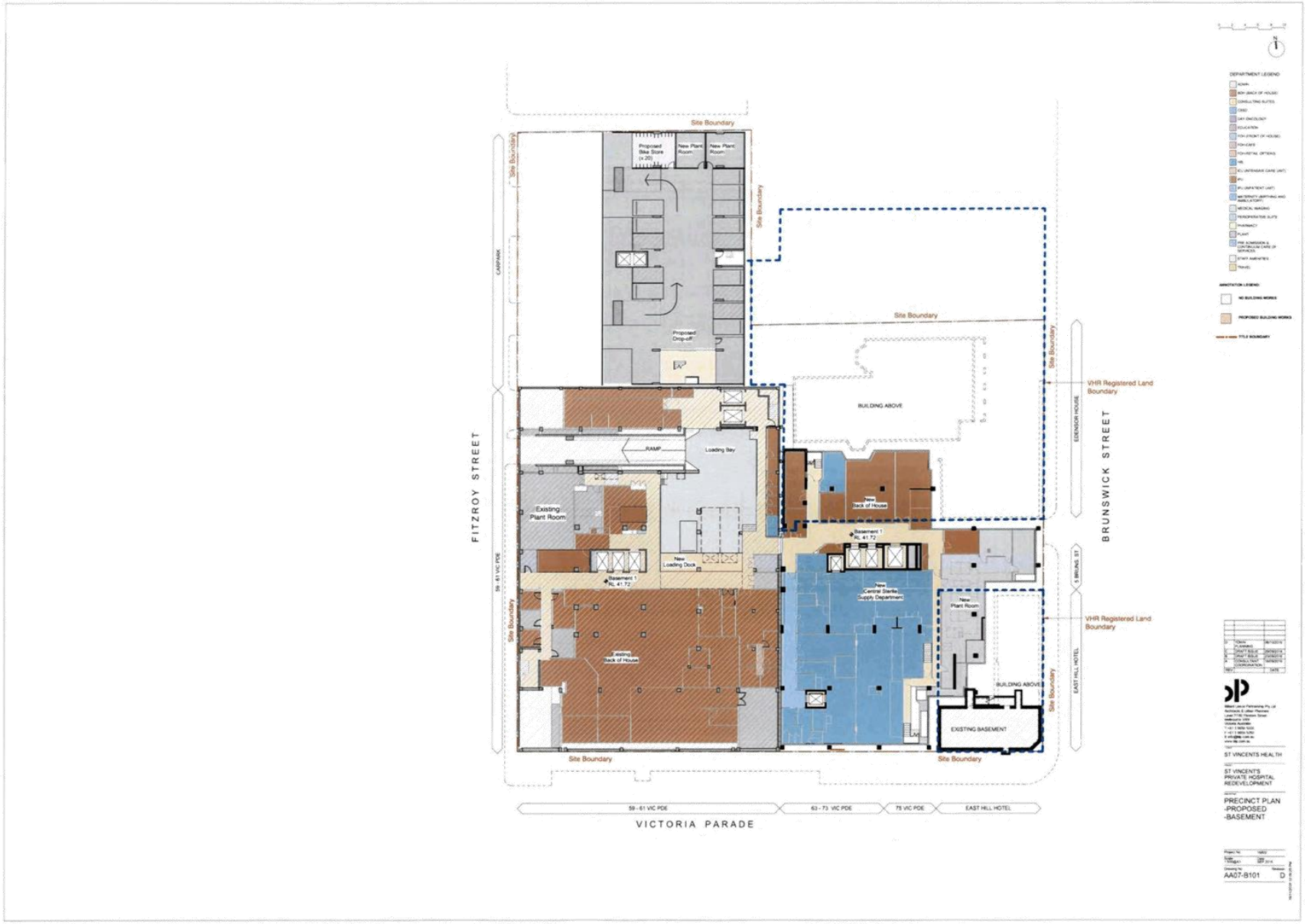
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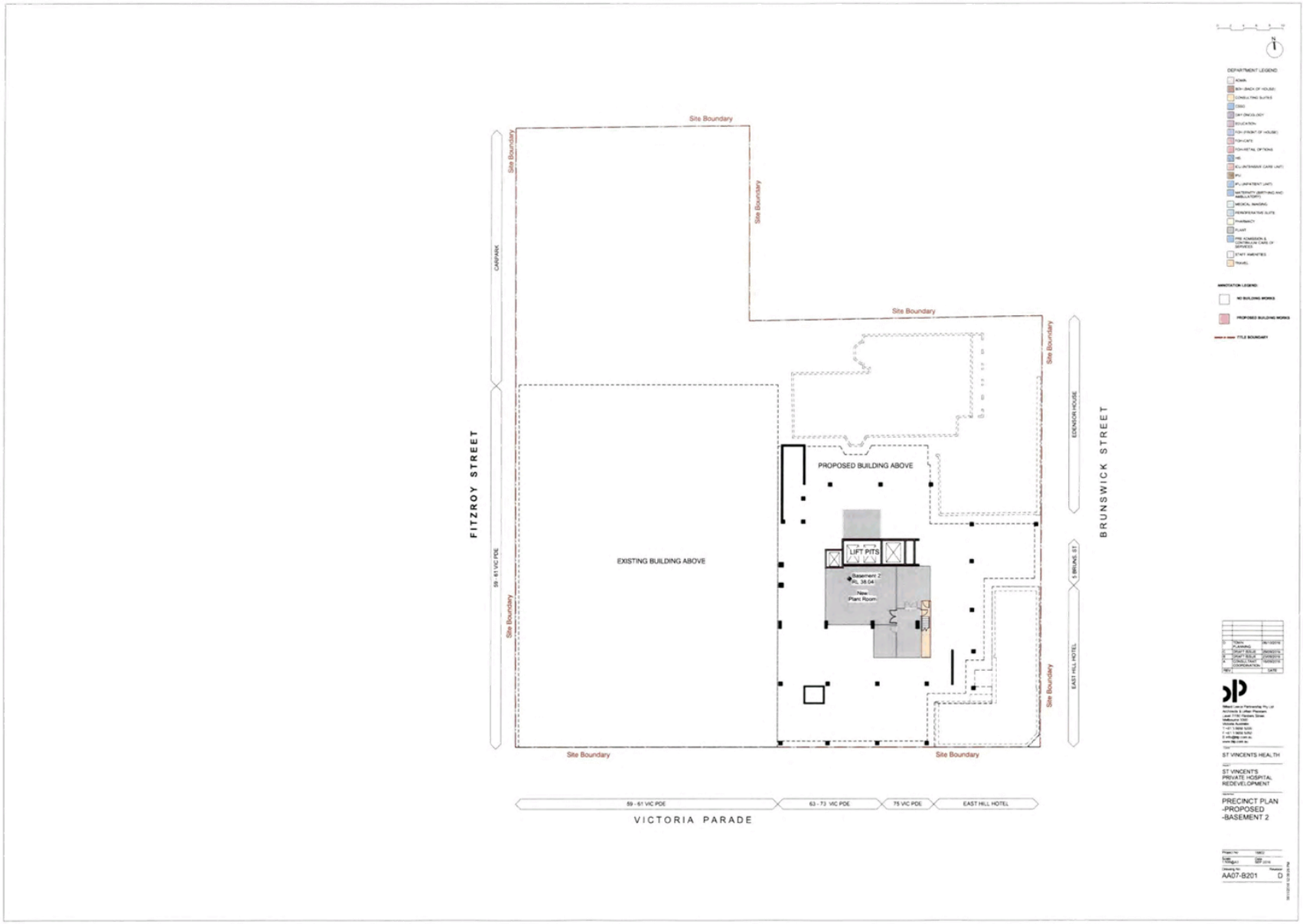
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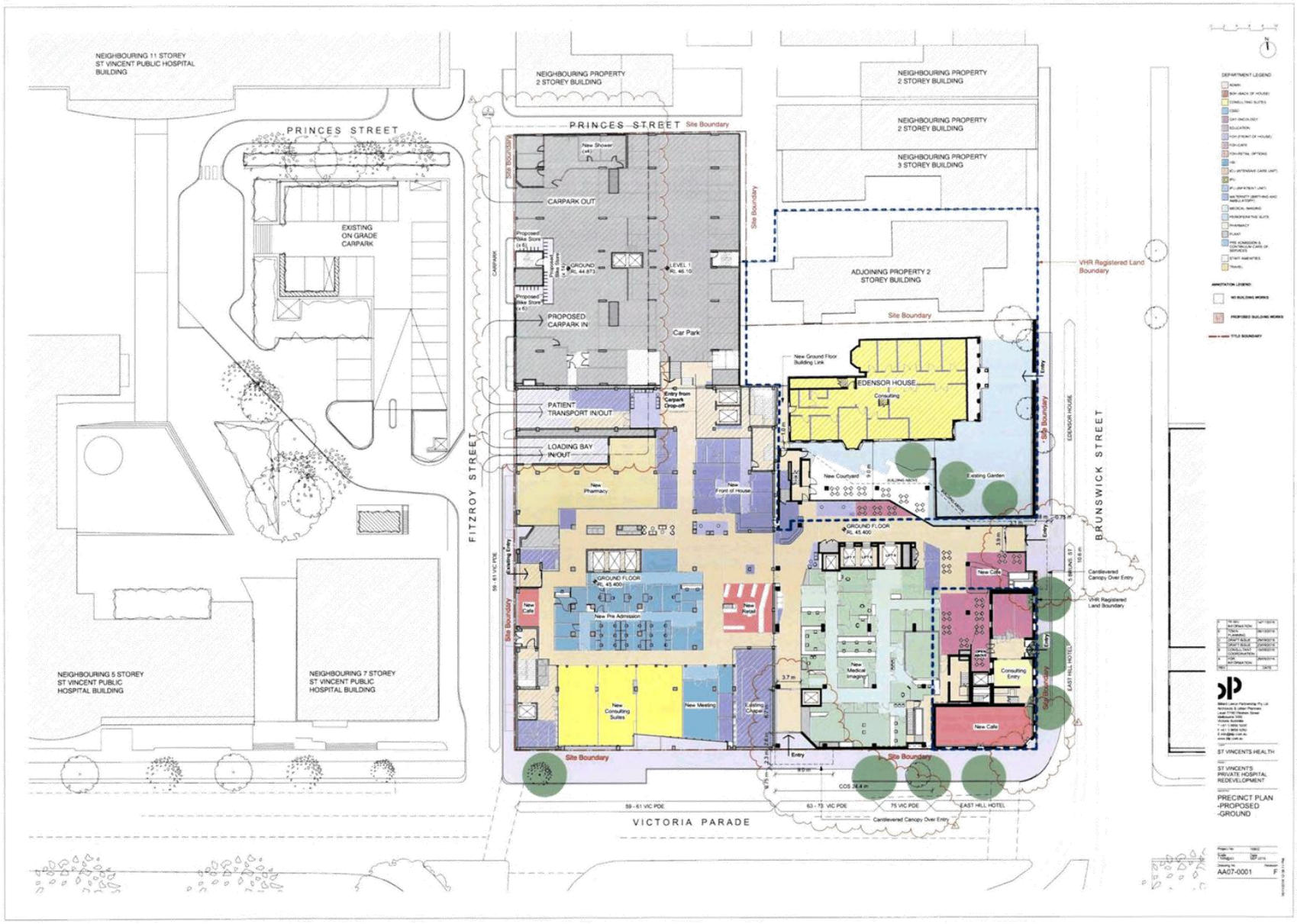
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Attachment 3 - Plans Part 2



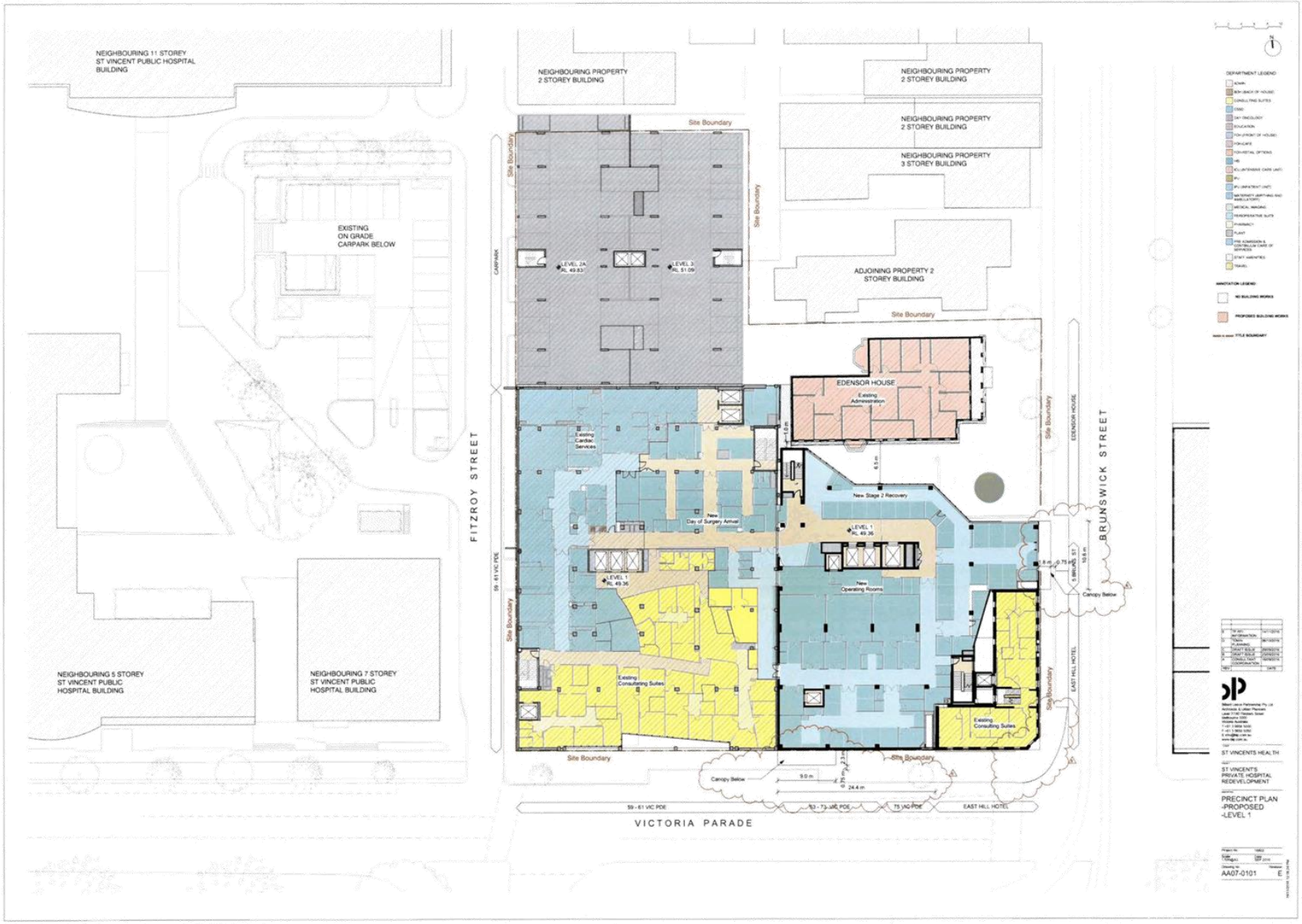
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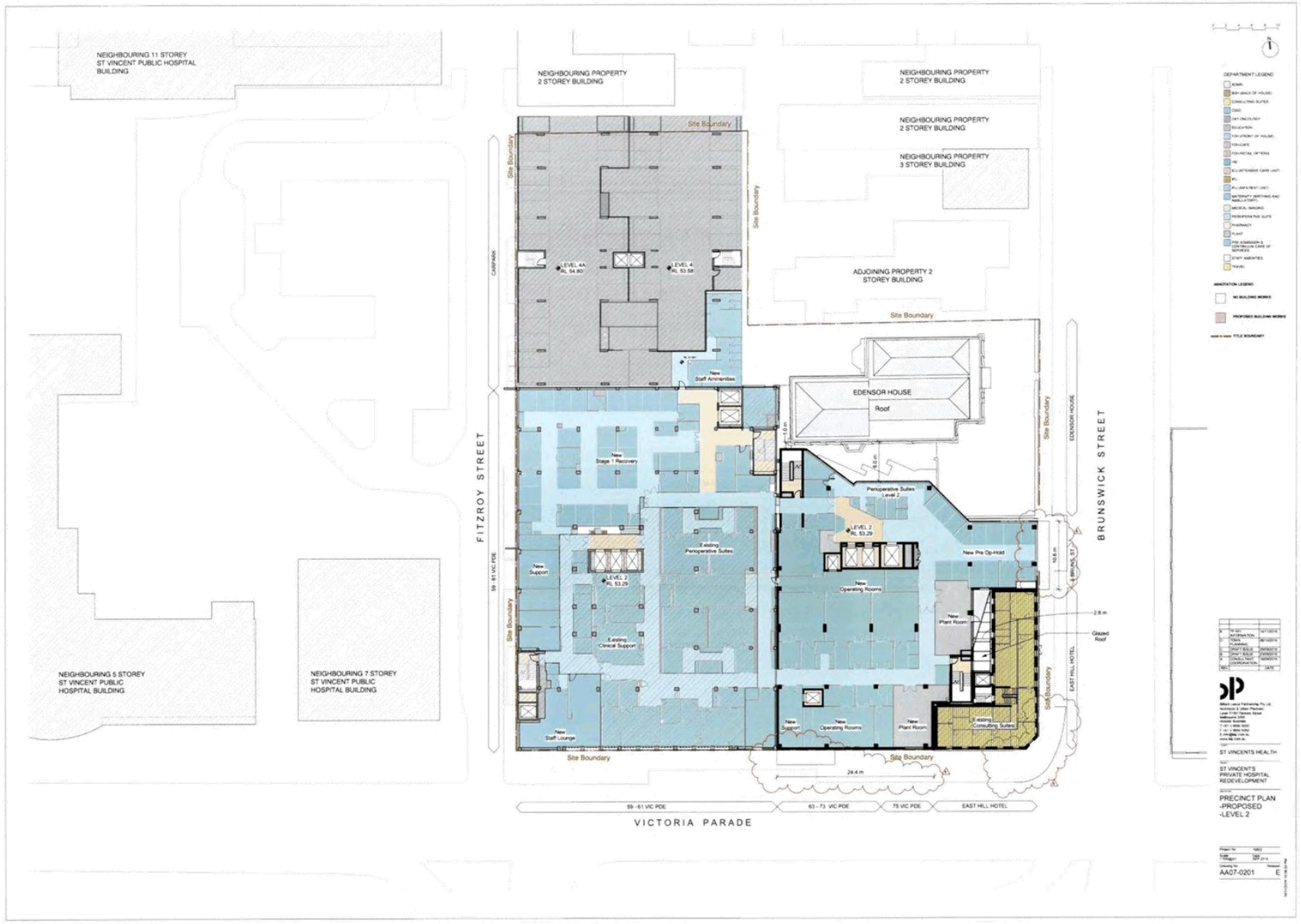
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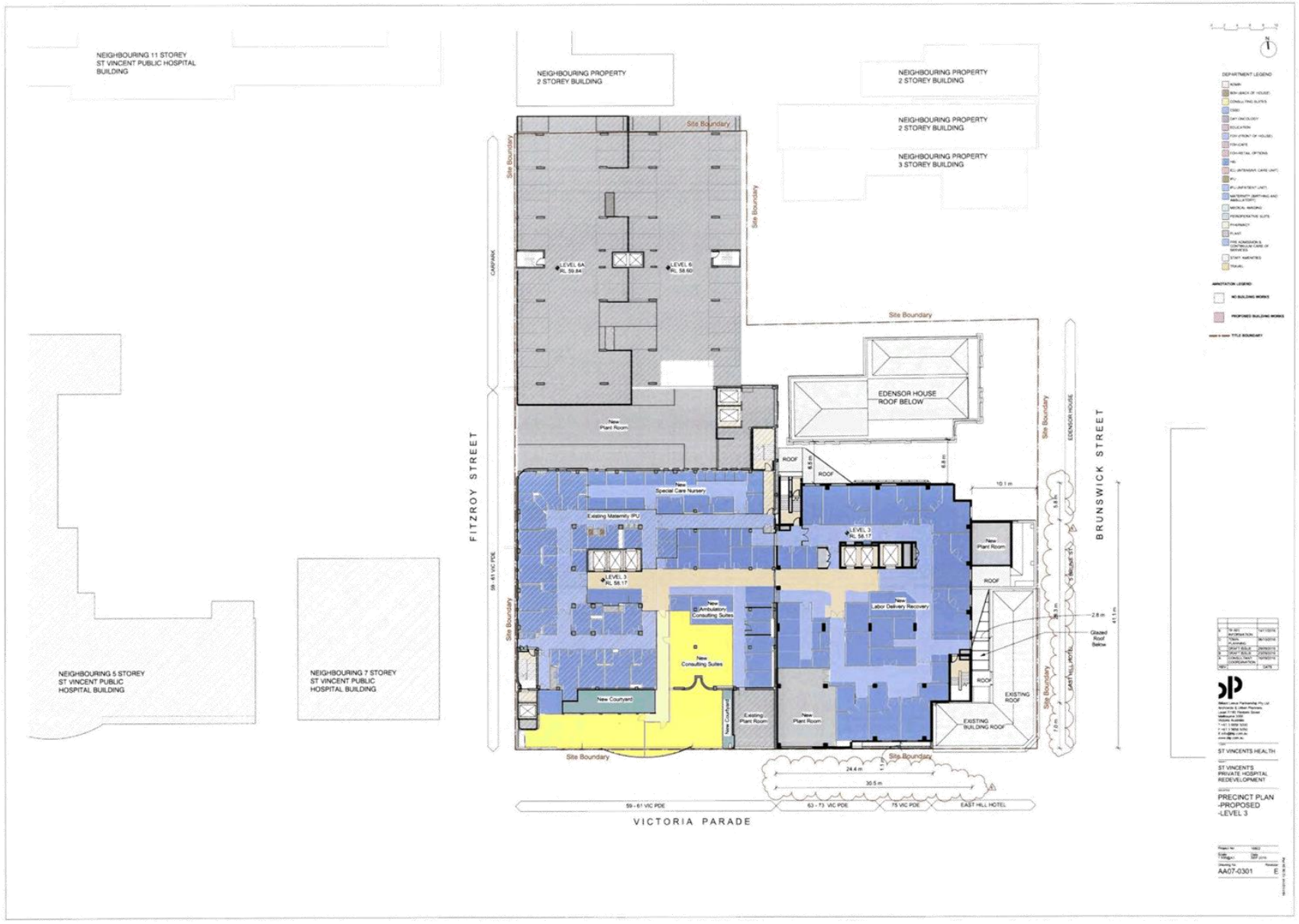
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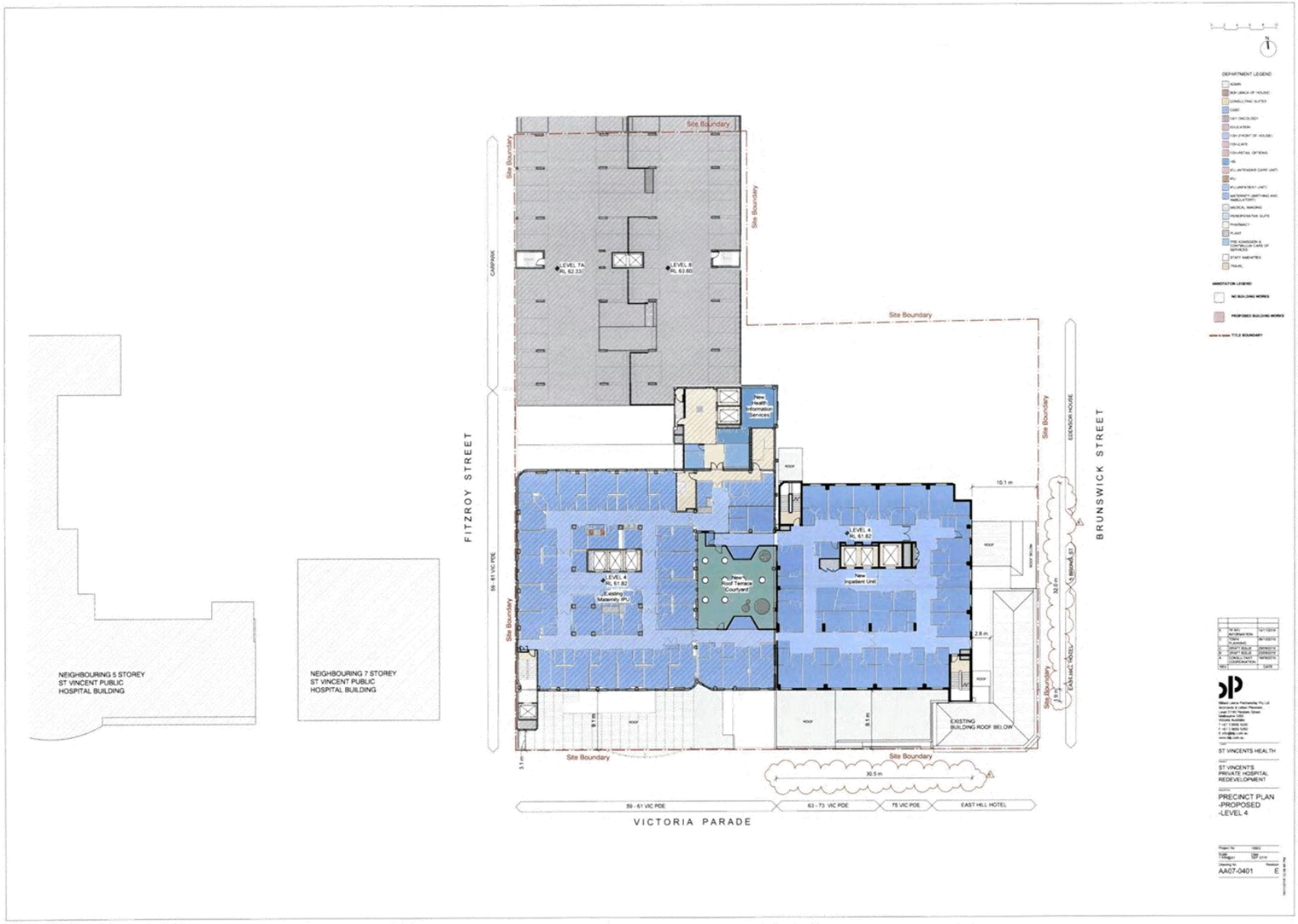
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Attachment 4 - Plans Part 3



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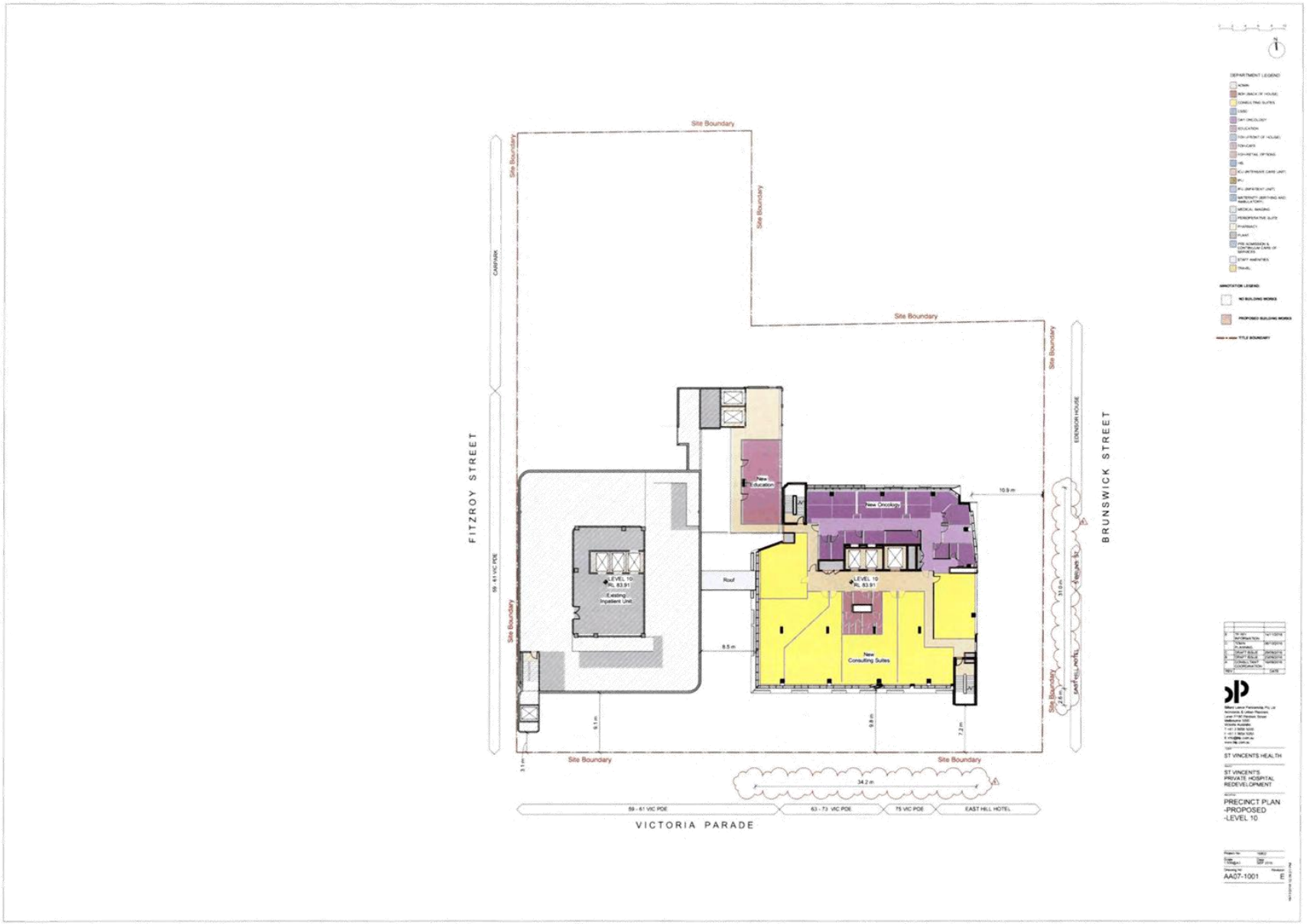
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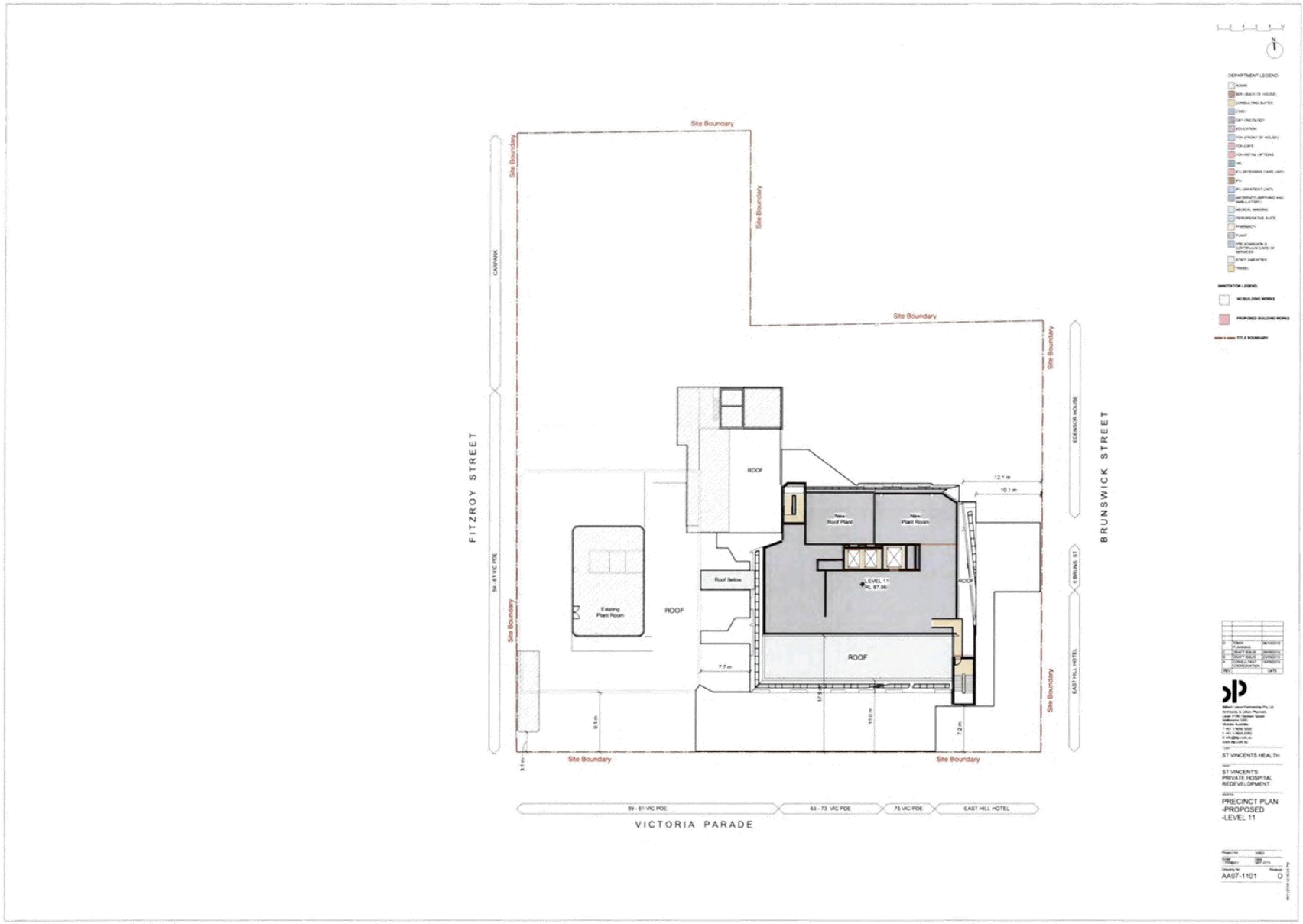
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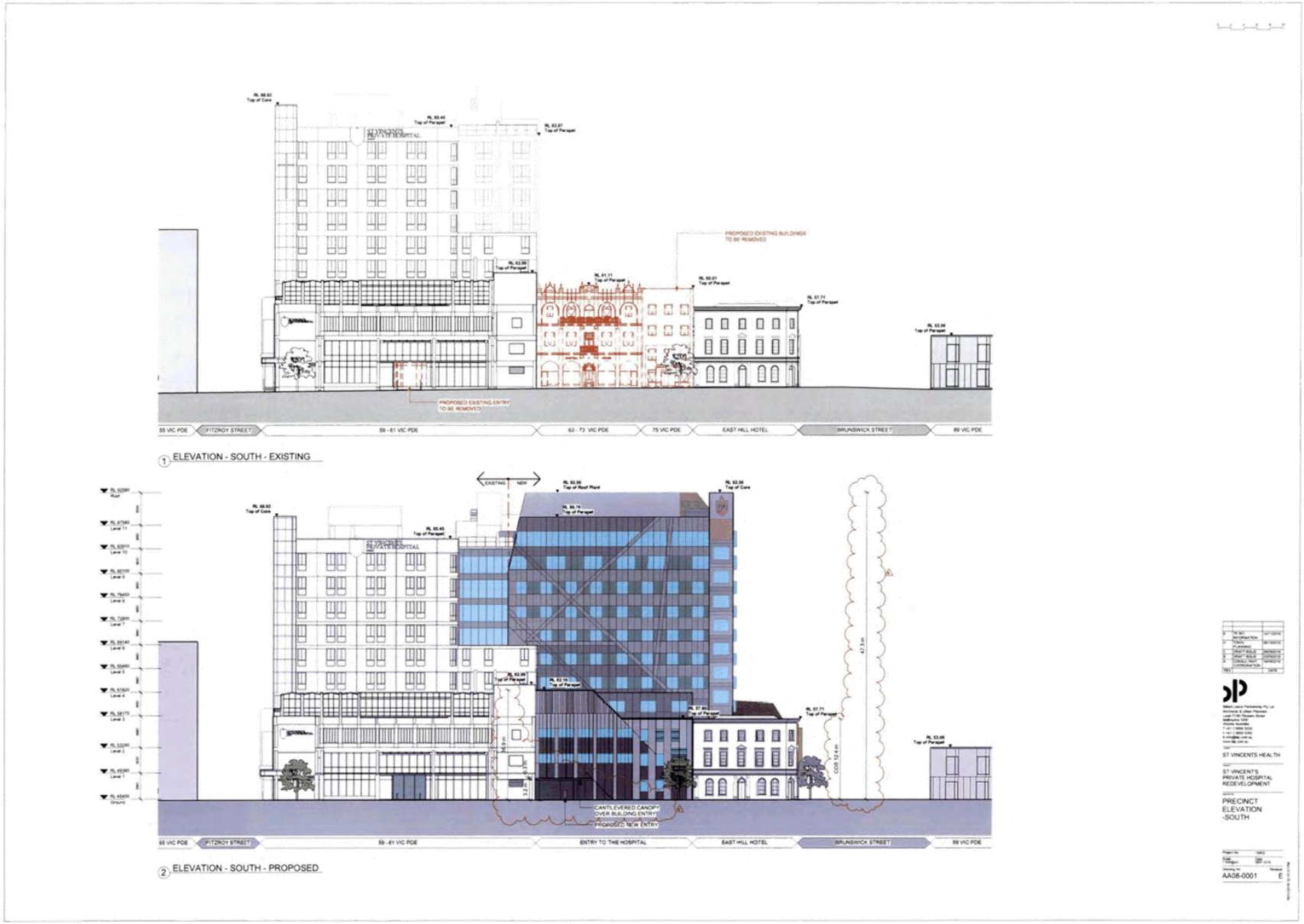
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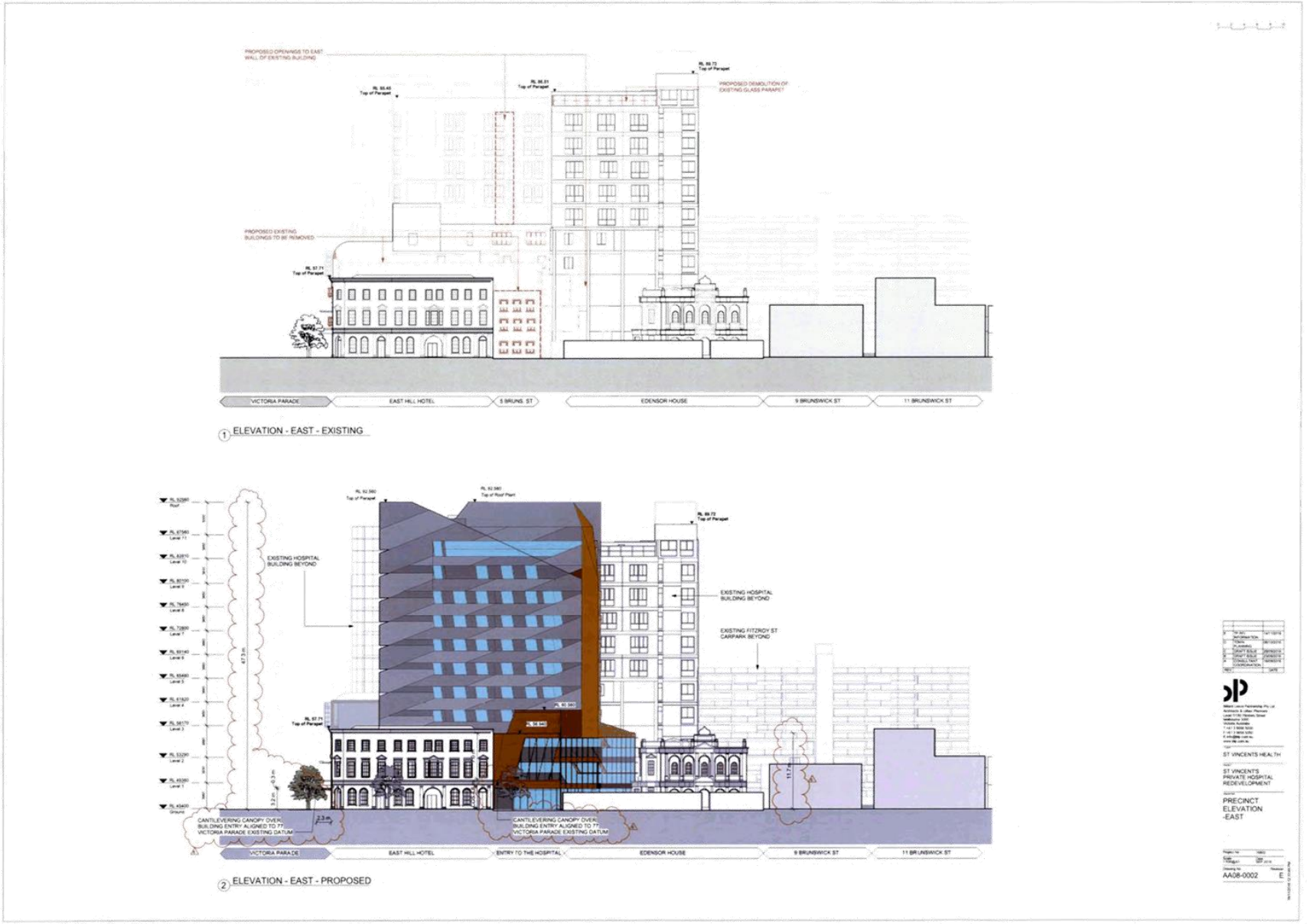
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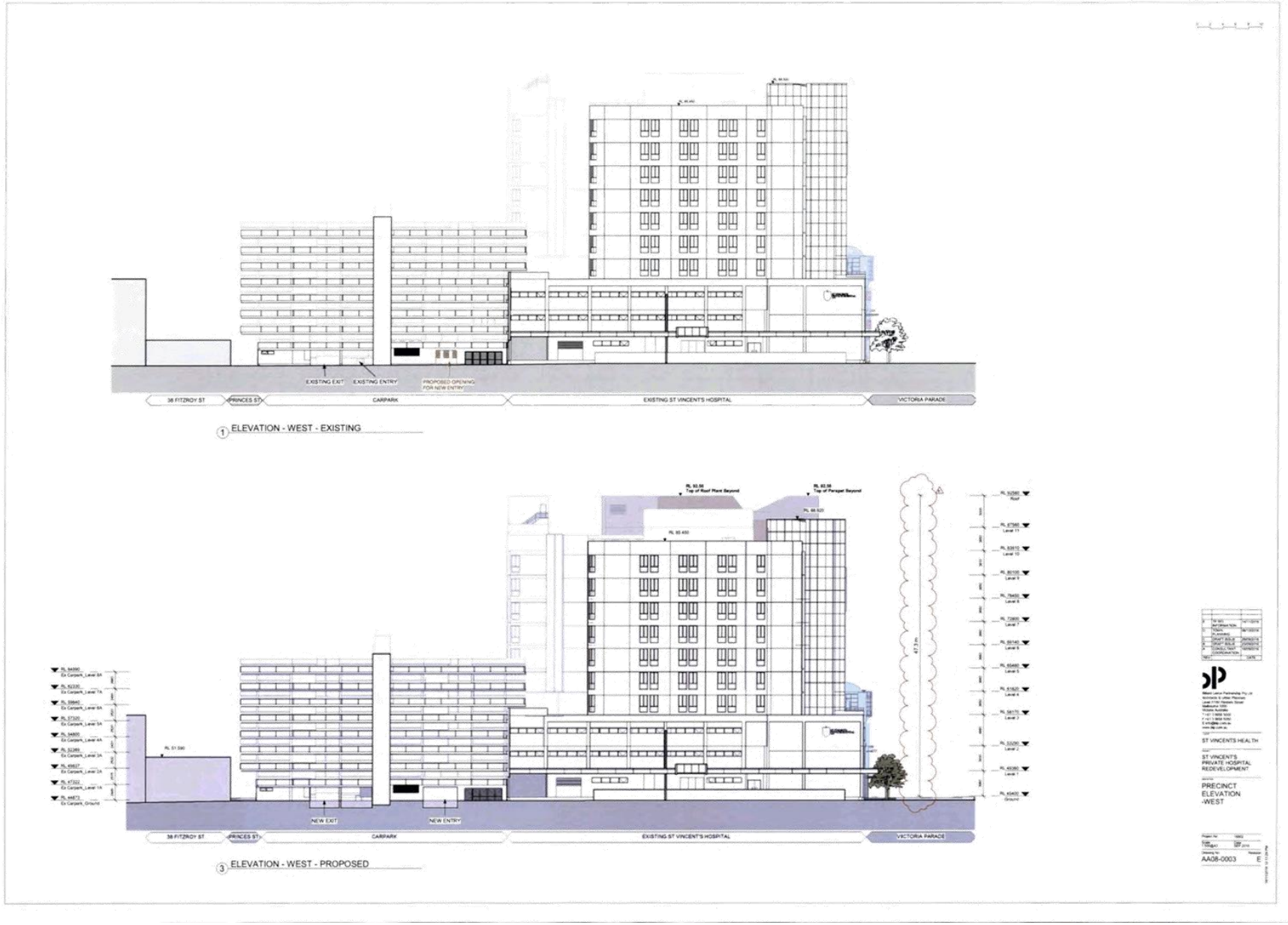
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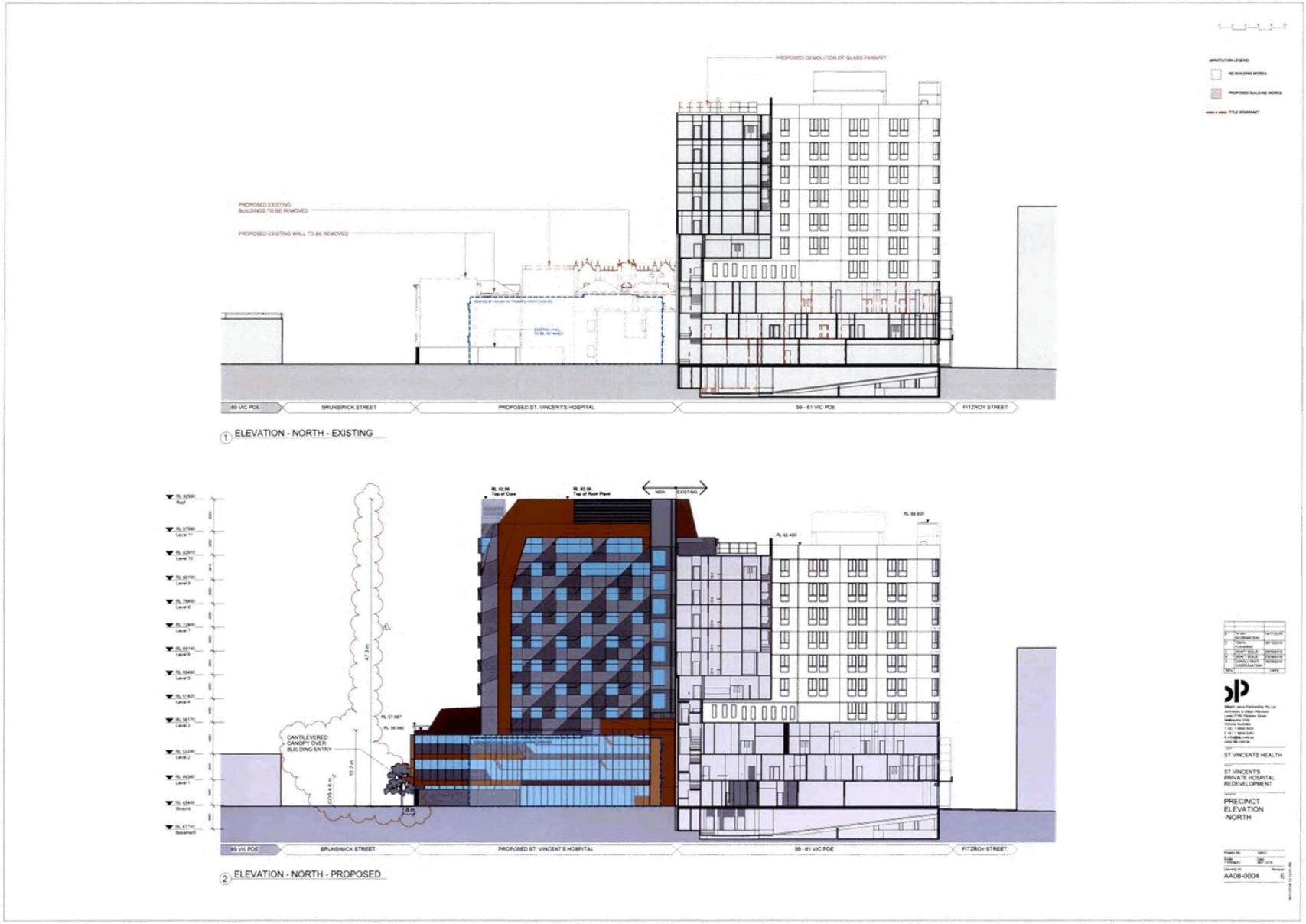
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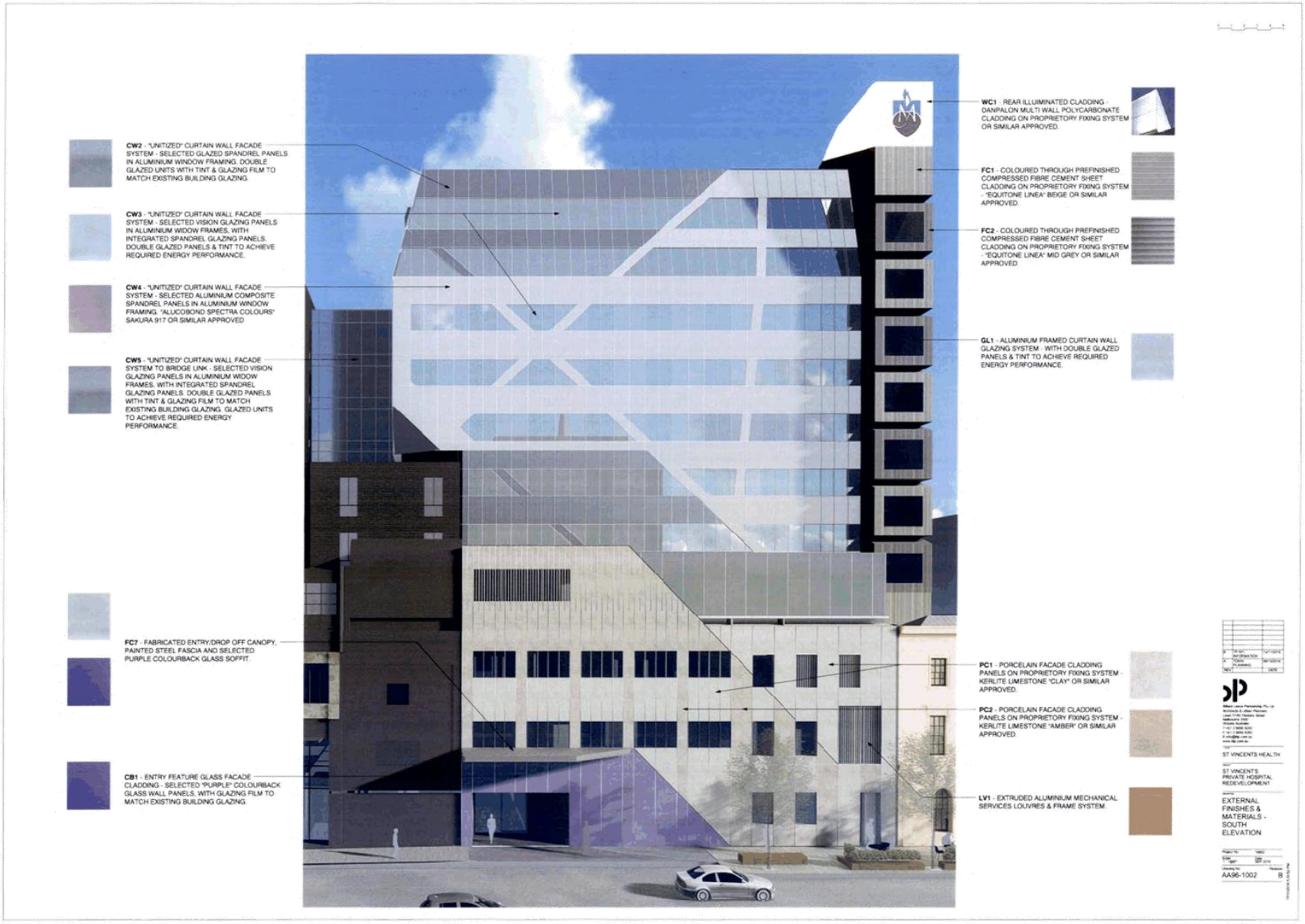
Attachment 4 - Plans Part 3



Attachment 5 - Plans Part 4



Attachment 5 - Plans Part 4



Attachment 5 - Plans Part 4



Attachment 5 - Plans Part 4



Attachment 5 - Plans Part 4



3D VIEW - CORNER BRUNSWICK STREET AND VICTORIA PARADE

ST VINCENTS HEALTH

ST VINCENTS
PRIVATE HOSPITAL
REDEVELOPMENT

PERSPECTIVE

AA97-0001 A

Attachment 5 - Plans Part 4



ST VINCENTS HEALTH

ST VINCENT'S PRIVATE HOSPITAL REDEVELOPMENT

PERSPECTIVE - ST VINCENT'S PLAZA

AA97-0002 A

Attachment 5 - Plans Part 4



ST VINCENTS HEALTH

ST VINCENTS PRIVATE HOSPITAL REDEVELOPMENT

PERSPECTIVE - VICTORIA PARADE

AA97-0003 A

Attachment 5 - Plans Part 4



AERIAL - NORTHEAST

ST VINCENTS HEALTH

ST VINCENTS PRIVATE HOSPITAL REDEVELOPMENT

PERSPECTIVE - NORTHEAST AERIAL

AA97-0004 A

Attachment 5 - Plans Part 4



3D VIEW - EAST VIEW



AERIAL - SOUTHWEST



3D VIEW - BRUNSWICK ST TOWARDS VICTORIA PARADE



AERIAL - SOUTHEAST

ST VINCENTS HEALTH

ST VINCENTS PRIVATE HOSPITAL REDEVELOPMENT

PERSPECTIVE - OVERALL

AA97-0005 A

Attachment 5 - Plans Part 4



3D VIEW - EDENSOR HOUSE



3D VIEW - CORNER VICTORIA PARADE & BRUNSWICK ST



3D VIEW - EAST ENTRANCE



3D VIEW - SOUTH ENTRANCE

ST VINCENTS HEALTH

ST VINCENTS PRIVATE HOSPITAL REDEVELOPMENT

PERSPECTIVE - STREET

AA97-0006 A

Attachment 6 - Plans Part 5



3D INTERIOR - COURTYARD



3D INTERIOR - EAST ENTRANCE



3D INTERIOR - SOUTH ENTRANCE



3D INTERIOR - WAITING

ST VINCENTS HEALTH

ST VINCENTS PRIVATE HOSPITAL REDEVELOPMENT

PERSPECTIVE - INTERIOR

AA97-0007 A

Attachment 7 - 'Sketch plans' and explanatory information

CITY OF YARRA
0 3 APR 2017
RECEIVED - CRU

MEINHARDT

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www.meinhardtgroup.com

3 April 2017

City of Yarra
Statutory Planning Department
PO Box 168
RICHMOND, VIC 3121

ATTENTION: James Sutherland

Dear James,

RE: St Vincent's Private Hospital
Planning Permit Application: PLN16/0925 (Hospital)

Thankyou for your e dated 7 March 2017 with queries and suggested minor alterations to the above application. We understand that your comments follow Council's own urban design, heritage, and engineering review.

We have considered these comments in good faith and look forward to working with Council towards approval of the hospital and hospital car park applications. We understand that the information below and attached may assist Council in determining the application and preparing conditions on any permit granted.

Please note that this letter is accompanied by:

- Architectural Plans (Appendix A)
- Landscape Plans (Appendix B)
- Materials Board (Appendix C)

RESPONSE TO COUNCIL COMMMENTS

Victoria Parade & Brunswick Street Entry

Council has sought information as to whether public seating could be provided nearest the Victoria Parade entry.

A seating nook has been provided at the Victoria Parade entry just beyond the airlock. The seating is located within the building and has a sight line to the new undercover public drop-off space.

Please refer to attached architectural sketches:

- SK_TP_02 for location of seating and improved undercover drop off on Victoria Parade.
- Refer also to SK_TP_10 for elevation details of canopy location.

Attachment 7 - 'Sketch plans' and explanatory information

MEINHARDT

Bicycle Parking

We have considered the opportunity to increase the bike parking/end-of-trip offering including public/visitor parking on the street. We confirm that modifications have been made to the basement level of the Fitzroy Street car park to accommodate additional staff bicycle parking and end of trip facilities.

The bicycle storage room has been relocated and expanded to provide secure employee bicycle parking for approximately 70 bicycles, with shower/changeroom and lockers located immediately adjacent to the drop-off entrance lobby. These facilities will be provided in addition to those initially proposed on the ground level of the Fitzroy Street car park, including 12 visitor and 14 staff bicycle spaces.

The above bicycle facilities will be supplemented by additional visitor bicycle parking proposed to be accommodated along the Victoria Parade and Brunswick Street frontages. These locations will respectively accommodate 20 and 12 spaces on double-sided hoops.

In total, the hospital will provide 84 staff and 44 visitor bicycle parking spaces. This provision far exceeds the 16 space requirement of the Planning Scheme and is considered appropriate for the use.

Please refer to architectural sketches and landscape drawings:

- Architectural Drawing SK_TP_01 attached at Appendix A shows new End of Trip facilities next to the main entry from the carpark as well as extra staff bike parking.
- Refer to Landscape drawing TP002 attached at Appendix B for additional on street public bike parking.

Materials and finishes

We have considered the areas of uncertainty associated with CFCC material details as per paragraph 82 of the MGS Independent Urban Design Advice. The CFCC materials have been updated with a choice of either Thin Poreclain cladding or thin extruded concrete panels. The physical materials board has been delivered to you.

Please refer to the architectural scan of the materials board below:

- Architectural Drawing SK_TP_15 attached at Appendix A showing the materials board.

Indicative facade cross-sections have been provided to demonstrate the level of articulation and depth indicated in plans but not shown on sections as per paragraph 83 of the MGS Independent Urban Design Advice.

The north, south and east sections provided clearly show the development of light, shade and depth in articulation across the facades to assist in creating a narrative of support for the project.

Please refer to the following architectural sketch:

- Refer to SK_TP_12 to 14 found at Appendix A for facade details.

Attachment 7 - 'Sketch plans' and explanatory information

MEINHARDT

Height / Urban Design

Paragraph 86 of the MGS Independent Urban Design Advice has been considered and the abutting entry to the historic Eastern Hotel has been fully indented to allow for the reading of the historic building and its return into the site to be read. The top of the canopy of the abutting entrance has also been aligned with the cornice of the Eastern Hotel to provide enhanced legibility of this important corner site. Please refer to the following architectural sketch below:

- SK_TP_06 - 09 & 11 found at Appendix A for plan and elevation details of interface with the Eastern Hill Hotel

We note comments made in paragraph 87 of the MGS Independent Urban Design Advice. Please note that has the 1m x 1m rebate and glazing shown on the level 1 plan is now depicted in the Victoria Parade (south) elevation to reveal the corner of the Eastern Hotel. The finish and materials of the level 3 south-eastern corner above the Eastern Hotel has also been clarified.

Please refer to the following architectural sketches:

- SK_TP_10 found at Appendix A for elevation details of rebate and glazing at the interface with the Eastern Hill Hotel.
- SK_TP_09 found at Appendix A for plan details of level 3 corner above the Eastern Hotel.
- SK_TP_15 attached at Appendix A showing the materials board.

Recommendation 3a of the MGS Independent Urban Design Advice has been considered and details of the south-eastern corner site (Eastern Hotel) at level 2 and 3 has been provided. The façade of the new hospital at the Brunswick Street and Victoria Parade interfaces chamfer back to the ground level indent to allow the corners of the Eastern Hotel to return into the site and to be read in the round. The drawings also align plans and elevations in terms of external expression of fenestration & internal use.

Please refer to the following architectural sketches:

- SK_TP_02 - 11 found at Appendix A includes plan and elevation details of podium level interface with the Eastern Hill Hotel.

Heritage

Lovell Chen, Heritage Architects for the project have reviewed comments provided by Council. Their comments are provided below for your consideration.

The heritage advisor has identified some concerns with the new development, including the impact of the new building on the significant 1970s private hospital building; the impact of the new building component to Brunswick Street, between the Eastern Hill Hotel and Edensor; and the impact of the new building where it encroaches into the space on the west side of the Eastern Hill Hotel (where the existing hotel wing is proposed for demolition).

For the 1970s private hospital building, issues are raised in relation to the setback(s) to the upper level(s) to the south/Victoria Parade elevation, combined with the height and width of the new building. The heritage advisor also identifies concerns with the façade treatment of the new building, and seeks a more neutral appearance, including 'no obvious pattern of windows' (bands or individual windows); and raises issues to do with materiality and the expression of the upper levels of the building.

Attachment 7 - 'Sketch plans' and explanatory information

MEINHARDT

In relation to the new building component to Brunswick Street, between the Eastern Hill Hotel and Edensor, the heritage advisor recommends that the new building be setback further from Brunswick Street on the north side of the Eastern Hill Hotel, to help reveal more of the north elevation of the historic building. Rob McGauran recommends a similar approach.

The relationship between the 1970s hospital building and the new building is addressed in the Lovell Chen HIS report, where it is noted that the difference in scale is not excessive and will not result in the new building dominating or overwhelming the earlier hospital building. The separation between the buildings assists with moderating the difference in scale. The form and massing of the new building, where it 'tilts' or angles away from the heritage building at the upper levels, and the lighter materials to the upper levels, also moderate the scale of the new building when seen in relation to the 1970s building. These aspects of the design help to mediate the potential impacts, and very much lessen them. As a hospital building, with very specific floor layouts and functions, it is also understood that the proposed floor plans and internal layouts meet very specific requirements, and it is not necessarily easy to accommodate further setbacks to Victoria Parade.

Regarding the heritage advisor's concerns with the façade treatment, it is my understanding that BLP modified the expression of the lower levels of the building to Victoria Parade in response to previous heritage advice received from Council. The latter noted that the design of the new building did not respect the character of the 1970s hospital or former hotel, with their solid walls and punched openings. BLP subsequently made changes to the façade design, to give it more of this traditional character and expression. The current approach is supported, and is well integrated with the remainder of the new building facade. Regarding the materiality of the façade, the possibility of incorporating more brick into the lower level, even in a limited capacity, can potentially be addressed. While the treatment of the upper façade is more of an urban design issue, this is a situation where the development is atypical in the South Fitzroy context, and the design of the new building can step away, to a reasonable degree, from the normal heritage policy considerations regarding new building design.

On the recommendation that the new building to Brunswick Street should be setback further from the street on the north side of the Eastern Hill Hotel, to help reveal more of the north elevation of the hotel, further design and detailing of this corner of the new building can help address this issue and improve the relationship with the hotel. The hotel building, at its north end, will read as a more 'finished' building with a reveal/setback in this location. Beyond this, it is also noted that the north wall of the historic hotel is in effect the rear wall of the long east wing to Brunswick Street, and is not a wall which was designed for full visibility. Furthermore, there was historically a building to Brunswick Street built up hard against this wall, which the heritage advisor acknowledges. Historic images included in the Former Eastern Hill Conservation Management Plan (Lovell Chen 2012/2016) shows the adjoining building was historically two storeys, and in existence from at least the 1860s to the 1960s; the current adjoining building is three storeys. The proposed new building will not materially change this situation.

Regarding the encroachment into the space on the west side of the Eastern Hill Hotel, is acknowledged that the new building will extend into the area of the (to be) demolished lower scale wing and the existing courtyard. Heritage Victoria will determine this aspect of the proposal, but it is our view that the visual and physical separation between the retained hotel and the new building is an effective means of helping to address this proximity and perceived encroachment.

Attachment 7 - 'Sketch plans' and explanatory information

MEINHARDT

We trust that the submitted information is to your satisfaction. We understand that the information below and attached may assist Council in determining the application and preparing conditions on any permit granted.

Please contact me on 8676 1320 or tom.harrington@meinhardtgroup.com if you have any queries regarding the application.

Yours sincerely,

Meinhardt Infrastructure & Environment Pty Ltd

Tom Harrington
State Manager- Vic
Director- Planning

Att:

Architectural Plans (Appendix A)
Landscape Plans (Appendix B)
Materials Board (Appendix C)

Attachment 7 - 'Sketch plans' and explanatory information

MEINHARDT

APPENDIX A

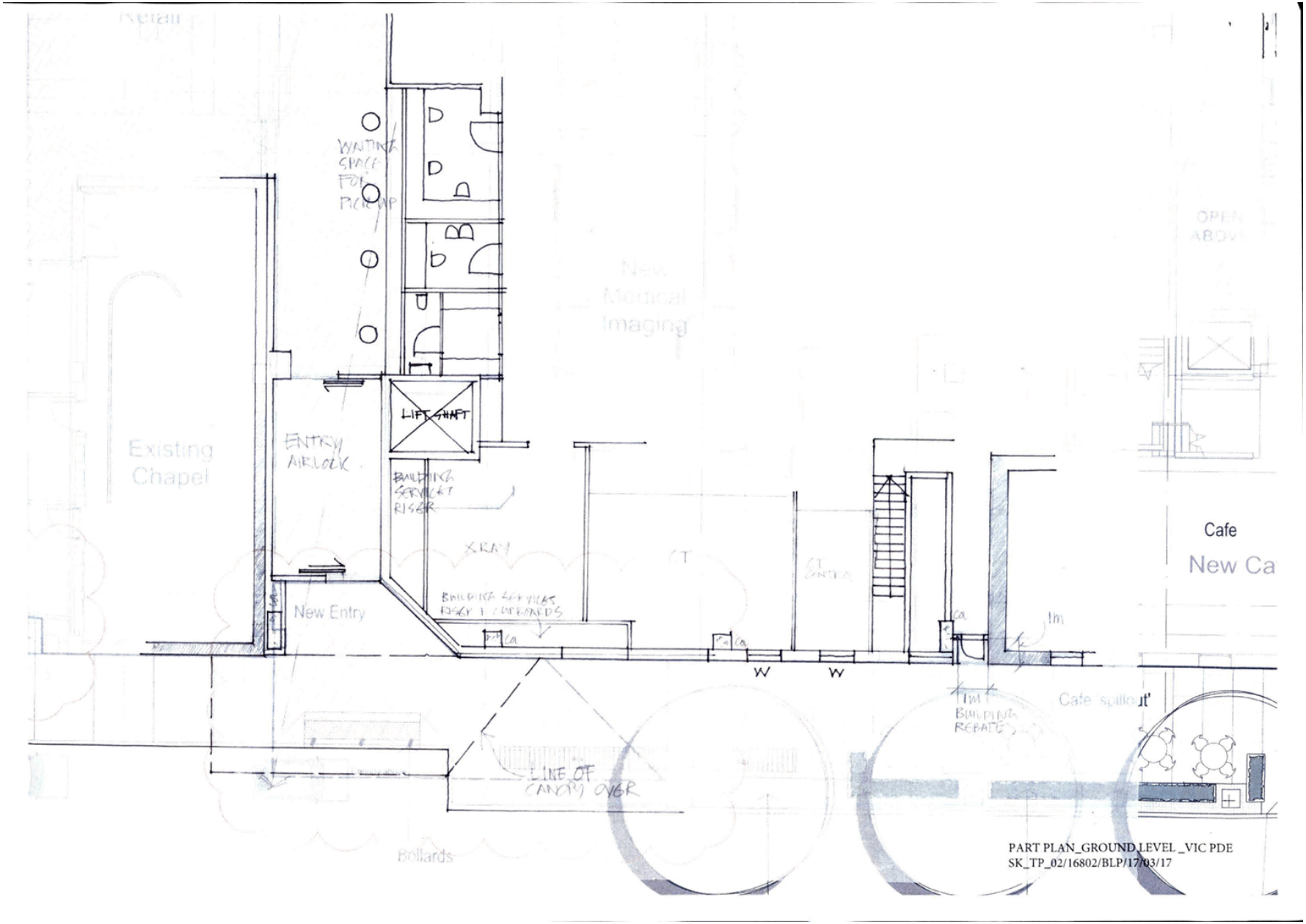
Architectural Plans and Elevations

St Vincent's Private Hospital

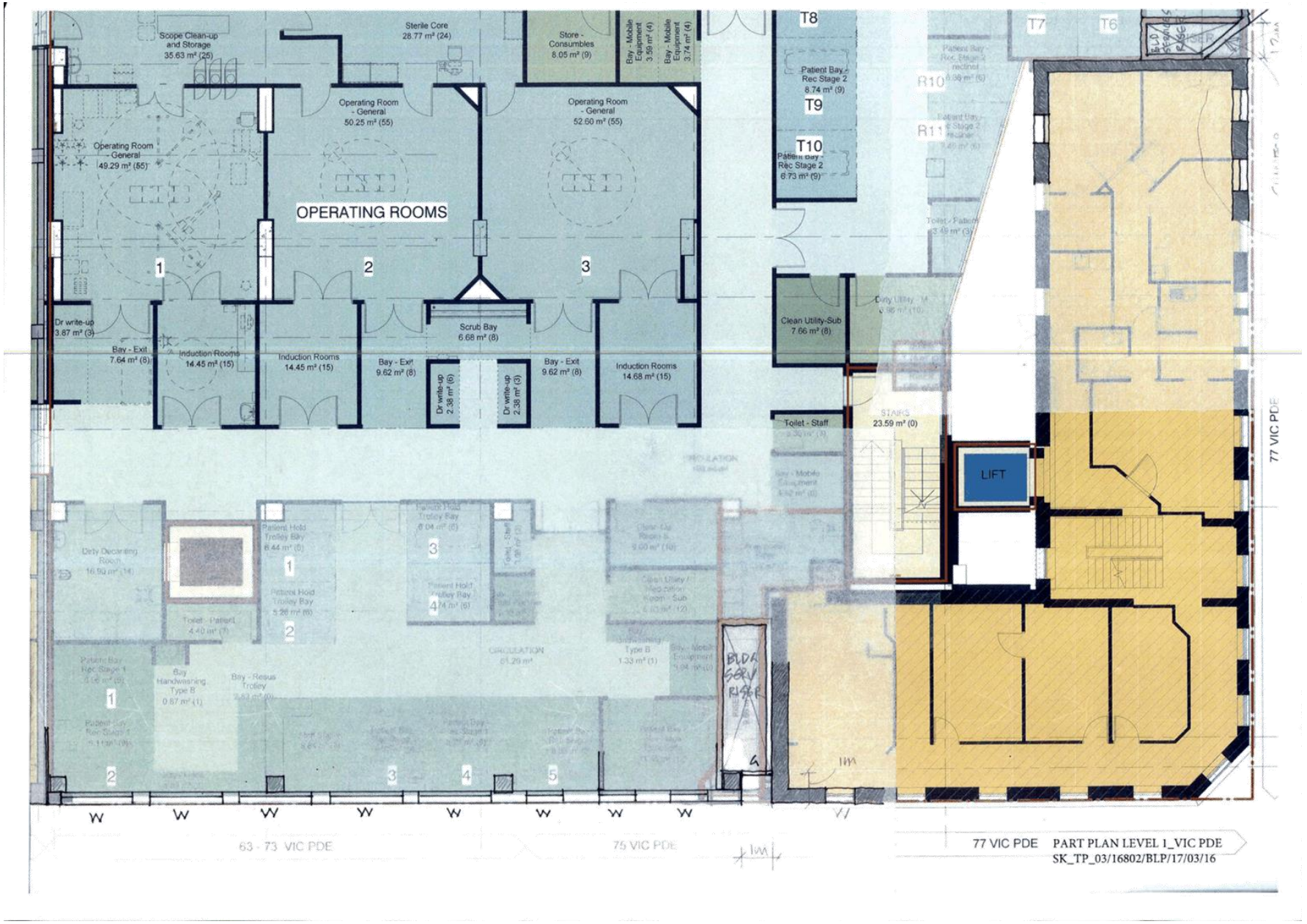
Attachment 7 - 'Sketch plans' and explanatory information



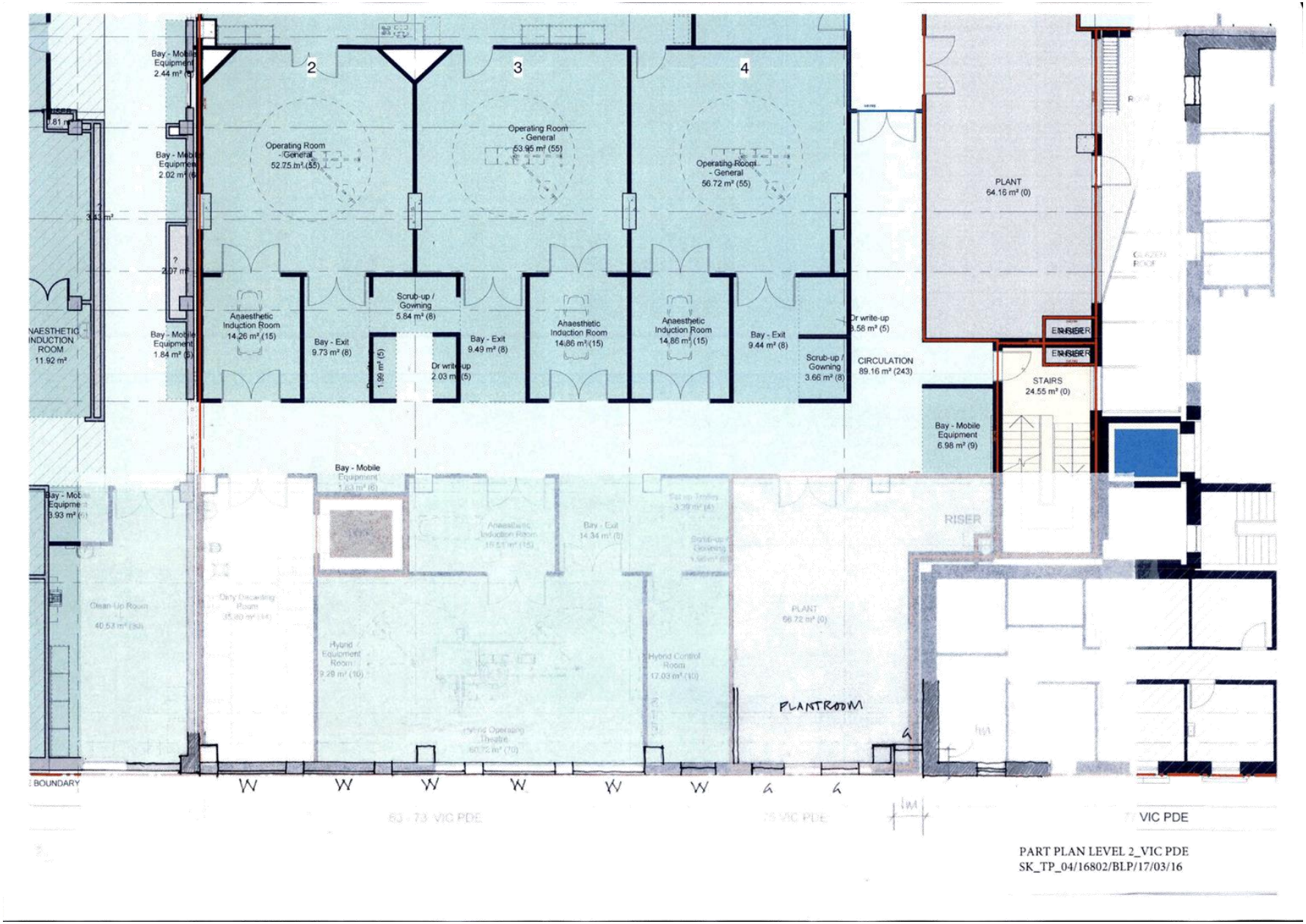
Attachment 7 - 'Sketch plans' and explanatory information



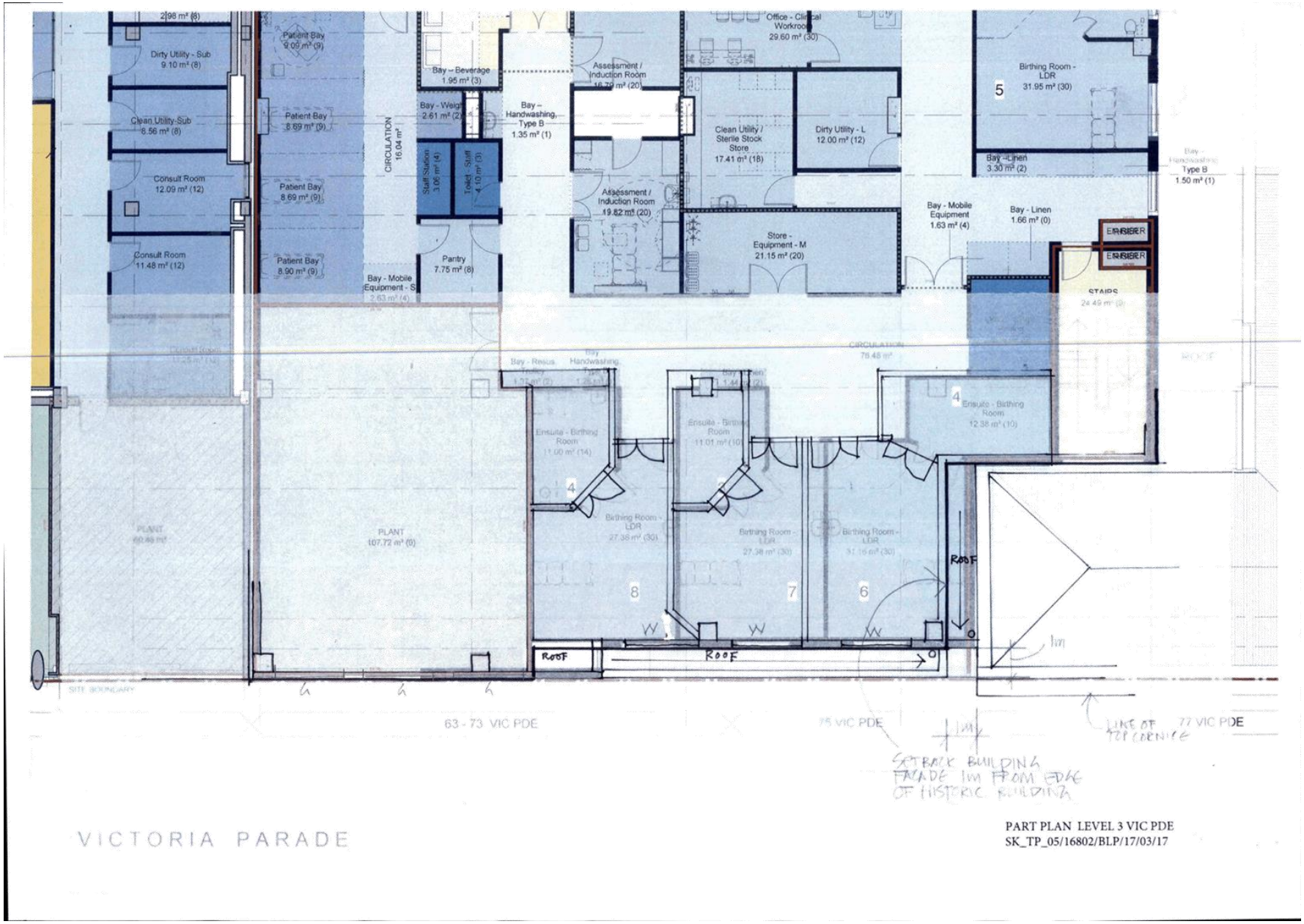
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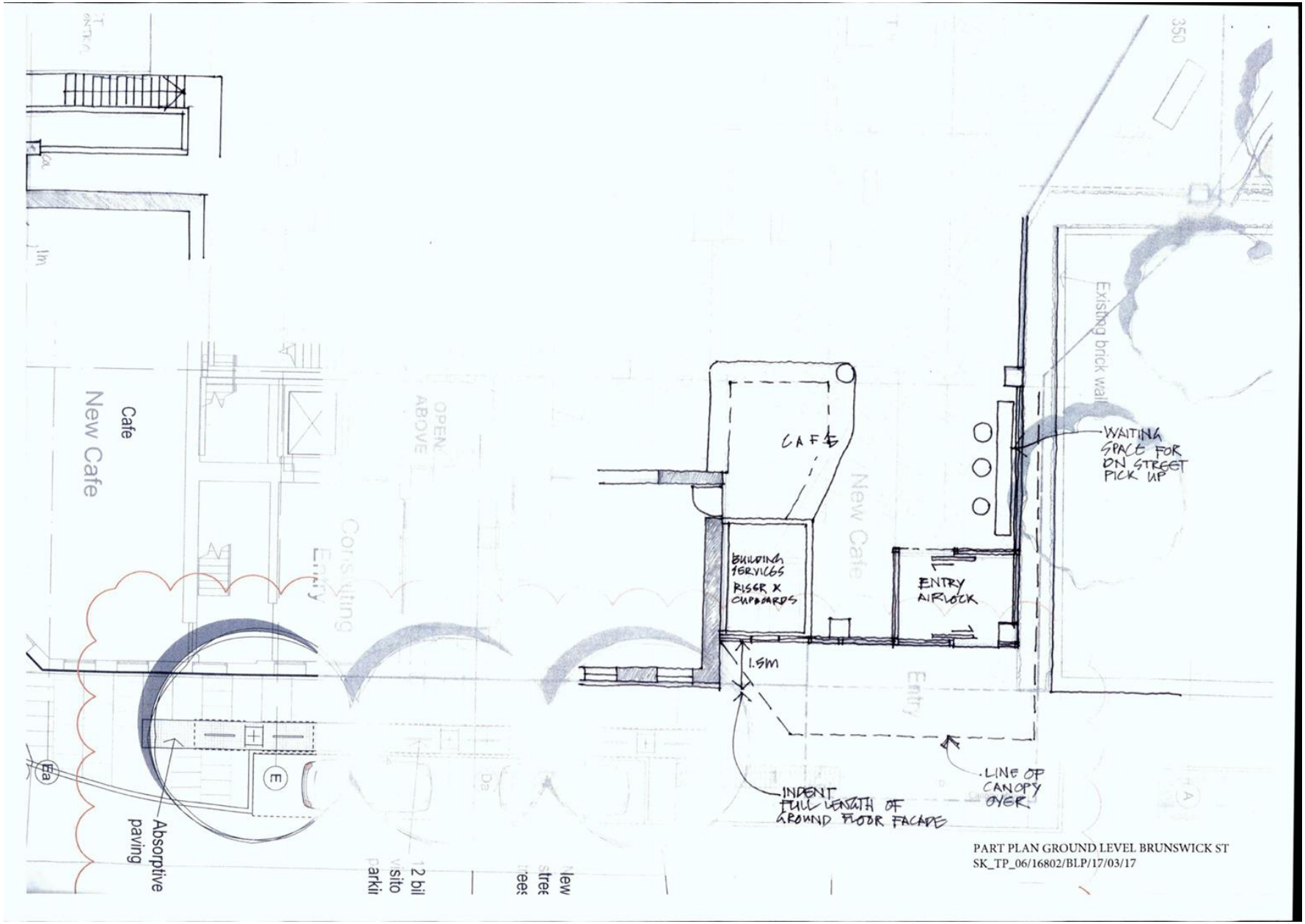
Attachment 7 - 'Sketch plans' and explanatory information



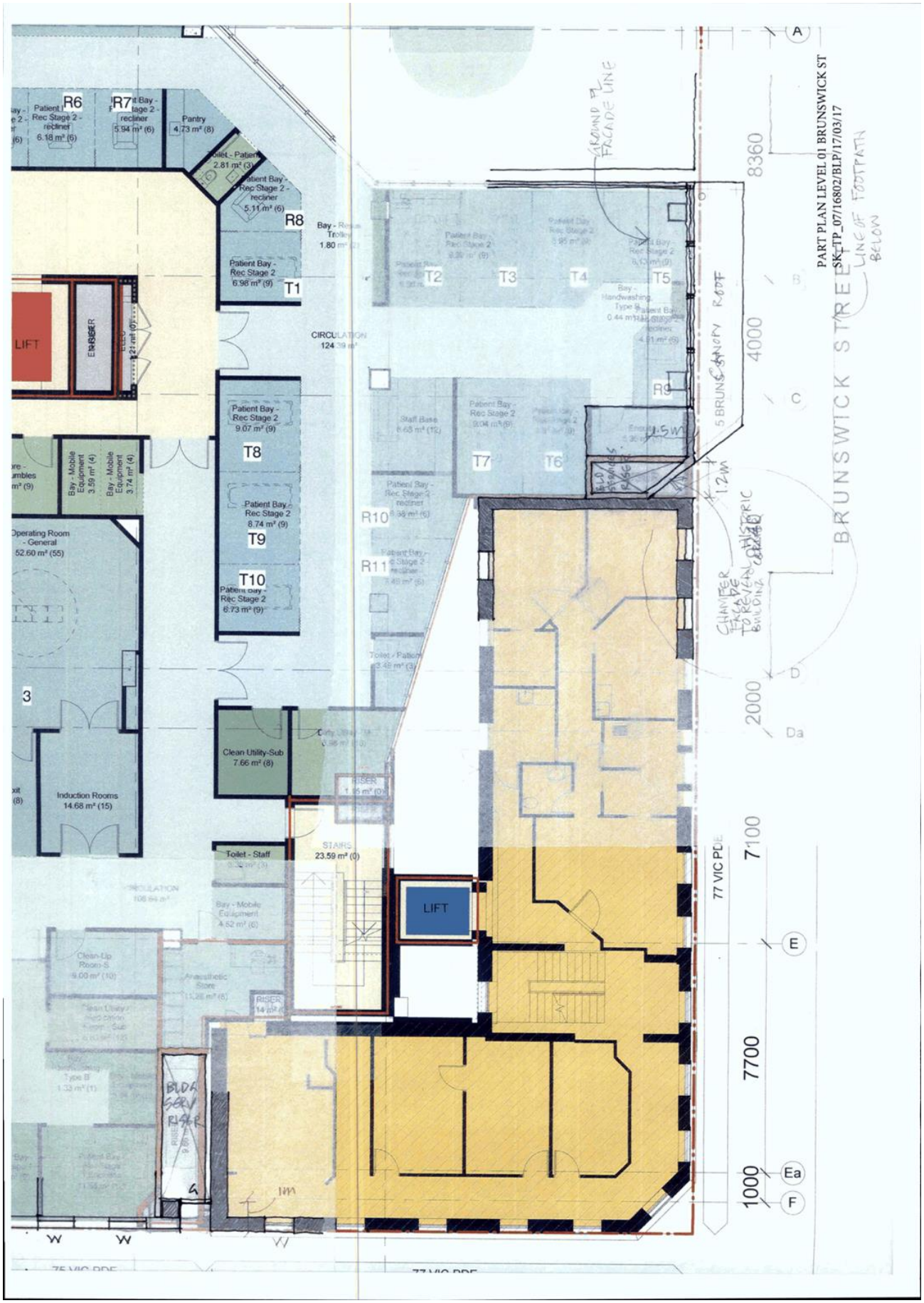
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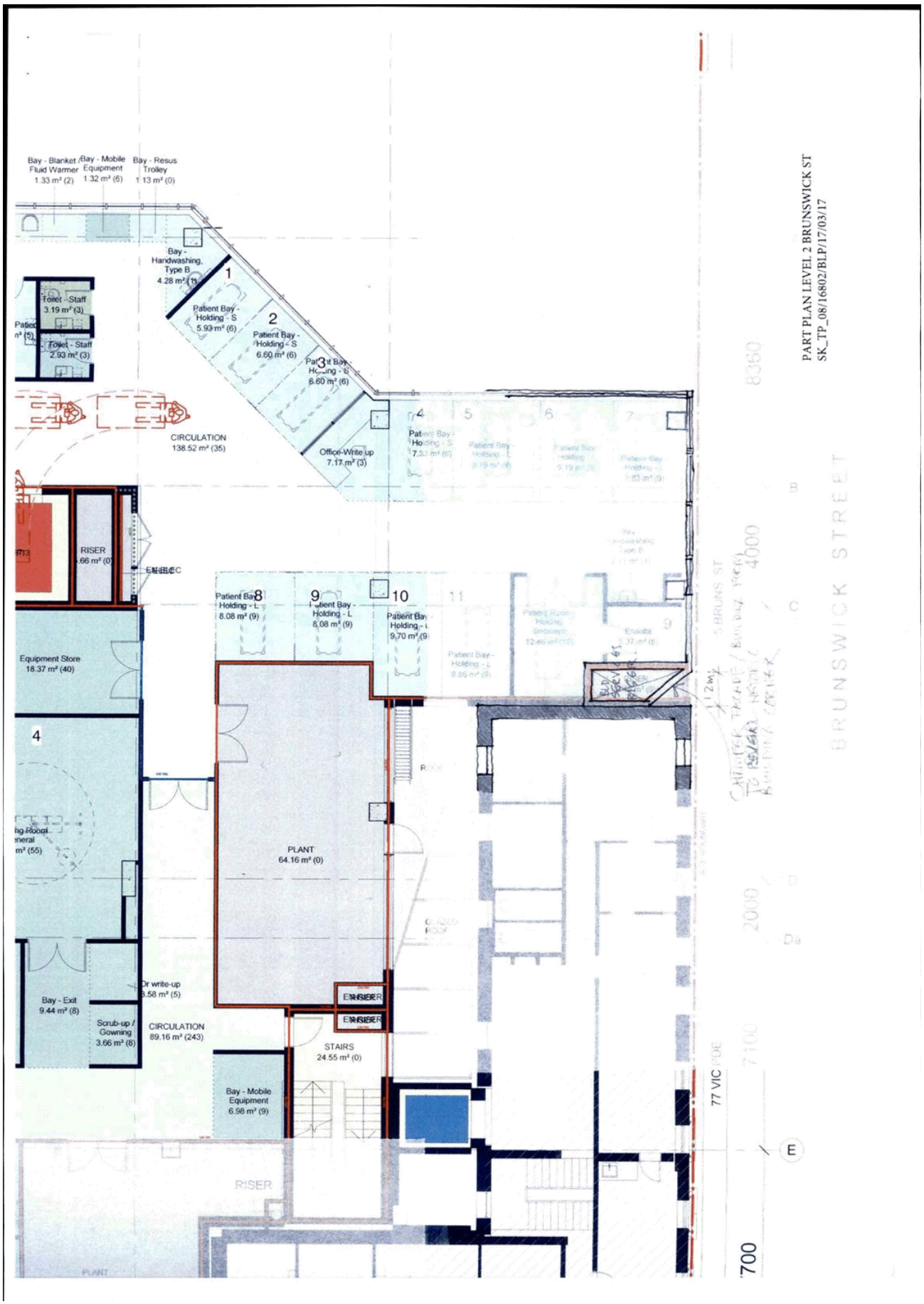
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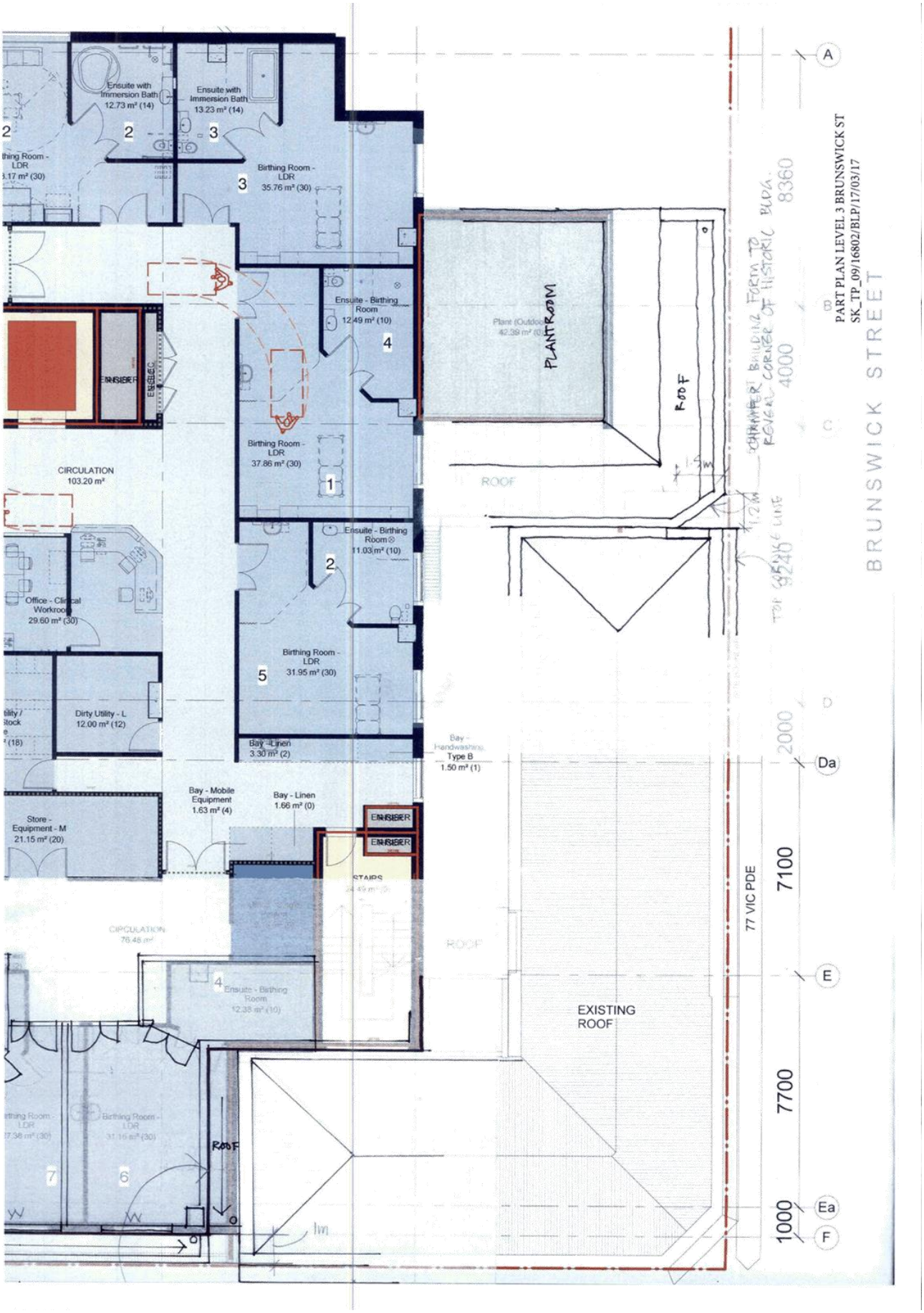
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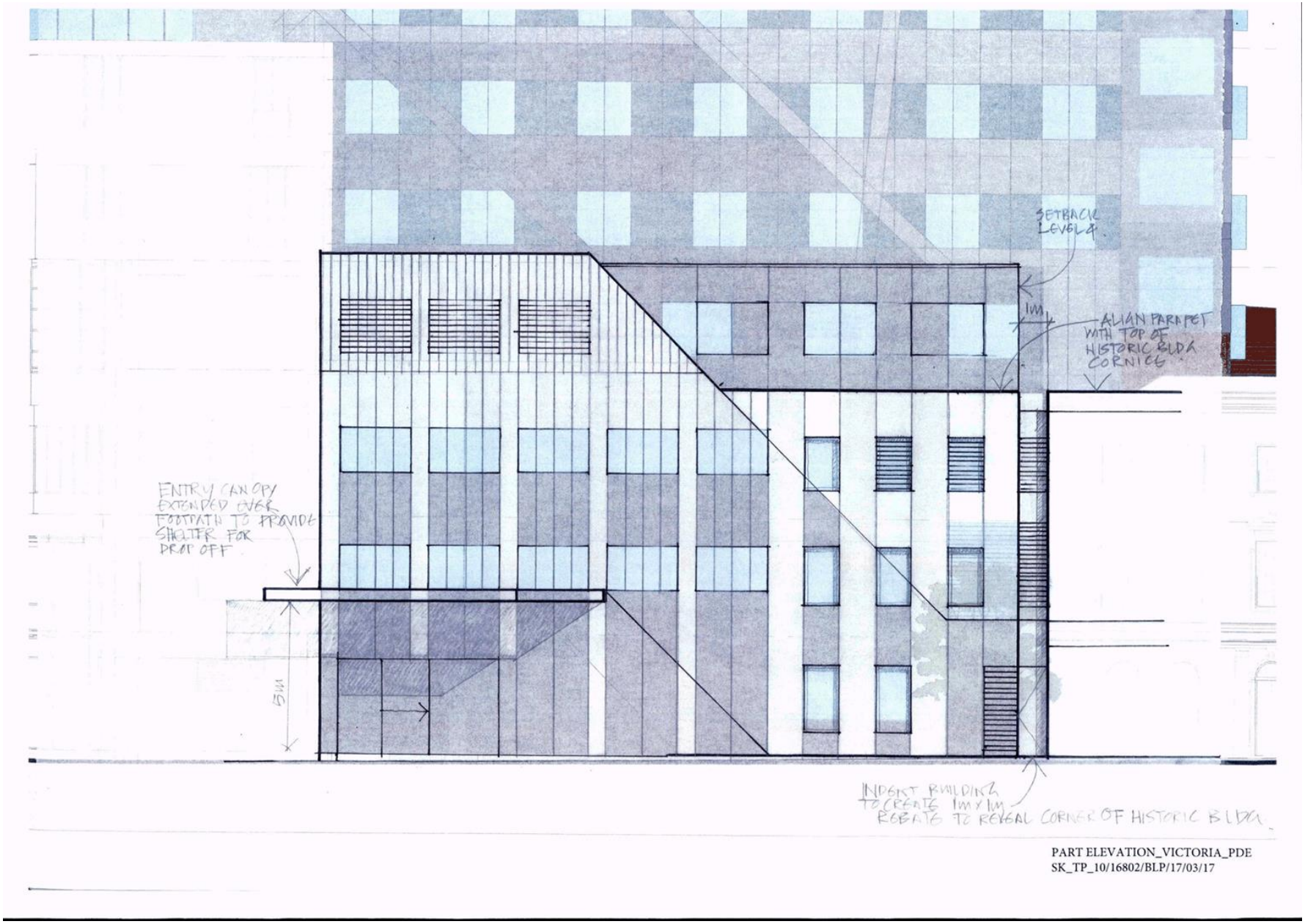
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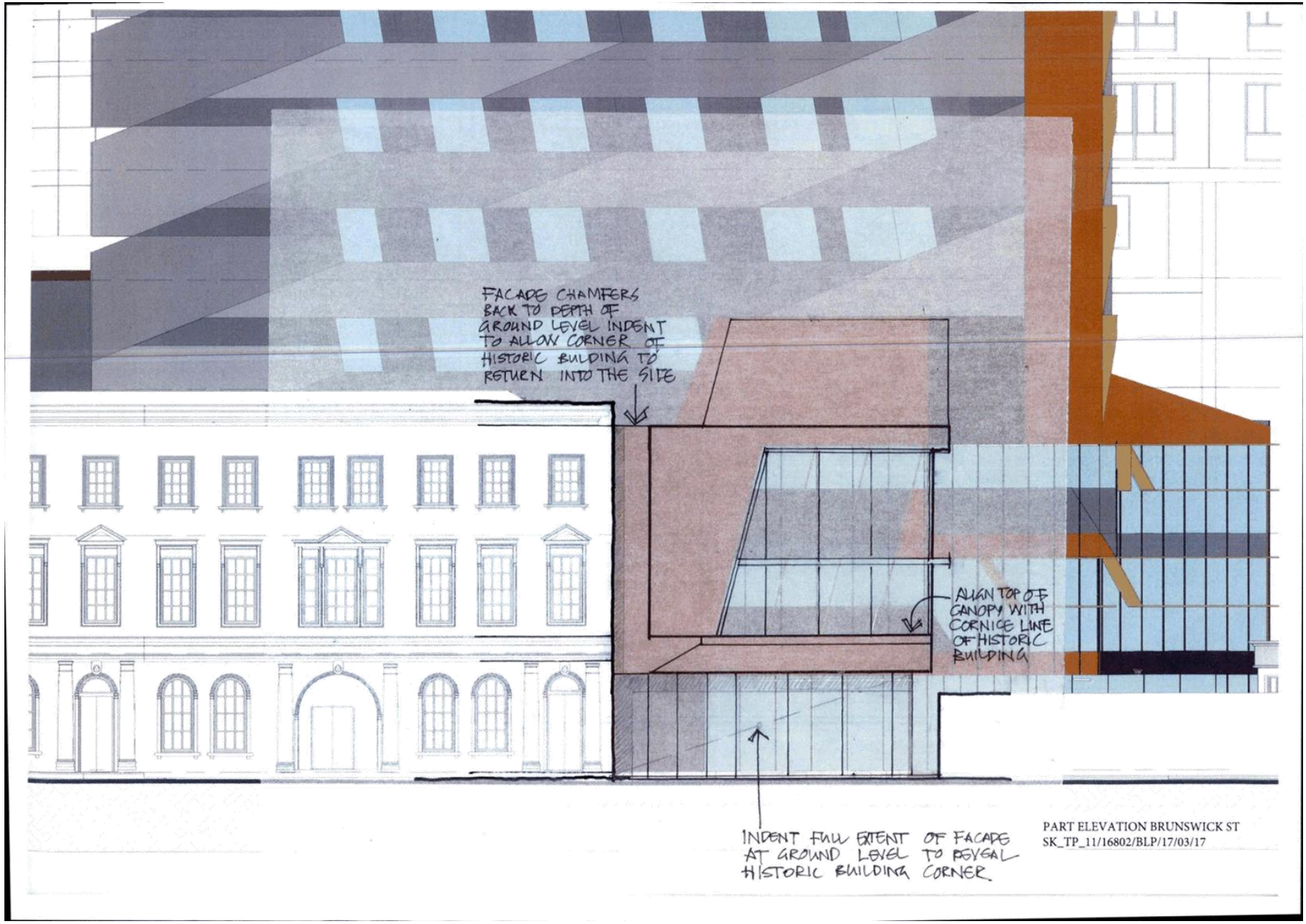
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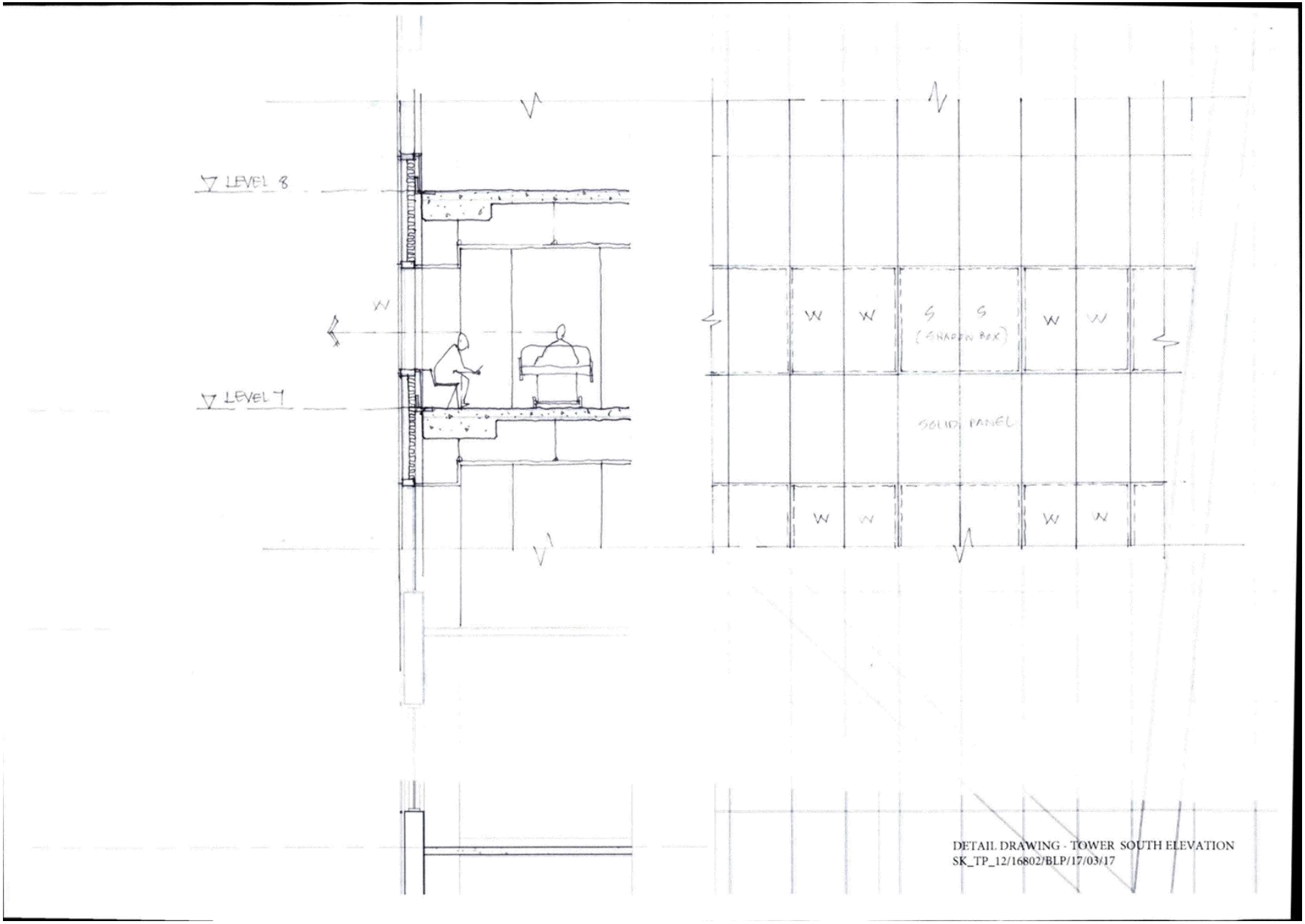
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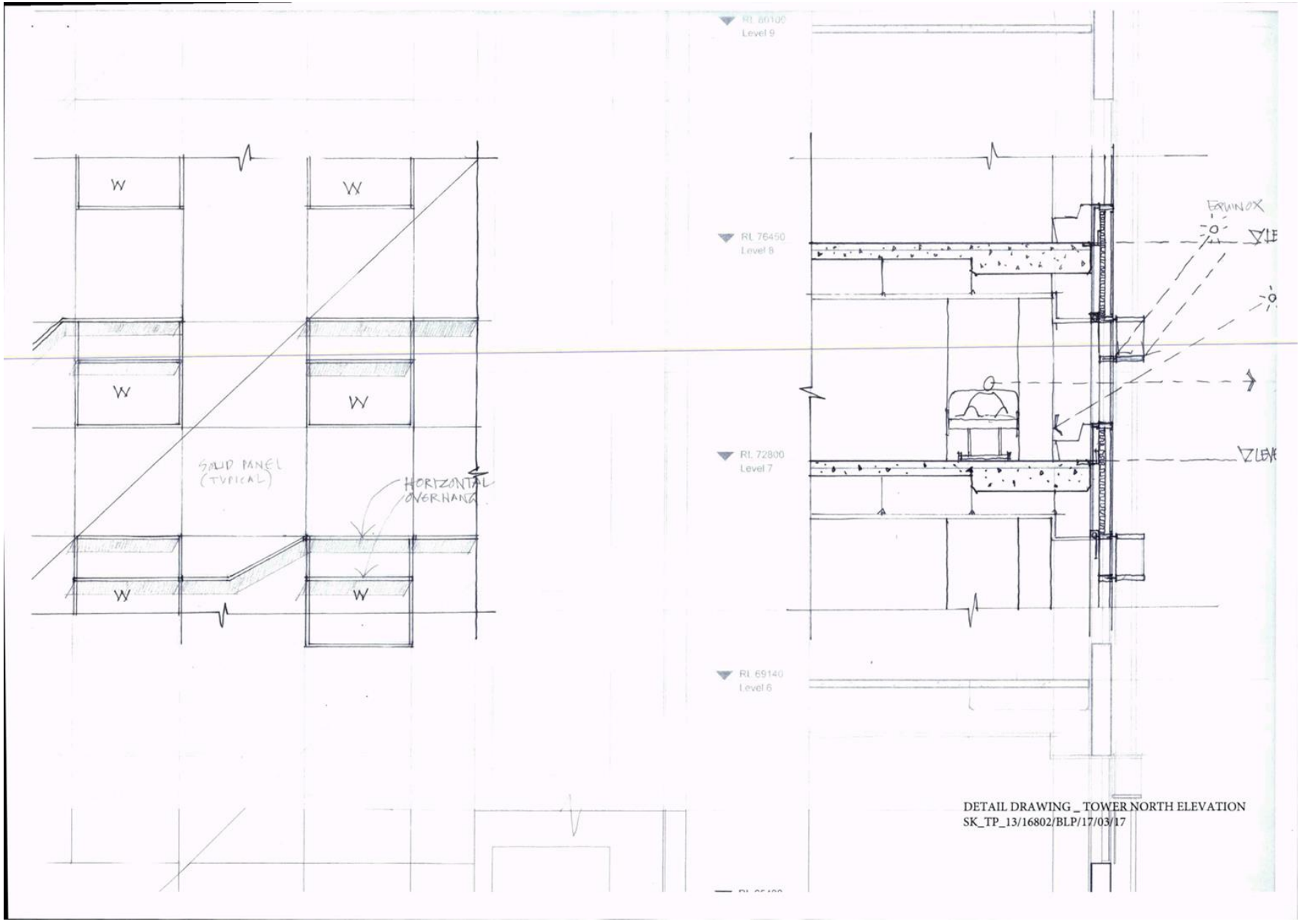
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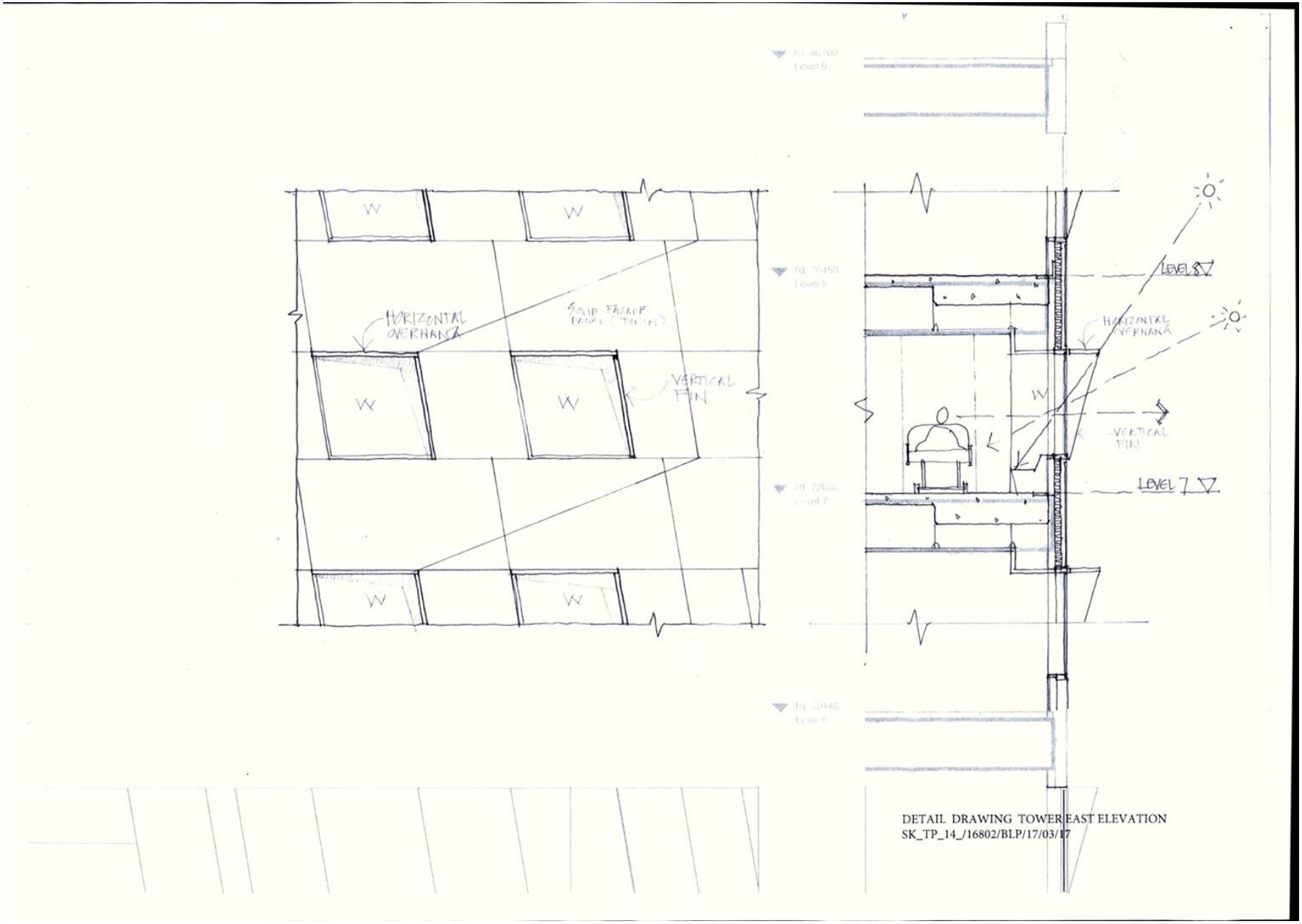
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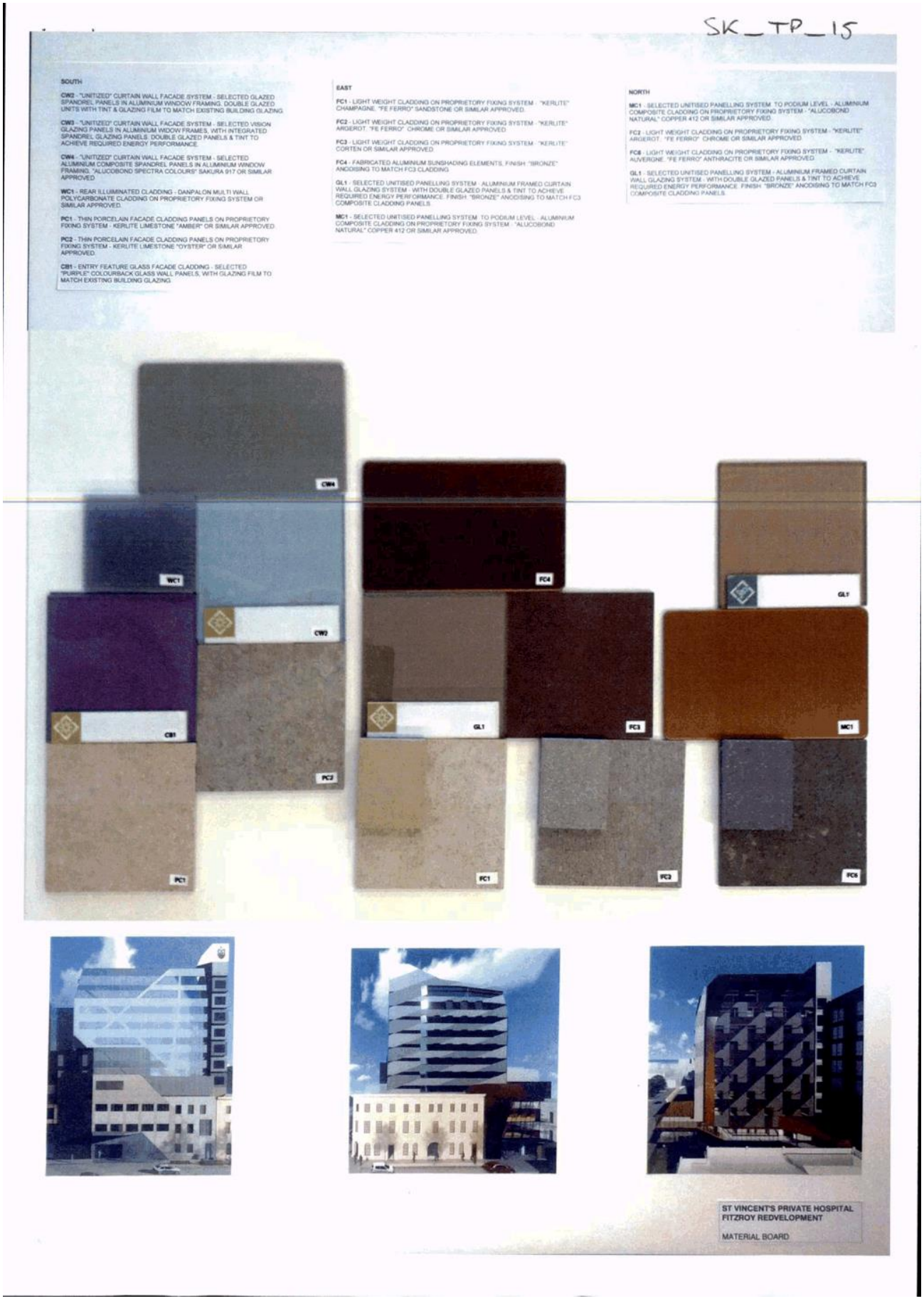
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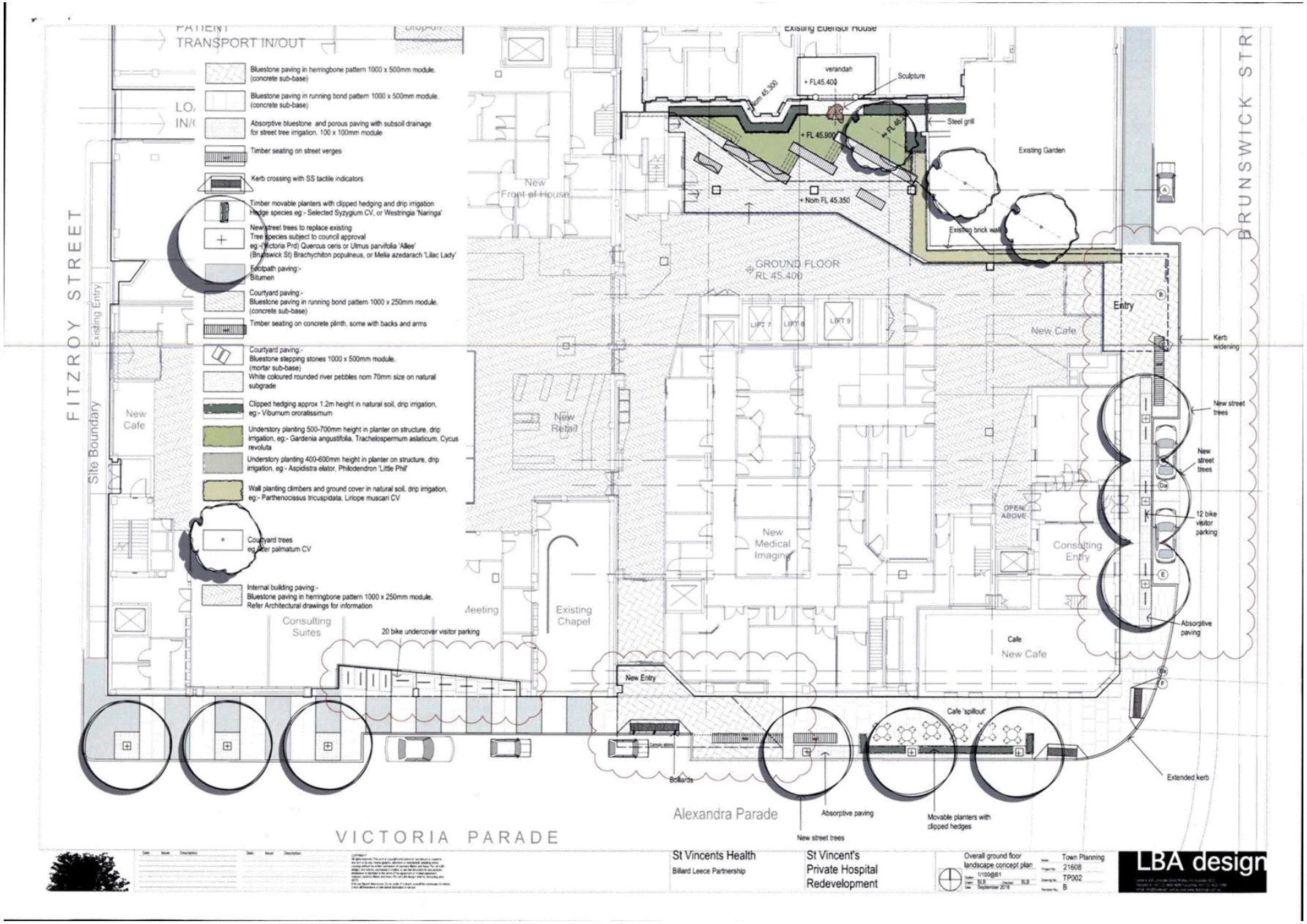
MEINHARDT

APPENDIX B

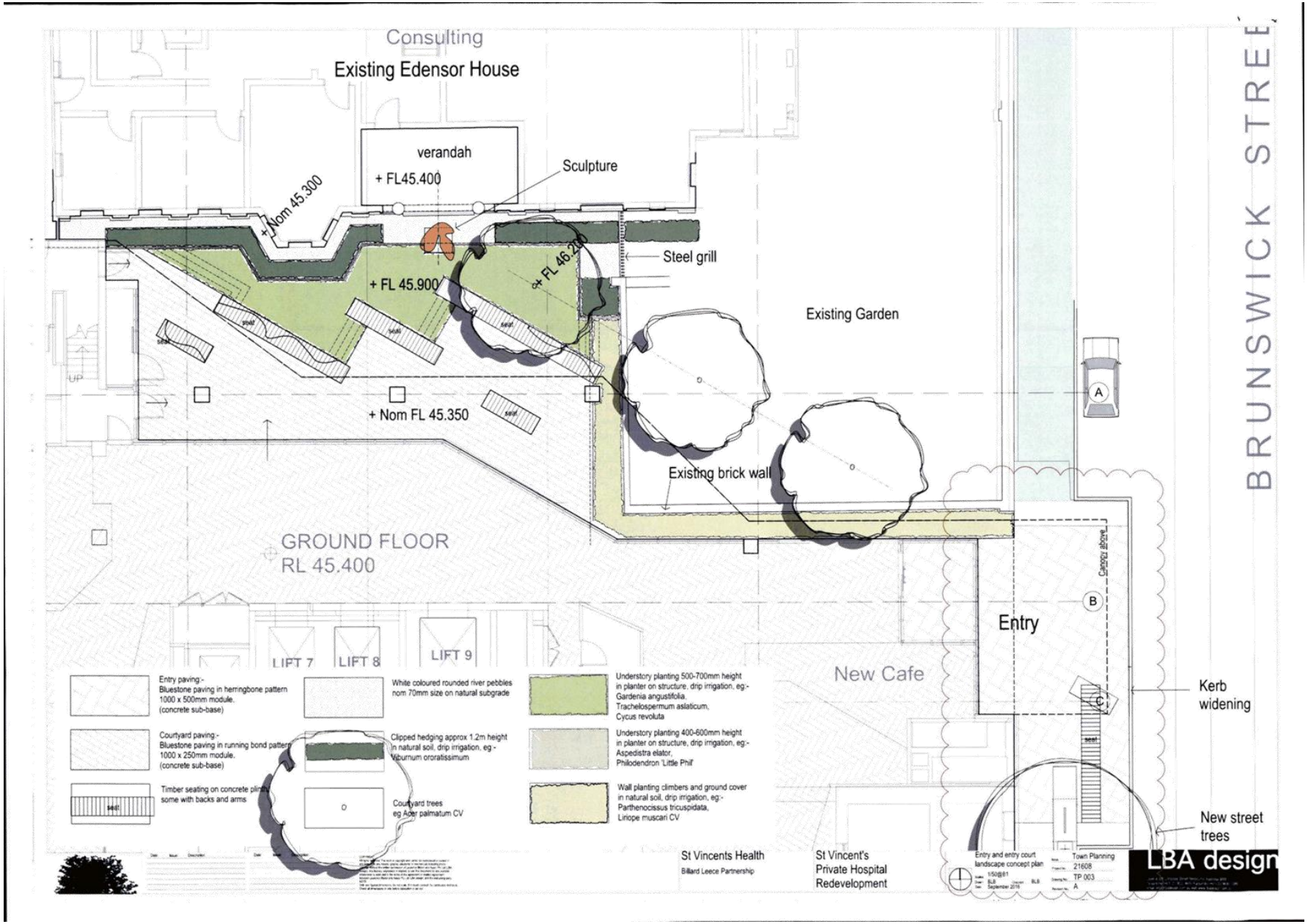
Landscape Plans

St Vincent's Private Hospital

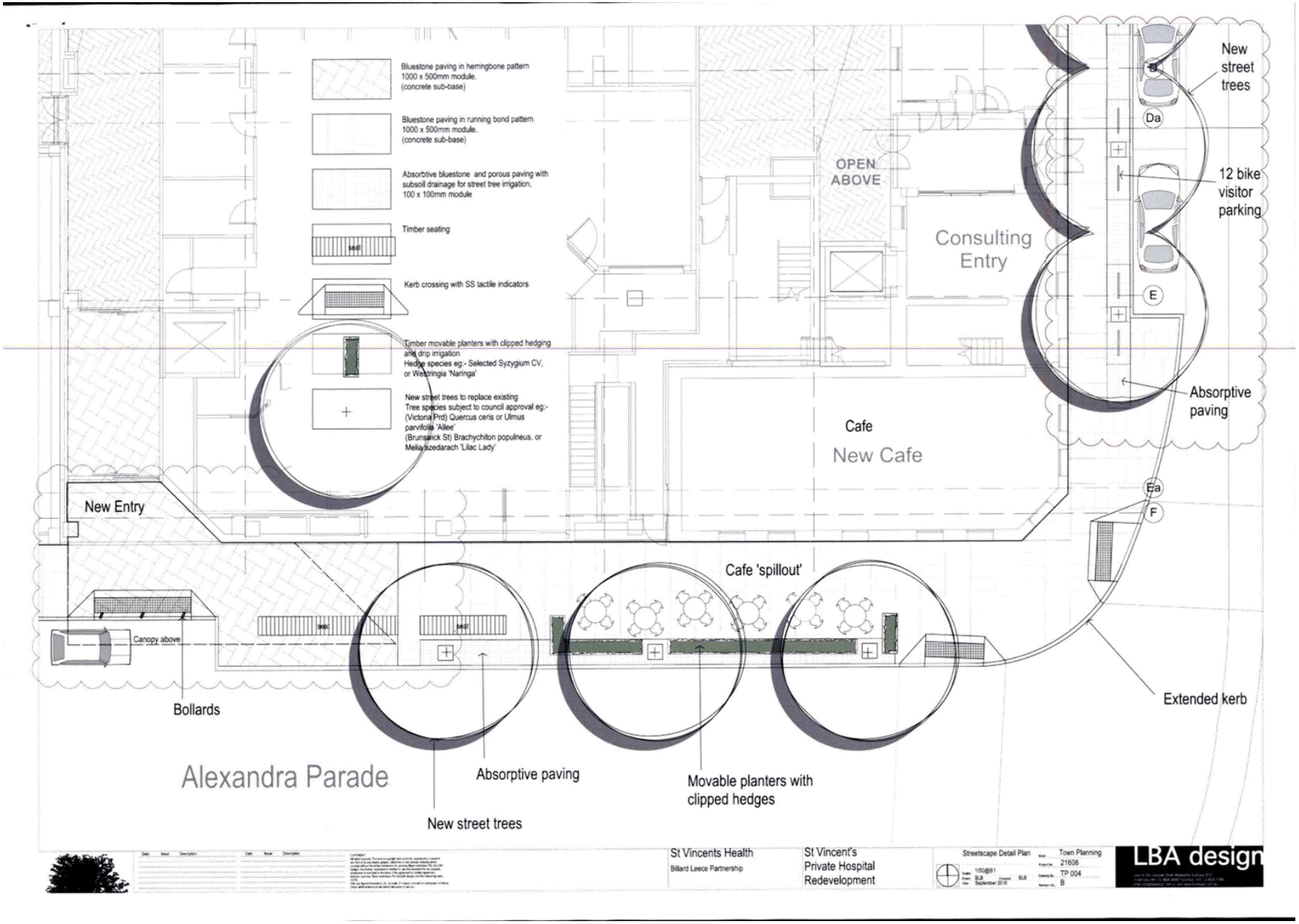
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Attachment 8 - External Urban Design Comments

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Independent Urban Design Advice

St Vincent's Private Hospital

59-61 Victoria Parade, 5-7 Brunswick Street & 20-32 Fitzroy Street Fitzroy

PLN16/0925

February 2017

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Attachment 8 - External Urban Design Comments

BACKGROUND

1. In December 2016 I was asked by the City of Yarra to comment on plans for an extension to the St Vincent's Private Hospital.
2. My comments are made with regard to the resolution of the scheme in relation to:

   a) Appropriateness of the design treatment and streetscape impact
   b) Building height, bulk and massing and its implications.
   c) Use of colours and materials
   d) Façade treatments
   e) Whether the proposal achieves high architectural and urban design outcomes
   f) ESD Principles

THE PROPOSAL

3. The St Vincent's Hospital redevelopment provides for modification to the existing multi-deck car park in Fitzroy Street, similar amendments to basement levels of the existing buildings, substantial demolition of existing buildings and construction of a new multi-storey hospital building with connections to the existing Hospital, café and back of house areas.
4. As noted in the planning report, key features of the new project are:

   > An 11 storey building to the eastern portion of the site at 59-61 Victoria Parade
   > A 3-4 storey podium building to Victoria Parade
   > A 3 storey infill podium to Brunswick Street
   > 185 car spaces to be located at 93-99 Victoria Parade through extension of the existing facility there, itself the subject of a separate planning application and peer review report
   > 10 new consulting suites
   > A total of 46 additional bicycle spaces including six accessible spaces on the ground floor
   > The report notes four shower/change rooms located in the ground floor of the Fitzroy Street building and three additional change rooms to be installed on the basement level.

5. The extent of demolition of existing buildings can be summarised as follows:

   > Partial demolition of the existing hospital building at 59-61 Victoria Parade. This building is identified as individually significant at a local level in the city of Yarra Planning Scheme.
   > Full demolition of 63-71 Victoria Parade, the former East Hill House. This building is identified as individually significant in the City of Yarra Planning Scheme.
   > Full demolition of 75 Victoria Parade, a building that is not contributory.
   > Partial demolition of 77 Victoria Parade, the former eastern Hill Hotel. This building is on the Victorian Heritage Register. The extent of demolition involves the full removal of the western wing to the rear of the building, itself not a contributory element.
   > Full demolition of 5 Brunswick Street, a non-contributory building.
   > Partial demolition of 7-9 Victoria Parade (Edensor House). This building is on the Victorian Heritage Register. The extended demolition involves the partial removal of a wall extending along the southern boundary of the site. Partial demolition of the rear west of Edensor House to facilitate a new link and a small building to the west of Edensor House to be reconstructed.

6. A summary of work at each level can be described as follows:

   a) At Basement Level 2, a new basement to comprise primarily plant and equipment
   b) At Basement Level 1 the repurposing of the existing internal pick-up and drop-off spaces, expansion of the loading bay to include a turntable and construction of a basement to the south eastern portion of the site incorporating general storage, waste management and supplies and a new central sterile services department.

Attachment 8 - External Urban Design Comments

c) At Ground Level the removal of the existing hospital entry to Victoria Parade and subsequent alteration to infill glazing, construction of a building to extend from the existing hospital at 59-61 Victoria Parade to the intersection with Brunswick Street, with a setback of 7.68m from Edensor House at 7 Brunswick Street.
d) Substantial modifications are proposed to Ground Level of the existing hospital to interconnect the new extension and existing hospital building and improve those connections within the hospital and to external street interfaces to Brunswick Street and Victoria Parade.
e) To this end, new entrances are proposed on Victoria Parade and to the Brunswick Street interface.
f) Activation to the corner of Victoria Parade and Brunswick Street within the former hotel was to be provided through a café engaging with both of these frontages.
g) Pre-admission and care services are also to be consolidated at this level and Pharmacy, Radiology and Consulting Suites reconfigured as part of the rationalisation of street networks though the building and internal enhanced organisational management.
h) The northern interface of the proposed new building is configured to engage with a northern garden and new landscaped area to the south side of Edensor house providing accessibility for patients, staff and visitors similar to that enjoyed by the central courtyard of the public hospital to the west.
i) Closure of the existing car park entry at 59-61 Victoria Parade results in a two-lane exit and enhanced traffic movement.
j) Public realm improvements are also proposed to Victoria Parade and Brunswick Street interfaces to enhance the quality of the pedestrian environment through replacement and new tree plantings, widened footpaths and kerbs where possible, provision for kerbside dining to Victoria Parade.
k) A new building is also proposed to link to the rear of Edensor House.
l) At Level 1 the building proposes a setback of 4.9m from Edensor House at 7 Brunswick Street with internal modifications to the existing hospital at 59-61 Victoria Parade to connect to the new extension. This level incorporates consolidated Cardiac Services, new theatres and recovery spaces.
m) At Level 2 a setback of 4.4m is provided to Edensor house at 7 Brunswick Street along with modifications to the existing hospital to connect with the new extension. The internal layout for the new extension incorporates additional theatres.
n) At Level 3 there are more substantial setbacks for the street podium, with setbacks to Brunswick Street at 10.1m, to Edensor House at 6.5m and Victoria Parade 0-1.1m. Like at lower levels internal modifications to the existing hospital allow connections to the new wing. The internal layout of the new wing includes the expanded and consolidated Maternity hub, accommodating Birthing Suites, Consulting Suites, Special Care Nursery and beds.
o) At Level 4 the building is extended above the third level to expand the existing Inpatient Unit with the following setbacks: Brunswick Street at 10.1m, similar to that adopted for Level 3 and Victoria Parade at 9.1m, generally in line with the existing hospital. Again, minor modifications are incorporated into the existing hospital to connect with the new extension and a new roof terrace courtyard with associated landscaping connects with the existing hospital building.
p) At Level 5 similar expansion incorporates expansion of existing Inpatient Units and connections to the existing hospital via a short bridge link up to Level 9.
q) At Levels 6 to 8, construction of three levels that expand Inpatient Units providing a setback of 7.7m from the existing hospital and interconnection with the existing hospital via a short bridge.
r) At Level 9 construction of an Intensive Care Unit with connections to the existing hospital via a short bridge.
s) At Level 10, construction of private Consulting Rooms, Executive Administration, staff teaching and training areas with connection to the existing hospital.
t) At Level 11 a central plant is proposed for the development.

Attachment 8 - External Urban Design Comments

STRATEGIC PLANNING CONTEXT

Relevant State Planning Policy Matters include:

7. Within Plan Melbourne there are a number of directions and relevant clauses that need to be considered when reviewing this proposal from an urban design perspective.
8. **Plan Melbourne** outlines a vision for Melbourne: Melbourne will be a global city of opportunity and choice achieved by five key directions.
9. Relevant to this application: Developing in defined areas near services and infrastructure. Population estimates indicate Melbourne could grow to a city of around 7.7 million people and require an additional 1.6 million more dwellings. An estimated 1.7 million new jobs will be created, mostly in the central city and adjacent inner suburbs. Importantly a key element of Plan Melbourne is an expanded central city in which this site resides.
10. Direction 1.4: Plan for the expanded central city to become Australia's largest commercial and residential centre by 2040, identifies that the wider Central Subregion with its highly diverse economic base and strengths in health, education, retail, creative industries, tourism and port-related activities has an important role to allow Melbourne's central city to become the largest business services centre in Australia.
11. The central city will continue to play an important role as a major destination for tourism, retail, entertainment and cultural activities and to enjoy the employment diversity that come from the growth of these sectors. ...to ensure Melbourne's expanded central city becomes Australia's largest business centre, we will also need to connect, manage and grow the existing and emerging high density, mixed use neighbourhoods in the Central Subregion. This Subregion represents Melbourne's most complex growth area with growth potential beyond 2050. By planning for this significant employment and population growth, we will take advantage of the benefits of connecting people, skills, jobs and businesses. The Central Subregion includes the subject site.
12. **Clause 9 including Clause 9.01.**
    a) Plan Melbourne and Clause 11 encourage more intensive development in Activity Centres. Clause 11.01 relates to 'Activity Centres' and seeks 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 that:
    > Comprises a range of centres that differ in size and function
    > Is a focus for business, shopping, working, leisure and community facilities
    > Is connected by public transport and cycling networks
    > Reduces the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres
    > Improve access by walking, cycling and public transport to services and facilities for local and regional populations
    > 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) Clause 11.04-1 Delivering Jobs and Investment includes the strategy to plan for the expanded central city to become Australia's largest commercial and residential centre by 2040.
    c) Clause 11.04-2 Housing Choice and Affordability seeks to reduce the cost of living by increasing housing supply near services and public transport.
13. **Clause 15 Built Environment and Heritage** – notably Clause 15.01 Urban Design – promotes good design and encourages development 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.
14. **Clause 19 Infrastructure,** in particular Clause 19.02-1 Health Facilities.

Attachment 8 - External Urban Design Comments

Relevant Local Planning Policy Matters include:
Local Planning Policy Framework

There are also a number of relevant local clauses that need to be considered when considering the application. These include:

15. **Clause 21.02 Municipal Profile**.
16. **Clause 21.04 Land Use**

    a) Clause 21.04-2 Activity centres details the municipality's five Major Activity Centres
    b) Clause 21.04-4 Community Facilities Hospitals and Medical Services

17. **Clause 21.05 Built form** contains a number of relevant sub clauses, which include:

    a) Clause 21.05-1 Heritage.
    b) Clause 21.05-2 Urban design.
    c) Clause 21.05-3 Built form character, particularly the reference to 'transport corridors'.
    d) Clause 21.05-4 Public environment.

18. **Clause 21.06 Transport** is an important policy source, particularly regarding the Council's approach to new development and sustainable modes of transport, such as walking, cycling and public transport.

    a) Clause 21.06-1 Public Transport.
    b) Clause 21.06-3 Road System and Parking.

19. **Clause 21.07 Environmental sustainabi**lity seeks to address environmental sustainability through sustainable building design and construction
20. Also of note is Clause 21.08-7 Fitzroy notes: Victoria Parade, an important boulevard with substantial office development and the St Vincent's Hospital Precinct, is on the south side of this neighbourhood. The Brunswick Street and Smith Street major activity centres run north south through the middle…. A masterplan is sought for the St Vincent's Hospital Site in this section of the scheme.
21. **Clause 22.02 Guidelines for Sites Subject to a Heritage Overlay.**
22. **Clause 22.03 Landmarks and tall structures** states that it is Council policy to 'ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline'.
23. **Clause 22.05 Interface Uses Policy**
24. **Clause 22.16 Stormwater Management.**
25. **Clause 22.17 Environmentally Sustainable Development**.

26. **Zoning**

    a) The site sits within a series of zones:
    > The properties from the corner of Brunswick Street through to the corner with Fitzroy Street interfacing with Victoria parade are Commercial 1 (C1Z) zone.
    > The area on which the car park sits to the north of the core hospital is within a Neighbourhood Residential Zone (RDZ1).
    > The property known as Edensor House to the north along Brunswick Street sits within a Mixed Use (MUZ) Zone.

27. **Overlays**

    a) A number of Overlays inform the site.
    > Design and Development Overlay Schedule 2 (DDO2) for main roads and boulevards.
    > Heritage Overlay Schedule 150 (HO150) for Dodgshun House.
    > Heritage Overlay Schedule 190 (HO190) for the former Eastern Hill Hotel.
    > Heritage Overlay Schedule 334 South Fitzroy Precinct (HO334) covers the whole of the precinct.

Attachment 8 - External Urban Design Comments

URBAN CONTEXT

28. The site sits within an area of intersection between the rapidly changing needs of a growing Capital City and the institutions that serve it and the heritage fabric of one of Melbourne's more intact inner urban neighbourhoods and nearby with the Exhibition Buildings and Carlton Gardens, a world heritage listed early zone of settlement within the City.
29. To the east is the rapidly transforming St Patrick's Campus of the Australian Catholic University (ACU). An initial presence of a repurposed commercial building has been subsequently joined by large scale academic buildings, including the 6 storey Mary Glowery Building with its projecting tower form, with further proposals for new academic buildings of considerable height to the intersection with George Street to the east and the corner of Brunswick Street and Victoria Parade where I understand a residential development of up to 14 storeys has been previously approved.
30. To the west, the St Vincent's Private Hospital is 10 storeys in height and sits near older Consulting Suite and Nursing accommodation buildings on the Public Hospital Site of comparable scale.
31. The more contemporary main hospital building within the core of the campus is itself a substantial building.
32. The redevelopment of the site with a new, substantial south eastern anchoring building provides an important opportunity for not only the enhanced interconnection of this suite of buildings with the core private hospital but also the enhanced interconnection of this broader private campus with the adjoining public hospital and its entry and open space areas.
33. To achieve this a new primary east-west pedestrian street is provided at the ground floor, providing a gallery interface with a north facing garden extending from Brunswick Street west to the interface with the existing hospital at the Fitzroy Street frontage. The street has an intersection with the north south street at a new entrance adjoining the chapel on Victoria Parade and extending northwards to meet this east-west street.
34. Reception and retail activities are located at this intersection in conjunction with waiting areas creating a natural hub for the development.
35. To the east and west along this street are located lift cores servicing the existing hospital and new wings. Café and staff lounges mark the entry of this interface with Brunswick Street extending into retail activities to the corner building.
36. Vehicle entries removed from the Brunswick Street interface and rationalised exclusively to the Fitzroy Street frontage recognise the growing importance of this Brunswick Street – Victoria Parade corner as an important modal interchange between east-west and north-south light rail movement in addition to bus services.
37. The corner hotel building is restored and adaptively reused, with the corner occupied by a new café with a second hospitality tenancy partially incorporated into the existing building envelope at its northern end and partially within the new gallery extension.
38. Separating these two areas is the entrance to a shared seating zone and, to one side, consulting suites located at upper levels. Medical imaging is also incorporated at this lower level.
39. Drawing AA07-0002 outlines some modest additional bike storage provisions and four new showers incorporated at Ground Floor of the adjoining car park.

Level 1

40. At level 1 we see the juxtaposition of the mid corner tower form and its relationship to Edensor House and the corner hotel and, similarly, how it is proposed to be interconnected with the adjoining existing hospital to provide for integration and expansion of theatre facilities.

Level 2

41. Additional Operating Suites are added at Level 2 with a similar footprint adopted.
42. A glass roof separates the form of the former Eastern Hill Hotel from the adjoining hospital to the west, enabling this building element to be read from the public areas within.

Level 3

43. At Level 3 the more conventional ward arrangements begin to lay themselves out in the proposed new wing, with its setbacks of 6.5m more consistently from the Edensor House interface.

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Level 4

44. Above this podium level the new wing sets back to align with the form of its western neighbour. A new terraced courtyard is proposed at this level as a linking point between these two forms.

Level 5

45. At level 5 the building and how it interconnects with Victoria Parade and Brunswick Street is repeated. A new building link connects the existing hospital to its new eastern wing neighbour with a series of rooms overhanging in part the courtyard below.

Level 6

46. At level 6 this courtyard form opens to the south with the two towers reading as separate built forms with a 12m separation at their interface with Victoria Parade and a lesser separation of approximately 8m for the balance.

Level 7 and 8

47. At Levels 7 and 8 this is repeated as a strategy.

Level 9 & 10

48. At Level 9 a similar envelope is provided for new Intensive Care provision, above which sits the new Oncology and Consulting Suites at Level 10 along with some new education facilities with the plant previously mentioned set further back from the Victoria Parade and Brunswick Street interfaces at Level 11.

Elevations

49. The manner in which new and existing form work together is seen from the Elevations commencing at AA08-0001. A podium form seeks to both interconnect the existing eastern hill Hotel lower form to the marginally taller form of the existing private hospital to the west. A faceted primary built form over is contained at the corner by a taller tower form incorporating an internal staircase and new marker for the healthcare facility.
50. The upper levels begin to taper above Level 10, itself approximating the predominant height of the existing healthcare facility.
51. The return of the building along the Brunswick Street frontage incorporates a changing design response incorporating more depth to the façade to manage sun control into the building. Additionally at lower level a contemporary gateway element is proposed with a street interface of commensurate scale to its historic east and northern neighbours, stepping up further from the street, with its interface to the street primarily glass, wrapping back around the courtyard with a continuation of this largely transparent podium treatment.
52. From the west changes are relatively modest as can be seen from the drawings, with only small elements of the building appearing above the scale of the existing western neighbour.
53. To the north the architectural treatments adopted for the Brunswick Street interface are again found, with a slightly varied language to the Edensor House at upper levels of the tower, framed by the primary fixing system of aluminium in varying colours to the core building.
54. As noted earlier, the lower three levels have a higher level of transparency at their interface with the gardens.

Sections

55. The Sections provided do not show the depth to the façade indicated in the plans and more developed sectional details might be usefully incorporated at a bigger scale to provide Council with a more informed understanding of the depth and richness of materials suggested.
56. A better indication of the design intent is provided in the external finished and materials drawings AA96-1001 to AA96-1004 and in addition within the series of perspective images provided with the application.
57. These plans provide some detail of the mix of materials and finishes incorporated in the proposal. The darker, copper like elements are intended to be a unitised panelling system, incorporating at podium level an aluminium composite cladding system in a natural copper colour or similar approved. Fabricated aluminium sun shading devices in a similar bronze colour are suggested in a horizontal treatment that provide shading to the predominantly glass facades, themselves double glazed panel units.

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58. The tower above contrasts in its palette from that below but maintains accents of the richer copper colouring as I will discuss below.
59. The primary treatment is a unitised panel system of compressed, pre-finished fibre-cement sheet cladding on a proprietary fixing system. This is expressed in two alternative tones, creating a banding effect across the façade. Between these elements an aluminium composite cladding system of a copper colour, as noted earlier, is embedded in conjunction with the window systems for the project. These windows are embedded into the form of the building, creating a 'toothing' effect. The taller corner of the stair is capped with a unitised panelling system of rear illuminated Danpalon to provide a true lantern effect at night to this uppermost element.
60. The built form tapers back from this interface with the street at upper levels, diminishing the apparent scale at footpath level and wrapping the Level 11 plant.
61. The south elevation presents a more skin-like treatment of layers of the building, with banding Spandrel panels in a unitised aluminium spectra colour complimented by infill double glazed tinted glass windows, built with minimal setback to this adjacent metal framing device. The upper level tapering to the interface with the adjoining existing hospital is treated more primarily as a curtain wall system. At the lower level interface with the street it is proposed to develop a porcelain façade cladding system of panels in a two-tone limestone colour expressed as a series of bands with the darker limestone marking the vertical structure and Spandrel in the lighter material.
62. The stepped nature of the levels seeks to mediate, as noted earlier, between the adjoining lower podium of the Eastern Hill Hotel to the east and the taller podium of the private hospital to the west.
63. A new entrance features a selected purple colour-backed glass providing a clear visual cue to the entrance, overhung by a new entry canopy of painted steel.
64. The curtain wall approach adopted for the tapering upper levels is returned to the western interface in conjunction with a matching unitised aluminium spectra colour treatment, ensuring the building as a sculpted for is expressed in the round.
65. Drawing AA96-1003 outlines how the proponent has sought to mediate between the existing hospital and hotel via the new building. The north elevation adopts similar materiality to the eastern elevation whilst introducing some new elements that respond directly to the specific attributes of its northern configuration. New fabricated aluminium sun shading elements in the same copper composite used in the podium are configured to provide shade to the north facing ward rooms.
66. At a whole of façade level the composite coloured unitised system of the front entry is continued up as a tapering frame and cap to these ward floors, also screening the perimeter of the roof plant at the uppermost level. Into this frame is the woven façade form of two separate tonal arrangements of compressed fibre cement sheet cladding on proprietary fixing systems.
67. The arrangement of the north façade relative to the east façade is best understood from the perspective north east aerial. With the building presenting as a series of layers. An entry layer from Brunswick Street north of the existing hotel appears to puncture an outer form incorporating the grey tones of the eastern facade treatments, behind which the richer copper forms and frame reference tonally back to the existing private hospital but also to the tradition of richer brickwork and fabric of the Fitzroy precinct to the north.
68. The series of aerial photographs depicted on AA97-0005 provide a sequence of views wrapping from a bottom image from the south east to a top image from the south west and views both elevated and at street level along Victoria Parade and from the adjoining car park within the ACU St Patrick's Campus to the east.
69. More detailed studies are provided on the following drawing, AA97-0006, of the juxtaposition of the new built form with Edensor House and with Brunswick Street and the adjoining Eastern Hill Hotel. They describe a meandering podium interface with the adjoining garden that opens up internal waiting areas to the northern garden aspect and present a scale that references that of its historic northern neighbour.
70. The following drawing AA97-0007 outlines the experience within that courtyard form and via the internal street network.

Attachment 8 - External Urban Design Comments

SUMMARY OF OPINIONS

71. The juxtaposition of health facilities within established areas of inner Melbourne has been the subject of a series of VCAT considerations, some of which I have been involved with over a period of time. There are some similarities of issues with competing concerns about the increasing scale of these institutional facilities in what are sometimes lower scale urban context and similarly often in context interfacing with older urban fabric of some heritage significance and the underlying objectives of those policies concerning adjoining heritage that typically seek development of modest scale referencing these adjoining forms in their outcome.
72. My view, which has been confirmed over a number of these projects, is that the healthcare facilities have typically always had a differing, denser, more visible scale and morphology than their adjoining fine grain neighbours. In this case there is a proposition that some existing heritage fabric will need to be lost to make way for the new buildings. Council will, I understand, seek separate heritage advice on that particular matter. My commentary will however begin at the high level and then examine my views of the application in its broader form.
73. At a high level there is strong strategic support for the expansion of existing healthcare facilities on sites that leverage the substantial pre-existing investment in over many years in healthcare services. The benefits of this colocation are clear in terms of enhanced patient outcomes and enhanced access to the diversity of skills and quality of equipment that can typically only be provided holistically in centralized, large tertiary health facilities.
74. In this instance, the site has long been characterised by healthcare buildings of considerable scale. In more recent times these have been joined on the northern side of the street by other institutional uses primarily linked to the adjoining ACU operations and in some cases new residential accommodation. In addition, south of the Victoria Parade boulevard, major new investment has been occurring with the redevelopment of the Eye and Ear Hospital and this southern side has similarly been the subject of a series of major commercial buildings over the last 30 to 40 years, again of similar scale in some instances to that envisaged here.
75. Hence, in an urban context it is my view that the site can sustain a building of this scale and height. A welcome component of the development has been the preparedness of the applicant to respond to initial issues raised by Council and to take the opportunity to develop a cohesive and well integrated organisational arrangement of both the pre-existing private hospital and the new wing with the adjoining public hospital to create a substantially enhanced arrival, way finding and amenity outcome for visitors to the area and an organisational framework that will remain more resilient to changes in demand over time.
76. The logic of organising lift cores along the same east-west core and the establishment of enhanced east-west and north-south streets that link the two buildings is a response that also connects the neighbourhood in a more cohesive way, with the east-west alignment also better connecting to the adjoining ACU open space to the east and likewise the new southern entrance, providing more equitable access between old and new facilities. This will enhance the patient and visitor experience and wayfinding considerably.
77. Similarly, in an activity sense, the coordination of retail and hospitality activity into the former Eastern Hill Hotel is a welcome re-establishment of the facility as a public meeting place on this important gateway between Fitzroy and the City and as a point of engagement between the core hospital and the community and place in which it sits.
78. The preparedness of the applicant to also work with Council to enhance the quality of interfacing streetscapes in Victoria Parade and Brunswick Street is also welcome, although I would note that at this stage it is unclear what measures are proposed however it would be logical for Council's urban design unit to work with the applicant to finalise these arrangements.

Green Travel

79. The green travel initiatives outlined in the report by One Mile Grid offer some welcome elements, including real time public transport information to be provided in the ground level of the hospital and incentives for carpooling and shared cars. That being said, the proposal relies on a substantial amount

of the visitations and staff access being provided through public transport cycling and walking. To that end contribution to the enhancement of the public realm and interfacing public transport commuter facilities should for a clear and agreed part of the scope.

80. Additionally I think the provision of bicycle and end of trip facilities falls well short of contemporary good practice in this health and wellbeing context. With the recent upgrade of wellington Street as part of the principle cycling network along with the Canning Street and Albert Street networks, the hospital is well placed to attract staff and visitors choosing to ride rather than drive to the campus if the facilities are suitable. The recently completed RCH has over 500 secure bicycle spaces with integrated shower and change facilities.

Recommendation 1

a) Upgrade the Green travel ambitions for the project. The provision for secure end of travel facilities for staff and short term facilities for visitors should be provided benchmarked at the quality that is being proposed in other facilities being delivered in instances such as the RCH and Cabrini Hospital where storage and change facilities are closely linked and storage is secure. If this results in a small number of ground floor carparks then this should not be seen as a negative outcome but rather a reallocation in recognition of good practice.

b) Desirably engagement with PT agencies ad council should investigate measures to improve shelter for bus and tram patrons in the precinct and improved shared short term stay bicycle facilities in the public realm.

c) Real time parking information should be shown for the carpark in Fitzroy Street to the satisfaction of the RA.

d) The extent of canopy protection and height of canopies at the interface to Victoria parade and Brunswick Street should demonstrate both welcome and weather protecting outcomes.



e) Opportunities for enhanced inside seating and waiting at the southern entry interface to Victoria Parade should also be explored given the adjacent drop off point proposed in the street and the extent of existing activation afforded at this interface. Some review of the entry is warranted in conjunction with treatment inside and outside the entry of the threshold waiting opportunities.

Materials and finishes

81. Generally speaking the materials and finishes selections as proposed are composed in a manner that is likely to delivery an appropriate outcome for the site.
82. Areas of uncertainty go to the proposed use of CFCC within upper levels of the building. The applicant should provide clarity as to the durability and ongoing high quality appearance of this material which talks of a prefinished product. I am aware of some products of exceptional quality with ceramic like paint finishes on a CFCC base. It would be appropriate to provide a finishes board for the products given their proposed extent.
83. Similarly some indicative façade sections and details should be provided to demonstrate the level of articulation and depth indicated in plans but not shown on sections. The development of light and shade

and depth in articulation across these facades particularly to the east and north is critical in building the narrative of support for the project and need to be clearly demonstrated in the plans and sections.

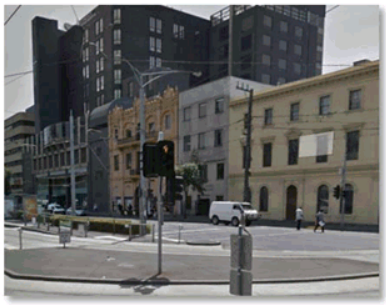
84. Additionally fins and screens to the operating theatres and the quality of these outcomes will be critical in the realisation of the south façade and details should be provided.

Recommendation 2

a) Upgrade sections and provide further details of materials and finishes to demonstrate articulation and depth and suitability of products to the satisfaction of the RA.
b) A landscape plan for the proposed courtyard to Endsor House and treatments to the Victoria Parade, Fitzroy Street and Victoria Parade frontages should be provided to the satisfaction of the RA.
c) Signage and wayfinding within the public ream at ground level to the Brunswick Street Fitzroy Street and Victoria parade frontages should be integrated with the design and shown on elevations and plans.

Height

85. I am generally satisfied with the manner in which the applicant has dealt with the management of a significant new built form and the differing approaches to develop an object in the round adopted to the differing characteristics of each frontage. The interfaces between the proposed East Hill Hotel and new buildings to the north and west along Victoria Parade should in my view be further developed and resolved.
86. The northern interface in Brunswick Street would appear to provide an opportunity to fully indent the abutting entry allowing the reading of the historic building and its return into the site to be read. There would similarly appear to be opportunities to rebate the interface at upper levels of the podium. This would appear to provide an opportunity for enhanced legibility fo this important corner building and an enhanced layering of histories of the site.
87. To the south the intended interface is unclear but would appear to seek to emulate the existing building on the site. The level 1 plan shows a partial rebate and glazing in the façade not depicted on elevations and renderings. Clarity should be sought at this important interface. The level 3 SE corner seen above the East Hill Hotel also needs clarification as to material and finish. This interface will be a highly visible corner and particularly prominent from the intersection and southern side of Victoria Parade. At upper levels the tower corner form sits proud of the adjoining walls but on this level does not and no glazing or articulation is proposed. (AA97-0001) I would invite the applicant to provide more detail of the proposed intent to this interface.
88. The proposed use of a rooflight to separate the historic built form of the corner from the eastern tower wall is an effective means to delineate between old and new and is supported.

Attachment 8 - External Urban Design Comments

Recommendation 3

a) Provide details of the south-eastern corner of the development at level 2 and 3 to describe the proposed treatments and fenestration and juxtaposition of forms.

b) Align Plans and Elevations and design intent for South podium levels to the satisfaction of the RA.

CONCLUSION

a) Appropriateness of the design treatment and streetscape impact

> In my view subject to the resolution at a detail level of interfaces with heritage forms and public realm placemaking I am satisfied the response is an appropriate one in the context of the health precinct and the consolidating institutional scale that exists between Nicholson Street and Napier Street of 6-10 institutional levels.

b) Building height, bulk and massing and its implications.

> The approach taken to reference adjoining built form in height is appropriate. The framing of the East Hill Hotel on the corner and the ongoing preservation of a shared amenity courtyard between Edensor House and the Hospital Building combined with the use of a podium element to engage with this space is again a response that manages this transition between old lower scale and newer institutional form appropriately.

c) Use of colours and materials

> The use of colour has been used intelligently on the project with the copper colours of the eastern courtyard and frame providing a backdrop recessive palette to the lighter coloured heritage neighbours. The articulated nature of the tower and its composition as a series of layers works effectively in responding to the differing characteristics and abutments of each interface.

d) Façade treatments

> Subject to the matters raised earlier I am satisfied that the façade treatments are generally appropriate with some further detail required in some key areas

e) Whether the proposal achieves high architectural and urban design outcomes

> I am satisfied that the response is a carefully considered one. Whilst I acknowledge the loss of the East Hill House Building is regrettable I also understand that facadism that would alternatively underpin the response would be similarly less than ideal and strongly support the relocation of the primary entry to this location as one that is underpinned by considerable logic in the planning of the campus and one that would necessarily have had further consequences for the already altered form of the building. Of the elements of the outcome proposed this is probably the most contentious but one wherein a strong Health care service plan and urban wayfinding outcome has been secured.

> The nature of works including the proposed closure of the existing hospital entry and changes to the forecourt area have yet to be well explained and further detail is necessary of the proposed works in that part of the project.

> Additionally more detail of the proposed changes to the Fitzroy Street frontage should be provided . Overall however very good progress has been made in providing a very strong framework for the campus in urban design terms and one that resolves the accommodation of built form of considerable scale in conjunction with the retention of some key heritage buildings and spaces.

f) ESD Principles

> The project score of 74% for the BESS Scorecard suggests that the response provided for the project of excellent practice meets reasonable criteria for the project. Areas where the hospital might explore additional measures in the future could include:

g) Greater use of PV energy offsets

> Photovoltaic carpark shading and energy generation above the rooftop level parking

> Increased focus on green travel to reduce the operational footprint of the campus and improve wellbeing and health of staff and visitors.

> Overall however the ESD measures are satisfactory.

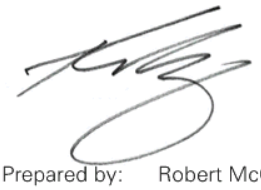


Attachment 8 - External Urban Design Comments

In summary subject to the satisfactory response to outstanding matters I am satisfied the proposal is worthy of support on Urban Design Grounds.

DOCUMENTS FORMING THE BASIS OF THE REPORT

- Plans – St Vincent's Private Hospital Fitzroy Redevelopment – Billard Leece Partnership
- St Vincent's Private Hospital Fitzroy Redevelopment Urban Context and Design Response – Billard Leece Partnership
- Green Transport Plan – One Mile Grid
- Transport Impact Assessment – One Mile Grid
- Heritage Impact Statement – Lovell Chen
- Landscape Concept – LBA Design
- Planning Report – Meinhardt
- Sustainable Management Plan – Murchie Consulting



Prepared by: Robert McGauran
Dated: February 2017

Attachment 9 - Heritage Advisor comments

City of Yarra
Heritage Advice

Application No.:	*PLN16/0925*
Address of Property:	***59-61 Victoria Parade, 5-7 Brunswick Street and 20-32 Fitzroy Street, Fitzroy***
Planner:	*James Sutherland*
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:	*HO150 & VHR (H1706) Dodgshun House* *HO190 & VHR (H0816) Eastern Hill Hotel* *HO334 South Fitzroy Precinct*
Level of significance:	*No. 59-61 Victoria Parade (St Vincent's Private Hospital), constructed 1972 -* ***Individually significant*** *No. 63-73 Victoria Parade (Easthill House), constructed 1915-1925* ***– Individually significant*** *No. 75 Victoria Parade, (St Vincent's Private Hospital Ancillary Services wing), constructed 1960-1990 - Not contributory* *No. 77 Victoria Parade (Eastern Hill Hotel), constructed 1856 –* ***State and Individually significant*** *No. 5 Brunswick Street, constructed 1980-1990? – Not contributory* *No. 7-9 Brunswick Street (Dodgshun House/Edensor House), constructed 1866-1875 –* ***State and Individually significant***
General description:	*Full demolition of several buildings, part demolition of buildings and the construction of a new eleven-storey building.*
Drawing Nos.:	*Set of 48 x A3 drawings prepared by Billard Leece Partnerships Pty Ltd, received by Council and date stamped 23 Nov 2016* *Heritage Impact Statement by Lovell Chen Architect & Heritage Consultants, October 2016*

WHY IS HERITAGE PRECINCT SIGNIFICANT?

The South Fitzroy Heritage Overlay Area is significant:

- As the earliest urban area outside the Melbourne City grid to be settled in the Melbourne municipality, with several **buildings from the mid nineteenth century surviving as testimony to its early establishment**;
- For the unusually high number of early Victorian-era and some Regency period buildings, being generally simply detailed and a clear reflection of the early date of Fitzroy's settlement.
- As evidence of early government planning controls or Acts of Parliament, from the 1850s, that aimed to solve street alignment problems in this privately planned suburb, arising from a hitherto lack of co-ordination between neighbouring allotment owners;
- As a good example of the successful application of the Act for Regulating Buildings and Party Walls, and for Preventing Mischiefs by Fire in the City of Melbourne (Melbourne Building Act

Attachment 9 - Heritage Advisor comments

1849), which forced the use of fireproof construction and gave South Fitzroy a character distinct from other inner suburbs such as Richmond and Collingwood, that have a greater proportion of Victorian-era timber buildings.

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

INDIVIDUALLY SIGNIFICANT PROPERTIES WITHIN THE HERITAGE OVERLAY



Above: Extract from Council's GIS mapping showing levels of significance. Subject site outlined in red.

St Vincent's Private Hospital, No. 59-61 Victoria Parade (within HO334 South Fitzroy Precinct)

The St Vincent's Private Hospital is significant as a distinctive design by Bogle and Banfield, inspired by the Post-Modern style work of the noted North American architect Philip Johnson, with its glazed manganese brick clad cuboid form, curved corners, punched fenestration, and luxurious hotel-like interior, all as a marked departure from contemporary hospital design.

Attachment 9 - Heritage Advisor comments

This is a socially important quasi-public building, with many associations for its staff and patients since its construction. – [http://vhd.heritagecouncil.vic.gov.au/places/100826#sthash.uZc85kUE.dpuf]

Easthill House, No. 63-73 Victoria Parade **(within HO334 South Fitzroy Precinct)**

Easthill House, 71 Victoria Parade, Fitzroy, is of minor local historical significance to the City of Yarra. It is significant for the contribution it makes to the sense of history and early 19th century heritage within the South Fitzroy Precinct (HO334), in particular the streetscape along Victoria Parade which has lost much of this character.

Eastern Hill Hotel, 77 Victoria Parade (HO190 and Victorian Heritage Register)

The Former Eastern Hill Hotel is of historical significance as one of only a small number of gold-rush era hotels to survive in Victoria and for its associations with the Victorian Eight Hour Day movement. The Former Eastern Hill Hotel is one of the largest and most intact of the few remaining 1850s gold rush era hotels left in inner Melbourne. As such, it provides important evidence of the impact of the gold rushes on Melbourne's development. In 1856 and subsequent years the building provided the venue for many functions and meetings concerned with, and allied to, the eight hour day movement. The building unionists supporting the eight hour day, who used the hotel as their headquarters, were known as "belviderites". The eight hour movement played a very significant role in the early industrial and political history of the colony, and of Australia, and is still celebrated by the union movement. The Former Eastern Hill Hotel is of architectural significance as one of the most substantial, elegant and externally intact remaining hotels of the early 1850s and for its connections with two prominent early Victorian architects, Joseph Burns and A.F. Kursteiner. Burns seems likely to have been the original architect. The hotel is a valuable representative example of his extensive hotel work from the gold rush period. The renovations from 1866 and 1876 were the work of A.F. Kursteiner, who was also responsible for several other buildings in Fitzroy, most notably the precinct of 33 single and double storey workers houses in Greeves Street Fitzroy, a most unusual example of 19th century speculative development. – [http://vhd.heritagecouncil.vic.gov.au/places/489#sthash.Xcobgh4L.dpuf]

Dodgshun House/Edensor House, No. 7-9 Brunswick Street (HO150 and Victorian Heritage Register)

The site on which Dodgshun House (formerly Edensor) now stands is of great historical and social significance as the birth place of Mary Mackillop…in 1842 … Mary, the first of eight children, was born at Marino Cottage and lived there with her parents until Alexander Mackillop's plunging fortunes necessitated the sale of the cottage and land to Jonathan Binns Were, the founder of J B Were and Son… While Marino Cottage has long since disappeared, possibly incorporated into the fabric of Dodgshun House, 9 Brunswick Street Fitzroy has become historically and socially significant as a site of great religious pilgrimage. Dodgshun House (formerly Edensor) is of historical importance for its association with Samuel Gillott, a prominent lawyer and politician who was elected Mayor in 1900, holding office for two term. Gillott made 9 Brunswick Street his home c.1864, building Edensor to provide "all the convenience of a town residence combined with the quiet of a country house". The house, with its fence and gatehouse, is of significance as one of the few large residences surviving in the area. Dodgshun House (formerly Edensor) is of architectural significance for its side elevation which is a fine example of late Classicism with a distinctively-composed series of bays. The house is a representative example of townhouse composition and is finely decorated. The house's significance is accentuated by the fact that the front fence is original and parts of the garden survive. – [http://vhd.heritagecouncil.vic.gov.au/places/448#sthash.I1zJmjzQ.dpuf]

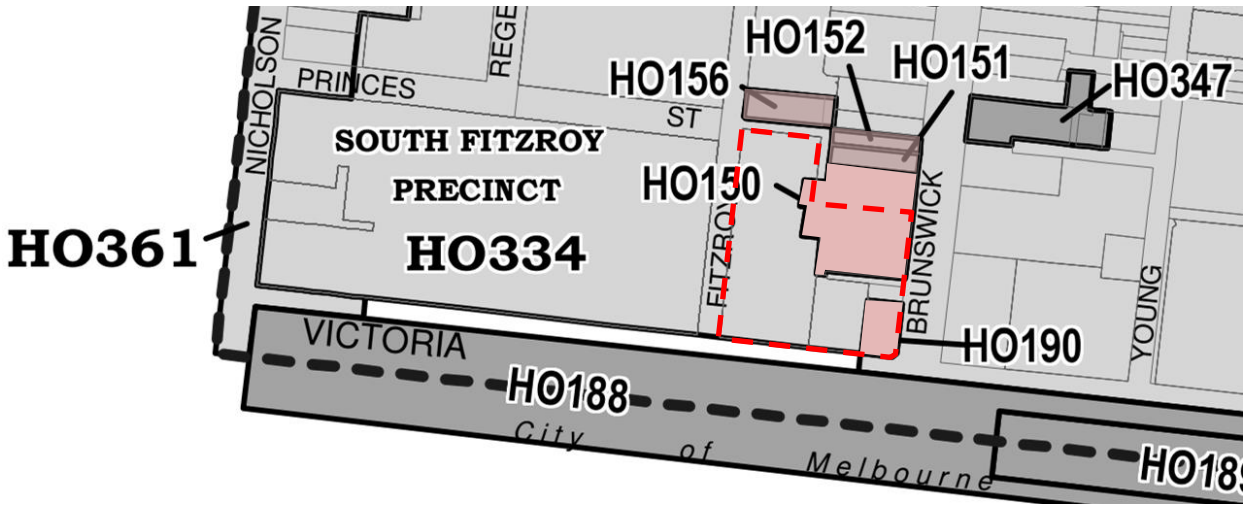
CONTEXT DESCRIPTION:

The subject site is an irregular allotment with multiple frontages including to Victoria Parade, Brunswick Street and Fitzroy Street, Fitzroy.

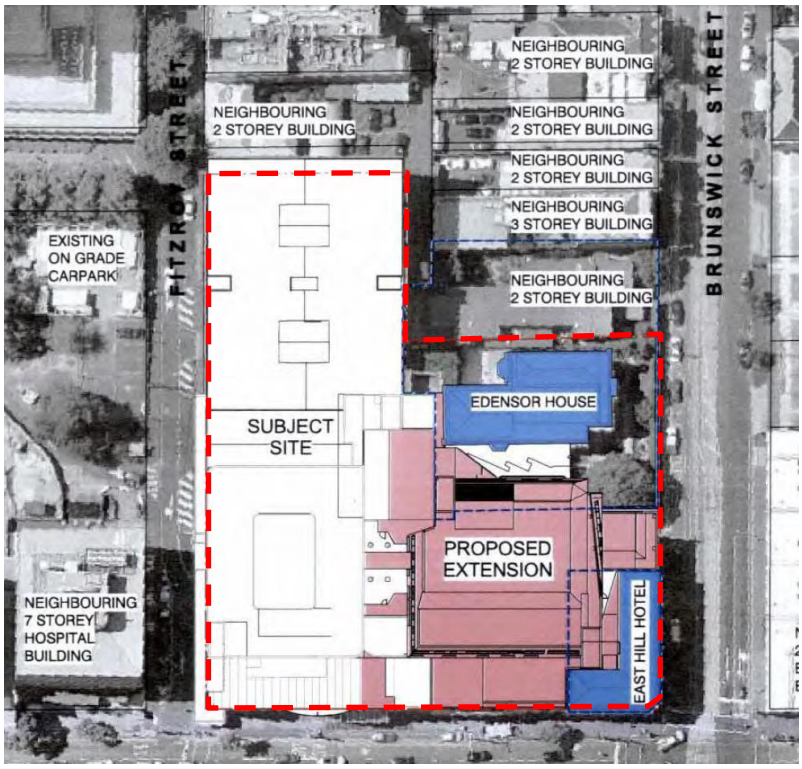
The subject site is almost fully developed with built form, except for the remaining garden surrounding the building formerly known as Dodgshun or Edensor House.

The subject site abuts several other heritage buildings of Individual significance fronting both Brunswick and Fitzroy Streets (refer to diagram below).

Attachment 9 - Heritage Advisor comments



Above: Extract from Yarra Planning Scheme (Map No.5HO) showing immediately affected buildings with individual HO's, and surrounding individually significant buildings and HO334 precinct.



- Red dashed line: Outline of the subject site.
- Blue dashed line: VHR boundary.
- Pink: Proposed building works.
- Blue: Existing VHR buildings.
- White: No works to subject site.

Above: extract from 'Site Context Plan – Proposed' (Drawing NO.AA03-0011 Rev D) showing subject site, area of proposed works and immediately adjoining VHR sites)

Attachment 9 - Heritage Advisor comments



Above: subject site as seen from the south-east.

ASSESSMENT OF PROPOSED WORKS:

COMMENTS REGARDING PROPOSED DEMOLITION:

The extent of demolition proposed by this application includes:

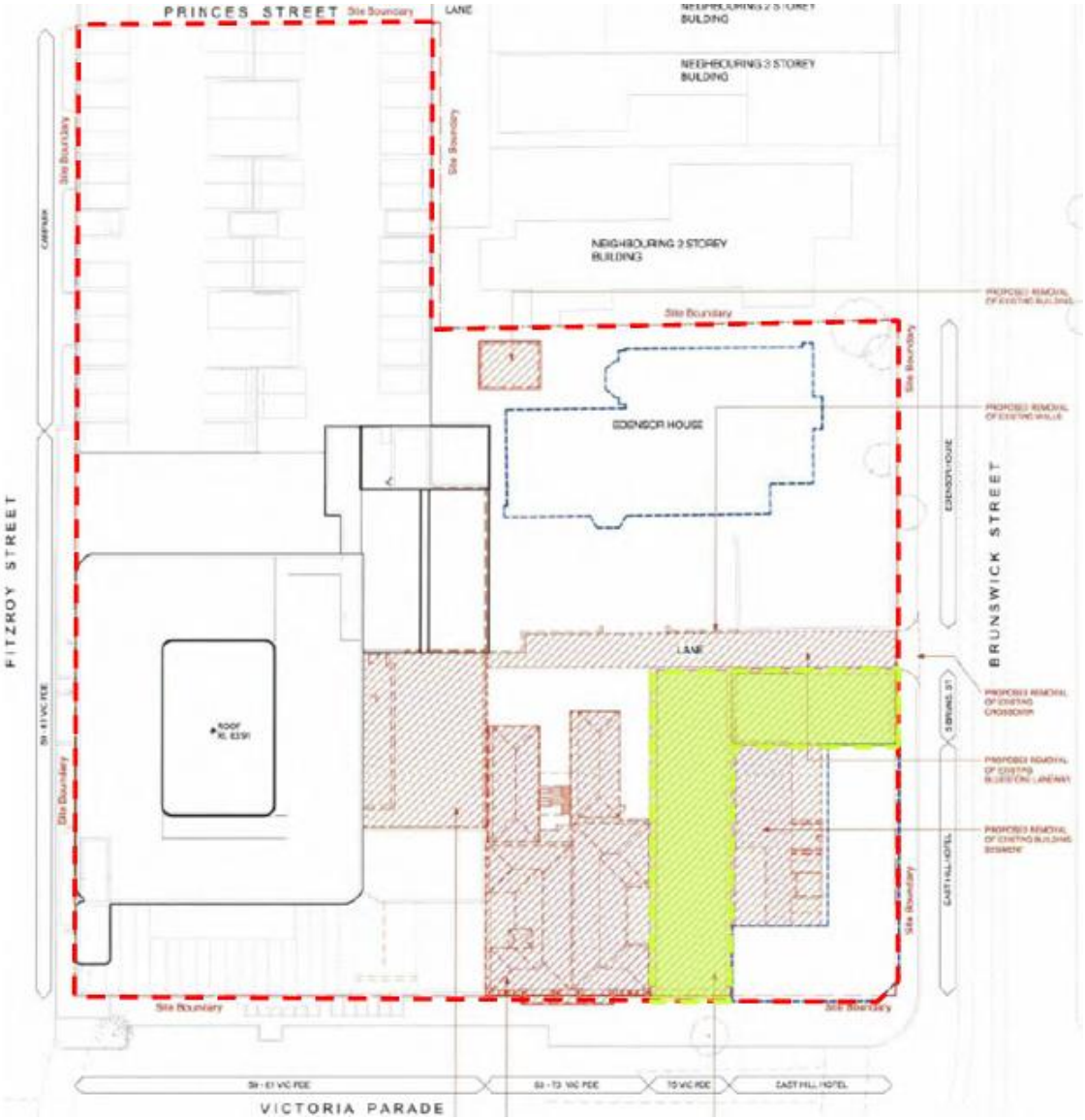
The full demolition/removal of:

- *No. 63-73 Victoria Parade (Easthill House), constructed 1915-1925 – **Individually significant***
- *No. 75 Victoria Parade, (St Vincent's Private Hospital Ancillary Services wing), constructed 1960-1990 - Not contributory*
- *No. 5 Brunswick Street, constructed 1980-1990? – Not contributory*

The partial demolition of:

- *No. 59-61 Victoria Parade (St Vincent's Private Hospital), constructed 1972 - **Individually significant***
- *No. 77 Victoria Parade (Eastern Hill Hotel), constructed 1856 – **State and Individually significant***
- *No. 7-9 Brunswick Street (Dodgshun House/Edensor House), constructed 1866-1875 – **State and Individually significant***

Attachment 9 - Heritage Advisor comments



Above: Extent of proposed demolition shown hatched. Extent of non-contributory buildings shown shaded in yellow.

The key consideration for assessing this aspect of the works is whether the extent of proposed demolition will adversely affect the significance of each heritage building individually or as part of the South Fitzroy Heritage Overlay Area.

FULL DEMOLITION WORKS

Full demolition - No. 63-73 Victoria Parade (Easthill House)

Full demolition of no. 63 – 73 Victoria Parade is not supported by Clause 22.02-5.1 as the building has been identified as Individually significant in City of Yarra Review of Heritage Areas 2007 Appendix 8, revised September 2015.

The definition of an Individually Significant building in the City of Yarra Review of Heritage Areas is a place that is:

> Aesthetically, historically, scientifically, and/or socially significant at the Local level and contributory or complementary to the Heritage Overlay Area (City of Yarra Review of Heritage Overlay Areas 2007, p. 516)

All pre-application advice regarding this building has been prepared on the basis that it is Individually significant.

Attachment 9 - Heritage Advisor comments

Since those discussions, the following two documents have been prepared that provide additional information about the history and physical condition of the subject building:

1. Heritage Impact Statement St Vincent's Private Hospital Fitzroy Redevelopment, prepared by Lovell Chen Architect & Heritage Consultants, October 2016
2. Heritage Citation Easthill House 71 Victoria Parade, Fitzroy, prepared by Context, December 2016

Clause 22.02-5.1 generally encourages the retention of a building that is Individually Significant/Contributory building in a heritage precinct, unless:

- new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Areas 2007 Appendix 8, revised September 2015 and
- the building does not form part of a group of similar buildings.

Neither of the two documents prepared by heritage consultants appears to have been commissioned for the purposes of reassessing the level of heritage significance. The documents do however provide additional information that was not readily available without extensive research. This additional information could suggest that the level of heritage significance attributed to this building may need to be reviewed.

The Heritage Impact Statement (Lovell Chen) identifies that the existing building has been substantially modified on several occasions. The document claims that the existing façade dates from c.1930 but that the building behind the facade is an amalgamation and remodelling of two earlier Victorian residences. The document also identifies that the c.1930s façade has been further altered by the replacement of all the window joinery and the installation of shopfronts at ground level.

The Heritage Impact Statement suggests that it is the facades of the previously existing Victorian style buildings that would have contributed to the character and heritage significance of the South Fitzroy Heritage Precinct. As these facades were lost as part of the 1930s remodelling works, the Statement claims that the loss of the existing façade (including the built form behind it) will have no impact on this part of Victoria Parade where most of the heritage character has already been lost and only the former Eastern Hill Hotel makes a visual contribution to the 19th century character of the heritage precinct.

The Heritage Citation (Context), in contrast with the Lovell Chen document, claims that the existing building was constructed between 1915 and 1925, during the Inter-War period. The Statement of significance proposed by the document claims that:

- Easthill House, 71 Victoria Parade, Fitzroy, is of minor local historical significance to the City of Yarra.(p.10, Heritage Citation, prepared by Context, December 2016),
- Easthill House is significant for the contribution it makes to the sense of history and early 19th century heritage within the South Fitzroy Precinct (HO334), in particular the streetscape along Victoria Parade which has lost much of this character.

Irrespective of whether the existing building was completely built during the Inter-War period or was a remodelling of earlier buildings, the building's façade does not make a contribution to the substantially intact collection of predominantly mid to late nineteenth and early twentieth century building stock that characterise this heritage precinct.

In conclusion, it is considered that the full demolition of no. 71 Victoria Parade will not diminish the recognised character of the heritage precinct which is predominantly mid to late nineteenth and early twentieth century building stock.

It is also noted that due to the previous loss of almost all nineteenth century nineteenth century buildings in this part of Victoria Parade, the loss of the subject building will not result in an obvious 'gap' in an otherwise intact heritage streetscape.

Full demolition - No. 75 Victoria Parade

In accordance with Clause 22.02-5.1 of the Yarra Planning Scheme, the full demolition of no. 75 Victoria Parade may be considered acceptable as this building have been identified as non-contributory.

Full demolition - No. 5 Brunswick Street

Attachment 9 - Heritage Advisor comments

In accordance with Clause 22.02-5.1 of the Yarra Planning Scheme, the full demolition of no. 5 Brunswick Street may be considered acceptable, as this building has been identified as non-contributory.

Full demolition – laneway between nos. 5 and 7 Brunswick Street

The existing bluestone laneway is within the heritage overlay area. It has not been specifically assessed for its heritage value, however clause 22.02-5.1 encourages:

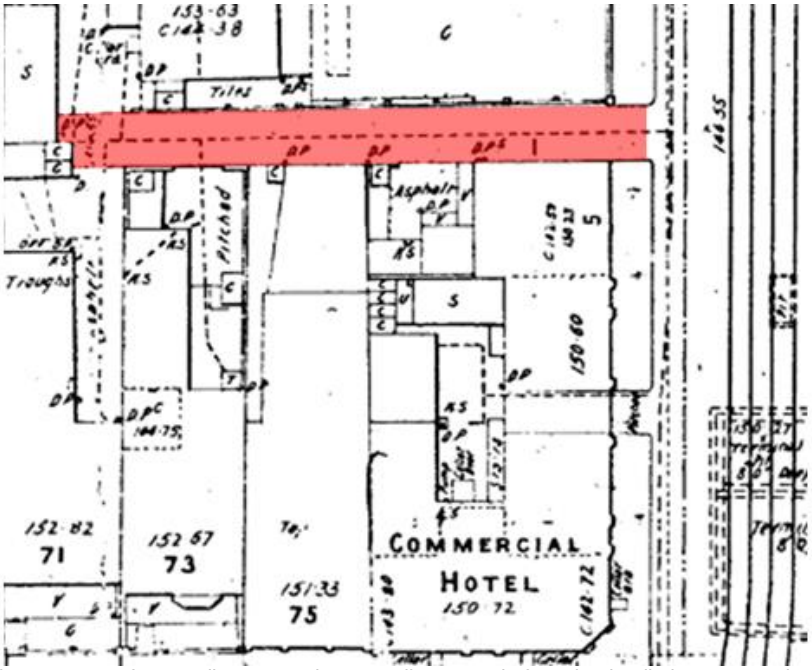
> the retention of original street furniture and bluestone road or laneway materials and details (where relevant).

Clause 22.07 also identifies the need to retain existing laneways and enhance their amenity.

The South Fitzroy Heritage Precinct is significant:

> For the early street, lane and allotment layouts, some original bluestone kerbs, paving and guttering, and some mature exotic street trees, providing an appropriate setting for this collection of residential, retail, commercial and industrial buildings.

The MMBW plan dated 1898 clearly shows a laneway that serviced the rears of nos. 71 to 77 Victoria Parade.



Above: Extract from Melbourne and Metropolitan Board of Works detail plan, 1206, City of Fitzroy (Dated 1898). Subject lane shaded in red.

Although the existing laneway may be redundant, it is considered that the character of the laneway should be maintained as part of the new works. In this case, it may be possible to interpret the existence of an original bluestone laneway even if the existing paving materials must be removed.

Attachment 9 - Heritage Advisor comments



Above: View of bluestone lane from Brunswick Street



Above: An example of a reconstructed laneway

PART DEMOLITION WORKS

Part demolition - No. 59-61 Victoria Parade

The extent of demolition proposed for the existing building is limited to part of the eastern elevation and to the c.1990s additions.

Clause 22.02-5.1 discourages the demolition of parts of an Individually significant building unless:

> That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).

The eastern elevation is visible from the public realm due to its scale. The areas to be demolished have not been changed beyond recognition of their original character. It is however recognised that the building is predominantly oriented towards Victoria Parade to the south. The proposed areas of demolition will be to the side of the principal elevation and well setback. It is considered that the architectural composition of the original building, which is an important aspect of its heritage significance, will still be clearly identifiable. In regard to the eastern elevation, it is noted that the areas to be demolished will be fully concealed by the proposed new development discussed below.

Removal of fabric associated with the later c.1990s additions is of no concern, as these do not contribute to the significance of the property.

Attachment 9 - Heritage Advisor comments

On the basis that the proposed extent of demolition will not negatively affect the significance of the place, it is considered that this aspect of the works is acceptable.

Part demolition - No. 77 Victoria Parade (Eastern Hill Hotel)

The extent of demolition proposed involves the removal of the rear western wing.

This building is included on the Victorian Heritage Register. Heritage Victoria is the responsible authority for approving any demolition works to this building.

Part demolition - No. 7-9 Brunswick Street (Dodgshun House/Edensor House)

The extent of demolition proposed involves the partial removal of the southern boundary brick wall and the removal of a small modern portable building.

This building is included on the Victorian Heritage Register. Heritage Victoria is the responsible authority for approving any demolition works to this building.

COMMENTS REGARDING NEW DEVELOPMENT:

The extent of new works proposed by this application includes development of a new eleven-storey addition to the existing hospital building.

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 original hospital building, the various adjoining heritage buildings or the broader South Fitzroy heritage precinct generally.

In short, it is obvious that assessing a building of eleven storeys on the subject site against the requirements of either the Heritage Policy at Clause 22.02 or the Heritage Overlay at Clause 43.01 will be of limited relevance as clearly the proposal is completely out of keeping with the character of the relevant heritage precinct.

Therefore, on this occasion, the following assessment focuses mainly on the impact of the proposed development on the existing hospital building as a building of Individual heritage significance. It also considers the impact of the proposed development between the former East Hill Hotel and Edensor House.

Setbacks:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

> setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.

The proposed front setback for the new addition at ground level will be essentially zero metres from Victoria Parade. The front setback at ground level fronting Victoria Parade will be consistent with a majority of the development along this part of Victoria Parade, including the existing hospital building (although this was altered c.1990s).

The proposed addition will have a zero front setback up to level 3 which is consistent with the existing hospital building.

Levels 4 and 5 will be setback from Victoria Parade the same distance as the corresponding floor levels of the existing hospital building. Similarly, levels 6 to 9 of the proposed addition will be setback from Victoria Parade the same distance as the corresponding floor levels of the existing hospital building however there will be a clear gap between the old and the new, bridged only be a pedestrian link.

At levels 10 and 11 the front setback of the proposed addition will differ substantially from the existing building which has a front setback of about 18 metres to the built form. These existing floor levels are essentially concealed from the public realm. In contrast, the proposed front setback of level 10 of the addition will only be 9.8 metres and consequently it will be fully visible from the street. The implications of this are that the proposed addition will appear to be taller than the original hospital building. It is considered that the front setback of level 10 should be setback to match the corresponding setback of the existing heritage building to ensure that the addition does not appear to be taller than the Individually significant building. Level 11 should ideally be deleted or else further setback than level 10.

At ground level the proposed front setback along Brunswick Street will be slightly recessed from the alignment of the former East Hill Hotel and the historic brick front wall of Edensor House. The two floors

Attachment 9 - Heritage Advisor comments

above have zero front setbacks which will be consistent with the immediately adjacent heritage building. While it is acknowledged that there is a precedent for a zero front setback for development adjoining the former hotel building, it is strongly considered that this part of the proposed addition should be setback to allow part of the north wall of the former hotel to have some visibility as a three-dimensional form. Similarly, it will allow that part of the southern brick boundary wall of Edensor House that is currently visible to the street, to remain clearly visible without the appearance of a building looming over it.



Above: Extract from Drawing no. AA07-0001 showing part of the proposed ground floor plan and suggested setback from Brunswick Street in red. Extent of floor area that should be paved to reflect the original laneway shown in red

From Victoria Parade, the most relevant side setback is from the former Eastern Hill Hotel. The proposed development will have no setback from the corner heritage building at ground level. This is consistent with the existing conditions of the building. At levels 1 and 2, the proposed development will be setback 2.8 metres from the rear of the Brunswick Street wing. The existing development at the rear of this wing is setback 3.5 metres, although originally it was about 4.5 metres.

Currently, the rear wall of the Brunswick Street wing is only partially visible due to the construction of a structure linking it to the western wing of the former hotel. The currently proposed works will allow a greater extent of the rear wall of the Brunswick Street wing to be exposed. In this regard, the proposed works will facilitate better appreciation of the corner heritage building than is currently available.

Given that there is an existing three-storey rear wing associated with the corner heritage building which is fully concealed from all vantage points, a new development of this scale would be of limited, if any heritage concern as essentially it would have no impact on the visual setting of the building. It is considered however that the proposal to construct several additional floor levels at the same setback will result in a built form that will be clearly encroaching upon the space associated with the heritage building. Ideally the proposed floor levels above the finished height of the former hotel building should be setback to the alignment of the heritage building's original western boundary. This setback has an impact on the overall scale/bulk of the proposed new development which is discussed further below.

Scale/bulk:

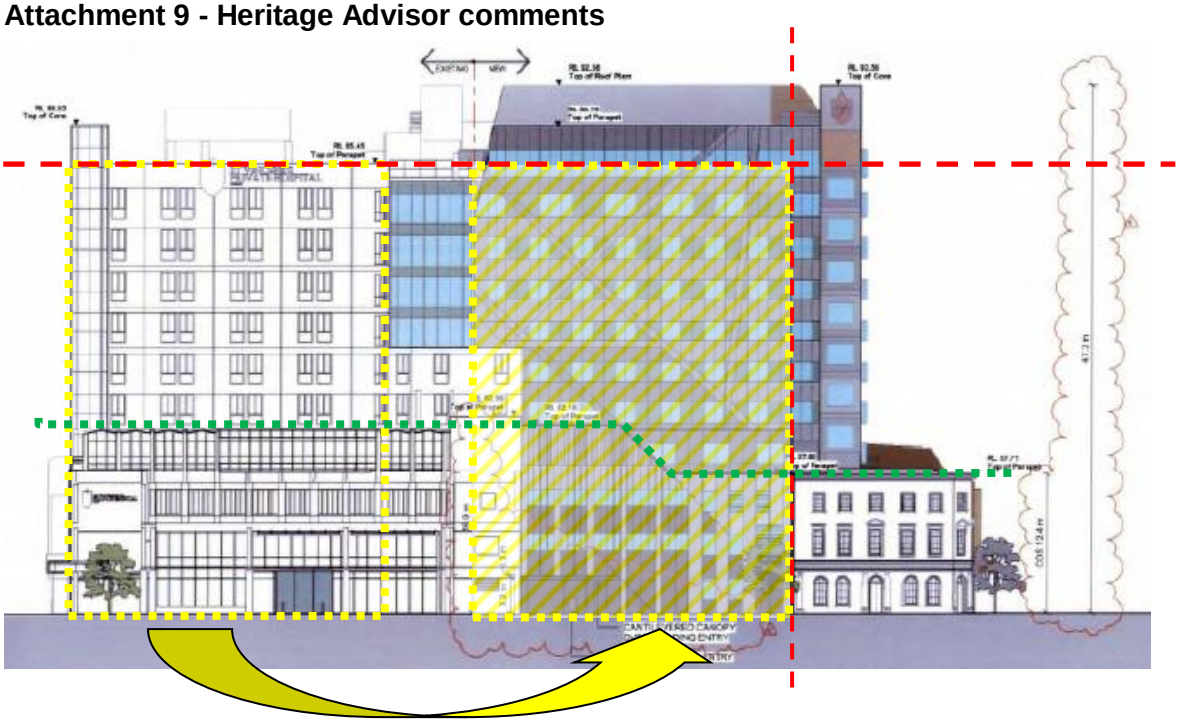
Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

> 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 development abuts no. 59-61 Victoria Parade, which is about 40 metres tall. The former hotel at no. 77 Victoria Parade has a finished parapet height of only about 12.3 metres. Despite the above clause requiring the lesser height to be adopted, it is considered acceptable for the proposed development to adopt the height of the existing hospital building for its reference.

A quick comparison of the scale and bulk of the proposed development against that of the existing hospital building in shown below and demonstrates the extent to which the two will differ.

Attachment 9 - Heritage Advisor comments



Above: A comparative analysis of the bulk and scale of existing heritage hospital building against those of the proposed new development

The recommended increases in setbacks, as discussed above, will reinforce the objective of the heritage policy, which is to introduce new development that is of similar façade height as adjoining heritage buildings. As currently proposed, it is considered that the proposed new development will be too high and too wide. The overall impression of the currently proposed new development is that its height and width will dominate not only the former hotel building but also the existing hospital building (which already dominates the immediate surrounds). Setting those areas that are too high and too wide further back from Victoria Parade, and redesigning their facades to have a more neutral appearance. A more neutral façade treatment is considered to be one that is plain with no obvious pattern of windows as either bands or individual windows.

Appearance:

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.
- 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 development. This approach is not necessarily unacceptable provided that adequate respect is given to the heritage character of the adjacent heritage buildings, particularly the original hospital building, through details such as external materials, proportions and fenestration.

The selection of external materials facing Victoria Parade at ground floor level and the three floor levels above that will be a mix of porcelain façade cladding with purple coloured glass. Neither of these materials are reflective of the adjacent heritage buildings, although the proposed colouring of the porcelain could be interpreted as being similar to the colouring of traditional renders. The purple glass is clearly being utilised to highlight the entrance to the new building. Although the extent of glass proposed at ground level is quite dramatic, in comparison with the full scale of the new building, the extent of glass will only form a small proportion of the façade.

Fronting Victoria Parade, the facades of the proposed upper floor levels will be a curtain wall consisting of glazed panels and aluminium composite panels. The upper level facades have been designed with strong horizontal emphasis, broken up visually by abstract diagonal bands. This fenestration is at

Attachment 9 - Heritage Advisor comments

complete odds with the façade of the adjacent hospital building, which is composed of strong vertically oriented elements. The only element that visually relates the facades of the existing hospital building and the new development are the corner stairs. The use of modern cladding materials is acceptable however it is considered that the use of face brickwork (possibly in a black or grey tone), even in a limited capacity for the lower floor levels would help to visually unite the two parts of the expanded hospital, The diagonal details on the façade bare no visual relationship with any aspect of the surrounding built environment.

Fronting Brunswick Street, the proposed façade treatment will be completely different from the Victoria Parade facade, however it will be no more in keeping with the character and appearance of the existing hospital building. It is noted however that from the east, views of the existing adjacent hospital building will be limited so the visual relationship between the two parts of the hospital will be less critical. The main heritage concern is the appearance of the diagonal detailing, which is different from the Victoria Parade façade, but equally out of character with the adjacent heritage buildings.

The neutral appearance of the structure linking the existing hospital building and the proposed new development is considered appropriate, as it does not actively draw visual attention to itself.

RECOMMENDATIONS:

On heritage grounds, the works proposed in this application should be modified prior to further consideration. The following list outlines the changes required to make the proposed development acceptable on heritage grounds. These may alternatively be used as conditions.

1. That the front setback of level 10 of the proposed development should be setback from Victoria Parade to match the corresponding floor level's setback in the existing heritage building to ensure that the addition does not appear to be taller than the Individually significant building;
2. That Level 11 of the proposed development should be either deleted or further setback from Victoria Parade than level 10;
3. That the façade treatment of the proposed floor levels above level 9 must be designed to appear more neutral against the pattern of façade treatment proposed for the lower floor levels;
4. That the setback of the proposed development fronting Brunswick Street should be setback from the street frontage at least 4 metres for all levels to allow both immediately adjoining properties of State and Individual significance to retain a visible three-dimensional return and reinforce their established visual dominance in the streetscape;
5. That the proposed floor levels above the finished height of the former hotel building should be setback to the alignment of the former hotel's western site boundary to reinforce the proportions of the original hospital building and to avoid the visual encroachment of the new development into the heritage building's original setting;
6. That the facades of the Victoria Parade and Brunswick Street proposed upper floors should be remodelled to be more visually responsive of the colour, materials, pattern, orientation and fenestration of the nearby heritage buildings. The diagonal elements, which bare no relationship to the visual character of the surrounding area, should be deleted.
7. That the visual character and the extent of the existing original bluestone laneway between nos. 5 and 7 Brunswick Street must be interpreted in the ground floor finish of the proposed entrance from Brunswick Street.

SIGNED:



Diahnn McIntosh

DATED: 01 March 2017

Attachment 10 - Heritage Advisor comments - Follow-up advice

City of Yarra
Further Heritage Advice

Application No.:	*PLN16/0925*
Address of Property:	***71 Victoria Parade, Fitzroy***
Planner:	*James Sutherland*
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:	*HO334 South Fitzroy Precinct*
Level of significance:	*No. 63-73 Victoria Parade (Easthill House), constructed 1915-1925* ***– Individually significant***
General description:	*Full demolition*
Referred document:	*Heritage Assessment, Easthill House, 71 Victoria Parade, Fitzroy, Issue no. 4, prepared by Context, dated 16 May 2017*

BACKGROUND TO THIS ADVICE

The building that is the subject of this advice is owned by St Vincent's Healthcare and is proposed for full demolition as part of the current redevelopment proposal for St Vincent's Private Hospital.

I provided heritage advice regarding this application on 01 March 2017. At that time, a Heritage Assessment prepared by Context, dated 9 January 2017 claimed that:

> Easthill House, 71 Victoria Parade, Fitzroy, is of minor local historical significance to the City of Yarra. It is significant for the contribution it makes to the sense of history and early 19th century heritage within the South Fitzroy Precinct (HO334), in particular the streetscape along Victoria Parade which has lost much of this character.

On the basis of this finding, together with the Heritage Impact Statement St Vincent's Private Hospital Fitzroy Redevelopment, prepared by Lovell Chen Architect & Heritage Consultants, dated October 2016, it was considered that the full demolition of no. 71 Victoria Parade would not diminish the recognised character of the heritage precinct which is predominantly mid to late nineteenth and early twentieth century building stock.

The original Heritage Assessment prepared by Context was subsequently amended on 23 April 2017 (issue no. 2), on 10 May 2017 (issue no.3) and most recently on 16 May 2017 (issue no. 4).

COMMENTS REGARDING HERITAGE ASSESSMENT (ISSUE NO. 4)

It is understood that the purpose of this referred document is to provide a heritage citation for the building at no. 71 Victoria Parade, Fitzroy.

The history provided in this latest issue of the Heritage Assessment is far more comprehensive that the original issue. A chronology of the property appears to be as follows:

1880 -– 3 storey dwelling built at no. 61 Victoria Parade (now 73)

1882 – 2 storey dwelling built at no. 59 Victoria Parade (now 71)

1888 – Street numbering changed

1897 – No. 71 used as a college

1912 – No. 71 purchased by Dr E. Ryan

1915 – No.71 and 73 both used as a private hospital (not part of St Vincent's)

Attachment 10 - Heritage Advisor comments - Follow-up advice

1920 – No.73 purchased by Dr E. Ryan

1927 – Both properties transferred to company registered to Ryan's Collins Street address. Property remodelled and provided with a new façade. Property described as shops on the ground floor and the flats above.

1949 – Building tenanted

1995 – Property purchased by St Vincent's private Hospital

The current issue of the heritage assessment differs from the original assessment. This assessment states that the subject building is "a relatively early but quite atypical example of flats" when compared with other purpose built flats of the period built within the municipality. It also states that as a building typology "Easthill House is quite different to the typical blocks of flats of the period that are designed to appear as if they are large suburban houses". Furthermore, this assessment states that Easthill House is unusual in its adoption of a different building typology; that of shops below and flats above.

PROPOSED STATEMENT OF SIGNIFICANCE

The current issue of the heritage assessment proposes the following Statement of Significance:

1. Easthill House represents historic themes that have been important to the South Fitzroy area including building and serving community life through health and welfare services, developing local economies through small retailers, and providing homes suited to the changing needs and requirements of inner city dwellers.
2. Easthill House at 71 Victoria Parade is of historic significance having been re-developed from two brick terrace houses built in 1880 by boot and shoe manufacturer Richard White (73 Victoria Parade) and 1882 by Ellen Farrell (71 Victoria Parade). As part of a thriving urban precinct from the late nineteenth century, the terrace houses provided many opportunities for tenants and small business owners alike, including as Victoria College under Principal James McClean from 1897.
3. Easthill House at 71 Victoria Parade is historically significant for its association with medical use, becoming a private hospital by 1912 following its purchase by oculist and ophthalmic surgeon, Dr Edward Ryan. This use was in keeping with its location adjacent to the long established public and private St Vincent's Hospital precinct, of which, many years later in 1995 it became a part.
4. Following purchase of 73 Victoria Parade by Dr Edward Ryan in 1920, and the subsequent transfer of both properties in 1927 to a company registered at Dr Ryan's Collins Street address; the remodelling of both buildings in 1930 is historically significant as part of an early trend to the development of flats in the City of Yarra. (Criterion A)
5. Easthill House is a relatively early but quite atypical example of Interwar flats. It is amongst the earliest examples of flats in the City of Yarra, preceding the development of the free-standing apartment block containing small numbers of flats and modelled on the suburban house typology. It is uncommon in its building typology for the time, with shops on the ground floor and apartments above. (Criterion B)
6. The building is a fine and relatively intact example of the Interwar Spanish Mission style. The addition of the Spanish Mission façade to the original Victorian terrace houses in 1930 contributes to a sense of grandeur and glamour, fitting for a relatively new housing type, the flat or apartment building close to the city centre.
7. Notable features include the highly decorative outline and rendered detailing of the parapet, arched plaster cornices running between twisted columns to the upper level, cantilevered balconies with wrought iron balustrades and decorative corbels; timber French windows with decorative highlights opening onto the balconies; a stepped brick arched opening to a front entry porch; timber entry door with decorative glazing bars; identical grand arched openings to the four outer bays at street level. Although somewhat altered by the replacement of fixed pane windows, the remainder of the façade is intact. (Criterion E)
8. Easthill House is historically significant for its association with renowned oculist and ophthalmic surgeon Dr Edward Ryan who consulted from Collins Street and at St Vincent's Hospital. The remodelling of the building in 1930 under Dr Ryan's ownership, and several years after his retirement from practice, resulted in the unusual building type evident today. (Criterion H)

I am concerned that many of the claims of significance in the proposed statement are not necessarily demonstrated by the existing building in any substantial manner. The strongest claim of significance appears to be associated with its historic associations with various uses (most particularly as flats) and

Attachment 10 - Heritage Advisor comments - Follow-up advice

a renowned surgeon, Dr Edward Ryan. Much of this significance dates from after 1927 when the building was substantially altered by the addition of a new façade. The building is not a purpose built flat development but rather a remodelling on a commercial style, of a pair of previously existing late Victorian dwellings. In this regard, I do not consider that the building is an example of Interwar flats.

As an example of Interwar Spanish Mission style, I do not consider that the façade alone would constitute the property as a fine and relatively intact example of this architectural style. Furthermore, the entire replacement of all original window frames has diminished the integrity and more importantly the appearance of the subject building.

While it is accepted that the building has an association with Dr Edward Ryan as an owner of both properties, it is apparent that he did not actually occupy the building at any time. Therefore, this is not considered a strong association.

CONCLUSION

1. While the retention of the subject building would maintain an older element of the existing streetscape along Victoria Parade, this element is only 'skin deep'. Even the 'skin'/facade has been modified to an extent that it has the appearance of a commercial building – not residential flats.

   To retain only the façade of this building would be Facadism. Little of the built fabric behind the façade is directly associated with the Interwar Spanish Mission style that is not well represented with the overlays of the City of Yarra.

   While there may be some visual merit in maintaining the façade of this building within the streetscape, this action would not be considered a good conservation outcome.

   The retention of this building's façade will not reinforce the character of the buildings that are specifically representative of the HO334 South Fitzroy Precinct.

   It is therefore considered that despite the significance claimed by the Heritage Assessment, Easthill House, 71 Victoria Parade, Fitzroy, Issue no. 4, prepared by Context, dated 16 May 2017, I believe that the existing building physically demonstrates little of this significance.

2. On the basis that it is considered that the subject building continues to be of limited heritage value to the South Fitzroy Heritage Precinct, my previous advice regarding the acceptability of full demolition of this building remains unchanged.

SIGNED:



Diahnn McIntosh

DATED: 6 June 2017

Attachment 11 - Engineering Services Unit comments

CITY OF YaRRA

MEMO

To:	**James Sutherland**	
From:	**Mark Pisani**	
Date:	**16 February 2017**	
Subject:	**Application No:**	**PLN16/0925**
	Description:	**St Vincent's Private Hospital**
	Site Address:	**59-61 Brunswick Street & 20-32 Fitzroy Street, Fitzroy**

I refer to the above Planning Application received on 15 December 2016 and the accompanying report prepared by One Mile Grid traffic engineering consultants in relation to the proposed development at 59-61 Brunswick Street & 20-32 Fitzroy 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
Additional Hospital Beds	91 beds	Rate Not Specified	To the satisfaction of the Responsible Authority
Additional Hospital Staff	158 persons	Rate Not Specified	To the satisfaction of the Responsible Authority
Medical Centre	10 practitioners	5 spaces to the first person providing health services plus 3 spaces to every other person providing health services	32
Food and Drink	301.5 m^2	4 spaces per 100 m^2 of leasable floor area	12

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:

- *Empirical Parking Demand for the Hospital Redevelopment*. For the 158 additional staff at the site, One Mile Grid has sourced the 2011 census data from the Australian Bureau of Statistics, which recorded that 60% of people who worked in the municipality drove to work. This would equate to 95 parking spaces. The visitor parking demand was based on a rate of 0.55 spaces per hospital bed (cases uncited), which would result in 57 spaces. No information was

Attachment 11 - Engineering Services Unit comments

provided on the proposed café parking. The empirical parking demand would total 184 spaces. One Mile Grid also provided other empirical methods to determine the likely parking demand by sourcing the *Guide to Traffic Generating Developments* by the Roads and Maritime Services NSW, and by referring to the Department of Health, resulting in parking demands of 180 spaces and 159 spaces respectively.

- *Parking Demand associated with the Food and Drink Premises*. For the food and drink premises, much of the clientele would be associated with the hospital (employees and visitors). The food and drink premises would not function as a specific destination in its own right. It is not known whether the employees at the food and drink premises would be counted as hospital staff. We would expect the car parking demand of the food and drink premises to be low and have very little, if any, parking generated in the surrounding streets.
- *Car Parking Credit associated with Relocation of Administration Staff*. The submitted report mentions the off-site relocation of 63 administration employees. Applying the journey-to-work parking rate of 0.6 spaces per employee would equate to 38 spaces. Subtracting this parking credit from the empirical parking demand would result in a net parking demand of 146 spaces.
- *Availability of Public Transport in the Locality of the Land*. The site is very well located in terms of public transport services. The hospital is within walking distance of Parliament railway station and tram services operating along Victoria Parade, Brunswick Street and Nicholson 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 at an Alternate Site*. According to One Mile Grid consultants, the anticipated parking demand (146 spaces) can be comfortably accommodated at the expanded hospital car park at 93-99 Victoria Street, which would contain an additional 185 spaces. Long term commercial car parking is also available at the basement off-street car park underneath Museum Victoria.

Use of 93-99 Victoria Parade Car Park and the Existing Fitzroy Street Car Park
Engineering Services has no objection to the relocation to staff to the off-street car park at 93-99 Victoria Parade. It is reasonable to provide adequate capacity for visitors to park at the Fitzroy Street car park whilst staff could park a short distance away.

The modified Fitzroy Street car park would result in 107 spaces available for visitors. The hospital redevelopment is expected to generate an additional parking demand of 73 visitor spaces.

Ultimately, the majority of staff would be accommodated in the Victoria Street car park (a total of 714 staff spaces) whilst the Fitzroy Street car park would accommodate the bulk of visitors (a capacity of 371 visitor spaces in total).

Adequacy of Car Parking
From a traffic engineering perspective, the provision of parking for the additional staff and growth in visitor numbers (as a result of additional beds) is considered appropriate in the context of the hospital redevelopment and the use of the expanded hospital car park. The hospital has excellent access to public transport services and also has very good pedestrian connectivity. Alternative parking could also be found nearby (Museum Victoria).

Engineering Services has no objection to the reduction in car parking for the 10 new medical practitioners and for the new food and drink premises. There is also no objection to the proposed car parking provision for the additional staff and visitors as a result of the hospital redevelopment.

Attachment 11 - Engineering Services Unit comments

DEVELOPMENT LAYOUT DESIGN – FITZROY STREET CAR PARK AND LOADING AREA

Layout Design Assessment

Item	Assessment
Access Arrangements	
Car Park Access and Exit Points	The existing south doorway (currently closed) would be entry only and the north doorway would be exit only (right turn into Fitzroy Street). The widths of the doorways are in excess of 3.0 metres and satisfy *Design standard 1 – Accessways* of Clause 52.06-8. The swept path diagrams for the B85 design vehicle entering and exiting the car park via Fitzroy Street are considered satisfactory.
Internal Layout	
Pick-Up/Drop-Off Area	The pick-up/drop-off area would be located at basement level of the existing car park. New arrangement ensures that there is efficient circulation.
Boom gates/Access Control Points	Relocated to the upper ground level within the car park. There is no objection to the loss of five spaces to accommodate the boom gates.
Doctor Parking and Accessible Parking spaces	The four doctor parking spaces would be located along the east wall of the car park and the accessible space and shared area are located adjacent to the lift core. These parking arrangements are considered satisfactory.
Ambulance Bays	The two ambulance spaces are each 6.0 metres in length and have been provided with an addition of 2.5 metres to their lengths. The width of each space is 2.9 metres. The swept path diagrams for the ambulances adequate demonstrate vehicle entry and exit movements to and from the bays.
Car Circulation within Car Park	The swept path diagrams for the B85 design vehicle circulating within the car parks are considered satisfactory.
Car Park Line Marking	The proposed line markings as shown on the *Level 1 Car Park Access Swept Path Analysis* plan prepared by One Mile Grid (Drawing No. SPA102 Rev C dated 19 September 2016) are considered satisfactory.
Loading Facility	
Truck Access	The swept path diagrams for the 6.4 metre long Small Rigid Vehicle and an 8.0 metre truck are considered satisfactory. Truck entry and exit movements via Fitzroy Street are also considered satisfactory.

In summary, the proposed changes made to the existing car park and loading arrangements are considered satisfactory.

Attachment 11 - Engineering Services Unit comments

STREETSCAPE WORKS

As part of the redevelopment of the Hospital, the applicant proposes to undertake streetscape works along the Hospital's Victoria Parade and Brunswick Street road frontages. Reference is made to landscape drawings prepared by LBA Design (Drawing Nos. TP002 and TP 003 dated September 2016) and Engineering Services provides the following information:

- The streetscape drawings must show all existing infrastructure assets, signs, pole, pits and other roadside objects.
- The kerb and channel along the Victoria Parade and Brunswick Street road frontages must be reconstructed with a 300 mm wide bluestone kerb with 250-300 mm gutter stone to Council's satisfaction.
- Kerb crossings must be DDA compliant.
- The kerb extension proposed on the west side of Brunswick Street could be extended further south (as suggested by Urban Design in their comments of 10 February 2017). The proposed pram cross at the kerb extension appears to lead to nowhere, as the east side of Brunswick Street provides no treatment to facilitate pedestrians crossing Brunswick Street. Unless the east side of Brunswick Street has a corresponding treatment/kerb extension, the proposed pram crossing is to be deleted.
- To provide a kerb extension on the west side of Brunswick Street, the applicant must extend the existing underground drain along the west side of the street (the existing grated side entry pit located further to the north). A new grated side entry pit is to be constructed adjacent to the new kerb extension. Detailed engineering drawings of the drainage works are to be submitted to Council for assessment and approval. Given that the cover for the drain is restricted, the applicant would need to select a class 6 pipe. With the excavation and laying of the new drain extension, any nearby power poles must be stabilised during works.
- The applicant would need to show any property drains that run within the footpaths to be reconstructed.
- All underground utility services and assets need to be proved, depthed and identified.
- All asbestos telecommunications pits must be replaced.
- The alignment of the pram crossing at the north west corner of the Victoria Parade/Brunswick Street must be aligned with the corresponding pram crossing at the north east corner of the intersection.
- The existing Right of Way is currently a Council controlled road under the provisions of the *Road Management Act* 2004. Before any landscaping works can take place as proposed, the Right of Way must be formally discontinued in accordance with the *Local Government Act* 1989. When an application for a road discontinuance is made, referral comments from Engineering Services would be sought. The applicant must purchase the discontinued road from Council.
- All accessible (disabled) parking spaces and all other parking restrictions must be accurately shown on the drawings.

In summary, Engineering Services is supportive of the proposed streetscape works subject to compliance of the above items.

Attachment 11 - Engineering Services Unit comments

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 12 - Internal Urban Design comments

CITY OF YARRA

MeMO

TO:	James Sutherland (Statutory Planning)
FROM:	Hayley McNicol (Urban Design)
DATE:	14 February 2016
SUBJECT:	St Vincent's Hospital
APPLICATION NO:	PLN16/0925
DESCRIPTION:	Proposed Landscape Concept Plan around hospital development

Dear James

We understand that Statutory Planning has consulted Engineering Services on the proposed Landscape Concept Plan (stamped 23 November 2016) for the above proposal, and through this the Urban Design team has been invited to provide feedback on the streetscape improvements along Victoria Parade and Brunswick Street directly around the site.

Please find below our Urban Design feedback on the proposal, most of which was discussed at our meeting a couple of weeks ago. Where relevant we have checked our suggestions with colleagues in the Open Space, Engineering, Parking Management and Construction & Development to ensure that they do not contradict any feedback they are providing.

1. Brunswick Street entrance

Although the applicant proposes to widen the footpath at the Brunswick Street entrance, we feel that this doesn't provide much space around this entrance to the hospital. We therefore recommend that the proposed widened footpath on Brunswick Street is extended to the south to provide a more generous footpath.

We understand from Warrick Middleton in the Parking Management team that some short term parking is beneficial for the area and is well used, however there could be some scope to reduce parking to at least two spaces along this section (refer to attached email). We have marked below our recommendations for the footpath widening based on this advice from Parking Management (refer Figure 1).

The principle of the kerb extension has also been discussed with Mark Pisani in Engineering Services who do not object to this suggestion. We understand that they will be providing more technical feedback on the proposals, including on this suggested improvement.

2. Trees

There is an opportunity to provide an additional tree on Brunswick Street, just north of the entrance to provide shade to this area. Clare Lee from the Streetscapes team has confirmed that this tree could be accommodated, and has provided a drawing and some feedback on the tree planting proposals (see attached email).

Attachment 12 - Internal Urban Design comments

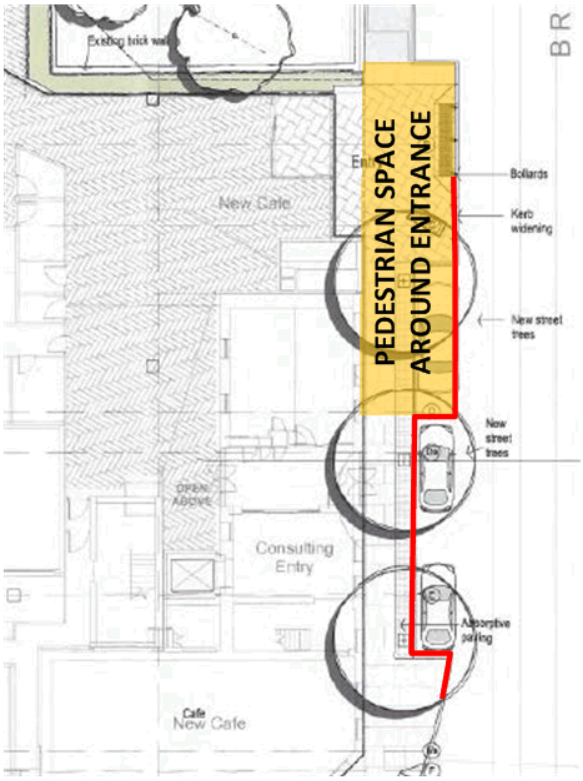


Figure 1: Proposed additional footpath widening

3. Location of the drop kerb at the Brunswick Street entrance

We agree with the points made at the meeting that further consideration is needed on the location of the drop kerb in terms of whether it is possible to mirror it on the east side of Brunswick Street to facilitate a safe informal crossing point, and how it connects with other key sites such as the ACU.

4. Alignment of drop kerb at south-east corner of the site

We agree with the concerns raised at the meeting about the orientation of the drop kerb for the pedestrian crossing across Brunswick Street – this needs to be corrected.

5. Victoria Parade entrance

It doesn't look like there is adequate space between the entrance and the drop kerb leading to the parking – it would be useful to know what the width is between the building line and the inside edge of the drop kerb.

6. Kerbside dining

The plan shows an area for tables and chairs on the footpath on Victoria Parade. This doesn't seem to be a desirable location given the noise and limited solar access, and the limited leftover footpath space that would be provided on Victoria Parade. This also may need further input from the Compliance team to confirm if it is possible at all. We had originally thought that the kerbside dining could be relocated to Brunswick Street instead, but

Attachment 12 - Internal Urban Design comments

this may not be possible now given that we need to retain at least two on-street car parking spaces there.

7. Public seating

The plan should show some public seating along Victoria Parade and Brunswick Street in close proximity to the entrances.

8. Use of bluestone and asphalt

The plan shows bands of asphalt and bluestone paving – we do not support this mix of materials as it will create a more complicated maintenance regime and will have a more messy appearance over time.

We recommend that the material is simplified to just bluestone. Given the site's gateway location, its heritage context, position amongst a cluster of health and education institutions around the site (bringing many people to the area), and the role of Victoria Parade and Brunswick Street as major routes for pedestrians, we consider that this warrants the use of bluestone on the footpaths around the site. We have spoken to Peter Moran in Construction & Development who does not object to this suggestion.

9. Use of porous paving

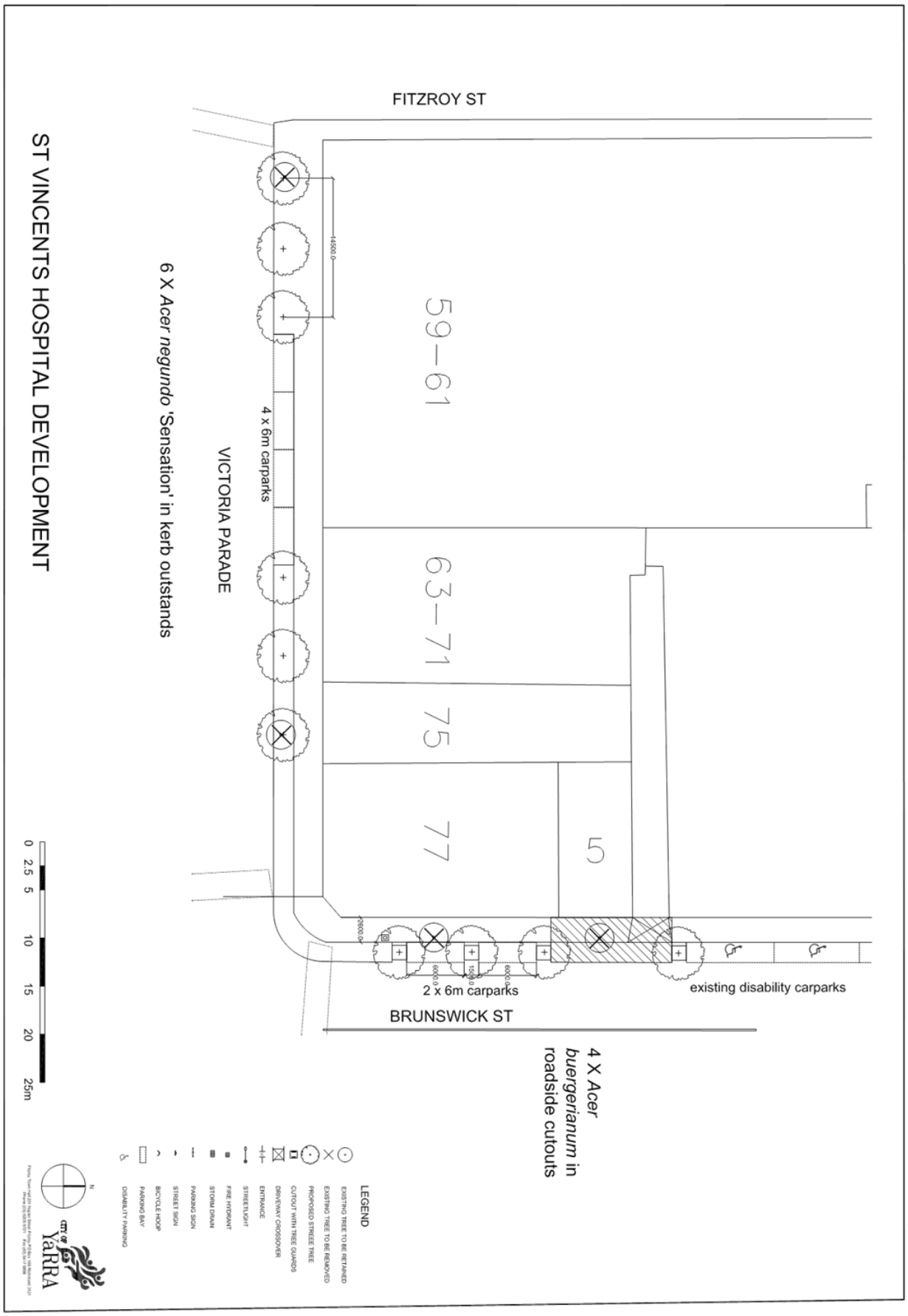
In general we are not convinced that the porous paving they have proposed is appropriate, as the small pavers are can potentially move and cause an issue for people with mobility and visibility impairments (this is a particular issue where a long strip of porous paving is proposed along the footpath on Brunswick Street).

Clare Lee from the Streetscapes team has provided some suggested alternatives for the tree pits, which should be incorporated in the proposals.

10. Dimensions

It is important for the drawing to include dimensions to show the overall footpath width and unobstructed footpath width.

Attachment 13 - Open Space Unit comments - suggested tree locations



Attachment 14 - Victrack comments

Our Ref: CSM 31883

CITY OF YARRA
- 9 FEB 2017
RECEIVED - CRU

2 February 2017

Mr James Sutherland
Principal Statutory Planner
Yarra City Council
PO BOX 168
RICHMOND VIC 3121

Emailed to: James.Sutherland@yarracity.vic.gov.au

Dear James

Planning Permit Application No. PLN16/0925
59-77 Victoria Parade, 5-7 Brunswick Street & 20-32 Fitzroy Street, Fitzroy

We refer to Council's correspondence notifying VicTrack under section 52 of Planning and Environment Act 1987 of a planning application for land at 59-77 Victoria Parade, 5-7 Brunswick Street & 20-32 Fitzroy Street, Fitzroy.

The application seeks approval for development to site including part demolition of buildings, the construction of a 10 storey building, works to the streetscape including planting and paving and alterations to the car park on Fitzroy Street.

VicTrack has reviewed the proposal and 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 sincerely

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

Attachment 15 - Public Transport Victoria comments

PUBLIC TRANSPORT VICTORIA

File: FOL/16/52931
Ref: DOPT2016/0503

PO Box 4724
Melbourne Victoria 3001
Australia

Telephone 1800 800 007
ptv.vic.gov.au

James Sutherland
Planning Department
City of Yarra
P O Box 168
RICHMOND VIC 3121

Dear Mr Sutherland

YARRA PLANNING SCHEME
PLANNING APPLICATION NO: PLN16/0925
PROPOSAL: EXTENSION TO HOSPITAL
ADDRESS: 59-77 VICTORIA PARADE & 5-7 BRUNSWICK STREET & 20-32 FITZROY STREET FITZROY

Thank you for your Section 52 Notice pursuant to Section 55 of the *Planning and Environment Act 1987* for the above application.

Public Transport Victoria, has no objection to the grant of a Planning Permit and submits the following condition for Council's consideration:

Conditions:

1. The permit holder must take all reasonable steps to ensure that disruption to public transport services along Victoria Parade & Brunswick Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus & tram operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

Should you require any further clarification, please feel free to contact Elana Savini on telephone 03 839 27989.

Yours sincerely

Margaret Burge

MARGARET BURGE
Senior Lawyer
23 / 01 / 17

Attachment 16 - VicRoads comments.

vicroads

Yarra City Council
PO Box 168
RICHMOND VIC 3121
Attention: James Sutherland

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 Mr. Sutherland,

PLANNING APPLICATION NO.: **PLN16/0925 & PLN16/0926**

PROPERTY ADDRESS: **ST VINCENT'S PRIVATE HOSPITAL**

Referral Response – No objection subject to conditions

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

Planning Application PLN16/0925 is for the construction of a ten (10) storey building and alterations to the main private hospital site along Victoria Parade, Brunswick Street and Fitzroy Street, including streetscape works and widening of a curb and removal of power lines.

Planning Application PLN16/0926 is for the three level addition of 185 car parking spaces at the hospital's staff car park at 93-99 Victoria Parade.

VicRoads does not object to the proposal/s in their current form.

In relation to **Planning Application PLN16/0925** 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. *The planter boxes along Victoria Parade must be removed.*
2. *The three(3) bollards positioned opposite the new entry along Victoria Parade to be repositioned along the north side of the tactile indicators.*
3. *Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment Land Water and Planning pursuant to Section 138A (11) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Victoria Parade boundary (i.e., the canopies, fixed shading devices, architectural features), to indemnify the Crown in relation to any claim or liability arising from the projections within the Victoria Parade road reserve.*
4. *Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (i.e. Victoria Parade). Please contact VicRoads prior to commencing any works.*

Notes:

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

VICTORIA State Government

VicRoads ABN 61 760 960 480

PSL 38

Attachment 16 - VicRoads comments.

Council should be mindful that the setback from back of kerb and canopy clearance along Victoria Parade should be consistent with the requirements of the Building Act and be no less than 750mm from the kerb alignment. In addition, the canopy clearance should be no less than 5m in height so as not to hinder emergency vehicle access (i.e. MFB) to the indented parking area.

Condition 1 and 2 have been included to ensure the clear zone requirements are adequately addressed. VicRoads guidelines require any potential road hazards such as planter boxes should be placed outside the clear zone. This is to ensure any runoff vehicles does not collide with the planter boxes and push them into pedestrians on the footpath. In addition, as the bus lane also acts as a cycle lane any cyclist that fall off their bike or get side swiped from a vehicle may collide with the planter boxes. For a 60km/hr road carrying such a high number of vehicles per day the relevant clear zone is 4.1m. If plantings are required we suggest these structures be positioned within the site title boundary such as the existing conditions outside the St Vincent's Hospital main entrance. The repositioning of the bollards north of the tactile surface has been addressed in condition 2 to assist vehicle door opening clearances to be achieved.

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 me on 03 9313 1148 or Gillian.Menegas@roads.vic.gov.au

Yours sincerely

G Menegas

GILLIAN MENEGAS
PRINCIPAL PLANNER - STATUTORY PLANNING DEPARTMENT

17 June 2017

1.2 PLN16/0926 - 93 - 99 Victoria Parade Fitzroy - Use and development of the land for part demolition, alterations and a three storey addition to the existing car park.

Executive Summary

Purpose

1. This report provides Council with an assessment of planning permit application PLN16/0926 for use and development of the land for part demolition, alterations and a three storey addition to the existing car park for 185 additional car spaces and 40 motor bike spaces at 93 - 99 Victoria Parade Fitzroy.

Key Planning Considerations

2. Key planning considerations include:
   (a) clause 9.01 – Plan Melbourne
   (b) clause 11.06 – Metropolitan Melbourne
   (c) clause 15 – Built Environment and Heritage
   (d) clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
   (e) clause 22.17 – Environmentally Sustainable Development;
   (f) clause 34.01 – Commercial 1 Zone;
   (g) clause 43.02 – Design and Development Overlay, Schedule 2;
   (h) clause 52.06 – Car Parking; and
   (i) clause 65 – Decision Guidelines.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic policy support;
   (b) Heritage impacts;
   (c) Built form and design;
   (d) Amenity impacts;
   (e) Traffic and car parking layout;
   (f) Objector concerns; and
   (g) Other matters;

Objector Concerns

4. A total of 14 objections were received to the application, these can be summarised as:
   (a) Lack of a master plan for the hospital;
   (b) Impact of the proposed additions on the heritage significance and character of the area;
   (c) Impact of the proposed additions on the character and amenity of the area; and
   (d) Impacts on traffic and public transport;

Conclusion

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

CONTACT OFFICER: **James Sutherland**
TITLE: **Principal Statutory Planner**
TEL: **9205 5046**

1.2 PLN16/0926 - 93 - 99 Victoria Parade Fitzroy - Use and development of the land for part demolition, alterations and a three storey addition to the existing car park.

Trim Record Number: D17/74230
Responsible Officer: Coordinator Statutory Planning

Proposal:	Use and development of the land for part demolition, alterations and a three storey addition to the existing car park for 185 additional car spaces and 40 motorbike spaces (to be used for staff of the St Vincent's Hospital generated by the extension to the hospital proposed under planning permit application PLN16/0925).
Existing use:	Car park and childcare centre
Applicant:	St Vincent's Healthcare Limited C/- Meinhardt P/L
Zoning / Overlays:	Commercial 1 Zone. Heritage Overlay, Schedule 334 – South Fitzroy Precinct Design and Development Overlay, Schedule 2 – Main Roads and Boulevards Environmental Audit Overlay
Date of Application:	11 October 2016
Application Number:	PLN16/0926

Planning History

1. The existing car park and childcare centre building was approved by Planning Permit PL04/1183 issued by Council on 15 July 2005.

Background

2. There is a concurrent planning permit application (PLN16/0925) for a significant expansion of the St Vincent's Private Hospital to the west of the subject site at 59-77 Victoria Parade, 5-7 Brunswick Street and 20-32 Fitzroy Street, Fitzroy. The extension of this car park is proposed to accommodate re-located staff car parking spaces from the Fitzroy Street car park on the main hospital site, as well as staff demand associated with the proposed hospital expansion.

Existing Conditions

Subject Site

3. The subject site is located on the north side of Victoria Parade at the north-west corner of Young Street and 30m east of Brunswick Street. The land is regular in shape except for a small cut-out in the north-eastern corner.

4. The buildings on the site consist of a two and three storey childcare centre on Victoria Parade with a eight-nine storey (23.4m-26.76m) high car parking building behind containing 529 car parking spaces for staff of the St Vincent's Hospital. The car park is setback from Victoria Parade by between 12.6m and 15.9m, is generally built to the eastern/ Young Street boundary, is setback 4.6m from the northern boundary and 3.8m from the western boundary. The car parking levels are constructed of grey concrete which are partly open, creating strong horizontal banding. The central part of the Victoria Parade façade has a coloured, feature mesh screen. There is also one located on the Young Street façade at the lower levels.

5. On Victoria Parade there is three lanes of car park entry/exit with open terrace above associated with the childcare centre on the western side. Further east, the facade is three storeys high constructed of grey panelling, glazing and feature coloured mesh screening similar to the upper levels.

6. At the north-west corner of Victoria Parade and Young Street is a two storey building known as the Former Melbourne & Metropolitan Tramway Board Offices. The building is setback from Victoria Parade by approximately 4.5m, from the main childcare building by 2.7m (except at the ground and first floors where they have been connected), from the main car park building by 3.2m and is built along Young Street.

7. The land slopes down from west to east (approximately 1.3m) with some landscaping within the front setback of the Young Street/Victoria Parade building including a tall tree.

Surrounding Land

8. To the north of the site on Young Street is a 2-3 storey building with a pitched roof and face brick and render walls known as the Melbourne and Metropolitan Tramway Board Electrical Substation. The building is graded 'individually significant' within the South Fitzroy Heritage Overlay Precinct.

9. Further north is a modern eight storey building associated with the Australian Catholic University (ACU). It is constructed to Young Street and wraps around the substation building on the west side and is setback from the north wall of the car park by 4.6m.

10. To the south is Victoria Parade a nine lane arterial boulevard with central median containing tram tracks, grassed areas and large canopy trees. On the southern side of Victoria Parade are a range of buildings including two storey Victorian era terraces, 6-9 storey office buildings as well as a single storey brick church at the corner of Lansdowne Street. The south side of Victoria Parade is in the City of Melbourne.

11. To the west is a two storey flat roof building constructed of metal panelling and glazing, with coloured work applied to the Victoria Parade frontage. The building is part of the ACU and extends to the corner of Brunswick Street. To the north-west is an open square associated with the ACU. Further west is the St Vincent's private and public hospitals with a range of buildings between 2-11 storeys in height and varying eras and styles from the 1850s, 1860s, 1930s, 1970s as well more modern towers and infill buildings.

12. To the east is the six storey 'Mary Glowrey Building' associated with the ACU. The building has rendered walls and large regular window patterning and a two storey glass infill façade to Victoria Parade. Further east is an open car parking area for the ACU. The ACU is currently in the process of amending its Development Plan as discussed in the officer's report regarding the planning permit application for the main hospital building (PLN16/0925).

13. To the north-east is a three storey car park on Young Street associated with the ACU. There are a number of dwellings on Young Street approximately 85m north of the site.

The Proposal

14. The applicant proposes part demolition of the car park and addition of three. More specifically:
    (a) Demolition of the roofs of the lift and stair cores in the south-east and north-east corners at the uppermost level, as well as a section of the concrete slab at the top level on the north side;
    (b) Addition of three levels of car parking above the existing levels up to a height 33.2m on the west side and 32.2m on the east side and 35.4m to the liftcore.
    (c) The additional levels would be primarily clad in vertical coloured aluminium battens with sections of charcoal coloured fibre cement sheeting and planter boxes;

(d) The extended stair and lift cores would be grey concrete;
(e) Addition of a fire pump room in the north-western corner at the ground floor including associated demolition of external fabric;
(f) Internal rearrangements including:
    (i) Conversion of standard car spaces to four DDA spaces at ground level;
(g) Addition of motorbike parking to vacant space on the southern side of levels 2-8;
(h) Extended lift and stairs to each new level;

15. No changes to the childcare facility or building are proposed, or to the entry/exit of the car park and it is to remain only for staff of the hospital.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

16. Pursuant to clause 34.01-1, use of the land as a car park is a 'section 2', permit required use.

17. Pursuant to clause 34.01-4 a permit is required to construct a building or construct or carry out works.

Overlays

Heritage Overlay

18. Pursuant to clause 43.01-1 a permit is required to demolish a building and to construct a building or construct or carry out works.

Design and Development Overlay, Schedule 2 – Main Roads and Boulevards

19. Pursuant to clause 43.02-2, a permit is required to construct a building or to construct or carry out works.

Environmental Audit Overlay

20. The requirements of this overlay are not relevant as the buildings and works are not associated with a 'sensitive use' (i.e. residential or childcare).

Particular Provisions

Clause 52.06 – Car parking

21. Pursuant to clause 52.06-8, car parking plans must be provided to the satisfaction of the Responsible Authority where the floor area of an existing use is increased. The area of the car park use is being increased, thus plans are required (although for a car park it is self-evident that these plans will inherently be provided as part of the application).

General Provisions

Clause 65 – Decision Guidelines

22. Clause 65 is relevant to all applications and requires, amongst other things, consideration be given to:

(a) *The matters set out in Section 60 of the Act.*
(b) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

(c) *The purpose of the zone, overlay or other provision.*
(d) *Any matter required to be considered in the zone, overlay or other provision.*
(e) *The orderly planning of the area.*
(f) *The effect on the amenity of the area.*
(g) *The proximity of the land to any public land.*

State Planning Policy Framework (SPPF)

Clause 11.01-1 Settlement networks

23. *The objective of this clause is:*
    (a) *To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

24. Relevant strategies are to:
    (a) *Focus investment and growth in places of state significance, including the following locations:*
        (i) *Health and Education Precincts (among other locations)*

Clause 11.02 – Urban growth

25. The objective of this clause is:

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

26. Relevant strategies include:

    (a) *Planning for urban growth should consider:*
        (i) *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
        (ii) *Neighbourhood character and landscape considerations.*

Clause 11.03-2 Activity centre planning

27. The objective of this clause is to:
    (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.*

28. Relevant strategies include:
    (a) *Locate significant new education, justice, community, administrative and health facilities that attract users from large geographic areas in or on the edge of Metropolitan Activity Centres or Major Activity Centres with good public transport.*

Clause 11.04-4 – Liveable Communities and Neighbourhoods

29. The objective of this clause is:

    (a) *To create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.*

30. Relevant strategies include:

    (a) *Protect Melbourne and its suburbs from inappropriate development.*
    (b) *Achieve and promote design excellence.*

Clause 11.06-1 – Jobs and investment

31. The objective of this clause is:
    (a) *To create a city structure that drives productivity, attracts investment, supports innovation and creates jobs.*

32. Relevant strategies include:

    (a) *Support the significant employment and servicing role of Health and Education Precincts by:*
        (i) *focussing on improving access, particularly public transport access.*
        (ii) *encouraging co-location of facilities to better utilise existing infrastructure.*
        (iii) *supporting and facilitating growth of associated businesses and industries.*
        (iv) *reinforcing their specialised economic functions while also providing opportunities for ancillary retail, commercial, accommodation and supporting services.*

33. These considerations are relevant as the proposed development directly supports the expansion of the St Vincent's private hospital proposed in planning permit application PLN16/0925.

/

Clause 13 – Environmental Risks

Clause 13.04-1 – Noise abatement

34. The objective of this clause is:

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

Clause 15 – Built Environment and Heritage

Clause 15.01-1 – Urban design

35. 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.*

Clause 15.01-2 – Urban Design Principles

36. 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.*

37. 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.

Clause 15.01-5 – Cultural identity and neighbourhood character

38. The objective of this clause is:

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

Clause 15.03-1 – Heritage conservation

39. The objective of the clause is:
    (a) *To ensure the conservation of places of heritage significance.*

40. Relevant strategies include:
    (a) *provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value;*
    (b) *encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations;*
    (c) *retain those elements that contribute to the importance of the heritage place;*
    (d) *encourage the conservation and restoration of contributory elements;*
    (e) *ensure an appropriate setting and context for heritage places is maintained or enhanced; and*
    (f) *support adaptive reuse of heritage buildings whose use has become redundant.*

Clause 17 – Economic development

Clause 17.01-1 – Business

41. The objective of this clause is:

    (a) *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 17.02-4 - Innovation and research

42. The objective of this clause is:
    (a) *To create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education.*

43. Relevant strategies are:
    (a) Support the development of business clusters.
    (b) *Encourage the provision of infrastructure that helps people to be innovative and creative, learn new skills and start new businesses in activity centres and near public transport.*

Clause 18 – Transport

Clause 18.01-1 – Land use and transport planning

44. The objective of this clause is:

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

45. A relevant strategy is:

    (a) *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.*

Clause 18.02-5 – Car parking

46. The objective is:

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

47. Relevant strategies include:

    (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)

    *Municipal Strategic Statement [**MSS**]*

    Clause 21.03 – Vision

48. The overarching vision for Yarra to the year 2020 includes as relevant:

    (a) Increased opportunities for employment and a range of activities to meet the needs of the community including people from across Melbourne;
    (b) New development that demonstrates design excellence, historic fabric that demonstrates the development of Melbourne and is internationally recognised and a low rise form with areas of higher development;
    (c) Walking, cycling and public transport is prioritised; and
    (d) New development has high quality ESD outcomes.

    Clause 21.04-2 – Activity Centres

49. This clause notes the important roles Yarra's activity centres play in providing a diverse range of service, retail and entertainment uses. Relevant objectives and strategies include:
    (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. Strategy*
        (ii) *4.2 Support the regional role of the Major Activity Centres as an important component of Yarra's economy and as a metropolitan destination.*
    (b) *Objective 5 To maintain the long term viability of activity centres.*
        (i) *Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*

    Clause 21.04-3 – Industry, office and commercial

50. This clause highlights the volume of commercial and associated uses is so significant that they form clusters of interrelated activity.

    Clause 21.04-4 - Community facilities, hospitals and medical services

51. This clause states *Council wishes to retain community services which cater to a range of needs (in particular for disadvantaged groups). Community facilities may be private or not for profit organizations. While large regional facilities such as the Epworth and St Vincent's hospitals are important to the community, their operation and expansion must respond to the local context.*

52. Relevant objectives and strategies include:

    (a) *Objective 10 To provide accessible community services.*
        (i) *Strategy 10.1 Encourage community facilities and services to co-locate and to locate within or adjacent to activity centres and locations that support multipurpose trips and shared parking arrangements for people of all abilities.*
        (ii) *Strategy 10.2 Encourage community facilities to locate where they are easily accessible by public transport.*
    (b) *Objective 11 To limit the impact of regional community facilities. Strategy 11.1 Require the preparation of master plans for regional community facilities including hospitals and schools.*

    Clause 21.05-1 - Heritage

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

    Clause 21.05-2 – Urban design

54. The relevant objectives and strategies 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 20 To ensure that new development contributes positively to Yarra's urban fabric.*
    (e) *Objective 21 To enhance the built form character of Yarra's activity centres.*
    (f) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 – Public environment

55. 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 28.1 Encourage universal access to all new public spaces and buildings.*
        (ii) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
        (iii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
        (iv) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
        (v) *Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.*

Clause 21.06-1 – Walking and cycling

56. The relevant objective and strategies of this clause are:
    (a) *Objective 30 To provide safe and convenient pedestrian and bicycle environments.*
        (i) *Strategy 30.1 Improve pedestrian and cycling links in association with new development where possible.*
        (ii) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*

Clause 21.06-3 – The road system and parking

57. The relevant objective and strategies of this clause are:
    (a) *Objective 32 To reduce the reliance on the private motor car.*
        (i) *Strategy 32.1 Provide efficient shared parking facilities in activity centres.*
        (ii) *Strategy 32.2 Require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and to encourage walking, cycling and public transport.*
    (b) *Objective 33 To reduce the impact of traffic.*
        (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks.*

Clause 21.07-1 – Ecologically sustainable development

58. The relevant objective of this clause is:
    (a) *Objective 34 To promote ecologically sustainable development.*

Clause 21.08-7 – Fitzroy

59. The following relevant commentary is offered at 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) *Victoria Parade, an important boulevard with substantial office development and the St Vincent's Hospital precinct, is on the south side of this neighbourhood. The Brunswick Street and Smith Street major activity centres run north south through the middle, while the Johnston and Gertrude Streets neighbourhood activity centres run east west through the neighbourhood. The Smith Street centre borders on Collingwood and is discussed in clause 21.08-5.*

    (c) *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.*

60. The Neighbourhood Map at Figure 17 shows the site adjacent to the Brunswick Street Major Activity Centre.

61. The Built form character Map at Figure 18 identifies the site as within the Heritage Overlay area where it states 'Ensure development does not adversely affect the significance of the heritage place'.

62. Implementation of land use strategies relevantly includes:
    (a) *Requiring the preparation of a master plan for St Vincent's Hospital.*

63. Implementation of built form strategies relevant includes:
    (a) *Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.*
    (b) *Supporting the existing scale and character of the Brunswick Street and Gertrude Street activity centres.*

Relevant Local Policies

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

64. The relevant objectives of this clause are:
    (a) *to conserve Yarra's natural and cultural heritage;*
    (b) *to conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
    (c) *to retain significant view lines to, and vistas of, heritage places;*
    (d) *to preserve the scale and pattern of streetscapes in heritage places; and*
    (e) *to ensure that additions and new works to a heritage place respect the significance of the place.*

65. Clause 22.02-5.1 Demolition (Full demolition or Removal of a Building) outlines that it is policy to (relevantly):
    (a) generally encourage the retention of a building in a heritage place, unless:
        (i) *the building is identified as a contributory building, and*
        (ii) *new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Areas 2007 Appendix 8, revised September 2015 and*
    (b) *the building does not form part of a group of similar buildings;*
    (c) *Note: The poor condition of a heritage place should not, in itself, be a reason for permitting demolition; and*
    (d) *an application for demolition is to be accompanied by an application for new development.*
66. For removal of part of a heritage place or contributory elements it is policy that:
    (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).*
        (ii) *For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.*

67. Clause 22.02-5.7 (New Development, Alterations or Additions) outlines that it is policy to (relevantly):
    (a) *encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place;*
    (b) *respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
    (c) *be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
    (d) *be visually recessive and not dominate the heritage place;*

(e) *be distinguishable from the original historic fabric;*
(f) *not remove, cover, damage or change original historic fabric;*
(g) *not obscure views of principle façades;*
(h) *consider the architectural integrity and context of the heritage place or contributory element;*
(i) *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; and*
(j) *encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*

68. Clause 22.02-5.7.2 Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail) (as relevant):
    (a) *corner sites and sites with dual frontages:*
        (i) *encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place; and*
        (ii) *encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection; and*
    (b) *ancillaries and services:*
        (i) *encourage ancillaries or services such as satellite dishes, shade canopies and sails, access ladders, air conditioning plants, wall and roof top mounted lighting, roof top gardens and their associated planting, water meters, and as far as practical aerials, to contributory or significant buildings, to be concealed when viewed from street frontage;*
        (ii) *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;*
        (iii) *encourage ancillaries or services in new development to be concealed or incorporated into the design of the building; and*

Clause 22.03 – Landmarks and Tall Structures

69. This policy applies to all development and is policy at clause 22.03-3 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; and*
    (c) *Ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.*

Clause 22.05 – Interface Uses Policy

70. This policy applies to the Commercial 1 and Mixed Use Zones, amongst others. The objectives of this policy are:
    (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*
    (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

71. Clause 22.05-3 also states that it is policy 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 22.16 – Stormwater Management (Water sensitive urban design)

72. This policy applies to applications for more than 50m² extensions to existing buildings (amongst others) and requires consideration of water sensitive urban design matters to *provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended)* (among other things).

Clause 22.17 – Environmentally Sustainable Development

73. This policy outlines objectives relating to energy performance, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology. Clause 22.17-4 requires the submission of a Sustainability Management Plan (SMP) with the application.

74. The overarching objective is *that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.*

Other documents

Plan Melbourne

75. Plan Melbourne is the overarching strategic planning document that seeks to guide land use and development with the vision that *Melbourne will continue to be a global city of opportunity and choice.*

76. Key elements of Plan Melbourne have been incorporated into the Scheme via clause 11 in particular however, additional relevant information, outcomes and directions include:

    (a) Metropolitan Melbourne is expected to accommodate an additional 3.4 million people reaching 7.9 million by 2051, with Victoria estimated to have a up to 10.1 million in total;
    (b) *Outcome 1 – Melbourne is a productive city that attracts investment, supports innovation and creates jobs:*
        (i) *Direction 1.1 - Create a city structure that strengthens Melbourne's competitiveness for jobs and investment*
        (ii) Identifies *places of state significance that will be the focus for investment and growth* including health and education precincts with the purpose*:*
            - *To support health and education services that are well served by public transport in a range of locations across Melbourne. Their specialised economic functions will be reinforced, and they should provide opportunity for ancillary health and education services, retail, commercial and accommodation uses.*
        (iii) The St Vincent's Hospital and Australian Catholic University Precinct (East Melbourne/Fitzroy) is identified as such a precinct.
        (iv) The inner area where the subject site is located is estimated to accommodate an additional 233,000 jobs by 2031 with key industries including *Professional scientific and technical services, finance and insurance services, healthcare and social assistance, public administration and safety.*
        (v) The subject site is located adjacent to the Central City area which policy seeks to support to become *Australia's largest commercial and residential centre* by finding new space for industries such as health and medical research which are identified as a strength.
        (vi) Policy 1.1.4 deals specifically with health and education precincts noting in particular:

- *Major health and education precincts across metropolitan Melbourne have been identified for further services and jobs growth. These precincts stimulate innovation, create employment and are of fundamental importance to the emerging knowledge economy and surrounding communities; and*
- *Planning for the growth of these precincts will need to focus on improving access—particularly via public transport—and diversifying job choices. Co-location of facilities (for example, a university with a hospital) will make better use of existing infrastructure and support the growth of associated businesses and industries. Specialised economic functions should be reinforced, but there should also be opportunities to provide ancillary retail, commercial, accommodation and supporting services.*

(c) *Outcome 2 - Melbourne is a distinctive and liveable city with quality design and amenity.*
   (i) Policy 4.1.3 is to *Strengthen Melbourne's network of boulevards* with the following relevant description:
      - *Melbourne's grand boulevards—such as St Kilda Road, Victoria Parade and Royal Parade—are wide, generous, tree-lined spaces that serve multiple uses and can accommodate relatively tall buildings. Melbourne should aim to create contemporary boulevards that enhance the city's distinctiveness, extending these into parts of the metropolis that lack boulevards.*
   (ii) Policy 4.3.1 is to *Promote urban design excellence in every aspect of the built environment.*

(d) Direction 4.4 is to *Respect Melbourne's heritage as we build for the future where it is noted:*
   (i) *Heritage will continue to be one of Melbourne's competitive strengths, contributing to its distinctiveness and liveability and attracting visitors, new residents and investors. Heritage is an important component of Victoria's tourism industry and benefits the economy.*
   (ii) Policy 4.4.1 is to *Recognise the value of heritage when managing growth and change, noting that:*
      - *Realising the community benefit of heritage will require careful management of the ongoing processes of change to the urban environment. Decisions must be based on an appreciation of Melbourne's past as well as an understanding of its future needs.*

Incorporated document

77. Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 – The site is identified as:
   (a) 93 – 99 Victoria Parade, Fitzroy – Not contributory
   (b) 103 Victoria Parade – Individually Significant (Melbourne and Metropolitan Tramway Board Offices).

Advertising

78. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act*, 1987 for 28 days by 943 letters sent to surrounding owners and occupiers and by two signs displayed on site. This included notices to the City of Melbourne as well as owners and occupies within the municipality, VicRoads and Public Transport Victoria. A public information session was held during the advertising period.

79. Council received 14 objections which can be summarised as follows:
   (a) Lack of a master plan for the hospital;
   (b) Impact of the proposed additions on the heritage significance and character of the area;
   (c) Impact of the proposed additions on the character and amenity of the area; and
   (d) Impacts on traffic and public transport;

80. A consultation meeting was held on 9 May 2017 with objectors, the permit applicant and representatives and Council planning officers in attendance. No agreement on changes to the proposed development were reached.

External Referrals

81. The application was not required to be referred externally. However, the following authorities were notified and provided a response (as attachments to this report):
    (a) VicRoads ; and
    (b) Public Transport Victoria.

Internal Referrals

82. The application was referred internally to:
    (a) Heritage Advisor;
    (b) Engineering Services Unit;
    (c) Urban Design Consultant – Rob McGauran, MGS Architects and Urban Designers.

83. All referral advice is contained within attachments to this report.

OFFICER ASSESSMENT

84. The key areas for assessment are:

    (a) Strategic policy support;
    (b) Land use;
    (c) Heritage impacts;
    (d) Built form and design;
    (e) Amenity impacts;
    (f) Traffic and car parking layout;
    (g) Objector concerns; and
    (h) Other matters

Strategic Policy Support

State and local policy

85. Since the proposed car park is directly associated with the expanded hospital use proposed under planning permit application PLN16/0925, it is relevant to consider the relevant strategic policy support for intensification of the healthcare use in this location. In this respect, relevant State policy has been outlined above and provides strong support for expansion and enhancement of a healthcare facility including through facilitating increased use of existing infrastructure and co-locating facility. Key messages that support this proposition from the policy highlighted are:
    (a) Plan Melbourne identifies Melbourne and Victoria's population is expanding and seeks to harness this growth to promote places of State significance such as the St Vincent's Hospital/ACU health and education precinct as a focus for investment. These areas are identified as being close to public transport, stimulating innovation and employment, making best use of existing infrastructure by co-locating facilities.
    (b) These areas are also intended to assist in re-enforcing the central city of Melbourne in becoming Australia's largest commercial centre including though the delivery of an additional 233,000 jobs by 2031 with scientific, health and medical industries identified as key to this;
    (c) The expectation and policy direction of Plan Melbourne for site is included in the scheme specifically at clauses 11.01-1 and 11.06-1, highlighting all those matters discussed above. Clause 9.01 also requires the Responsible Authority/Council to consider and apply Plan Melbourne where relevant.

(d) Clause 11.01 states that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and social facilities;
(e) In addition to policy supporting the growth of the site and area as an identified health and education precinct, clauses 11.03-2 encourages the growth of the Brunswick Street MAC and area on the edge of the Melbourne CBD more broadly by providing a concentration of major developments in these areas including significant new administrative and health facilities that attract users from a large geographic area in a location with good public transport;
(f) Clause 17.01-1 further articulates the importance of encouraging development that provides a net community benefit in *accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

86. At a local level, again relevant policy is extensively outlined earlier with the key messages that again provide strong support for the proposed development including:
(a) The overarching vision for the City includes to provide for increased opportunities for employment with the site being located in/adjacent to the Brunswick Street Major Activity Centre and adjacent to an area highlighted as a Specialist Medical Precinct;
(b) Clause 21.04-4 recognises the importance of activity centres and seeks to increase the range of services they accommodate to support their significant role in Yarra's economy and as metropolitan destinations. Development is supported that contributes to the economic growth and long term viability of activity centres;
(c) Clause 21.04-3 and 21.04-4 collectively highlight the clusters of interrelated commercial activity in Yarra, the desire to increase the number and range of local employment opportunities. Strategies include the co-location of community facilities especially in activity centres where they are easily accessible by public transport with shared parking arrangements for people of all abilities.

Need for a master plan

87. The need for St Vincent's Hospital to prepare a master plan is considered in detail in respect of the development proposed under planning permit application PLN16/0925. However, the same reasons why one is not required for the car park expansion are relevant and in summary include:
(a) Issues relevant to the determination of the permit are capable of being addressed through the planning permit process and are discussed in this report;
(b) The proposed development is not in a residential precinct and does not have unacceptable impacts on nearby dwellings (discussed further in this report);
(c) The development is to occur on land already occupied by the hospital and does not seek to expand into residential areas or residentially zoned land. Accordingly, amenity impacts are limited;
(d) The proposal itself is comprehensive and should not be characterised as *ad hoc*.

Land use

88. The use of the land for a car park was previously approved under planning permit PL04/1183 however, it remains a section 2 'permit required' use and considerations of the appropriateness of its expansion on the site are relevant.

89. Having regard to relevant policy, the purposes and decision guidelines under the Commercial 1 Zone and clause 65 of the Scheme, the expansion of the car park use is considered acceptable for the following reasons:

(a) The use will help facilitate the expansion of the St Vincent's Private hospital and this connection provides strong strategic support for it;

(b) The site is already occupied by a car park, thus it would not limit opportunities for other uses such as offices, dwellings which may make a greater contribution to fulfilling the purposes of the zone. The expansion on the existing car park site would also make efficient use of the existing structure and limit the need to use other sites for a car park, thus containing impacts on the surrounding area;
(c) The expanded use would be at the upper levels, thus not resulting in an 'inactive' street frontage;
(d) The site is surrounded by institutional uses with the closest dwellings located 63m north-west on Little Napier/Napier Street and 87m to the north on Young Street. Accordingly, amenity impacts would be limited as discussed further in this report including through traffic impacts;
(e) The surrounding uses would not have an unacceptable impact on the proposed use/expanded car park use since it is not 'sensitive' to noise, overshadowing, loss of daylight etc.

Heritage Impacts

Demolition

90. The car park building is graded 'not–contributory' for the purposes of clause 22.02 of the Scheme, thus demolition of part of it is not opposed by policy and would not offend relevant considerations under clause 15.01-2, 15.03-1, Plan Melbourne or clause 21.05-1, and is acceptable.

91. However, the demolition plans do not show the removal of part of the building in the north-western corner to provide a new pump room. This detail will be required by condition.

New built form

92. The relevant objectives of Clause 22.02-4 are "to preserve the scale and pattern of streetscapes in heritage places" and "to ensure that additions and new works to a heritage place respect the significance of the place". Clause 22.02-5.7 provides specific guidance on new development, alterations and addition, including to
(a) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
(b) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
(c) *Be visually recessive and not dominate the heritage place.*

93. Clause 22.02-5.7.2 provides additional guidance on sites with dual frontages requiring a recognition of adjoining form and character.

94. Clause 15.03-1 includes strategies to encourage appropriate development that respects places with identified heritage values, creates a worthy legacy for future generations, and ensures an appropriate setting and context for heritage places is maintained and enhanced. Plan Melbourne also includes similar policies as already discussed.

95. Clause 43.01 includes the purpose to ensure that development does not adversely affect the significance of heritage places. Relevant decision guidelines at clause 43.01-4 include:
(a) *Any applicable statement of significance, heritage study and any applicable conservation policy;*
(b) *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place; and*
(c) *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*

96. In terms of the heritage context, the following is noted:

(a) To the west near/at the corner of Victoria Parade and Brunswick Street associated with the main St Vincent's Private Hospital Building, there are several buildings of heritage significance including:
    (i) 71-73 Victoria Parade is a three storey Spanish Mission façade constructed c1930.
    (ii) The former Eastern Hill Hotel (77 Victoria Parade) is a three storey Victorian era building constructed to the street edge;
    (iii) Dodgshun House (7 Brunswick Street) is a two storey mansion style building setback from the street behind a high fence and located within landscaped surrounds;
    (iv) 59-61 Victoria Parade building is a 10 storey tower with a simple modern appearance and distinctive curved south-western corner element and four storey streetwall;
    (v) Brunswick Street to the north contains a number of individually significant two and three storey Victorian era buildings constructed to the street edge;
(b) At the south-eastern corner of the subject site is an individually significant two storey building;
(c) To the east is the individually significant, six storey Mary Glowery building;
(d) To the north is a two storey individually significant building;
(e) Young Street to the north contains a number of contributory graded building mostly terrace dwellings.
(f) To the south are serval intact Victorian era mansion style two storey buildings on the opposite side of Victoria Parade.

97. Council's Heritage Advisor commented (in summary) that:
(a) The proposed new floor levels are too prominent and should be setback or redesigned so they appear more recessive.

98. However, it is not considered that any change to the height, setback or design of the proposed additions is necessary because:
(a) The immediate area consists of graded buildings that standalone and are not part of a consistent streetscape and have different designs and appearances themselves. They are surrounded and will be surrounded by increasingly taller buildings in line with State and Local policy and the zoning of the land. The proposed additions will form part of this changing character and appear as a backdrop rather than a competing or dominant presence;
(b) From the street level, the individually significant building on the site will maintain its current level of prominence and separation from the car park since the new built form will be no closer than the existing building;
(c) From the north, the additions will be well above the Melbourne and Metropolitan Tramway Board Electrical Substation and the graded building on the subject. This visual separation would ensure that the new built form would have a limited impact on the visual setting and significance of those existing buildings;
(d) The additions will have a limited presence within views of historic fabric on the south side of Victoria Parade because they would not generally be seen in views of the southern side (given the site is on the north side) and Victoria Parade is approximately 65m wide;
(e) When viewed from Brunswick Street, the additions would be seen over the open plaza of the ACU and not significant historic fabric. Thus views from that side would not have an unreasonably visual impact on the significance of the area;

(f) The proposed materials and finishes are not required to be dumbed down or neutralised as they do not sit in a heritage streetscape. Due to their height above existing fabric (providing adequate separation) they do not unduly compete with the simpler heritage forms.

<u>Design and built form (non-heritage considerations)</u>

Height and massing

99. The strategic planning context for the site has been established and is considered to support an expansion of the hospital car park. However, this must be balanced against achieving acceptable urban design outcomes for the site having regard to relevant built form polices (in addition to heritage considerations).

100. The relevant policy context and guidance includes:

    (a) Clause 15.02-1 – development should contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties;
    (b) Clause 15.01-5 - recognise and protect cultural identity, neighbourhood character and sense of place;
    (c) Clause 21.05-2 provides the following in summary:
        (i) reinforce the existing urban framework of Yarra;
        (ii) retain Yarra's identity as a low-rise urban form with pockets of higher development;
        (iii) development in activity centres should be 5-6 storeys unless specific benefits can be demonstrated;
        (iv) retain, enhance and extend Yarra's fine grain street pattern;
        (v) ensure that new development contributes positively to Yarra's urban fabric;
        (vi) enhance the built form character of Yarra's activity centres; and
        (vii) require development within Yarra's activity centres to respect and not dominate existing built form;
    (d) Clause 22.03 - Ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline;
    (e) Decision guidelines at clause 34.01-8 require consideration of:
        (i) Movement of pedestrians, cars, waste and public transport;
        (ii) Impacts on the streetscape;
        (iii) Maintenance of buildings and landscaping;
        (iv) Off-site amenity impacts; and
        (v) The availability of connection to services.
    (f) Clause 43.02, Schedule 2 – seeks to ensure development recognises the main road character of the area, contributing positively to urban design, safety, limit visual clutter and consider the impacts of height and bulk on the surrounding area.

101. In terms of the physical context, the site is influenced by buildings 2-11 storeys along Victoria Parade associated with other institutional uses including St Vincent's Public and Private Hospitals, the 10 storey Eye and Ear Hospital to the south-west on Victoria Parade as well as office buildings to the south in the order of 8-9 storeys. The ACU includes buildings up to 10 storeys to the north of the subject site with lower 1-3 storey dwellings beyond that on Young Street. Buildings on Brunswick Street are 1-3 storeys with public housing towers up to 21 storeys near the corner of Gertrude Street. Victoria Parade itself is a significant boulevard containing a central median with rows of large Plane trees.

102. Council's external Urban Design expert consultant reviewed the proposed additions and commented in summary that:

    (a) *In conclusion the proposed addition in referencing the existing architecture of the development and investing the upper levels with an increased richness of palette provides a supportable urban design response that acknowledges the building's increased scale and underlying program and invests it with an ambition that recognises the growing campus quality of the precinct.*
    (b) *At the proposed height it sits within a magnitude of building forms that is consistent with that of its neighbours to the north and that proposed to the east and for the private hospital expansion to the west.*

(c) *For these reasons I am supportive of the proposal as presented subject to:*
   (i) *Clarification that the quality and detailing of the proposed façade treatments are such as to ensure the design intent is matched with a similar detailing and ambition, recognising the long term presence of the facility within the precinct.*
   (ii) *A green travel strategy across the two projects supporting the transit richness of the precinct and the healthy workplace principles being established for competitor campuses.*
   (iii) *As noted earlier I support too, the logic of incorporating a single major car park hub in this precinct that optimises its contribution to the broader provision of services whilst also ensuring that the core health campus as well as primary foci of the adjoining education campus is not unreasonably impacted as a result of the increased traffic movements.*
   (iv) *Subject to the satisfaction of VicRoads and Council's traffic engineers of the adequacy of existing access and egress arrangements I would recommend support with the earlier conditions of precedent.*

103. Having regard to the physical and policy context, the proposed height is considered acceptable given:
   (a) It is of a scale that will sit comfortably within its surrounds, which contains buildings of comparable scale on both sides of Victoria Parade;
   (b) The additional levels would be setback 12.6m-15.9m from Victoria Parade providing adequate separation from the street and transition down to the lower forms at the boundary, limiting the visual impact and dominance. Moreover, Victoria Parade is approximately 65m wide, thus the visual impact on the south side will be limited by distance and the location of large trees within the median;
   (c) The additional levels would have only a limited impact on shadowing of the street. There would be no impact on the southern side of Victoria Parade. Only a small section of shadow would be cast on the northern side after 12pm. This are is generally in shadow under existing conditions and is not sought to be protected considering the northern side of main thoroughfares cannot reasonably be provided with direct sunlight unless buildings are 1-2 and or setback from the street significantly;
   (d) On Young Street, the additional levels will be seen in the context of the 10 storey ACU building and six storey Mary Glowery Building, both providing a context in which the additional built form would not seem out of place or unreasonably dominant;
   (e) From Brunswick Street, the additional levels would again appear in the context of the 10 storey ACU buildings, thus not out of character and would be setback by at least 32m, a distance adequate to limit its visual impact;
   (f) In terms of decision guidelines under the Commercial 1 Zone;
      (i) The development would not unreasonably impact movement networks (discussed further below);
      (ii) There would not be any unreasonably off-site amenity impacts (discussed further below;
      (iii) The development would not unreasonably impact the streetscape as no works are proposed, adequate setbacks are provided to limit visual impact and overshadowing; and
      (iv) The building boundaries are well defined with adequate access for maintenance with two street frontages and setbacks to buildings on adjoining lots; and
      (v) The site is well connected to services.

Architectural quality and detailed design

104. Clause 15 seeks to make "the environment more liveable and attractive", while Clause 15.01-2 seeks "to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm". The architectural quality section of Clause 15.01-2 states that "new development should achieve high standards in architecture and urban design" and "any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design".

In addition, one of the elements at Strategy 17.2 of Clause 21.05-02 which allows for development above 5-6 storeys is “architectural design excellence”. Schedule 2 to clause 43.02 encourages high quality contemporary architecture and for development to limit visual clutter.

105. Council’s independent expert urban design consultant has commented that the appearance of the building is acceptable within the context stating at paragraphs 36-37 of his report:

    (a) *The key to the success of this extension however will be the quality and resolution of the proposed graphic treatments to this upper patterned façade form.*
    (b) *To this degree, whilst the renderings imply particular materials and finishes the detailing of the proposed aluminium square hollow-section battens across the façade will require careful curation and signing off by the responsible authority via the provision by the applicant of more detailed facades stipulating the colour treatments and the proposed detailing techniques.*

106. Subject to conditions requiring detailed elevations and sections of the proposed vertical coloured battens and materials and finishes (ensuring the longevity of the detail), the appearance of the proposed additions is considered acceptable for the following reasons:
    (a) The use of vertical coloured battens will produce a depth to the façade and level of visual interest that will contribute positively to the context of the area;
    (b) The coloured battens reflect the use of the coloured perforated metal screening used on the existing façade of the building and provides a visual connection between the lower and upper levels; and
    (c) The location of dark fibre cement panels contributes to a breaking up the mass of the new levels, enhancing its visual interest and assisting in reducing any impact it might have.

107. Additionally, given the location of the development on a main road and Council’s external urban design comments regarding the need to ensure a high quality finish, a condition should be included, requiring the on-going involvement of the architect (Billard Leece Partnership P/L), or another suitably qualified firm to Council’s satisfaction.

Street interfaces and the public realm

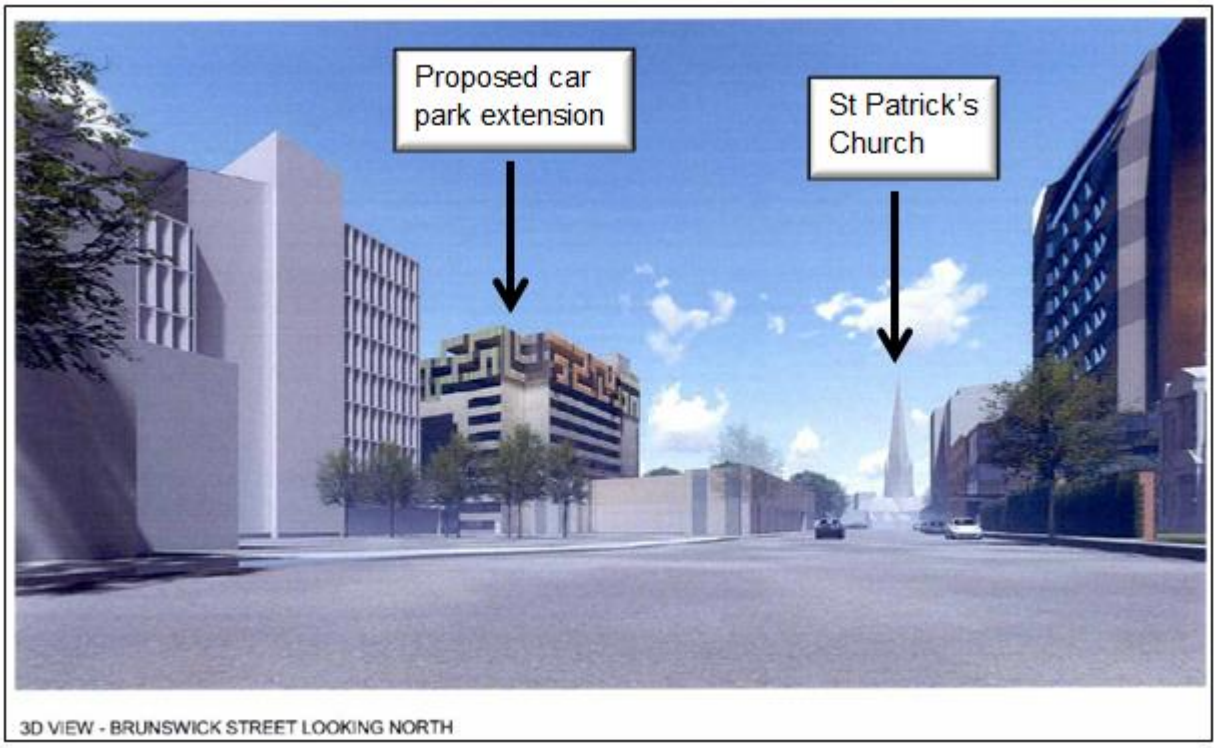
108. Clauses 15.01-2, 21.05-3 and 4 encourages the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user and to improve the interface with the street.

109. The proposed additional floor levels would not alter the appearance of the building at ground level or levels of interaction. It has already been noted that the setbacks will limit the visual impact on the streetscape and overshadowing is reasonably limited.

Impacts of views and vistas

110. Clause 22.03-4 requires new built form to maintain the silhouette/profile of the St Patrick’s Cathedral when viewed from the intersection of Brunswick Street and St Georges Road in North Fitzroy, a distance of approximately 2.5km. The reverse view from Brunswick Street/Victoria Parade to the church spire at the corner of Watkins Street and St Georges Road is also to be protected.

111. Given the view line is generally straight in each direction, the proposed 32m setback of the additional levels from Brunswick Street will ensure the church spires remain prominent as shown in the image below.



Landscaping

112. The proposal includes approximately 11 planter boxes on the facades of the new levels that would add visual interest to the building as well as a small but welcome amount of greenery to the site. However, view details regarding the planter box design including irrigation as well as maintenance and planting types has been provided. This can be required by condition to ensure appropriate plant species are provided, planter box design is acceptable and maintenance responsibilities are clear to ensure the vegetation continues for make a contribution to the streetscape.

Environmentally Sustainable Design

113. The applicant has not submitted an ESD report with the development which is considered to be of limited relevance compared to developments for residential, office or hospital uses. However, the following is noted:
    (a) The partly open sides of the new levels will provide natural ventilation and access to natural daylight;
    (b) The expansion of the existing building contributes to re-use of existing built form assisting to reduce impacts from construction;
    (c) Council's ESD advisor has commented that an SMP report can be required by condition to address matters such as:
        (i) Energy use; and
        (ii) Water Sensitive Urban Design.

Off-site amenity

114. The closest dwelling to the site is 63m north-east on Little Napier/Napier Street and 87m to the north on Young Street. These separation distances along with the scale of intervening built form (up to 10 storeys) and location of the subject site to the south would ensure that:
    (a) There would be no impact on these dwellings from loss of daylight or direct sunlight;
    (b) Visual impacts would be limited; and
    (c) Noise would be reasonably limited.

115. Impacts associated with traffic are considered later in this report.

Built form summary

116. Having regard to the preceding analysis, the proposed development is considered to acceptably sit within its physical context and is acceptable subject to conditions.

Traffic and car parking layout

Traffic

117. The permit applicant submitted an assessment of the traffic impacts associated with the proposed development. Based on studies of other hospitals, the applicant has predicted 0.31 and 0.26 AM and PM peak movements per car parking space summarised in the table below (taken from the page 12 of the applicant's Transport Impact Assessment report).

Table 4 Development Traffic Generation

Peak	Parking Demand	Generation / Space			Vehicle Movements		
		In	Out	Total	In	Out	Total
AM Peak	185 spaces	0.28	0.03	0.31	52	6	58
PM Peak		0.03	0.23	0.26	6	43	49

118. The applicant has reviewed the traffic flows on Victoria Parade and considers that the additional traffic would be less than 0.2% of the existing vehicle movements which would not have a material impact on traffic conditions. Council's Engineering Services Unit and VicRoads have reviewed the proposal and consider that the additional car parking spaces would not unreasonably impact traffic movements on Victoria Parade, thus the proposal is considered acceptable from this perspective.

119. The applicant also reviewed the potential impact of queuing on the site from the additional car movements predicted to result in a total of 197 inbound AM peak. Given the ability for up to 6 cars to queue on site, the applicant predicts that the extra movements will not result in meaningful impacts on Victoria Parade. Council's Engineering Services Unit and VicRoads have both reviewed the proposed queuing analysis and consider that impacts will be limited and acceptable. Council's Engineering Services Unit have requested the location of the entry boom gates to be shown on the plans confirming the available queuing area which can be required by condition.

120. Additionally, since the entry and exit to the car park is maintained in its current location from Victoria Parade, access to and from it would have a limited impact on residential side streets in the surrounding area and Council's Engineering Services Unit has not raised this as a concern.

121. The ACU is proposing to move and consolidate car parking to below a new building fronting Victoria Parade and Napier Streets. Overall, the proposed changes would see a reduction in car parking spaces for the ACU from 300 to 270. Accordingly, since traffic to and from the ACU would be reduced, it is not considered necessary to specifically consider the combined traffic impacts of both proposals including since they will both maintain their primary access to and from Victoria Parade.

Car parking layout

122. Council's Engineering Services Unit has reviewed the layout and design of the proposed car parking spaces and commented that it is acceptable subject to dimensions of the motorbike spaces being shown on the plans and in compliance with Australian/New Zealand Standard AS/NZS 2890.1:2004 being 2.5m x 1.2m. This can be required by condition.

Objector concerns

123. *Objector concerns have been addressed in this report as noted below.*

Lack of a master plan for the hospital

124. Paragraph 87.

Impact of the proposed additions on the heritage significance and character of the area;

125. Paragraphs 90 – 98.

Impact of the proposed additions on the character and amenity of the area

126. Paragraphs 99 – 111 and 114 – 115.

Traffic and car parking

127. Paragraphs 117 – 122.

Other matters

Planning permit PL04/1183

128. The endorsed plans under planning permit PL04/1183 show the current layout of the car park which includes a number of staff parking spaces for the childcare centre. At least one of these spaces will be deleted with the rearrangements at the ground floor with several other changes including the new pump and fire rooms in the north-east corner changing the layout of the approved development.

129. These changes need to be considered in the context of the original approval and will require an amendment to PL04/1183 before they are made. This will be required by condition.

Plan discrepancies

130. There is also a discrepancy in the plans where the ground level appears to have been shown twice and level 1 has been omitted or the labelling is wrong. In any event, this can be rectified by permit condition. Additionally, demolition associated with expanding the ground floor in the north-west corner to accommodate the fire pump room is not shown. This can be required by condition.

Construction management

131. The subject site is located in a constrained environment (on a main road, as well as the additions to an existing building which limits on-site space for construction vehicles and equipment). Accordingly, a condition will require the submission and endorsement of the Construction Management Plan before the development commences to ensure construction activity and impacts are adequately addressed. This is a standard requirement for large development proposals.

Conclusion

132. Based on the report, the proposal is considered to substantially comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies and objections, the Committee resolves to issued a Notice of Decision to Grant Planning Permit PLN16/0926 for use and development of the land for part demolition, alterations and a three storey addition to the existing car park at 93 - 99 Victoria Parade Fitzroy subject to the following conditions:

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the 'decision plans' prepared by Billard Leece Partnership P/L, Council date stamped 23 November 2016, but modified to show:
   (a) Detailed cross-section and elevations of the aluminium battens (including colour treatments and material specifications);
   (b) The location of the entry and exit boom gates;
   (c) Dimensions of the motorbike parking spaces being at least 2.5m long x 1.2m wide;
   (d) Demolition associated with construction of the ground level fire pump room;
   (e) A level 1 plan provided and labelled correctly.

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.

Landscape Plan

3. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:

   (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
   (b) show detailed design specifications for the planter boxes;
   (c) provide details of irrigation, maintenance schedules and maintenance responsibility;

   to the satisfaction of the Responsible Authority.

Sustainable Management Plan

4. Before the use 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. The Sustainable Management Plan must:
   (a) Provide details addressing Water Sensitive Urban Design treatments in response to clause 22.16 of the Yarra Planning Scheme; and
   (b) Measures to minimise electricity use.

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

Construction Management

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

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

   During the construction:

   (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
   (r) 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;
   (s) vehicle borne material must not accumulate on the roads abutting the land;

(t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
(u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

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

Amendment of Planning Permit PL04/1183

9. Prior to the commencement of the development, planning permit PL04/1183 must be amended to show any internal rearrangements and car parking allocation changes associated with approval given under PLN16/0926.

On-going involvement of the architect

10. As part of the ongoing consultant team, Billard Leece Partnership P/L Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:

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

11. Before the building occupied, or by such later date as approved in writing by the Responsible Authority, 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.

Section 173 Agreement

12. Prior to the commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to be registered on the certificates of title for the subject site which provides for the following:

(a) That at least 185 car parking spaces for staff of the St Vincent's Private Hospital will be provided on the land at 93 – 99 Victoria Parade (in addition to the existing number of spaces already within the car park on the site) and that the car parking spaces will be made available in perpetuity.

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

Public Transport Victoria Condition (condition 14)

14. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Victoria Parade is kept to a minimum during construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

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

16. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

17. 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:

    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.

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

    (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
    (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
    (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

19. This permit will expire if:

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

20. 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.

    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.

    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 5046**

Attachments

1 Subject Site Map
2 Decision Plans Part 1
3 Decision Plans Part 2
4 Decision Plans Part 3
5 Heritage Advisor comments
6 External urban design comments
7 Engineering Services Unit Referral Comments.
8 ESD Advisor comments.
9 PTV comments
10 VicRoads comments

Attachment 1 - Subject Site Map

Subject Site Map: 93 -99 Victoria Parade Fitzroy



North

Subject site

Attachment 2 - Decision Plans Part 1

ST VINCENT'S PRIVATE HOSPITAL
VICTORIA PARADE CARPARK

Cover Sheet List

Sheet Number	Sheet Name
AB00	
AB00-0001	COVER SHEET
AB03	
AB03-0001	SITE CONTEXT PLAN - EXISTING
AB03-0011	SITE CONTEXT PLAN - PROPOSED
AB03-0051	SITE CONTEXT PLAN - SHADOW DIAGRAM - 9AM & 12PM
AB03-0052	SITE CONTEXT PLAN - SHADOW DIAGRAM - 3PM
AB05	
AB05-0000	PLAN - PRECINCT - EXISTING - SITE
AB05-0001	PLAN - PRECINCT - EXISTING - GROUND
AB05-0101	PLAN - PRECINCT - EXISTING - LEVEL 1
AB05-0201	PLAN - PRECINCT - EXISTING - LEVEL 2
AB05-0301	PLAN - PRECINCT - EXISTING - LEVEL 3
AB05-0401	PLAN - PRECINCT - EXISTING - LEVEL 4, 5, 6 and 7 (TYPICAL)
AB05-0801	PLAN - PRECINCT - EXISTING - LEVEL 8
AB06	
AB06-0000	PLAN - PRECINCT - DEMOLITION - SITE

Cover Sheet List

Sheet Number	Sheet Name
AB07	
AB07-0000	PLAN - PRECINCT - PROPOSED - SITE
AB07-0001	PLAN - PRECINCT - PROPOSED - GROUND
AB07-0201	PLAN - PRECINCT - PROPOSED - LEVEL 2
AB07-0301	PLAN - PRECINCT - PROPOSED - LEVEL 3
AB07-0401	PLAN - PRECINCT - PROPOSED - LEVEL 4,5,6 AND 7 (TYPICAL)
AB07-0801	PLAN - PRECINCT - PROPOSED - LEVEL 8
AB07-0901	PLAN - PRECINCT - PROPOSED - LEVEL 9 AND 10
AB07-1101	PLAN - PRECINCT - PROPOSED - LEVEL 11
AB08	
AB08-0001	PRECINCT ELEVATION - SOUTH
AB08-0002	PRECINCT ELEVATION - EAST
AB08-0003	PRECINCT ELEVATION - NORTH
AB08-0004	PRECINCT ELEVATION - WEST
AB08-2001	SECTION - PRECINCT - PROPOSED
AB08-2002	SECTION - PRECINCT - PROPOSED
AB08-2003	SECTION - PRECINCT - PROPOSED

Cover Sheet List

Sheet Number	Sheet Name
AB96	
AB96-0001	EXTERNAL FINISHES & MATERIALS - SOUTH ELEVATION
AB97	
AB97-0001	PERSPECTIVE
AB97-0002	PERSPECTIVE
AB97-0003	PERSECTIVE
AB97-0004	PERSPECTIVE - AERIALS



REV DATE

ST VINCENTS HEALTH

STVPH
REDEVELOPMENT -
93 - 99 VIC PDE
CARPARK

COVER SHEET

AB00-0001

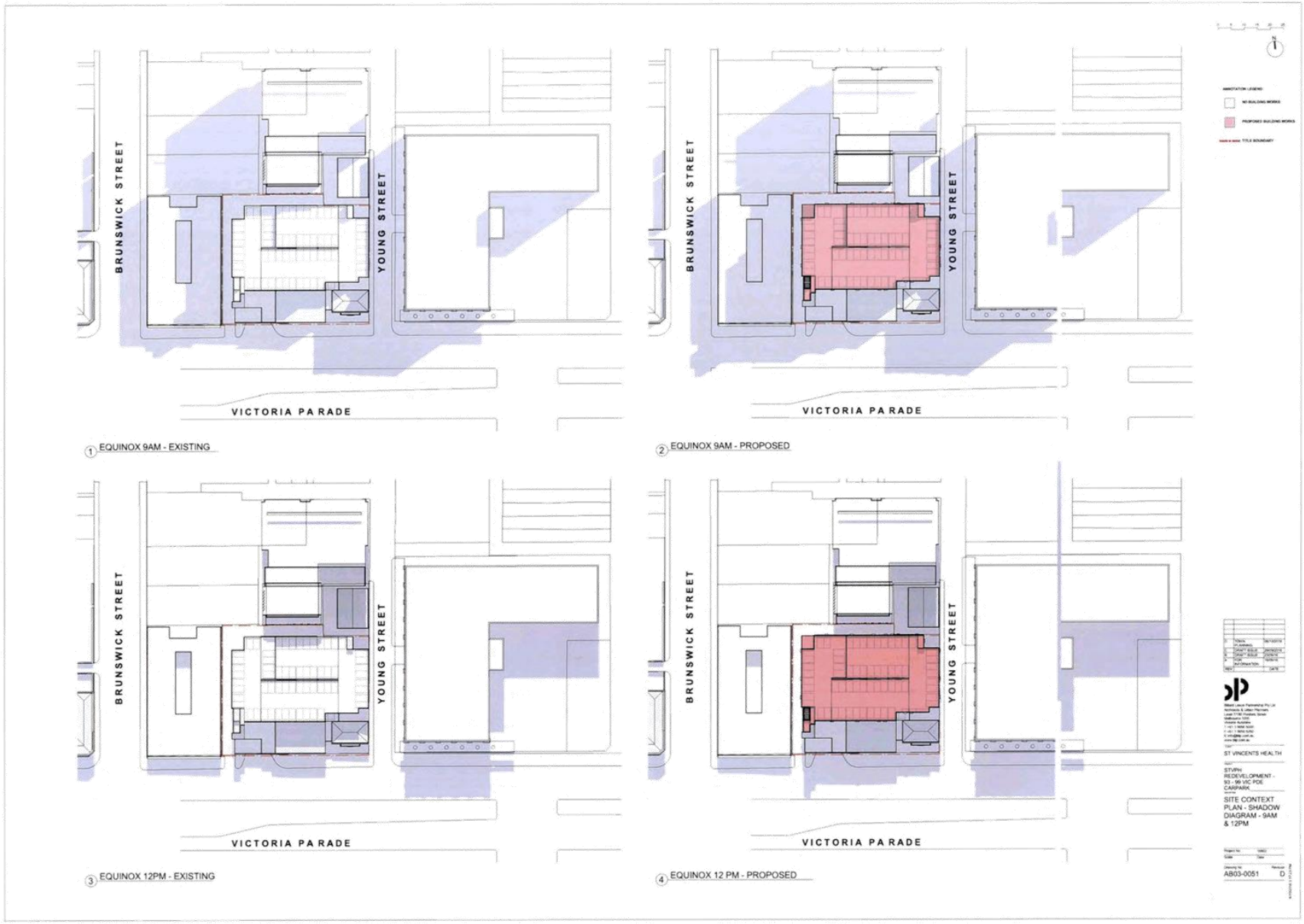
Attachment 2 - Decision Plans Part 1



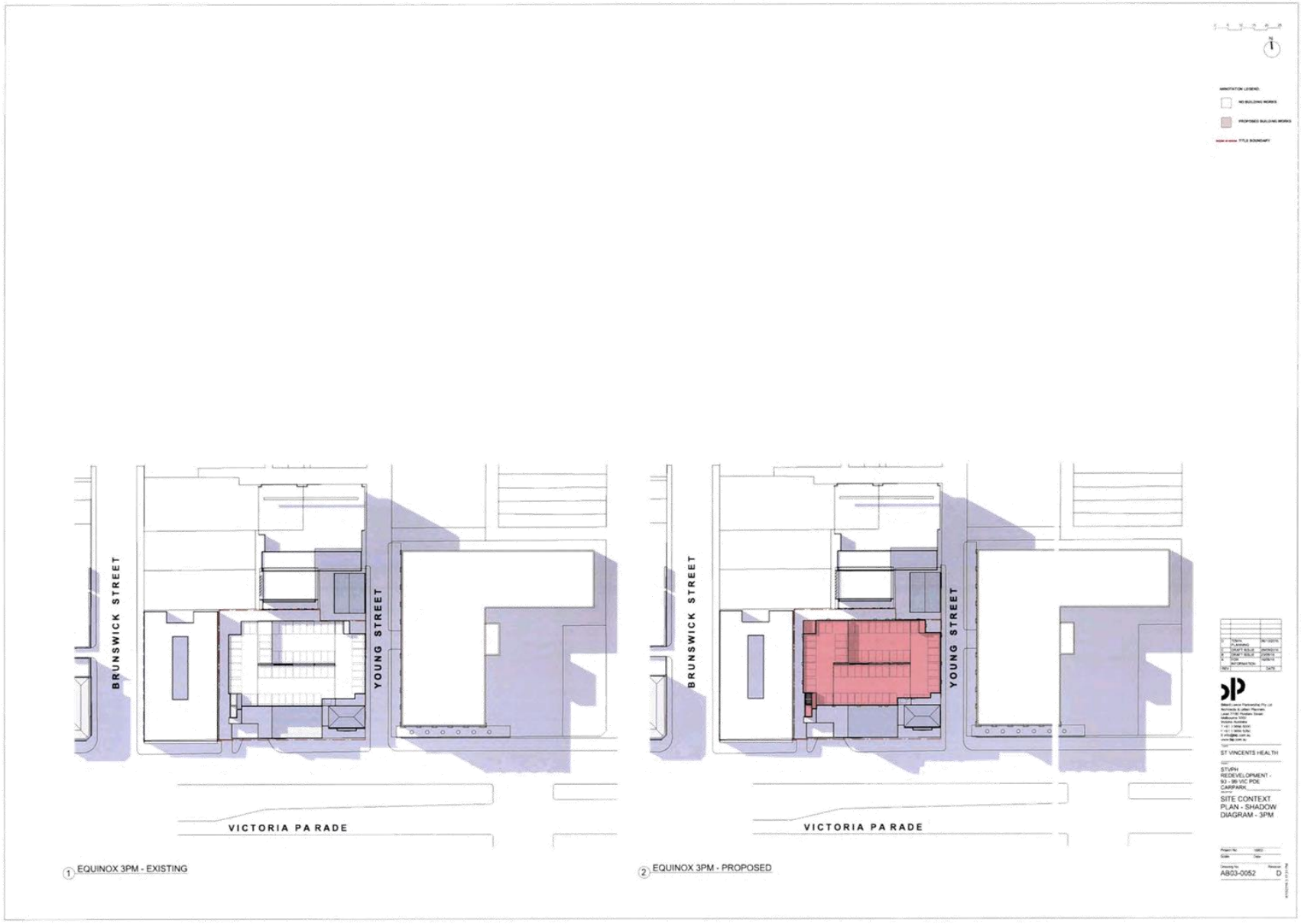
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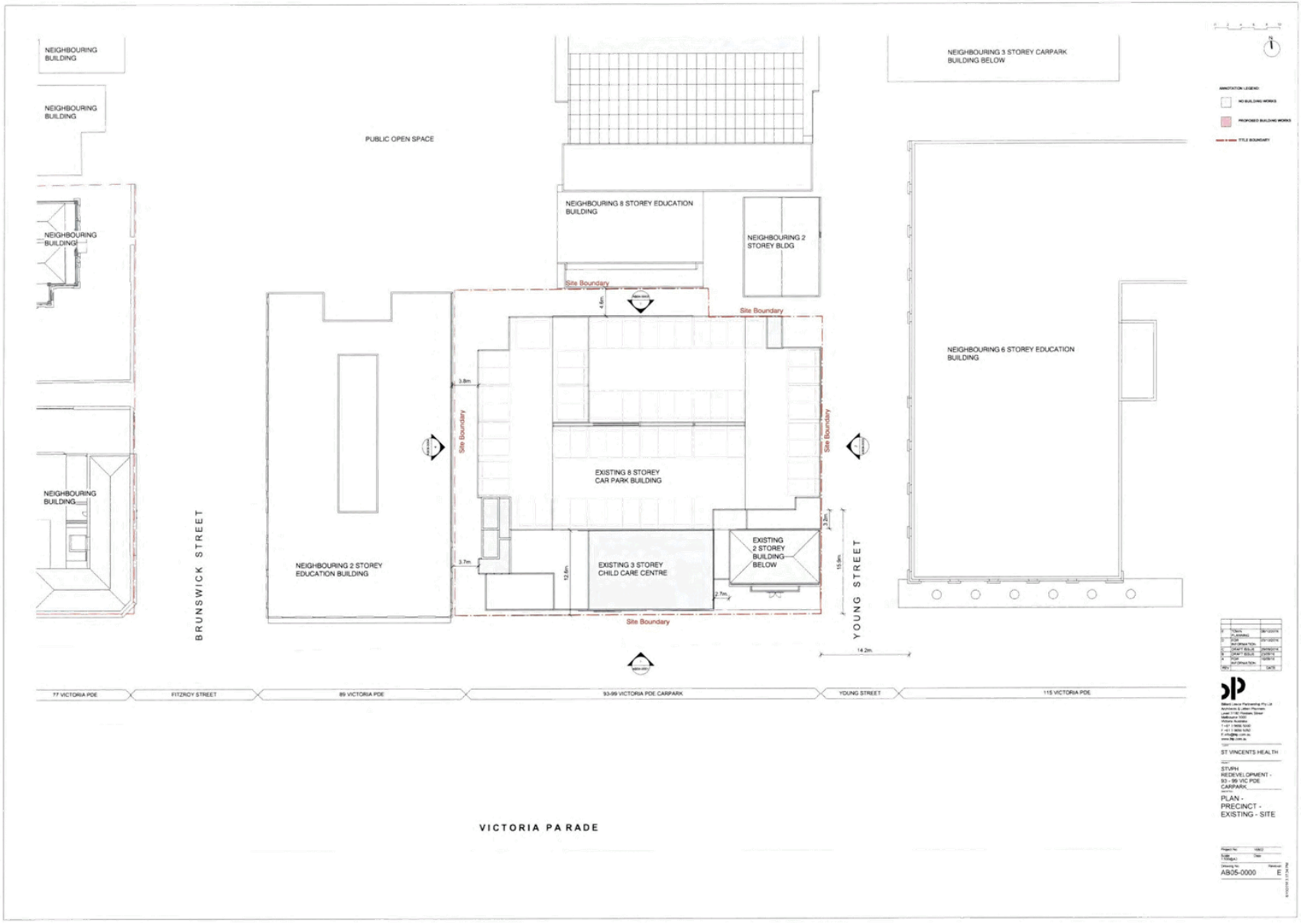
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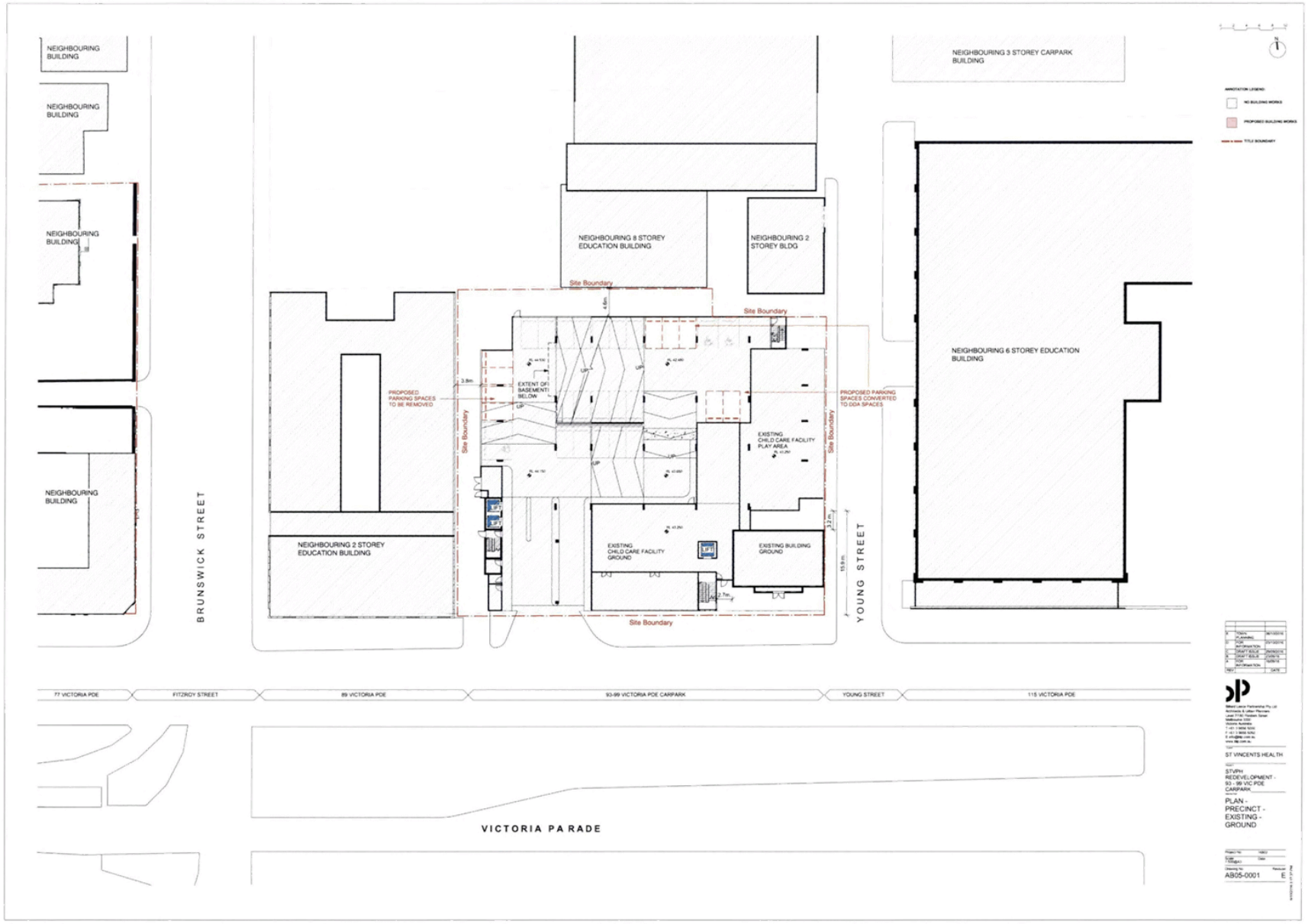
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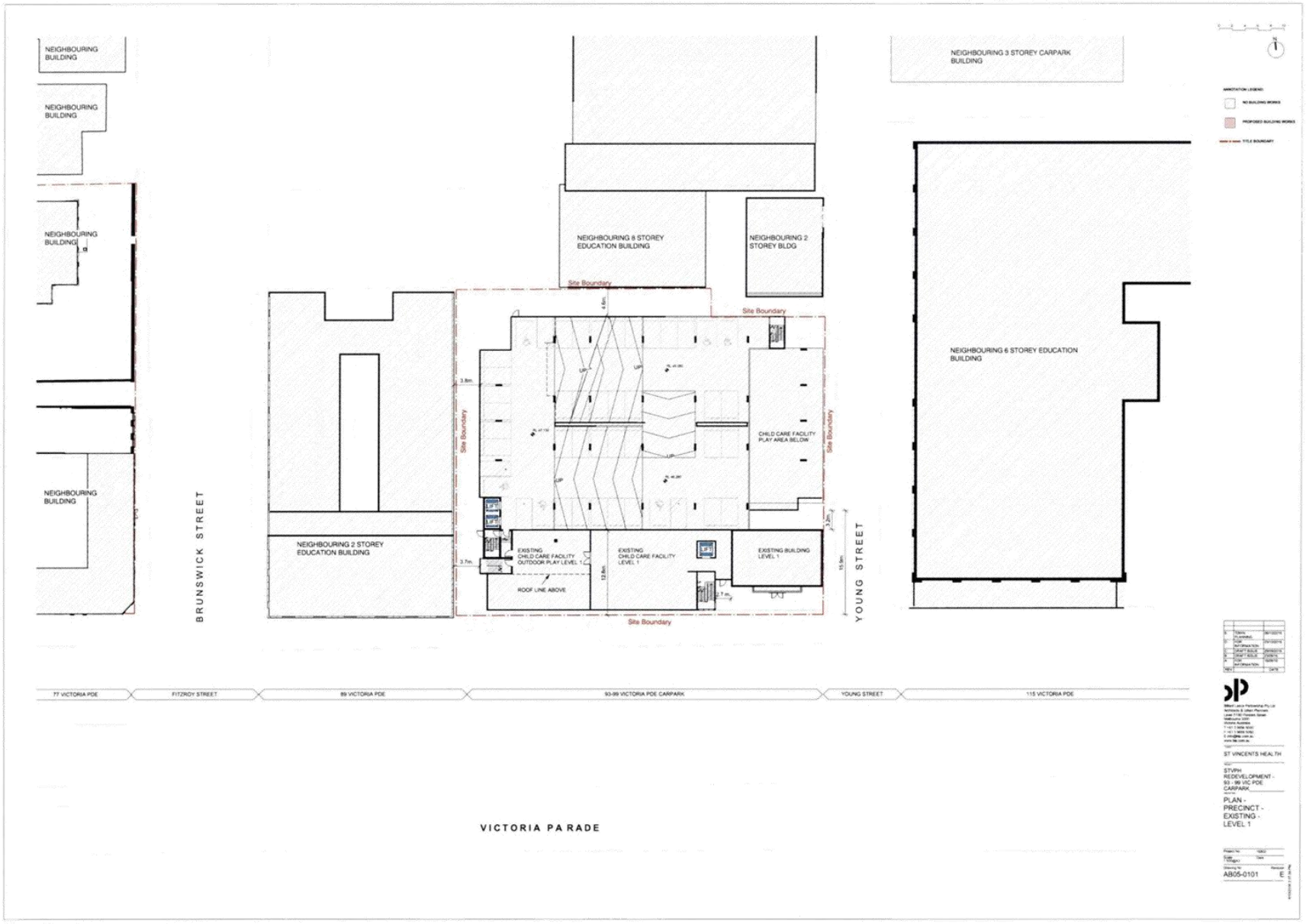
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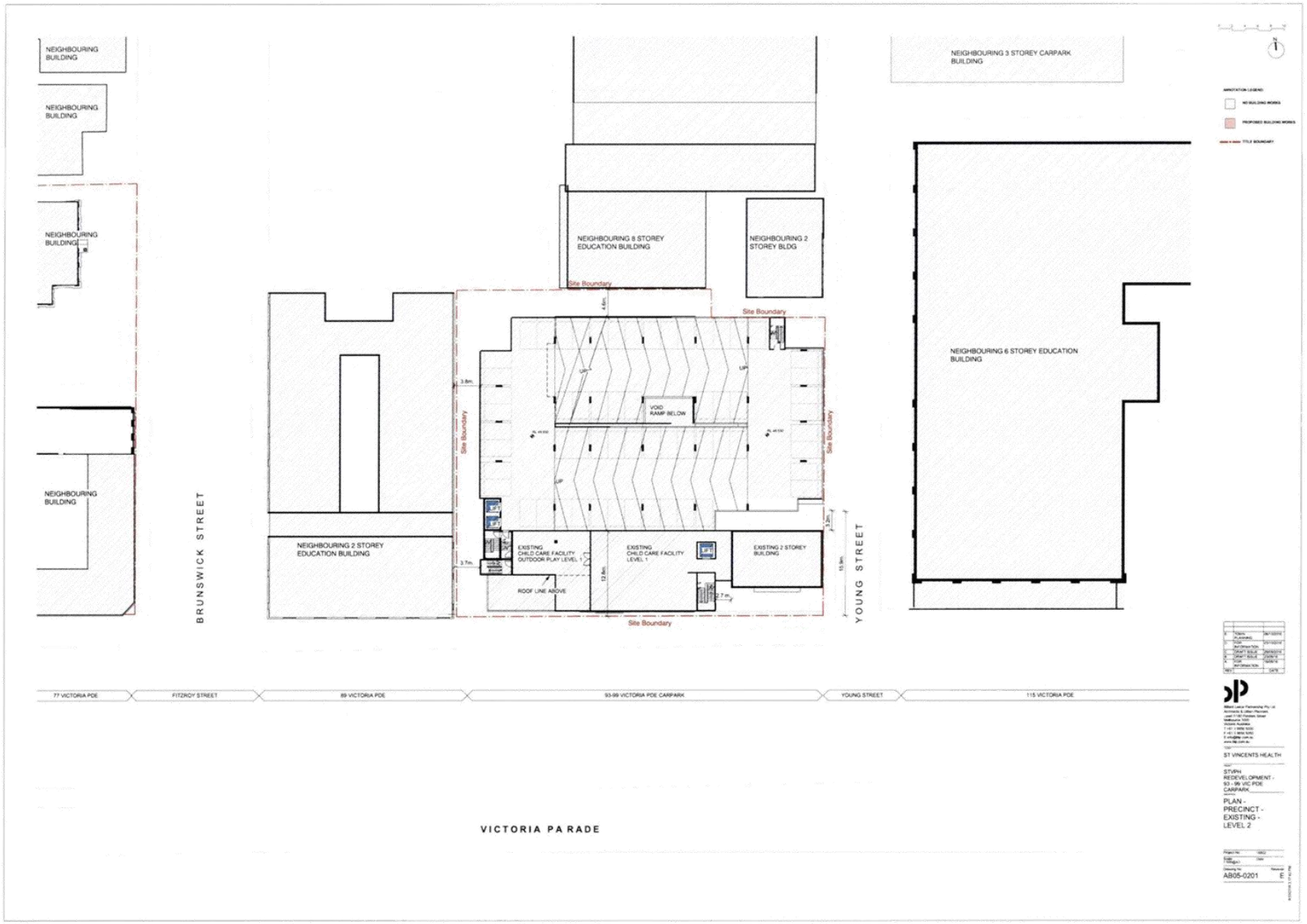
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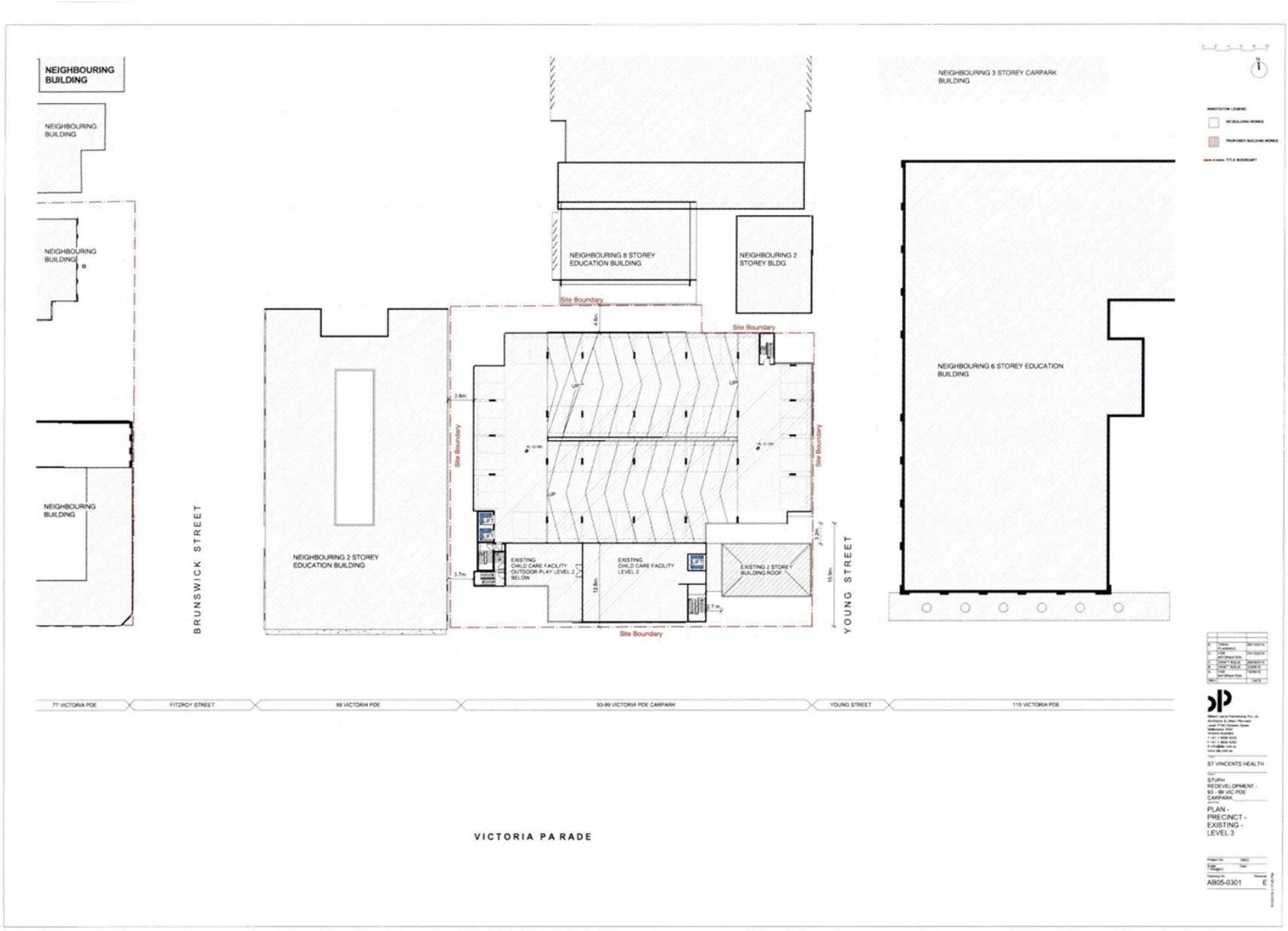
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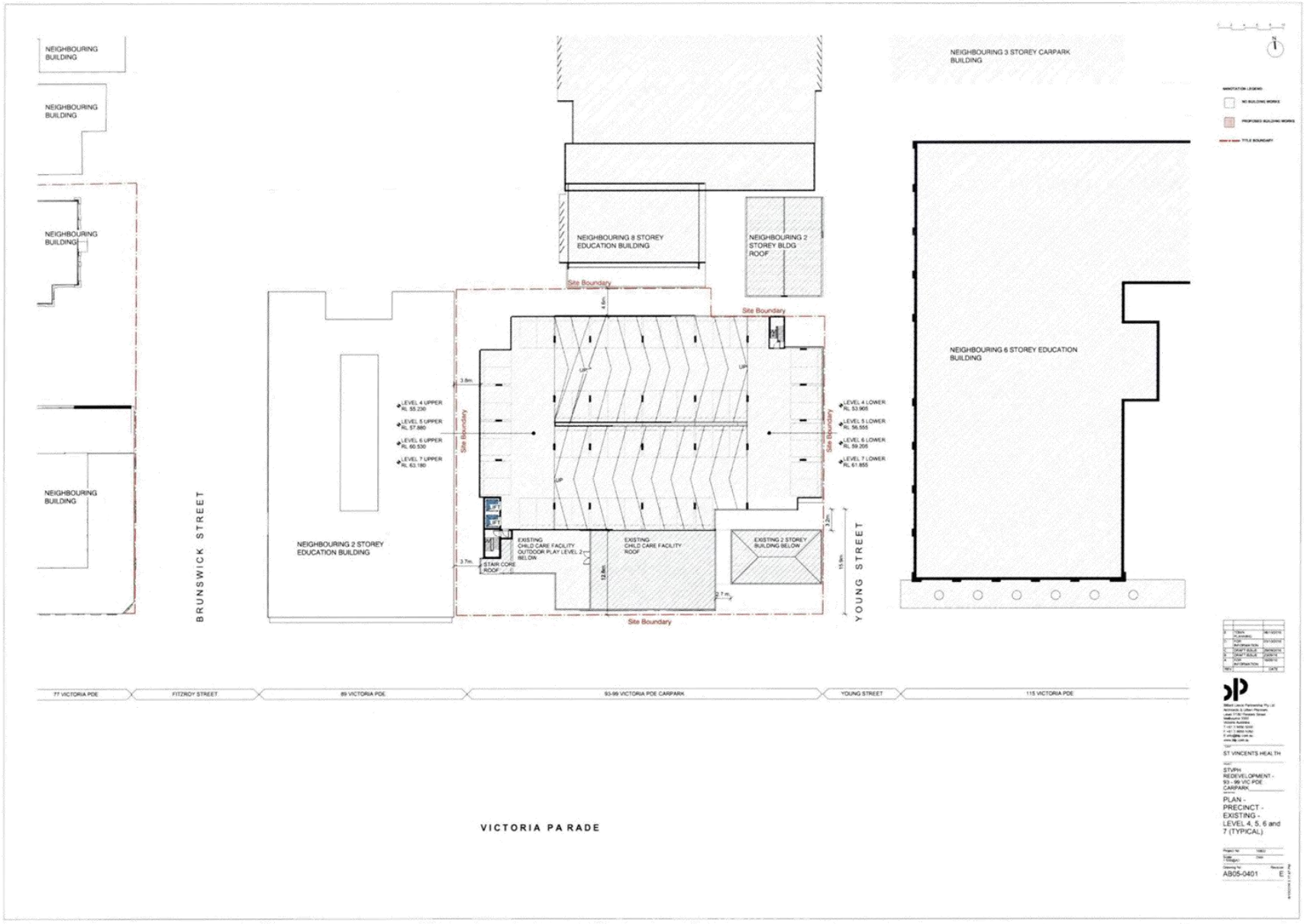
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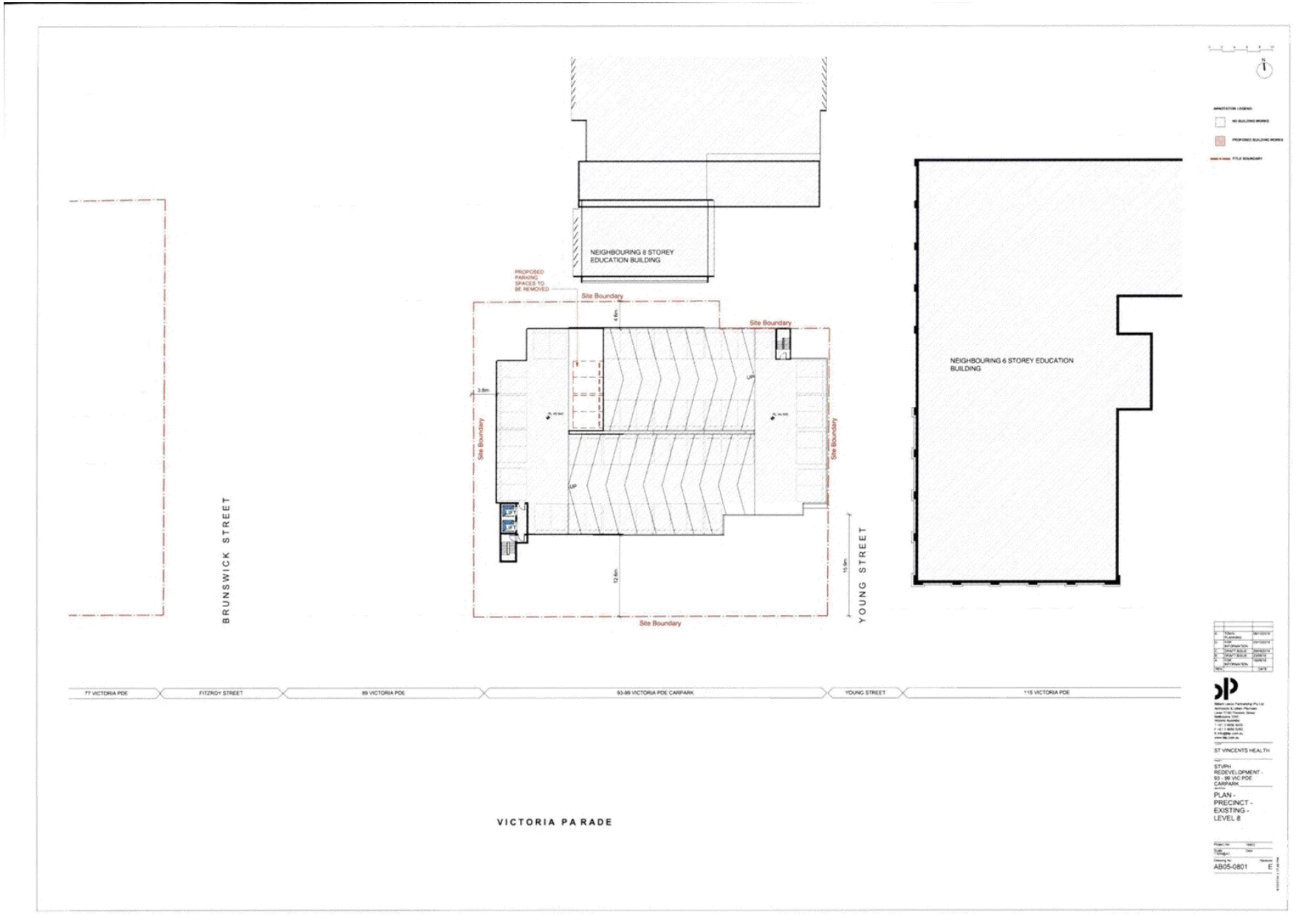
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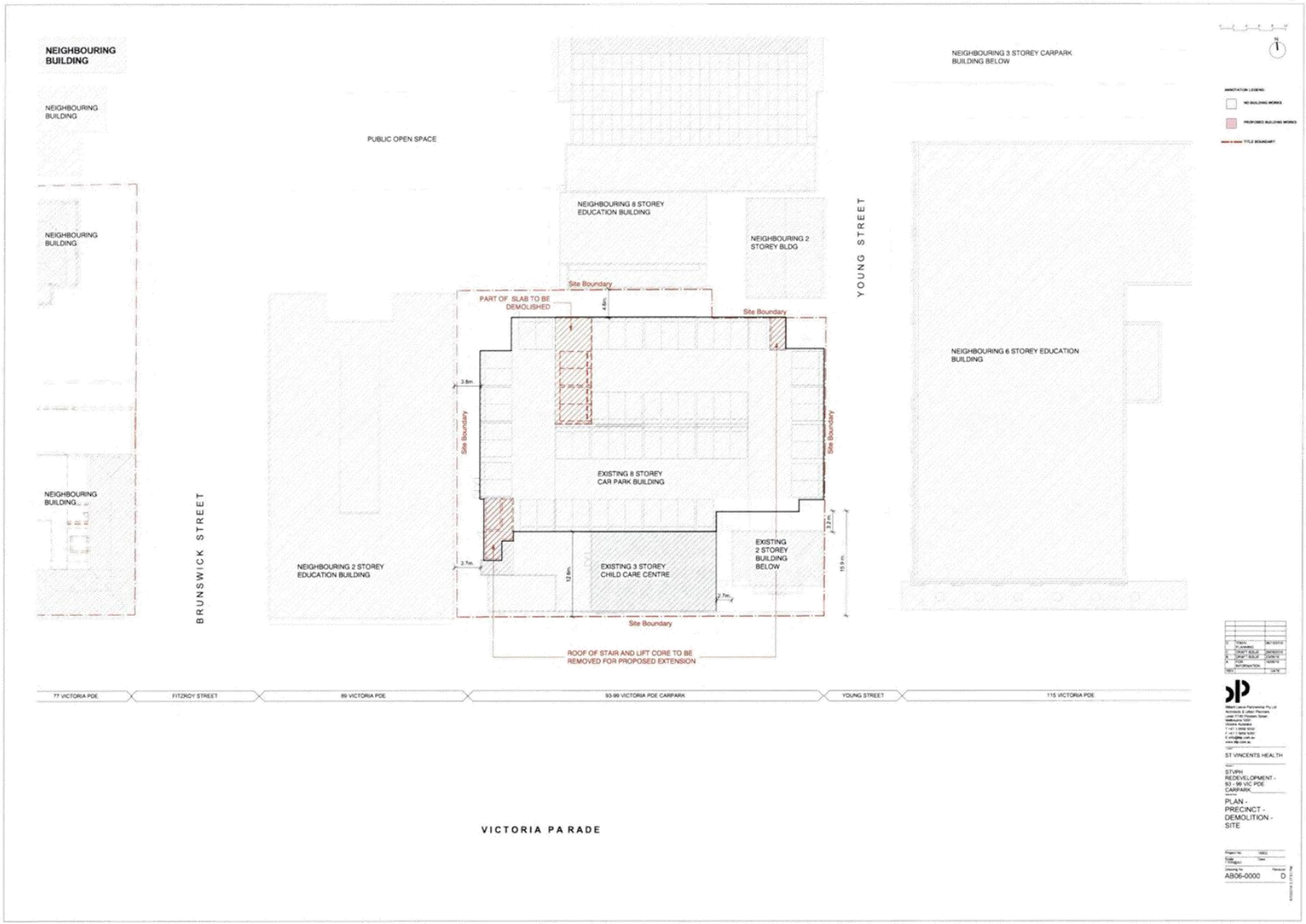
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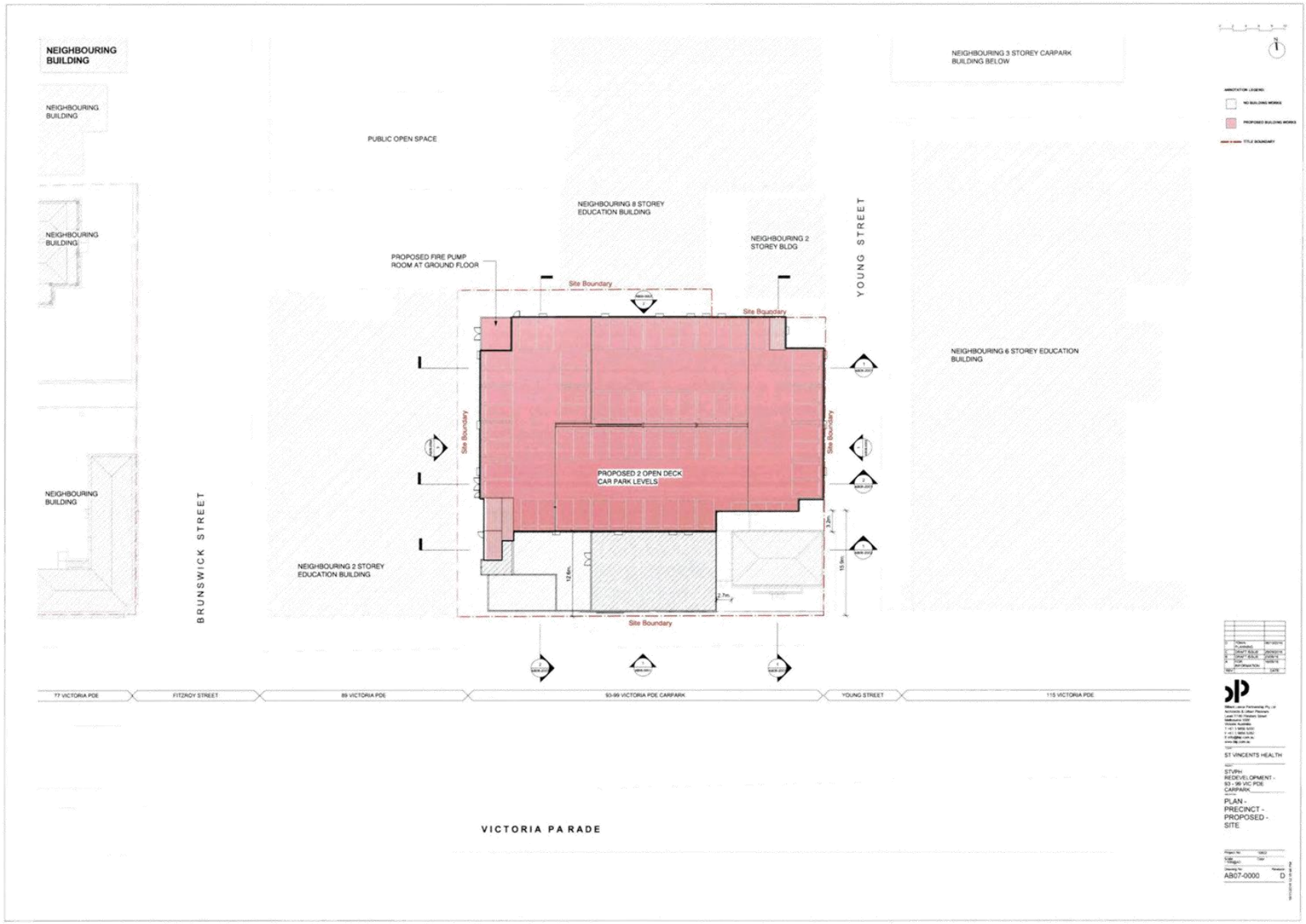
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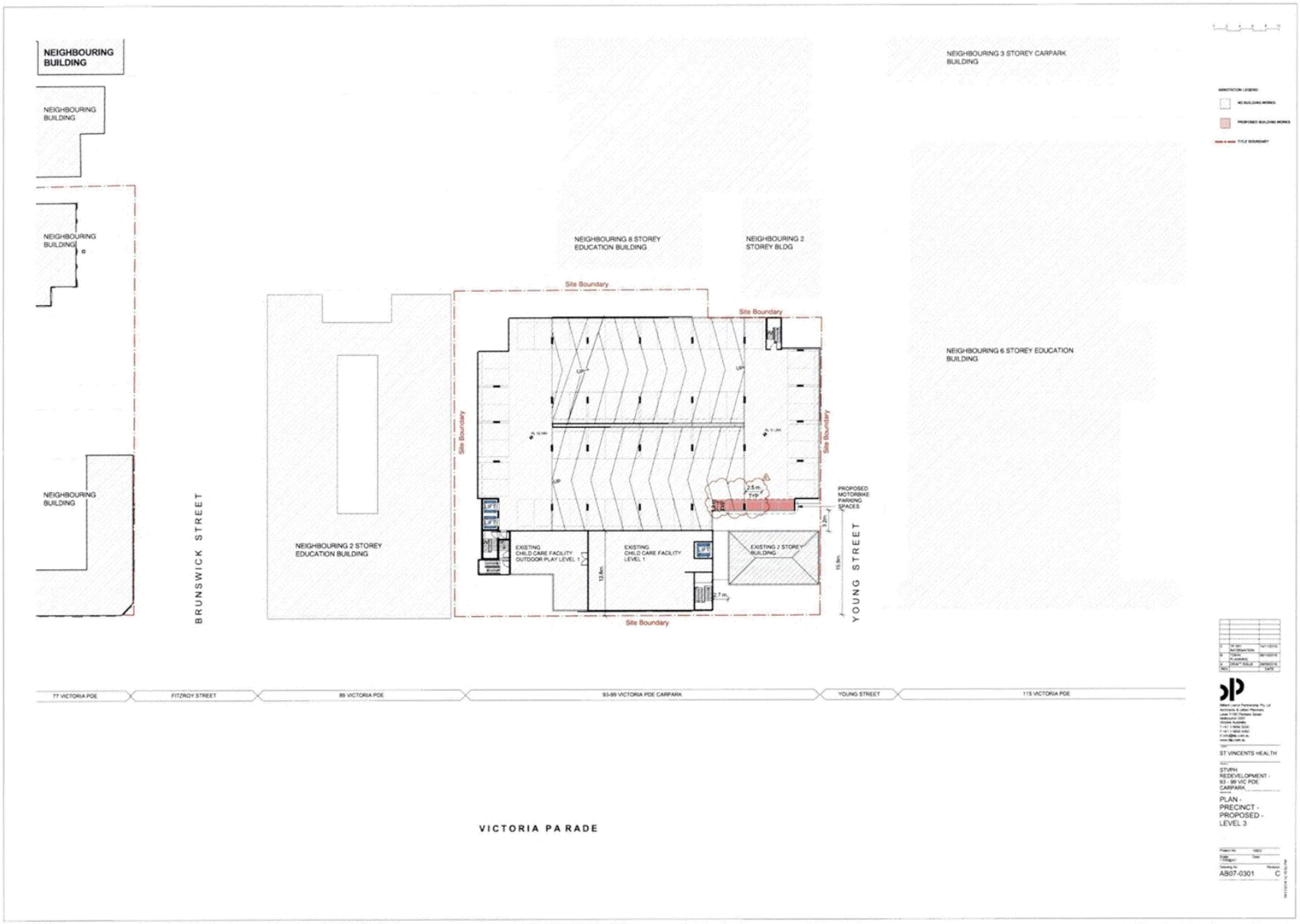
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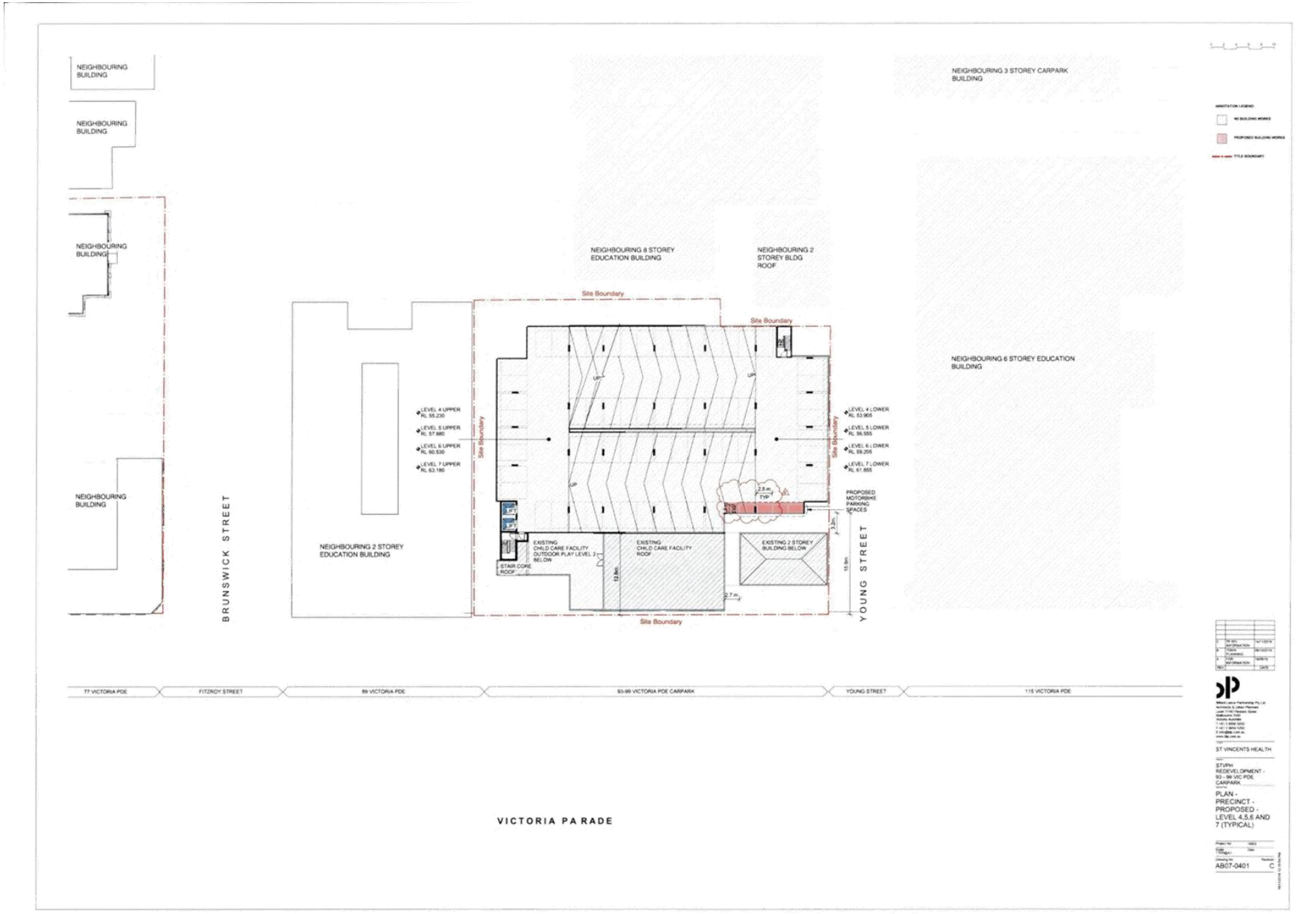
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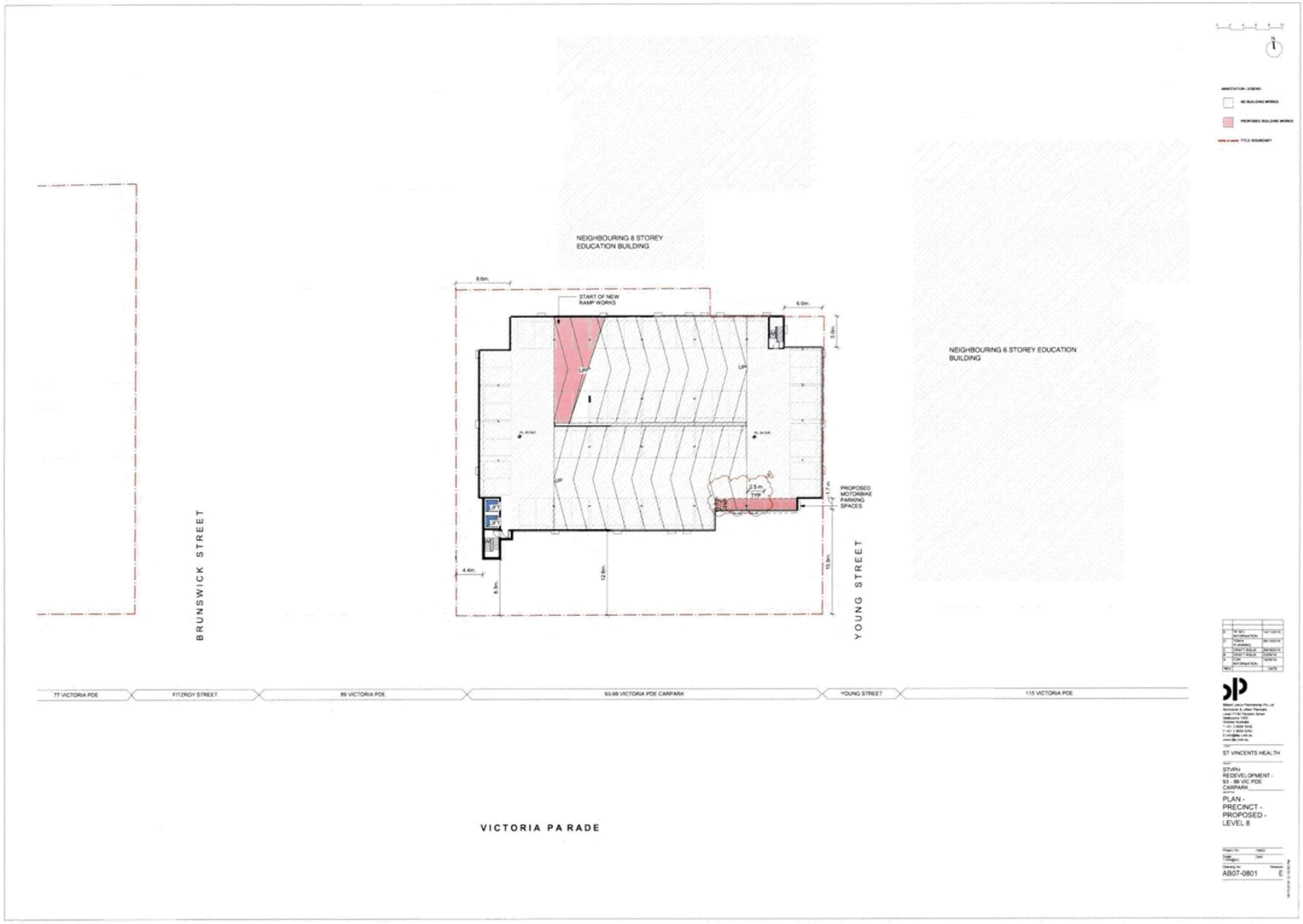
Attachment 3 - Decision Plans Part 2



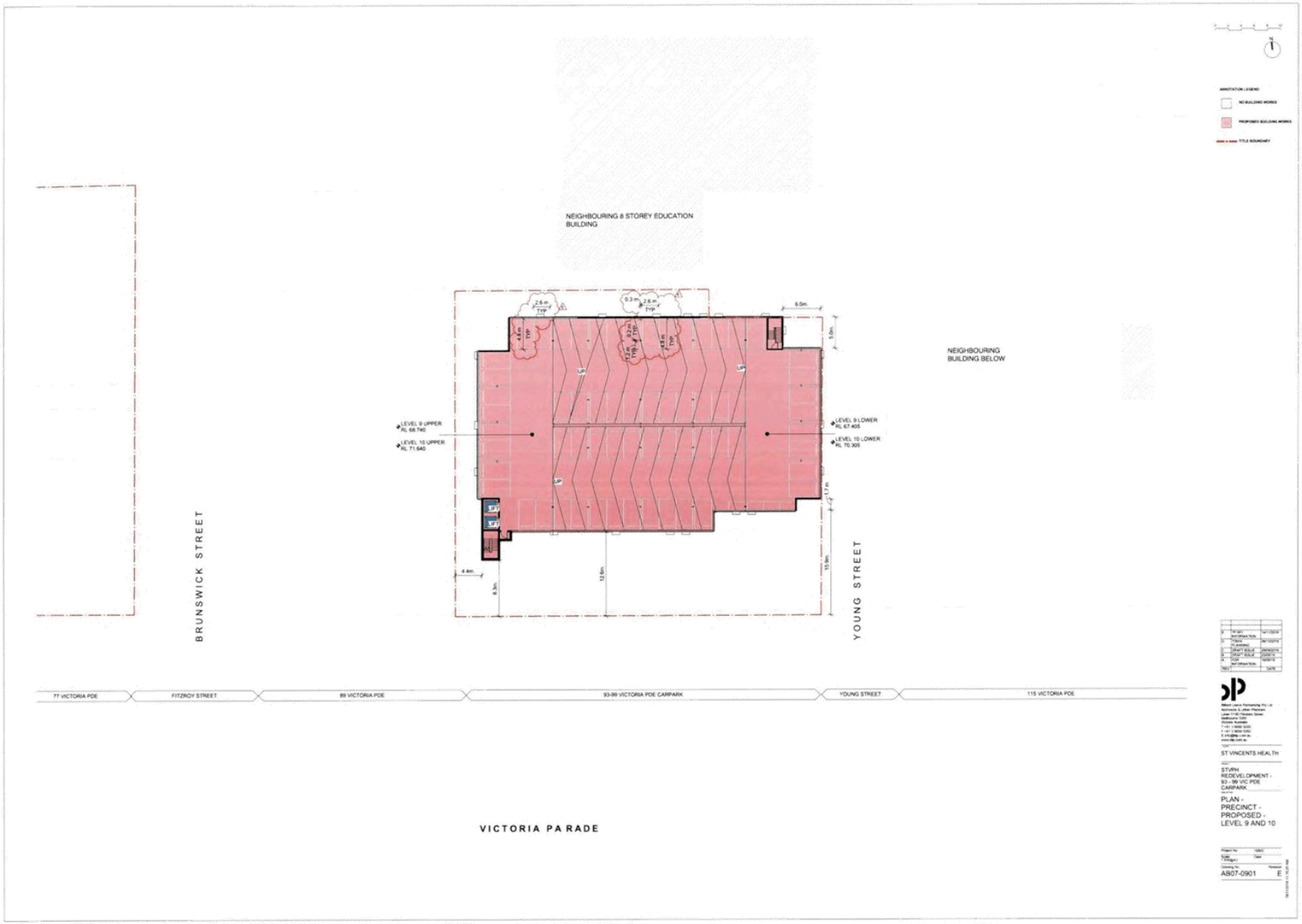
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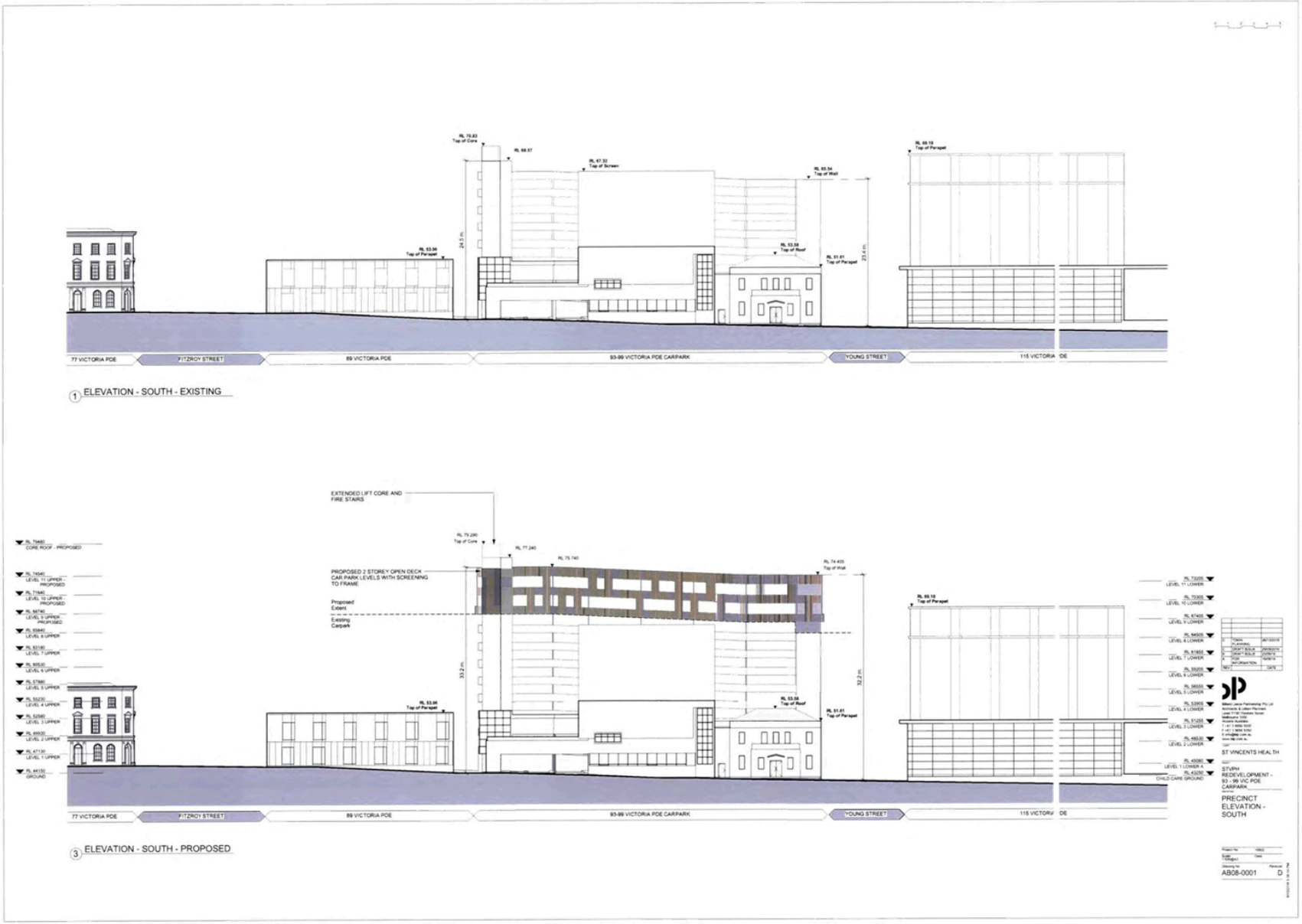
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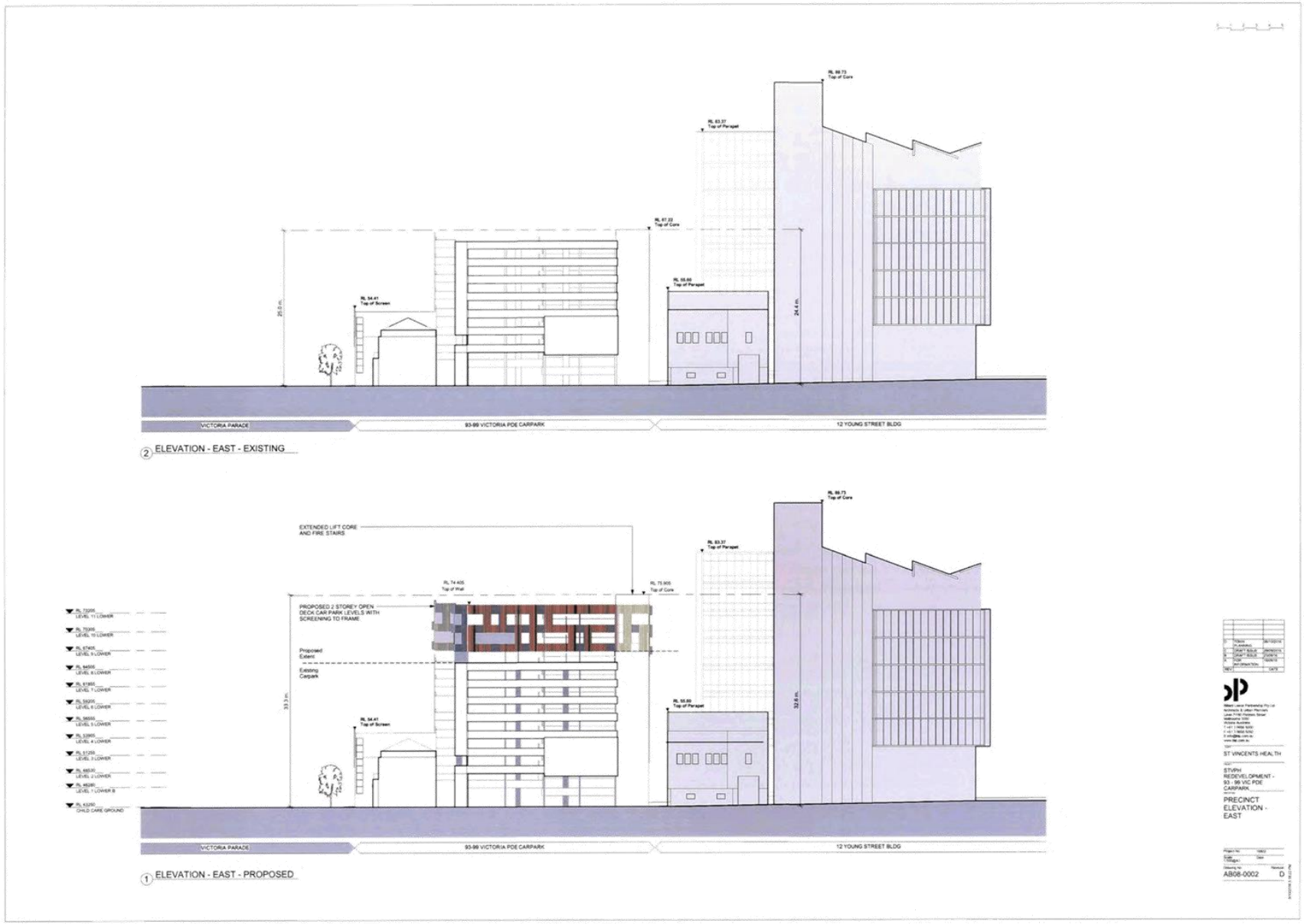
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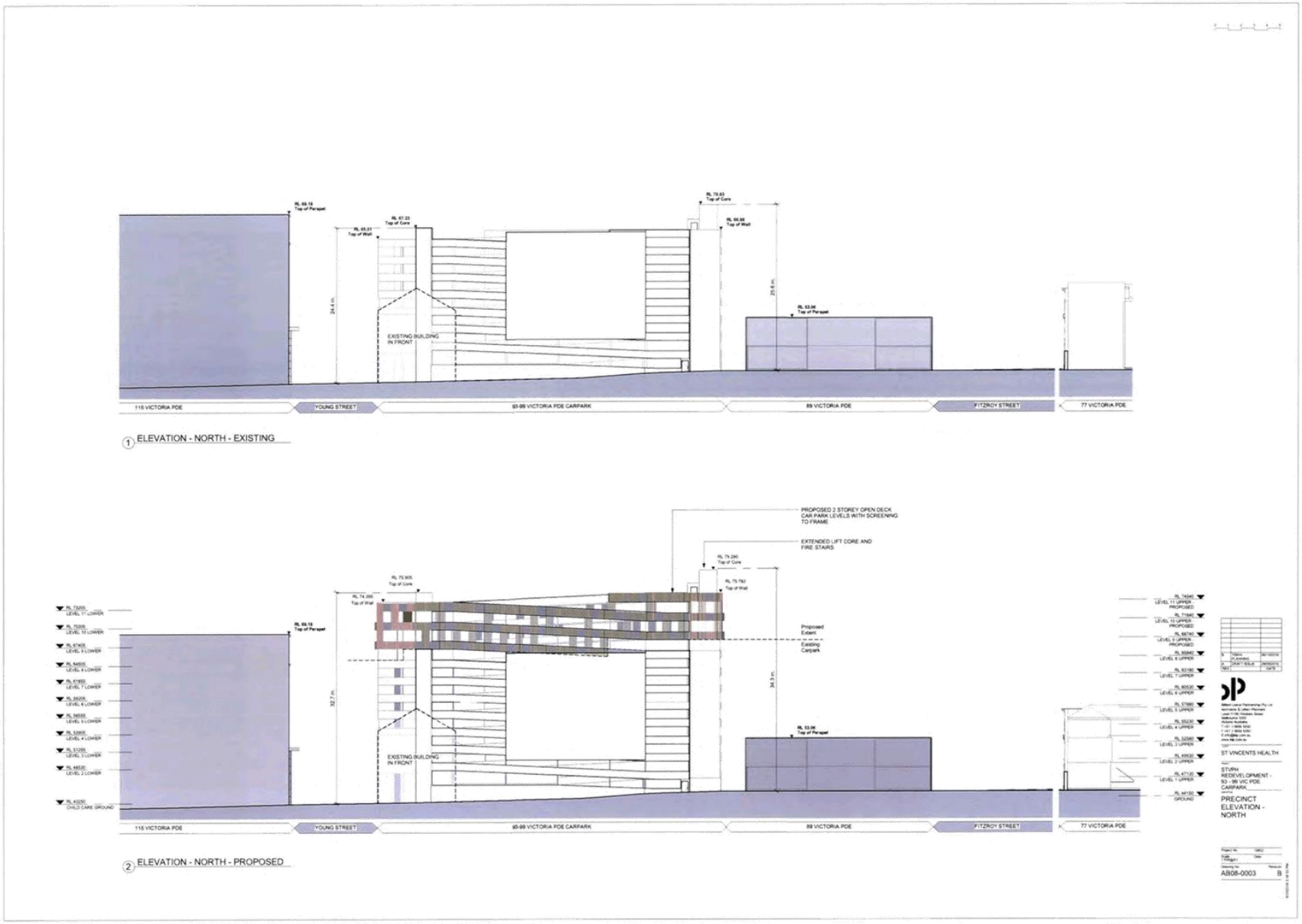
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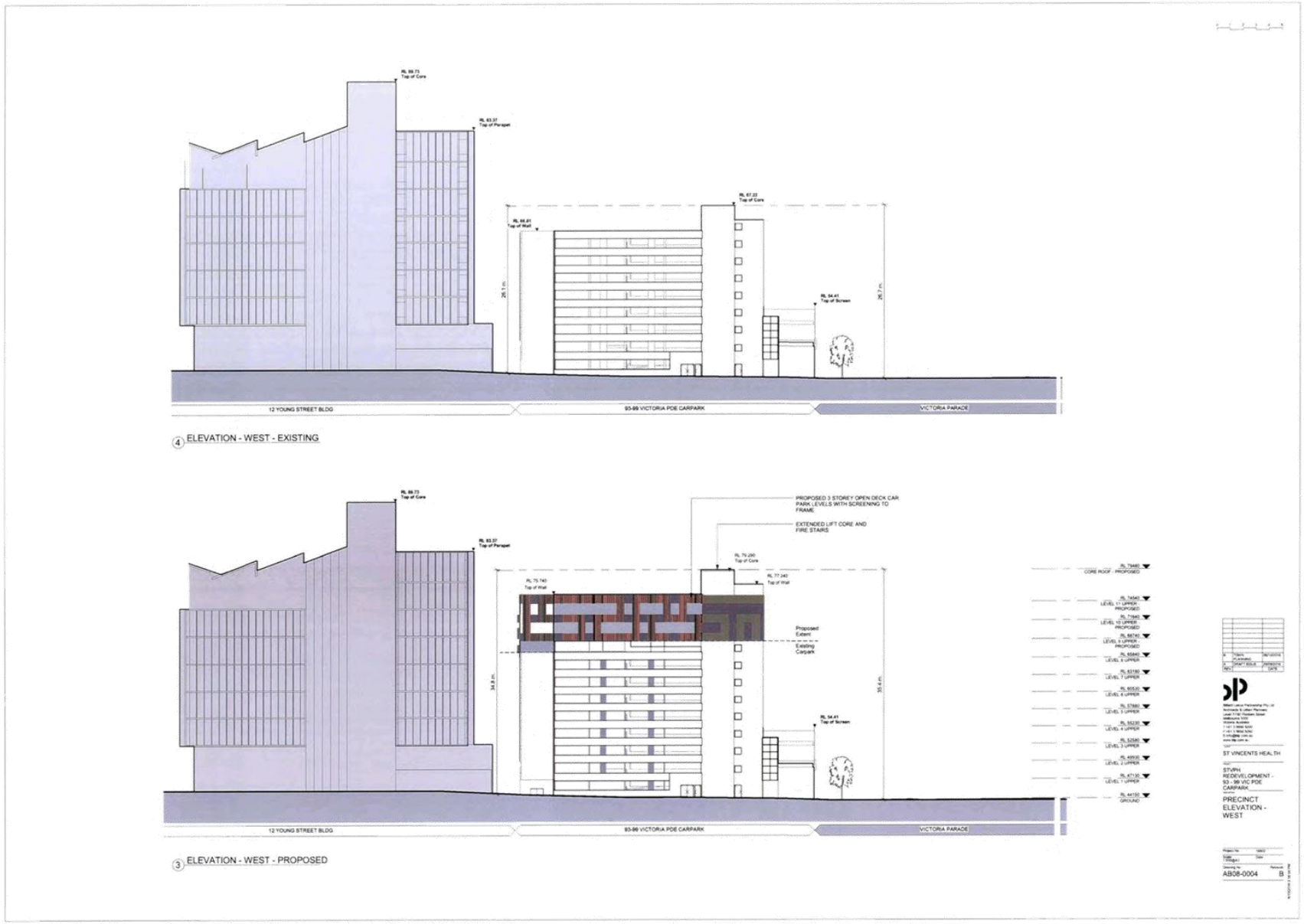
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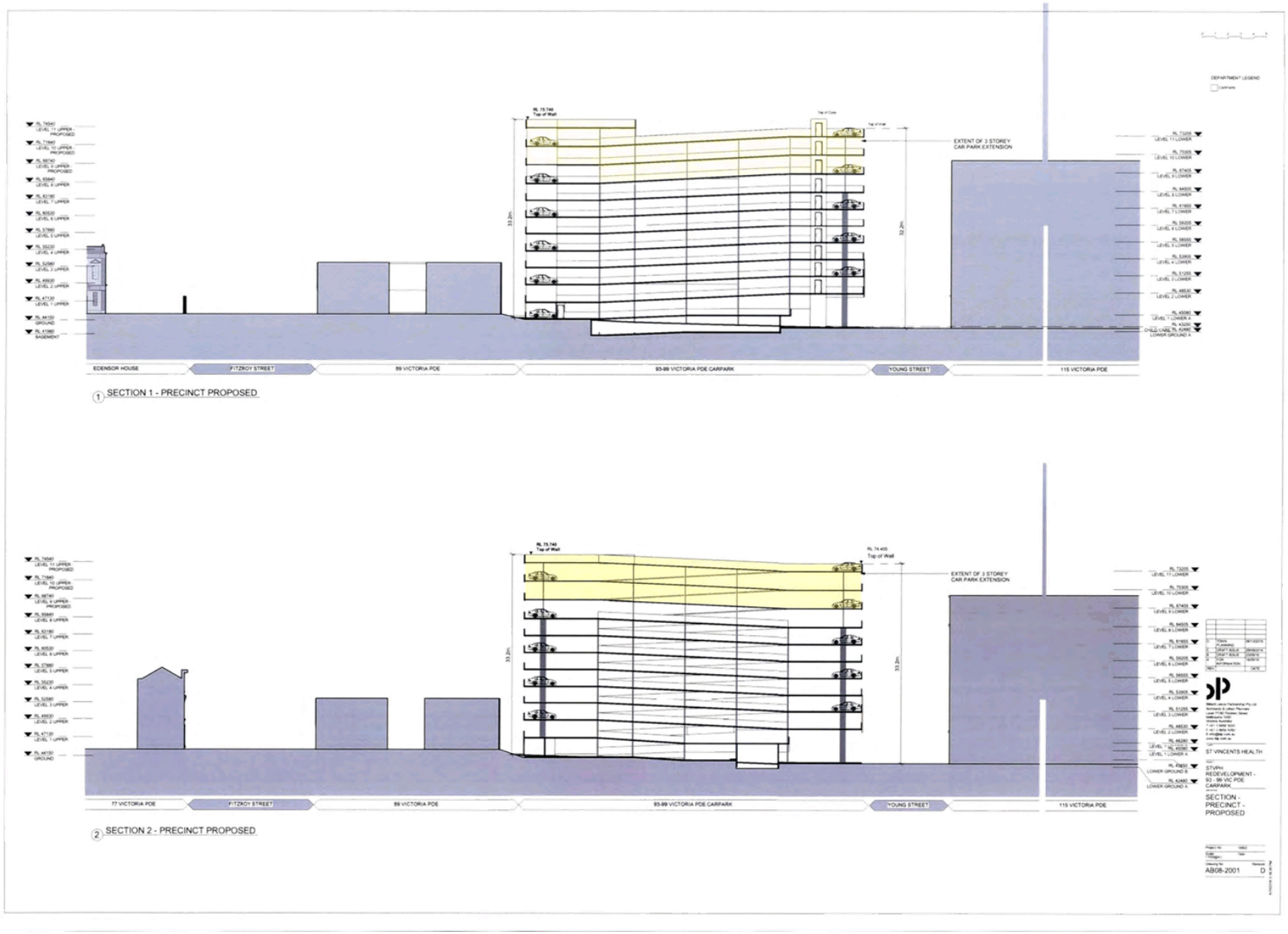
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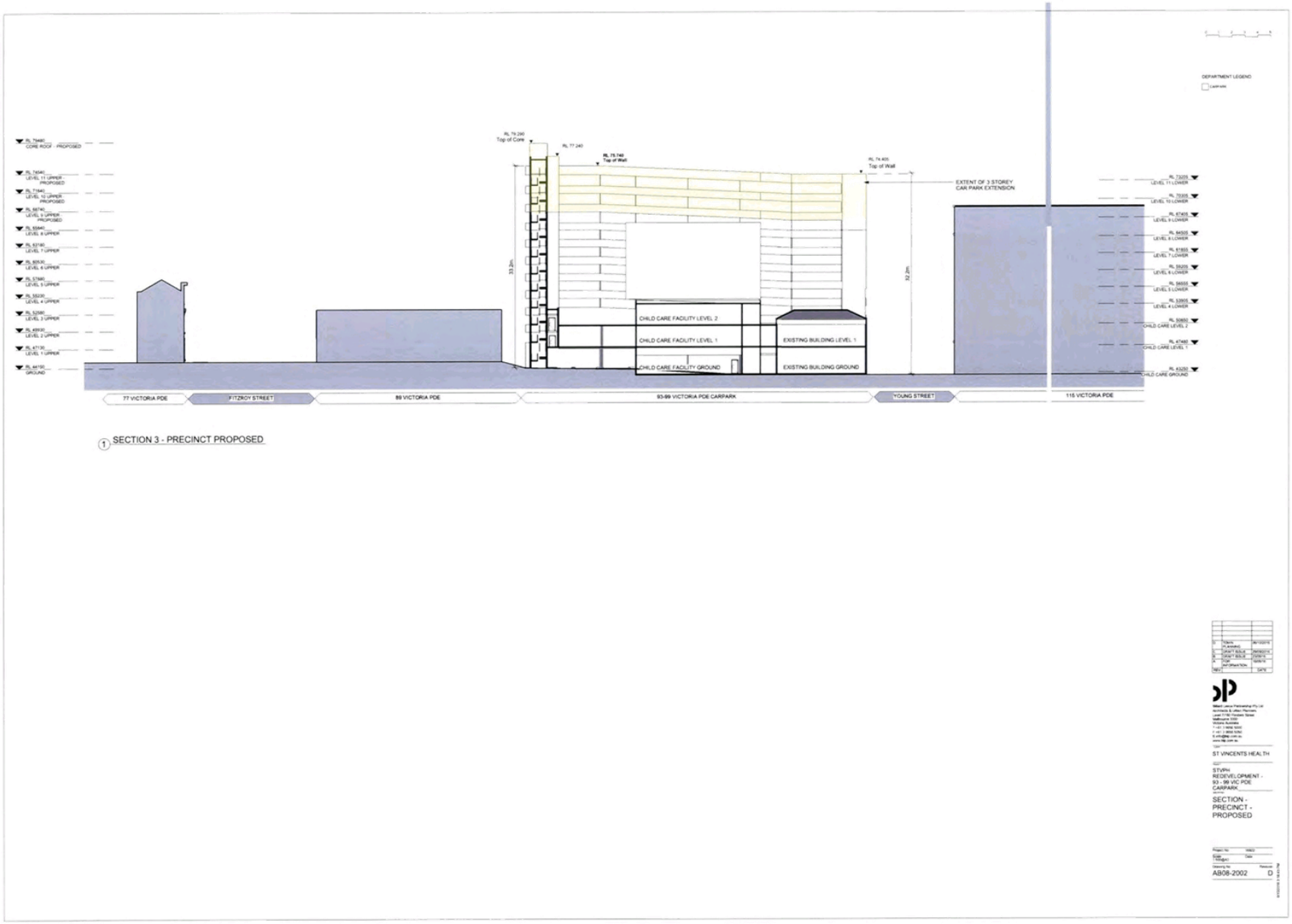
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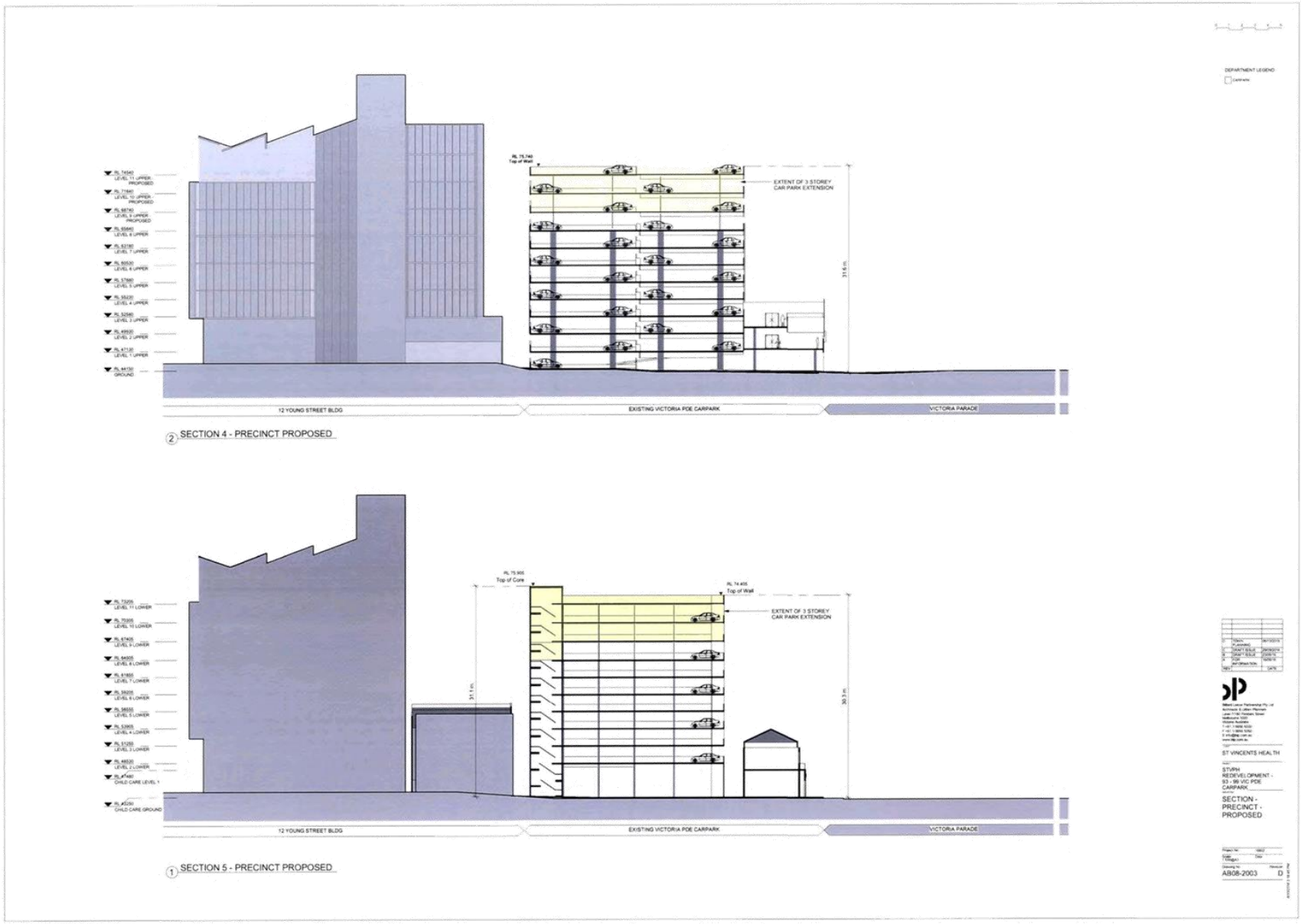


Attachment 4 - Decision Plans Part 3



1 SECTION 3 - PRECINCT PROPOSED

Attachment 4 - Decision Plans Part 3



Attachment 4 - Decision Plans Part 3



FC1 - FABRICATED PLANTER BOXES TO NEW LEVEL - COLOURED THROUGH PREFINISHED COMPRESSED FIBRE CEMENT SHEET CLADDING ON SUITABLE FRAMING - "EQUITONE NATURA" N 073 CHARCOAL OR SIMILAR APPROVED.

AB1 - ALUMINIUM S.H.S BATTENS, SUITABLY FIXED TO FACADE. FINISHES TO BE A RANGE OF BLUE, GREEN & ORANGE SHADES POWDERCOATS DERIVED FROM THE EXISTING FACADE ARTWORK

FC1 - SELECTED WALL PANELLING SYSTEM - COLOURED THROUGH PREFINISHED COMPRESSED FIBRE CEMENT SHEET CLADDING ON PROPRIETORY FIXING SYSTEM - "EQUITONE NATURA" N 073 CHARCOAL OR SIMILAR APPROVED.

EXTENT OF EXISTING CAR PARK & CHILD CARER CENTRE BUILDING TO REMAIN UNALTERED EXTERNALLY.

ST VINCENTS HEALTH

STVPH REDEVELOPMENT - 93 - 99 VIC PDE CARPARK

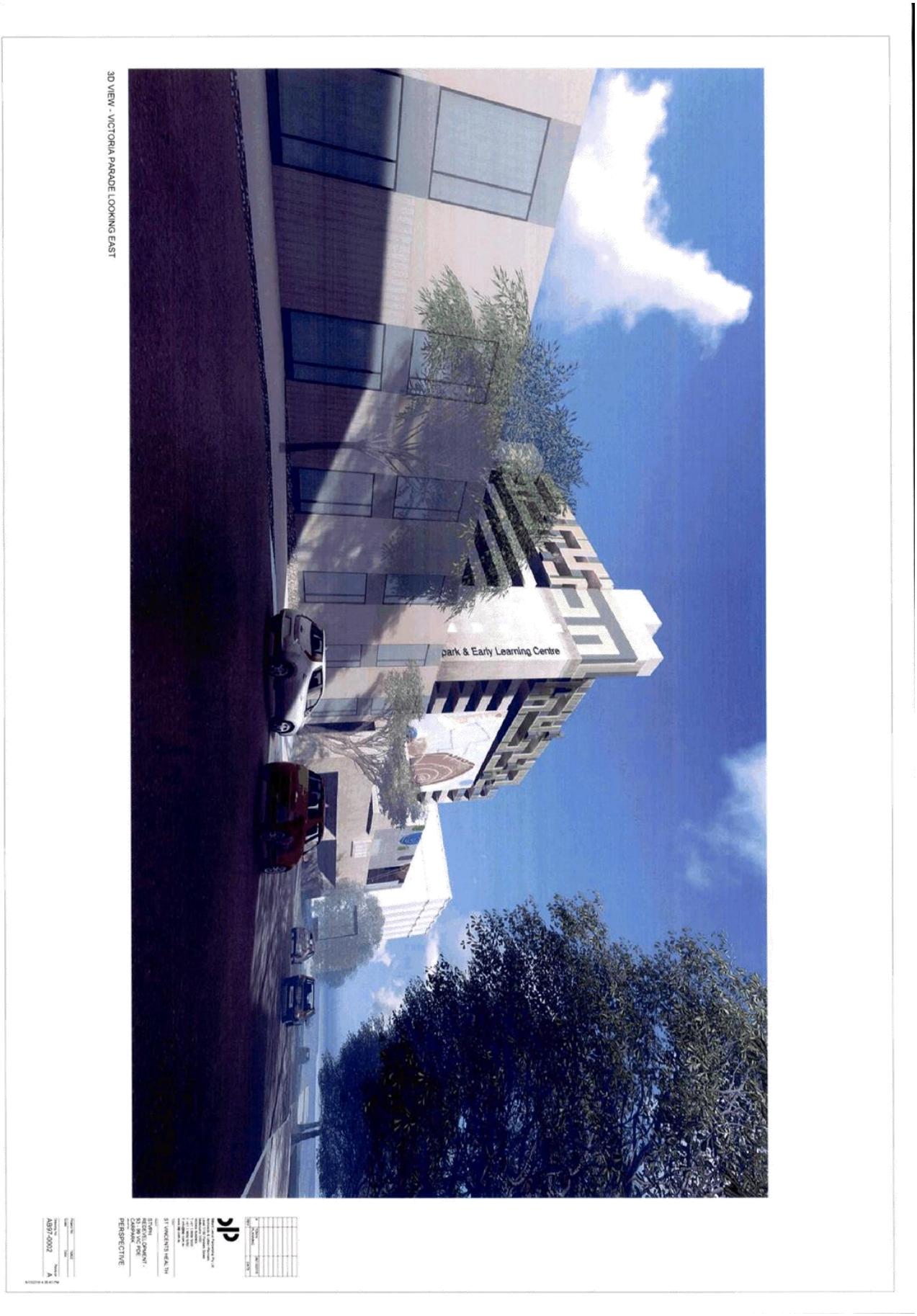
EXTERNAL FINISHES & MATERIALS - SOUTH ELEVATION

AB96-0001 A

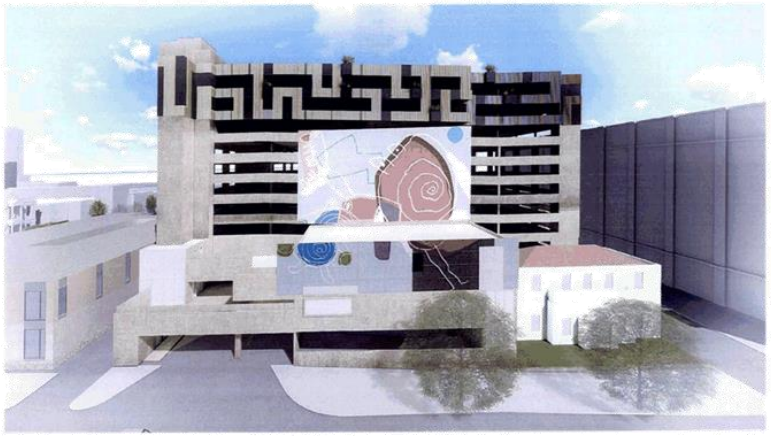
Attachment 4 - Decision Plans Part 3



Attachment 4 - Decision Plans Part 3



Attachment 4 - Decision Plans Part 3



3D VIEW - VICTORIA PARADE SOUTH



3D VIEW - BRUNSWICK STREET LOOKING NORTH



3D VIEW - YOUNG STREET LOOKING NORTH

ST VINCENTS HEALTH

STVPH
REDEVELOPMENT -
93 - 99 VIC PDE
CARPARK

PERSECTIVE

AB97-0003 A

Attachment 4 - Decision Plans Part 3



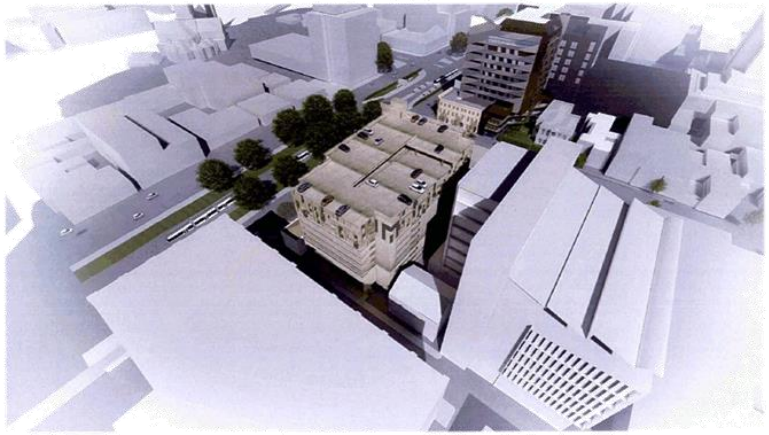
AERIAL - SOUTH EAST



AERIAL - SOUTH WEST



AERIAL - NORTH WEST



AERIAL - NORTH EAST

ST VINCENTS HEALTH

STVPH REDEVELOPMENT - 93 - 99 VIC PDE CARPARK

PERSPECTIVE - AERIALS

AB97-0004 A

Attachment 5 - Heritage Advisor comments

City of Yarra
Heritage Advice

Application No.:	*PLN16/0926*
Address of Property:	***93-99 Victoria Parade, Fitzroy***
Planner:	*James Sutherland*
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:	*Non-Contributory, constructed post 2000 (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007- updated Sep 2015)*
General description:	*Addition of three levels to the existing car park from approximately 23.4metres to 32.2metres tall (additional three storeys).*
Drawing Nos.:	• *Set of 34 x A3 drawings prepared by Billard Lease Partnership, received by Council and date stamped 25 November 2016* • *Heritage Impact Statement by Lovell Chen (October 2016)* • *Urban context report and design response (7 Oct 2016)*

CONTEXT DESCRIPTION:

The subject site is a rectangular allotment with a principal frontage to Victoria Parade and side frontage to Young Street.

The site contains a nine-storey building that was constructed c. 2008. The building, which for the most part is setback 12.6 metres from Victoria Parade, is predominantly used as a car park however the three-storey podium contains a childcare centre.

A double storey individually significant building (former Tramways Offices) is located in the south-east corner of the subject site, fronting Victoria Parade. It is partly attached to the car park building at the side.

To the rear of the subject site is the former Melbourne and Metropolitan Tramways Board Electrical Substation, which is an individually significant building.

To the east of the subject site is the former Commonwealth Note and Stamp Printing Department, now part of the Australian Catholic University (ACU) Melbourne Campus.

The site is located in the southern section of the South Fitzroy Precinct, and is surrounded by a number of individually significant and contributory properties, including properties with individual heritage overlays (HO's 189, 190, 150, 151, 152 and 347 specifically).

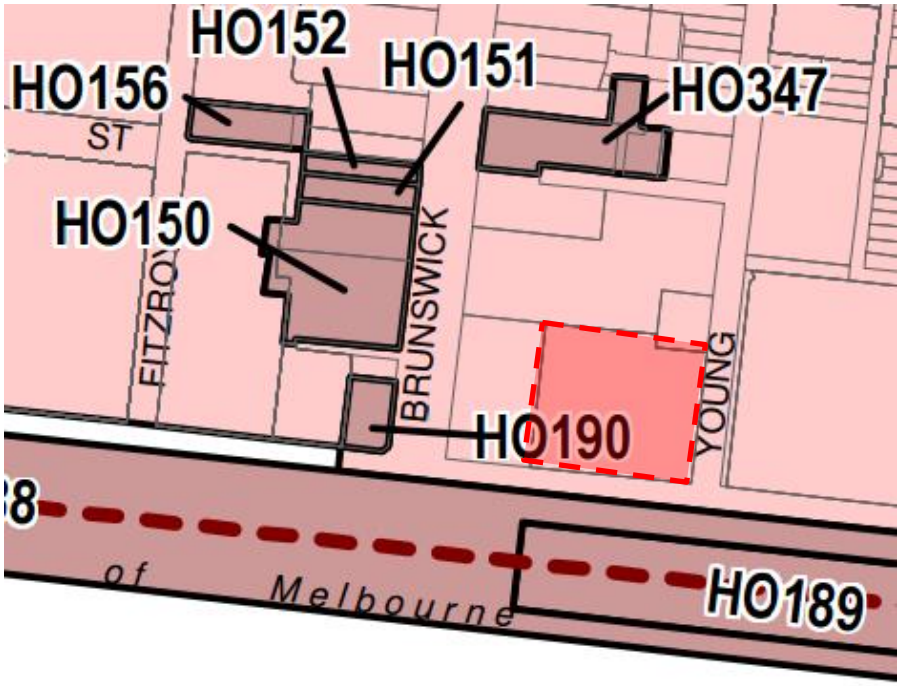
The immediate area is characterised by a combination of moderately intact historic buildings of varying architectural styles (mainly Victorian and Inter-War structures of between two and six stories in height) and a number of large scale, non-contributory commercial buildings associated with St. Vincent's hospital and the Australian Catholic University.

Whilst a significant proportion of the South Fitzroy Precinct is significant for its domestic-scale fabric, institutional and large scale buildings such as those that surround the subject site are also of equal significance.

Attachment 5 - Heritage Advisor comments



Above: Current aerial of the subject site (denoted by red dashed lines).Immediately surrounding individually significant buildings denoted by yellow boxes.



Above: Extract from Heritage Overlay Map No.5 showing subject site (red dashed line) and surrounding individual HO's.

Attachment 5 - Heritage Advisor comments



Above: Extract from Yarra GIS mapping showing extent of surrounding individually significant, contributory and non-contributory buildings.

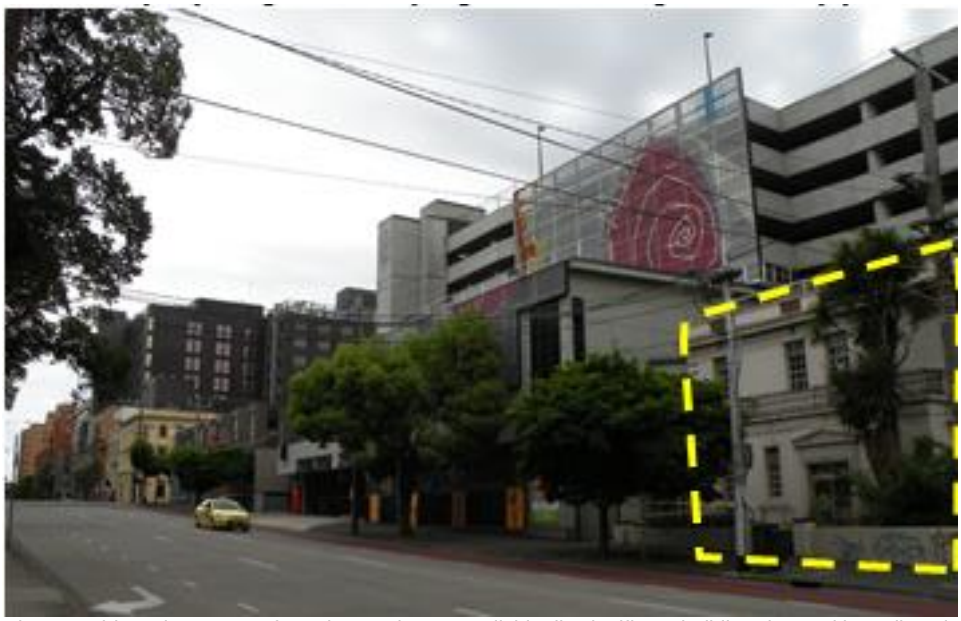


Above: Subject site as seen from the south-west. Immediately adjoining individually significant building denoted by yellow dashed lines.

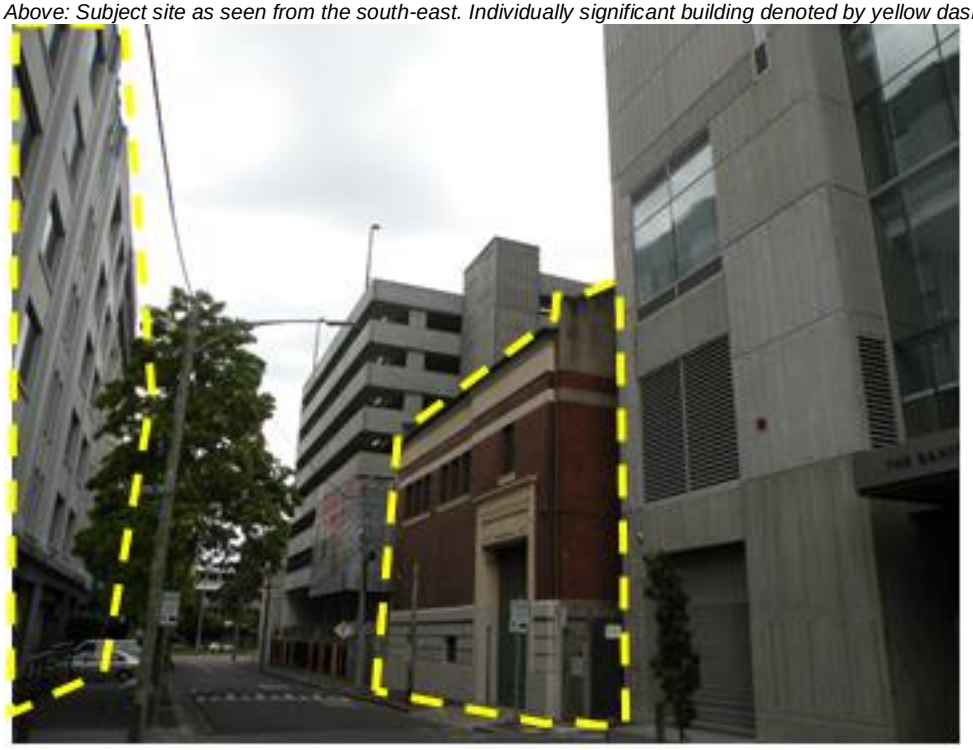


Above: Subject site as seen from the south-east. Immediately adjoining individually significant buildings denoted by yellow dashed lines.

Attachment 5 - Heritage Advisor comments



Above: Subject site as seen from the south-east. Individually significant building denoted by yellow dashed line.



Above: Subject site as seen from the north-east. Immediately adjoining individually significant buildings denoted by yellow dashed line.

ASSESSMENT OF PROPOSED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application includes the removal of non-contributory fabric associated with the building constructed in c.2008.

There are no heritage concerns regarding the proposed extent of demolition.

Comments regarding new development, alterations and additions:

The extent of new works proposed by this application includes development of three additional levels to the existing car park building.

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 broader heritage precinct and the immediately surrounding individually listed heritage sites.

Attachment 5 - Heritage Advisor comments

Adding three floor levels to the existing carpark building will result in a finished building that will be noticeably higher than the individually significant building. The proposed new floor levels will replicate the existing front setbacks of the floors immediately below.

Ideally, the proposed additions should be positioned and sized to ensure that the prominence of adjoining heritage buildings is retained. If an additional three floor levels is considered necessary, then the design of the new works should attempt to minimise their appearance so that the apparent scale, proportion and materials of the existing building are not dramatically changed. This proposal is attempting to do quite the opposite.

It is considered that the design of the proposed additional floor levels should attempt to achieve at least some level of concealment so that the height of the existing façade continues to respond respectfully to the height of the adjacent ACU building. A number of design techniques should be considered including the possibility of setting the new floor levels further back from the front of the site and/or redesigning the façade so that it presents as a neutral form with no apparent floor levels or features that draw unnecessary attention to it.

The colour and appearance of the currently proposed façade consisting of multi-coloured SHS battens fixed to the façade with planter boxes interspersed will definitely detract from the conservative appearance of the adjacent ACU building. Attracting attention to the additional floor levels should be avoided.

RECOMMENDATIONS:

On heritage grounds, the works proposed in this application should be modified prior to further consideration. The following suggested changes may alternatively be used as conditions.

1. The façade of the proposed additional floor levels must be redesigned to avoid competing with the prominent appearance of the adjacent ACU building and to minimise the visual impact of the new work on the apparent scale, proportion and materials of the existing building.

SIGNED:



Ruth Redden

DATED: 21 February 2017

Attachment 6 - External urban design comments

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Melbourne 3000 Australia
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mgs@mgsarchitects.com.au
mgsarchitects.com.au

mgs

Independent Urban Design Advice

St Vincent's Hospital Car Park Extension

93-99 Victoria Parade Fitzroy

PLN16/0926

February 2017

Prepared By
Professor Robert McGauran
B. Arch. (Hons. Melb), B.A. (Fine Arts Melb.), P.D.M. (Melb.), LFRAIA, Architect

Our ref: 16184

Directors
Eli Giannini
Chris Jones
Cameron Lacy
Robert McGauran
Mun Soon
Joshua Wheeler

Attachment 6 - External urban design comments

BACKGROUND

1. In December 2016 I was asked by the City of Yarra to comment on plans for an extension to the St Vincent's hospital staff car park.
2. My comments are made with regard to the resolution of the scheme in relation to:
   a) Appropriateness of the design treatment and streetscape impact
   b) Building height, bulk and massing and its implications.
   c) Use of colours and materials
   d) Façade treatments
   e) Whether the proposal achieves high architectural and urban design outcomes
   f) ESD Principles
3. The original car park design was developed by MGS for St Vincent's Hospital, with the Mackie Group as builders of the project, to aggregate the Hospital's car parking requirements as well as providing a childcare centre for key workers within the precinct.
4. MGS also undertook a peer review of the framework plan for the ACU St Patrick's campus so is aware of plans for adjoining campus renewal and the strategic importance of the ACU St Patrick's campus within ACU's broader plans.
5. MGS has no ongoing role in the precinct for St Vincent's Hospital.

STRATEGIC PLANNING CONTEXT

Relevant State Planning Policy Matters include:

6. Within Plan Melbourne there are a number of directions and relevant clauses that need to be considered when reviewing this proposal from an urban design perspective.
7. Plan Melbourne outlines a vision for Melbourne: Melbourne will be a global city of opportunity and choice achieved by five key directions.
8. Relevant to this application: Developing in defined areas near services and infrastructure. Population estimates indicate Melbourne could grow to a city of around 7.7 million people and require an additional 1.6 million more dwellings. An estimated 1.7 million new jobs will be created, mostly in the central city and adjacent inner suburbs. Importantly a key element of Plan Melbourne is an expanded central city in which this site resides.
9. Direction 1.4: Plan for the expanded central city to become Australia's largest commercial and residential centre by 2040, identifies that the wider Central Subregion with its highly diverse economic base and strengths in health, education, retail, creative industries, tourism and port-related activities has an important role to allow Melbourne's central city to become the largest business services centre in Australia.
10. The central city will continue to play an important role as a major destination for tourism, retail, entertainment and cultural activities and to enjoy the employment diversity that come from the growth of these sectors. ...to ensure Melbourne's expanded central city becomes Australia's largest business centre, we will also need to connect, manage and grow the existing and emerging high density, mixed use neighbourhoods in the Central Subregion. This Subregion represents Melbourne's most complex growth area with growth potential beyond 2050. By planning for this significant employment and population growth, we will take advantage of the benefits of connecting people, skills, jobs and businesses.
11. The Central Subregion includes the subject site.
12. Direction 2.2 seeks to reduce the cost of living by increasing housing supply near services and public transport and that key areas to accommodate higher density housing are urban renewal precincts and sites, land within the new residential growth zone, the expanded central city, national employment clusters, metropolitan activity centres (existing and future) and activity centres.

Attachment 6 - External urban design comments

13. Plan Melbourne and Clause 11 encourage more intensive development in Activity Centres. Clause 11.01 relates to 'Activity Centres' and seeks 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 that:
    - > Comprises a range of centres that differ in size and function
    - > Is a focus for business, shopping, working, leisure and community facilities
    - > Provides different types of housing, including forms of higher density housing
    - > Is connected by public transport and cycling networks
    - > Reduces the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres
    - > Improve access by walking, cycling and public transport to services and facilities for local and regional populations
    - > 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.
14. Clause 11.04-1 Delivering Jobs and Investment includes the strategy to plan for the expanded central city to become Australia's largest commercial and residential centre by 2040.
15. Clause 11.04-2 Housing Choice and Affordability seeks to reduce the cost of living by increasing housing supply near services and public transport.
16. Clause 15 Built Environment and Heritage – notably Clause 15.01 Urban Design – promotes good design and encourages development 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.

Relevant Local Planning Policy Matters include:
Local Planning Policy Framework

17. There are also a number of relevant local clauses that need to be considered when considering the application. These include:
    a) Clause 21.04-2 Activity centres details the municipality's five Major Activity Centres
18. Clause 21.05 Built form contains a number of relevant sub clauses, which include:
    a) Clause 21.05-1 Heritage.
    b) Clause 21.05-2 Urban design.
    c) Clause 21.05-3 Built form character, particularly the reference to 'transport corridors'.
    d) Clause 21.05-4 Public environment.
19. Clause 21.06 Transport is an important policy source, particularly regarding the Council's approach to new development and sustainable modes of transport, such as walking, cycling and public transport.
    a) Clause 21.07 Environmental sustainability seeks to address environmental sustainability through sustainable building design and construction
    b) Also of note is Clause 21.08-7 Fitzroy notes: *Victoria Parade, an important boulevard with substantial office development and the St Vincent's Hospital precinct, is on the south side of this neighbourhood. The Brunswick Street and Smith Street major activity centres run north south through the middle….* A masterplan is sought for the St Vincent's Hospital Site in this section of the scheme.
    c) Clause 22.03 Landmarks and tall structures states that it is Council policy to 'ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline'.
    d) One of the objectives of Clause 22.10 Built form and design policy is to 'ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design'.

Attachment 6 - External urban design comments

20. Zoning

a) The site is in a Commercial 1 Zone

21. Overlays

a) The site is subject to DDO 2 *Main roads and Boulevards* in the planning scheme and seeks to encourage amongst other things:
> High quality contemporary architecture
> To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity
> To reinforce and enhance the distinctive heritage qualities of main roads and boulevards
> To encourage urban design that provides for a high level of community safety and comfort
> To limit visual clutter

b) A heritage Overlay HO 190 & HO 334 relates to parts of the subject site and part of the site is on the heritage register VHR no. 816

THE PROPOSAL

22. The proposal involves relatively modest internal change and extension of the building by three levels to incorporate an additional 185 parking spaces, inclusive of four accessible spaces, changing the overall development from 529 spaces to 714 spaces.
23. In addition it is proposed to install four motorcycle parking spaces in the south eastern corner of the car park across levels two to four for a total of 40 motorcycle spaces in all.
24. These additional car spaces in part seek to replace car parks lost within the core campus as a result of the proposed extension of the existing campus both now and in the future.
25. The transport report notes that, across the two car parks, it is proposed to increase the net number of cars by 180 spaces, incorporating the 185 additional spaces as earlier noted in the Victoria Parade car park under consideration here, with a net loss of five spaces within the Victoria Street car park. It proposes to shift what is currently staff car parking with the Fitzroy Street car park to one that is focused on visitor demands and more equitability with 73 spaces of 146 remaining to be allocated to staff spaces and 73 for visitors.
26. I will rely on Council's traffic management consultant to make an assessment of the adequacy of the existing access and egress arrangements for the intended use as a car park exclusively for staff. I would note that it is less likely to be aligned with the demands and peaks to the same degree as might be anticipated for a visitor focused facility.
27. Having been involved with the earlier project too, I note that there were some areas that were set aside with a greater focus for the needs of childcare and some more broadly for staff. I am unaware as to whether these arrangements are still in place.
28. There is considerable logic in a high density health and education precinct of aggregating car parking into multi-deck facilities and similarly a strong logic in the context of the broader precinct and landholdings to separate the longer term staff car parking from the core pedestrian focused health campus.
29. The existing car park sits within a rapidly changing and intensifying broader knowledge and education precinct.
30. The adjoining, indeed encircling, ACU St Patrick's campus is a growing campus, with development anticipated both to the east, northeast and west of the subject site over time.
31. As noted in earlier discussions and indicated in the separate report of review being prepared by MGS, St Vincent's Private Hospital is also seeking to develop a major expansion of their core health facilities towards the Brunswick Street interface.
32. In this context it is reasonable to assume that the proposed development will be flanked to the east and west by development of commensurate scale in the future. Already to its north more recent

Attachment 6 - External urban design comments

educational facilities have been developed for an eight storey building, with the scale of this captured in Drawing AB08-0002.

33. Notwithstanding, there is a strong case to say that any extension of the existing car park would require, as the previous development did, some civic gestures to enrich the skyline and built environment over and above that required for the core function and that an alternative aesthetic to that adopted for the lower levels may be necessary.
34. The applicant has proposed a framed screening approach to the three level extension that suggests a two level façade extension for what is in fact a three level facility.
35. The scale and setbacks of this facility are in my mind reasonable, relative to the Victoria Parade interface and the approach taken in general terms is supportable in the context of its interfaces, both existing and proposed.
36. The key to the success of this extension however will be the quality and resolution of the proposed graphic treatments to this upper patterned façade form.
37. To this degree, whilst the renderings imply particular materials and finishes the detailing of the proposed aluminium square hollow-section battens across the façade will require careful curation and signing off by the responsible authority via the provision by the applicant of more detailed facades stipulating the colour treatments and the proposed detailing techniques.
38. I am in support in principle of the suggestion of depth, the referencing of the core façade artworks which were at the time also supported by the curatorial leaders and creative arts programs within the neighbouring ACU.
39. I note the proposed use of pre-finished compressed cement sheet to the upper levels of this building. This is an area of some concern. It is not clear to me that these materials and finishes are necessarily appropriate in the context of high wind and elevated location, nor in an area where some impacts might occur.
40. The drawings as proposed in sectional form do not provide sufficient clarity of the proposed detailing extent at this stage to give comfort as to the means of ensuring robustness of materials and finishes in the long term.
41. It is acknowledged that there are probably load limitations that would require a lighter weight material and finish for these areas than at lower levels however the applicant needs to be aware that as such a highly visible building, its long term durability and the quality and resilience of materials will be critical in maintaining strong community support for the project in the long term, in the context of an educational precinct of high strategic importance for the city.
42. Hence, it is recommended that the applicant provide a series of elevational studies, materials and finishes and a colour palette and the sectional and thumbnail 3D sketches outlining the detailing techniques proposed for these upper levels demonstrating quality and finish.
43. Similarly the resolution of the planters suggested for these levels should be provided in further detail. Again, I support their inclusion in principle but this is contingent on high quality resolution of the detailing thereof including irrigation and maintenance provision for these facilities to ensure their long term contribution to the public realm.
44. Across the two projects I have not noted any significant discussion in the traffic reports regarding green travel or initiatives to encourage its utilisation. I would note in the recent redevelopment of the Royal Children's, Cabrini and Epworth hospitals that a substantial ambition for green travel has been provided in the Hospital's responses demonstrating in turn an alignment with ambitions for a healthy workforce and workplace. To this end the existing traffic report should be supplemented with a green travel report across the two projects, demonstrating the initiatives being taken by the Hospital to promote green travel to the campus at an increased level.
45. Given the adjoining public transport on offer the inclusion on public spaces for example of video screens with linkages to current adjoining public transport timetables would be logical. In addition enhanced end of travel facilities for the increased population of the hospital, including high quality secure bike storage facilities and showers should form part of the application and narrative within the traffic report.

Attachment 6 - External urban design comments

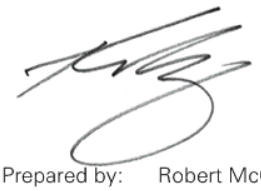
46. Opportunities to enhance the environs of the site and the interface with adjoining streets and education facilities to promote enhanced walkability or ground travel should also form part of the response.
47. I understand the adjoining ACU St Patrick's campus is undergoing a proposal for a substantial new development to the east of the subject site.
48. The traffic report should indicate an awareness of this proposal and demonstration that the two proposals will coexist successfully. I have no reason to believe this will not occur but it would be logical to request this at this stage.

CONCLUSION

49. In conclusion the proposed addition in referencing the existing architecture of the development and investing the upper levels with an increased richness of palette provides a supportable urban design response that acknowledges the building's increased scale and underlying program and invests it with an ambition that recognises the growing campus quality of the precinct.
50. At the proposed height it sits within a magnitude of building forms that is consistent with that of its neighbours to the north and that proposed to the east and for the private hospital expansion to the west.
51. For these reasons I am supportive of the proposal as presented subject to:
    a) Clarification that the quality and detailing of the proposed façade treatments are such as to ensure the design intent is matched with a similar detailing and ambition, recognising the long term presence of the facility within the precinct.
    b) A green travel strategy across the two projects supporting the transit richness of the precinct and the healthy workplace principles being established for competitor campuses.
52. As noted earlier I support too, the logic of incorporating a single major car park hub in this precinct that optimises its contribution to the broader provision of services whilst also ensuring that the core health campus as well as primary foci of the adjoining education campus is not unreasonably impacted as a result of the increased traffic movements.
53. Subject to the satisfaction of VicRoads and Council's traffic engineers of the adequacy of existing access and egress arrangements I would recommend support with the earlier conditions of precedent.

DOCUMENTS FORMING THE BASIS OF THE REPORT

54. Plans – St Vincent's Private Hospital Victoria Parade Carpark – Billard Leece Partnership
55. Urban Context Report & Design Response – St Vincent's Private Hospital Victoria Parade Carpark – Billard Leece Partnership
56. Planning Report - St Vincent's Private Hospital Victoria Parade Carpark Extension – Meinhardt
57. Heritage Impact Statement – Lovell Chen
58. Transport Impact Assessment – One Mile Grid



Prepared by: Robert McGauran
Dated: February 2017

Attachment 7 - Engineering Services Unit Referral Comments.

CITY OF YaRRA

MEMO

To:	**James Sutherland**	
From:	**Mark Pisani**	
Date:	**17 February 2017**	
Subject:	**Application No:**	**PLN16/0926**
	Description:	**St Vincent's Private Hospital Off-Street Car Park**
	Site Address:	**93-99 Victoria Parade, Fitzroy**

I refer to the above Planning Application received on 15 December 2016 and the accompanying report prepared by One Mile Grid traffic engineering consultants in relation to the proposed development at 93-99 Victoria Parade, Fitzroy. Council's Engineering Services unit provides the following information:

CAR PARK AT 93-99 VICTORIA PARADE

As part of the redevelopment of the St Vincent's Private Hospital, the existing multi-deck car park at 93-99 Victoria Parade (owned by St Vincent's Private Hospital) is to be expanded with an additional three decks with capacity for 185 additional spaces.

TRAFFIC GENERATION

For hospital traffic generation, One Mile grid has sourced a number of empirical cases in terms of trip generation per parking space. For the purpose of estimating traffic generation for the adopted parking demand of 180 spaces, the weighted averages for trips per parking space in the AM and PM peak hours has been used. The estimated traffic generation is 56 trips in the AM peak hour and 47 trips in the PM peak hour. It is agreed that this additional traffic should not have an adverse impact on the operation of Victoria Parade.

CAR PARK LAYOUT

The three additional levels of the car park wold essential mirror the layout of the existing car park levels.

There is no objection to the proposal to install four motorbike spaces on each parking level. The dimensions of the spaces (each 2.5 metres by 1.2 metres) must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004.

One Mile Grid indicated that four accessible parking spaces are to be provided in the multi-deck car park. These spaces should satisfy the requirements of the Australian/New Zealand Standard AS/NZS 2890.6:2009.

QUEUING ANALYSIS

To ascertain the impact of the post-development car park traffic entering off Victoria Parade, One Mile Grid has undertaken a queuing analysis of the car park entrance at Victoria Parade. Since there would be two boom gates in the system, queue lengths of the car park would involve multi-channel queuing analysis, which involves the use complex mathematical formulae. To determine the storage queue of the boom gates, guidance is sought from the Australian/New Zealand Standard AS/NZS 2890.1:2004. The boom gates should allow for sufficient vehicle storage to

Attachment 7 - Engineering Services Unit Referral Comments.

accommodate the 98th percentile queue (the queue that will be exceeded on 2% of occasions). One Mile Grid had calculated the 98th percentile queue length to be 5.06 vehicles.

One Mile Grid has stated that there is on-site storage for six vehicles before the boom gates. On that basis, the queuing of vehicles (for the 98th percentile queue) would take place within the property and not impact on Victoria Parade.

The submitted Ground Floor plan of the multi-deck car park does not show the precise location of the boom gates. The applicant must depict the boom gates on the drawing and dimension the distance between the boom gates and the north alignment of Victoria Parade before the drawings are endorsed.

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 8 - ESD Advisor comments.

CITY OF YARRA

MeMO

TO:	**James Sutherland**
cc:	
FROM:	**Euan Williamson, ESD Advisor**
DATE:	**15.06.2017**
FILE:	**PLN16/0926 – 93-99 Victoria Pde, Fitzroy**
SUBJECT:	**ESD response to proposed car park extension**

James,

I have briefly considered the proposed extension to the existing carpark. Given the size of the proposal is over the 1000m^2 of new floor area trigger for the Clauses 22.16 (WSUD) and 22.17 (ESD) of the planning scheme, a response to these provisions is warranted.

Given the limited scope, however, of the proposal to additional car park levels on the existing car park, responding to the relevant objectives would effectively reduce the scope of a required SMP to demonstrating best practice in:

- Stormwater management (WSUD), and
- Energy efficiency (mostly related to additional lighting).

I have briefly considered the floor plan and consider that stormwater management through raingardens or other similar bio-filtration treatments to be a suitable response to the stormwater management and WSUD requirements, although other responses may also be suitable.

If you or the applicant would like to discuss my comments or recommendation further, please 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

Attachment 9 - PTV comments

PUBLIC TRANSPORT VICTORIA

File: FOL/16/52931
Ref: DOPT2016/0504

PO Box 4724
Melbourne Victoria 3001
Australia

Telephone 1800 800 007
ptv.vic.gov.au

James Sutherland
Planning Department
City of Yarra
P O Box 168
RICHMOND VIC 3121

Dear James

YARRA PLANNING SCHEME
PLANNING APPLICATION NO: PLN16/0926
PROPOSAL: ALTERATION TO CARPARK
ADDRESS: 93-99 VICTORIA STREET FITZROY

Thank you for your Section 52 Notice pursuant to Section 55 of the *Planning and Environment Act 1987* for the above application.

Public Transport Victoria, has no objection to the grant of a Planning Permit and submits the following condition for Council's consideration:

Conditions:

1. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Victoria Parade is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

Should you require any further clarification, please feel free to contact Elana Savini on telephone 03 839 27989.

Yours sincerely

Margaret Burge

MARGARET BURGE
Senior Lawyer
23 / 01 / 17.

Attachment 10 - VicRoads comments

vicroads

Yarra City Council
PO Box 168
RICHMOND VIC 3121
Attention: James Sutherland

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 Mr. Sutherland,

PLANNING APPLICATION NO.: **PLN16/0925 & PLN16/0926**

PROPERTY ADDRESS: **ST VINCENT'S PRIVATE HOSPITAL**

Referral Response – No objection subject to conditions

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

Planning Application PLN16/0925 is for the construction of a ten (10) storey building and alterations to the main private hospital site along Victoria Parade, Brunswick Street and Fitzroy Street, including streetscape works and widening of a curb and removal of power lines.

Planning Application PLN16/0926 is for the three level addition of 185 car parking spaces at the hospital's staff car park at 93-99 Victoria Parade.

VicRoads does not object to the proposal/s in their current form.

In relation to **Planning Application PLN16/0925** 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. *The planter boxes along Victoria Parade must be removed.*
2. *The three(3) bollards positioned opposite the new entry along Victoria Parade to be repositioned along the north side of the tactile indicators.*
3. *Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment Land Water and Planning pursuant to Section 138A (11) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Victoria Parade boundary (i.e., the canopies, fixed shading devices, architectural features), to indemnify the Crown in relation to any claim or liability arising from the projections within the Victoria Parade road reserve.*
4. *Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (i.e. Victoria Parade). Please contact VicRoads prior to commencing any works.*

Notes:

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

VICTORIA State Government

VicRoads ABN 61 760 960 480

PSL 38

Attachment 10 - VicRoads comments

Council should be mindful that the setback from back of kerb and canopy clearance along Victoria Parade should be consistent with the requirements of the Building Act and be no less than 750mm from the kerb alignment. In addition, the canopy clearance should be no less than 5m in height so as not to hinder emergency vehicle access (i.e. MFB) to the indented parking area.

Condition 1 and 2 have been included to ensure the clear zone requirements are adequately addressed. VicRoads guidelines require any potential road hazards such as planter boxes should be placed outside the clear zone. This is to ensure any runoff vehicles does not collide with the planter boxes and push them into pedestrians on the footpath. In addition, as the bus lane also acts as a cycle lane any cyclist that fall off their bike or get side swiped from a vehicle may collide with the planter boxes. For a 60km/hr road carrying such a high number of vehicles per day the relevant clear zone is 4.1m. If plantings are required we suggest these structures be positioned within the site title boundary such as the existing conditions outside the St Vincent's Hospital main entrance. The repositioning of the bollards north of the tactile surface has been addressed in condition 2 to assist vehicle door opening clearances to be achieved.

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 me on 03 9313 1148 or Gillian.Menegas@roads.vic.gov.au

Yours sincerely

G Menegas

GILLIAN MENEGAS
PRINCIPAL PLANNER - STATUTORY PLANNING DEPARTMENT

17 June 2017

1.3 114-120 Nicholson Street, Fitzroy - PLN16/0153 - Development of the land for double and four-storey additions at the rear and associated works, including part demolition and an intensification of the existing backpackers lodge.

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Application PLN16/0153 at 114-120 Nicholson Street, Fitzroy and recommends approval, subject to conditions.

Background

2. The application was received by Council on 26 February 2016, with additional information received on 27 July and 18 August 2016. The application was advertised in September 2016, with fifty-two (52) objections received. Issues raised in these objections are outlined in paragraph 7 of the Executive Summary.

3. A Planning Consultation meeting was held on 29 November 2016, with this meeting attended by the Applicant, Objectors and Council Officers. Amended sketch plans were submitted by the Applicant on 26 April 2017. The following changes were made to the development;

   Ground level
   (a) Amendment to the internal layout of the common area to incorporate a laundry towards the rear of the dining area;
   (b) The proposed front fence to 114 Nicholson Street altered from a metal picket design, to wrought iron;
   (c) Removal of the front fence to 120 Nicholson Street and construction of a 2.8m high wrought iron and brick pier fence.

   First-floor
   (d) Amendment to the internal layout of the first floor, removing an internal corridor and allowing for an increase in the size of two dormitories and bathroom area;
   (e) An increase in the setback from the southern boundary (south-east corner) through the deletion of the cleaner's cupboard, from 1.6m to 2.15m;
   (f) Addition of skylights within an area previously notated 'clear to the sky' adjacent to the northern boundary at first-floor;
   (g) A 10 bed and 6 bed dormitory increased to 14 beds in each.

   Second floor
   (h) A 10 bed dormitory increased to 12 beds at second floor, with a subsequent reduction in the set back from the eastern boundary from 7.6m to 7.5m. The set back of the corridor at this level from the eastern boundary to reduce from 14.9m to 14.8m, and the lift from 15.9m to 15.8m.

   Third floor
   (i) The proposed third floor deleted, with the maximum height of the development reduced from 12.4m to 9.4m.

   General
   (j) An increase in total bed numbers from 232 to 242.

4. A number of the changes included in these sketch plans are additional to those requested by Council Officers, including the changes to internal layouts and the increase in bed numbers and guests. Whilst the sketch plans may be referenced at times throughout this report (with regards to reductions in height and alterations to setbacks) they do not form the decision plans for this application. Additional changes could be sought via an amendment process, if a planning permit was to issue. The sketch plans were circulated with the invitations prior to this meeting.

Key Planning Considerations

5. Key planning considerations include:
   (a) Clause 13.04-1 – Noise abatement;
   (b) Clause 15.01-1 – Urban Design;
   (c) Clause 21.05 – Built Form;
   (d) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
   (e) Clause 22.07 – Development Abutting Laneways;
   (f) Clause 22.14 – Development Guidelines for Heritage Places in the World Heritage Environs Area;
   (g) Clause 32.09 – Neighbourhood Residential Zone (Schedule 1);
   (h) Clause 43.01 – Heritage Overlay
   (i) Clause 55 – Two or more dwellings on a lot.

Key Issues

6. The key issues for Council in considering the proposal relate to:
   (a) Strategic Policy;
   (b) Land Use (including off-site amenity impacts);
   (c) Clause 55 Assessment;
   (d) Heritage;
   (e) Car parking;
   (f) Waste; and,
   (g) Objector's concerns.

Objector Concerns

7. Council received a total of fifty-two (52) objections to the application. The grounds of objection are summarised as follows:
   (a) Lack of integration with the World Environs Heritage Precinct;
   (b) Overdevelopment of the site and visual bulk impacts from surrounding sites;
   (c) Lack of on-site amenity based on intensification of use;
   (d) Too many entrances/exits provided, including the proposed access to Bach Lane ;
   (e) Unreasonable noise impacts associated with the existing use and proposed intensification of the use;
   (f) Potential off-site amenity impacts (increased noise, overshadowing, overlooking)
   (g) Existing and potential safety issues associated with guest use of Bach Lane;
   (h) Existing and potential anti-social behaviour of guests on and off-site;
   (i) Lack of management on-site and lack of adherence with existing curfews;
   (j) Obstruction of Bach Lane by cars, waste collection, deliveries etc.;
   (k) Existing issues regarding waste storage off-site;
   (l) Lack of on-site car parking for guest and employee parking, and tour bus groups;
   (m) Insufficient sustainability measures;
   (n) Consolidation of the site across three titles;
   (o) Lack of detail on plans regarding layout of surrounding dwellings;
   (p) Impacts during construction.

Conclusion

8. 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**

1.3 114-120 Nicholson Street, Fitzroy - PLN16/0153 - Development of the land for double and four-storey additions at the rear and associated works, including part demolition and an intensification of the existing backpackers lodge.

Trim Record Number: D17/77108
Responsible Officer: Principal Statutory Planner

Proposal:	Development of the land for double and four-storey additions at the rear and associated works, including part demolition and an intensification of the existing backpackers lodge.
Existing use:	Backpacker Hostel - 'The Nunnery'
Applicant:	V.B.I Properties Pty Ltd
Zoning / Overlays:	Neighbourhood Residential Zone (Schedule 1) Heritage Overlay (HO361)
Date of Application:	26 February 2016
Application Number:	PLN16/0153

Planning History

1. The planning history for the sites at 114, 116 & 120 Nicholson Street is outlined below;

114 Nicholson Street;

(a) Planning Permit No. 2100 was issued on 20 October 1992 to paint the façade.

(b) Planning Permit No. 001393 was issued on 24 May 2001 for change of use to accommodation (residential building) and waiving of car parking. This permit was amended on 12 January 2016 to add conditions regarding the provision of a car space and the installation of air-conditioning units.

(c) Planning Permit PL06/0414 was issued on 21 June 2006 for development of the land through alterations and additions associated with the rendering of the front fence.

(d) Planning Permit PL06/0413 was issued on 15 August 2006 for development of the land through the construction and display of a floodlit advertising sign.

(e) Planning Application PLN14/0549 lapsed on 23 February 2015 for development of the land for the extension to the existing backpackers for an overall five (5) storey building increasing bed numbers from 79 to 339, including partial demolition, and associated reduction in car parking, as the additional information requested by Council was not submitted within the necessary timeframe. This application related to the three sites at 114-120 Nicholson Street.

116 Nicholson Street;

(f) Planning Permit No. 1188 was issued on 30 October 1990 to restore the façade of the building and erect an advertising sign.

(g) Planning Permit No. 1211 was issued on 26 November 1990 for alterations to the residential building.

(h) Planning Permit No. 1339 was issued on 2 May 1991 for alterations to the residential building.

(i) Planning Permit No. 1481 was issued on 3 July 1991 for an illuminated business sign.

(j) Planning Permit No. 3363 was issued on 6 October 1995 for alterations and additions to the residential building.

120 Nicholson Street;

(k) Planning Application PL04/0515 for a liquor licence for 114-120 Nicholson Street was withdrawn on 13 January 2005.

Compliance History

2. The operation of the site as a residential hostel has generated a history of compliance issues, with Council's Community Amenity Branch confirming (in September 2016) that a total of 12 complaints were received between December 2014 and May 2016. The complaints ranged from alleged excessive noise to alleged development breaches, including alleged breaches of planning permits affecting the land.

3. Between September 2015 and February 2016 Council's planning enforcement team received 6 noise related complaints. None of those complaints were substantiated at the time.

4. In relation to alleged development breaches, a retrospective planning permit was issued on 12 January 2016 (Amendment to Planning Permit No. 001393). There were also a number of complaints alleging that the number of rooms used for accommodation exceeded what was approved on this planning permit. The appropriate enforcement action was taken and the matter was resolved.

5. Subsequent comments from Council's Compliance Branch on 9 May 2017 indicated that additional complaints were received since the original comments were provided in September 2016. These complaints related to noise from the courtyard at 120 Nicholson Street, waste bin storage and removal, patrons entering and exiting from the rear (Bach Lane) and noise from the fire escape walkway at 116 Nicholson Street. All of these complaints were investigated by the applicable Council Departments and appropriate enforcement action was taken.

6. Council's Planning Enforcement and Community Amenity Branches will have an ongoing role in managing the site and ensuring that all conditions of any planning permit issued are enforced.

Background

7. The application was received by Council on 26 February 2016, with additional information received on 27 July and 18 August 2016. The application was advertised in September 2016, with fifty-two (52) objections received. Issues raised in these objections are outlined in paragraph 9 of the Executive Summary.

8. A Planning Consultation meeting was held on 29 November 2016, with this meeting attended by the Applicant, Objectors and Council Officers. Amended sketch plans were submitted by the Applicant on 26 April 2017. The following changes were made to the development;

Ground level

(a) Amendment to the internal layout of the common area to incorporate a laundry towards the rear of the dining area;
(b) The proposed front fence to 114 Nicholson Street altered from a metal picket design, to wrought iron;
(c) Removal of the front fence to 120 Nicholson Street and construction of a 2.8m high wrought iron and brick pier fence.

First-floor

(d) Amendment to the internal layout of the first floor, removing an internal corridor and allowing for an increase in the size of two dormitories and bathroom area;
(e) An increase in the setback from the southern boundary (south-east corner) through the deletion of the cleaner's cupboard, from 1.6m to 2.15m;
(f) Addition of skylights within an area previously notated 'clear to the sky' adjacent to the northern boundary at first-floor;
(g) A 10 bed and 6 bed dormitory increased to 14 beds in each.

Second floor

(h) A 10 bed dormitory increased to 12 beds at second floor, with a subsequent reduction in the set back from the eastern boundary from 7.6m to 7.5m. The set back of the corridor at this level from the eastern boundary to reduce from 14.9m to 14.8m, and the lift from 15.9m to 15.8m.

Third floor

(i) The proposed third floor deleted, with the maximum height of the development reduced from 12.4m to 9.4m.

General

(j) An increase in total bed numbers from 232 to 242.

9. A number of the changes included in these sketch plans are additional to those requested by Council Officers, including the changes to internal layouts and the increase in bed numbers and guests. Whilst the sketch plans may be referenced at times throughout this report (with regards to reductions in height and alterations to setbacks) they do not form the decision plans for this application. Additional changes could be sought via an amendment process.

Existing Use Rights

10. The sites at 116 & 120 Nicholson Street operate as a residential hostel under Existing Use Rights. This clause will be discussed in more detail later within this report; however the history of each site is outlined below.

114 Nicholson Street

(a) The land at 114 Nicholson Street operates under the authorisation of Planning Permit No. 001393, issued on 24 May 2001. This permit changed the use of the land to accommodation (residential building). The site has operated continuously as accommodation since this time.

(b) A Premises Inspection Report was undertaken by Council Officers in September 2002; this report referred to the premises as 'prescribed accommodation'. Prescribed accommodation is defined in the *Public Health & Wellbeing Regulations* 2009 to include; residential accommodation, hotels & motels, hostels, student dormitories and holiday camps. It does not include a house or self-contained flat under the exclusive occupation of the occupier.

(c) Further inspections were undertaken between July 2008 to January 2012, with associated reports referring to the collective premises (114, 116 & 120) as 'The Nunnery' and noting that there were a total of 13 beds within dormitories in this building (114 Nicholson Street).

(d) Planning Permit No. 001393 was amended on 12 January 2016 to add conditions regarding the provision of a car space and the installation of air-conditioning units in association with the existing residential hostel.

116 Nicholson Street

(e) Council File ARC/12/1831 contains approved plans dated 25 February 1991 which demonstrate the layout of dormitories at 116 Nicholson Street.

(f) Planning Permit No. 1976 was issued on 9 December 1992 for subdivision and development of premises for use as flats. This permit was not acted upon.

(g) Planning Permit No. 3363 was issued for alterations and additions to the residential building, dated 6 October 1995.

(h) A Certificate of Final Inspection was issued for 'The Nunnery' at 116 Nicholson Street on 24 April 1998, with this certificate outlining the use of the land as accommodation.

(i) A Fire Safety Inspection document which referred to 116 Nicholson Street as 'The Nunnery' dated 12 December 2001. This outlined accommodation at each level.

(j) A Premises Inspection Report was undertaken by Council Officers in September 2002; this report referred to the premises as 'prescribed accommodation'.

(k) A further certificate was issued on 30 November 2004 and floor plans were endorsed on 22 November 2004 which demonstrates the layout of dormitories. Approximately 87 beds were evident on the floor plans.

(l) Fire and building inspections were documented between 2006 and 2012. Notes associated with these inspections refer to the premises as a 'backpackers'; collectively refer to the three sites as 'The Nunnery' and outline a number of beds/dormitories at each premises. The report dated 19 April 2006 specified that there was a maximum of 130 occupants throughout all buildings.

120 Nicholson Street

(m) A form renewing the registration of prescribed accommodation is dated 21 December 1994. Similar renewals for prescribed accommodated are dated December 1995, May 1996, November 1997, December 1998 and February 2000.

(n) A Premises Inspection Report was undertaken by Council Officers in September 2002; this report referred to the premises as 'prescribed accommodation'.

(o) Two Health Act Registration Renewal forms referred to the site as 'The Nunnery' and prescribed accommodation/hostel, with these forms dated January 2004, December 2005, December 2007 and December 2010.

(p) Two Health Unit Inspections were dated June 2012 and February 2013, with these forms referring to the site as 'The Nunnery'.

(q) Various 'Trip Advisor' reviews referring to the collective premises 'The Nunnery', with these reviews ranging in date from 2013 to 2017.

Existing Conditions

Subject Site

11. The subject site is located on the eastern side of Nicholson Street, between King William Street and Hanover Street and directly opposite the Carlton Gardens. The site is composed of 3 allotments; 114, 116 & 120 Nicholson Street. All of these sites operate under the collective premises of 'The Nunnery' and will be hereafter referred to as the 'subject site'.

12. The site has a street frontage to Nicholson Street of 30m and a site depth of 31m, yielding an overall site area of 927sqm. The eastern boundary of the site extends along Bach Lane.



13. Three buildings occupy the subject site. The buildings were developed within a relatively short period of one another during the mid-19th century and retain many of their original features, both at the street frontage and within the rear lane.



14. The most prominent is the central building at 116 Nicholson Street, with the primary entrance to the hostel within this frontage. The building is triple-storey in height, with the façade built to the street boundary at all levels. The façade is largely intact, however a number of modifications have occurred over the years, including the installation of signage, lighting, security grills and painting.

15. To the rear of this building are two additions, one double-storey and the second triple-storey in scale. The triple-storey building is connected to the main building via fire stairs and gantries.

16. On the southern side of this building is 114 Nicholson Street; a double-storey Victorian-era terrace constructed in approximately 1881. This dwelling has an intact façade, including the original verandah. The high masonry front fence is not an original feature.

17. The building has a shallow setback from Nicholson Street, with a small garden within this space. To the rear is a double-storey addition, with a number of single-storey buildings attached. The rear wing was constructed in 1898.

18. 120 Nicholson Street, to the north, is a double-storey Victorian Italianate terrace with original façade, verandah and front fence. This building was constructed between 1888 and 1889. A single-storey wing extends beyond the main double-storey built form.

19. The rear additions to all properties are largely intact and maintain a fine grain presentation to the laneway. These additions range from single to triple-storey in height. Two courtyards are located towards the rear of the site, one directly adjacent to the northern boundary and one within the land at 114 Nicholson Street to the south. An entrance provides pedestrian access to Bach Lane, with three roller doors also accessing this interface.

20. Although Planning Permit 001393 was amended on 12 January 2016 to add conditions regarding the provision of a car space, this permit has not been acted upon and there is no on-site car parking provided on the land.

21. The land is used as accommodation; more specifically the buildings have operated as a backpacker's hostel since approximately 1998. The hostel offers a total of 130 beds within a mixture of dormitories and private rooms. 114 Nicholson Street operates more independently as a guesthouse, with the remaining two sites combined. The existing layout of beds has not been included on the floor plans. To demonstrate the existing and proposed total number of beds within the premises, the layout of existing beds will be required via a permit condition, if one is to issue.

Surrounding Land

22. The immediate area surrounding the site is primarily residential, with the exception of the Carlton Gardens, Melbourne Museum and the Exhibition Building on the western side of Nicholson Street. The wider area contains a hotel to the north (the Pumphouse) and a high-school to the south (Academy of Mary Immaculate).

23. The site is 260m to the west of the Brunswick Street Major Activity Centre (MAC) and 1km north-east of the Melbourne CBD. The site is within proximity to a number of public transport and open space opportunities, as follows;
    (a) No. 96 tram along Nicholson Street, directly in front of the site, operating between East Brunswick and St. Kilda Beach;
    (b) No. 11 & 112 trams along Brunswick Street, 260m to the east, operating between West Preston and the Docklands;
    (c) Parliament Train Station, 800m to the south;
    (d) Bus routes operating along Rathdowne Street, approximately 500m to the west;
    (e) Carlton Gardens, directly opposite the site to the west.

24. Directly to the south is 112 Nicholson Street; a double-storey Victorian dwelling which is largely attached to the building at 114 Nicholson Street. Secluded private open space (SPOS) is located on the eastern side of this site, with vehicle access provided via a roller door addressing Bach Lane. A small lightcourt abuts the existing double-storey wall along the shared boundary, however there are no habitable room windows directly addressing the subject site (based on plans endorsed under Planning Permit PLN14/0606).

25. Directly to the north is 122 Nicholson Street; a 'boom-style' Victorian, double-storey dwelling included on the Victorian Heritage Register. This dwelling has frontages to Nicholson Street and King William Street, with entrances within both facades. SPOS is located on the eastern side of the site, with a pedestrian entrance within the rear boundary wall providing access to Bach Lane. A high street wall extends along the northern boundary of this SPOS. There are no habitable room windows addressing the subject site and no car parking is provided on site.

26. Bach Lane extends along the subject site's eastern boundary and provides a thoroughfare between King William Street to the north and Hanover Street to the south. This bluestone laneway is 5.7m wide, including a row of parallel car parking spaces along its eastern edge. These car parking spaces are reserved for private use of residents within apartment buildings to the east. These buildings are triple-storey in height, with balconies oriented to all four boundaries, including Bach Lane. A central driveway extends between these buildings, with undercroft car parking provided.

27. The photograph below provides a view to the south from King William Street, with the rear walls of the subject site extending along the western side of Bach Lane.

28.



29. Along the western side of this laneway vehicle access is provided to sites addressing Nicholson Street, with roller doors and rear boundary fences the predominant characteristic along its western perimeter.

30. To the west is Nicholson Street, a Road Zone Category 1 road, with the Carlton Gardens, Royal Exhibition Building and Melbourne Museum further to the west.

The Proposal

31. The proposal seeks development of the land for double and four-storey additions at the rear and associated works, including part demolition and an intensification of the existing backpackers lodge.

Demolition

(a) The single-storey brick outbuilding and weatherboard shed at the rear of 114 Nicholson Street (with the exception of a section of wall along the eastern boundary);
(b) The triple-storey brick annexe, including external stairwell, at the rear of 116 Nicholson Street;
(c) The rear wing of 120 Nicholson Street, including the chimney (these works are not clearly shown on the demolition plans. Amended plans will be required via a permit condition, if one is to issue);
(d) Sections of non-original masonry wall and roller doors along the rear, eastern boundary;
(e) The masonry front fence to 114 Nicholson Street;
(f) Masonry walls separating the three buildings/sites.

Buildings and works

114 Nicholson Street

(g) A metal picket fence along the front boundary, with brick piers, to a height of 2.8m;
(h) A double-storey addition at the rear, with the ground floor abutting the southern boundary and the first-floor set back 1.6m from this interface;
(i) The eastern wall at both levels of this addition set back 0.723m from an existing brick wall along the eastern boundary. A number of windows will address this wall;
(j) The internal courtyard will remain, with two dormitories and one bathroom at ground floor and one dormitory, one bathroom and a storage cupboard proposed at first-floor.

116 Nicholson Street

(k) A four-storey addition at the rear containing a communal kitchen and dining space at ground level; The ground floor wall, along with the ground floor wall at 120 Nicholson Street, will abut the remainder of the rear boundary for a length of 21.6m;
(l) Two dormitories, one bathroom and a small courtyard with space for bicycle parking (5 bicycles) will also be provided at this level;
(m) The first-floor will abut the rear boundary for a length of 4.4m, with the remaining walls set back 2.12m and 2.79m from this boundary;
(n) This level will contain four dormitories, two bathrooms, a lift, bin room, storage room and a central corridor/stairwell connecting the levels at 116 and 120 Nicholson Street;
(o) The second floor will contain one bedroom and one bathroom, with a setback of 7.69m from the rear boundary, and the central stairwell and lift;
(p) The third-floor will contain one bedroom and one bathroom, with a setback of 7.69m from the rear boundary, and the central stairwell and lift.

120 Nicholson Street

(q) Ground level addition constructed to both side boundaries and the rear boundary, to contain three dormitories, a bathroom and a bin storage area;
(r) A rear entry will be retained within the boundary wall;
(s) The first-floor will abut the northern boundary for a length of 8m and the eastern boundary for 2.8m, and will contain three dormitories, a bathroom and central stairwell connected to 116 Nicholson Street;

(t) The northern wall of the stairwell at third-floor will be set back 5.3m from the northern boundary.

General

(u) A total of 232 beds are proposed. The hostel currently provides 130 beds, with an increase of 102 beds;
(v) The maximum height of the four-storey addition would be 12.4m. The height of the existing triple-storey building at 116 Nicholson Street is 13.9m.

Materials

(w) Off-form concrete finish;
(x) Vertical black metal screening;
(y) Vertical timber battens;
(z) Green wall to the eastern elevation of the external stairwell;
(aa) Wrought iron fencing with brick piers.

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (Schedule 1)

32. Pursuant to clause 32.09-2 of the Yarra Planning Scheme (the Scheme), a planning permit is required to use the site for accommodation (residential backpackers hostel).

33. Pursuant to clause 32.09-4 of the Scheme, a lot measuring between 400sqm-500sqm must provide a minimum of 25% of garden area at ground level. The only lot to exceed 400sqm is 116 Nicholson Street, which has a site area of 465sqm. However, pursuant to clause 32.09-14, the minimum garden area requirement introduced by Amendment VC110 does not apply to a planning permit application for the construction of a residential building lodged before the approval date of this Amendment (27 March 2017). As the application was lodged on 26 February 2016, it is exempt from the requirements at clause 32.09-4 and the mandatory garden area requirement does not apply.

34. Pursuant to clause 32.09-6 of the Scheme, a planning permit is required to extend a residential building. For the extension of residential buildings, the objectives, standards and decision guidelines of Clause 55 apply. Furthermore, a planning permit is required for buildings and works associated with a use in Section 2 of Clause 32.09-2.

35. Pursuant to clause 32.09-9 of the Scheme, a residential building must not exceed 9m in height. Pursuant to clause 32.09-14, the maximum building height introduced by Amendment VC110 does not apply to a planning permit application for the extension of a residential building lodged before the approval date of this amendment (27 March 2017). As the application was lodged on 26 February 2016, it is exempt from the requirements at clause 32.09-4 and the mandatory height controls do not apply.

Overlays

Heritage Overlay (HO361 – World Heritage Environs Area Precinct)

36. 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 front fence.

37. The three sites are all identified as ‘individually significant’ to the World Heritage Environs Area Precinct, as outlined in the incorporated document (*City of Yarra Review of Heritage Areas 2007 Appendix 8, revised May 2017*).

Particular Provisions

Clause 52.06 – Car Parking

38. Pursuant to Clause 52.06-1 of the Scheme, Clause 52.06 applies to a new use and an increase in the floor area of an existing use. Clause 52.06-6 notes that where a use is not specified in Table 1 to this clause, before the floor area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.

39. As accommodation, and more specifically, a backpackers hostel is not listed in this table, there is no statutory requirement to provide car parking spaces on the land. The provison of car parking instead must be provided to the satisfaction of the Responsible Authority.

Clause 52.34 – Bicycle facilities

40. Pursuant to Clause 52.34-1 of the Scheme, a new use must not commence and the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use. The required bicycle facilities are outlined in the table below;

Use	Employee Bike parking rate measure	Visitor Bike parking rate measure	Measureable area	Bike spaces required	Bike spaces provided
Residential Building	In developments of four or more storeys, 1 to each 10 lodging rooms	In developments of four or more storeys, 1 to each 10 lodging rooms	An additional 16 dormitories	2 employees 2 Guests	5 spaces

41. The development excceds the required provision by 1 space.

Clause 55 – Rescode

42. This clause applies as the development is for an extension to a residential building. The development should meet all the standards and must meet the objectives of Clause 55.

General Provisions

Clause 63 – Existing Uses

43. Pursuant to Clause 63.01 of the Scheme, an existing use is established in relation to use of land under this scheme if proof of continuous use for 15 years is established under Clause 63.11 (Proof of continuous use).

44. Proof of continuous use for the land at 116 and 120 Nicholson Street has been established earlier in this report, with a wide range of Council documents demonstrating that these sites have operated as residential accommodation since 1991 and 1994. The site at 114 Nicholson Street operates under Planning Permit 001393.

45. Clause 63.05 of the Scheme states that Section 2 uses (which includes accommodation at Clause 32.09-2) for which an existing use right is established may continue provided:
    (a) *No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.*
    (b) *Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.*

(c) *The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*

Clause 65 – Decision Guidelines

46. 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)

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

Clause 11 – Settlement

48. *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*

49. *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

50. 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 11.04-4 – Liveable Communities and Neighbourhoods

51. 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 13.04-1 – Noise abatement

52. The Objective of this Clause is: *to assist the control of noise effects on sensitive land uses.*

Clause 15 – Built Environment and Heritage
Clause 15.01-1 – Urban design

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

Clause 15.01-2 – Urban Design Principles

54. 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

55. 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

56. 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

57. 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 15.03-1 – Heritage Conservation

58. The objective of this clause is: *to ensure the conservation of places of heritage significance.*

Clause 17 – Economic Development
Clause 17.03 – Tourism

59. The objective of this clause is*: to encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.*

Clause 18.02-1 – Sustainable personal transport

60. The objective of this clause is: *to promote the use of sustainable personal transport.*

Local Planning Policy Framework (LPPF)

61. 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

62. The relevant Objectives and Strategies of this clause are:
    (a) *Objective 3 – To reduce potential amenity conflicts between residential and other uses.*
        (i) Strategy 3.4 – Discourage late night and 24 hour trading activities located near residential zones to minimize impacts on residential amenity.
        (ii) Strategy 3.7 – Apply the Discretionary Uses in the Residential 1 Zone policy at clause 22.01.

Clause 21.05-1 – Heritage

63. The relevant Objectives and Strategies of this clause are:
    (a) *Objective 14 – To protect and enhance Yarra's heritage places.*
        (i) Strategy 14.3 – Protect the heritage skyline of heritage precincts.
        (ii) Strategy 14.4 – Protect the subdivision pattern within heritage places.
        (iii) Strategy 14.6 – Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.
        (iv) Strategy 14.8 – Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02
    (b) *Objective 15 – To protect the setting and context of the World Heritage Listed Royal Exhibition Building and Carlton Gardens.*

(i) Strategy 15.1 – Manage future development within the World Heritage Environs Area surrounding the World Heritage Listed Royal Exhibition Building and Carlton Gardens.

(ii) Strategy 15.2 – Protect views to the Royal Exhibition Building from Gertrude Street and Marion Lane through the application of the Design and Development Overlay.

Clause 21.05-2 – Urban design

64. 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 18 – To retain, enhance and extend Yarra's fine grain street pattern;*
    (c) *Objective 20 – To ensure that new development contributes positively to Yarra's urban fabric.*
        (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 21.06 – Transport
Clause 21.06-1 – Walking and cycling

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

Clause 21.07 Environmental Sustainability

66. The relevant objective of this clause is: *to promote ecologically sustainable development:*

Clause 21.08 Neighbourhoods

67. 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 22.01 – Discretionary Uses in the Residential 1 Zone

68. The objective of this clause is: *To ensure that residential amenity is not adversely affected by non-residential uses.*

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

69. 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

70. *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 individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.*

Clause 22.07 – Development Abutting Laneways

71. 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 22.14 – Development Guidelines for Heritage Places in the World Heritage Environs Area.

72. This policy applies to all land covered by the Heritage Overlay within the World Heritage Environs Area (WHEA) Area of Greater Sensitivity. The subject site is located within this area. The objectives at Clause 22.14-2 include;
    (a) *To protect significant views and vistas to the Royal Exhibition Building and Carlton Gardens.*
    (b) *To maintain and conserve the significant historic character (built form and landscapes) of the area.*
    (c) *To ensure new development in the area has regard to the prominence and visibility of the Royal Exhibition Building and Carlton Gardens.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

73. 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

74. 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

75. The application was advertised under the provisions of Section 52 of the Act with 442 letters sent to surrounding owners and occupiers and two signs displayed on site.

76. Council received a total of fifty-two (52) objections to the application. The grounds of objection are summarised as follows:

(a) Lack of integration with the World Environs Heritage Precinct;
(b) Overdevelopment of the site and visual bulk impacts from surrounding sites;
(c) Lack of on-site amenity based on intensification of use;
(d) Too many entrances/exits provided, including the proposed access to Bach Lane ;
(e) Unreasonable noise impacts associated with the existing use and proposed intensification of the use;
(f) Potential off-site amenity impacts (increased noise, overshadowing, overlooking, rubbish);
(g) Existing and potential safety issues associated with guest use of Bach Lane;
(h) Existing and potential anti-social behaviour of guests on and off-site;
(i) Lack of management on-site and lack of adherence with existing curfews;
(j) Obstruction of Bach Lane by cars, waste collection, deliveries etc.;
(k) Existing issues regarding waste storage off-site;
(l) Lack of on-site car parking for guest and employee parking, and tour bus groups;
(m) Insufficient sustainability measures;
(n) Consolidation of the site across three titles;
(o) Lack of detail on plans regarding layout of surrounding dwellings;
(p) Impacts during construction.

77. A Planning Consultation meeting was held on 29 November 2016 and amended sketch plans were submitted on 26 April 2017. The changes included in these sketch plans have been outlined previously in this report. The sketch plans were circulated with the invitations prior to this meeting.

Referrals

External Referrals

78. No external referrals were required.

Internal Referrals

79. The application was referred to the following internal departments; with comments attached to this report.
(a) Engineering Services Unit;
(b) Heritage;
(c) Compliance and Community Amenity;
(d) ESD;
(e) Sustainable Transport;
(f) Waste Services Unit.

80. An acoustic report conducted by Marshall Day Acoustics was externally referred to SLR Consulting for review. These outcomes will be discussed later within this report.

OFFICER ASSESSMENT

81. This assessment will be framed around the following:
(a) Strategic Policy;
(b) Land Use (including off-site amenity impacts);
(c) Clause 55 Assessment;
(d) Heritage;
(e) Car parking;
(f) Waste; and,
(g) Objector's concerns.

Strategic Policy

82. There is strategic planning policy support for the use of the land for residential accommodation, with Clause 11 (Settlement) stating that *planning is to facilitate sustainable development that takes full advantage of existing settlement patterns* and the objective of Clause 11.02-1 (Supply of Urban Land) *to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.* This clause also notes that planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas.

83. The purpose of Clause 17.03 (Tourism) is to *encourage tourism by fostering the development of a range of well-designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.* To support this, these facilities should have good access to suitable transport, retail and recreational options.

84. The subject site clearly achieves these locational requirements being within an area close to trams on Nicholson Street, Victoria Parade and Brunswick Street and shopping areas along Gertrude Street, Brunswick Street and the Melbourne CBD. Substantial areas of public open space are located immediately to the west of the site.

85. It is acknowledged that these provisions must be balanced with policy outlined at Clause 15 (Built Environment and Heritage) which notes that *land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development.* To achieve this, planning should achieve high quality urban design that (amongst others) contributes positively to local urban character and sense of place, enhances liveability, diversity, amenity and safety of the public realm and minimises detrimental impact on neighbouring properties.

86. Council's Municipal Strategic Statement aims to reduce potential conflicts between residential and other uses in Clause 21.04 (Land use) of the Scheme, by *discouraging late night and 24 hour trading activities located near residential zones to minimize impacts on residential amenity.* Given the nature of the hostel use, the premise operates throughout the day and night. To ensure that this does not cause unreasonable detriment to the surrounding residential land, strict and enforceable measures to control the operation of the site will ensure that these potential conflicts are minimised. Methods by which to achieve this will be explored within the remainder of this report.

87. Having regard to the above, the continued use of the land for a residential hostel is considered to have strategic planning policy support.

Land Use

88. The Nunnery currently operates under a combination of existing use rights and Planning Permit No. 001393, which was issued on 24 May 2001 for the site at 114 Nicholson Street. This application seeks to intensify the existing use of the land by undergoing development that will ultimately provide for an additional 102 guests. Given the lack of planning approval governing the majority of the site, there are limited controls regulating the current use of the land, with a history of complaints and compliance issues associated with the existing hostel.

89. These complaints relate to guest noise, waste storage and collection and guest access from Bach Lane (at the rear of the site). This application, whilst an intensification of the current use, presents an opportunity to introduce strict management controls to manage the future use, as well as better controlling existing operations.

90. As noted previously, Clause 63.05 of the Scheme states that the current operation of the hostel for which existing use rights are established may continue provided:
    (a) *No building or works are constructed or carried out without a permit.*

(b) *Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.*
(c) *The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*

91. As this proposal seeks to intensify the use of the land, the increased component of the use cannot rely on existing use rights by which to do so. Instead, the intensification of this use must be assessed on its own merits and deemed acceptable as a use in its own right.

92. Clause 22.01-1 (Discretionary uses in the Residential 1 Zone) notes that residential zones provide for a wide range of non-residential uses subject to the grant of a permit and provides guidance on the performance standards to be met by such non-residential uses. The objective of this clause is to *ensure that residential amenity is not adversely affected by non-residential uses.* To achieve this, policy at Clause 22.01-3 states that;
(a) *Existing buildings constructed for non-residential purposes are the preferred location for non-residential uses.*
(b) *Hours of operation should be limited to 8am to 8pm, except for convenience shops.*
(c) *New buildings and works should be consistent with the scale, bulk and character of the area.*
(d) *Noise emissions should be compatible with a residential environment.*

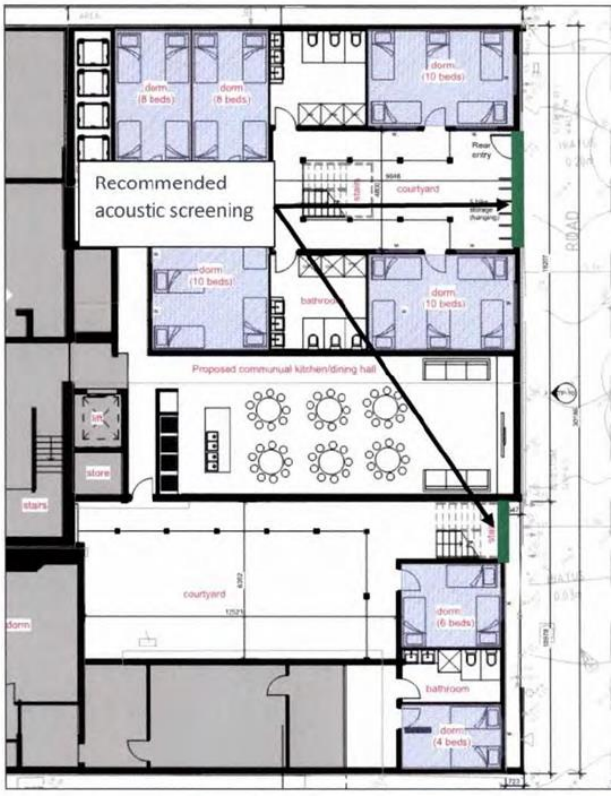
93. Having regard to the above, the residential nature of the use lends itself to the occupation of a purpose built residential building. The use however, makes it impractical to restrict night time operation of the premises. It is on this basis that strict controls over the internal operation of the premises are required. New buildings and noise are discussed in greater detail later within this report.

94. The implementation of strict controls and a detailed Management Plan will create a regulatory framework in which current issues can be addressed and enforced. Specific permit conditions do not control the current use of the land; by clearly identifying all of the off-site amenity impacts experienced with this existing use, future impacts can be managed and controlled via enforceable conditions. This application is an opportunity whereby issues such as noise and guest access (being common complaints received from neighbouring sites) can be explored and alleviated. These issues will be discussed in detail below.

Noise

95. The history of complaints lodged with Council against the existing premises (12 complaints between December 2014 and May 2016) reflect the complexity of this issue, with these complaints all relating to noise generated by guests (talking, doors slamming, playing recorded music and instruments etc.) which could be associated with general residential noise. However, given the use of the land as a hostel requires a planning permit within the zone, and the intensity of the use differentiates it from regular residential use, methods by which to control these noise impacts must be implemented.

96. An Acoustic Report was undertaken by Marshall Day Acoustics (MDA) on behalf of the Applicant, with this report subsequently reviewed for Council by SLR Acoustics. This report undertook a series of noise measurements within the two proposed courtyard areas, basing the potential noise measurements on 35 guests in the northern courtyard and a maximum of 60 guests in the larger courtyard to the south. It was confirmed by MDA that the projected number of guests in each courtyard was roughly based on the maximum patron capacity number outlined in maximum patron capacity guidelines compiled by the Victorian Commission for Gambling and Liquor Regulation (VCGLR).



97. This assessment concluded that noise impacts within these areas exceeded the design targets by up to 15dB during the night period (between 10pm and 7am). Based on this, a range of noise mitigation measures were recommended, as follows;
    (a) The build structure of the eastern façade of the new development should be used to shied nearby residences (this is largely achieved with the proposed design, with the larger courtyard separated from Bach Lane through the location of dormitories;
    (b) Any openings in the eastern façade should be fully enclosed to a height of 6m with an acoustic screen. These openings include the eastern elevations directly adjacent to external staircases and courtyards, as shown in green in the figure above. Both of these areas are currently proposed to be open above the ground floor walls abutting the rear boundary. Acoustic screening above ground level will therefore be visible from Bach Lane. An appropriate material will need to be incorporated into the visible side of these screens, to ensure that they respect the heritage character of the laneway. This issue will be discussed in detail within the heritage section of this report.
    (c) Acoustically absorptive surface finishes must be provided to the internal courtyard walls;
    (d) The doors to the courtyards should be fitted with automatic closing mechanisms and acoustic seals;
    (e) Consideration should be given to the management of music levels by installing and calibrating a suitable noise limiter system;
    (f) Any mechanical equipment should be reviewed by a suitably qualified acoustical consultant prior to installation.

98. The report concluded that even with the implementation of these measures, exceedance of the noise levels may still occur after 10pm at nearby dwellings. On this basis, MDA recommended that the proposal should be further assessed once the increased use is operational to see whether these noise levels are exceeded. This can be facilitated via a permit condition. In addition, a range of strictly enforceable conditions based on a number of the amelioration measures outlined above should be incorporated into any planning permit issued.

99. To achieve this, SLR recommended that more detailed specifications for the proposed noise control works should be required, including a minimum noise reduction coefficient (NRC) and area coverage for the absorption treatments and more specific advice for the materials to be

used for the acoustic screening. These requirements will be incorporated into an amended Acoustic Report.

100. In subsequent advice, SLR also raised concerns with possible impacts from guests moving between rooms or congregating on the stairs, particularly on the upper levels, which will have a line of sight to the apartments to the east. This would not be an issue if the corridors and stairwells were to be enclosed. Whilst there are no regulatory requirements to be met for noise from external corridors, this does not mean it should not be considered if there is a perceived risk.

101. SLR determined that the proposed 6m high barriers will address the issue of noise from the ground and first-floor levels of the hostel to the ground and first-floor levels of the apartments to the east. However, they will not control noise from the first, second and third-floor of the hostel to the upper-most levels of these apartments. Whilst partial screening of the open stairwell and corridors may assist in controlling these impacts, full enclosure of these spaces would be a more effective option. In line with this advice, a condition can be added to the permit to ensure that all external corridors and stairways are fully enclosed, including east-facing openings.

102. Similar noise impacts to the properties to the north and south were not considered to be such an issue, as there does not appear to be a line of sight from any external corridors to windows within these dwellings.

103. Stringent controls to manage music levels were outlined in the SLR review, including limitations on the number of loudspeakers allowed in the courtyard and restrictions on the location of this equipment. MDA updated their assessment accordingly, by providing a minimum NRC requirement and detailed construction and material recommendations within Section 6.3.2 of the amended report.

104. The Management Plan submitted with the application (which will be discussed in turn) states that the use of portable music players in the external courtyard is prohibited at all times. However, given the assessment of music levels within the courtyard undertaken by MDA and the subsequent recommendation that a noise limiter system be installed, it appears that a permanent amplified music source is proposed for this space.

105. Whilst the noise control measures outlined with the SLR report and the installation of a noise limiter may enforce a degree of regulation on music levels, the use of an amplified noise source is not considered a reasonable outcome, particularly given the immediate interface with sensitive residential uses and the location of the site within a residential zone. Council's Compliance Branch, whilst supportive of the general acoustic measures recommended in both reports, believe that more strict enforcement actions should be taken, and have suggested that the following restrictions be incorporated into any planning permit that may be issued;
    (a) Restrict the hours and/or number of patrons in the courtyard, with neither of the proposed courtyards to be opened before 9am on weekends;
    (b) No acoustic or recorded music to be played within the courtyard at any time.

106. The restriction in the number of guests accessing the courtyard is not an enforceable action; this would require permanent security staff on the premises, which is not considered reasonable given that the hostel is not a licensed venue. An easier way in which to limit amenity impacts from the courtyard is to restrict access to this space during certain times. The existing external courtyard is currently closed between 10pm – 8am Sunday to Thursday and 11pm – 8am Friday and Saturday. However these closing hours are not specified in an enforceable document, and based on complaints from surrounding neighbours, are not adequately enforced by staff.

107. The endorsement of a Management Plan would allow such measures to be more suitably controlled. As noted, a document outlining management procedures was submitted as part of this application. This document included the following measures;
    (a) The external courtyard will be closed between 10pm – 8am Sunday to Thursday and 11pm – 8am Friday and Saturday;
    (b) The communal kitchen will be closed between 10pm to 8am every night;
    (c) The balcony at the front of the building will be closed between 10pm to 8am every night;
    (d) The rear access door to Bach Lane will be closed between 10pm – 8am every night, with staff monitoring the use of this door after 10pm (this door is never locked, as it is an emergency access point);
    (e) The use of portable music players in the external courtyard is prohibited at all times;
    (f) Noise levels will be monitored by staff every half hour between 10pm and 8am;
    (g) Alcohol is to be consumed only in common areas, with no alcohol to be consumed in the courtyard or kitchen after these areas are closed;
    (h) A telephone number will be made available to residents, with all calls to be formally registered in a noise compliant register;
    (i) Reception hours will be from 8am to 1am Sunday to Wednesday and 8am to 2am Thursday to Saturday;
    (j) Following the closing of reception, a night porter will be available on-site to take calls and to take immediate action upon receiving a noise complaint.
    (k) Guests will be directed by staff to use paid street parking on the western side of Nicholson Street or undercover parking at the Melbourne Museum; this information will be provided to guests upon confirmation of a reservation;
    (l) Quarterly meetings will be held between local residents and management;
    (m) All guests have security swipe cards which are programmed to access the front door and their specific room;
    (n) CCTV cameras operate at all entrances/exits.

108. It is acknowledged that these measures will assist in managing unreasonable noise impacts within the site. However, based on the possibility that impacts may increase with the intensification of the use, amendments to some of these procedures are required. These amendments will be based on the recommendations outlined previously, with stringent structural acoustic works to be carried out, the courtyard to be closed an additional hour on weekend mornings (until 9am) and no music (amplified or acoustic) to be played externally at any time. All of these measures will be included within an amended Management Plan, with the Management Plan to be endorsed and enforceable, if a planning permit is to issued.

109. In addition to these measures, Council's Compliance Branch specified two further conditions that should be incorporated into any planning permit issued. These are;
    (a) The reception at 116 Nicholson Street should remain open at all times throughout the day and night, and an on-site Manager should be available 24 hours a day, 7 days a week.
    (b) Acoustic measures should be incorporated into the shared walls between 112 & 114 Nicholson Street to the south and 120 & 122 Nicholson Street to the north.

110. It is unclear how existing walls between the dwellings could be effectively treated, and to what degree this is required. One of the main complaints from adjoining residents is the noise of slamming doors. A more effective and immediate way to combat this noise issue is to fit all internal doors (within 114 & 120 Nicholson Street) with mechanisms to combat slamming. These measures are considered to be a reasonable outcome given the sensitivity of the immediately adjoining uses. If a planning permit is to issue, this will be incorporated into the condition for a revised Acoustic Report, which would then be endorsed as part of the permit.

111. Based on the conditions outlined above, Council is satisfied that future noise impacts associated with the ongoing use of the site as a hostel can be appropriately managed. It is acknowledged that the existing use of the hostel operates with limited regard to acoustic impact and with little to no acoustic treatments. This application provides Council with a mechanism to alleviate existing concerns and ensure that the intensification of the use will not result in any additional noise impacts to adjacent sites.

Access

112. The way in which guests access the hostel is an existing off-site amenity impact that is likely to be exacerbated by the intensification of the use. A pedestrian doorway is located within the rear boundary wall, providing access to Bach Lane. As discussed, this laneway has a direct interface with dwellings to the east, with balconies and habitable room windows oriented towards the laneway within all three levels of the adjacent apartment building. Bach Lane also provides the primary vehicle access for cars associated with these dwellings. Noise and safety concerns are related to the continued use of this lane for pedestrian access.

113. Given the location of the site and the primary entrances on Nicholson Street, guests are likely to use the rear entrance as a short-cut to access Brunswick Street. The Management Plan notes that this door is closed between 10pm – 8am every day, however it also specifies that it is never locked, being an emergency access way. To provide emergency access from a site, a doorway must be able to be opened at all times from within the land. There is no requirement for this door to be externally accessed to adhere with emergency requirements.

114. Clause 22.17 (Development Abutting Laneways) aims to provide environments which have a feeling of safety for users of the laneway, by ensuring that new development is provided with safe pedestrian and vehicular access. The policy also states that where alternative street frontage is available, pedestrian access from the street should be provided. Pedestrian and vehicle entries should be separated.

115. In this instance, it is not considered necessary for pedestrian access to be provided from this rear interface. Bach Lane is primarily used for vehicle access; pedestrians using this laneway as a thoroughfare should not be encouraged. As it is, the laneway meets emergency services access requirements, and on the condition that the doorway can be opened when required from within the site, it provides an emergency exit for guests and employees.

116. To enforce this, and limit the degree of safety and interface issues currently occurring within Bach Lane, conditions can be added to any permit issued to restrict this entrance to emergency use only, with no general access provided for guests from this entrance at any time. A sign should also be erected on the door to alert guests of this requirement. If a planning permit is issued, this can be facilitated via a condition.

117. A bicycle storage area is proposed directly adjacent to this rear doorway. With access to be limited from this location, a revised area is required. If a planning permit is issued, a condition can facilitate this change, by requiring secure internal bicycle parking to be relocated to an area easily accessible from the Nicholson Street entrance.

<u>Clause 55 – Rescode</u>

Clause 55.02-1 – Neighbourhood character objectives

118. The development is considered to meet the objectives of this clause by responding to the features of the site and the context of the surrounding area. All of the proposed works and additional built form (with the exception of the front fence at 114 Nicholson Street) is located at the rear of the site, with the existing facades retained in full and thereby maintaining the current presentation within the Nicholson Street streetscape.

119. The scale of new built form has been designed to respond to existing heights on the site, being lower than the height of the main building at 116 Nicholson Street. The highest section of new build (four storeys in height) will be centrally located directly behind 116 Nicholson Street, with the scale stepping down to respond to the double-storey heights of dwellings to the north and south. This higher built form is also set back from the rear, eastern boundary.

120. Sketch plans submitted by the Applicant on 26 April 2017 reduced the height of this addition to a maximum of three storeys. This reduction in height will further ensure that the development responds to predominant built form heights in the immediate area. If a planning permit is to issue, a condition can be added to amend the height of this building to reflect details outlined in the sketch plans.

121. The separate buildings have been designed to reflect the existing subdivision pattern of the three sites, being articulated into clearly defined elements that respond to the scale and layout of the original dwellings addressing Nicholson Street. Whilst internal fences between the sites will be removed, the additions will present to the rear laneway as individual forms, thereby maintaining the rhythm and pattern of built form when viewed from both Bach Lane and King William Street. This is considered to maintain the character of these secondary interfaces.

122. The additional built form will be highly visible from Bach Lane, with Council's local policy at Clause 22.07 (Development Abutting Laneways) identifying the need to retain existing laneways and enhance their amenity. Bach Lane is different to many other laneways within the City of Yarra, with this thoroughfare having a high degree of interaction with the triple-storey apartment building to the east. Courtyards at ground level and balconies within the levels above are oriented towards the laneway and the subject site, providing direct views to the additional built form proposed and requiring any new buildings to be sensitively designed.

123. The presentation of the additional buildings to Bach Lane, with the accompanying heights and levels of articulation proposed, are considered to achieve these objectives and to acknowledge and maintain the unique character of this laneway, consistent with the Standard and Clause 22.07 of the Scheme.

124. The materials to be used include concrete finishes and timber/metal screening for windows and balustrades. The proposed finishes are relatively simple, so as not to overwhelm the more decorate features found on the original Victorian buildings. Whilst the material palette and unaffected contemporary design achieves this aims, concerns with the new buildings' integration with the heritage environment have been raised by Council's Heritage Advisor. These matters will be discussed in detail within the heritage assessment of this report.

125. Based on the above, 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.

Clause 52.02-2 – Residential policy objectives

126. This provision does not apply since the proposal is not for dwellings.

Clause 55.02-3 – Dwelling diversity objective

127. This provision does not apply since the proposal is not for dwellings.

Clause 55.02-4 – Infrastructure objectives

128. The proposed development is located in an established area where existing utility services can be extended and connected to all new areas of the hostel. The objectives of this clause are met.

Clause 55.02-5 - Integration with the street objective

129. The retention of the buildings' façades will ensure that their existing integration with the street is maintained. The high, solid front fence of 114 Nicholson Street will be removed and replaced with a permeable design. This will allow views to and from the building and will provide improved activation and surveillance of the street. The objective of the Standard is met.

Clause 55.03-1 – Street setback objective

130. The retention of the original façades will ensure that the principal street setbacks from Nicholson Street will be retained.

Clause 55.03-2 – Building height objective

131. Clause 32.09-9 of the Scheme states that a building must not be constructed for use as a residential building that exceeds either 9m or 2 storeys. These mandatory height controls were introduced into the Planning Scheme by Amendment VC110 on 27 March 2017. As the application was lodged prior to the approval date of this Amendment, the application is afforded transitionary provisions and the mandatory height controls do not apply. Instead a recommended height of 9m is provided by Standard B7 of the Scheme.

132. The height of all proposed additions is lower than the existing height of 116 Nicholson Street, with the double-storey additions referencing the height of the existing double-storey buildings on the site. The reduction in height of the four-storey addition, as required via a condition of the permit, will further reduce associated heights within the development, with the maximum height of this building decreasing from 12.4m to 9.4m.

133. Given the surrounding context of heights within vicinity of the site; triple-storey to the east and west and substantial double-storeys to the north and south, the proposed heights associated with the development are acceptable and reference prevailing heights in the neighbourhood. The objective of the Standard is met.

Clause 55.03-3 – Site coverage objective

134. The objective of this clause is to ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. The proposed site coverage on the land would increase by 13.3%, to a maximum of 87.8%, thereby exceeding the 60% recommended by the standard.

135. The setbacks and transitions in height afforded to the proposed built form will limit visual impacts to adjacent land, whilst making efficient use of the site. Based on these conditions and the context of the site within a highly developed urban neighbourhood, the proposed built form coverage is acceptable. The objective of the Standard is met.

Clause 55.03-4 – Permeability objectives

136. Given the high site coverage proposed, limited opportunities for permeable surfaces are provided. However information submitted with the application indicates that a STORM rating of 102% will be achieved, with this outcome relying on a 9,000L rainwater tank connected to all new toilets and the irrigation system.

137. Council's ESD Officer noted that the existing building has not been included in the stormwater management plan. Ideally the entire site should be addressed, with details demonstrating where the runoff from the existing buildings is directed and whether any part of this existing roof can be incorporated into the stormwater management features. This will be addressed within the ESD section of this report.

Clause 55.03-5 – Energy Efficiency objectives

138. These details will be discussed in detail within the ESD section of this report.

Clause 55.03-6 – Open space objective

139. Communal open space is provided in the form of two external courtyards. This space is accessible and useable to all hostel guests, subject to the restricted hours to address amenity impacts as discussed earlier within this report. The objective of the Standard is met.

Clause 55.03-7 – Safety objective

140. The objective of this clause is to ensure that the layout of development provides for the safety and security of residents and property. The main entrances to the hostel are located on Nicholson Street, with this street a main road providing substantial pedestrian and vehicle traffic. The entrances within this interface are highly visible and easily identified.

141. A condition restricting the use of the existing rear pedestrian entrance to Bach Lane has been recommended to be included in any planning permit that may issue. This will increase safety within the rear laneway and ensure that no isolated entrances are provided. The proposed 0.723m gap that has been provided between the existing rear wall of 114 Nicholson Street and a proposed wall will be discussed within later within this report (Side and rear setbacks). The objective of the Standard is met.

Clause 55.03-8 – Landscaping objectives

142. There are minimal landscaping opportunities available on-site, however this outcome is reasonable given the context of the land use and the limited landscaping provided in surrounding sites. The existing landscaping within the front setbacks of 114 & 120 Nicholson Street will be maintained; this degree of vegetation is similar to that found in adjacent front gardens and the objective of the Standard will be met.

Clause 55.03-9 – Access objective

143. This provision does not apply as there is no on-site car parking proposed.

Clause 55.03-10 – Parking location objectives

144. This provision does not apply as there is no on-site car parking proposed.

Clause 55.04-1 – Side and rear setbacks objective

Southern elevation

Wall location	Wall height	Setback required	Setback provided	Complies?
First floor	6m	1.72m	1.6m	No
Third floor - lift	12.4m	7.49m	13m	Yes
Third floor - corridor	12.4m	7.49m	15.3m	Yes
Third floor – Dormitory/bathroom	12.4m	7.49m	16.9m	Yes

145. The only area of non-compliance to the south is limited to the first-floor wall, with the sketch plans raking this section to increase the setback to the top of this wall to 2.15m from the southern boundary. This amended setback will comply with the Standard. If a planning permit is to issue, a condition can ensure that this setback is modified to match the details outlined in the sketch plans.

Northern elevation

Wall location	Wall height	Setback required	Setback provided	Complies?
First floor	7.1m	2.19m	1.8m	No
Third floor – corridor/stairwell	12.4m	7.49m	5.34m	No
Third floor – Dormitory/bathroom	12.4m	7.49m	7.3m – 9m	No

146. Based on the above calculations, the setbacks at first and third-floor do not meet the Standard. A condition requiring the deletion of the third floor will reduce the overall height of the building to 9.4m. This height would generate a setback requirement of 4.49m. This amended height will ensure that the upper level setbacks meet the requirement.

147. The first-floor wall is raked away from the northern boundary; however it still results in non-compliance of 0.39m. The laneway elevation (eastern elevation) indicates that a section of additional roof form will sit above this wall, with a dimension on this elevation indicating that the wall will be 6.3m in height. Without the additional roof form, a setback of 1.81m would be required and the Standard would essentially be met. If a planning permit is to issue, a condition can be added to stipulate that the wall height in this location is no higher than 6.3m.

Eastern elevation

Wall location	Wall height	Setback required	Setback provided	Complies?
Ground floor dormitory	3m	1m	0.723m	No
First-floor corridor (southern)	6m	1.72m	6.3m	Yes
First-floor dormitory (central)	6.2m	1.78m	2.1m	Yes
First-floor stairwell	4.7m	1.33m	2.7m	Yes
First-floor bathroom (northern)	6.3m	1.81m	8.4m	Yes
Third-floor bathroom	12.4m	7.49m	7.6m	Yes
Third-floor corridor	12.4m	7.49m	14.9m	Yes
Third-floor lift	12.4m	7.49m	15.9m	Yes

148. As with the southern boundary, the only area of non-compliance outlined above relates to a section of the ground floor wall, with a setback of 0.723m provided. Part of this wall sits behind an original section of boundary wall. From a built form perspective, this outcome is considered acceptable. As hard-edge construction is a characteristic along the western side of Bach Lane, the minimal setback provided will reference this built form characteristic and will integrate well with the on-boundary construction to either side.

149. It is considered however that the 0.723m gap provided between the existing wall and proposed wall is not ideal with regards to safety, with this gap also unable to be easily accessed to remove potential debris due to its limited width. On this basis, the deletion of this gap is recommended, with an alternative solution to the design of the adjacent dormitory required. If a planning permit is to issue, this can be facilitated via a condition.

Clause 55.04-2 – Walls on boundaries objective

Southern boundary

150. A part single, part double-storey wall extends along the full length of the southern boundary. Of this wall, the double-storey section will be retained, with the single-storey wall demolished and rebuilt. The proposed height of the new wall appears to be 4.4m. The plans indicate that this wall will be directly adjacent to an area of SPOS within the site to the south.

151. The objective of this clause is to ensure that the location, length and height of a wall on a boundary respects the existing neighbourhood character and limits the impact on the amenity of existing dwellings. In this instance, the wall is replacing an existing on-boundary wall in the same location, with boundary walls a common characteristic within the surrounding context. The length of this wall is not increasing and is considered appropriate.

152. The Standard notes that the height of a new wall constructed on a boundary should not exceed an average of 3.2m, with no part higher than 3.6m unless abutting a higher existing wall. None of this wall will abut an existing wall. The proposed 4.4m height of this wall does not meet the requirements of this Standard.

153. Amended shadow diagrams were submitted with the sketch plans in April 2017; these shadow drawings indicated that the development would result in no additional overshadowing to this area of SPOS at any time throughout the day. The increased setback of the first-floor wall from the southern boundary would facilitate this; this setback has been required via a previous permit condition.

154. Whilst overshadowing impacts within this SPOS may have been addressed appropriately, the additional height of the proposed wall, being located directly adjacent to a relatively small area of SPOS, is considered to result in unreasonable visual bulk impacts within this space. It is therefore considered that adherence with the Standard in this instance should be achieved, with the wall to be an average height of 3.2m, with no part higher than 3.6m. A condition can be added to any permit issued to ensure this amendment occurs.

Northern boundary

155. A double-storey wall extends for 21.8m along the northern boundary, with a rendered brick fence, 2.3m in height, extending along the remainder of this boundary. This fence will be replaced with a wall, 3.6m in height. As with the southern wall, this new wall will directly abut a small area of SPOS within the site to the north. Given the requirement for the southern wall to meet the provisions of the Standard, and thereby restrict visual amenity impacts within the southern SPOS, it is considered a reasonable expectation for the northern wall to also meet these provisions. If a planning permit is issued, a condition can be added accordingly

Eastern boundary

156. A ground floor wall will extend along the majority of the eastern boundary; this outcome is consistent with existing conditions on the site and is a characteristic of the remaining laneway interface. Three separate sections of double-storey wall will also be built to the laneway boundary; again this reflects the existing built form context, with one triple-storey wall currently constructed hard-edge to the laneway within the subject site. There are also examples of higher elements of built form abutting Bach Lane to the north and south.

157. Earlier conditions related to acoustic treatments will increase the extent of on-boundary walls along this interface; however these additional sections are relatively limited and adjacent to the open corridors and stairwells of the upper levels.

158. The laneway provides a good degree of separation between west-facing courtyards and windows within the apartment building to the east. This will assist in alleviating visual impacts from within these dwellings. The extent of built form proposed along this interface is considered acceptable and the objective of the Standard is met.

Clause 55.04-3 – Daylight to existing windows objective

159. The objective of this clause is to allow adequate daylight into existing habitable room windows. The Standard requires windows on adjoining lots to be provided with a 3sqm light court and for new walls opposite habitable room windows to be setback half the height of the wall.

160. In this instance, the closest habitable room windows are located on the eastern side of Bach Lane, with these windows separated from the rear boundary of the subject site by approximately 8.2m. Given the maximum building height on the boundary will be 6.2m, and the maximum building height within the site will be 9.7m, this Standard will be met.

Clause 55.04-4 – North-facing windows objective

161. This provision does not apply as there are no north-facing windows within 3m of the subject site.

Clause 55.04-5 – Overshadowing open space objective

162. The closest area of SPOS within proximity to the site is to the south, at the rear of 112 Nicholson Street. The amended sketch plans indicate that the development will result in no additional shadow impacts within this SPOS at any time throughout the day. This outcome has been achieved via an additional setback of the proposed first-floor from this boundary, with a condition (based on the sketch plans) increasing this distance from 1.6m to 2.15m. Another condition, requiring a reduction in height of the on-boundary wall adjacent to this space, will also ensure that shadow impacts are not unduly affected.

163. There are a number of ground floor courtyards and upper-level balconies within the apartment building to the east. The courtyards are set back 5.7m from the rear boundary of the subject site, with the balconies separated by a distance of 8.2m. The shadow drawings indicate that new shadows will affect parts of the courtyards by 3pm. Prior to this time, the development results in no additional shadows to these areas. The limited scale and duration of these shadows is reasonable and the objective of the Standard is met.

Clause 55.04-6 – Overlooking objective

164. The objective of this clause is to limit views into existing SPOS and habitable room windows within 9m of the site. There is no north or south-facing windows proposed within the ground and first-floors of the development, with a north-facing bedroom window setback 7.5m from the northern boundary at second floor. There is a similarly located window at third-floor; however the deletion of the upper-most floor via a condition will alleviate any impacts from this level.

165. Whilst the second-floor window is within a 9m radius of SPOS to the north, single and double-storey built form adjacent to the northern boundary will obstruct any views from this window into the adjoining site. In this instance, the objective of the Standard is met.

166. A number of east-facing bedroom windows will be located at ground and first-floor. The elevations indicate that these windows may be fixed and opaque; however this is not clearly notated on the drawings. These windows are within 9m of SPOS and habitable room windows to the east. If a planning permit is to issue, a condition can be added to ensure that all of these windows clearly comply with the requirements of the Standard.

167. The operability of these windows will be discussed in more detail within the ESD section of this assessment.

Clause 55.04-7 – Internal views objective

168. This provision does not apply, as no separate dwellings are provided within the site.

Clause 55.04-8 – Noise impacts objectives

169. The objective of this clause is to contain noise sources in developments that may affect existing dwellings. Noise concerns with regards to guests have been discussed in detail within the Land Use section of this report and appropriate measures have been recommended to alleviate these impacts.

170. The location of mechanical services has not been shown on the plans. To ensure that this equipment does not cause unreasonable noise impacts to adjacent sites, amended plans should be submitted to demonstrate appropriate locations away from sensitive uses. If a planning permit is to issue, a condition can be added to facilitate this.

Clause 55.05-1 – Accessibility objective

171. The objective of this clause is to encourage the consideration of the needs of people with limited mobility in the design of developments. To achieve this, entries at the ground floor of residential buildings should be accessible or able to be easily made accessible. There appears to be no provision for this in the current design of the building, with the hostel Manager confirming that there is no existing wheelchair access provided. The provision of a lift will assist people with limited mobility within the premises.

Clause 55.05-2 – Dwelling entry objective

172. The main entrances to the hostel are clearly visible from Nicholson Street, with lighting, transitional space and signage provided. The objective of the Standard is met.

Clause 55.05-3 – Daylight to new windows objective

173. The objective of this clause is to allow adequate daylight into new habitable room windows, by providing an outdoor space clear to the sky within a minimum of 3sqm and minimum dimension of 1m. This outcome is not achieved with a number of the dormitories, with some windows oriented to address corridors or covered walkways. Given the short-term nature and subsequent amenity expectations associated with the hostel use, this outcome is not considered unacceptable.

Clause 55.05-4 – Private open space objective

174. Two courtyards are provided on site. The site is located directly opposite the Carlton Gardens. This provides guests with ample on and off-site open space and the objective of the Standard is met.

Clause 55.05-5 – Solar access to open space objective

175. There will be limited solar access able to penetrate the ground floor courtyards, with existing conditions also restricting direct sunlight to open space within the site. This outcome is considered reasonable, given the short-term use of the land and the provision of a substantial degree of park land to the west.

Clause 55.05-6 – Storage objective

176. There are internal storage areas provided, however given the nature of the use, this Standard is not applicable.

Clause 55.06-1 – Design detail

177. The objective of this clause is to encourage design detail that respects the existing or preferred neighbourhood character. The proposed additions are contemporary in design and incorporate modern materials and architectural responses to create a visually interesting outcome, whilst the retention of the heritage façades maintains the traditional streetscape. The proposed design responds well to characteristics of the area and the objective of the Standard is met.

Clause 55.06-2 – Front fences objective

178. The objective of this clause is to encourage front fence design that respects the existing or preferred neighbourhood character. The existing solid front fence at 114 Nicholson Street will be replaced with a permeable design of 2.8m in height. The material will be wrought iron and brick piers (as per a condition of the permit). Whilst the height of the fence will exceed 1.5m, this height is appropriate given the height of the existing fence, the interface with Nicholson Street (a main road), the transparency of the design and the height of the adjacent fence to the south. The Standard is met.

179. The sketch plans propose to remove the original front fence to 120 Nicholson Street. The removal and replacement of this fence will be discussed within the heritage section of this report.

Clause 55.06-3 – Common property objectives

180. This clause is not applicable to this application.

Clause 55.06-4 Site services objectives

181. The locations of site services are not identified on the plans. This detail has been required via a permit condition.

<u>Environmentally Sustainable Design</u>

182. The Sustainability Management Plan prepared by Sustainable Development Consultants and submitted with the application contains the following commitments to ESD measures within the design;
    (a) A minimum of 80% of all construction and demolition waste generated on the site will be reused or recycled;
    (b) All construction products (paints, sealants, flooring etc.) will have no VOCs, with all wood products containing low formaldehyde emissions;
    (c) The building will aim to achieve a 10% improvement on minimum energy efficiency requirements, using a BCA JV3 modelling process;
    (d) High efficiency gas hydronic heating systems will be used;
    (e) Air conditioning will be limited to common areas, with ceiling fans installed in all dormitories;
    (f) Gas hot water with a minimum efficiency of 90% will be provided;
    (g) Motion sensors will be used for lights in common areas;
    (h) A 4kW photovoltaic system will be installed on the roof;
    (i) Five secure bicycle spaces will be provided;
    (j) Water efficient fixtures and appliances will be used;
    (k) Rainwater tanks with a capacity of 9,000L will be installed, with these tanks connected to all new toilets and the irrigation system; A STORM rating of 102% will be achieved.
    (l) A green wall will be included on the main stairwell, with native drought tolerant species provided for all garden areas;

183. Internal ventilation levels are not clear, with earlier conditions requiring a number of openings within the eastern wall to be enclosed, and the bedroom windows appearing to be fixed shut. It would be preferable for a degree of ventilation to be able to access the dormitories.

This could be achieved through the provision of windows with limited operability, so that noise impacts from these rooms can be managed and the Overlooking Standard can be met. Windows designed with restricted operability can be provided via a permit condition, if one is to issue.

184. The proposal was referred to Council's ESD Officer, who noted that the development will achieve a reasonable level of energy efficiency given the commitments outlined above. There are a number of these measures however that are not evident on the plans; these include the rainwater tanks and the photovoltaic system. If a planning permit is to issue, these features must be incorporated into the design. A condition can ensure this occurs.

185. The ESD advice also identified some deficiencies within the SMP and the subsequent development. These include;
    (a) The existing building has not been included in the stormwater management plan. Ideally the entire site should be addressed, with details demonstrating where the runoff from the existing buildings is directed and whether any part of this existing roof can be incorporated into the stormwater management features.
    (b) Exterior shading should be provided to the four larger east-facing dormitory windows at first-floor, with adjustable shading systems such as louvers, fins or retractable awnings considered suitable.
    (c) The JV3 energy modelling report should be provided prior to the commencement of works, to demonstrate that 10% improvement in energy efficiency on the NCC requirements have been met.
    (d) The BESS report should be submitted in "published format" not as a "draft" project.

186. Based on the inclusion of these features via permit conditions (if a planning permit is to issue), 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.

Heritage Assessment

187. 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 HO361, which applies to the World Heritage Environs Area. The three buildings are all identified as 'individually significant' within this precinct. Clause 22.02 articulates Council's local planning policy in relation to development guidelines for sites subject to the heritage overlay.

188. As outlined at the beginning of this report, the three buildings were developed within a relatively short period of one another during the mid-19th century and retain many of their original features. The rear additions to all properties are largely intact and maintain a fine-grain presentation to the laneway.

Demolition

189. With the exception of the removal of the masonry front fence to 114 Nicholson Street, there are no demolition works proposed to the façade of any buildings. The extent of demolition within the site includes the following:
    (a) The single-storey brick outbuilding and weatherboard shed at the rear of 114 Nicholson Street;
    (b) The post-war three-storey brick annexe, including the external stairwell at the rear of 116 Nicholson Street;
    (c) The rear wing of 120 Nicholson Street;
    (d) Sections of non-original masonry walls and roller doors on the laneway;
    (e) Masonry walls which separate the three sites and the masonry front fence to 114 Nicholson Street.

190. The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the various heritage buildings or the broader heritage precinct.

191. Clause 22.02-5.1 of the Yarra Planning Scheme encourages the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place. For places of individual significance, partial demolition is discouraged unless:
    (a) *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character;*
    (b) *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;*
    (c) *It can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.*

192. In this instance, the single-storey brick structure at the rear of 114 Nicholson Street contains no heritage value, however the rear interface incorporates the remains of a 19th century Hawthorn brick boundary wall which has evidence of a night cart collection point. The plans indicate that this section of wall will be retained. Council's Heritage Advisor is supportive of this outcome.

193. The weatherboard shed and garden wall within this space also have no heritage value, with the triple-storey brick annexe and external stairwell at the rear of 116 Nicholson Street identified as being of limited heritage value. The demolition of these structures is acceptable on the basis that they are not visible from the street frontage and their removal will not negatively affect the significance of the heritage place.

194. The demolition of the front fence to 114 Nicholson Street, along with sections of non-original masonry walls and roller doors along Bach Lane is of no heritage concern, as these elements are alterations that do not contribute to the significance of the various places. The masonry walls that separate the three sites are not visible from the principal street and make a limited contribution. It is considered that the removal of these elements will not negatively affect the significance of the heritage place.

195. The demolition of the rear wing of 120 Nicholson Street is not supported by Council's Heritage Advisor. This structure forms part of the original c.1888/89 building fabric, although it was modified c.1902 with the addition of the upper floor level. The wing is considered to be of heritage value as it forms part of the originally constructed dwelling. Although it is not visible from the principal street, it is partial visible from King William Street and therefore contributes to the secondary streetscape.

196. Council's Heritage Advisor noted that the complete demolition of this wing would result in unreasonable detrimental impact to the integrity of the original dwelling. It is considered possible that part of the external walls visible from King William Street (as outlined in yellow/red on the image below, including the chimney) could be retained and integrated into the new design.

    This is considered to be achievable with regards to the proposed built form to occur in this area, with the Applicant agreeing that this section could be redesigned to incorporate the existing fabric. If a planning permit is to issue, a condition can be added to ensure that the rear boundary wall of the service wing behind 120 Nicholson Street is retained to its full length, together with the chimney and a return (eastern) wall to the depth of 2m.



Buildings and works

197. A first-floor bathroom and dormitory will abut this retained section of eastern wall (with these rooms to be set back from the northern boundary). This outcome is acceptable, with Council's Heritage Advisor noting that even if new built form directly abuts this original fabric, the extent of the existing wall that will remain visible will create the impression that a larger portion of the historic form has been retained. To ensure this is the case, any new section of wall at first-floor should be set back 2m from the northern boundary. This can be required via a condition of the permit.

198. The subject site is located within the World Heritage Environs Area (WHEA), with Clause 22.14 relating specifically to land located within this precinct. The WHEA is historically and socially significant as it incorporates important and intact areas of residential, commercial and institutional development within the early Melbourne suburbs of Carlton and Fitzroy. These areas are significant for demonstrating aspects of local historical development and for contributing to the historical character of the municipalities.

199. As outlined in the Heritage Assessment undertaken by Lovell Chen, the WHEA provides a buffer zone for the Royal Exhibition Building and the Carlton Gardens, which are listed as World Heritage Sites. The WHEA aims to protect and conserve the heritage values of this precinct by managing development inside and around this area, whist also highlighting key views to and from the protected sites. The built form character of the WHEA predominantly consists of double-storey residential terraces and townhouses with hipped roofs, concealed behind ornamental parapet facades.

200. The objectives of Clause 22.14 are:
    (a) *To protect significant views and vistas to the Royal Exhibition Building and Carlton Gardens.*
    (b) *To maintain and conserve the significant historic character (built form and landscapes) of the area.*
    (c) *To ensure new development in the area has regard to the prominence and visibility of the Royal Exhibition Building and Carlton Gardens.*

201. The proposed buildings and works will be assessed against these objectives and Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) accordingly.

Scale/height:

202. The maximum height of the existing building at 116 Nicholson Street is 13.9m. The proposed heights for the new development at the rear of the original buildings will be a mix of:
    (a) Part single-storey development with a height of 3m;
    (b) Part double-storey development with a height of 6-6.3m;
    (c) Part four-storey development with a height of 12.48m.

203. The proposed single and double-storey components will be of a scale that is consistent with the typical scale of additions at the rear of large heritage buildings in the area and are considered to be acceptable. The scale of these buildings is consistent with objectives at Clauses 22.02-4 and 22.02-5.7.1 of the Scheme, which aim to;
    (a) *Retain significant view lines to, and vistas of, heritage places;*
    (b) *Preserve the scale and pattern of streetscapes in heritage places;*
    (c) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place; and,*
    (d) *Be visually recessive and not dominate the heritage place.*

204. The single and double-storey buildings protect significant views and vistas to the Royal Exhibition Building and Carlton Gardens and maintain the historic built form character of the area whilst having regard to these heritage sites, as outlined in Clause 22.14 of the Scheme.

205. Whilst the relatively limited scale of these components are acceptable (particularly given the context of immediately surrounding heights), Council's Heritage Advisor was not supportive of the four-storey building, noting that the scale of this addition would be atypical of the immediately surrounding rear additions and would be clearly visible from King William Street in the north. A condition has removed the upper level of this building, reducing the maximum height from 12.4m to 9.4m. The reduced height is supported from a heritage perspective.

206. Based on this condition, it is considered that the contribution the existing buildings addressing Nicholson Street have on the significant historic character (built form and landscapes) of the area will be unchanged. The backdrop of these buildings to the gardens will be maintained. The proposed rear addition, if reduced to three storeys, will be fully concealed from within the gardens and from view lines elsewhere within the World Heritage site. The objectives of Clause 22.14 will be fulfilled.

Setbacks:

207. All of the proposed additions will be setback beyond the main building fronting Nicholson Street; it is clear from the submitted drawings that the new built form will be fully concealed from this interface. Whilst part of the proposed additions will be visible from King William Street, the reduction in height of the four-storey component will limit these views to an appropriate degree. Additional setbacks from the side and rear boundaries are not considered necessary from a heritage perspective.

Appearance

208. A contemporary design approach has been adopted for the proposed additions. This approach is acceptable, provided that adequate respect is given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration.

209. The proposed external materials for the new development will be off-form concrete walls, black steel windows, rendered masonry (mid-grey colour), and timber and metal screens. Materials and finishes within the area are predominantly bluestone, face brickwork and painted render. Whilst the colouring of the proposed materials is generally acceptable, it is considered that the selection of materials could be more sympathetic to the context of the heritage area. An increase in face brickwork and/or render for the rear additions would achieve this outcome.

    Council's Heritage Advisor has recommended that new walls with a direct interface to Bach Lane (those directly abutting the rear boundary) should be altered to be composed of either face brickwork or a rendered finish. If a planning permit is to issue, a condition can be added to ensure that these materials are modified accordingly, in line with Heritage advice.

210. An earlier condition relating to acoustic treatments for the rear boundary wall specified that a 6m high barrier should be installed on the open areas of wall abutting Bach Lane. There are two open areas, with both adjacent to stairwells. Ground floor walls extend along the boundary; however these walls will have to be extended in height to a minimum of 6m in order to comply with the acoustic condition. To ensure that the acoustic screens respond to the heritage character of the laneway and integrate with the materials/finishes of the eastern wall, the visible sections of these screens must also be composed of either face brickwork or a rendered finish. A condition of a planning permit could facilitate this.

211. The additions have been designed to appear as a series of smaller linked forms rather than one large mass. This design response is considered appropriate as it allows the fine grain character of the three original properties to be maintained.

212. The fenestration of the proposed rear additions will be composed of square and rectangular window openings. The appearance of these openings is considered in keeping with the character of the surrounding rear additions, however from a heritage perspective it would be preferable for the windows to have more vertical proportions. In particular, Council's Heritage Advisor recommended that the four square first-floor windows within the eastern elevation could be broken into two separate vertical shapes through the use of a central mullion. This would create a division within the expanse of glass and better reflect the appearance of heritage windows. A condition of the permit can facilitate this.

Front fencing

213. The proposal to replace the current non-sympathetic solid brick front fence at 114 Nicholson Street with a contemporary version of a traditional metal railing fence is considered an improvement to the Nicholson Street streetscape. As noted, the sketch plans have made further revisions to this fence, with the metal pickets to be replaced with wrought iron. This outcome is considered even more in keeping with the heritage precinct and has been supported via a permit condition.

214. The sketch plans also demonstrate the removal of the original front fence to 120 Nicholson Street, with this fence also to be replaced with a 2.8m high wrought iron and brick pier fence. This front fence is an original element on the site. The replacement of this fence is not supported.

215. Council's Heritage Advisor encouraged the removal of signage, lighting and security grilles from the façade of 116 Nicholson Street. As these features have previous planning approval and are associated with the use of the site, the retention of these elements is acceptable.

216. Overall, based on the conditions discussed, the proposal appropriately responds to the particular requirements contained within Clause 22.02 and Clause 22.14 of the Scheme, and is an acceptable response to new built form within the World Heritage Environs Area.

<u>Car parking</u>

217. Under the provisions of Clause 52.06-5 of the Scheme, no car parking rate is specified for the use of the land as a residential hostel and as such, the car parking provision of the development would need to satisfy the Responsible Authority. The proposal comprises the expansion of the existing backpacker hostel to provide a total of 232 beds. The number of employees is expected to remain at 5. The proposed development does not provide any on-site car parking opportunities.

218. To assess whether Council is satisfied with the lack of on-site car parking associated with the intensification of the existing use, the proposal was internally referred to Council's Engineering Services Unit. As one way to measure the acceptability of this outcome, Council Engineers sought guidance from the City of Brisbane's Transport, Access, Parking and Servicing Planning Scheme Policy (SC6.31).

This policy specifies a minimum parking generation rate of 1 space per 100sqm of gross floor area, plus 1 space for a minibus. In this instance, the total new build area of the subject site has a floor area of 614sqm, which would generate six spaces for guests and one space for a minibus.

219. A Traffic and Transport Assessment was undertaken by Cardno, with this report identifying the availability of car parking in the area and alternative transport options within the vicinity of the site. The assessment also outlined travel mode surveys undertaken by Traffix Group for similar venues in Melbourne and St. Kilda, to obtain the parking demand rate for dormitory type accommodation.

220. These surveys yielded parking rates of 0.03 spaces per guest and 0.1 spaces per employee. Applying these rates to the current application (with 232 guests and 5 staff) would result in a rate of 7 spaces for guests and 1 space for employees. Given the similarity of this hostel with the location and type of venues surveyed, this anticipated parking demand is considered reasonable.

221. The use of the site as a short-term residential hostel is not considered likely to generate a high car parking demand, with the majority of guests from interstate or international. It is unlikely that many of these guests will possess a vehicle during their stay. It is also considered unreasonable to expect an on-site space for a mini-bus to be provided. This type of transport would generally be used for transporting guests to and from the site.

222. The application was referred to Council's Sustainable Transport Branch, who considered the bicycle provision of five bicycle spaces sufficient to meet the likely demand. They also indicated that it was unnecessary to require a Green Travel Plan to be submitted. The use of the land, and the location of the site within proximity to many public transport opportunities and other facilities, lends itself to the use of sustainable measures. It was not considered that a Green Travel Plan would impact the way in which guests currently access the site and the way in which they travel whilst staying at the hostel.

223. The Management Plan specifies that the following measures are undertaken to manage car parking impacts associated with the hostel use;
    (a) Guests are directed to use paid street parking in Nicholson Street, or within the Melbourne Museum Complex;
    (b) Myki cards are available for guest use during their stay;

224. The location of the site lends itself to a use of this type, however to assess whether it is appropriate to provide fewer spaces than the likely parking demand, the following factors must be considered.

Availability of Car Parking in the Area.

225. Cardno carried out parking occupancy surveys on Friday 24 October 2014 and Saturday 25 October 2014 between 6pm and midnight. The survey area included Nicholson Street Carlton Street, Moor Street, King William Street, Hanover Street, Palmer Street and Fitzroy Street. An inventory of 93 to 143 spaces was identified, with the variation based on the differing time restrictions placed on these parking spaces.

226. The survey results indicate that the parking occupancy rate ranged from 53% to 90%. The peak parking occupancy was observed at 9pm on Saturday with 90% of parking spaces occupied or 10 spaces vacant. On Friday night at 9pm, peak occupancy was 85%, with 14 spaces available.

Given the anticipated car parking demand of the hostel guests, it was determined that the parking shortfall associated with the site could be accommodated in the vacant parking spaces within the surrounding streets.

Availability of Public Transport

227. Tram services operate along Nicholson Street, Gertrude Street, Brunswick Street and Victoria Parade. Bus services are within walking distance of the site along Johnston Street and Victoria Parade. Train services are located several hundred metres south of the site from Parliament railway stations. The site has excellent access to a number of public transport options.

The Likelihood of Multi-Purpose Trips

228. The hostel is positioned near the Brunswick Street Activity Centre and Melbourne's Central Business District. Guests staying at the hostel can easily commute by foot or by public transport to access restaurants, businesses, and other amenities/facilities.

Convenience to Pedestrian and Cycling Access to the Site.

229. The site has very good connectivity to the on-road bicycle paths along Rathdowne Street, Queensberry Street, and Napier Street, as well as the off-street bicycle path around Carlton Gardens/Royal Exhibition Building precinct. Bike share locations are within proximity to the site and on-site bicycle parking will be provided.

Access to or Provision of Alternative Transport Modes.

230. Hostel guests can utilise the various Carshare vehicles that are available within walking distance to the site. Further, taxis or Ubers are readily available in the vicinity, and the Skybus can be used to transport guests to and from Melbourne Airport.

231. With regards to deliveries to the site, these are considered to be relatively minimal and likely to be restricted to some food delivers and laundry collection and drop-off. A standard condition will be added to any permit issued noting that delivery of goods to and from the land may only occur between 7am and 10pm on any day. These deliveries may occur in Bach Lane, with the emergency access door to be used only for these purposes (including waste collection to be discussed below).

232. From a traffic engineering perspective, the waiver of parking is considered appropriate in the context of the development and the surrounding area. The area's coverage of short-stay parking, high pedestrian service, and the site's proximity to public transport, shops, businesses, and other amenities/facilities would all be contributing factors in reducing the car parking demand for the site.

Waste

233. A Waste Management Plan was prepared by Leigh Design (dated 16 August 2016), with this report outlining how waste associated with the hostel will be stored and managed. All waste will be stored within the development and hidden from external view, with a separate bin storage room provided in the north-east corner of the site.

234. A private contractor shall provide waste collection services, with waste to be collected from Bach Lane. The collection staff will transfer bins between the waste area and the truck. Following waste collection activities, bins will immediately be returned to the storage areas. The emergency access door can be used for bin collection activities.

235. The WMP anticipates that 4 x 1,100 litre bins will be used; 2 for general garbage and 2 for recycling. Bin collection will occur twice per week. Given the size of the bins and the frequency of collection, it is considered that the 9.5sqm provided for bin storage is adequate. Council's Waste Services Unit confirmed that the storage and collection methods outlined in the WMP are satisfactory.

236. A number of objections raised concerns with the existing storage and collection of waste associated with the hostel, noting that the existing method often restricts vehicle access and creates litter in Bach Lane. Clause 22.17 (Development Abutting Laneways) states that laneways should not be used for refuse storage and should not be obstructed.

237. To appropriately manage these impacts, a number of conditions were recommended by Council's Compliance Branch. These include;
    (a) Waste to be stored and collected from the private property at the rear only;
    (b) No bins or waste receptacles to be placed in the laneway at any time (with bins to be collected and returned directly to the storage area after collection); and
    (c) Litter inspections outside the whole complex to be conducted and logged daily.

238. The first two recommendations are included within the WMP (Clause 2.2). As this document will be endorsed and enforceable, these conditions will already be incorporated into any planning permit issued.

239. Given the concerns raised with the existing waste management procedure and off-site amenity impacts, it is considered acceptable to place the further restriction of litter inspections on any permit issued. This recommendation was supported by Councils Waste Services Unit and can be facilitated via a permit condition.

Objector Concerns

240. A number of the issues raised in the objections have been discussed throughout this report, as outlined below.

Lack of integration with the World Environs Heritage Precinct;

241. These issues have been discussed in paragraphs 187 to 216 of this report.

Overdevelopment of the site and visual bulk impacts from surrounding sites;

242. Height, site coverage and setbacks have been discussed in paragraphs 131-134 and 144-148 of this report.

Lack of on-site amenity based on intensification of use;

243. The intensification of the use and associated impacts has been discussed within the 'Land Use' section of this report, specifically within paragraphs 88-117.

Too many entrances/exits provided, including the proposed access to Bach Lane;

244. A condition of the permit has restricted guest access within Bach Lane.

Unreasonable noise impacts associated with the existing use and proposed intensification of the use;

245. The intensification of the use and associated impacts has been discussed within the 'Land Use' section of this report, specifically within paragraphs 88-117.

Potential off-site amenity impacts (increased noise, overshadowing, overlooking, rubbish);

246. Potential noise impacts have been discussed in paragraphs 95-110, overshadowing in paragraphs 162-163, overlooking in paragraphs 164-167 and waste in paragraphs 233-239.

Existing and potential safety issues associated with patron use of Bach Lane;

247. A condition of the permit has restricted guest access within Bach Lane.

Existing and potential anti-social behaviour of patrons on and off-site;

248. The intensification of the use and associated impacts has been discussed within the 'Land Use' section of this report, specifically within paragraphs 88-117.

Lack of management on-site and lack of adherence with existing curfews;

249. The intensification of the use and associated impacts has been discussed within the 'Land Use' section of this report, specifically within paragraphs 88-117.

Obstruction of Bach Lane by cars, waste collection, deliveries etc;

250. These issues have been discussed in paragraphs 233-239.

Existing issues regarding waste storage off-site;

251. These issues have been discussed in paragraphs 233-239 of this report and addressed via the provision of a Waste Management Plan, which would be endorsed to form part of the permit, if a planning permit was to issue.

Lack of on-site car parking for guest and employee parking, and tour bus groups;

252. Car parking concerns have been discussed within paragraphs 217-232 of this report.

Insufficient sustainability measures;

253. The ESD outcome of the proposal has been discussed in detail within paragraphs 182-186 of this report.

Consolidation of the site across three titles;

254. The application does not seek to consolidate the three sites. The residential buildings will continue to present to Nicholson Street as separate buildings, with the proposed layout and design of the rear additions maintaining a degree of separation between the existing sites.

Lack of detail on plans regarding layout of surrounding dwellings;

255. The decision plans provide information on setbacks and the location of habitable room windows and secluded private open space. This information was sufficient for Council Officers to assess the application.

Impacts during construction.

256. These impacts are managed throughout the building process; however a Construction Management Plan will be included as a permit condition.

Conclusion

257. 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 PLN16/0153 for development of the land for double and four-storey additions at the rear and associated works, including part demolition and an intensification of the existing backpackers lodge at 114-120 Nicholson Street, Fitzroy, subject to the following conditions:

Amended Plans

1. Before the development and intensification of 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 plans prepared by Finnis Architects and dated 27 July 2016, but modified to show:
   (a) The existing internal layout (including bed numbers) on the existing and proposed floor plans;
   (b) The four-storey addition to be reduced to three-storeys, with a maximum height of 9.4m;
   (c) The eastern-most 5.65m length of the southern first-floor wall (of 114 Nicholson Street) to be raked so that the top of the wall is set back 2.15m from the southern boundary;
   (d) The proposed metal pickets in the front fence to 114 Nicholson Street to be replaced with wrought iron;
   (e) The proposed first-floor wall adjacent to the northern boundary (of 120 Nicholson Street) to be no higher than 6.3m and set back a minimum of 2m from the northern boundary;
   (f) The proposed ground floor walls along the northern and southern boundaries (of 120 & 114 Nicholson Street respectively) to be an average height of 3.2m, with no part of these walls higher than 3.6m;
   (g) All east-facing windows associated with dormitories to be treated in accordance with the measures outlined in Standard B22 (Overlooking) of the Yarra Planning Scheme;
   (h) Dormitory windows to be provided with restricted operability, with the design to ensure that Standard B22 (Overlooking) continues to be met;
   (i) The location of all proposed mechanical equipment, with services to be located away from adjacent residential uses and concealed from Nicholson Street;
   (j) The location and capacity of the rainwater tanks, with a notation confirming that these tanks will be connected to toilets and the irrigation system;
   (k) The location and capacity of the photovoltaic system;
   (l) A notation indicating that the rear entrance door to Bach Lane is to be used as an emergency exit and for waste collection only;
   (m) The bicycle storage area relocated to be easily accessible from the Nicholson Street entrance and concealed from the Nicholson Street frontage;
   (n) The rear boundary wall of the service wing behind 120 Nicholson Street to be retained to its full length, together with the chimney and a return (eastern) wall to the minimum depth of 2m;
   (o) The cavity between the existing wall along the eastern boundary and the new wall (at 114 Nicholson Street) deleted;
   (p) The demolition plan amended to demonstrate the revised demolition works to 120 Nicholson Street;
   (q) All new walls directly abutting the eastern boundary to be constructed of either face brickwork or a rendered finish;
   (r) All external openings to the stairwell and corridors to be fully enclosed, including east-facing openings, with any new walls on the eastern boundary to be constructed of face brickwork or a rendered finish;
   (s) The four square windows within the first-floor eastern elevation to each be separated by a central mullion to divide the glazing into two vertical shapes;

(t) Any changes to the plans required by the amended Sustainable Management Plan required under Condition 3;
(u) Any changes to the plans required by the amended Acoustic Report required under Condition 7.

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Management Plan

3. Before the development commences, an amended Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Management Plan will be endorsed and will form part of this permit. The amended Management Plan must be generally in accordance with the Management Plan prepared by The Nunnery Accommodation and dated May 2016, but modified to include or show;
   (a) The rear entrance door to Bach Lane to be used only as an emergency exit or for waste collection or deliveries. This door is to be locked externally at all other times and not used for guest access;
   (b) The external courtyards to be closed during the following hours;
      (i) Sunday - Thursday 10pm – 8am (the following day);
      (ii) Friday & Saturday 11pm – 9am (the following day);
   (c) No acoustic or amplified music to be played within the courtyards at any time.
   (d) The main reception at 116 Nicholson Street to remain open 24 hours a day, 7 days a week;
   (e) An on-site Manager to be available 24 hours a day, 7 days a week.
   (f) Daily litter inspections within Bach Lane to be undertaken by hostel staff.

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

Sustainable Management Plan

5. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Sustainable Development Consultants and dated 15 February 2016, but modified to include or show;
   (a) The existing building included in the stormwater management plan, with details demonstrating where the runoff from the existing buildings is directed and whether any part of this existing roof can be incorporated into the stormwater management features;
   (b) Exterior shading provided to the four larger east-facing dormitory windows at first-floor, with adjustable shading systems such as louvers, fins or retractable awnings considered suitable;
   (c) The JV3 energy modelling report to be provided prior to the commencement of works, to demonstrate that 10% improvement in energy efficiency on the NCC requirements have been met;
   (d) The BESS report submitted in “published format”.

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

Acoustic Report

7. Before the 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 Marshall Day Acoustics and dated 5 October 2016, but modified to include or show;
   (a) All east-facing openings to the stairwell and corridors to be fully enclosed;
   (b) Acoustically absorptive surface finishes to the internal courtyard walls, with specific details of the material to be provided;
   (c) The doors to the courtyards should be fitted with automatic closing mechanisms and acoustic seals;
   (d) All internal doors to 114 & 120 Nicholson Street should be fitted with mechanisms to prevent slamming;
   (e) Any mechanical equipment should be reviewed by a suitably qualified acoustical consultant prior to installation;
   (f) A minimum noise reduction coefficient (NRC) and area coverage for the absorption treatments.

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

9. Within 3 months of the intensification of the use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. The Acoustic Report must assess the following:
   (a) Confirm the recommendations of the endorsed acoustic report required as part of Condition 7 have been implemented.

Waste Management Plan

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

General

11. No more than 232 guests are permitted to be accommodated on the land at any one time.

12. The main reception at 116 Nicholson Street must be open 24 hours a day, 7 days a week, with a Duty Manager on-site at all times.

13. The rear entrance door to Bach Lane must be used only as an emergency exit or for waste collection or deliveries, with a sign to be displayed on the door stating that it is for emergency access only.

14. The external courtyards to be closed during the following hours;
   (i) Sunday - Thursday 10pm – 8am (the following day);
   (ii) Friday & Saturday 11pm – 9am (the following day).

15. No acoustic or amplified music to be played within the external courtyards at any time.

16. Speakers external to the building must not be erected or used.

17. The amenity of the area must not be detrimentally affected by the use or development, including through:
   (a) the transport of materials, goods or commodities to or from land;
   (b) the appearance of any buildings, works or materials;

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

to the satisfaction of the Responsible Authority.

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

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 of goods to and from the land may only occur between 7am and 10pm on any day.

21. 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.

22. 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.

23. Before the building is occupied, any new wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

24. 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.

25. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

26. 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

27. 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 Bach Lane for the width of the property frontage if required by the Responsible Authority):

Construction Management Plan

28. 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;

29. 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

30. This permit will expire if:
    (a) the intensification of the use is not commenced within two years of the date of this permit;
    (b) development is not commenced within two years of the date of this permit;
    (c) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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

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

All future employees and guests within the development approved under this planning permit will not be permitted to obtain business or visitor parking permits.

These premises will be required to comply with the Public Health and Wellbeing Act 2008. The use must not commence until registration has been granted by Council's Health Protection Unit.

CONTACT OFFICER: **Lara Fiscalini**
TITLE: **Senior Statutory Planner**
TEL: **9205 5372**

Attachments

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Attachment 1 - PLN16/0153 - 114-120 Nicholson Street Fitzroy - Community Amenity Response - May 201...

TO:	**Lara Fiscalini**
cc:	**Steve Alexander, Greg Fairall**
FROM:	**Stewart Martin**
DATE:	**09/05/2017**
APPLICATION:	**PLN16/0153**
SUBJECT:	**Amenity Enforcement Referral**

Dear Lara,

Following my earlier referral of 2 September 2016 in relation to 114 – 120 Nicholson Street Fitzroy the Compliance branch has received additional complaints relating to noise from the courtyard at 120 Nicholson Street, waste bin storage and removal, patrons entering and exiting from the rear and noise from the fire escape walkway at 116 Nicholson Street. These complaints are from three different parties.

In relation to the noise at 120 Nicholson Street, this is currently being investigated by the branches Health Protection Unit. The alleged storage of waste and litter from the bins was investigated by Local Laws and the appropriate enforcement action was taken.

The key things that appear to be a concern from the complainants currently and for any future development are:

1. Noise associated from the rear courtyard or any proposed courtyard. People noise, talking yelling etc. disturbing neighbours across rear laneway unable to use balconies etc.

Recommendation: a) Soundproofing of any courtyard/ such as acoustic barriers etc. to stop people noise in particular transmitting to neighbouring properties.
b) Restrict hours and/or number of patrons in the courtyard.
c) No acoustic or recorded music can be played at anytime.
d) Courtyards not opened on weekends before 9.00am.

2. Patron noise entering and exiting from the rear (laneway), banging on the door all hours when it's locked.

Recommendation: a) Entry/ exit for patrons from the rear to be restricted to emergency exit only.
b) No access from rear for patrons at any time.

3. Waste storage and collection creating a nuisance and litter at the rear, restricting vehicle access.

Recommendation: a) Waste to be stored and collected from the private property at the rear only,
b) No bins or waste receptacles to be placed in the laneway at any time.
c) A review the proposed plans of the site shows the proposed area for storage of the waste bins. This area seems too small for the bins already on site and used.

d) Litter inspections outside the whole complex to be conducted and logged daily.

4. Noise within the complex at all hours from patrons. The after-hours number is rarely answered and there is no ability to contact the onsite Manager.

Recommendation: a) On site Manager to be rostered 24/7 and available at reception (not on site with after-hours number to be woken).
b) Telephone answered 24/7
c) Register of complaints maintained and can be inspected upon demand.
d) Hourly patrols of entire facility to ensure compliance with noise restrictions after 10.00pm.(with register maintained for inspection).

5. Patron noise between the adjoining property boundary at (112-114) and (120-122)

Recommendation: a) Appropriate sound proofing between walls adjoining neighbouring private residents at (112-114) and (120-122) under the recommendation of a suitably qualified acoustic engineer.

A review of the proposed management plan- sets out a number of conditions/requirements of the owner, it must be noted that if the management plan was adopted as is, to be a part of the planning permit there is a number of conditions that cannot be adequately enforced such as alcohol in rooms. The Compliance & Parking department would like the opportunity to comment on the final plan which may form part of the permit conditions to assess whether parts of the plan are reasonable in relation to enforcement.

Should you wish to discuss the application further, please feel free to contact me on 9205-5166.

Regards,

Stewart Martin
Manager Compliance & Parking Services

Attachment 2 - PLN16/0153 - 114-120 Nicholson Street, Fitzroy - Community Amenity Response

TO:	**Lara Fiscalini**
cc:	
FROM:	**Steve Alexander**
DATE:	**02/09/2016**
APPLICATION:	**PLN16/0153**
SUBJECT:	**Amenity Enforcement Referral**

Dear Lara,

Thank you for your referral dated 19 August 2016 in relation to 114 Nicholson Street Fitzroy.

The Compliance Branch has received 12 complaints between December 2014 and May 2016. The complaints ranged from alleged excessive noise to alleged development breaches including alleged breaches of planning permits affecting the land. Between September 2015 and February 2016 Councils' planning enforcement team received six (6) noise related complaints. None of those complaints were substantiated. They were all from the same complainant.

In relation to alleged development breaches the owner was given the opportunity, in one instance, to apply for a permit for the installation of two air conditioning units (a permit was granted). There also were a number of complaints alleging that the number of rooms used for accommodation exceeded what was approved on the planning permit. The appropriate enforcement action was taken and the matter was resolved.

In all cases the basis of the complaints stems from noise related matters to the adjoining property from patrons, however as stated above the evidence gathered didn't substantiate any breach.

I've reviewed the management plan and note that the main reception area closes at 2am in which a night porter is available. Given the increase of numbers I recommend the reception to be open 24 hours to immediately address any noise or other patron related matters.

Should you wish to discuss the application further, please feel free to contact me on 9205-5166.

Regards,

Steve Alexander
Coordinator – Civic Compliance

Attachment 3 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Heritage advice

City of Yarra
Heritage Advice

Application No.:	*PLN16/0153*
Address of Property:	***114, 116-118 and 120 Nicholson 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* • *Clause 22.14 Development Guidelines for Heritage Places in the World Heritage Environs Area [WHEA]*
Heritage Overlay No. & Precinct:	*HO361-World Heritage Environs Area Precinct*
Level of significance:	*114 Nicholson Street: Individually significant, constructed 1858.* *116-118 Nicholson Street: Individually significant (Dr Hewlett's house &surgery, later The Nunnery), constructed 1889.* *120 Nicholson Street: Individually significant, constructed 1888.* *(Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007-updated Sep 2015)*
General description:	*Demolition at the rear for construction of:* • *Ground and second (2) storey additions at the rear of No.'s 114, 116 -118 and 120 Nicholson Street* • *Ground and four (4) storey addition at the rear of No.116-118 Nicholson Street.* • *New front fences at No.114 Nicholson Street*
Drawing Nos.:	*Set of 21 x A1 drawings prepared by Finnis Architects, received by Council and date stamped 27 July 2016.* *Heritage Analysis report by Lovell Chen Architects, March 2015* *Heritage Impact Statement by Lovell Chen Architects, July 2016*

DESCRIPTION OF THE HO361 WORLD HERITAGE ENVIRONS AREA

The World Heritage Environs Area Precinct is of **historical** and **social** significance for its association with the World Heritage listed **Royal Exhibition Building and Carlton Gardens**. The latter is the most complete nineteenth century international exhibition site in the world, and the main extant international survivor of a Palace of Industry and its setting. The Carlton Gardens, within Carlton, was selected as the site for the construction of the Exhibition Building in 1879-1880 and subsequent hosting of the 1880 and 1888 international exhibitions, due to its park-like setting, central location and size (64 acres/26 hectares). The subsequent **upgrading of the gardens** further augmented their attractiveness which, together with the **prominence and visibility of the Exhibition Building**, helped enhance the status of this area within the local Carlton and Fitzroy contexts.

The precinct is also of **historical and social significance** for incorporating **important and intact areas of residential, commercial and institutional development** within the early Melbourne suburbs of Carlton and Fitzroy, and institutional development in the northern area of Melbourne's Central Business District. These areas are significant to the respective municipalities of Melbourne and Yarra for demonstrating aspects of **local historical development**, and for c**ontributing to the historical character of the municipalities.** The areas also provide an **immediate setting and context of**

Attachment 3 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Heritage advice

significant heritage character for the REB and Carlton Gardens site, including properties which directly address the site and can be seen from the site; and significant development which preceded, was broadly contemporary with or followed the 1879-1880 construction and development of the REB.

The precinct is of **architectural and aesthetic significance**. It retains **substantially intact nineteenth century streetscapes, particularly on Nicholson Street (north of Gertrude Street), the south side of Gertrude Street, Carlton Street, and Rathdowne Street north of Pelham Street.** The streetscapes display a comparatively high proportion of **original nineteenth form and fabric**, including substantial areas of two-storey, with some three-storey residential and commercial development. The streetscapes also interspersed with prominent institutional properties of the nineteenth and early twentieth centuries. **Materials and architectural elements include face brick, bluestone and rendered masonry construction materials; pitched and hipped iron and slate-clad roofs; chimneys; prominent parapets and pediments; post-supported verandahs, many with elaborate iron lacework or timber detailing; a high proportion of iron palisade fences; and typically zero or shallow front setbacks with gardens**. Public infrastructure includes some **bluestone pitched road and lane surfaces, and kerbs. Plane trees** are common street plantings. The precinct additionally exhibits a typically fine grain pattern of urban development, generally emphasised by the regularity of the terrace row subdivisions, narrow allotments and street grid, with many streets running at right angles to the REB site.

A number of key heritage buildings from the nineteenth and early twentieth centuries are located in the precinct, some of which are landmarks in their own right but which also have a strong visual relationship or connection with the REB. These buildings, most of which are included in the Victorian Heritage Register, include **Royal Terrace, the Cable Tram Engine House, Convent of Mercy/Academy of Mary Immaculate complex, Grantown House and Osborne House on Nicholson Street; the Sacred Heart Church complex including Presbytery, former Presbyterian Manse, Carlton Gardens Primary School, and former St Nicholas Hospital nurses' home on Rathdowne Street; and the Royal Society building on Victoria Street.**

The precinct provides for **significant views to the REB and Carlton Gardens** site including direct views to the building, dome and garden setting from bordering/abutting streets, depending on where the viewer is standing. It also provides some proximate views and vistas to the **REB dome from streets and minor lanes to the east and west of the site (including Gertrude Street and Marion Lane in Fitzroy** and Queensberry Street in Carlton); the north ends of Spring and Exhibition streets; Nicholson Street near the junction with Victoria Parade; the east end of Latrobe Street; and from Victoria Parade immediately east of the junction with Nicholson Street. **Views out of the REB site into the precinct also reinforce the understanding and appreciation of the original nineteenth century context and significant setting of the REB.**

WHY ARE THE PLACES INDIVIDUALLY SIGNIFICANT?

No.'s 114, 116-118 and 120 Nicholson Street: Important as three buildings developed in relatively short period of one another in mid-19th century; for the contribution they make to the setting of the WHEA precinct and to the State Listed building at 122 Nicholson Street.

No.116-118 Nicholson Street: The following information is taken from the South Fitzroy Conservation Study, 'Daughters of Charity' Building Citation, 1979, pp.157-158:

> *This building was constructed in 1888-89 as a residence for Thomas Hewlett, a well-known doctor. The architect was Lloyd Tayler. The red brick facade is decorated with cement render trim, but the distinctive character of the building derives from the stilted segmental arches which form a three-storey loggia. This loggia provides a contrast to the narrower northern section which abuts the street.*
>
> *The building is substantially intact, apart from removal of the parapet and glazing of the ground and third floor arcade. Internally some original features survive.*

CONTEXT DESCRIPTION:

The subject site is composed of three (3) rectangular allotments with principal frontages to Nicholson Street and rear access via a bluestone laneway. The combined site is located one allotment south from the south-east intersection of King William and Nicholson Streets and is immediately across from the northern end of the World Heritage Listed Carlton Gardens. Nos.114-120 Nicholson Street are situated within a small block of eight (8) properties between King William Street to the north and Hanover Street to the south. Within this block all properties are individually significant Victorian-era buildings.

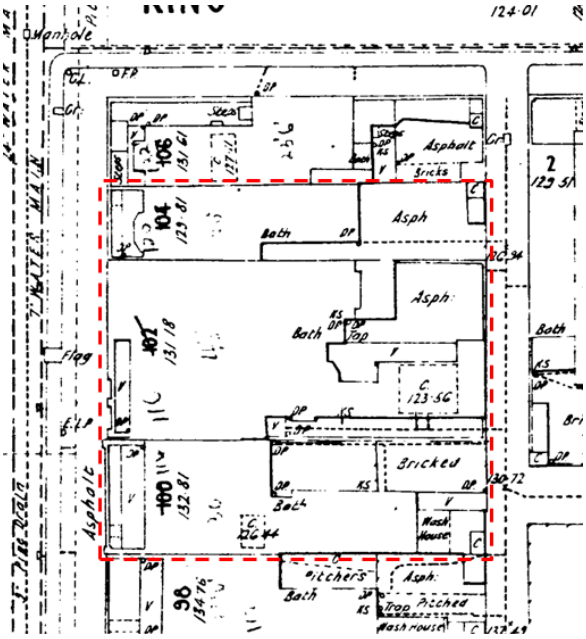
Attachment 3 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Heritage advice

The history of the three sites is thoroughly detailed in the Heritage Analysis report by Lovell Chen Architects (March 2015). In essence, the three buildings were developed within a relatively short period of one another during the mid-19th century and retain many of their original features both at the street frontage and at the rear lane. Important street facing elements include (but are not limited to): two and three storey building heights, intact or slightly modified Victorian-era facades and original front fences. There is a non-original fence in front of no.114 Nicholson Street and modifications have been made to no.116-118 Nicholson Street which includes signage associated with the current use of the site as a boarding house.

Immediately north of the subject site at no.122 Nicholson Street is 'Denny House' – a boom style Victorian-era building from c.1862 which is included on the State Register. The bluestone laneway (Bach Lane) which is used to access the rear of the properties is accessed from King William Street. From this laneway the rear of the properties is visible. Important rear elements include (but are not limited to): evidence of early night hatches in otherwise altered walls; original and early rear buildings and service wings including stained glass windows, slate roofing, chimneys and an enclosed verandah.



Above: Location of subject site (red) in relation to Royal Exhibition Building (black) and Carlton Gardens (green).



Above: Extract from MMBW Plan 1204 from c.1899. Subject sites outlined in red. See next image for extant early features

Attachment 3 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Heritage advice



Above: Current aerial of the subject site showing construction date of fabric. Source: Lovell Chen Heritage Analysis Report (March 2015)



Above: View toward subject site from across Nicholson Street.

Attachment 3 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Heritage advice



Above: View of rear lane as seen from King William Street (looking south)

ASSESSMENT OF PROPOSED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application includes the following:

- The modern single-storey brick outbuilding and weatherboard shed at the rear of No. 114 Nicholson Street (**D1)**
- The post-World War 11 three-storey brick annexe, including the external stairwell at the rear of No. 116-118 Nicholson Street (**D2)**
- The rear wing of No.120 Nicholson Street (from c.1888/89 and modified c.1902) (**D3)**
- Sections of non-original masonry walling and roller doors on the laneway (**D4)**
- Masonry walls which separate the three sites. (**D5)**

The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the various heritage buildings or the broader heritage precinct.

Clause 22.02-5.1 of the Yarra Planning Scheme encourages the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place. For places of individual significance, partial demolition is discouraged unless:

- That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).
- 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;
- It can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.

Regarding D1:

The single-storey brick structure at the rear of no.114 is of no heritage value however it incorporates the remains of a 19th century Hawthorne brick boundary wall which has evidence of a night cart collection point. The **demolition of this structure, except for the rear east facing brick wall, is acceptable** on

the basis that is not visible from the street frontage and its removal will not negatively affect the significance of the place.

The weatherboard shed and garden wall are modern c. late twentieth century structures that are of no heritage value. The **demolition of these structures is acceptable** on the basis that they are not visible from the street frontage and their removal will not negatively affect the significance of the place.

Regarding D2:

The post-World War 11 three-storey brick annexe, including the external stairwell at the rear of No. 116-118 Nicholson Street has been identified as being of limited heritage value. The **demolition of this structure is acceptable** on the basis that is not visible from the street frontage and its removal will not negatively affect the significance of the place.

Regarding D3:

The service wing at the rear of No.120 Nicholson Street forms part of the original c.1888/89 building fabric although it was modified c.1902 with the addition of the upper floor level. The wing is of heritage value as it forms part of the originally constructed house. Although it is not visible from the principal street, it is partial visible from King William Street and therefore contributes to that streetscape.

The complete loss of the service wing will have a detrimental impact on the integrity of the original house. Looking at the proposed addition for this part of the development it is considered that a portion of the existing rear wing's external walls (as outlined in red on the image below, including the chimney) could be retained and integrated into the new design.



Above: Extent of rear service wing to no.120 Nicholson Street that is visible from King William Street shaded yellow

Regarding D4:

The demolition of sections of non-original masonry walling and roller doors on the laneway is of no heritage concern as these elements are alterations that do not contribute to the significance of the various places.

Regarding D5:

The masonry walls that separate the three sites are possibly original however these are not visible from the principal street and make a limited contribution to the significance of the various places.

It is considered that the removal of these elements will not negatively affect the significance of each place.

Comments regarding new development, alterations and additions:

The extent of new works proposed by this application includes development of:

- Ground and two-storey additions at the rear of No.'s 114, 116 and 120 Nicholson Street;
- Ground and four-storey addition at the rear of No. 118 Nicholson Street;
- A new front fence in front of No. 114 Nicholson Street.

The key consideration for assessing this aspect of the works is whether the proposed development will adversely affect the significance, character or appearance of the heritage building or the broader heritage precinct.

Attachment 3 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Heritage advice

The image below is an extract from the Heritage Analysis report by Lovell Chen Architects (March 2015) which identifies the extent of potential future development on the site.



Above: Recommendations provided by Lovell Chen to applicants regarding appropriate construction zones and intensity of development. Source: Lovell Chen Heritage Analysis Report (March 2015)

Setbacks:

All the proposed additions will be setback beyond the main building forms fronting Nicholson Street including their original roof forms. In this regard the front setbacks of the various additions are appropriate.

Although sightline diagrams have not been prepared, it is clear from the submitted drawings that the proposed additions will be fully concealed from Nicholson Street.

The proposed additions will however be partially visible from King William Street. For the most part, the extent of new works visible will be no greater than two-storeys in height and therefore the need for setbacks from the side and rear boundaries is not considered necessary.

Scale/height:

The proposed heights for the new development at the rear of the original buildings fronting Nicholson Street will be a mix of:

- Part single storey development with a height of 3 metres
- Part two-storey development with a height of 6-6.3 metres
- Part four-storey development with a height of 12.48 metres (51.60 AHD).

The maximum height of the existing buildings at No. 116-118 Nicholson Street is 52.90 AHD.

The single and double-storey components of the proposed rear additions will be of a scale that is consistent with the typical scale of additions at the rear of most larger heritage buildings in the area and are therefore considered to be of an acceptable height.

The scale of the four-storey component of the additions is atypical of the immediately surrounding rear additions and consequently will be clearly visible from King William Street. From that street, the four-storey scale of the proposed addition to the rear of will be only partially concealed by the proposed new development behind no. 120. Should the existing boundary wall and the chimney to the service wing at the rear of no. 120 be retained, then the scale of the addition behind no. 116-118 should ideally be

reduced to no greater than three-storeys so that it corresponds better with the typical scale of the surrounding rear additions.

Appearance:

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.
- 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 additions. This approach is not unacceptable provided that adequate respect is given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration.

The proposal to design the various rear additions as a series of smaller linked forms rather than one large mass is considered appropriate as it allows the fine grain character of the three original properties to be maintained.

The fenestration of the proposed rear additions will be composed of square and rectangular window openings. The appearance of punched openings in walls is considered in keeping with the character of the surrounding rear additions. It is however considered that openings that are more vertical than horizontal would more in keeping with the surrounding heritage buildings.

Materials:

The proposed external materials for the new development will be off form concrete walls, black steel windows, rendered masonry (mid grey colour), and timber and metal screens.

The external materials of the rear additions to adjacent properties are predominantly face brick and render. The colouring of the proposed external materials is generally acceptable however the selection of materials could be more sympathetic to the context.

Front fencing:

The proposal to replace the current non-sympathetic solid brick front fence at no. 114 with a contemporary version of a traditional metal railing fence is considered an improvement to the Nicholson Street streetscape.

IMPACT ON WORLD HERITAGE ENVIRONS

The subject sites are all within the land covered by the Heritage Overlay within the World Heritage Environs Area (WHEA). The objectives of this overlay are:

- To protect significant views and vistas to the Royal Exhibition Building and Carlton Gardens.
- To maintain and conserve the significant historic character (built form and landscapes) of the area.

- To ensure new development in the area has regard to the prominence and visibility of the Royal Exhibition Building and Carlton Gardens

On the basis that the subject additions are lower in height than the existing heritage buildings fronting the Carlton Gardens, it is considered that the contribution that these buildings have on the significant historic character (built form and landscapes) of the area will be unchanged. The backdrop of these buildings to the gardens will be maintained. The proposed rear addition, if reduced to three storeys, will be fully concealed from within the gardens and from view lines elsewhere within the world heritage site.

There is currently no visibility of the gardens from behind the subject site. The proposed rear additions will therefore no impact on any views of the Royal Exhibition Building and Carlton Gardens

RECOMMENDATIONS:

On heritage grounds the works proposed in this application may be approved subject to the following conditions:

1. That the rear boundary wall of the service wing behind no. 120 be retained to its full length together with the chimney and a return wall to the depth of about 2 metres must be retained and integrated into the design of the proposed new addition;
2. That the proposed addition behind no. 116-118 must be reduced to no greater than three-storeys so that it corresponds better with the typical scale of the surrounding rear additions;
3. That the external materials used for the proposed additions must be modified to be more visually in keeping with the character of the surrounding rear additions constructed mainly of face brickwork and/or render;
4. That the proposed window openings, visible from King William Street and from the rear laneway, must be modified to reflect the traditional orientation and proportion of window openings traditionally associated with the period of the retained original buildings.

Other comments:

It is noted that no restoration works have been proposed for the facades of the original buildings. The Heritage Analysis report by Lovell Chen Architects identifies a number of modifications to the façade of no. 116-118 Nicholson Street.

Clause 22.02-5.3 encourage restoration of a heritage place if evidence exists to support its accuracy and where such works will enhance the heritage significance of the heritage place. In this case, it is considered that signage, lighting, security grilles all currently detract from the appearance of no. 116-118 Nicholson Street. Where possible, these unsympathetic items should be removed.

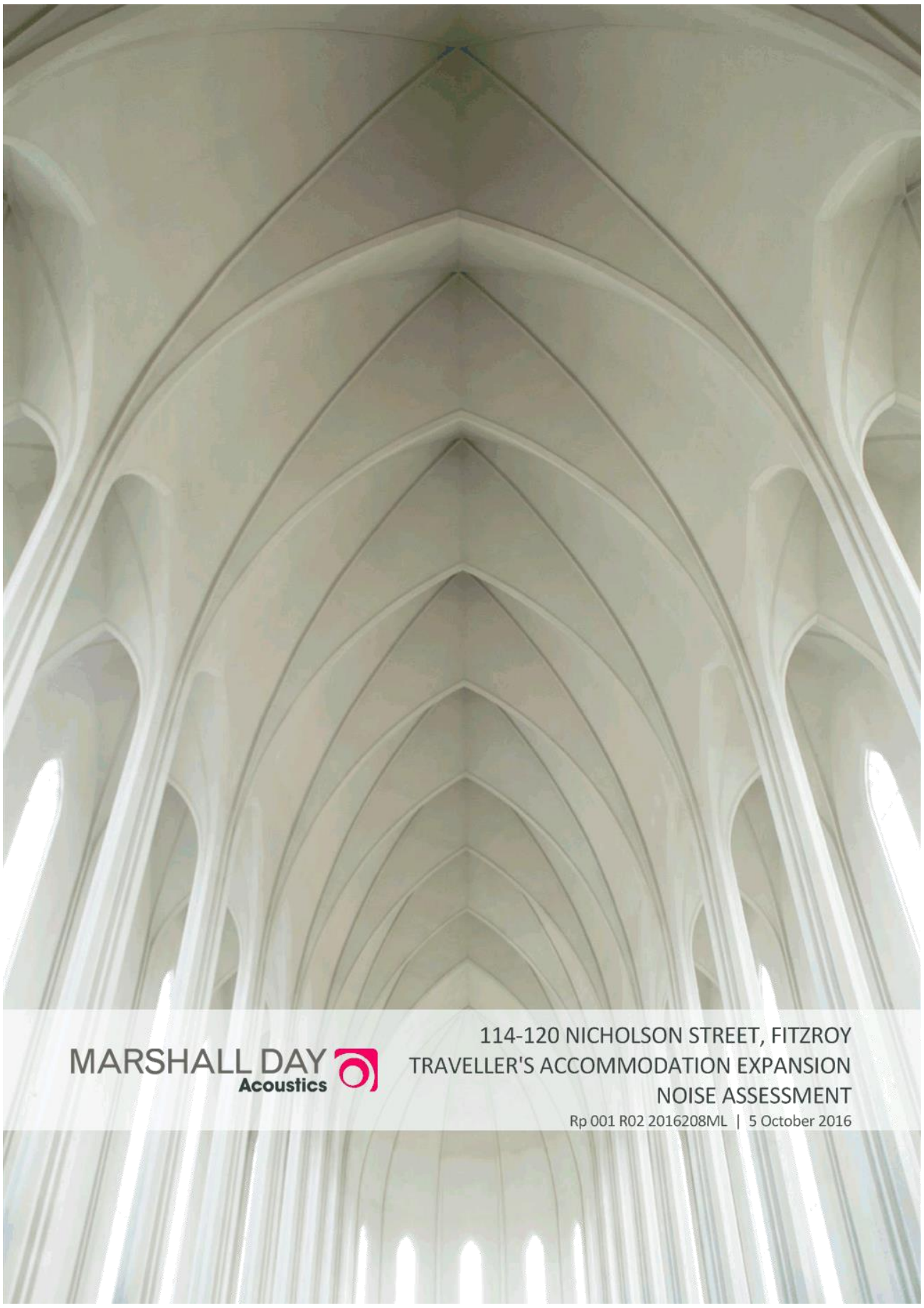
SIGNED:



Diahnn McIntosh

DATED: 11 November 2016

Attachment 4 - PLN16/1053 - 114-120 Nicholson Street, Fitzroy - Updated Acoustic Report



MARSHALL DAY Acoustics

Project:	**114-120 NICHOLSON STREET, FITZROY** **TRAVELLERS ACCOMMODATION EXPANSION** **NOISE ASSESSMENT**
Prepared for:	**116 Nicholson Street** **Fitzroy 3067**
Attention:	**Mr Vernon Townshend**
Report No.:	**Rp 001 R02 2016208ML**

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Document Control

Status:	Rev:	Comments	Date:	Author:	Reviewer:
First	-		14/07/16	P. Carpenter	R. Leo
Second	1	Minor amendments	18/08/16	P. Carpenter	R. Leo
Final	2	After SLR peer review	5/10/16	S.McHugh	R.Leo

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MARSHALL DAY Acoustics

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1.0 INTRODUCTION

It is proposed to renovate and expand a traveller's accommodation at 114-120 Nicholson Street Fitzroy. It is proposed to intensify the use of the backpackers which would include the addition of 102 beds and additional 614 m^2 of internal space.

As part of the renovation and expansion, Marshall Day Acoustics Pty Ltd (MDA) has been commissioned to undertake a noise assessment to consider music and patron noise from the venue.

A glossary of acoustic terms used within this report is provided in Appendix A.

2.0 SITE DESCRIPTION

The site is bounded by the following:

- Residential property to the north
- Bach Lane, with residential beyond to the east
- Residential property to the south
- Nicholson Street, with the Carlton Gardens beyond to the west.

An aerial photograph of the subject site and surrounds is provided in Figure 1.

Figure 1: Site location and surrounds (Image: Nearmap)



The proposed development is in an NRZ1 zone with General Residential Zone (GRZ2), Road Zone (RDZ1), Public Park and Recreation Zone (PPRZ), Public Use Zone –Other Public Use (PUZ7) in the immediate environs.

A map of the land uses in the vicinity of the site is presented in Appendix B.

2.1 Project description

It is understood that the renovation will involve the construction of two 2-storey and one 4-storey accommodation buildings which will include a communal kitchen/dining hall. This will result in the creation of a new courtyard in the northern portion of the site and a slight reconfiguration of the existing southern courtyard.

Based upon the current operating hours of the existing courtyards at the site, the operating hours of the outdoor areas are understood to be as follows:

Sunday to Thursday: 8am to 10pm

Friday and Saturday: 8am to 11pm

An indicative drawing of the renovation is included as Figure 2.

Figure 2: Proposed ground floor layout



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3.0 LEGISLATION AND GUIDELINES

A range of guidelines and legislation is used in Victoria to assess and control environmental noise. This section provides an overview of the key documents and guidelines that are applicable to the redevelopment of the venue.

3.1 Victorian Legislation

A summary of the relevant Victorian legislation is provided in Table 1. Refer to Appendix C for further details.

Table 1: Relevant Victorian noise legislation

Document	Overview
Environment Protection Act 1970 (the Act)	The Act provides the overarching legislative framework for the protection of the environment in Victoria. It establishes obligations for the control of environmental noise and applies to all types of noise sources except rail operations. The legislation does not specify noise limit values, but sets out legal requirements to comply with State environment protection policies and prescribed standards.
State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2)	SEPP N-2 defines mandatory noise limits for music associated with public premises in the State of Victoria, including indoor and outdoor venues. The limits apply to the level of noise occurring at neighbouring sensitive receivers. Noise limits are determined on the basis of background noise levels, and are separately defined for day, evening and night periods. Refer to Appendix C1 for further detail and noise limit derivation.

3.2 Guidelines

A summary of relevant guidelines referenced in Victorian noise assessments is presented in Table 2.

Table 2: Relevant Victorian references and guidelines

Reference	Overview
Sleep disturbance criteria sourced from NSW Road Noise Policy 2011 (Sleep disturbance criteria)	The provisions of this document are often referred to in Victoria for general guidance on potential sleep disturbance. Based on a review of research into sleep disturbance, the NSW policy nominates maximum external night-time noise levels at noise sensitive locations which are unlikely to awaken people from sleep. Refer to Appendix C2 for further detail.
Marshall Day Acoustics patron noise assessment methodology (MDA design targets)	Noise predominantly related to voices of patrons in outdoor areas is not covered under any State Environment Protection Policy or general Victorian guideline. In lieu of an established state policy or criterion, MDA has developed a set of design targets which have been referenced as part of numerous planning applications and VCAT hearings for proposed external patron noise areas. The design targets are defined separately for day, evening and night periods and are determined on the basis of background noise levels. Refer to Appendix C3 for further detail.

Reference	Overview
EPA Publication 1254 *Noise Control Guidelines* (EPA Guidelines)	Provides an overview of noise policies and legislation in Victoria for a range of different noise sources, and provides supplementary guidance for situations where there is no policy or legislation. Refer to Appendices C4 and C5 for further detail.

4.0 EXISTING NOISE ENVIRONMENT

The assessment criteria presented in Section 3.0 include noise limits that are defined on the basis of background noise levels in the absence of noise associated with operation of the venue. The background noise represents the levels which occur during periods of quiet, typically during lulls in traffic and local activity.

Background noise measurements have therefore been undertaken in the future courtyard areas to enable appropriate criteria to be defined for the venue.

This section presents an overview the measured background noise levels. For further detail on the monitoring position and methodology refer to Appendix D.

Measured noise levels are summarised in Table 3 and are presented in detail and graphically in Appendix E.

Table 3: Measured background noise levels

Description	Background Noise Level, dB L_{A90}		
	Day	Evening	Night
Background noise level	43	42	44

The results of the survey expressed in 15 minute values for the night-time are presented in Table 4 for the period which resulted in the lowest recurring background noise levels.

Table 4: Night-time background noise levels, dB L_{90}

Description	Octave Band Centre Frequency, Hz							
	63	125	250	500	1000	2000	4000	A
Background noise level	48	46	42	40	39	34	29	43

5.0 MUSIC NOISE ASSESSMENT

This section presents a summary of the music noise assessment as follows:

- The noise limits applicable to music noise from the venue
- Noise data used to represent music noise levels at the venue
- Conceptual noise mitigation measures to control music noise
- Predicted noise levels for the proposed venue.

5.1 Noise Prediction Method

To predict music noise to nearby neighbouring residences, the following factors must be considered:

- The amount of music noise being generated within the venue and courtyards
- The distance between the sources and receivers
- The presence of obstacles such as buildings or screens that obstruct the sound path
- The ground between the source and receiver
- The presence of hard reflective surfaces that may enable additional sound paths.

The following sections describe the data used to quantify the music noise generated from the venue and the modelling used to extrapolate the data to surrounding receiver locations, accounting for the above factors.

5.1.1 Music noise data

It is understood that music in the outdoor area will be limited to moderately amplified levels.

In our calculations, we have used the noise as detailed below in Table 5. This is equivalent to a music noise level of approximately 80 dB L_{A10} at a distance of 1m from the speaker.

Table 5: Moderately amplified music sound power levels, dB L_{10}

Description	Octave band centre frequency, Hz								
	A	63	125	250	500	1000	2000	4000	Hz
Moderately amplified music	92	90	90	90	85	85	85	85	dB

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5.1.2 Calculation Method

A 3-dimensional digital model of the venue and surrounding built environment has been created using SoundPLAN proprietary modelling software (version 7.4).

Geometry data for the model has been sourced from public aerial photography, visual inspections of the area, and building heights defined on the basis of standard assumed heights per floor level. The geometries in the model are simplified representations of the built environment that have been configured to a level of detail that is appropriate for noise calculation purposes.

The SoundPLAN digital model has been used to calculate noise levels using the International Standard *ISO 9613-2: 1996 Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation* (ISO 9613). ISO 9613 is a general environmental noise calculation standard that has been used extensively throughout Australia, New Zealand, and Europe since its publication in 1996.

The implementation of ISO 9613 within proprietary noise modelling software enables multiple sound transmission paths, including reflected and screened paths, to be accounted for in the calculated noise levels. While atmospheric effects are expected to have a negligible effect on the transmission of sound from the venue to neighbouring sensitive receiver locations, it is noted that the ISO 9613 predicts noise levels for conditions which favour the propagation of sound.

5.2 Music noise controls

5.2.1 Ingress and egress points

It is recommended that all doors to the courtyards should be fitted with automatic closing mechanisms and acoustic seals.

5.2.2 Control of music volume

The operating procedures of the venue detail the following with regard to noise management:

Noise management

Noise is to be kept to a minimum between 10pm-8am from Sunday-Thursday and 11pm-8am on Friday and Saturday.

Preventing noise: communal areas

- *Courtyard is to be closed at 10pm Sunday-Thursday and at 11pm on Friday and Saturday, and reopened at 8am*
- *Kitchen is to be closed at 10pm every night, to ensure that there are no guests present at the rear of the premises except whilst accessing the thoroughfare to get to and from their rooms; kitchen is to be reopened from 8am*
- *Balcony at the front of the main building is to be closed from 10pm, and reopened at 8am*
- *Staff are to undertake patrols of the building every half hour after 10pm to ensure that no guests are making noise in the outside areas of the premises*
- *Staff are to ensure that the back door to the alleyway stays closed after 10pm and to discourage all guests from using the back exit*
  - *Whilst the use of this door is to be monitored, this door is never to be locked, as it is an emergency exit*
- *The use of portable music players in the outside communal areas is prohibited*

Based upon the above, the venue should be responsible for managing music noise in the courtyards.

In addition, it is recommended that consideration be given to the management of music levels by installing and calibrating a suitable noise limiter system.

Two main types of internal music controllers are currently available, a limiting device and a monitoring device.

A limiting device automatically limits the sound system volume by compressing the signal to ensure that the music noise does not exceed a preset internal level, even if the volume is turned up by the sound system operator.

A monitoring system continually measures the music noise in a venue and has warning lights which indicate when the volume is excessive. The unit can be set to cut power to amplification equipment if the music noise level exceeds the predetermined music noise limit. Power will be reinstated after a short time delay.

Either system should be installed in a tamper proof enclosure. Music volumes should be set by a suitably qualified person.

It is considered that the internal music levels detailed in Table 5 are considered to be appropriate settings for the limiter.

5.3 Predicted Music Noise Levels

The predicted music noise levels presented in Table 6 have been based upon the music levels detailed in Section 5.1.1 and the music noise controls outlined in Section 5.2.

Table 6: Predicted music levels, dB

	Octave band centre frequency, Hz						
Description	**63**	**125**	**250**	**500**	**1000**	**2000**	**4000**
Predicted music noise level at 112 Nicholson Street, L_{10}	50	47	45	36	33	32	31
Predicted music noise level at 122 Nicholson Street, L_{10}	52	49	46	37	36	35	35
Predicted music noise level at 32 King William Street (Ground), L_{10}	50	47	44	35	32	32	31
Predicted music noise level at 32 King William Street (Level 1), L_{10}	51	49	46	38	34	33	32
Predicted music noise level at 32 King William Street (Level 2), L_{10}	52	51	49	42	41	38	36
Night-time noise limit, L_{10}	56	52	50	48	47	42	37
Compliance?	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**

Moderately amplified music noise from the courtyards is predicted to be in compliance with the applicable SEPP N-2 noise limit during the night. By extension the limits will be met during the day and evening.

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6.0 PATRON NOISE ASSESSMENT

This section presents a summary of the patron noise assessment as follows:

- The design target applicable to the use of the courtyard areas
- Noise data used to represent the behaviour of patrons in the courtyards
- Conceptual noise mitigation measures to control patron noise
- Predicted noise levels from the proposed arrangement of the courtyards.

6.1 Design Targets

The derivation of the applicable semi-steady night-time design target for patron noise is summarised in Table 7, based on the method defined in Appendix C3 and the background noise data presented in Section 4.0.

Table 7: Derivation of semi-steady night-time patron noise design targets, $L_{Aeq,\ 15\ minute}$

Item	Day	Evening	Night
Applicable design target (highest of minimum and background based target)	55 dB	52 dB	49 dB

In addition to the night-time semi-steady design target of 49 dB $L_{Aeq,\ 15\ minute}$, it is noted that the design target of 60-65 dB L_{Amax} also applies to address sleep disturbance considerations.

6.2 Noise Prediction Method

The following sections describe the data used to quantify the noise generated within the courtyards, and the modelling used to extrapolate the data to surrounding receiver locations, accounting for the above factors.

6.2.1 Derived Sound Power Data

Based upon the size of the courtyards, we have allowed for up to 35 patrons in the northern courtyard and 60 patrons in the southern courtyard. Refer to Appendix F for further detail.

The sound power levels used in this assessment for the courtyards are provided in Table 8.

Table 8: Patron noise sound power level data – Outdoor area, dB

	Octave Band Centre Frequency, Hz							
	63	125	250	500	1k	2k	4k	A
35 patrons (north courtyard)								
Semi-steady state component, L_{eq}	87	89	90	97	95	91	84	99
Maximum noise level, L_{max}	95	97	98	105	103	99	92	107
60 Patrons (south courtyard)								
Semi-steady state component, L_{eq}	89	91	92	99	97	93	86	101
Maximum noise level, L_{max}	95	97	98	105	103	99	92	107

6.2.2 Calculation Method

The calculation method is outlined in Section 5.1.2.

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6.3 Predicted Patron Noise Levels

6.3.1 Predictions with currently documented construction

A summary of the predicted semi-steady noise levels at the nearest identified noise sensitive premises is provided in Table 9. The objective of the predictions was to establish if predicted patron noise levels could achieve the design target detailed in Section 6.1. The predicted patron noise levels are based on the scenario of 35 people within the northern courtyard and 60 people in the southern courtyard during the night period and a worst case operation of the courtyards.

Table 9: Predicted semi-steady worst-case patron noise levels

Receiver	Predicted Noise Level, $L_{Aeq,\ 15\ minute}$	Margin above design target		
		Day (55 dB)	Evening (52 dB)	Night (49 dB)
112 Nicholson Street	50 dB	0 dB	0 dB	1 dB
122 Nicholson Street	51 dB	0 dB	0 dB	1 dB
32 King William Street (Level 2)	64 dB	9 dB	12 dB	15 dB
3 Hanover Street (Level 3)	54 dB	0 dB	2 dB	5 dB

The predicted patron noise levels exceed the design targets by up to 15 dB during the night period.

In addition, patron noise levels are predicted to be approximately 70 dB L_{Amax} at the nearest residential receivers, which exceeds the nominated sleep disturbance criterion.

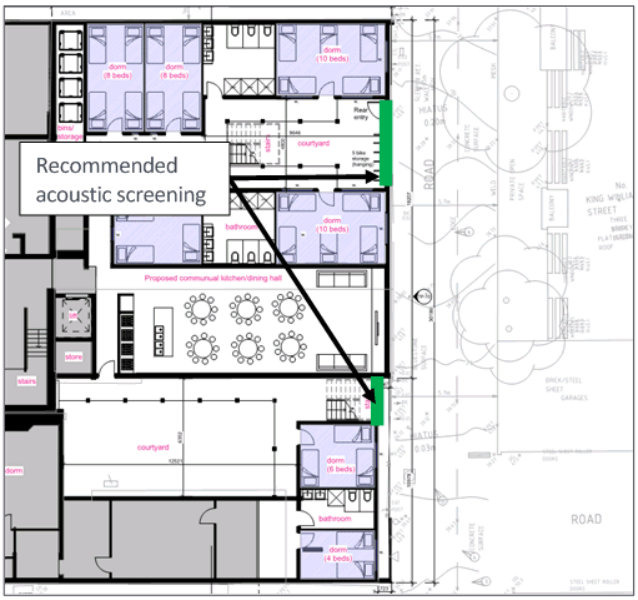
Therefore noise mitigation measures are required.

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6.3.2 Control of patron noise

To reduce patron noise to nearby residences, we recommend that the build structure of the eastern facade of the new development be used to shield nearby residences. The currently documented openings in the eastern facade (shown in Figure 3) should be fully enclosed up to a height of 6 m with an acoustic screen.

Figure 3: Treatment to eastern facade



Some suitable materials include 25 mm thick timber (overlapped), 9 mm thick fibre-cement sheet, 75 mm thick Hebel Powerpanel, 18 mm thick Perspex, 8 mm laminated safety glass, concrete, brick or any other approved material that meets the weight specification.

Alternative materials can be used if required for aesthetic reasons however care should be taken to make sure that the barriers will provide adequate noise attenuation. This will be the case if they are constructed using materials with a surface density of at least 10 kg/m^2.

The barrier must be free of gaps and penetrations and it is particularly important to ensure that there are no gaps at the bottom.

In addition, acoustically absorptive surface finishes must be provided to the majority of internal courtyards' walls. A product such as 50 mm thick Megasorber or approved alternative with a minimum Noise Reduction Co-efficient (NRC) of 0.8 would be acceptable.

Table 10 details the predicted semi-steady noise levels at the nearest identified noise sensitive premises.

Table 10: Predicted semi-steady worst-case patron noise levels

Receiver	Predicted Noise Level, $L_{Aeq,\ 15\ minute}$	Margin above night period design target		
		Day (55 dB)	Evening (52 dB)	Night (49 dB)
112 Nicholson Street	47 dB	0 dB	0 dB	0 dB
122 Nicholson Street	49 dB	0 dB	0 dB	0 dB
32 King William Street (Level 2)	54 dB	0 dB	2 dB	5 dB
3 Hanover Street (Level 3)	53 dB	0 dB	1 dB	4 dB

The predicted patron noise levels with the recommended acoustic treatment are predicted to comply with the nominated design targets at all times, with the exception of a 5 dB exceedance at 32 King William Street and 4 dB at 3 Hanover Street.

As detailed in Table 15 in Appendix C3, this indicates that there is a possibility of impact and the proposal should be assessed with measurements once it is operational to determine typical crowd noise levels from the venue. Provision should be made to adopt managerial controls and retrofit engineering controls if deemed necessary.

In addition to the semi-steady noise levels, the predictions confirm that the proposed treatment would enable short term maximum noise levels to be below the design target of 60-65 dB L_{Amax}.

7.0 DELIVERIES AND WASTE COLLECTION

Deliveries and waste collection should be limited to the recommended time outlined in EPA (Vic) publication no.: 1254, *Noise Control Guidelines* (Guidelines) (Appendices C4 and C5).

8.0 MECHANICAL PLANT

An assessment of mechanical plant has not been undertaken as part of this exercise.

It is recommended that noise from any mechanical plant proposed for the redevelopment be reviewed by a suitably qualified acoustical consultant prior to installation.

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9.0 SUMMARY

It is proposed to intensify the use of the traveller's accommodation at 114-120 Nicholson Street Fitzroy, which would include the addition of 102 beds and additional 614 m^2 of internal space.

Marshall Day Acoustics Pty Ltd has conducted a noise assessment to consider music and patron noise from the proposed renovation and expansion.

Based upon the currently documented design, worst case patron and moderately amplified music noise are predicted to exceed the nominated acoustic criteria at nearby residential dwellings.

It is recommended that:

- An acoustic barrier be installed between the courtyards and Bach Lane
- Acoustic absorption be added to the courtyard walls
- Self-closers and acoustic seals be fitted to doors serving the courtyards
- The proposal should be assessed with measurements once it is operational to determine typical crowd noise levels from the venue. Provision should be made to adopt managerial controls and retrofit engineering controls if deemed necessary.

In addition, any mechanical plant proposed for the redevelopment be reviewed by a suitably qualified acoustical consultant prior to installation.

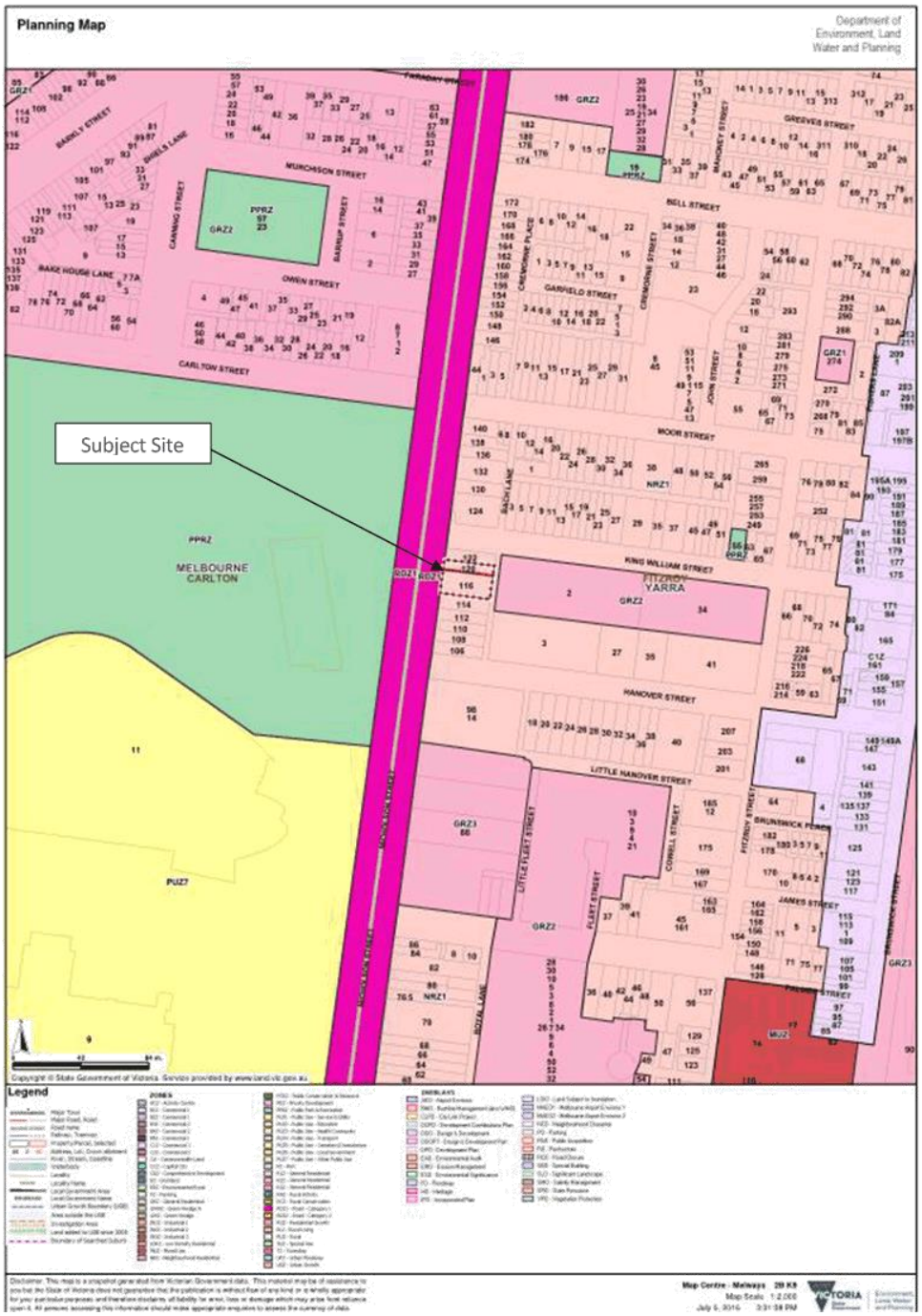
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APPENDIX A GLOSSARY OF TERMINOLOGY

Ambient	The ambient noise level is the noise level measured in the absence of the intrusive noise or the noise requiring control. Ambient noise levels are frequently measured to determine the situation prior to the addition of a new noise source.
A-weighting	The process by which noise levels are corrected to account for the non-linear frequency response of the human ear.
dB	Decibel. The unit of sound level.
Frequency	The number of pressure fluctuation cycles per second of a sound wave. Measured in units of Hertz (Hz).
Hertz (Hz)	Hertz is the unit of frequency. One hertz is one cycle per second. One thousand hertz is a kilohertz (kHz).
$L_{A90\,(t)}$	The A-weighted noise level equalled or exceeded for 90% of the measurement period. This is commonly referred to as the background noise level.
$L_{Aeq\,(t)}$	The A-weighted equivalent continuous sound level. This is commonly referred to as the average noise level and is measured in dB.
L_{Amax}	The A-weighted maximum noise level. The highest noise level which occurs during the measurement period.
L_{OCT10}	The noise level exceeded for 10% of the measurement period in the octave bands 63Hz-4kHz. Commonly referred to as the average maximum noise level.
L_{OCT90}	The noise level exceeded for 90% of the measurement period in the octave bands 63Hz-4kHz. Commonly referred to as the background noise level.
Octave Band	A range of frequencies where the highest frequency included is twice the lowest frequency. Octave bands are referred to by their logarithmic centre frequencies, these being 31.5 Hz, 63 Hz, 125 Hz, 250 Hz, 500 Hz, 1 kHz, 2 kHz, 4 kHz, 8 kHz, and 16 kHz for the audible range of sound.
SWL or L_W	Sound Power Level A logarithmic ratio of the acoustic power output of a source relative to 10^{-12} watts and expressed in decibels. Sound power level is calculated from measured sound pressure levels and represents the level of total sound power radiated by a sound source.

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APPENDIX B PLANNING MAP



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APPENDIX C LEGISLATION & GUIDELINES

C1 SEPP N-2

Music noise from entertainment venues is controlled by *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* (SEPP N-2). Compliance with SEPP N-2 is mandatory under section 46 of the Environment Protection Act 1970.

Clause 20 of SEPP N-2 provides that:

> *Where the level of music noise from indoor or outdoor venues exceeds the noise limit, steps shall be taken by the occupier to reduce those levels to, or below, the noise limit.*

SEPP N-2 sets noise limits that must be achieved in a 'noise sensitive area'. The Policy defines a noise sensitive area as:

> *(a) that part of the land within the apparent boundaries of any piece of land which is within a distance of 10 metres outside the external walls of any of the following buildings:*
>
> - *Dwelling (except Caretaker's House), [or] Residential Building.*
>
> *(b) that part of the land within the apparent boundaries of any piece of land on which is situated any of the following buildings which is within a distance of 10 metres outside the external walls of any dormitory, ward or bedroom of such buildings:*
>
> - *Caretaker's house, Hospital, Hotel, Institutional Home Motel, Reformative Institution, Tourist Establishment, Work Release Hostel.*

For indoor venues, SEPP N-2 sets noise limits as shown in Table 11.

Table 11: SEPP N-2 criteria (music on more than 3 nights per week)

Time period		Noise limit
Day/Evening	Saturday 1000 - 2200 hrs Sunday 1200 - 2100 hrs Other 0900 - 2200 hrs	Music noise (L_{Aeq}) not permitted to exceed background noise (L_{A90}) plus 5 dB
Night	Saturday 2200 - 1200 hrs Sunday 2100 - 0900 hrs Other 2200 - 0900 hrs	Music noise (L_{OCT10}) is not permitted to exceed the background noise level (L_{OCT90}) by more than 8 dB in any octave band (63 Hz-4 kHz) at a noise-sensitive area

The derived SEPP N-2 day and evening music noise limit is outlined in Table 12.

Table 12: SEPP N-2 derived day and evening noise limit, dB

Period	Measured background noise level, L_{A90}	SEPP N-2 limit, L_{Aeq}
Day	43 dB	48 dB
Evening	42 dB	47 dB

The derived SEPP N-2 night-time music noise limits are outlined in Table 13.

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Table 13: SEPP N-2 derived night-time noise limit, dB

	Octave band centre frequency, Hz						
	63	125	250	500	1000	2000	4000
Measured background noise level, L_{90}	48	46	42	40	39	34	29
	+8	+8	+8	+8	+8	+8	+8
Night-time noise limit, L_{10}	56	54	50	48	47	42	37

C2 Sleep Disturbance

The NSW Road Noise Policy 2011 produced by the NSW EPA, provides guidance on potential for sleep disturbance. While the Policy applies strictly only in NSW, the provisions of the document are often referred to in Victoria for general guidance on potential sleep disturbance.

The NSW policy notes that from the research on sleep disturbance to date it can be concluded that:

- *maximum internal noise levels below 50–55 dB L_{Amax} are unlikely to awaken people from sleep*
- *one or two noise events per night, with maximum internal noise levels of 65–70 dB L_{Amax}, are not likely to affect health and wellbeing significantly.*

C3 Patron Noise

Noise from voices of patrons outdoors is not covered under any State Environment Protection Policy or general Victorian guideline.

There has been extensive discussion between members of the Association of Australian Acoustical Consultants (AAAC) in regards to suitable criteria but consensus between members has not yet been reached.

In lieu of an established state policy or criterion, MDA has developed a set of design targets which have been referenced as part of numerous planning applications and VCAT hearings for proposed external patron noise areas.

The structure of the patron noise design targets is summarised in Table 14.

Table 14: Recommended design targets for night-time patron noise

Description	Design Target	Purpose
Semi-steady noise levels - L_{Aeq}	Day Period - 50 dB or background noise (L_{A90}) + 10 dB, whichever is higher Evening Period - 45 dB or background noise (L_{A90}) + 10 dB, whichever is higher Night Period - 40 dB or background noise (L_{A90}) + 5 dB, whichever is higher	Amenity protection
Short-term maximum noise levels L_{Amax}	60-65 dB (refer to Appendix C5)	Sleep disturbance protection

The defined periods for the day, evening and night-time periods are taken from the NSW (Industrial Noise Policy).

For a theoretical assessment of a venue, the purpose of the proposed patron noise criteria is not to provide an absolute limit but to provide an indication of whether a venue has the potential to cause an unreasonable impact.

It is difficult to propose an absolute limit because unlike other noise sources (e.g. mechanical equipment), there is a large variation in patron noise and this variation is not always linked to the number of patrons.

In performing a patron noise analysis the results of the analysis are interpreted as follows:

Table 15: Interpretation of patron noise assessment results

Predicted noise level	Likely impact
Meets the proposed criteria	No impact likely
Exceeds the proposed criteria by up to 2 dB	No impact likely
Exceeds the criteria by 3-5 dB	There is a possibility of impact and the proposal should be assessed with measurements once it is operational to determine typical crowd noise levels from the venue. Provision should be made to adopt managerial controls and retrofit engineering controls if deemed necessary
Exceeds the criteria by 5-8 dB	There is a strong possibility of impact and engineering controls should be incorporated. Managerial controls should also be considered at the planning stage. Further measurements will be required once the development is operational to determine appropriate managerial controls
Exceeds the criteria by more than 8 dB	There will be noise impact and major changes to the design and/or operation of the proposed outdoor area will be required

C4 Industrial Waste Collection

EPA (Vic) publication no.: 1254, *Noise Control Guidelines* (Guidelines) provides the following recommendations for industrial waste collections:

- Refuse bins should be located at sites that provide minimal annoyance to residential premises
- Compaction should be carried out while the vehicle is moving
- Bottles should not be broken up at the collection site
- Routes which service predominantly residential areas should be altered regularly to reduce early morning disturbances
- Noisy verbal communication between operators should be avoided where possible.

The Guidelines recommend that collections should be restricted to the following times:

One collection per week

6:30am-8pm Monday to Saturday

9am-8pm Sunday and Public Holidays

Two or more collections per week

7am-8pm Monday to Saturday

9am-8pm Sunday and Public Holidays.

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C5 Deliveries

EPA (Vic) publication no.: 1254, *Noise Control Guidelines* states the following concerning store deliveries:

> *Where a residential area will be impacted by noise from deliveries, the deliveries should be inaudible in a habitable room of any residential premises (regardless of whether any door or window giving access to the room is open) outside the hours contained in the schedule*
>
> *Schedule: Deliveries to shops, supermarkets & service stations*
>
> *7am-10pm Monday to Saturday*
>
> *9am-10pm Sunday and Public Holidays.*

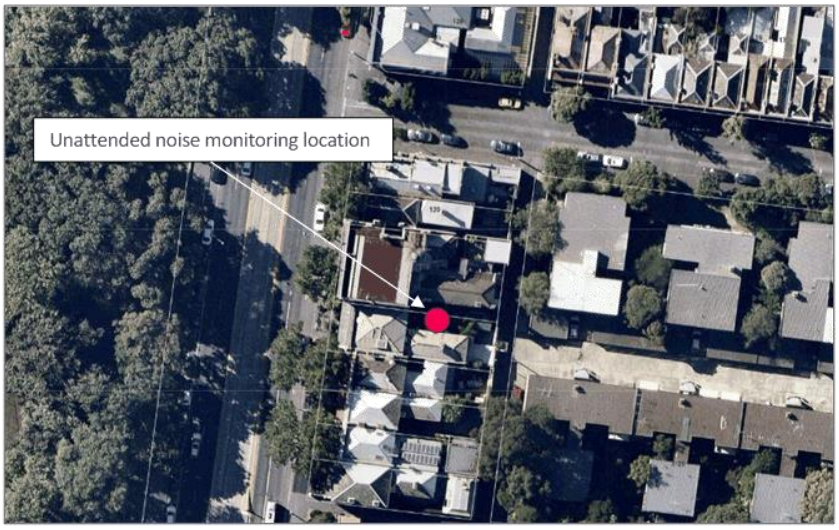
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APPENDIX D UNATTENDED MEASUREMENT LOCATION

Background noise levels at the site were measured at the southern side of the existing structure using a 01dB DUO precision integrating sound level meter fitted with a windshield (serial number 10339).

The microphone was mounted on a pole at a height of approximately 1.5 m above local ground level under free field conditions.

Figure 4: Unattended noise monitoring location



The equipment was checked before and after the survey and no significant calibration drifts were observed.

Weather data information has been taken from the BOM weather station at Olympic Park. Periods of high winds or significant rainfall have been removed from the data.

Table 16 provides a summary of the measured background noise levels.

Table 16: Background noise levels

Description	Average Background Noise Level, dB L_{A90}		
	Day	Evening	Night
26-27 May (2200hrs - 2200hrs)	Rain	Rain	46 dB
27-28 May (2200hrs - 2200hrs)	Wind	47 dB	Rain
28-29 May (2200hrs - 2200hrs)	Rain	45 dB	45 dB
29-30 May (2200hrs - 2200hrs)	43 dB	42 dB	44dB
30-31 May	Wind	45 dB	Wind
31 May - 1 June	Wind	46 dB	47 dB
Minimum	**43 dB**	**42 dB**	**44 dB**

MARSHALL DAY Acoustics

APPENDIX F PATRON NOISE DATA

The noise of patron areas associated with dining and licensed venues is highly variable according to a wide range of factors including:

- The type of venue
- The function of the space within the venue (i.e. seated areas for dining or standing areas with a focus on alcohol consumption)
- Total crowd numbers
- The composition of the total patron numbers in terms of demographics and group sizes
- Weather
- Alcohol consumption
- Background sound levels
- The acoustic properties of the space

Based on the above considerations, total patron noise emissions will vary significantly between different venues. Further, for a given venue patron noise emissions will vary from day to day and hour to hour according to these types of factors.

The individual and cumulative effect of these factors cannot be precisely calculated. Accordingly, to provide a practical basis for assessing the noise from proposed external areas, a simplified method has been developed to characterise the noise emissions of four broad categories of venue type for different number of patrons. The method is based on a single representative vocal effort to characterise the range of emissions of all individuals within the crowd.

It is assumed that a portion of the crowd may be speaking at any given point in time.

In practice, the vocal effort of each individual will vary across the crowd and throughout the assessment period. The portion of the crowd will also vary. The selected values are therefore not considered exact representations of a crowd's patterns. The values have been chosen to enable a simple relationship to be formulated which provides close agreement with patron noise measurements conducted at a range of venues.

Marshall Day Acoustics and other acoustic consultants in Melbourne have measured patron noise from several different venues. These measurements indicate a large variation in the noise levels of crowds. Variations are due to a number of factors including the situational context of the crowd.

For the purpose of predicting noise levels from a venue, external patron areas are categorised according to the descriptions outlined in Table 17. Reference sound power data for one person is detailed in the 2011 Hayne paper[1].

Table 17: Patron area use categories

Area use category	Reference sound power data per one person		Area use definition
	Equivalent	Maximum	
Vertical drinking ('worst-case' crowd)	88 dB L_{AW}	104 dB L_{AW}	Standing patrons drinking and talking Focus of activity on drinking and socialising
Taverns with significant food offerings	83 dB L_{AW}	104 dB L_{AW}	Predominantly seated patrons, drinking, dining and talking Focus of activity on drinking, whilst dining and socialising
Restaurant dining	78 dB L_{AW}	98 dB L_{AW}	Seated patrons, drinking, dining and talking Focus of activity on dining and socialising
Small smoking areas (<40 patrons)	73 dB L_{AW}	98 dB L_{AW}	Patrons using area for smoking Focus of activity on smoking rather than socialising (data also includes outdoor areas with alcohol consumption)

Based on the above reference sound power data and measurements by Marshall Day Acoustics, a simplified empirical relationship to represent the total sound power level for which crowd numbers and character were varied has been derived for determining design equivalent and maximum sound power level as follows:

- Design equivalent sound power level - derived by assuming that one third of the total crowd speaks continuously over the duration of the assessment period, and each of these speakers emit a constant total sound power level over the duration of the assessment period. In practice, the actual number of individuals speaking, the sound power emitted by each individual, and the temporal characteristics of each speaker will vary considerably over the assessment period. The derived values therefore do not represent the actual percentage of patrons speaking, or the emission of each patron, but simply represent the total sound power level for the number of patrons

- Design maximum sound power level - derived by assuming that the maximum noise level occurs as a result of two (2) individuals simultaneously producing a maximum level. Smoking areas and restaurants are considered to have the same maximum sound power level characteristics, as are taverns with significant food offerings and vertical consumption crowds.

[1] Hayne et al 2011, 'Prediction of noise from small to medium sized crowds', in *Acoustics 2011: Breaking New Ground, Proceedings of the Annual Conference of the Australian Acoustical Society*, AAS Queensland Division 2011, Gold Coast, paper number 133.

Figure 5 provides the total equivalent sound power based on patron numbers.

Figure 5: Total equivalent sound power based on patron number

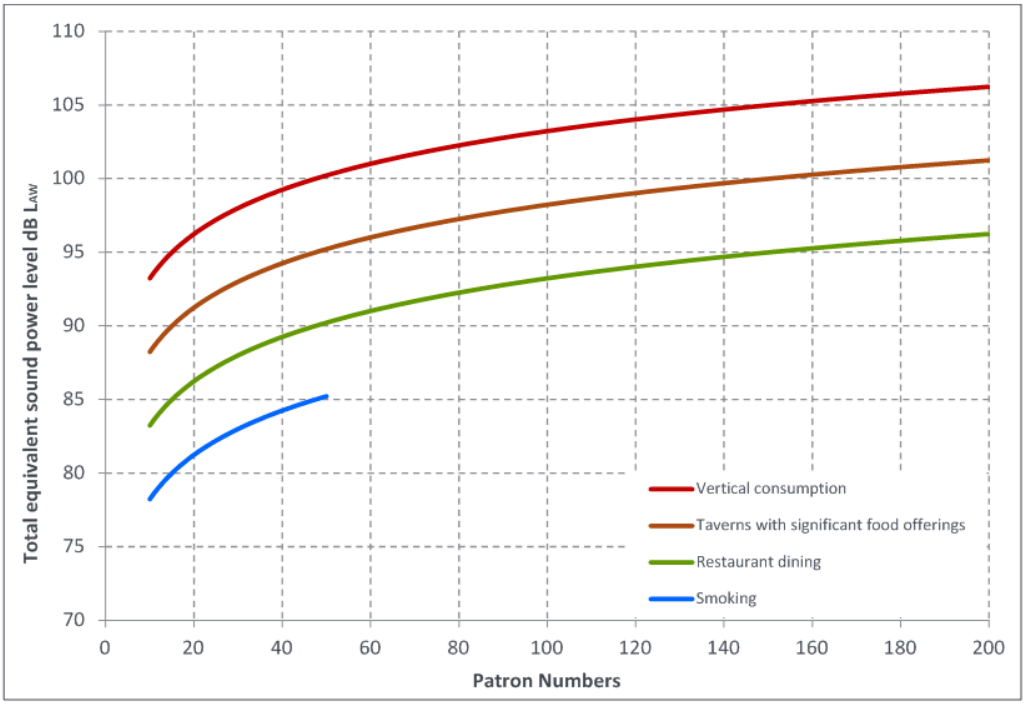


Table 18 provides the octave band spectral correction applied to the calculated patron sound power.

Table 18: Octave band spectral correction

	Octave Band Centre Frequency (Hz)						
Source	**63**	**125**	**250**	**500**	**1000**	**2000**	**4000**
Spectral Correction	-12	-10	-9	-2	-4	-8	-15

Attachment 5 - PLN16/0153 - 114-120 Nicholson Street, 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:	29.09.2016	Planning Application No:	PLN16/0153
Subject Site:		114 Nicholson Street, Fitzroy	
Site Area:	Approx. 927m^2	Site Coverage:	100%
Project Description:		Extension to existing backpackers.	
Pre-application meeting(s):		No ESD involvement.	

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.

(1) Applicant ESD Commitments:

- Exceeding the minimum NCC standard of energy efficiency by 10%.
- A STORM rating of 102% has been received which relies on a 9,000 litre rainwater tank connected to all toilets for flushing.
- Energy efficient heating / cooling and lighting systems.
- Water efficient fixtures throughout.

(2) Application ESD Deficiencies:

- Please explain why the existing building has not been included in the stormwater management plan. Please indicate where does the runoff from the existing building is directed, and investigate whether part or all of the existing roof can be incorporated into the new stormwater management features. The whole site should ideally be addressed (927m^2).
- Recommend that some exterior shading be provided to the four larger east facing dorm/bedroom windows on the first floor, to protect from summer sun angles. Recommend an adjustable exterior shading system such as louvers, fins, retractable awnings or similar.

(3) Outstanding Information:

- Please provide the JV3 energy modelling report, prior to the commencement of works, to demonstrate that 10% improvement in energy efficiency on the NCC requirements have been met.
- The BESS report should be submitted in "published format" not as a "draft" project.
- Please amend the STORM report to include the whole site area (927m^2).
- The rainwater collection tanks cannot be identified on plans. Please amend to clearly show the rainwater tank(s) and note the toilet connections on the plans.

(4) ESD Improvement Opportunities:

- Consider introducing additional glazing, such as a highlight window, into the ground floor common area "social" kitchen dining hall into the courtyard to improve access to daylight and amenity.

Further Recommendations:

Attachment 5 - PLN16/0153 - 114-120 Nicholson Street, Fitzroy - ESD referral comments

Sustainable Design Assessment (SDA)

Referral Response by Yarra City Council



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

Attachment 6 - PLN16/0153 - 114 Nicholson Street Fitzroy - Engineering comments

CITY OF YaRRA

MEMO

To:	**Lara Fiscalini**	
From:	**Artemis Bacani**	
Date:	**26 September 2016**	
Subject:	**Application No:**	**PLN16/0153**
	Description:	**Extension to the Existing Backpackers**
	Site Address:	**114 Nicholson Street, Fitzroy**

I refer to the above Planning Application received on 25 August 2016 and the accompanying Traffic and Transport Assessment report prepared by Cardno in relation to the proposed development at 114 Nicholson Street, Fitzroy. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION
Proposed Development

- The proposal would comprise the expansion of an existing backpacker hostel, with the provision of 132 additional beds. The proposal will also involve the removal of 30 beds from the 130 existing beds within the accommodation.
- The number of employees at the site is expected to remain at five, i.e. two receptionists and three cleaners. The existing parking conditions will be retained with no additional on-site car parking to be provided. The site is located on the east side of Nicholson Street, between Hanover Street and King William Street.
- Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, no car parking rate is specified for the proposed use and as such, the car parking provision of the development would need to satisfy the Responsible Authority.

Car Parking Demand Assessment

To reduce the number of parking spaces required for the proposed development, the Car Parking Demand Assessment must assess the following:

- *Parking Demand Associated with the Hostel/Short-Term Accommodation*
  For parking generation of this type of facility, guidance is sought from the City of Brisbane's *Transport, access, parking and servicing planning scheme policy* (SC6.31). The Planning Scheme specifies a minimum parking generation rate of 1.0 space per 100 square metres of Gross Floor Area plus 1.0 space for a minibus. In this instance, the total new build area of the subject site has a GFA of 614 square metres which would generate six spaces for guests plus one space for a minibus.

  In addition, Cardno has used travel mode surveys undertaken by Traffix Group for similar venues in Melbourne and St. Kilda to obtain the parking demand rate for dormitory type accommodation. Cardno has adopted a parking demand rate of 0.03 spaces per guest. To obtain the staff parking demand rate, Traffix Group carried out Interview surveys at the venue in Melbourne. A parking demand rate of 0.1 spaces per employee was adopted. Applying these rates for the hostel would generate a parking demand of six spaces for the guest parking and one space for the staff parking.

Attachment 6 - PLN16/0153 - 114 Nicholson Street Fitzroy - Engineering comments

The parking demand obtained from the Brisbane Council Panning Scheme and the Traffic Group surveys have generated the same number of guest car parking for the site. The site is likely to generate a similar parking demand during its operation.

- *Availability of Public Transport in the Locality of the Land*.
  Tram services operate along Nicholson Street, Gertrude Street, Brunswick Street, and Victoria Parade. Bus services are within walking distance of the site along Johnston Street and Victoria Parade. Train services are located several hundred metres south of the site from Parliament railway stations.

- *The Likelihood of Multi-Purpose Trips within the Area.*
  The hostel is positioned near the Brunswick Street Activity Centre and Melbourne's Central Business District. Guests staying at the hostel can easily commute by foot or by public transport to access other venues, restaurants, businesses, and other amenities/facilities.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking in the Area*.

  Cardno carried out parking occupancy surveys on Friday 24 October 2014 and Saturday 25 October 2014 between 6pm and midnight.

  The survey area included Nicholson Street (Gertrude Street to Faraday Street), Carlton Street (Canning Street to Nicholson Street), Moor Street (Fitzroy Street to Nicholson Street), King William Street and Hanover Street (Nicholson Street to Brunswick Street), Palmer Street (Nicholson Street to Fitzroy Street), and Fitzroy Street (Palmer Street to Moor Street).

  An inventory of 93 to 143 spaces was identified. The days and times chosen for the surveys are considered appropriate for the development.

  The survey results indicate the parking occupancy recorded ranges from 53 % to 90 %. The peak parking occupancy was observed at 9pm on Saturday with 90 % of parking spaces occupied or 10 spaces vacant.

  The parking shortfall associated with the site could be accommodated in the vacant parking spaces within the surrounding streets.

- *Convenience to Pedestrian and Cycling Access to the Site.*
  The site has very good connectivity to the on-road bicycle paths along Rathdowne Street, Queensberry Street, and Napier Street, as well as the off-street bicycle path around Carlton Gardens/Royal Exhibition Building precinct.

- *Access to or Provision of Alternative Transport Modes*.

  The site has very good access to public transport and the bicycle network. Guests can utilise the Carshare vehicles that are available within close proximity to the site, as well as the bike share system which is operated by the City of Melbourne. A bike share station is located within the Carlton Gardens precinct, near the Melbourne Museum and IMAX complex, and can easily be accessed by foot.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of parking is considered appropriate in the context of the development and the surrounding area. The area's coverage of short-stay parking, high pedestrian service, and the site's proximity to public transport, shops, businesses, and other amenities/facilities would all be contributing factors in reducing the car parking demand for the site.

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

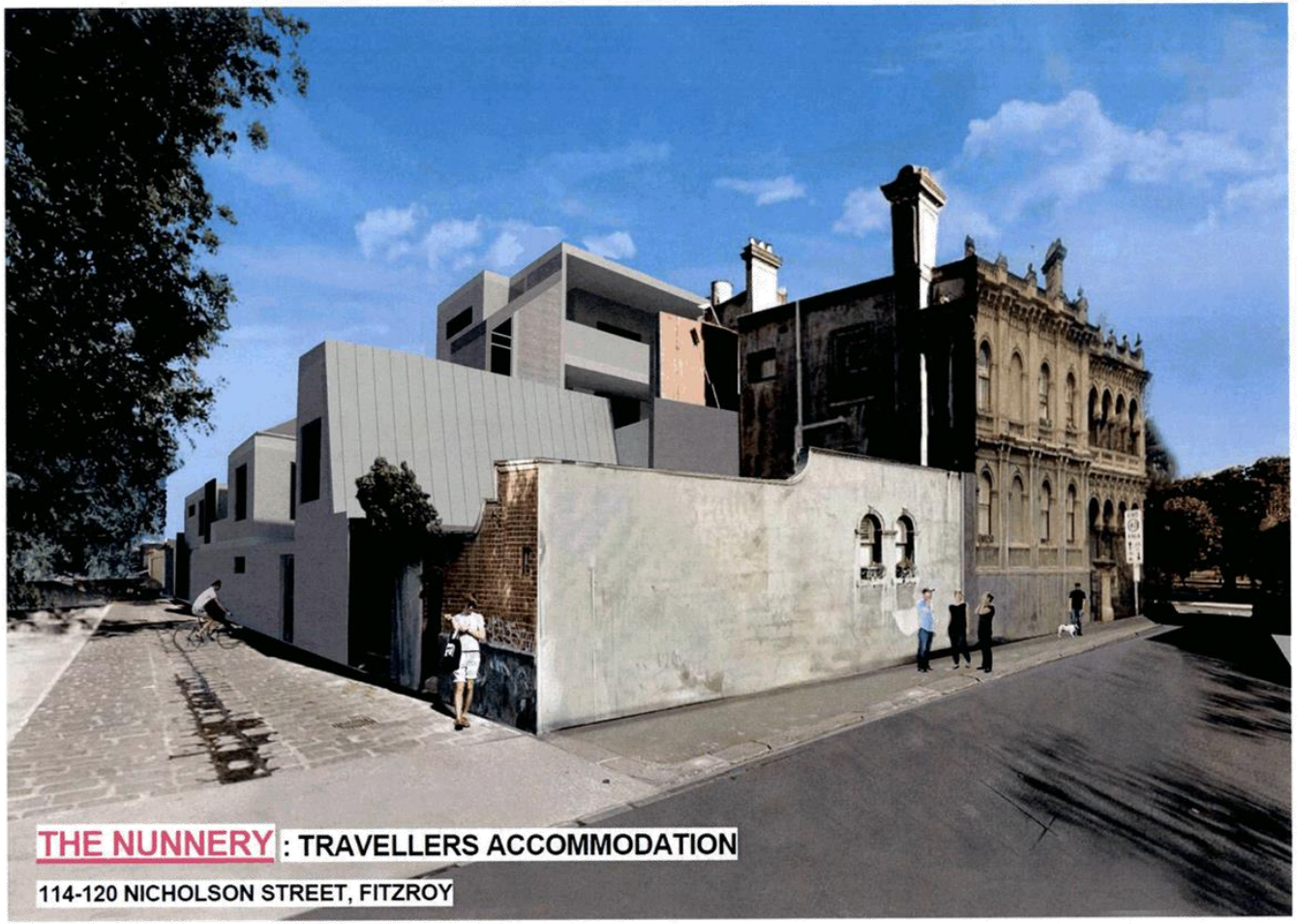
Attachment 6 - PLN16/0153 - 114 Nicholson Street Fitzroy - Engineering comments

Capital Works Programme
A check of the Capital Works Programme for 2016/17 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 7 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 1



THE NUNNERY : TRAVELLERS ACCOMMODATION

114-120 NICHOLSON STREET, FITZROY

DRAWING LIST

TP00 - COVER PAGE
HA - HERITAGE ANALYSIS
SA - SITE ANALYSIS
SA2 - SITE ANALYSIS (LOCAL_CONTEXT)
SA3 - SITE ANALYSIS (SITE_CONTEXT)
PR - PRECEDENT/CONCEPT
DR - DESIGN RESPONSE
TP01 - EXISTING GROUND FLOOR
TP02 - SITE DEMOLITION PLAN
TP03 - EXISTING FIRST FLOOR
TP04 - EXISTING SECOND FLOOR
TP05 - GROUND FLOOR
TP06 - FIRST FLOOR
TP07 - SECOND FLOOR
TP08 - THIRD FLOOR
TP09 - ROOF PLAN
TP10 - FRONT ELEVATION
TP11 - ELEVATIONS
TP12 - ELEVATIONS
TP11 - SECTION
SH02 - EXISTING AND PROPOSED SHADOWS

PROPOSED NEW DORM NUMBERS

GROUND -	1X8 BED DORM	=8 BEDS
	2X10 BED DORM	=20 BEDS
	2X6 BED DORM	=12 BEDS
	1X12 BED DORM	=12 BEDS
	1X4 BED DORM	=4 BEDS
	TOTAL	=56 BEDS
LEVEL 1 -	2X8 BED DORM	=16 BEDS
	3X10 BED DORM	=30 BEDS
	2X6 BED DORM	=12 BEDS
	1X4 BED DORM	=4 BEDS
	TOTAL	=62 BEDS
LEVEL 2 -	1X10 BED DORM	=10 BEDS
	TOTAL	=10 BEDS
LEVEL 3 -	1X10 BED DORM	=10 BEDS
	TOTAL	=10 BEDS

TOTAL NEW NUMBER OF BEDS = 138 Beds

EXISITNG BUILDINGS - 130 BEDS

DEMOLISHED/ REMOVED - 30 BEDS

EXISTING BEDS REMAINING - 100

TOTAL NUMBER OF NEW & EX BEDS - 238

INCREASED BED NUMBER - 138

NEW TOTAL INTERIOR ROOM AREAS (INCL. DORMS/BATHROOMS/KITCHEN/DINING/LOUNGE)

GROUND -	278m2
LEVEL 1 -	230m2
LEVEL 2 -	39m2
LEVEL 3 -	39m2

TOTAL NEW BUILD AREA - 614 m2

NEW TOTAL BUILDING AREAS (INCL. WALKWAYS)

GROUND -	386m2
LEVEL 1 -	354m2
LEVEL 2 -	84m2
LEVEL 3 -	84m2

TOTAL NEW BUILD AREA - 908 m2

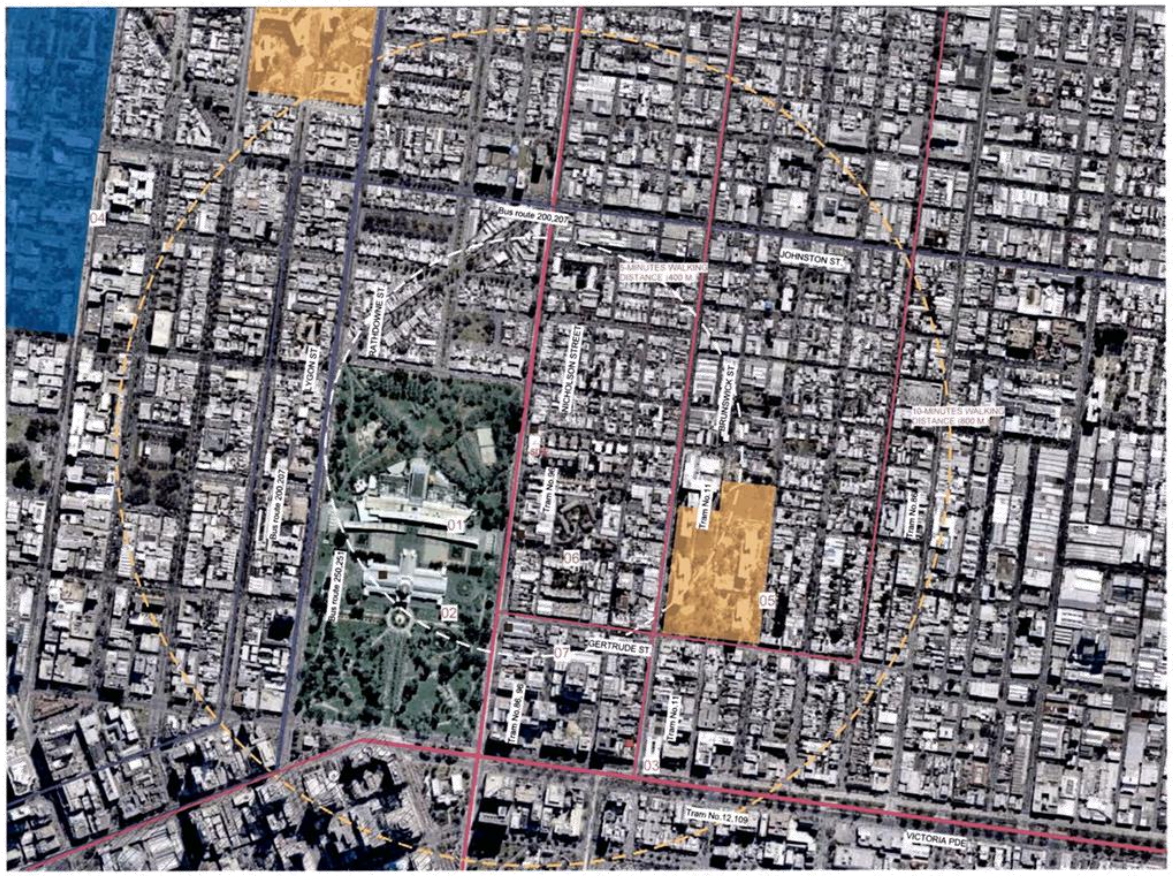
COVER
TP-00
THE NUNNERY
TRAVELLERS ACCOMMODATION
114-120 NICHOLSON ST, FITZROY

Finnis Architects

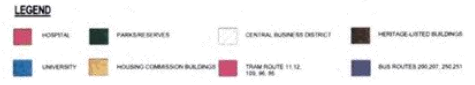
Attachment 7 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 1



Attachment 7 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 1



AERIAL LOCAL MAP







SIGNIFICANT FEATURES IN THE PROXIMITY

SITE ANALYSIS_LOCAL CONTEXT
SA2
THE NUNNERY
TRAVELLERS ACCOMMODATION
114-120 NICHOLSON ST. FITZROY
As Indicated

Finnis Architects

Attachment 7 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 1





4 NO.106-114 NICHOLSON STREET / CORNER OF HANOVER STREET.



7 VIEW ALONG BACH LANE LOOKING SOUTH.



5 VIEW ALONG NICHOLSON ST. OVERLOOKING CARLTON GARDEN IN THE NORTH.



8 VIEW OF THE BACH LN. LOOKING AT THE REAR ACCESS OF NO.114 NICHOLSON ST.



6 VIEW LOOKING NORTH ALONG BACH LANE FROM HANOVER STREET



9 VIEW OF THE BACH LN. AND THE REAR OF NO.122 NICHOLSON ST. LOOKING FROM KING WILLIAM ST.



1 PERSPECTIVE VIEW LOOKING AT THE CORNER OF KING WILLIAM ST. AND NICHOLSON ST.



2 VIEW LOOKING FROM THE OPPOSITE OF THE SUBJECT SITE.



3 NO.114 NICHOLSON STREET FRONT FACADE.



NORTH

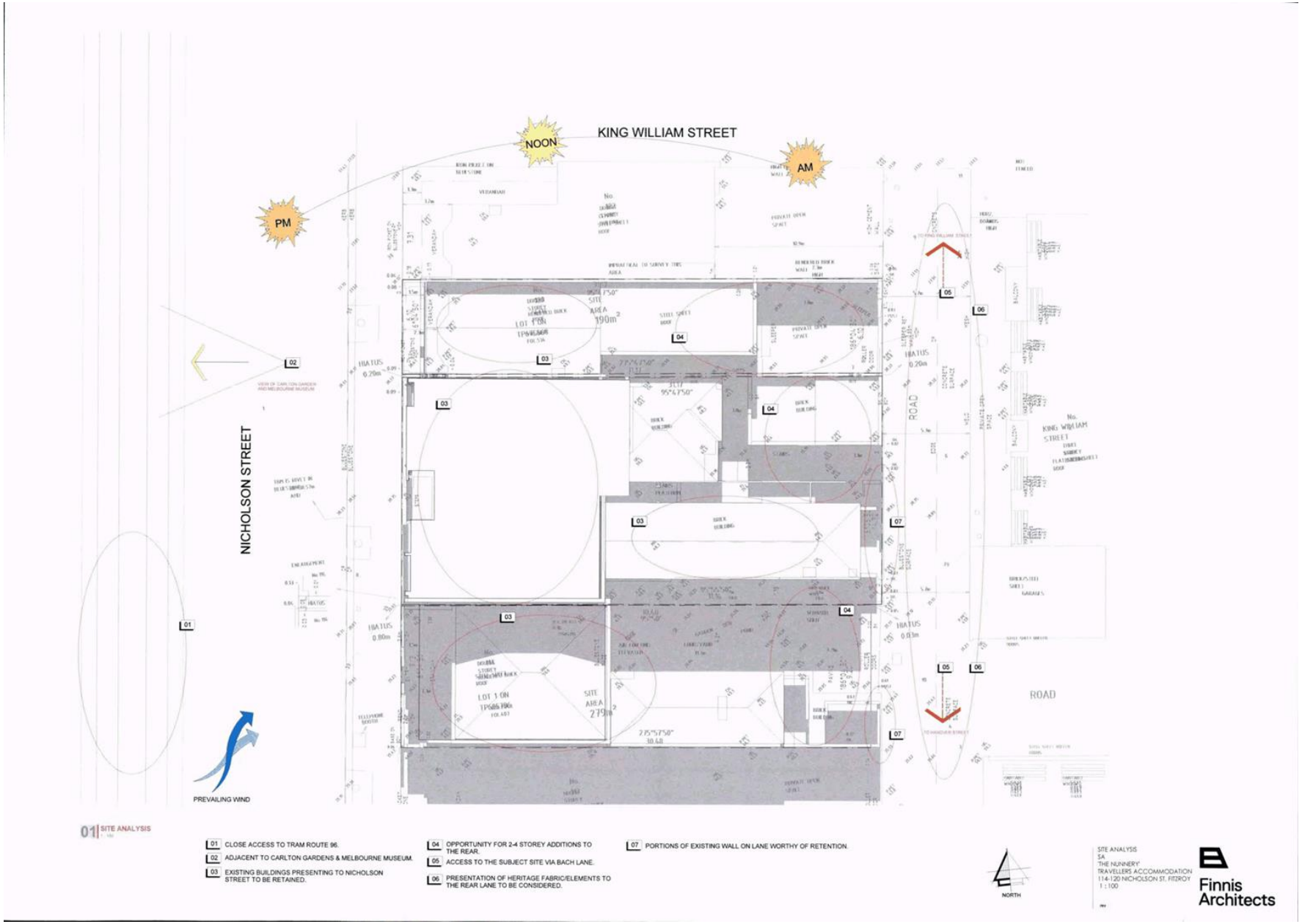
PLANNING ZONE AND OVERLAY

- SUBJECT SITE 114-120 NICHOLSON STREET, FITZROY IS IN **NEIGHBOURHOOD RESIDENTIAL ZONE-SCHEDULE 1 (NRZ1)** OF YARRA PLANNING SCHEME.
- **HERITAGE OVERLAY** (HO) PLANNING OVERLAY
- WORLD HERITAGE ENVIRONS AREA PRECINCT(**HO361**)

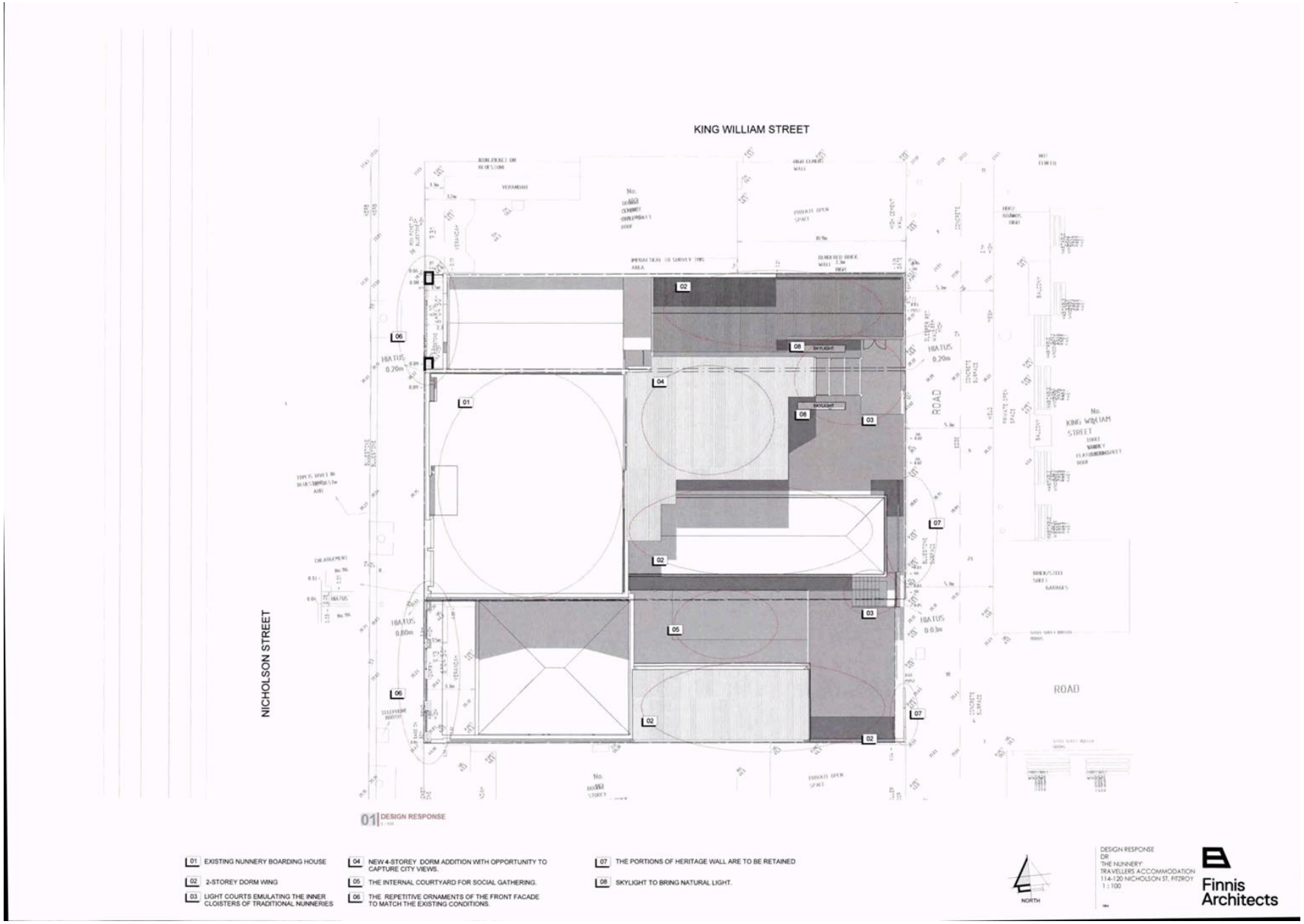
SITE ANALYSIS_SITE CONTEXT
SA3
THE NUNNERY
TRAVELLERS ACCOMMODATION
114-120 NICHOLSON ST. FITZROY
1:1

Finnis Architects

Attachment 7 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 1



Attachment 7 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 1



Attachment 7 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 1



1 INITIAL INTERIOR COURTYARD CONCEPT



2 TYPICAL ELEVATION CONCEPT/STUDY



3 PROPOSED COURTYARD WITH GREEN WALL FEATURES ON

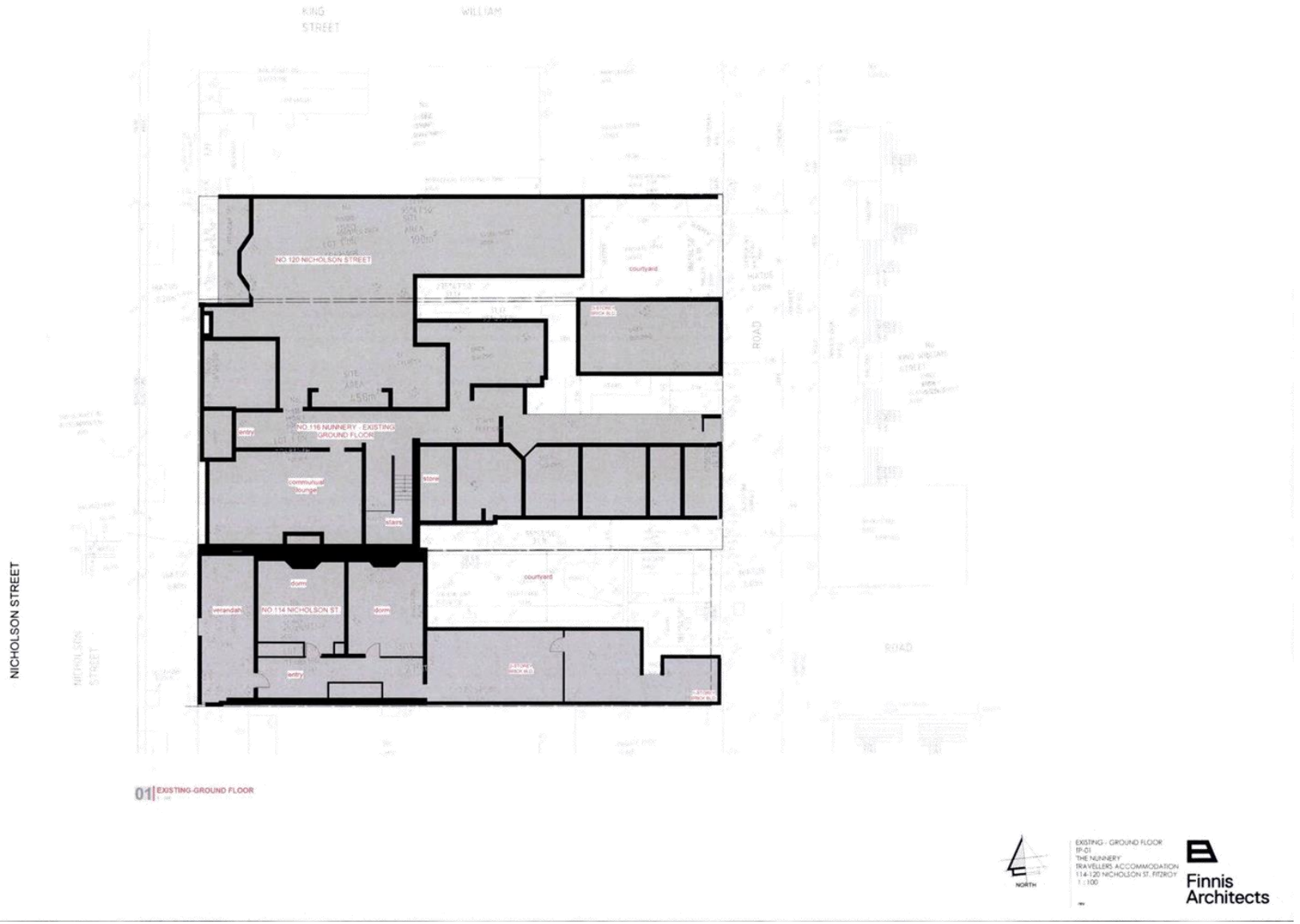


4 PRECEDENTS AND INSPIRATIONS

PRECEDENT/CONCEPT
PR
'THE NUNNERY'
TRAVELLERS ACCOMMODATION
114-120 NICHOLSON ST, FITZROY
1 : 1

Finnis Architects

Attachment 7 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 1



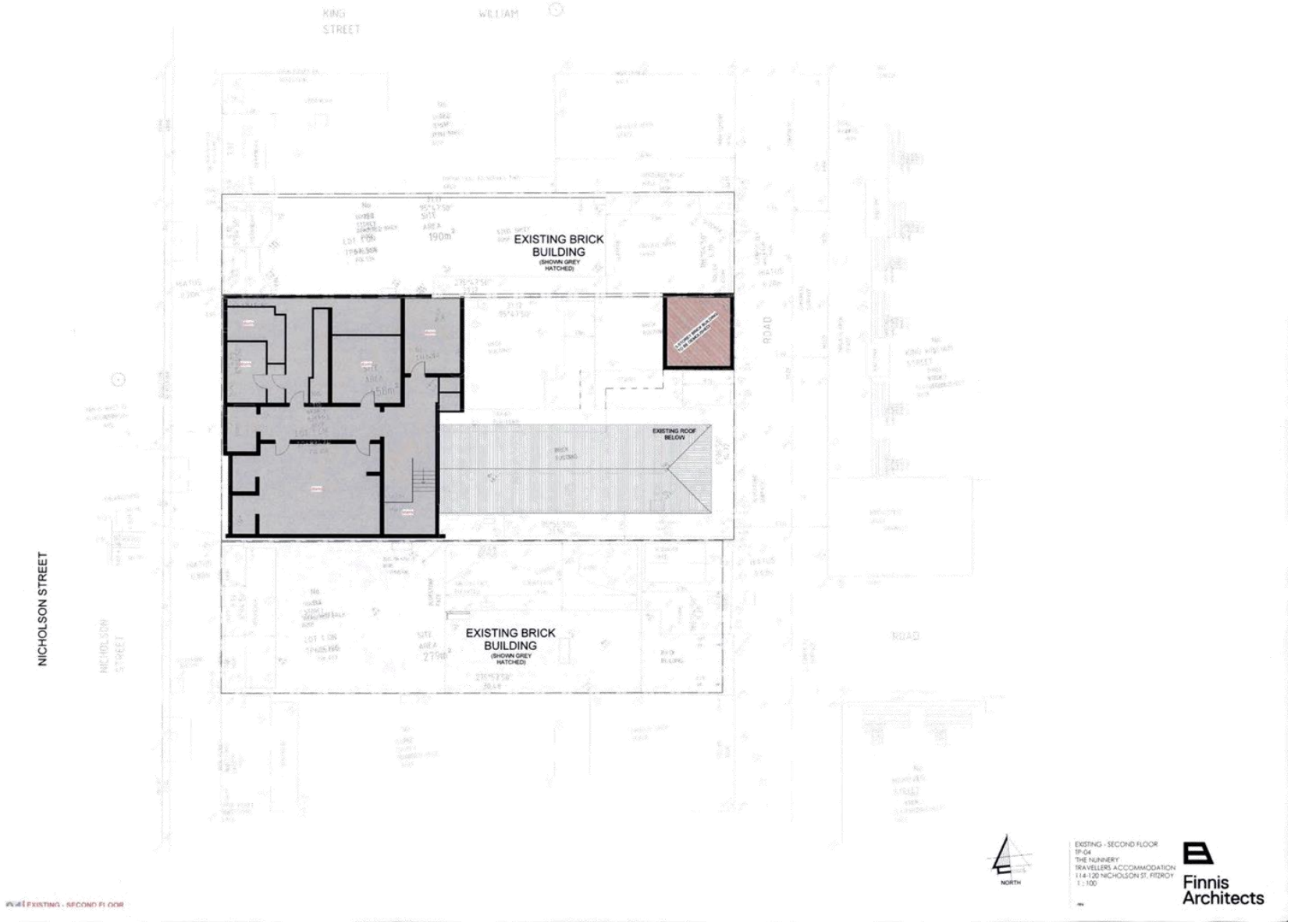
Attachment 8 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 2



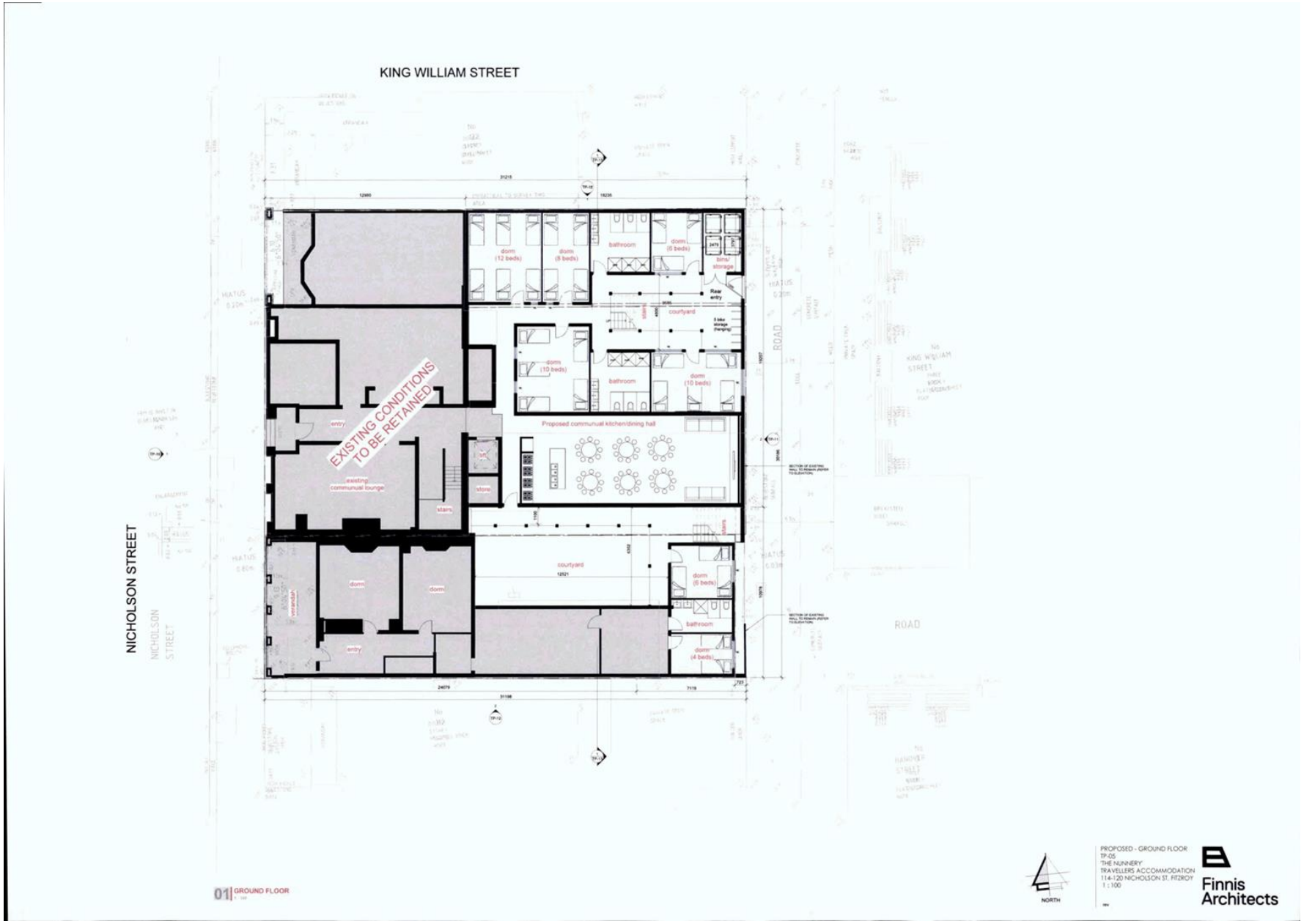
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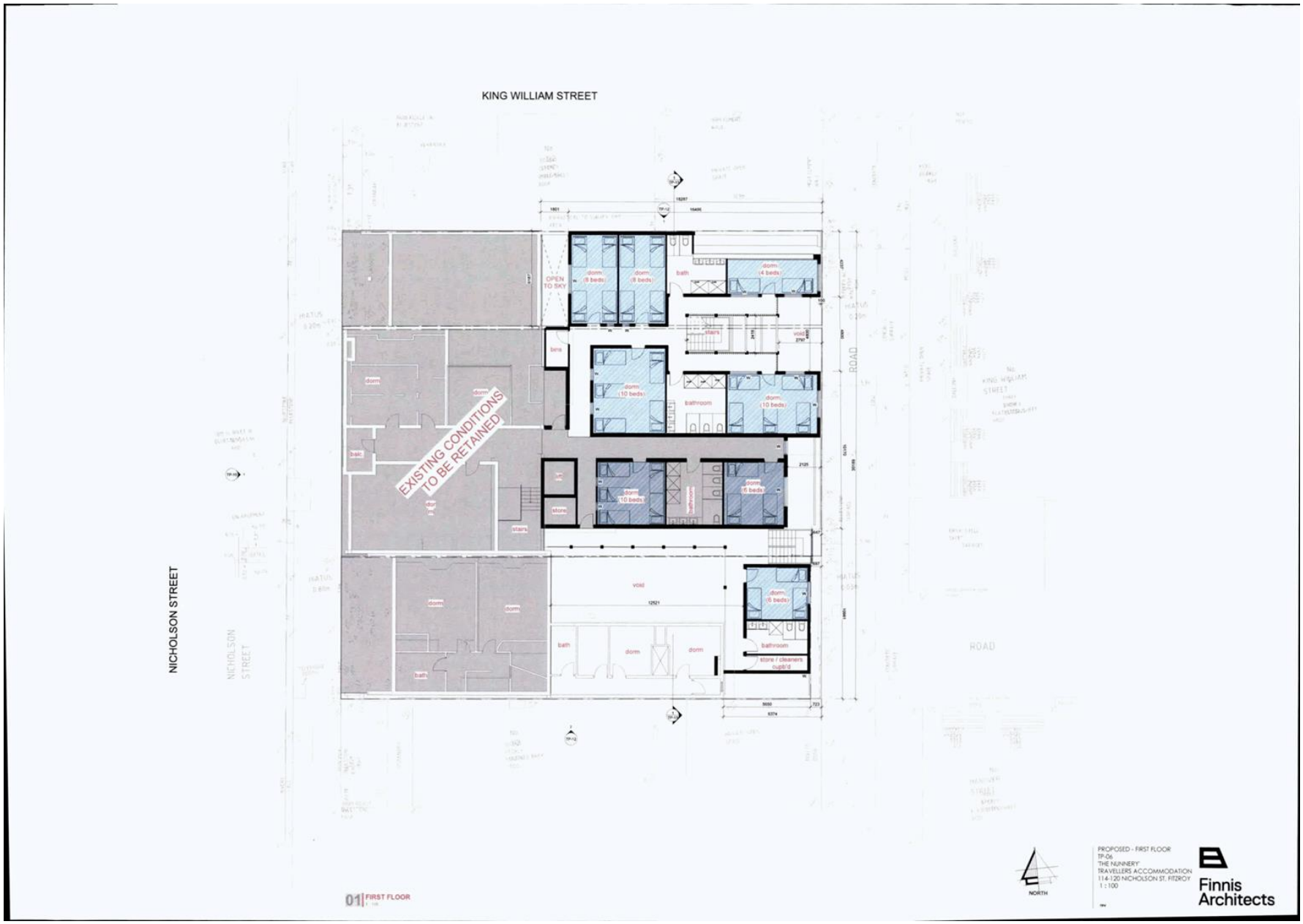
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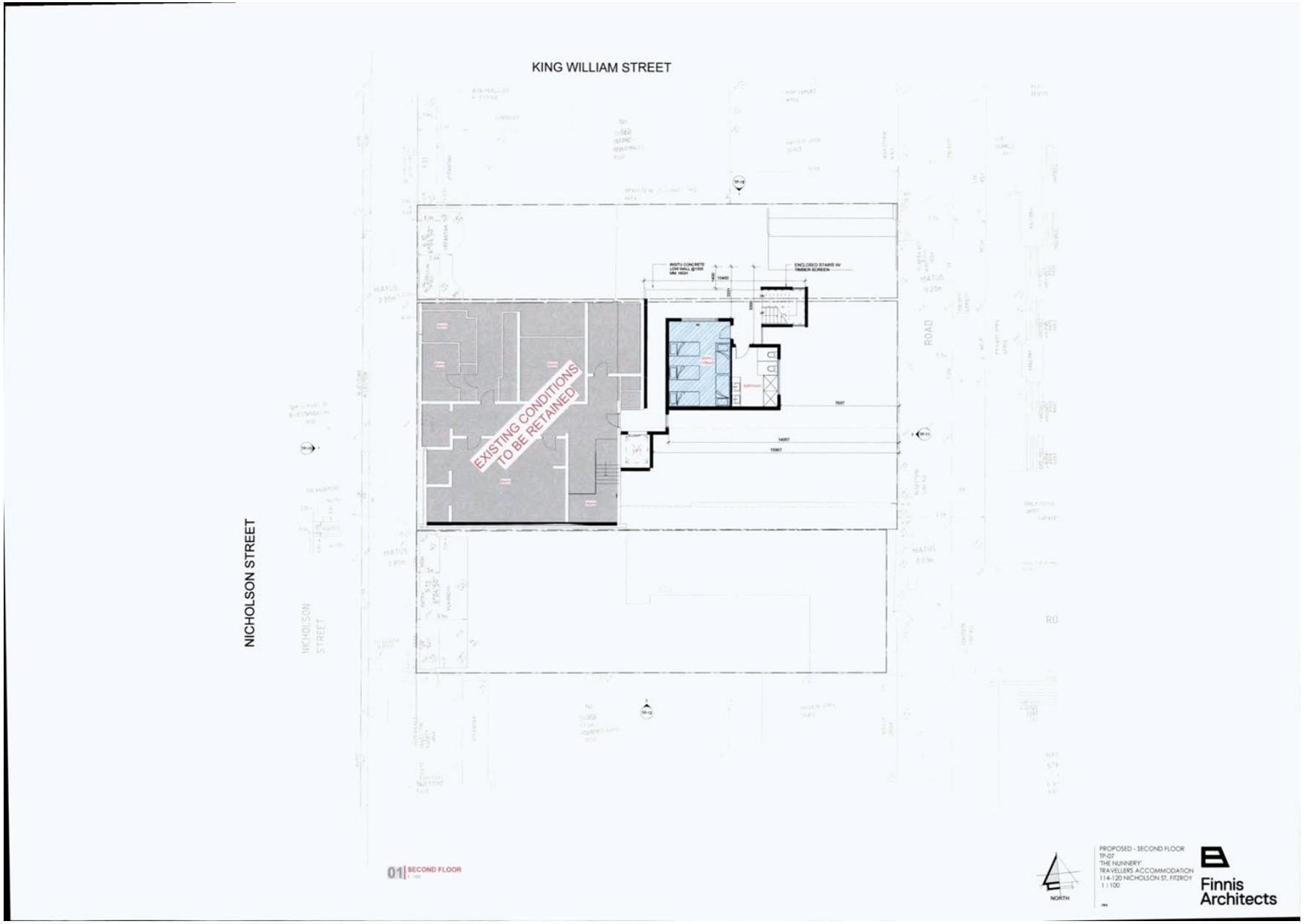
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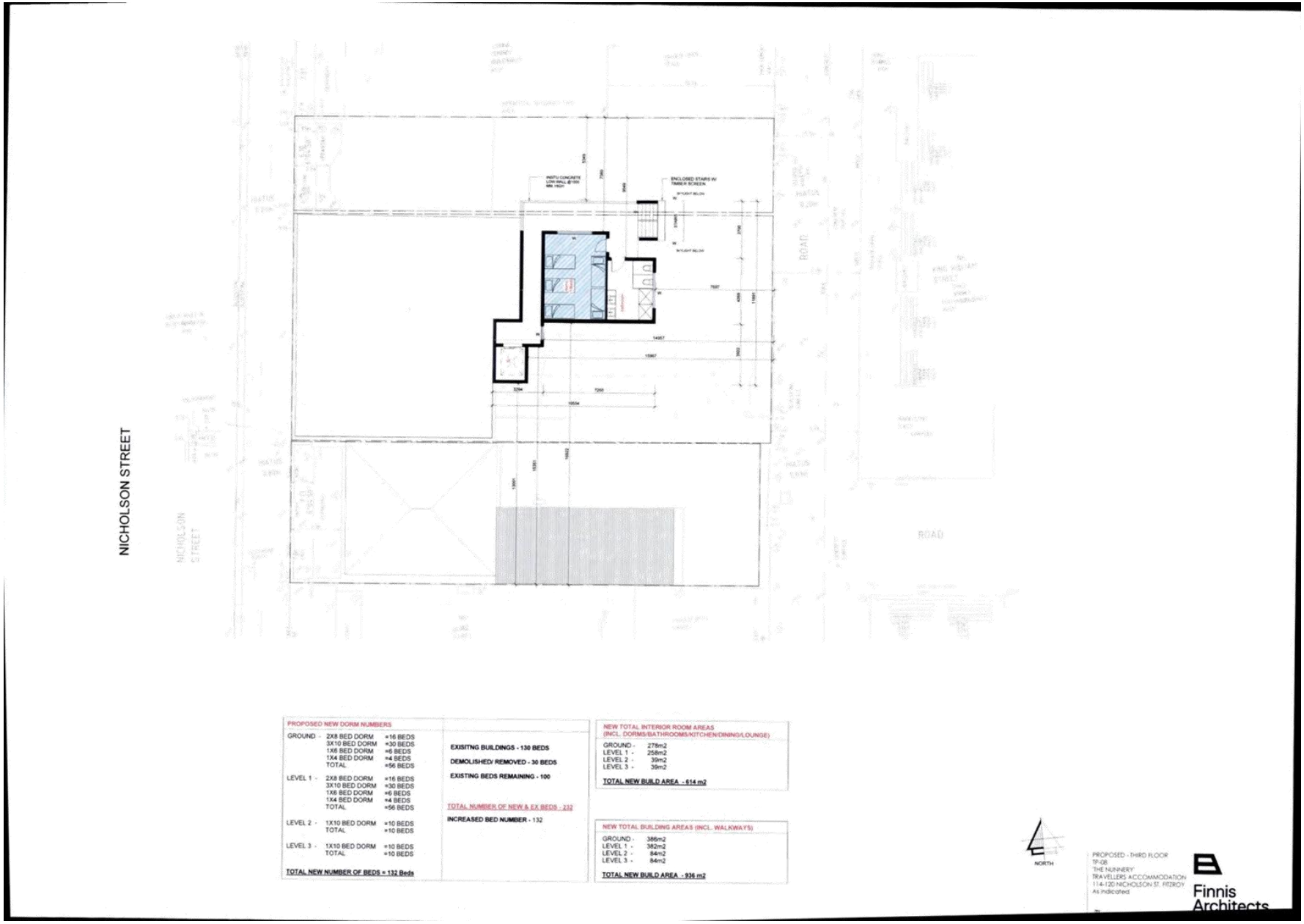
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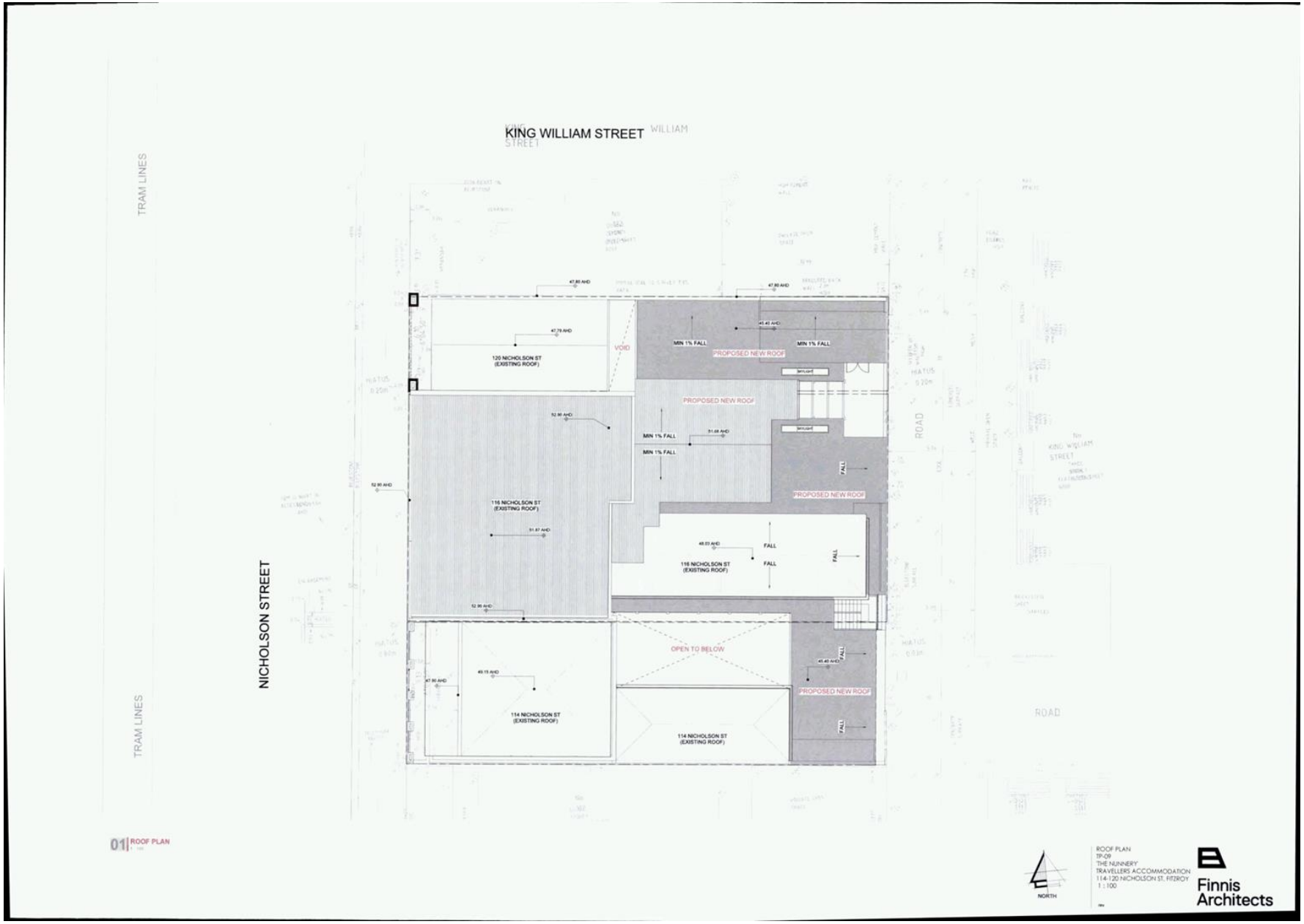
Attachment 8 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 2



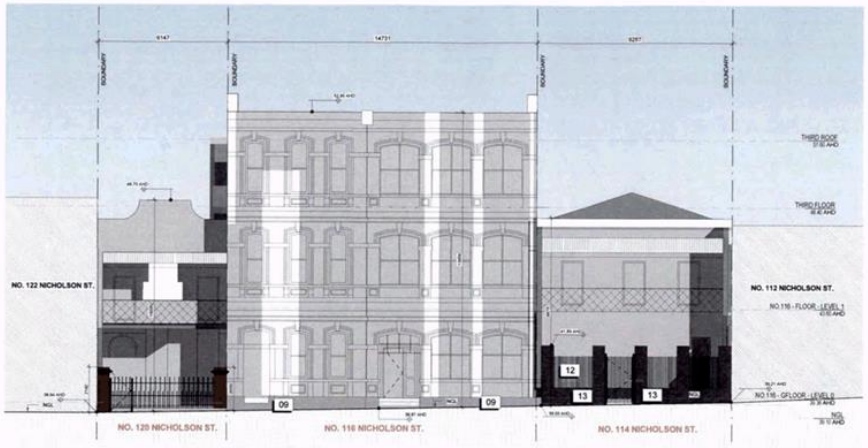
Attachment 8 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 2



Attachment 8 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 2



Attachment 8 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 2



01 PROPOSED NICHOLSON STREET FACADE



MATERIAL LEGEND



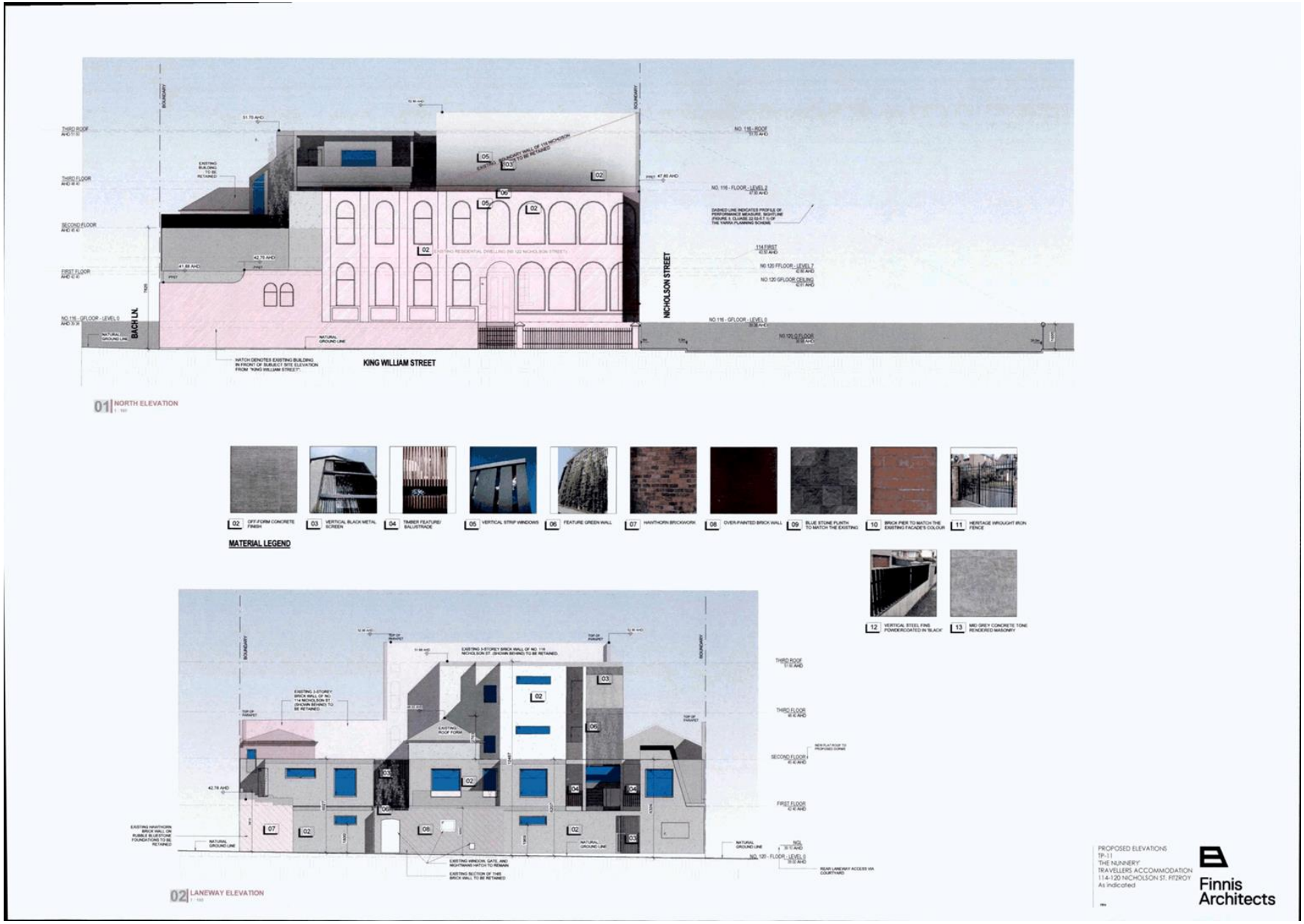


PERSPECTIVE VIEW OF THE PROPOSED FRONT FENCE

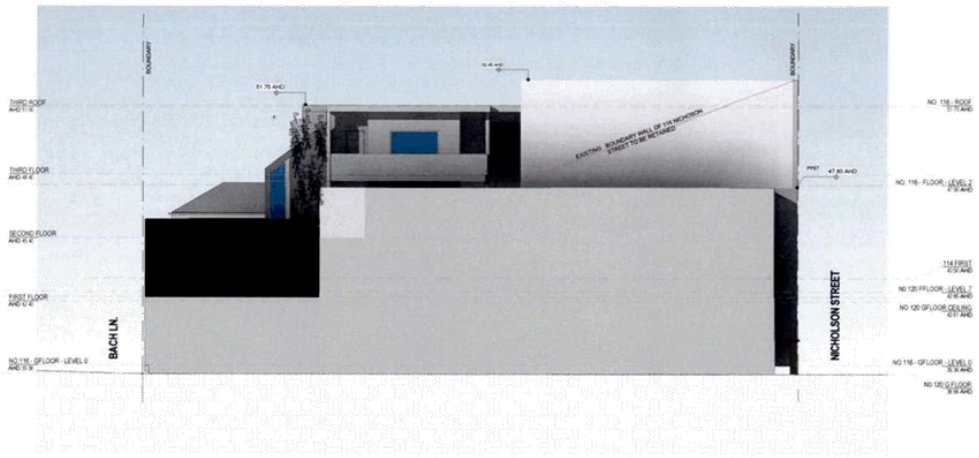
PROPOSED ELEVATION
TP-10
'THE NUNNERY'
TRAVELLERS ACCOMMODATION
114-120 NICHOLSON ST, FITZROY
As indicated

Finnis Architects

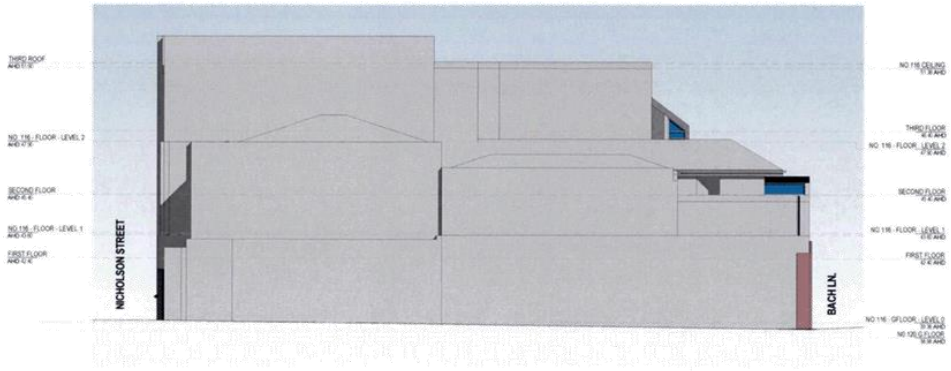
Attachment 8 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 2



Attachment 8 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 2



01 NORTH ELEVATION (with adjoining building omitted)

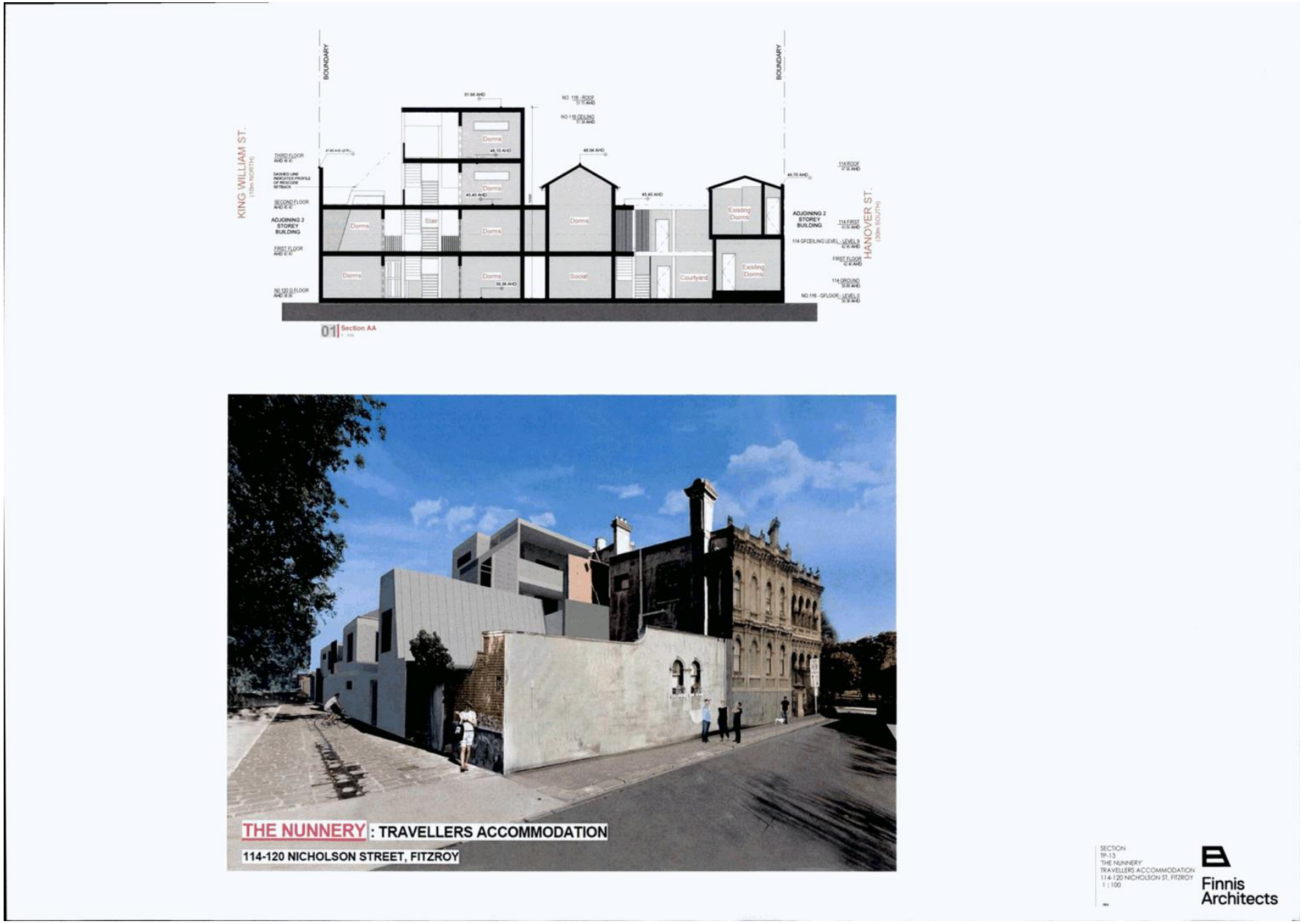


02 SOUTH ELEVATION (with adjoining building omitted)

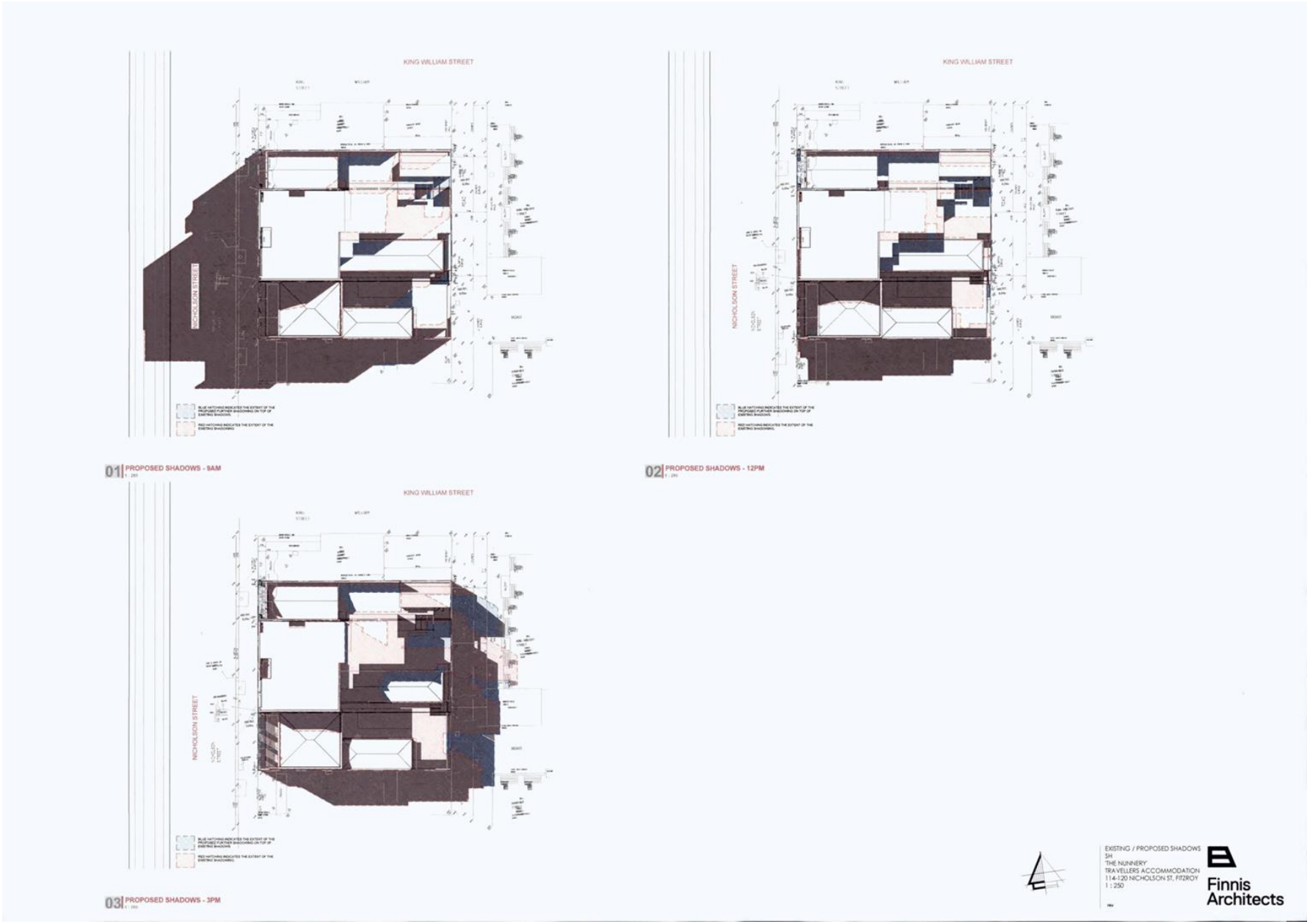
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TP-12
'THE NUNNERY'
TRAVELLERS ACCOMMODATION
114-120 NICHOLSON ST, FITZROY
1 : 100

Finnis Architects

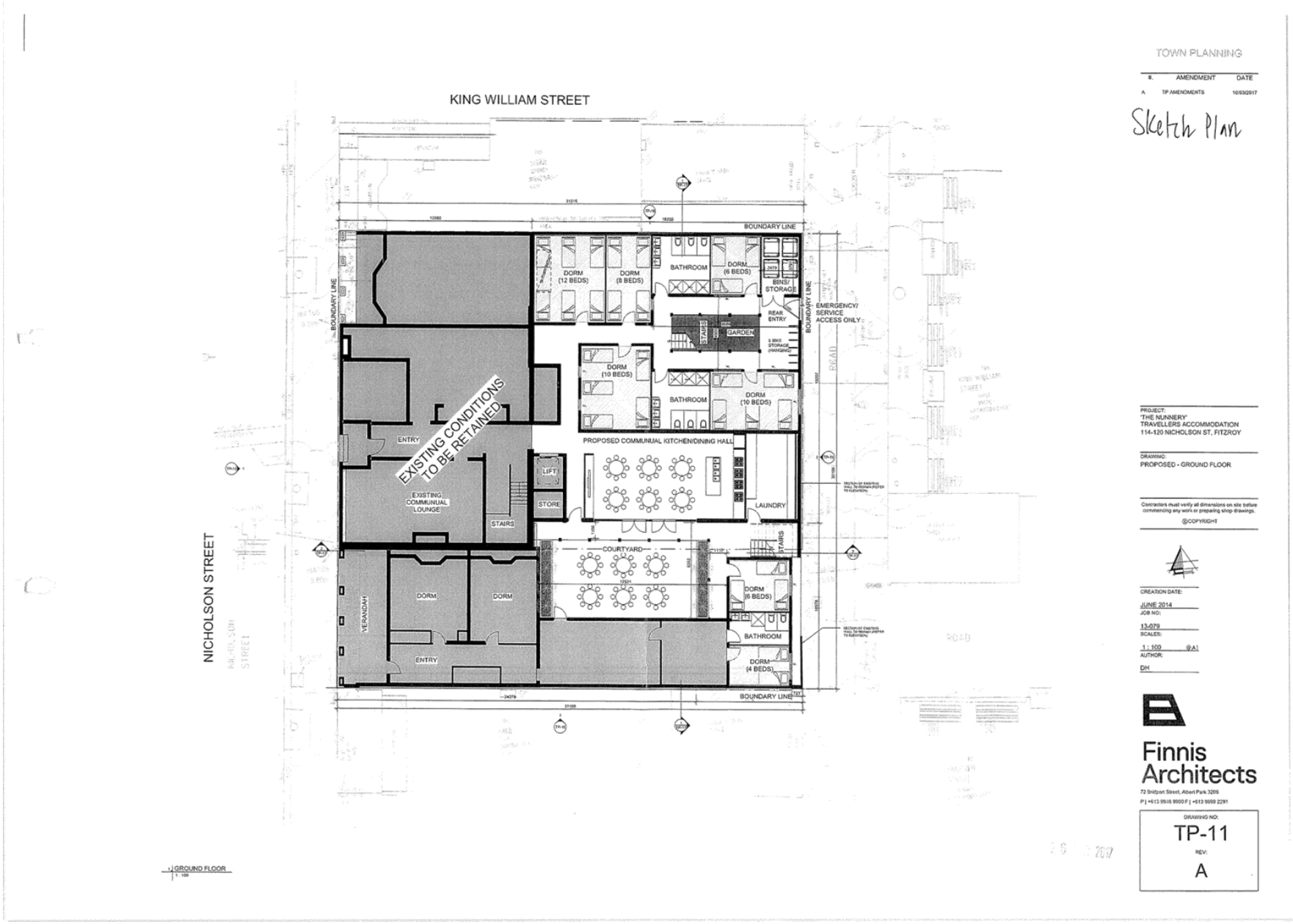
Attachment 8 - PLN16/0153 - 114 - 120 Nicholson Street Fitzroy - Advertising S52 - Plans - Part 2



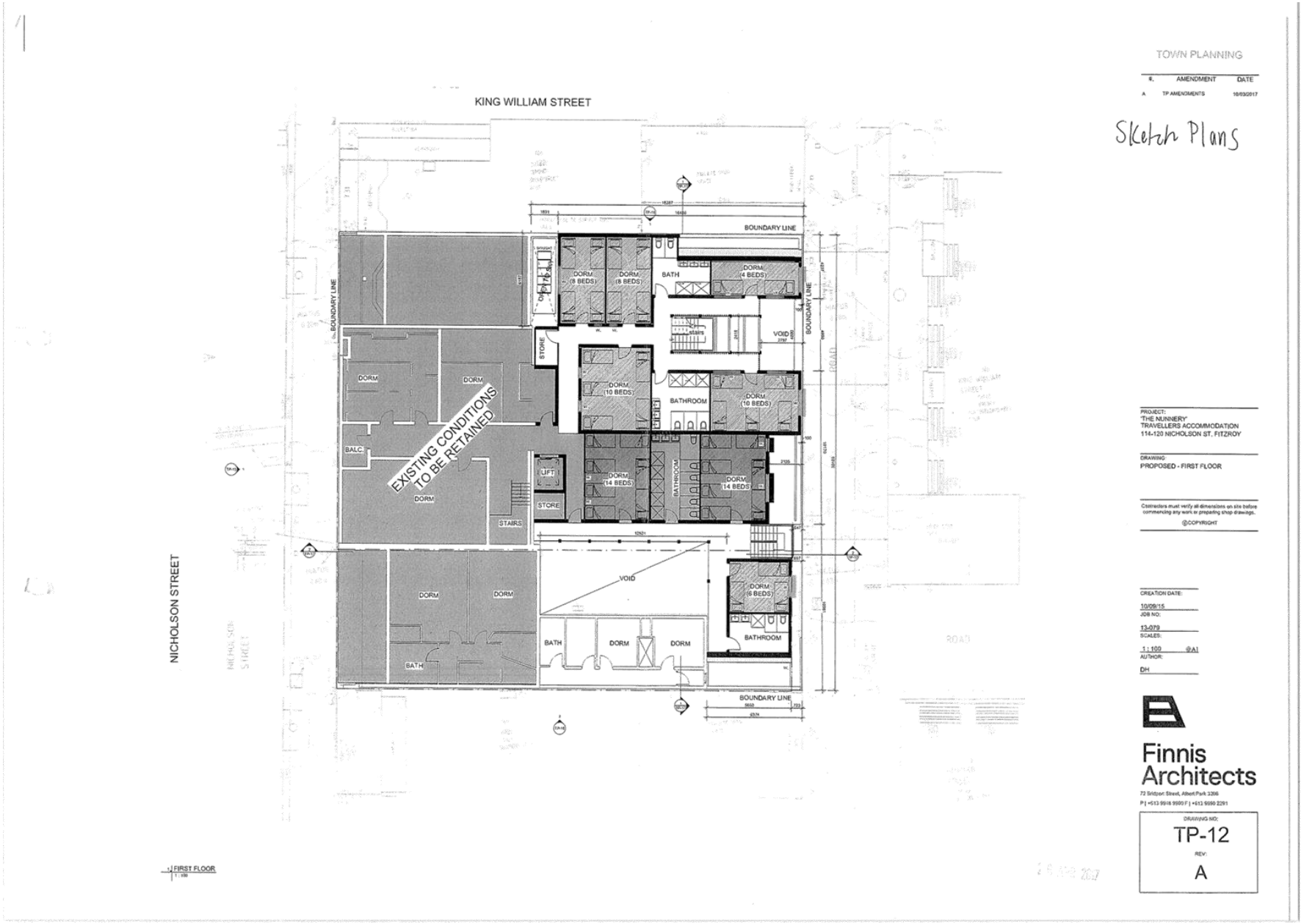
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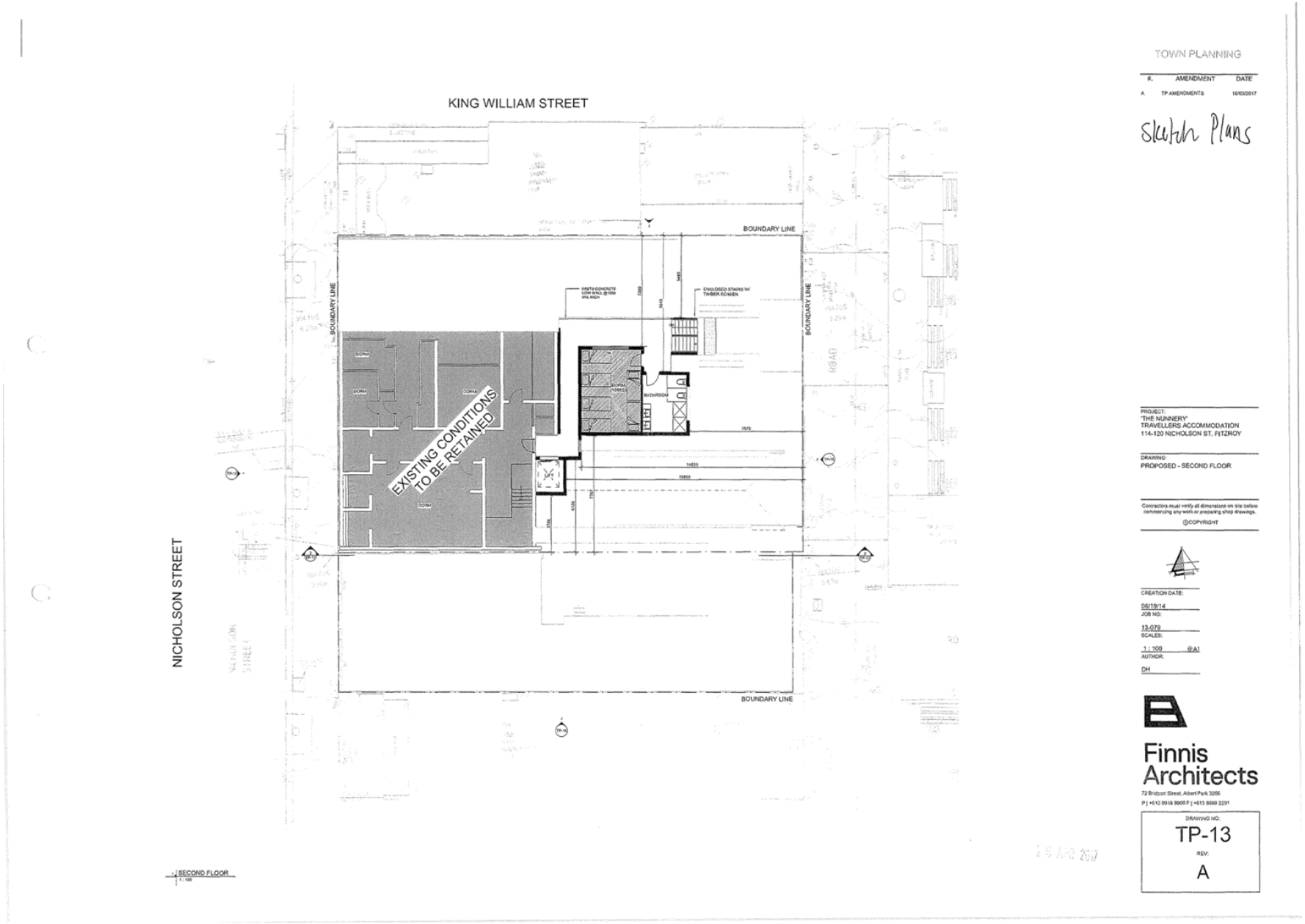
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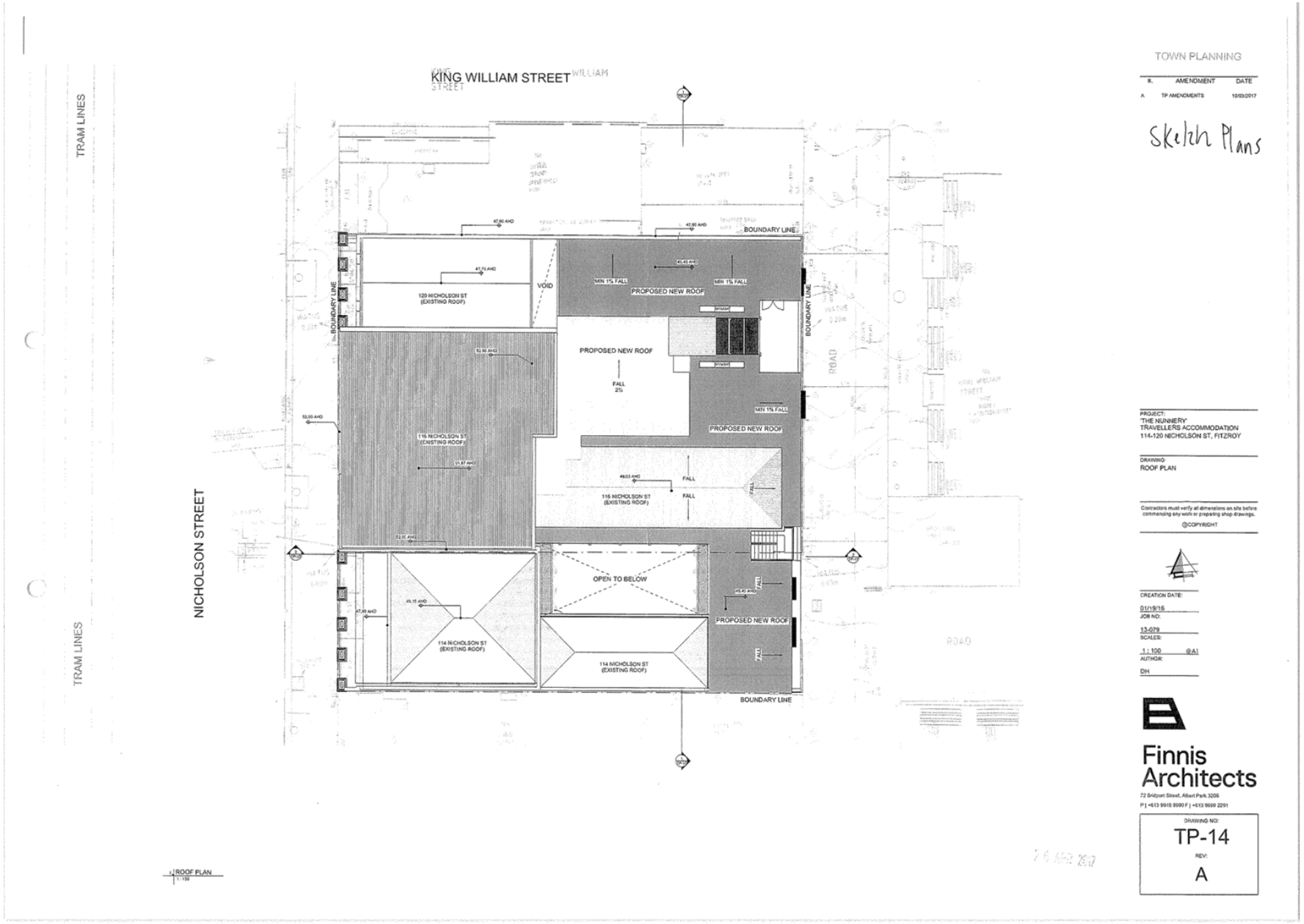
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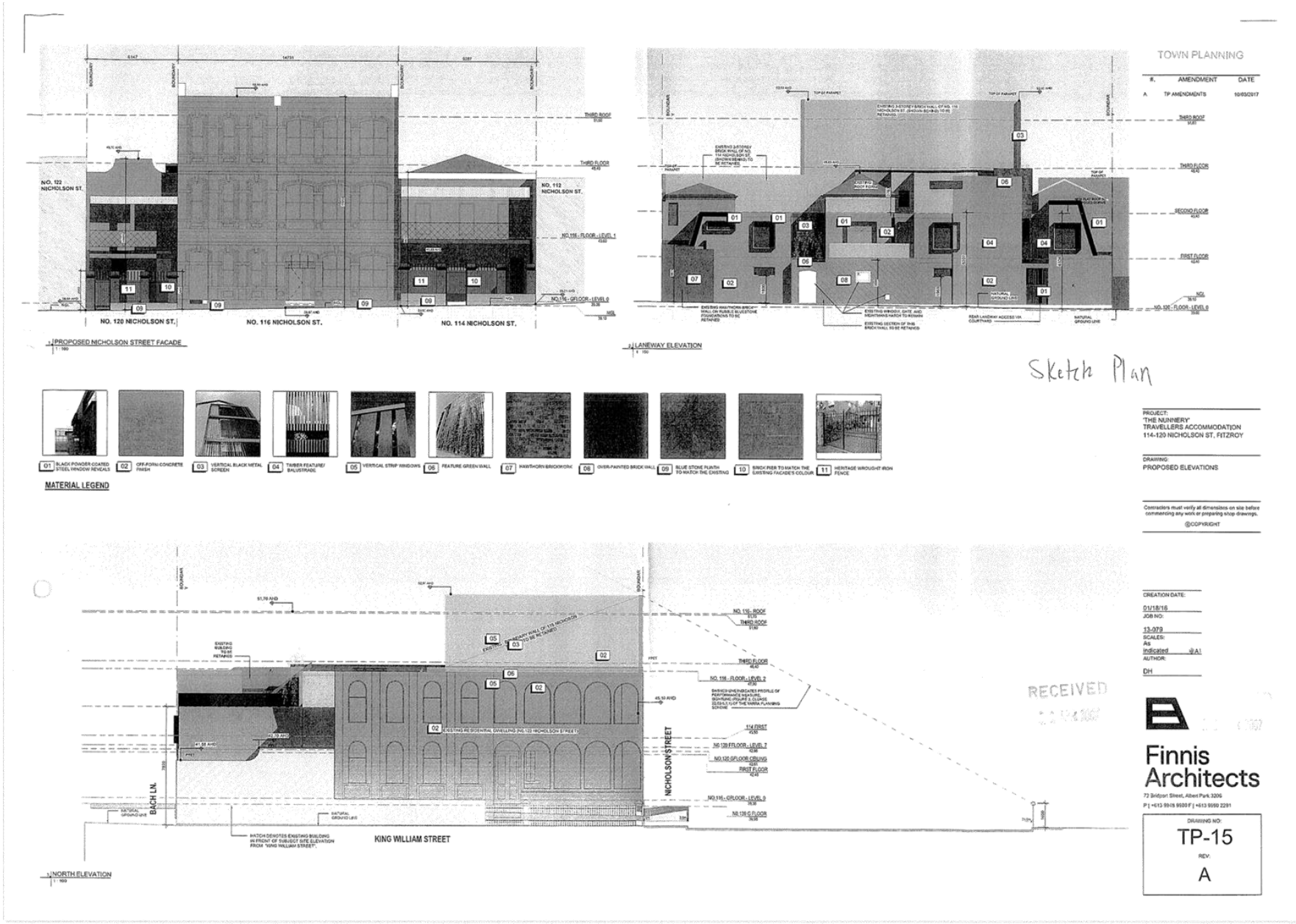
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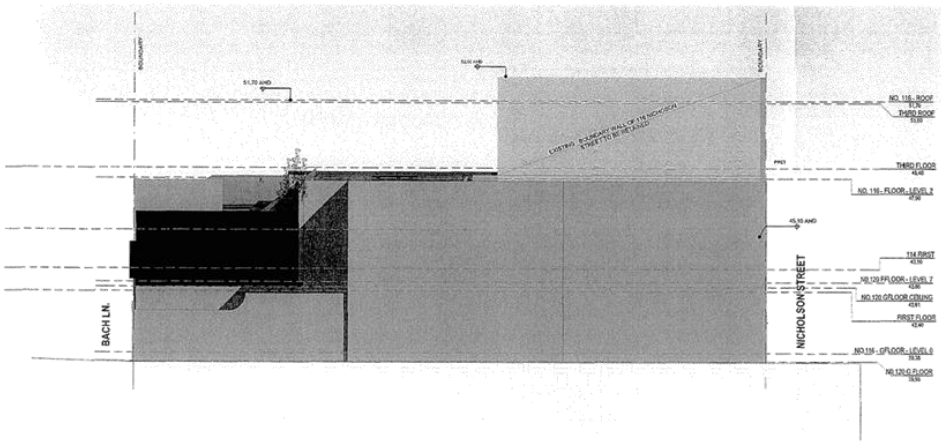
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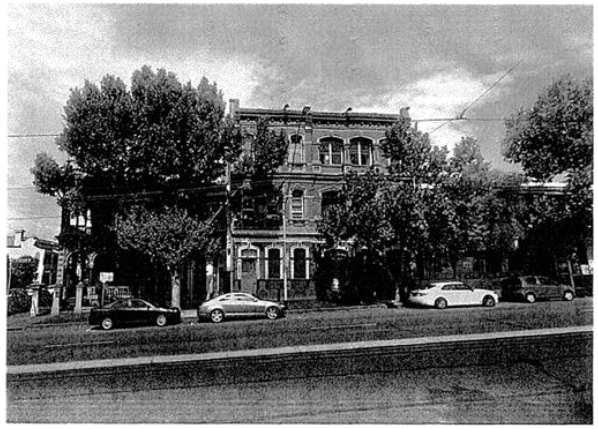
Attachment 9 - PLN16/0153 - 114-120 Nicholson Street, Fitzroy - Sketch plans



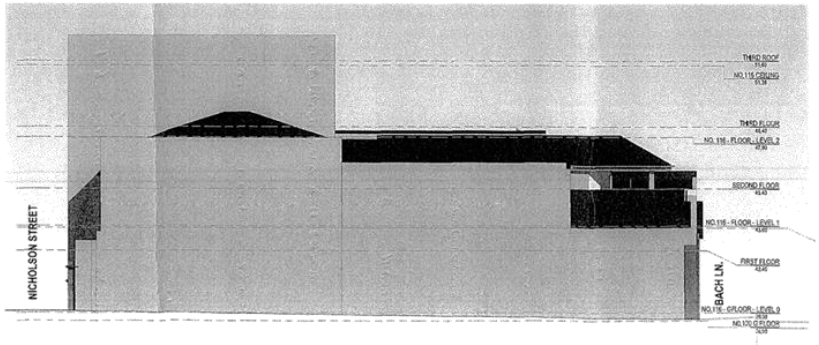
Attachment 9 - PLN16/0153 - 114-120 Nicholson Street, Fitzroy - Sketch plans



1 NORTH ELEVATION (ADJOINING BUILDINGS OMITTED)
1 : 100



PERSPECTIVE VIEW OF THE PROPOSED FRONT FENCE



2 SOUTH ELEVATION (ADJOINING BUILDINGS OMITTED)
1 : 100

TOWN PLANNING

#	AMENDMENT	DATE
A	TP AMENDMENTS	10/03/2017

Sketch Plan

RECEIVED

PROJECT:
'THE NUNNERY'
TRAVELLERS ACCOMMODATION
114-120 NICHOLSON ST, FITZROY

DRAWING:
PROPOSED ELEVATIONS

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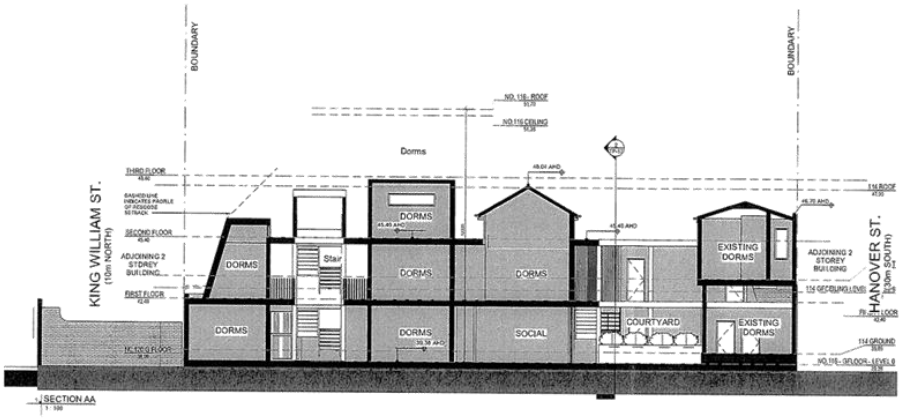
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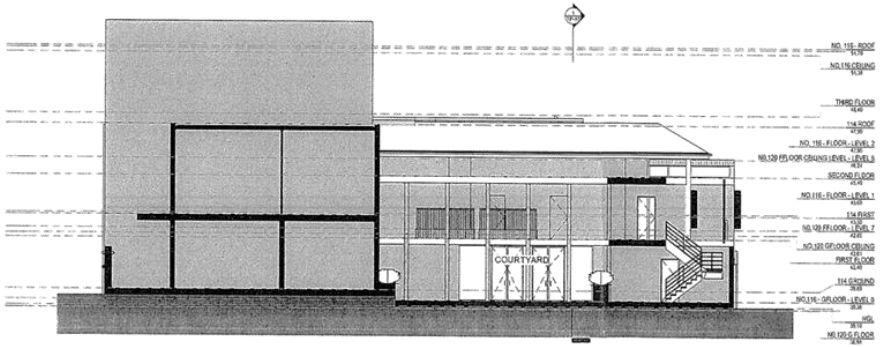
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07/06/16
JOB NO:
13-079
SCALES:
1 : 100 @A1
AUTHOR:
DH

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DRAWING NO:
TP-16
REV:
A

Attachment 9 - PLN16/0153 - 114-120 Nicholson Street, Fitzroy - Sketch plans





TOWN PLANNING

#	AMENDMENT	DATE
A	TP AMENDMENTS	10/03/2017

Sketch Plan

PROJECT:
'THE NUNNERY'
TRAVELLERS ACCOMMODATION
114-120 NICHOLSON ST, FITZROY

DRAWING:
SECTIONS

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10/09/15
JOB NO:
13-079
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AUTHOR:
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DRAWING NO:
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REV:
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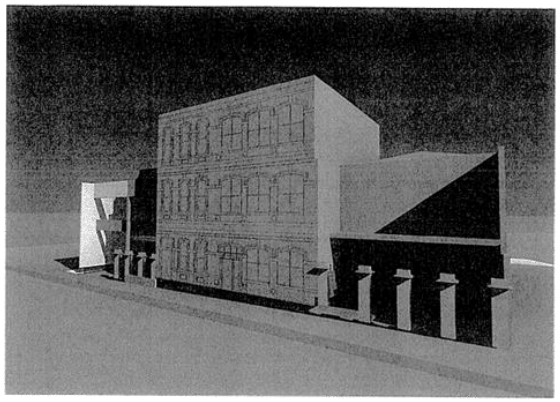
Attachment 9 - PLN16/0153 - 114-120 Nicholson Street, Fitzroy - Sketch plans

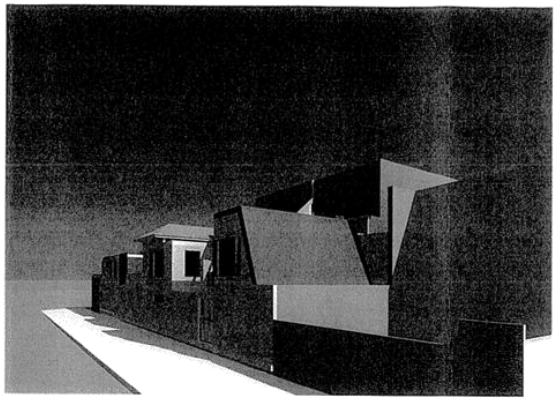


Attachment 9 - PLN16/0153 - 114-120 Nicholson Street, Fitzroy - Sketch plans



Attachment 9 - PLN16/0153 - 114-120 Nicholson Street, Fitzroy - Sketch plans





TOWN PLANNING

#.	AMENDMENT	DATE
A	TP AMENDMENTS	10/03/2017

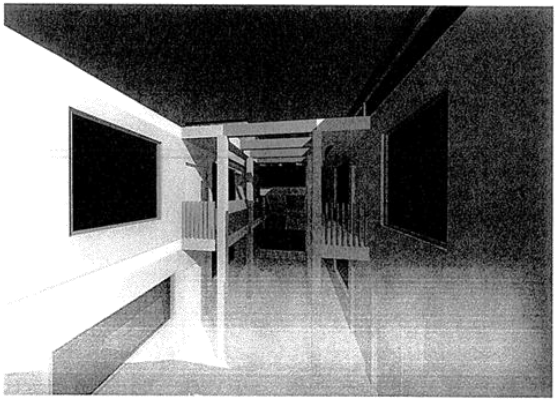
Sketch Plan

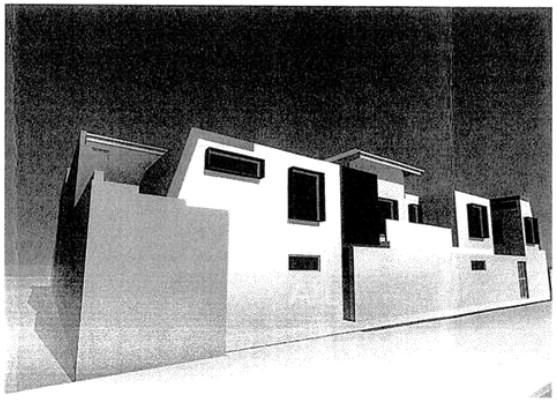
PROJECT:
'THE NUNNERY'
TRAVELLERS ACCOMMODATION
114-120 NICHOLSON ST, FITZROY

DRAWING:
3D VIEWS

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AUTHOR:
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DRAWING NO:
TP-20
REV:
A

Attachment 10 - PLN16/0153 - 114-120 Nicholson Street, Fitzroy - Additional Heritage Advice

CITY OF YARRA **File Note**

Date: 3 July 2017

Property Address: 114-120 Nicholson Street, Fitzroy

Application No: PLN16/0153

Additional Heritage Comments – Dianne McIntosh

COMMENTS:

Additional comments from Council's Heritage Advisor were sought on the following;

- A first-floor bathroom and dormitory will abut a retained section of eastern wall at 120 Nicholson Street, with this wall/chimney and an area of eastern wall to be retained due to a recommended permit condition. The direct abuttal of new built form to this return wall is acceptable from a heritage perspective, with the extent of the existing wall remaining creating an impression that a larger portion of the historic form has been retained.

- With regards to the increased use of brickwork or render, it is recommended that new walls with a direct interface to Bach Lane (those directly abutting the rear boundary) should be treated in this manner.

- With regards to the proposed alteration of window shapes to be more vertical, it is recommended that the four square first-floor windows within the eastern elevation could be broken into two separate vertical shapes through the use of a central mullion. This would create a division within the expanse of glass and better reflect the appearance of heritage windows.

Attachment 11 - PLN16/0153 - 114-120 Nicholson Street, Fitzroy - Sustainable Transport comments

CITY OF YARRA **File Note**

Date: 3 July 2017

Property Address: 114-120 Nicholson Street, Fitzroy

Application No: PLN16/0153

Sustainable Transport Advice – Julian Wearne

COMMENTS:

- The provision of 5 bicycle spaces on the site is acceptable, given the use of the land as a hostel. These spaces are predominantly expected to be used by hostel staff.

- A Green Travel Plan is not considered necessary, based on the following;
    - The hostel use determines that guests will predominantly use sustainable transport measures to access the site, as car ownership will be unlikely.
    - The site is in a very accessible location with regards to public transport and walking.
    - Bicycle share facilities are available within Carlton Gardens, with a proposed scheme to be implemented soon which will increase the availability of short-term bike rentals nearby.

SLR Acoustic Advice
3 July 2017

We were aware that the corridors are mostly external, and were satisfied that noise from the outdoor courtyards would be adequately addressed even though these areas would be accessed outside the times they are required to be closed for noise control.
However, I take your point about noise from patrons moving between rooms, particularly on the upper levels, which will have a line of sight to the apartments opposite. This is not an issue we gave much thought to, and it's an unusual one. There is potential for patrons to congregate on the stairs and to move noisily between spaces (e.g. slammed doors), and this would not be a problem if the corridors were enclosed.

External corridors do occur in some apartment developments, and noise from these is not usually considered. However most corridors would not be accessed often (i.e. only to enter or leave the apartments, not for use of the kitchen or bathroom facilities as will occur here).

There are no regulatory requirements to be met for noise from external corridors, however this does not mean it should not be considered if there is a perceived risk.

MDA have proposed a 6 m high barrier which will assist in the control of this noise to the apartments and to enclosure the upper levels of the stairwell. The barriers will address the issue of noise from the ground and first floor levels of the rooming house to the ground and first floor levels of the apartments. These measures won't do much to control noise from the top two levels of the rooming house to the second, third and top levels of the apartments, or from the first floor of the rooming house to the top level of the apartments.
(I'm not sure that noise from the north facing upper level balconies to the dwelling to the north is an issue, as there does not appear to be a line of sight from the balconies to windows of that dwelling.)
It would be good to see the space between the stairwell and the bathrooms enclosed - ie solid full height walls in the location shown in red below, on the second and third floor. This may already be proposed (it's hard to tell from the drawings).

Further enclosure / screening of the corridors on the first floor could help to control noise from this level to upper levels of the apartment block, however there is also potential for partial screening to be ineffective, due to reflections from the buildings and reverberant build up (which will be greater the more the corridors are enclosed). This would need to be designed fairly carefully to be effective and full enclosure would be a more effective option.

In summary, I think you raise a good point, given that there may be a fair bit of activity in the corridors and that there are overlooking apartments. However it may still be an option to have some clear / strong guidelines for behaviour within the facility, noting the need for this to be monitored carefully by the operators. Unfortunately I don't have enough experience with this sort of noise issue to know how effective a management plan would be in this situation.

Feel free to call to discuss,
Dianne.

1.4 PLN17/0034 - 340 - 344 Victoria Street Richmond - Development of the land for buildings and works to an existing hotel including the construction of acoustic screening, conversion of a portion of the existing first floor to an open deck and to increase the licensed area to accommodate a proposed stairwell.

Executive Summary

Purpose

1. This report provides an assessment of planning application PLN17/0034 at 340 – 344 Victoria Street, Richmond for development of the land for buildings and works to an existing hotel including the construction of acoustic screening, conversion of a portion of the existing first floor to an open deck and to increase the licensed area to accommodate a proposed stairwell, and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:

   (a) Built form (Clauses 15.01, 21.05, 34.01 and 22.10);
   (b) Licensed Premises (Clauses 22.09 and 52.27)
   (c) Amenity impacts (Clause 22.05)
   (d) Existing Use Rights (Clause 63)

Key Issues

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

   (a) Strategic justification;
   (b) Built form and design;
   (c) Amenity impacts associated with the liquor licence; and
   (d) Objector concerns.

Objector Concerns

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

   (a) Amenity impacts (noise, overlooking, visual bulk, patron behaviour);
   (b) Previous operation of the business; and
   (c) Reduced car parking availability in the street.

Conclusion

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

CONTACT OFFICER: **Vicky Grillakis**
TITLE: **Coordinator - Statutory Planning**
TEL: **92055124**

1.4 PLN17/0034 - 340 - 344 Victoria Street Richmond

Trim Record Number: D17/67814
Responsible Officer: Principal Planner

Proposal:	Development of the land for buildings and works to an existing hotel including the construction of acoustic screening, conversion of a portion of the existing first floor to an open deck and to increase the licensed area to accommodate a proposed stairwell.
Existing use:	Hotel (The National Hotel)
Applicant:	Urban Edge Consultants
Zoning / Overlays:	Commercial 1 Zone/Design and Development Overlay (Schedule 2)
Date of Application:	18 January 2017
Application Number:	PLN17/0034

Planning History

1. Planning Permit 66114 was issued on 3 August 1972 for *signage*.
2. Planning Permit 4780 was issued on 26 April 1989 for *alterations to an existing hotel*.
3. Planning Application 3509 for *signage* was refused on 13 August 1986.
4. Planning Permit PL09/0850 was issued on 15 February 2010 for *part demolition, building and works*.
5. Planning Permit PLN11/0643 was issued on 11 October 2011 for *building and works to the existing building*. This application was amended on 7 December 2012 to allow for the addition of lighting on the building façade and a canopy on the northern elevation, as well as the replacement of existing door/windows.

Background

6. The application was lodged on 18 January 2017, and further information subsequently requested in February 2017. The information was received on 27 February 2017and the application was then advertised with nine objections being received. A Consultation Meeting was held on 9 May 2017, where the key issues raised in the objections were discussed with the Permit Applicant, Objectors, Planning Officers and a Ward Councillor present.

7. Whilst this process was occurring, Council sought advice from an Acoustic Consultant, as well as, Council's Community Amenity unit. Their advice is included as an attachment to this report.

8. 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 (dated 9 June 2017) show a reduction in the height of the acoustic screen constructed above the existing southern boundary wall from 5.09m to 3.9m with the screen partially cantilevering over the existing ground floor courtyard to a height of 4.5m above the courtyard floor level and an overall maximum height of 5.09m. The applicant has also submitted an amended Acoustic Report and Noise and Amenity Action Plan (NAAP).

9. The amended application received a discretionary exemption from advertising at Council's internal Development Assessment Panel on 27 June 2017 as the changes were minor and resulted in a decrease of built form along the boundary, were of no detriment to any person and attempted to respond to objectors and Council's concerns.

10. The amended plans were re-referred to Council's Acoustic Consultant.

Other matters

11. It should be noted that there is a rectangular piece of land in the south-western corner of the site, abutting the laneway that is neither part of the subject site, nor is it part of the Right of Way to the south. This rectangular piece of land is clearly shown on the zoning map below. The map to its right shows that this area is already built over and covered by the courtyard area.



12. The applicant has confirmed that there is no certificate of title issued for this portion of land, as the land was never included under the *Transfer of Land Act.* It remains General Law land which is land that was sold by the Crown prior to 1862 and has not yet been brought under the current system of title that operates for land in Victorian (known as the Torrens system). General Law land is based on deeds and no certificate of title exists.

13. The applicant advised that they will seek to formally claim this portion of land through an application process to bring the portion of land under the operation of the *Transfer of Land Act* with an allocation of title by possession. A condition of approval can ensure that no further works occur on the land until such time as this portion of land is part of the subject site.

Existing Conditions

Subject Site

14. The subject site is located on the south-western corner of the intersection of Victoria Street and Lambert Street, Richmond. The site has a street frontage of 19.8m to Victoria Street and 29m to Lambert Street. The southern and western boundaries are slightly irregular in shape, with the site yielding a total area of approximately 572sqm.

15. The site is occupied by a double-storey building, known as 'The National Hotel'. It is noted that the site has operated as a hotel in this location since the early 1900s.

16. The building directly abuts the northern, western and eastern boundaries of the site, with an external (partially covered) courtyard located in the south-western corner.

17. At ground floor, there are the dining areas facing both Victoria and Lambert Streets with the kitchen behind. Toilets, cool rooms and the bin store are along the southern end of the eastern section of the building at ground floor. At first floor, there are offices, storage areas and toilets.

18. The existing hotel operates under an existing General Liquor Licence (No. 31909469) which allows a maximum of 194 patrons internally and 339 patrons externally (total of 533 patrons overall). The trading hours for consumption of liquor, on and off the premises are:

    (a) Sunday – 10am to 11pm
    (b) Good Friday & Anzac Day – 12noon to 11pm
    (c) Any other day – 7am to 1am, on the following day

19. The current redline plan (associated with the liquor licence) shows the ground floor of the subject site (including the courtyard) and the first floor of the building as being within the licensed area.

Surrounding Land

20. The site is located within an area containing a mixture of uses, with commercial premises located along Victoria Street and residential dwellings to the north and south of the retail spine interspersed with pockets of light industrial and warehouses. The site is located within the Victoria Street Activity Centre (AC). In broader terms, this section of the Victoria Street AC, generally consists of shops, restricted retail premises, offices and other commercials uses, interspersed with pockets of residential properties. Further to the west, beyond Church Street Victoria Street is well known across Metropolitan Melbourne for its Vietnamese restaurants. The built form character of the surrounding area is also mixed, ranging from single storey Victorian-era cottages and terrace dwellings through to contemporary multi-unit and commercial developments further to the west.

21. Immediately to the west of the subject site are two, double storey commercial buildings which are built along their side boundaries with setbacks from the rear for car park access. No. 338 Victoria Street was previously used for a shoe showroom, however, recently it was up for lease. No. 336 Victoria Street is used for a signage business 'Arow Signs'.

22. To the east, across Lambert Street is a double storey building fronting Victoria Street (No. 346 Victoria Street) which also has car park access from the rear. This rear area is open to Lambert Street. The building was most recently used by 'TT Poultry' for their meat processing facility. It is currently for lease.

23. To the north, on the opposite side of Victoria Street is a single-storey drive-through bottle shop, with a substantial setback from its southern boundary to Victoria Street. Adjacent to this site, to the west, is a large, double-storey furniture warehouse. To its east is Thompson Street which is zoned as industrial land.

24. To the south of the site is an east-west Right of Way (ROW) accessed from Lambert Street. This ROW doglegs and becomes a north-south ROW at the rear of No. 336 Victoria Street.

25. The land immediately abutting the site's rear southern boundary is zoned General Residential (Schedule 2 – residential areas). A single-storey weatherboard dwelling (No. 2 Lambert Street) is located on the southern side of the ROW, with the dwelling's entire northern wall directly abutting this adjacent laneway. Private open space for this dwelling is located on the western end of the site at the rear of the dwelling. The subject site is not located directly to the north of this private open space.

    This private open space is to the south of Nos. 336-338 Victoria Street. Continuing to the south, Lambert Street is a residential street with predominantly single and double storey dwellings.

26. The site is located 800m to the west of Victoria Gardens Shopping Centre, with the Victoria Street Tram Route directly in front of the site. The Carlton United Brewery (CUB) is to the north. In terms of other licensed venues, the subject site is located within a pocket of Victoria Street where these are sparser compared to the eastern end, on the other side of Church Street where there are numerous restaurants. Surrounding the site, other licensed venues include The Eureka Hotel to the west, CUB and Moon Dog raft Brewery to the north as well as the Terminus Hotel and other restaurants to the east.

The Proposal

27. This application is for the development of the land for buildings and works to an existing Hotel including the construction of acoustic screening, conversion of a portion of the existing first floor to an open deck and to increase the licensed area to accommodate a proposed stairwell.

28. The particulars of the proposal are as follows:

Demolition (no permit required)

(a) Roofing above the ground floor internal walkway, first floor stair structure and first floor southern-most storage areas.
(b) Internal first floor toilets, stairs and walls.
(c) Sections of the east and south-facing walls of the first floor southern-most storage area.

Construction

(d) An acoustic screen surrounding the external courtyard along the western, southern and eastern sides.

    (i) The acoustic screen will be 16.07m in length along the southern boundary, 6.755m along the western boundary and 12.68m in length along the eastern side of the courtyard. The eastern section of acoustic screen will be setback 4.1m from the eastern boundary of the subject site.
    (ii) The acoustic screen will built above the existing southern boundary wall to a total on-boundary height of 3.9m and will cantilever away from the boundary for a distance of 1.08m with a height of 4.5m above the courtyard floor level and an overall maximum height of 5.09m above the level of the laneway.
    (iii) The acoustic screen will built above the existing western boundary wall to a maximum height of 5.09m from ground level.
    (iv) The acoustic screen will be constructed to an additional height of 1.5m above the existing roof of the western side of the ground floor bin store/toilets/cool room along the eastern side of the courtyard. The eastern screen will be a maximum of 5.09m in height.
    (v) The eastern and western sections of acoustic screen will have their corners cut off at the southern end to follow the cantilever of the southern section.

(e) Construction of a stairwell at the ground floor level, which extends to a landing at the existing first floor plant deck and then merges the existing staircase of “Stair 02”.
(f) Operable windows on the western and southern side of the first floor wall.
(g) A retractable awning and pergola structure above the first floor open deck.

Use

(h) No change to patron numbers or hours of trading.

(i) Conversion of the eastern portion of the first floor from storage areas to dining/bar areas and toilets. The submitted material shows this area may be used as a function space to host celebrations. This will also result in a redistribution of the existing internal patron numbers through the first floor of the building.
(j) The first floor open deck to have a maximum of 40 patrons (for dining and with background music only).
(k) Extend the licensed area (redline plan) to accommodate the new stair structure.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

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

30. Under clause 34.01-4 of the Scheme, a permit is required to construct a building or construct or carry out works.

Overlays

Design and Development Overlay – Schedule 2 – Main Roads and Boulevards

31. Under clause 43.02-2 of the Scheme, a permit is required to construct a building or construct or carry out works.

32. Schedule 2 to the DDO outlines the following design objectives:

(a) *To recognise the importance of main roads to the image of the City.*
(b) *To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.*
(c) *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*
(d) *To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.*
(e) *To encourage high quality contemporary architecture.*
(f) *To encourage urban design that provides for a high level of community safety and comfort.*
(g) *To limit visual clutter.*
(h) *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*

33. Decision guidelines include:

(a) *The contribution of the proposal to the streetscape.*
(b) *The design, height and visual bulk of the development in relation to surrounding land uses and developments.*
(c) *The design, height and form of the development in relation to the built form character of the street.*

Particular Provisions

Clause 52.07 – Loading and Unloading of Vehicles

34. 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.

35. As the Hotel does not currently provide a loading bay on-site and the works proposed are minor, there is no requirement to provide a loading bay under this clause.

Clause 52.27 – Licensed premises

36. The purpose of this clause 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.*

37. A permit is required to use land to sell or consume liquor if the area that liquor is allowed to be consumed or supplied under a licence is to be increased (amongst others).

38. The construction of the new stairwell will result in an increase in the area that liquor is allowed to be consumed or supplied, thus a permit is required.

39. Decision guidelines at clause 52.27 include:

    (a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
    (b) *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
    (c) *The impact of the hours of operation on the amenity of the surrounding area.*
    (d) *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

General Provisions

Clause 63 – Existing Uses

40. Pursuant to clause 63.01 of the Scheme, an existing use right is established in relation to use of land under this scheme if (amongst others) proof of continuous use for 15 years is established under clause 63.11.

41. Pursuant to clause 63.06 of the Scheme, an existing use right expires if either:

    (a) *The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.*

    (b) *In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession.*

42. The existing use of the site as a Hotel was lawfully established within the previous planning permits (most recently - 11 October 2011) for the site and it is clear from Council records that this has continued to the present under the business name of 'The National Hotel'. As such, it is considered that the site continues to enjoy existing use rights.

43. Pursuant to clause 63.05 of the Scheme, a use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:

    (a) *No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.*
    (b) *Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.*

(c) *The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*

Clause 65 – Decision Guidelines

44. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply 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 11.03-1 (Activity centre network)

45. 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)

46. 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 11.06-1 – (Jobs and Investment)

47. The objective of this clause is:

(a) To create a city structure that drives productivity, attracts investment, supports innovation and creates jobs

48. Strategies of this clause include:

(a) Support the Central City to become Australia's largest commercial and residential centre by 2050, by planning for office, retail, education, health, entertainment and cultural activity spaces.
(b) Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.

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

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

50. 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)

51. 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)

52. 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.

Clause 15.01-4 (Design for safety)

53. 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)

54. 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)

55. The objective of this clause is '*to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions'.*

Clause 17 – Economic development

Clause 17.01-1 – (Business)

56. 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*'.

Local Planning Policy Framework (LPPF)

Clause 21.03 – Vision

57. The following is offered in this clause:

    In the City of Yarra in 2020:

    Land Use

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

Clause 21.04-2 – Activity Centres

58. The site is located within the Victoria Street Activity Centre. The relevant objectives and strategies of this clause are:

(a) *Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*

(i) *Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*
(ii) *Strategy 4.2 Support the regional role of the Major Activity Centres as an important component of Yarra's economy and as a metropolitan destination.*

(b) *Objective 5 To maintain the long term viability of activity centres.*

(c) *Objective 7 To encourage the arts and arts venues.*

(i) *Strategy 7.1 Support a diversity of arts uses such as live music venues, performance spaces, galleries and artist studios in appropriate and accessible locations.*

Clause 21.04-3 – Industry, office and commercial

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

Clause 21.05-2 – Urban design

60. The relevant objective of this clause is 'to *reinforce the existing urban framework of Yarra*'.

Clause 21.05-4 - Public environment

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

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

Clause 21.07-1 – Environmentally sustainable development

62. 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 21.08-9 Neighbourhoods (North Richmond)

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

Victoria Street Link

(a) This precinct spans the area between Church Street and Grosvenor Street. This linking area includes residential and commercial development and a wide range of land uses. New development in this part of the precinct must include active frontages.

64. Within Figure 21 of Clause 21.08-9, the subject site is identified as being within the Victoria Street Activity Centre.

65. Figure 22 of Clause 21.08-9, shows the subject site as being within the 'Main Roads' built form character area where the objective is to maintain the hard edge of the street.

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

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

67. The policy has the following objectives:

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

Clause 22.09 – Licenced premises

68. 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.

69. 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.*

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

Clause 22.10 – Built form and design policy

71. 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.

Advertising

72. The application was advertised in accordance with Section 52 of the *Planning and Environment Act* 1987 [**the Act**] by way of 30 letters sent to the surrounding property owners/occupiers and by three signs (one to each of the frontages to Victoria and Lambert Streets as well as the rear laneway).

73. Nine objections were received to the application, these can be summarised as:

(a) Amenity impacts (noise, overlooking, visual bulk, patron behaviour);
(b) Previous operation of the business; and
(c) Reduced car parking availability in the street.

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

75. A Consultation Meeting was held on 9 May 2017, where the key issues raised in the objections were discussed with the Permit Applicant, Objectors, Planning Officers and a Ward Councillor present.

76. 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 (dated 9 June 2017) show a reduction in the height of the acoustic screen constructed above the existing southern boundary wall from 5.09m to 3.9m with the screen partially cantilevering over the existing ground floor courtyard to a height of 4.5m above the courtyard floor level and an overall maximum height of 5.09m. The applicant has also submitted an amended Acoustic Report and Noise and Amenity Action Plan (NAAP).

77. The amended application received a discretionary exemption from advertising at Council's internal Development Assessment Panel on 27 June 2017 as the changes were minor as they result in a decrease of built form along the boundary, were of no detriment to any person and attempted to respond to Council's concerns.

Referrals

External Referrals

(a) None

78. Internal departments

(a) Community Amenity;

External consultants

(b) Acoustic (SLR Consulting).

79. Referral comments are attachments to this report.

OFFICER ASSESSMENT

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

(a) Strategic justification;
(b) Built form and design;
(c) Amenity impacts associated with the liquor license; and
(d) Objector concerns.

Strategic justification

81. In relation to the SPPF and LPPF, it is considered that the proposed development achieves the various land use and development objectives outlined earlier in this report and achieves a sound level of compliance with the relevant policies. State and Local Policies (such as clauses 11.03-1 and 11.3-2) encourage the concentration of development in and around activity centres and intensifying development on existing sites well connected to public transport.

82. Clause 15.02-1 promotes the consolidation of urban development and integration of land use and transport. The subject site is within a Commercial 1 Zone and more specifically within the Victoria Street Activity Centre (AC) which is well known both locally and regionally for its restaurants. The use will contribute to the continued vibrancy and growth of the surrounding precinct as encouraged by the policies above. Significantly, the use of land within the Commercial 1 Zone as a 'hotel' does not trigger the need for a planning permit which indicates strong strategic support for the application in its proposed location. As already outlined, the existing use rights of the use as a hotel are established and this is not in dispute.

83. Clause 21.04-2 directs services and entertainment uses to be located within ACs such as the Victoria Street AC and the continued modernisation of the building will allow for the revitalisation of the existing use of the site which forms part of a series of improvements over the last decade. It should be noted that this application relates purely to the buildings and works associated with an extension to the stairwell and other minor works, although amenity impacts will be considered. Additionally, the licensed area will have to be extended to accommodate the new stairwell.

84. An objective of clause 21.04-2 is to maintain the long term viability of activity centres and to facilitate this; this application is proposing to improve the internal layout of the building. This improvement in built form will assist in the commercial operation being able to adapt to ensure its long-term viability.

85. In summary, the proposed building is considered to be appropriate subject to containment of any amenity impacts that may result. The built form policies (clauses 15.01, 21.05 and 22.10) support the proposal and will be discussed in detail later in this assessment. Policy relating to amenity impacts (Clauses 22.05 and 22.09) generally supports the proposal; subject to conditions as will also be discussed later in this assessment.

Built form and design

86. The proposed development is generally consistent with the decision guidelines for buildings and works within the Commercial 1 Zone. The proposed built form changes are generally associated with an acoustic screen surrounding the ground floor courtyard, new window openings at first floor to the south and west, changes to the ground and first floor stairwell and the construction of a pergola and retractable awning to the proposed first floor open deck.

87. In terms of streetscape impacts to Victoria Street, there will be none as these works are not visible from the principal street frontage. This proposal will not have any impact to the ground floor interface of Lambert Street with the only visible changes from that street being new windows and the removal of the first floor roof (which does not require a planning permit). The new pergola and retractable awning will not be visible from the street due to the parapet and the southern wall of the first floor blocking any views to it. The construction of the new stair and access to the landing are all internal and will not be visible from the street. The height of the existing southern on-boundary walls and the proposed acoustic screening will block the majority of views from the south towards the proposal. The works which will be visible are minor and will have no impact to the streetscape.

88. The site to the south is within the General Residential Zone and as such, overlooking and overshadowing must be considered. The new windows and the stairwell are over 9m in distance from the nearest residence and therefore overlooking is not a consideration. This meets guidelines at Clause 22.10-3.8.

89. The only potential amenity impacts associated with the buildings and works may be from the proposed acoustic screen constructed along the western and southern boundaries. Through the reduction in height associated with the amended plans, the height of the acoustic screen has been reduced from 5.09m on the boundary to 3.9m with a 1.08m wide cantilever for an overall maximum height of 5.09 (taken from the laneway level). The amendment to the acoustic screen was specifically made to reduce any visual bulk impacts from this screen.

90. If the on-boundary height of the proposed acoustic screen were to be considered under Standards B17 (Side and Rear Setbacks) and Standard B20 (North-facing windows) of Clause 55, a wall height of 3.9m would require a setback of 1.09m and 1.18 (respectively) from an abutting boundary. As such, the width of the laneway to the south (between 3.03m and 3.135m) provides a more than adequate buffer from adverse visual bulk/loss of solar access amenity impacts and the proposal would comply even with this more stringent control. It is also important to note there is an existing southern on-boundary wall which is between 2.75m and 3.6m in height.

91. In terms of overshadowing, the applicant has provided shadow diagrams which show there are increased shadows however these would be along the northern boundary wall No. 2 Lambert Street and also within existing shadows. The private open space at the rear would not be impacted by shadows from the acoustic screening. From photographs available online it is clear the rear private open space has a high northern boundary fence to the laneway in excess of 3m in height which would currently significantly shade this space. As already outlined, the proposal complies with Standard B20 (North-facing windows) (if it were applicable), therefore any north-facing windows would continue to satisfactorily receive solar access.

92. The proposal will not be making any changes to the provision of car parking and waste storage. In terms of car parking, the proposal does not provide any car spaces for staff or patrons, as per existing conditions. This will continue with the proposal. As there is no increase in patron numbers, there is no requirement under Clause 52.06 of the Yarra Planning Scheme to provide any further car spaces. It is uncommon in inner-city locations for hotels such as this to provide for car parking.

93. Given the existing building's built form, the proposal poses no concerns in relation to defining the responsibility for the maintenance of buildings, landscaping and paved areas. All appropriate utility services are available and connected to the existing building.

94. The proposed works will improve the buildings solar access through the removal of the first floor roof which will allow for daylight to reach the first floor open deck which was a previously covered area. This complies with the Commercial 1 Zone decision guidelines. Through the incorporation of the retractable awning and pergola, weather protection will be provided. The inclusion of additional operable windows will improve ventilation through the site.

95. Overall, considering the limited scope of works visible from the streetscape, negligible adverse amenity impacts, the strategic context of the site (being located within a Commercial 1 Zone and within an AC), the proposed built form is acceptable.

Amenity impacts associated with the liquor license

96. Whilst the application is for buildings and works, these works result in an increase in floor area (and the licensed area) associated with the new stairwell. As such, pursuant to clause 52.27, a planning permit is required to use land to sell or consume liquor where the area that liquor is allowed to be consumed or supplied under a licence is to be increased. As such, policy at clause 22.09 also applies to this application. It should be noted that this application does not alter the existing patron numbers or operating hours.

97. Planning Schemes across Victoria were amended on 8 April 2011 (amendment VC79) to introduce 'cumulative impact' into the clause 52.27 decision guidelines. The Department of Planning and Community Development produced a 'cumulative impact' practice note. The practice note provides guidance on preparing and assessing an application under Clause 52.27 of the planning scheme.

98. Although cumulative impact needs to be considered for any application required under Clause 52.27, the extent of the assessment should be proportional to the likely impact of the proposal. According to the 'practice note', a modest proposal would not require a detailed analysis, but there are instances where a more robust assessment of cumulative impact is required. As the proposal only involves an increase in floor area, a cumulative impact assessment is not necessary.

99. Nevertheless, in terms of considering the surrounding licensed premises, within a 500m radius of the subject site there are 45 liquor licences associated with small bars, restaurants, cafes, live music venues, CUB and bottle shops. It is important to note that the majority of these licences are located along the Victoria Street AC, where these types of venues are directed to be located. Additionally, 25 of these are located to the west of Church Street, nearly 200m to the west of the subject site.

100. The types of liquor licences include restaurant and café, on-premises, packaged liquor, general, limited, wine and beer producer, pre-retail and BYO. The latest of these licences in terms of hours is the 'Terminus Hotel which has a licence to sell liquor to be consumed inside the venue until 3am and is located 352m to the east of the subject site. The majority of liquor licences however are for restaurants ending at 11pm.

101. Some objections have been raised regarding the use of the first floor for dining and drinking as they have been previously used for storage rooms. The first floor has always historically been included within the licensed area and the use of the Hotel does not require a planning permit within this zone. Additionally, it is considered to be part of the evolving nature of businesses where how a space is used can change over time. For example, these storage areas would have previously been used for lodging rooms. All of these types of activities (storage, offices, lodging rooms, dining rooms and bar areas) are typical activities which occur in hotels.

102. As has previously been stated, the proposal will result in a redistribution of the existing internal patron numbers through the first floor of the building. The existing ground floor courtyard is to remain as it currently is (with the exception of a new acoustic screen).

103. Council must consider the policy guidelines within clauses 22.05 and 22.09 amongst others relating to amenity impacts.

104. Having regard to amenity impacts on nearby residences, policy within clause 22.05 acknowledges that residences which abut business areas should not have unrealistic expectations of the level of amenity which can be achieved. The issue of transitional or interface areas has been discussed in several VCAT decisions including in *Kelghan Pty Ltd v Mornington Peninsula Shire Council* [2000] VCAT 2538 (31 October 2000) where the following comments were made:

> [43] With respect to transitional sites or sites located at the interface of zones, the Tribunal has said on numerous of occasions that there needs to be an expectation that in each zone, the use and development of land will be constrained or influenced by the adjacency of land in the other zoning. It has been said, for example, that dwelling owners/occupants if they occupy premises at the interface with a commercial or industrial zone, cannot expect to enjoy the same level of residential amenity as persons occupying residential properties more remote from the interface. Similarly, the Tribunal has said that persons operating businesses at the edge of a commercial zone must expect to have constraints imposed on their activities or development in recognition of the need to maintain the amenity of an abutting residential zone (or open space area), which constraints would not apply in other more central parts of the commercial zone.

105. Strategic policy within Clause 21.04-2 encourages ACs to evolve and although there has been little recent redevelopment does not mean that this will not or should not occur in the future. Residents who live near ACs should not expect them to stay stagnant. This issue would apply to the residential areas which abut the Victoria Street AC, whereby residents should not expect the same level of amenity as a quiet suburban street, particularly with the strategic imperative for the growth of ACs. Conversely, a business cannot trade with the same freedom if it is adjacent to existing residences. A balanced outcome is sought which manages interfaces of zones. Both of the areas need to make concessions for each other.

106. In seeking to address potential noise impacts, the applicant submitted an acoustic report which was reviewed by an independent acoustic engineer.

107. The applicant's acoustic report (by Marshall Day Acoustics) provided the following summary:

    (a) The proposed mechanical services equipment are predicted to comply with the relevant SEPP N-1 noise limits.
    (b) Music noise is predicted to exceed the applicable SEPP N-2 (music noise limit) during the night (10pm onwards on Monday – Saturday and 9pm onwards on Sundays), however following noise mitigation, the existing outdoor area is the dominant source of music noise at the nearest receptor.
    (c) The predicted patron noise level, following mitigation is 8 dB above the design target for the nearest residential dwellings during the night, however subject to the proposed noise mitigation measures being implemented, the predicted cumulative patron noise at night is 9dB lower than the existing level of patron noise.

108. In summary of above, essentially the existing outdoor courtyard is the principal source of patron noise, with current levels being 17dB over the nominated noise limits, with this proposal improving this by 9dB compared to existing conditions.

109. The applicant's acoustic report suggested a number of mitigation for the venue with all of the recommendations being implemented (and can be included as conditions on any permit to be issued), these are as follows:

    (a) Windows to the proposed terrace are to be closed during the night

    (b) Windows to the east and north-east facade of the function room are to be closed during the night

    (c) As shown on the planning drawings, the parapet walls around the existing outdoor area are to be at least 4.5 m above floor level

    (d) As shown on the planning drawings, an additional screen (approx. 1.5 m) should be added along the west side of the toilet block roof to join with the masonry wall at the south

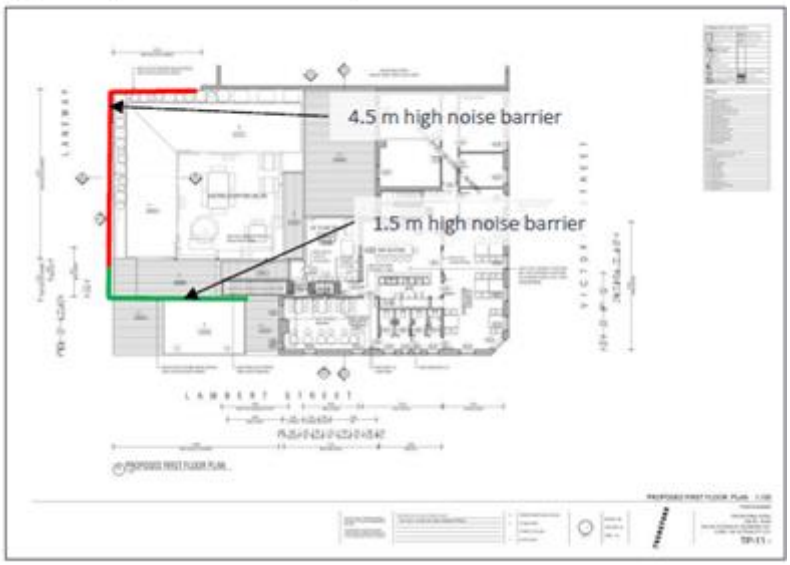
    (e) Absorptive material be added to the walls of the new first floor terrace

    (f) A noise limiter, as described in Section 8.4, should be installed and calibrated such that SEPP N-2 compliance is achieved. The applicant is proposing a noise limiter to the outdoor courtyard, the internal first floor area and the outdoor first floor deck.

    (g) Patron activity be managed in such a way as to reduce instances of high maximum noise levels. An example measure could be to erect signage asking patrons to respect that there are neighbours in close proximity

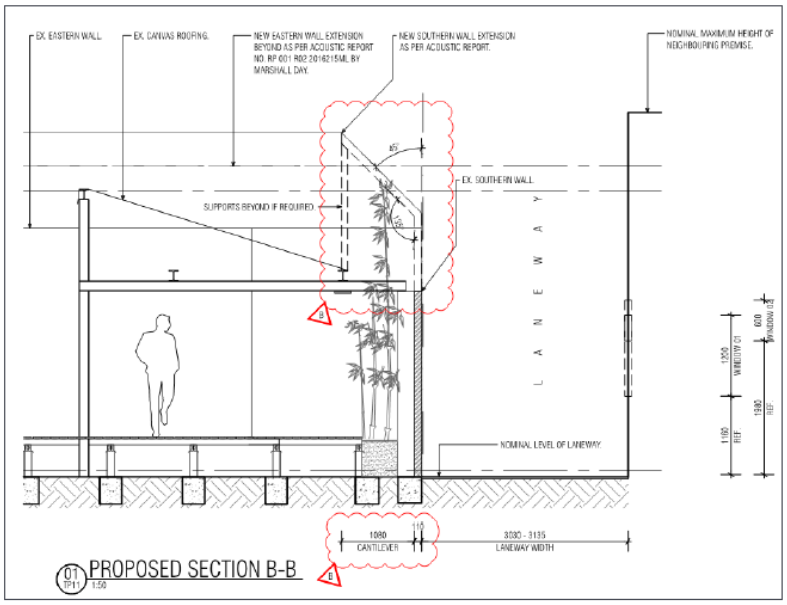
110. The image below show the proposed acoustic screening in plan form:

Figure 5: Proposed noise barrier arrangement



111. The image below shows a cross-section of the proposed acoustic screening:

Figure 6: Proposed noise barrier construction



112. The applicant's acoustic report was peer reviewed by SLR Consulting who noted that the applicant has taken this proposal as an opportunity to address the existing high levels of patron noise from the ground floor outdoor area through the proposed acoustic screening. It was stated that "*the existing patron / music levels are extremely high (17dB above the identified night time limit), and it is agreed that additional noise controls should be implemented."*

113. The following comments were made in relation to the predicted patron noise from proposed operations

    (a) *Our indicative calculations also indicate that patron noise from the proposed new outdoor area will comply with the identified night limits assuming external windows of the outdoor area are closed. The exceedances are due to the existing outdoor patron area, which is substantially larger.*

(b) The predicted improvement over the existing situation (i.e. an overall 9 dB reduction in noise) is substantial and the overall outcome would seem to be a good one. Even if there are issues with the existing patron noise, these would not be resolved or improved by not allowing the new works to go ahead.

114. SLR Consulting also confirmed that there are no mandatory limits for patron noise and the venue is an existing use. The only possible further solution is to restrict hours of operation of the outdoor courtyard. Council is unable to restrict an existing established use ie. the ground floor courtyard which has been confirmed as being the principal source of patron noise.

115. SLR Consulting confirmed that their "*indicative calculations suggest that noise from the new first floor open deck is likely to comply with the nominated patron noise limits and not provide an appreciable contribution to the overall patron noise levels*". They confirmed that there "*would not appear to be any reason for opposing the proposed extension*".

116. In terms of music noise, SLR Consulting found the advice within the Marshall Day Acoustics (MDA) report to be "*generally appropriate*". They agreed with MDA's recommendation for all three areas of the venue (outdoor courtyard, the internal first floor area and the outdoor first floor deck) to have music noise limiters installed which should be set up by MDA or a suitably qualified acoustical consultant. SLR Consulting also stated that:

(a) The limiters should be calibrated to ensure that SEPP N-2 noise limits are met at all noise sensitive locations. Given the clearly non-compliant level of music emanating from the venue currently, it is recommended that the venue be required to submit a report documenting the allowable internal music levels and limiter settings, and demonstrating compliance with SEPP N-2.

117. This can be required by way of condition on any permit to be issued and will ensure that music noise levels will now meet the required SEPP N-2 targets. This is a substantial improvement on existing conditions.

118. It was also agreed that the potential noise impacts from the mechanical plant was adequately addressed within MDA's report.

119. In conjunction with the acoustic mitigation measures (which the applicant has proposed and agreed to - as well as being found to be acceptable both by MDA and SLR Consulting), there are also managerial type conditions which can be imposed on any permit to be issued to further limit adverse amenity impacts. This is also an improvement on existing conditions where the current use benefits from existing use rights. The applicant has confirmed that the first floor open deck is proposed to have a maximum of 40 patrons with background music only. They have agreed to this being placed as a condition on any permit to be issued. Section 7.4.1 of the applicant's acoustic report outlines that empirical data for restaurant dining has been used for the predicted patron noise level for the evening period and 'tavern with substantial food offerings' for the night period. Therefore, the prediction methods have used 'dining' rather than vertical drinking for their assessment. If vertical drinking were able to be conducted on the open deck, the noise from this area may be greater. A condition will therefore require that the licensee ensure that any liquor sold and consumed on the first floor open deck must be by patrons who are also seated and consuming a meal.

120. In terms of other potential amenity impacts, visual bulk, overshadowing and overlooking have all been addressed within the *Built form and Design* section of this report.

121. In regards to amenity impacts associated with odour as discussed in Clause 22.05, any odours (eg from toilets and preparation of food) will largely be contained within the building and would not be unreasonable for this type of use.

122. There are no existing windows which directly face the first floor deck area to consider for light spill impacts and with the additional acoustic wall treatments; light spill will be diffused by these visual screens as per policy at clause 22.05. Should a permit issue, a condition should require details of all plant and equipment, demonstrating compliance with relevant EPA guidelines.

123. The NAAP has been supplied by the applicant and the information detailed within it is satisfactory subject to further conditions to ensure the managerial controls outlined within the applicant's Acoustic Report are also clearly laid out in the NAAP. An endorsed NAAP can form part of the requirements of the amended planning permit and is complaint with policy at Clause 22.09-3.6. This is also a substantial improvement on existing conditions where there is not any endorsed NAAP. This will ensure that Council is able to enforce all matters raised in the NAAP via conditions on a permit, should one be issued.

124. Council's Community Amenity Unit confirmed that there had been four noise complaints since March 2015 and made the recommendation that no music is played after 12midnight at any outdoor area (including the outdoor courtyard), Sunday to Thursday and no music after 12.30am at any outdoor area (including the outdoor courtyard) on Friday and Saturday. Council's Community Amenity Unit recommended the noise limiter system should form a condition on any permit to be issued. It should be noted that the closing time is 11pm on Sunday, therefore music would also cease by 11pm.

125. These recommendations can be imposed as conditions on any permit to be issued. The limitation of music being played until 11pm on Sunday, 12midnight Monday to Thursday and 12.30am Friday and Saturday will reduce music noise impacts, particularly in conjunction with the proposed acoustic report conditions and the requirements to show compliance with SEPP N-2 limits. This will result in a substantial improvement on existing conditions.

126. It should also be noted that the licensee could continue operate the venue under the existing licence (with the built form as currently is) under existing use rights without any additional acoustic treatments or other type of restrictions for the outdoor courtyard (with the exception of restricting music noise to comply with SEPP N-2 limits). This would result in a worse situation for the surrounding residences in terms of patron noise impacts. Considering that the majority of the noise issues are from the ground floor courtyard and that the existing physical structures on the site provide poor acoustic attenuation, these additional conditions and requirements constitute a positive outcome for nearby residents.

127. It is clear that through the proposed acoustic mitigation measures, restrictions on music and managerial controls the proposal has sought to manage its impacts on the nearby residences and sufficient concessions have been made. The proposal will result in a significant improvement compared to current conditions. Council's Acoustic Consultant has found the proposal to be satisfactory, subject to conditions with planning officers supporting this conclusion.

Objector concerns

128. All issues which have been raised by the objectors have been addressed within this report.

(a) Amenity impacts (noise, overlooking, visual bulk, patron behaviour); (discussed through the report, particularly paragraphs 96-127)
(b) Reduced car parking availability in the street (paragraph 92)

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

(a) Previous operation of the business

Council's Community Amenity Unit have confirmed there have been four noise complaints since March 2015. This is not unreasonably high. Nevertheless, the proposal will result in substantially improved conditions compared to existing circumstances.

Conclusion

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

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0034 for development of the land for buildings and works to an existing Hotel and an increase to the licensed area to accommodate a stairwell at 340 – 344 Victoria Street Richmond, subject to the following conditions:

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Therefore Studio and submitted to Council on 9 June 2017 but modified to show:
   (a) a cross-section of the proposed acoustic screen to depict its profile along the western and eastern boundaries;
   (b) any requirement of the endorsed Acoustic report (Condition 10) (where relevant to show on plans).
2. This permit does not come into effect until the General Law Land abutting the south boundary of the subject site is claimed under the operation of the *Transfer of Land Act* and a copy of Title is provided to show that it forms part of the subject site.

Endorsed plans

3. The development and 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.

Patron numbers

4. No more than 533 patrons (194 external and 339 internal) are permitted on the land at any time liquor is being sold or consumed.
5. No more than 40 patrons within the first floor open deck are permitted on the land at any time liquor is being sold or consumed. The licensee must ensure that any liquor sold and consumed in this area is by patrons that are seated and consuming a meal to the satisfaction of the Responsible Authority.

Licensed hours

6. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:
   (a) Sunday – 10am to 11pm
   (b) Good Friday & Anzac Day – 12noon to 11pm
   (c) Any other day – 7am to 1am, on the following day

7. Except with the prior written consent of the Responsible Authority, music must cease being played in the ground floor courtyard and first floor open deck after the following times:

   (a) Sunday - 11pm
   (b) Monday to Thursday – 12midnight
   (c) Friday to Saturday – 12.30am the following day.

Noise and Amenity Action Plan

8. Prior to the commencement of the use of the increased licensed area authorised by this permit, 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 The National Hotel Richmond and dated June 2017, but modified to include (or show, or address):

   (a) The acoustic report date reference in point 19 amended to 9 June 2017;

   (b) The numbers of patrons within the first floor open deck as per Condition 5.

   (c) The first floor open deck is to be used for dining only.

   (d) The windows to the first floor open deck are to be closed during the night (i.e. from 10pm Monday to Saturday and from 9pm Sundays);

   (e) The north-east and east-facing windows of the first floor are to be closed during the night (10pm Monday to Saturday and 9pm Sundays);

   (f) Music to cease in the ground floor courtyard and first floor open deck as per the hours outlined in Condition 7.

9. 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.

Acoustic

10. The provisions, recommendations and requirements of the endorsed Acoustic Report (Marshall Day Acoustics dated 9 June 2017) must be implemented and complied with to the satisfaction of the Responsible Authority.

11. Within 3 months of the commencement of the use of the first floor open deck, an updated Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the Marshall Day Acoustics report dated 9 June 2017. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:

    (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 10 have been implemented;

    (b) To assess their effectiveness in meeting the predicted patron noise level (as shown in Table 11) and SEPP N-2 requirements as outlined within the endorsed acoustic report required as part of Condition 10; and

    (c) If non-compliance with Condition 11b is measured, the venue must implement additional acoustic measures as recommended by the amended acoustic report within one month of the date of the amended acoustic report.

12. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the first floor open deck must be at a background noise level.

13. Prior to the commencement of the use of the increased licensed area authorised by this permit, three Noise Limiters must be installed on the land (one to each of the outdoor courtyard, internal first floor area and first floor open deck). The Noise Limiter must:

    (a) be set at a level specified by a qualified acoustic engineer;

(b) ensure the emission of noise from amplified music does not exceed the levels specified in the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2); and
(c) be maintained and operated at all times.

to the satisfaction of the Responsible Authority.

Amenity

14. Prior to the commencement of the use of the increased licensed area authorised by this permit, 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.

15. 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.

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

17. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

18. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.

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 may only occur between 7am and 10pm on any day.

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

(a) at the permit holder's cost; and

(b) to the satisfaction of the Responsible Authority.

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

23. 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.

24. 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.

Expiry date

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; and

(c) the use of the increased licensed area has not commenced within five years of the date of this permit.

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

Notes:
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 may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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

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

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

Attachments
1 PLN17/0034 - 340 - 344 Victoria Street Richmond - subject land
2 PLN17/0034 - 340 - 340 Victoria Street Richmond - section 57a - plans
3 PLN17/0034 - 340 - 344 Victoria Street Richmond - west elevation
4 PLN17/0034 - 340 - 344 Victoria Street Richmond - final acoustic referral report
5 PLN17/0034 - 340 - 344 Victoria Street Richmond - community amenity referral

Attachment 1 - PLN17/0034 - 340 - 344 Victoria Street Richmond - subject land

SUBJECT LAND:



⇧ **North**

Subject Site

Attachment 2 - PLN17/0034 - 340 - 340 Victoria Street Richmond - section 57a - plans

TOWN PLANNING APPLICATION

ALTERATIONS & ADDITIONS TO 340-344 VICTORIA ST, RICHMOND 3121
LOT 1 ON TP842638N

INDEX

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TP01	SITE PHOTOS
TP02	EXISTING CONDITIONS AND DESIGN RESPONSE PLAN
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TP10	PROPOSED GF PLAN
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TP50	PROPOSED MATERIALS
TP60	EXISTING SHADOW DIAGRAMS
TP61	PROPOSED SHADOW DIAGRAMS
TP62	PROPOSED SHADOW DIAGRAMS
TP70	EXISTING & PROPOSED GROUND FLOOR LIQUOR LICENSING AREA
TP71	EXISTING FIRST FLOOR LIQUOR LICENSING AREA
TP72	PROPOSED FIRST FLOOR LIQUOR LICENSING AREA

DEVELOPMENT SCHEDULE

SITE AREA	576m2		
EXISTING GF INTERNAL AREA	358m2	PROPOSED GF INTERNAL AREA	358m2
EXISTING GF OUTDOOR AREA	220m2	PROPOSED GF OUTDOOR AREA	220m2
EXISTING L1 INTERNAL AREA	223m2	PROPOSED L1 INTERNAL AREA	190m2
EXISTING L1 OUTDOOR AREA	19m2	PROPOSED L1 OUTDOOR AREA	58m2
EXISTING PERMEABLE AREA	156m2	PROPOSED PERMEABLE AREA	156m2



01 AERIAL VIEW
1:500

COVER PAGE & AERIAL PHOTOGRAPHY 1:500

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THE NATIONAL HOTEL
JOB NO. 16-005
340-344 VICTORIA ST, RICHMOND 3121.
CLIENT: 344 VICTORIA PTY LTD.

TP-00 A

Attachment 2 - PLN17/0034 - 340 - 340 Victoria Street Richmond - section 57a - plans



01 VICTORIA ST STREETSCAPE N.T.S



02 LAMBERT ST STREETSCAPE N.T.S



03 REAR LANEWAY SOUTH FACING N.T.S



04 REAR LANEWAY SOUTH FACING N.T.S



05 REAR LANEWAY NORTH FACING N.T.S



06 REAR LANEWAY NORTH FACING N.T.S

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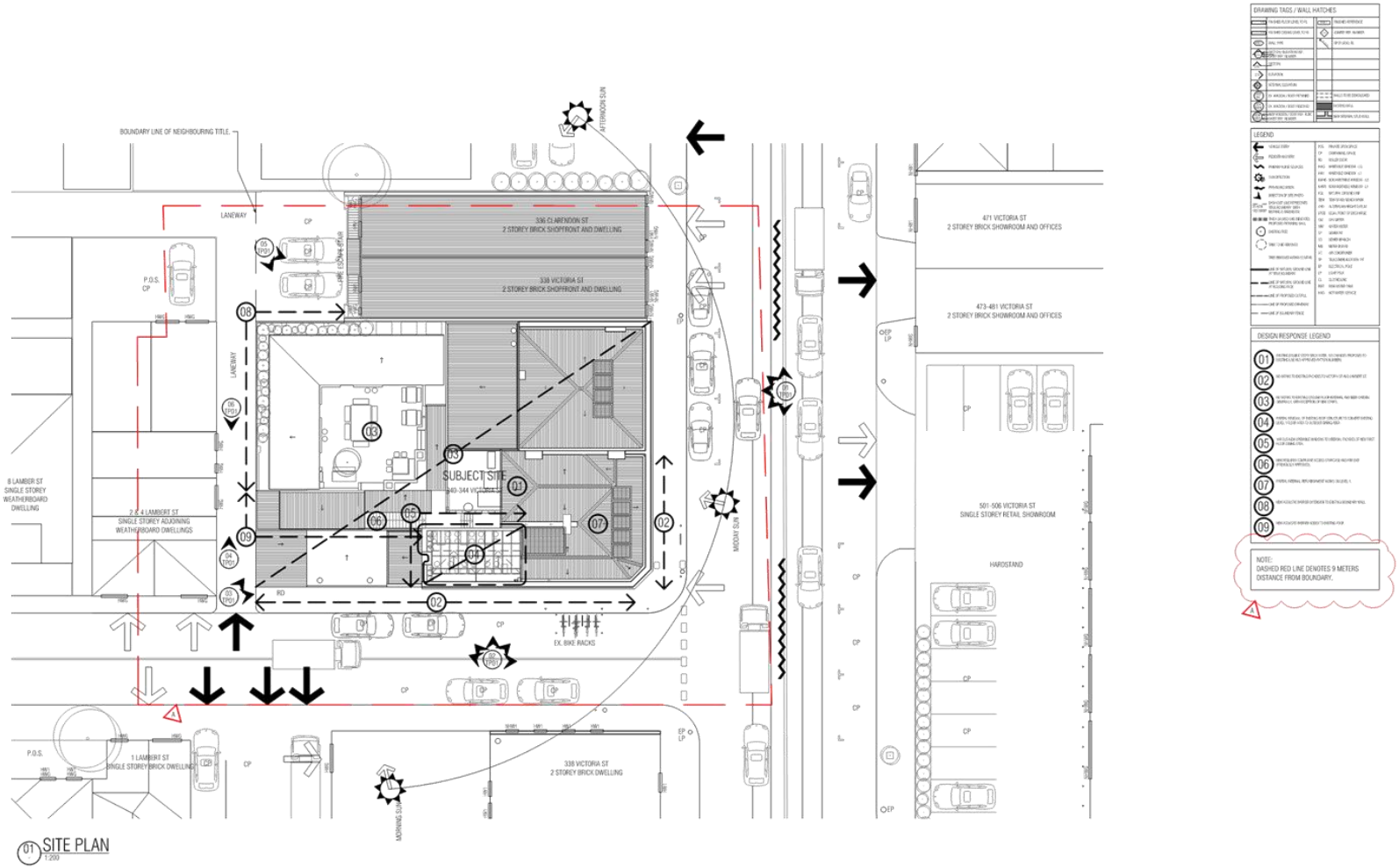
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SITE PLAN AND DESIGN RESPONSE 1:200

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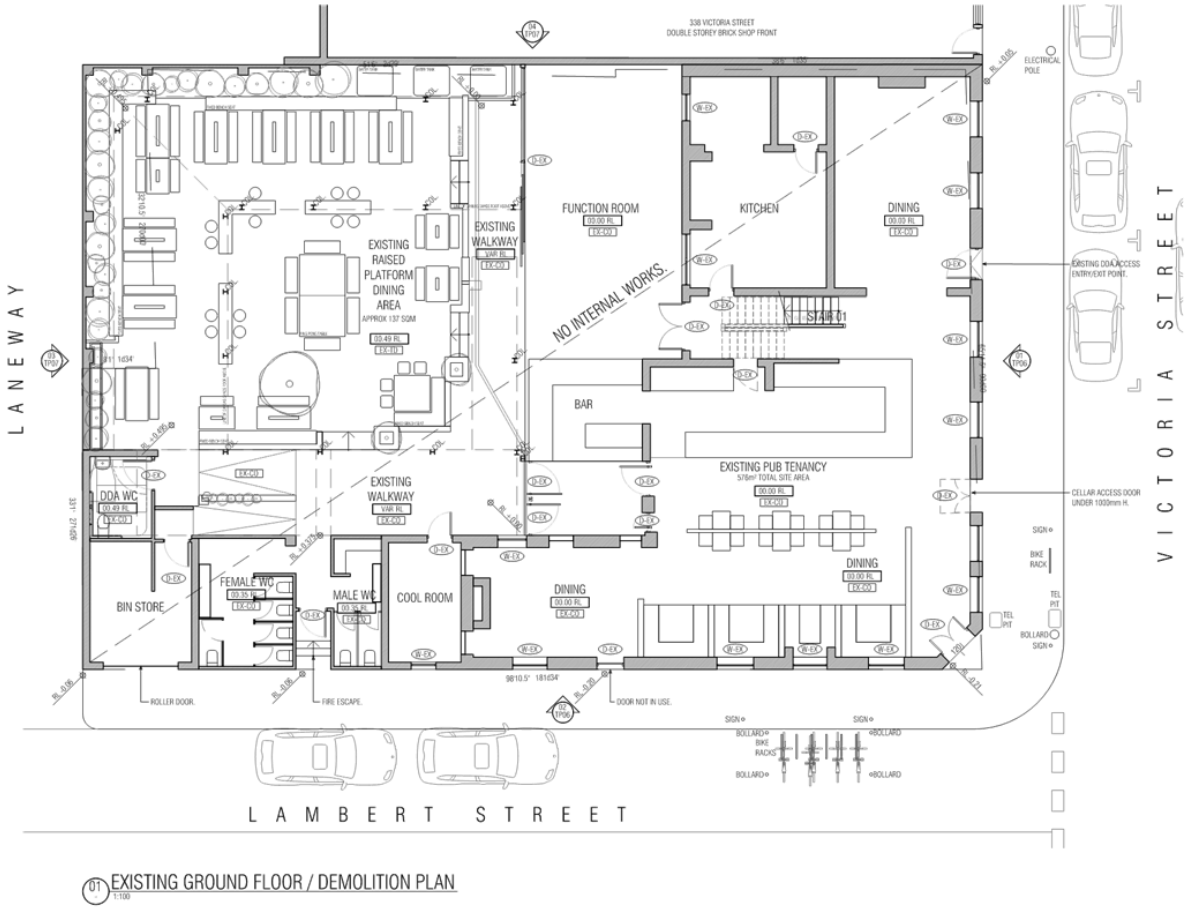
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01 EXISTING GROUND FLOOR / DEMOLITION PLAN
1:100

EXISTING GROUND FLOOR / DEMOLITION PLAN 1:100

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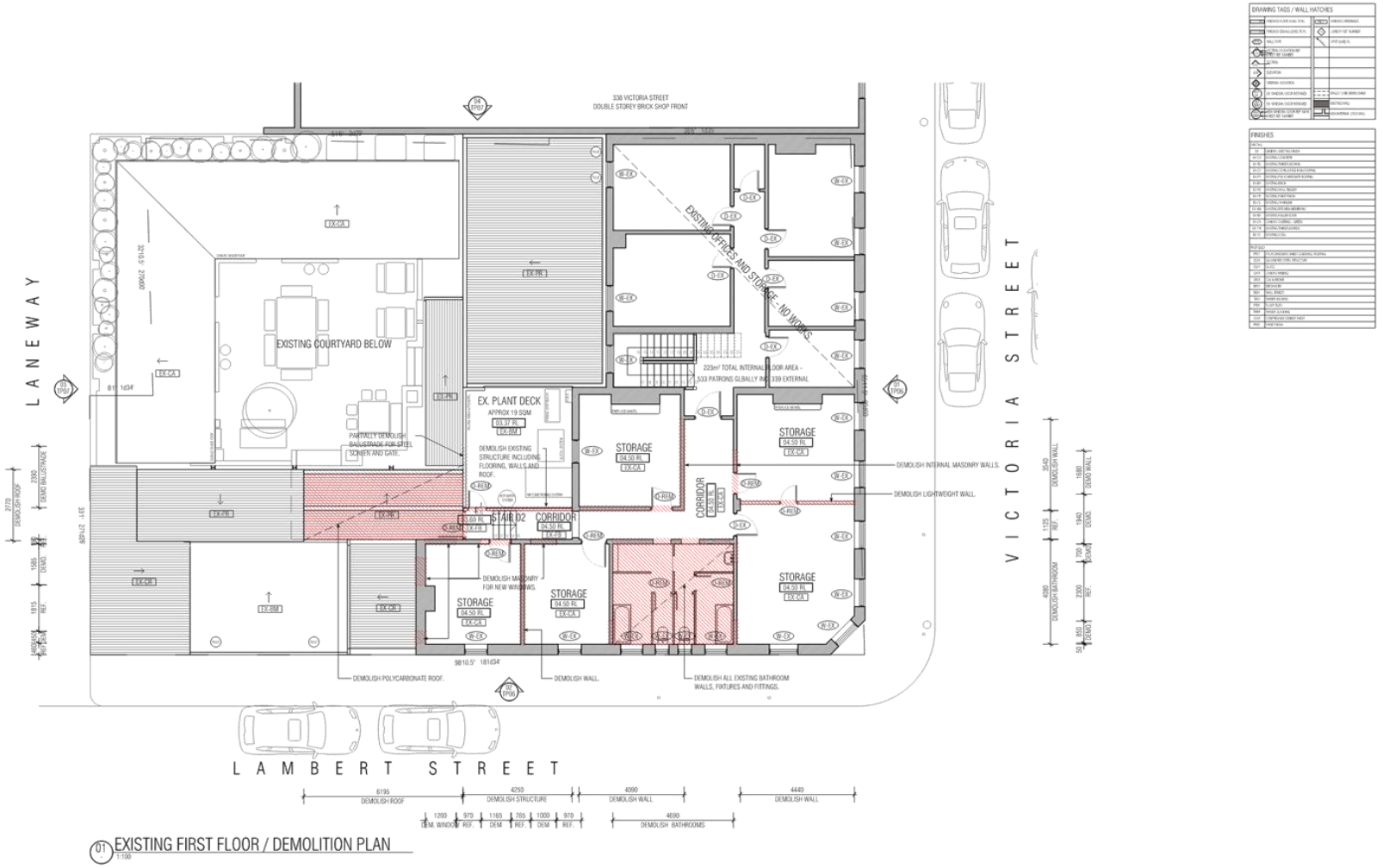
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01 EXISTING FIRST FLOOR / DEMOLITION PLAN
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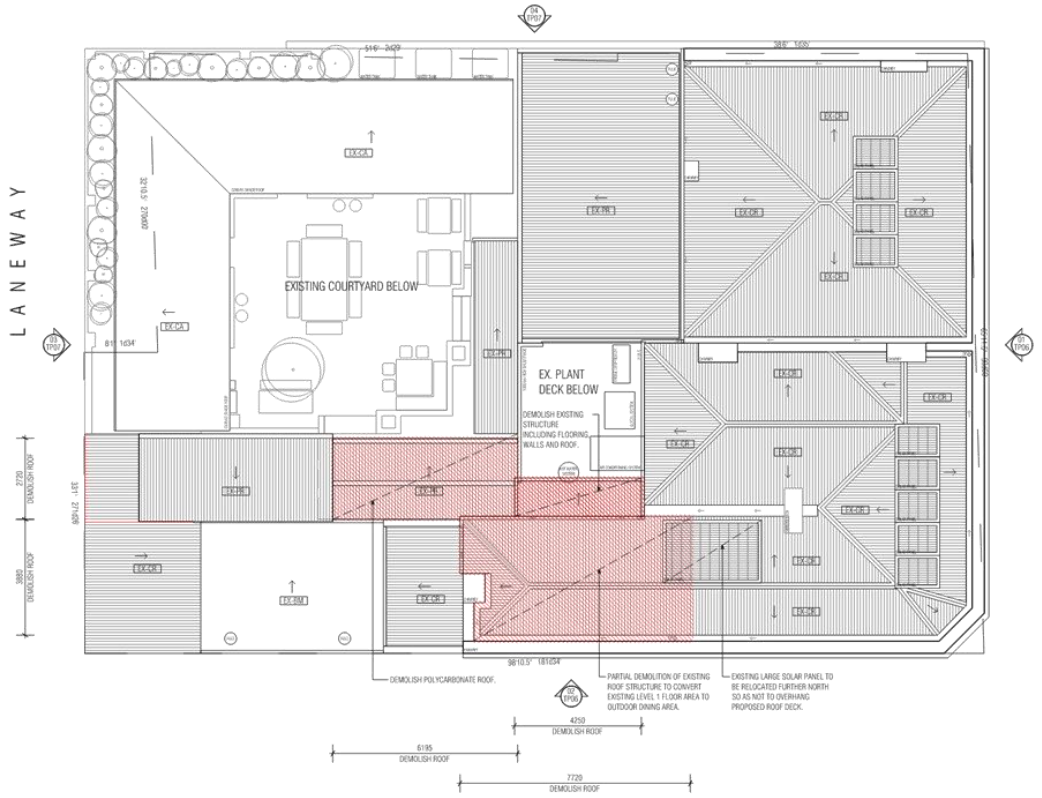
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01 EXISTING ROOF / DEMOLITION PLAN
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EXISTING ROOF / DEMOLITION PLAN 1:100

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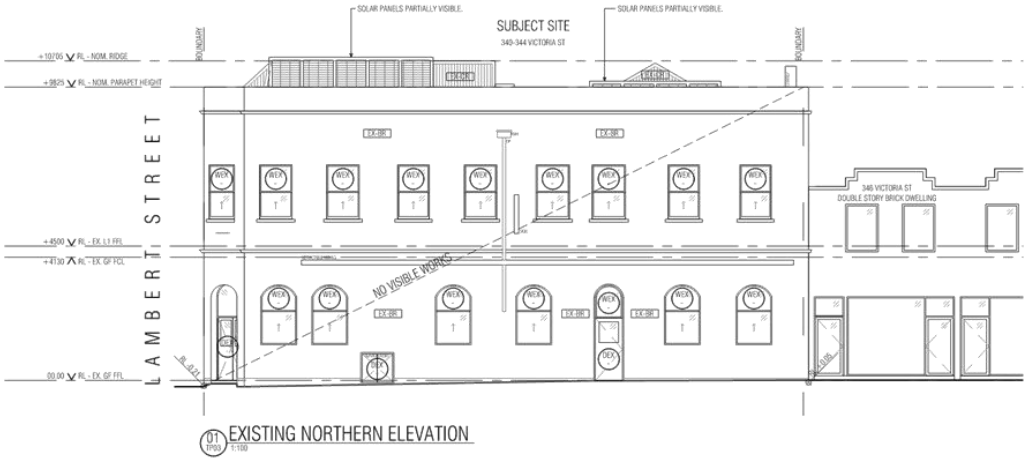
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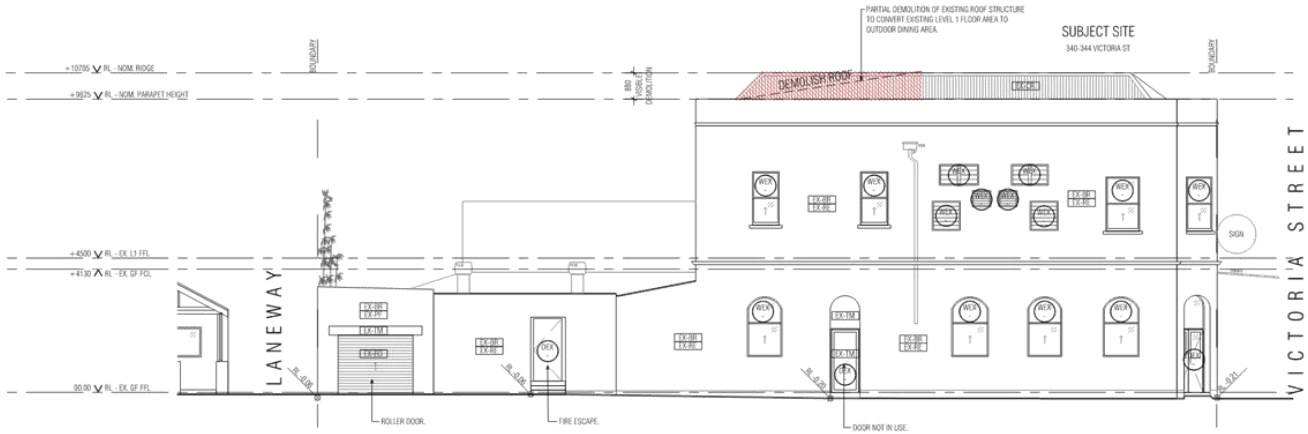
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01 EXISTING NORTHERN ELEVATION
TP03 1:100



02 EXISTING EASTERN ELEVATION
TP03 1:100

EXISTING EXTERNAL ELEVATIONS 1:100

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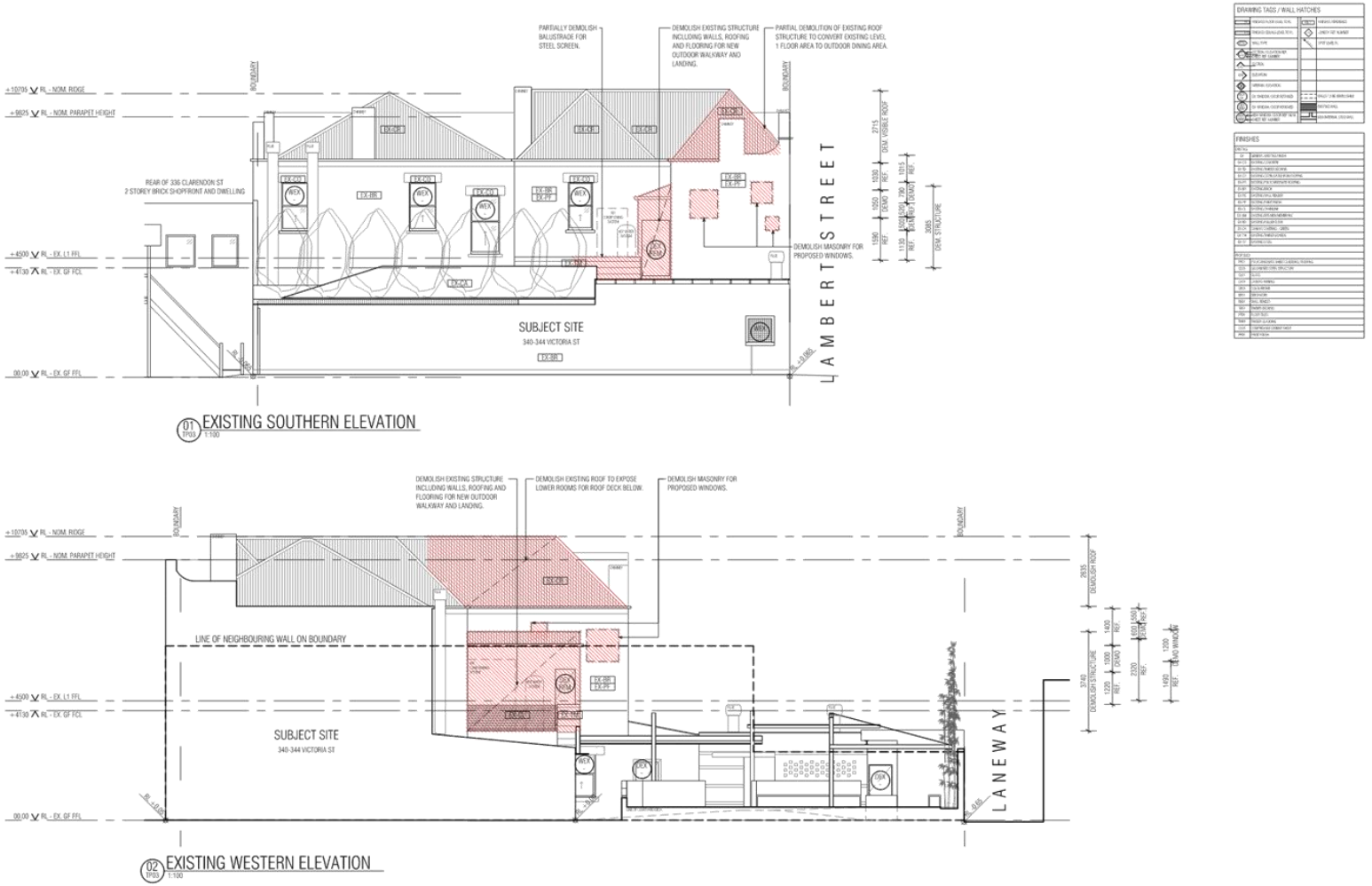
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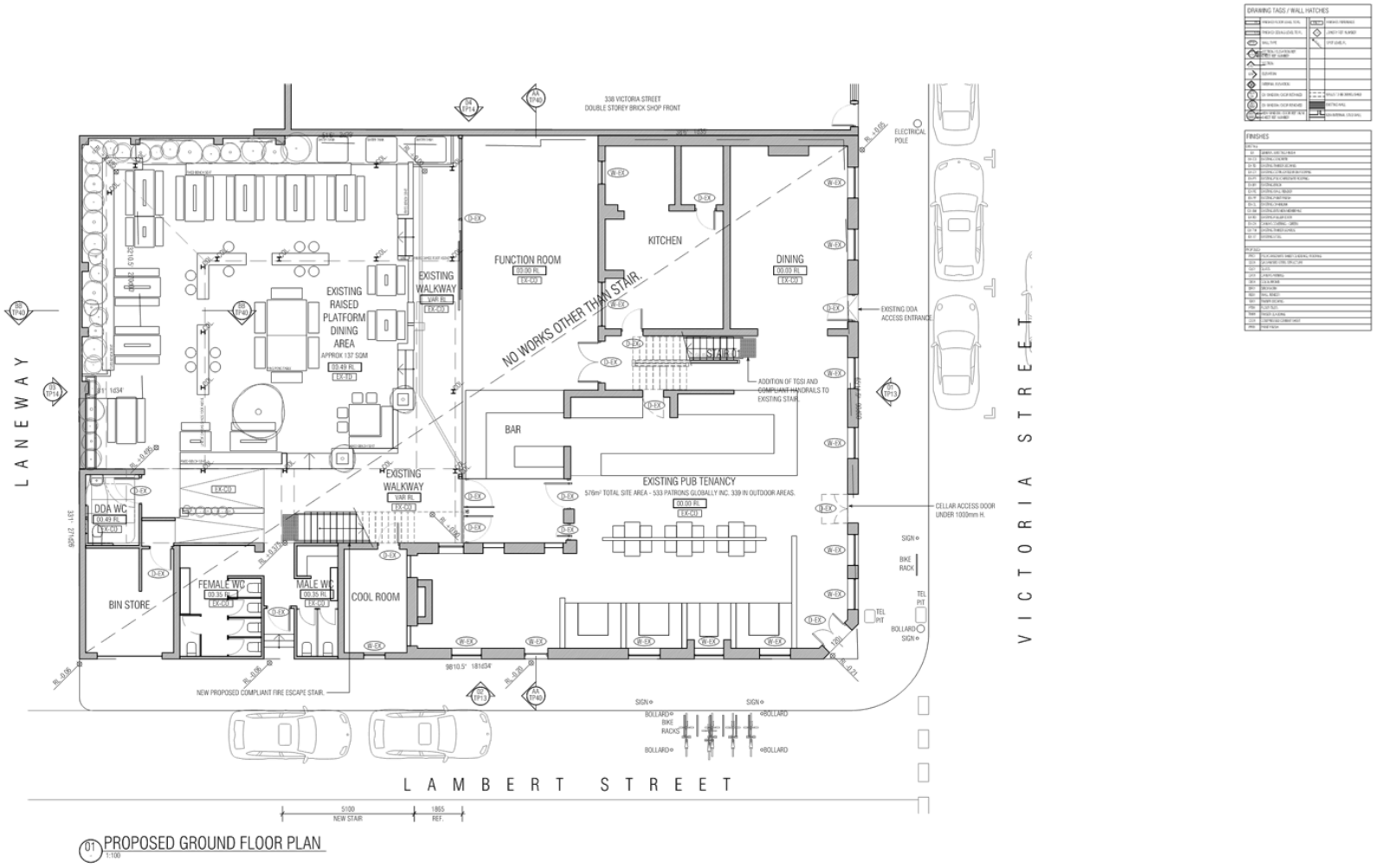
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01 PROPOSED GROUND FLOOR PLAN
1:100

PROPOSED GROUND FLOOR PLAN 1:100

TOWN PLANNING

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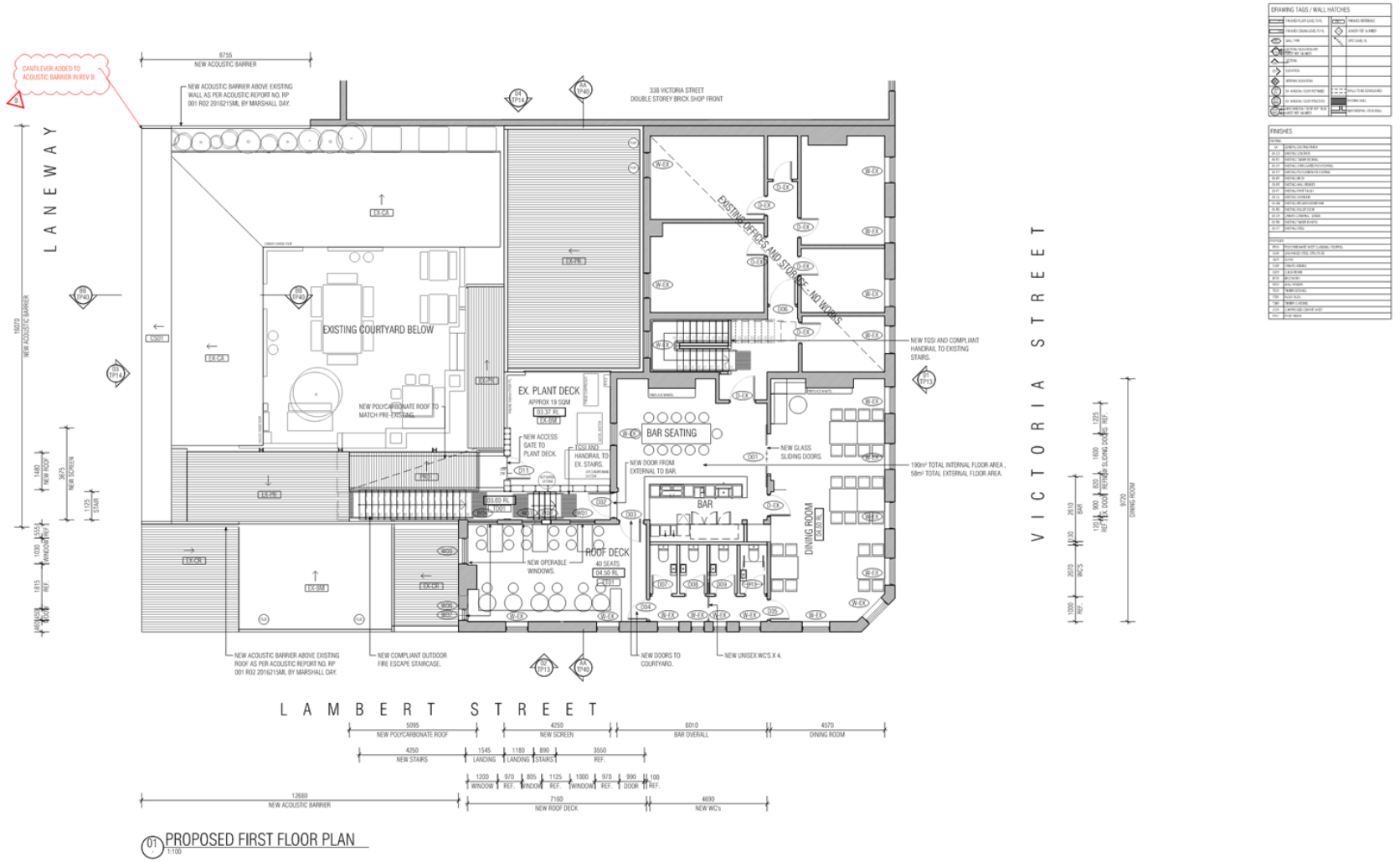
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01 PROPOSED FIRST FLOOR PLAN
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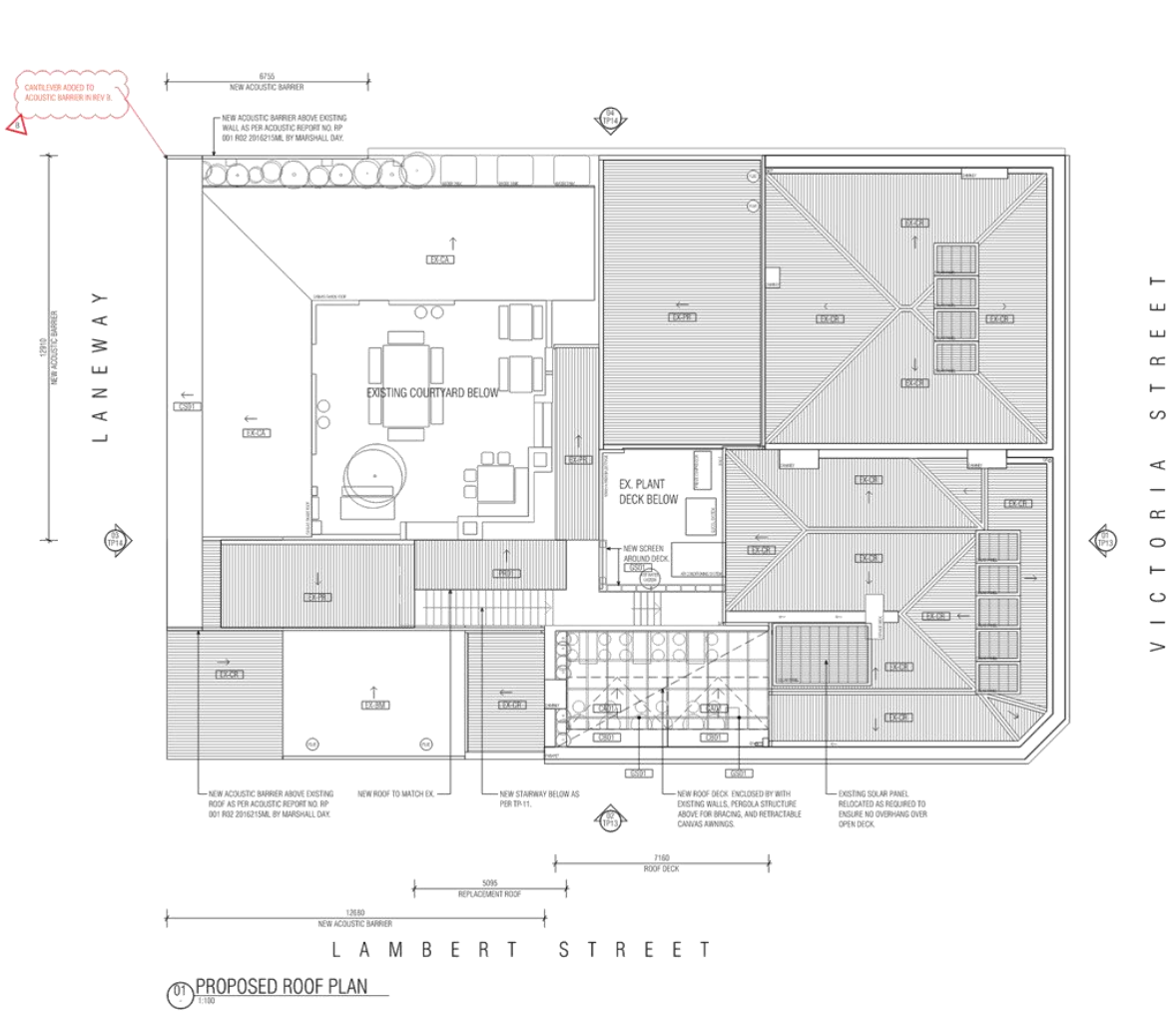
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01 PROPOSED ROOF PLAN
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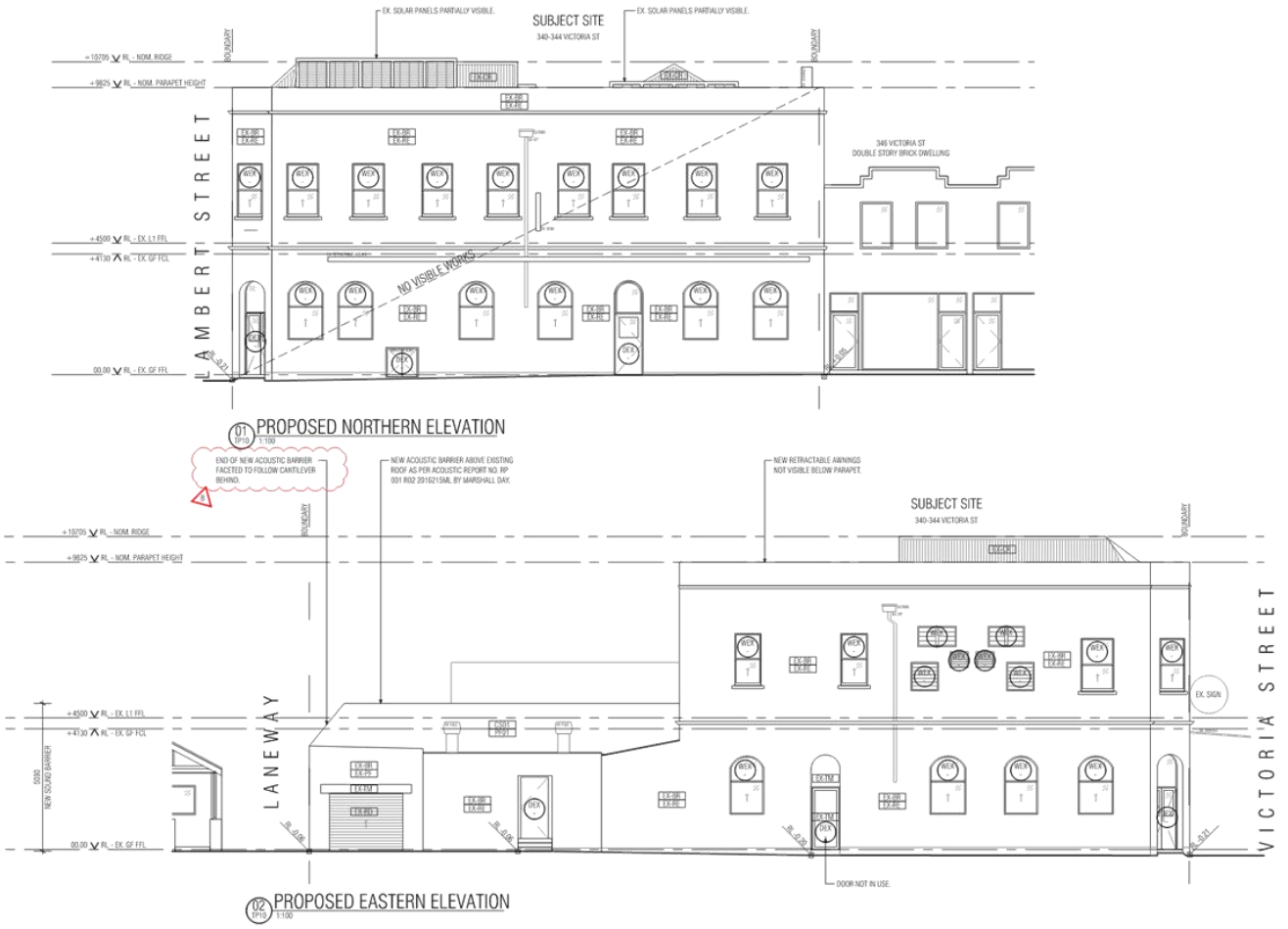
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THE NATIONAL HOTEL
JOB NO. 16-005
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TP-12 B

Attachment 2 - PLN17/0034 - 340 - 340 Victoria Street Richmond - section 57a - plans





PROPOSED EXTERNAL ELEVATIONS 1:100

TOWN PLANNING

THE NATIONAL HOTEL
JOB NO. 16-005
340-344 VICTORIA ST, RICHMOND 3121.
CLIENT: 344 VICTORIA PTY LTD.

TP-13 B

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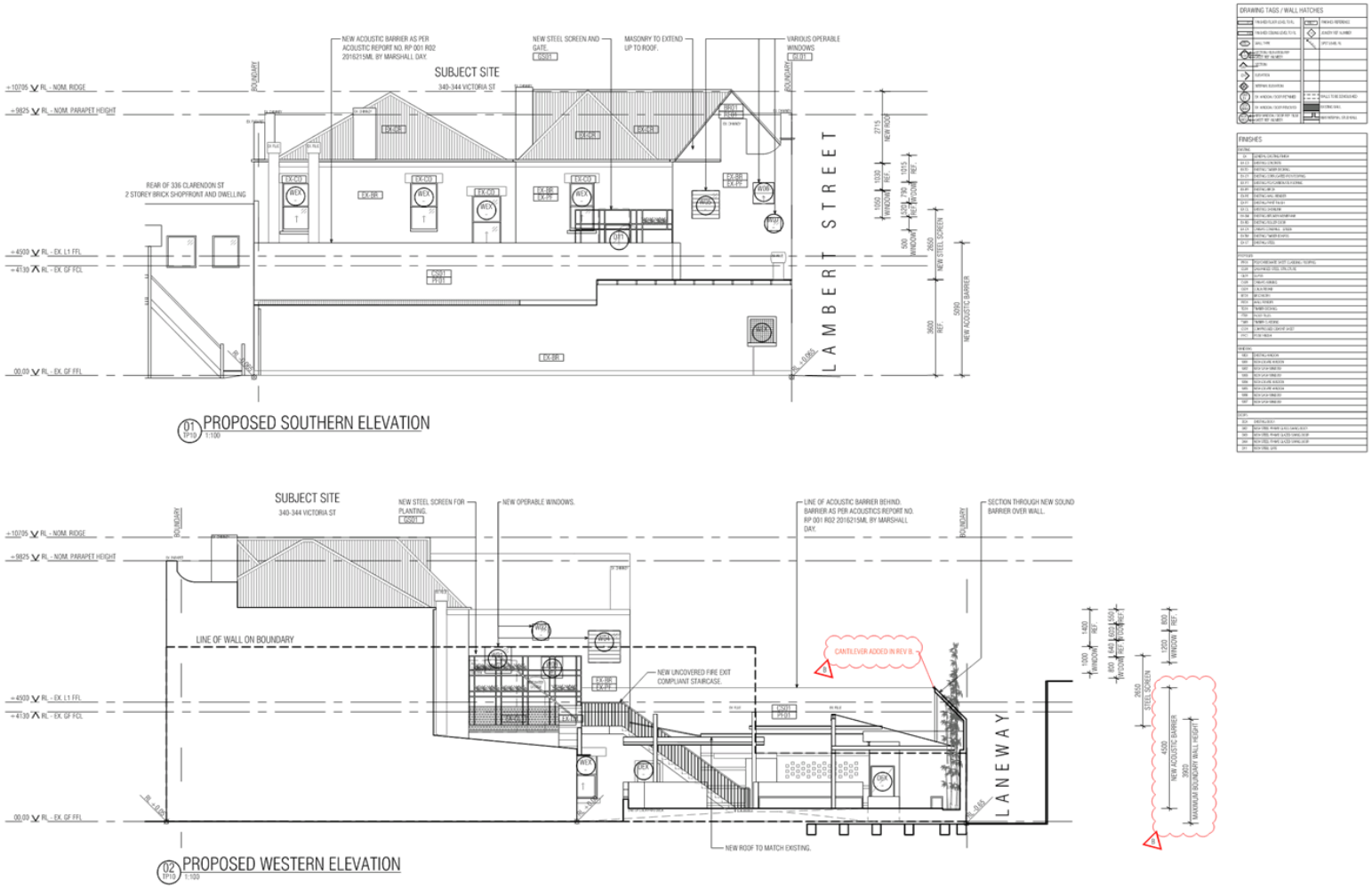
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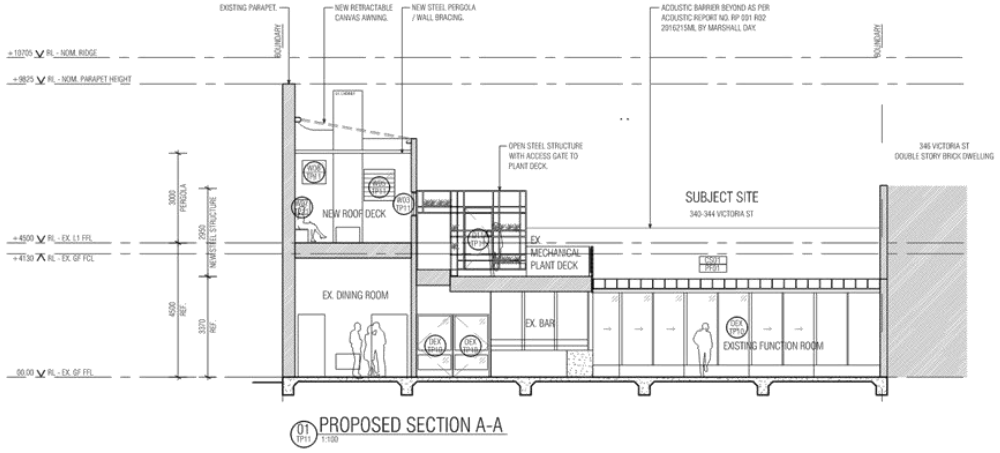
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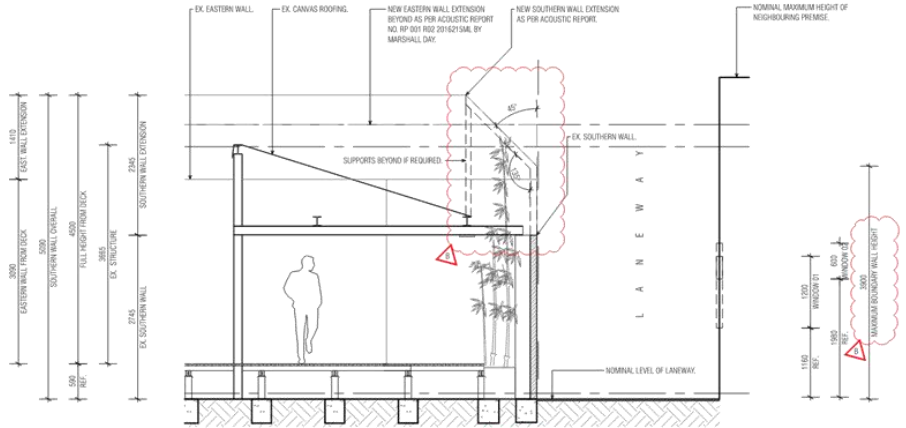
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TP-14 B

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01 TP11 PROPOSED SECTION A-A
1:100



01 TP11 PROPOSED SECTION B-B
1:50



PROPOSED SECTIONS 1:100, 1:50

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TP-40 B

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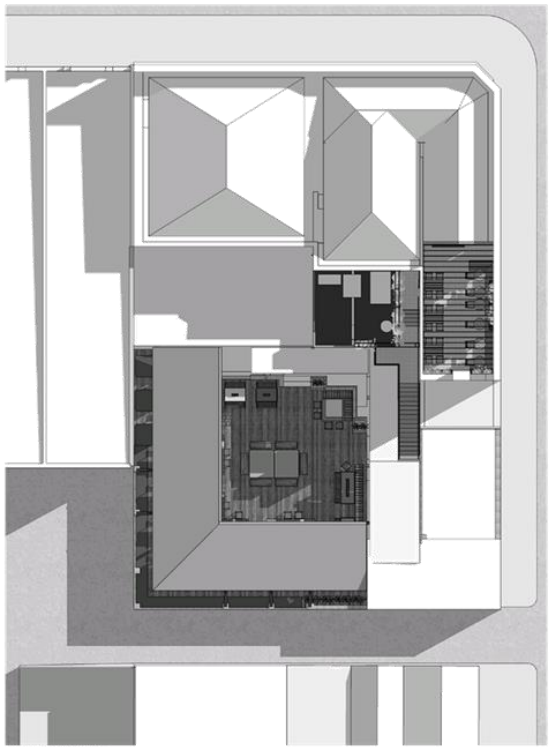
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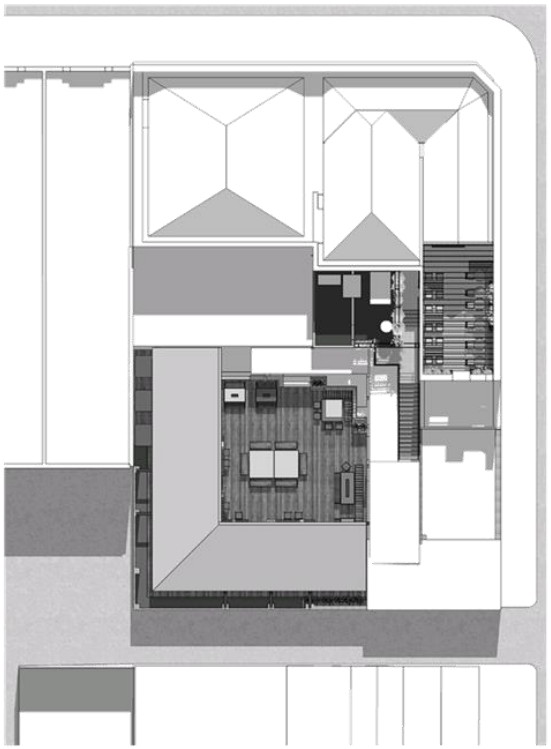
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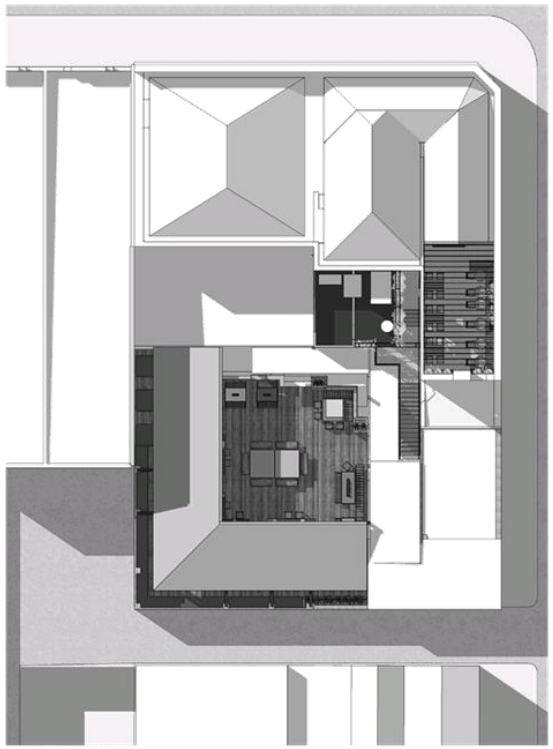
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EXISTING SHADOWS
SEPTEMBER 23 9AM



EXISTING SHADOWS
SEPTEMBER 23 12PM



EXISTING SHADOWS
SEPTEMBER 23 3PM

LEGEND:

EXISTING SHADOWS

EXISTING SHADOW DIAGRAMS 1:200

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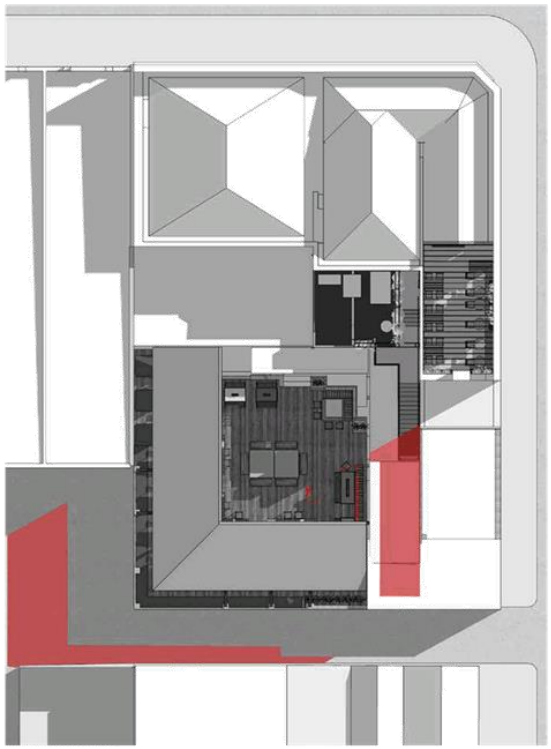
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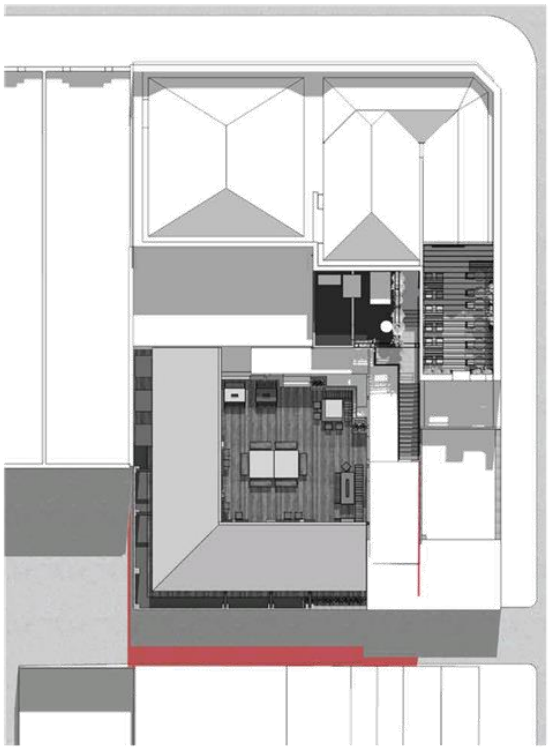
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TP-60 B

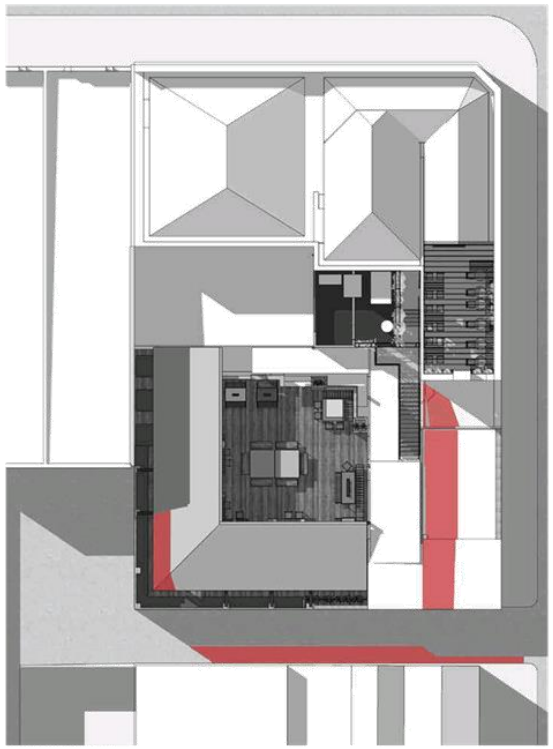
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PROPOSED SHADOWS
SEPTEMBER 23 9AM



PROPOSED SHADOWS
SEPTEMBER 23 12PM



PROPOSED SHADOWS
SEPTEMBER 23 3PM

LEGEND:

EXISTING SHADOWS

NEW PROPOSED SHADOWS

PROPOSED SHADOW DIAGRAMS 1:200

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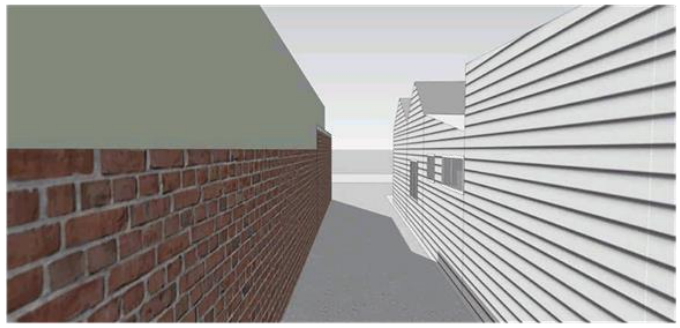
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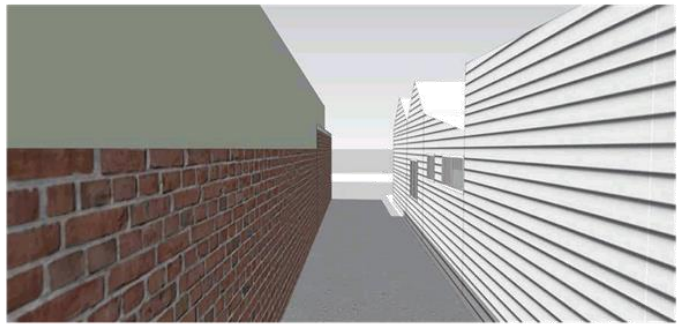
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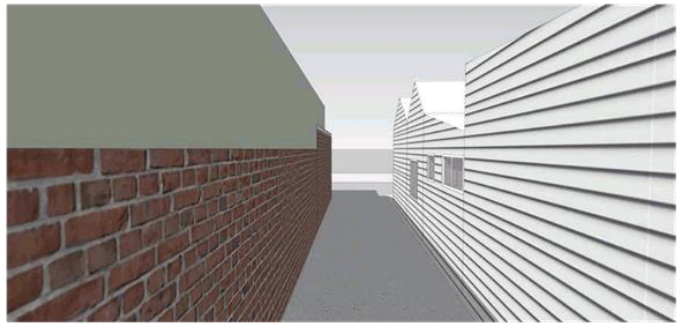
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SEPTEMBER 23 9AM



PROPOSED SHADOWS
SEPTEMBER 23 12PM



PROPOSED SHADOWS
SEPTEMBER 23 3PM

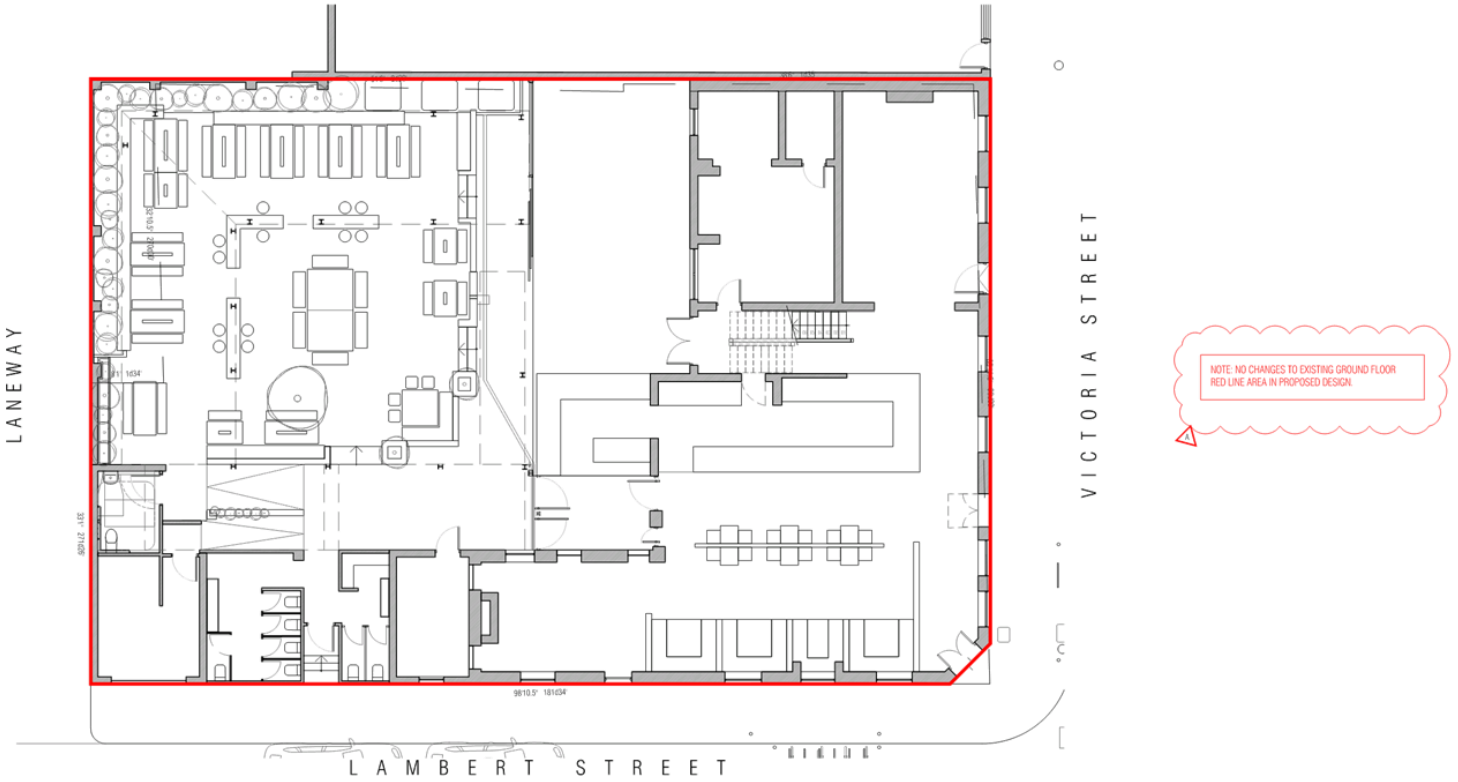
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TP-62 B

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01 EXISTING / PROPOSED GROUND FLOOR RED LINE AREA
1:100

EXISTING & PROPOSED GROUND FLOOR RED LINE LIQUOR LICENSING AREAS 1:100

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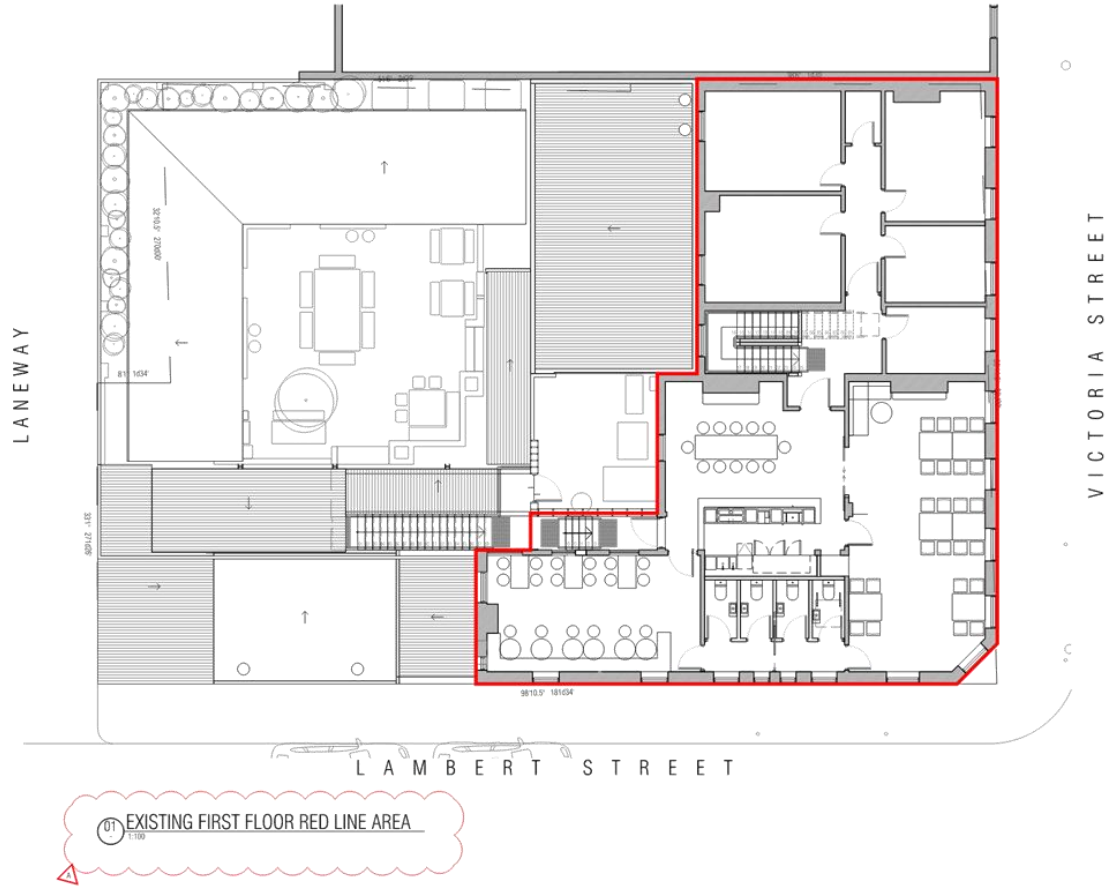
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EXISTING FIRST FLOOR RED LINE LIQUOR LICENSING AREA 1:100

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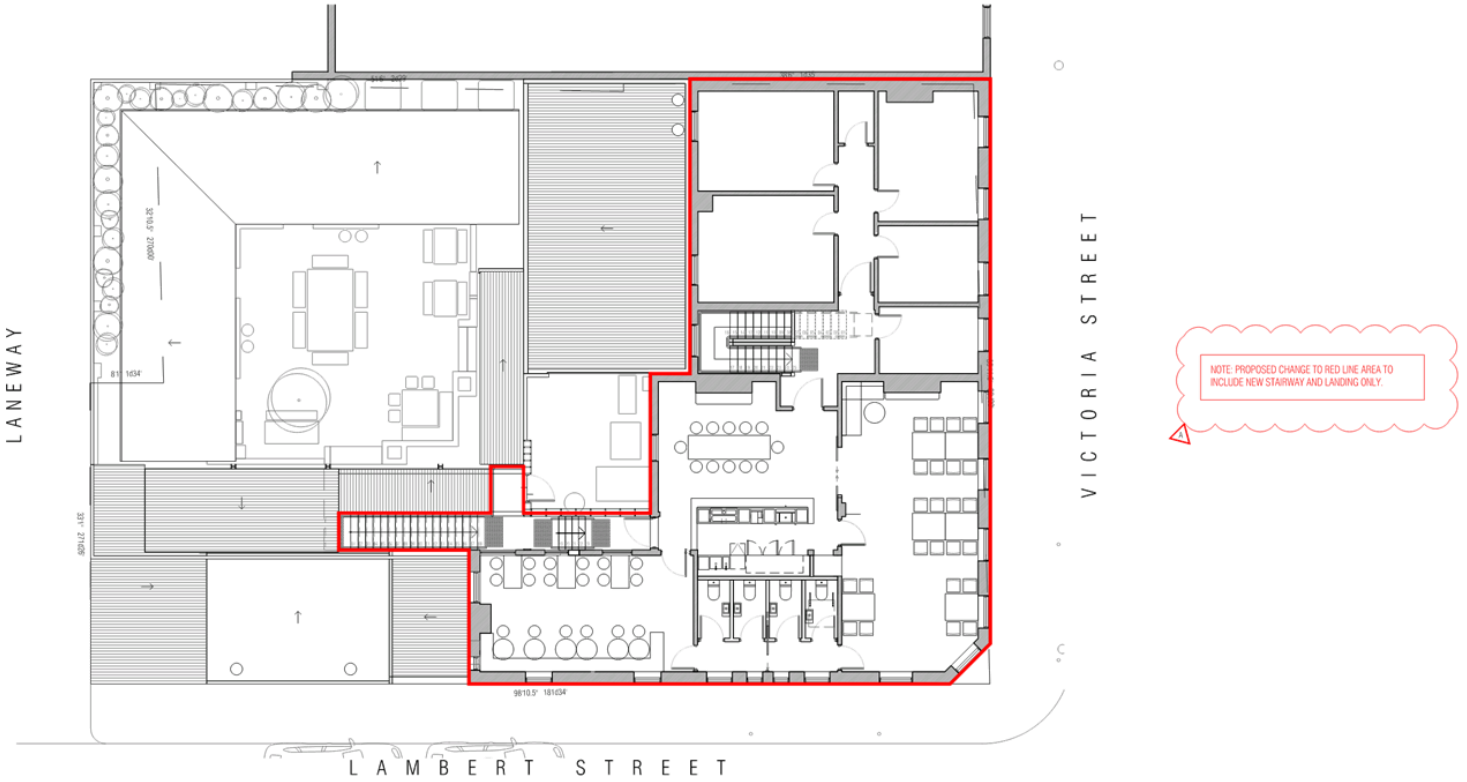
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TP-71 A

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01 PROPOSED FIRST FLOOR RED LINE AREA
1:100

PROPOSED FIRST FLOOR RED LINE LIQUOR LICENSING AREA 1:100

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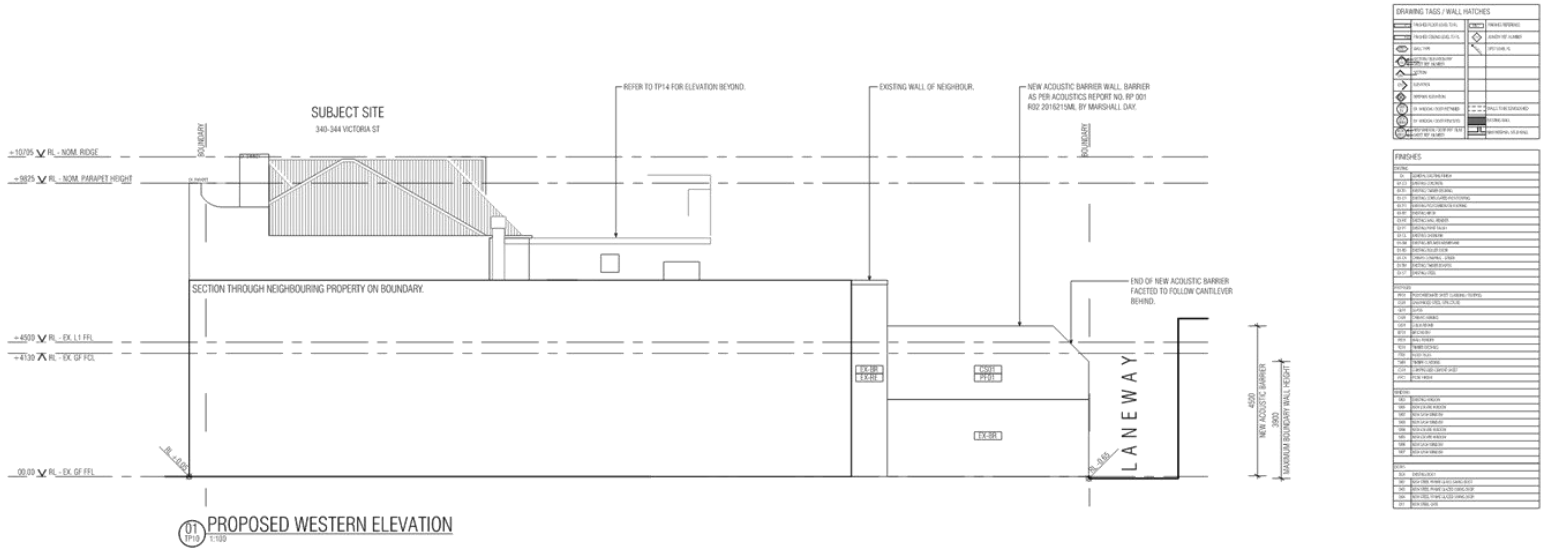
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TP-72 A

Attachment 3 - PLN17/0034 - 340 - 344 Victoria Street Richmond - west elevation



PROPOSED EXTERNAL ELEVATIONS 1:100

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Attachment 4 - PLN17/0034 - 340 - 344 Victoria Street Richmond - final acoustic referral report

4 July 2017

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City of Yarra
PO Box 168
Richmond VIC 3121

Attention: Vicky Grillakis

Dear Vicky

340-344 Victoria Street 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 National Hotel, which is located at 340-344 Victoria Street Richmond.

Details of the report are as follows:

- Title: The National Hotel Redevelopment
- Reference: Rp 001 R02 2016215ML
- Date: 9 June 2017
- Prepared by: Marshall Day Acoustics (MDA)

The acoustic report has been prepared to address potential noise impacts from music, patrons and mechanical plant.

1 Site Details

(Sections 2.0 and 2.1 of the acoustic report)

The acoustically relevant details of the project are identified in the report and are as follows:

- A function space, bar and roof terrace is proposed to be constructed on the first floor of the existing hotel
- The hours of operation of the hotel are not proposed to change, and are:
  - 7 am to 1 am Monday to Saturday
  - 1 pm to 11 pm Sunday
  - Midday to 11 pm Good Friday and Anzac Day
- The proposed roof terrace will have a capacity for 40 patrons
- The first floor function space is also proposed to have a capacity of 40 patrons

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

- New mechanical plant serving the new areas is proposed to be located on the existing first floor plant deck
- The nearest noise sensitive receivers are at:
  - 2 Lambert street, directly south of the subject site and separated from the site by a lane
  - 1 Lambert Street, which is south east of the subject site.

SLR Comment:

The site and proposed use are adequately described and the potentially most impacted residential receivers have been identified.

We note that the existing large outdoor patron area is separated from the lane by a 2.5 m high (approximate) brick wall.

2 Background Noise Monitoring

(Section 4.0 and Appendices D and E of the acoustic report)

Unattended measurements of ambient noise were conducted on the roof of an existing building at the subject site, at an approximate height of 4.5 m above ground (this is not consistent with the written description provided in Appendix D, however the photos clearly show the logger location). Logging was undertaken for one week. The results are summarised in Table 21 and graphical data is provided in Appendix E.

The lowest measured day, evening and night period levels are presented in Table 3 of the report and have been used as a basis for determining noise limits. An octave band spectrum for the night period is provided in Table 4.

Details of the monitoring equipment and comments on the ambient weather conditions are provided in the report.

SLR Comment:

The measurement and monitoring locations are generally appropriate for obtaining data for setting environmental noise limits. It appears that monitoring has been undertaken while the venue was operating, and the extent to which noise from the venue was audible throughout the monitoring period is not discussed in the report. It is probably safe to assume that the lowest measured 30 minute L_{90} level for each time period is unlikely to have been affected by noise from the subject site given that monitoring was undertaken for a week. However, some commentary on this issue would be appropriate.

3 Prediction Methodology

(Section 5 of the acoustic report)

A 3-D computer noise model has been prepared to assist in the prediction of noise from all sources to noise sensitive receivers. Generic information pertaining to the model is provided in report, along with screen shorts of the noise model.

SLR Comment:

It is agreed that noise modelling is appropriate for determining noise impacts from the proposed use. It is not possible to provide a full review of the noise model from the information provided in the report. It would also be preferable to have access to an original pdf of the acoustic report, rather than a scanned copy, given the importance of the visuals (which do not come up well in the scanned copy).

Attachment 4 - PLN17/0034 - 340 - 344 Victoria Street Richmond - final acoustic referral report

4 Patron Noise

4.1 Noise Limits

(Section 7.1 of the acoustic report)

Patron noise is proposed to be assessed to MDA in-house targets, which are based on measured background noise levels. The identified noise limits are provided in Table 19 of the acoustic report. The critical limits are 60 dB L_{Aeq} for the evening period and 52 L_{Aeq} for the night period.

SLR Comment:

The patron noise criteria and identified limits look reasonable.

4.2 Patron Noise Assessment – Existing Noise

(Sections 7.2, 7.3 and Appendix G of the acoustic report)

Existing patron noise levels were measured at the rear of the subject site, outside 2 Lambert Street during the evening and night periods. These results are presented in Appendix G of the report. The measured levels, which included both music and patron noise, were 63 dB L_{Aeq} for the evening period and 68 dB L_{Aeq} for the night period.

An explicit assessment of existing patron noise is not provided in the report, however MDA indicate that the levels are in excess of the identified noise limits and note that, as there have not been any specific complaints about the noise, residents are unlikely to be adversely affected by it.

Advice is nevertheless provided for controlling existing patron noise, as well as noise from the proposed new uses. Controls for the existing outdoor patron area include increasing the height of the perimeter barrier from approximately 2.5 m to 4.5 m.

SLR Comment:

The existing patron / music levels are extremely high (17 dB above the identified night time limit), and it is agreed that additional noise controls should be implemented. The fact that no complaints have been received does not prove that residents are not annoyed by the noise.

4.3 Predictions of Patron Noise from Proposed Operations

A sound power level of 94 dB LAeq has been used for the 40 patrons on the roof terrace during the night period. This is commensurate with MDA data for taverns with significant food offering, rather than with the higher levels generally used for drinking only patrons. Patron noise has been predicted to noise sensitive locations with the 3-D computer noise model developed for the site. The predictions take into consideration absorptive material applied to the walls of the outdoor area.

MDA predict overall patron noise levels of 60 dB LAeq at the most affected receiver location with the proposed noise controls in place, from the existing and proposed uses combined. The predicted level is 8 dB above the identified night noise limit but 9 dB lower than the existing patron / music levels at noise sensitive receiver locations.

Maximum levels of patron noise are predicted to exceed the nominated sleep disturbance targets by up to 2 dB (assumed to be 67 dB L_{Amax} outside).

SLR Comment:

Details of the modelling methodology used for the existing patron / music levels are not provided in the report, however we assume that the model was calibrated to predict the measured patron noise levels with the current noise barriers in place.

The patron sound power level used for the proposed first floor deck is not based on worst case drinking levels, however from our indicative calculations the level equates to approximately 80 dB L_{Aeq} above the crowd, which we agree is probably reasonable for this space.

Our indicative calculations also indicate that patron noise from the proposed new outdoor area will comply with the identified night limits assuming external windows of the outdoor area are closed. The exceedances are due to the existing outdoor patron area, which is substantially larger.

The predicted improvement over the existing situation (i.e. an overall 9 dB reduction in noise) is substantial and the overall outcome would seem to be a good one. Even if there are issues with the existing patron noise, these would not be resolved or improved by not allowing the new works to go ahead.

Furthermore, beyond increasing the height of the barrier as proposed by MDA, the only practical means for controlling noise from the existing outdoor patron area would be to restrict the operating times.

5 Music Noise

(Section 8 of the acoustic report)

Music noise is proposed to be assessed to SEPP N-2. Noise limits are determined from measured background noise levels and are provided in Table 19 of the acoustic report.

Background music only (67 dB L_{A10}) is proposed to be played on the roof deck and a maximum recommended level of 96 dB L10 is proposed for the function room. A spectrum is provided.

MDA do not provide an allowable level for music in the existing outdoor patron area, but note that a noise limiter is required for the existing outdoor area as well as for the proposed first floor deck and function room. It is recommended that the limiter for the outdoor area is set up to ensure compliance with SEPP N-2 at noise sensitive locations.

SLR Comment:

The proposed levels of music look generally reasonable and we agree that the final levels can be determined during the setup of the music noise limiters provided that this work is undertaken by MDA or a suitably qualified acoustical consultant. Separate limiters are likely to be required for each area of the venue: the existing outdoor patron area, the proposed first floor function room and the proposed first floor outdoor patron area.

If the allowable music levels within the venue are to be determined during set up of the limiters, the set up will need to be conducted at a time when accurate measurements of SEPP N-2 compliant levels of music can be carried out in the noise sensitive receiver locations (e.g. late at night early in the week or early on a Sunday morning).

6 Mechanical Plant Noise *(agreed / no comments)*

(Section 6 and Appendix C1 of the acoustic report)

The proposed new bar and function room will require additional mechanical plant. Noise from mechanical plant is proposed to be assessed to SEPP N-1. Noise limits are provided in the acoustic report.

Predictions of noise from mechanical plant take into consideration the measured levels of existing plant and assume that a similarly sized condenser unit will be installed to service the new area. Noise from the equipment has been predicted at noise sensitive receiver locations using the computer noise model developed for the project. The predicted noise levels comply with the identified SEPP N-1 noise limits.

7 SLR Summary

The acoustic report prepared to support the application for a first floor outdoor patron area, bar and function room at the National Hotel addresses the issues of music, voice and mechanical plant noise from the proposed use. A summary of our review is provided below.

Patron Noise

The proposed first floor extension of the venue presents an opportunity to address the existing high levels of patron noise from the ground floor outdoor area, and MDA and the venue management have taken this on board. A substantial increase in the height of the perimeter barriers has been proposed. However, while the barriers are predicted to significantly reduce existing patron noise levels they will not bring them into compliance with the nominated targets. There are, however, no mandatory limits for patron noise and the venue is an established use.

An explicit assessment of patron noise from the proposed new outdoor area alone has not been presented in the report, however our indicative calculations suggest that noise from the new space is likely to comply with the nominated patron noise limits and will not provide an appreciable contribution to the overall patron noise levels.

Music Noise

The advice provided in the report for controlling music noise from the venue is considered to be generally appropriate. We agree that music noise limiters will be required for all three areas of the venue, and that the limiters should be set up by MDA or a suitably qualified acoustical consultant.

The limiters should be calibrated to ensure that SEPP N-2 noise limits are met at all noise sensitive locations. Given the clearly non-compliant level of music emanating from the venue currently, it is recommended that the venue be required to submit a report documenting the allowable internal music levels and limiter settings, and demonstrating compliance with SEPP N-2.

Mechanical Plant Noise

The assessment provided in the report adequately addresses potential noise impacts from mechanical plant.

Yours faithfully,

Dianne Williams
Associate – Acoustics

Checked by: JA

Attachment 5 - PLN17/0034 - 340 - 344 Victoria Street Richmond - community amenity referral

TO:	**Vicky Grillakis**
cc:	
FROM:	**Steve Alexander**
DATE:	**29/06/17**
APPLICATION:	**PLN17/0034**
SUBJECT:	**Amenity Enforcement Referral – 340 - 344 Victoria Street Richmond**

Dear Vicky,

Thank you for your referral PLN17/0034 dated 29 June 2017.

Planning Enforcement received amenity noise complaints on 9/9/16, 1/8/16, 13/10/15 and 31/3/15 in relation to 340 - 344 Victoria Street Richmond, I note that this application proposes to remove a portion of first floor roof along the eastern boundary to Lambert Street to create an open deck. I also note there is an existing ground floor beer garden in which acoustic screening is proposed.

In consultation with the Planning Enforcement Officers I have reviewed the proposal and recommend the following:

1. No music after 12 midnight at any outdoor area including the beer garden Sunday to Thursday.
2. No music after 12.30 am at any outdoor area including the beer garden Friday and Saturday

The above recommendation was made with consideration to the fact noise will generally carry further from an open area. Experience tells us that open areas in particular beer gardens have a tendency to impact the amenity. The times suggested where no music is allowed was based on keeping consistent with the Environment Protection (Residential Noise) Regulations 2008 schedule for amplified music.

An additional hour to operate was suggested for the outdoor areas to allow the proprietor to ease out patrons.

Points 1-2 are only for the any outdoor areas including the beer garden and roof deck area.

Installing and calibrating a suitable noise limiter system as per 8.4 of the acoustic report should form part of the permit conditions.

Should you wish to discuss the application further, please feel free to contact me on 9205-5166.

Regards,

Steve Alexander
Coordinator – Civic Compliance