YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

to be held on Wednesday 9 August 2017 at 6.30pm in Meeting Room 3 at the Richmond Town Hall

Rostered Councillor membership

Councillor Misha Coleman
Councillor Daniel Nguyen
Councillor Danae Bosler

I. ATTENDANCE
Danielle Connell (Senior Coordinator Statutory Planning)
Gary O'Reilly (Senior Statutory 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	67 Type Street, Richmond - PLN16/1198 - Development of the land for the construction of two dwellings	5	23
1.2	23-33 Johnston Street, Collingwood - PLN16/0845 - Development of the land for the construction of a multi-storey building, including part demolition, use of land for dwellings, reduction in the car parking requirements, waiver of the loading bay requirements and alter access to a Road Zone Category 1 Road	60	104
1.3	PLN16/0924 - 373-375 Bridge Road, Richmond - The construction of a ten storey building plus a roof top terrace containing a shop and 35 dwellings, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement	281	311
1.4	7 Peel Street, Collingwood - PLN17/0188 - Sale and consumption of liquor (on premises licence), and a reduction of the statutory car parking requirement associated with a cafe/tavern (no permit required for uses)	411	430
1.5	Rear 26 - 56 Queens Parade, Fitzroy North - PLN16/0732 - Development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site (being the larger Queens Parade site).	444	469

1.1 67 Type Street, Richmond - PLN16/1198 - Development of the land for the construction of two dwellings

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Application PLN16/1198 at 67 Type Street, Richmond and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 15.01-1 – Urban Design;
   (b) Clause 22.10 – Built Form and Design Policy;
   (c) Clause 22.13 – Residential Built Form;
   (d) Clause 32.08 – General Residential Zone (Schedule 2);
   (e) Clause 52.06 – Car Parking; and
   (f) Clause 55 – Two or more dwellings on a lot (ResCode).

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Neighbourhood Character and built form;
   (b) On and off-site amenity impacts;
   (c) Car parking; and
   (d) Objector concerns.

Objector Concerns

4. Six objections were received to the application and can be summarised as:
   (a) Excessive in scale and building height;
   (b) Saturation of dwellings and overdevelopment of the site;
   (c) Loss of on-street car parking;
   (d) Pedestrian safety reduced due to garages;
   (e) Overlooking;
   (f) Excessive site coverage; and
   (g) Overshadowing.

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: **Gary O'Reilly**
TITLE: **Senior Statutory Planner**
TEL: **9205 5040**

1.1 67 Type Street, Richmond - PLN16/1198 - Development of the land for the construction of two dwellings

Trim Record Number: D17/100440
Responsible Officer: Coordinator Statutory Planning

Proposal:	Development of the land for the construction of two dwellings
Existing use:	Single dwelling
Applicant:	Planning and Property Partners Pty Ltd
Zoning / Overlays:	General Residential Zone (Schedule 2)
Date of Application:	23 December 2016
Application Number:	PLN16/1198

Planning History

1. There is no planning permit history for this site.

Existing Conditions

Subject Site

2. The subject site is located on the eastern side of Type Street, at the northern corner of Type Street and Glasshouse Street. The site is rectangular in shape, with dual frontages to both Type Street and Glasshouse Street. The dwelling fronts Type Street and the site has a width of 6.1m and a depth of 32.46m, constituting an overall area of approximately 198sqm.

3. Occupying the site is a single-storey, single-fronted rendered dwelling. The dwelling is set back 3.6m from the front (western) boundary with a verandah encroaching approximately 1.2m into the front setback. The front setback comprises of a small permeable area with a medium sized tree and a timber picket front fence. The dwelling is setback 1.2m off the northern boundary and constructed hard up against the southern (Glasshouse Street) boundary.

4. The dwelling consists of three bedrooms, a sitting room, kitchen/meals room and a laundry and bathroom to the rear. The dwelling has a secluded private open space of approximately 46sqm which is located within the north-east corner to the rear boundary. No vehicle access is provided to the site.

5. There are no restrictive covenants or easements that affect the site on the certificate of title provided.

Surrounding Land

6. The surrounding land is predominantly residential in nature. Type Street has a mix of residential properties ranging from single and double storey dwellings on a lot to double and triple storey apartment blocks. Housing styles vary from Victorian-era dwellings to more contemporary designs. However there are no heritage listed buildings on the majority of dwellings/buildings within the immediate area.

7. The adjoining land to the north is developed as a single-storey, weatherboard dwelling similar in appearance to the dwelling on the subject site. The single-fronted dwelling has a minimum setback of 3.5m from Type Street, with a verandah encroaching 1.2m into the front setback.

The dwelling is setback off its northern boundary, with a single storey boundary wall constructed for approximately 18.5m along the common boundary with the subject site. A 10m rear setback is provided, with the dwelling's secluded private open space occupying this space.

8. To the eastern (rear) boundary of the subject site is a 3.05m laneway. Beyond the laneway is the side boundary of No. 3/54 Stawall Street. This dwelling forms part of a three unit development, fronting Glasshouse Street. The dwellings are double storey in built form with roof terraces. Directly abutting the laneway, the dwelling presents as a sheer double storey boundary wall with two ground floor windows (non-habitable and associated with the dwelling's garage). The dwelling appears to have two secluded private open spaces in the form of a roof terrace and a courtyard within the north-west corner.

9. To the south is Glasshouse Street which is a two-way street with permit car parking available along the northern side only. On the opposite side of the street is No. 69-89 Type Street, a double storey red-brick building currently being developed as part of planning permit PLN14/0554. This planning permit approves the construction of 9 dwellings and a reduction of car parking requirements. The permit retains the red brick building, with additional built form ranging from three to four storeys, fronting both Type Street and Glasshouse Street.

10. To the west is Type Street (a 10m wide road reserve), which is a two-way street with a mix of short term (2 hour) parking and no standing areas. On the opposite side of the street is Nos. 74 and 76-82 Type Street. Both buildings are apartment blocks, constructed in the 1970s-1980s with frontages to Type Street.

11. The subject site is approximately 330m south of Bridge Road and 500 metres north of Swan Street and Burnley (Burnley Train Station). Both Bridge Road and Swan Street provide tram services to and from the city centre, with rail services also available at Burnley Train Station (located 550m at the junction of Burnley and Swan Streets).

The Proposal

12. This proposal is for the construction of two dwellings (no permit required for demolition). Details of each of the proposed dwellings are as follows:

13. Dwelling 1 (Type Street)

    (a) The ground floor consists of an entry from Type Street, two bedrooms and a bathroom, and a double-width garage accessed via Glasshouse Street. There is also a small garden area within the front setback along Type Street.
    (b) The first floor consists of an open plan kitchen dining and living area leading out into the dwelling's open space in the form of a 15sqm balcony fronting Type Street;
    (c) The second floor consists of a master bedroom with ancillary ensuite.
    (d) Maximum overall height of 8.55m above the natural ground level;
    (e) The ground floor incorporates a varied front setback of 2.5m to 3.59m from Type Street, a zero side setback from both the northern and southern (Glasshouse Street) boundaries and constructed to the common boundary with Dwelling 2 along its eastern boundary;
    (f) The first floor is to have a varied 2.495m to 5m setback from Type Street, a zero to 1.275m setback off the northern boundary, a zero to 0.2m setback off the southern boundary (Glasshouse Street) and constructed to the common boundary with Dwelling 2 along the eastern boundary;
    (g) The second floor is to have a 6.5m setback from Type Street, a zero to 1.275m side setback off the northern boundary, a 1m to 1.2m setback off the southern boundary (Glasshouse Street) and constructed to the common boundary with Dwelling 2 along the eastern boundary;
    (h) A 2,000 litre rainwater tank is to be provided below the garage; and
    (i) A 1.2m high picket front fence fronting Type Street.

14. Dwelling 2

    (a) The ground floor consists of an entry from Glasshouse Street, a double width garage adjacent to the entry, two bedrooms and a bathroom. There is also a small courtyard (1.2m by 5.95m) along the northern boundary.
    (b) The first floor consists of an open plan kitchen dining and living area leading out into the dwelling's secluded private open space in the form of a 14sqm balcony fronting the rear laneway;
    (c) The second floor consists of a master bedroom with ancillary ensuite.
    (d) Maximum overall height of 8.5m above the natural ground level;
    (e) The ground floor incorporates a varied front setback of zero to 1m entry from Glasshouse Street, a zero to 1.2m side setback from the northern boundary, built to the laneway and constructed to the common boundary with Dwelling 1 along the western section;
    (f) The first floor is to have a zero setback from Glasshouse Street, a 1.275m setback off the northern boundary, a 3m eastern setback from the laneway and constructed to the common boundary with Dwelling 1 along the western section;
    (g) The second floor is to have a 1m setback from Glasshouse Street, a 1.27m - 2.52m side setback off the northern boundary, a 6m eastern setback from the laneway and constructed to the common boundary with Dwelling 1 along the western section; and
    (h) A 2,000 litre rainwater tank is to be provided below the garage.

15. Materials and finishes

    The proposed development utilises a range of materials and finishes as follows:
    - Dark brick;
    - Timber and concrete cladding;
    - Dark corrugated metal cladding;
    - Black window features (shrouds);
    - Dark grey steel picket fences.

Planning Scheme Provisions

Zoning

General Residential zone

16. Pursuant to clause 32.08-4 of the Yarra Planning Scheme (the scheme), a planning permit is required to construct two or more dwellings on a lot of less than 500sqm. Such development must meet the requirements of clause 55 of the Scheme.

17. A building used as a dwelling or residential building must not exceed the height of 9 metres.

18. The zone requires a mandatory minimum garden area requirement for lots greater than 400 square metres and above. As the subject site is below 400sqm, this requirement is not relevant in this instance.

Overlays

19. The subject site is not affected by any overlays.

Particular Provisions

Clause 52.06 (Car Parking)

20. Pursuant to the car parking requirement table at clause 52.06-5 of the Scheme, dwellings are required to provide on-site car parking spaces as follows:

Land Use	Rate	No. of dwellings proposed	Spaces required	Spaces proposed	Reduction sought
Dwelling	1 car space to each 2 bedroom dwelling.				
	2 car spaces to each 3 or more bedroom dwelling	2 dwellings (2 x three-bed)	4	4	0

Clause 55 (Two or more dwellings on a lot)

21. These provisions apply to construct a building or construct or carry out works associated with two or more dwellings on a lot under the provisions of the GRZ.

General Provisions

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

State Planning Policy Framework (SPPF)

Clause 11 – Settlement

23. The relevant policy objective is to *'encourage a diversity of housing types at higher densities in and around activity centres'.*

Clause 11.02 – Urban Growth

24. 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 11.06-2 – Housing Choice

25. The objective of this clause is: *to provide housing choice close to jobs and services.*

Clause 11.06-5 – Neighbourhoods

26. Clause objective of this clause is: "*to create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs."*

Clause 15 – Built Environment and Heritage
Clause 15.01-1 – Urban design

27. 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

28. 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

29. 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

30. 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

31. The objective of this clause is '*to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions'.*

Clause 16 – Housing
Clause 16.01-1 – Integrated housing

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

Local Planning Policy Framework (LPPF)

33. 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

34. The relevant Objectives and Strategies of this clause are:
    (a) Objective 1 *To accommodate forecast increases in population.*
    (b) *Objective 2 To retain a diverse population and household structure.*

Clause 21.05-2 – Urban design

35. 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 – *To ensure that new development contributes positively to Yarra's urban fabric*

Clause 21.06 – Transport
Clause 21.06-1 – Walking and cycling

36. 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

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

Clause 21.08 Neighbourhoods

38. Clause 21.08-10 – Central Richmond (area between Bridge Road and Swan Street)
The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid-Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood.

39. Figure 24 of this clause identifies this site as *'Inner Suburban Residential '.*

Relevant Local Policies

Clause 22.10 – Built Form and Design Policy

40. Relevant objectives within this clause include:
    (a) Ensure *that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
    (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design*
    (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land; and*
    (d) *Encourage environmentally sustainable development.*

Clause 22.13 – Residential Built Form Guidelines

41. The relevant built form character type relating to the subject site is "Inner Suburban Residential", where minimal areas of private open space, minimal side/rear setbacks and high site coverage are common. Clause 22.13-3.2 notes the applicable design responses for development within "Inner Suburban Residential' areas;
    (a) *Maintain the existing pattern of front setbacks*
    (b) *Landscape the front setback in a style that reinforces the garden character (if any) of the streetscape.*
    (c) *Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.*
    (d) *Orient buildings at right angles to the street frontage.*
    (e) *Provide front fencing that is open (unless the building is zero front setback).*
    (f) *On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

42. 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

43. 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

44. The application was advertised under the provisions of Section 52 of the Act with 55 letters sent to surrounding owners and occupiers and three signs displayed on site.

45. Council received a total of 6 objections to the application. The grounds of objection are summarised as follows:
    (a) Excessive in scale and building height;
    (b) Saturation of dwellings and overdevelopment of the site;

(c) Loss of on-street car parking;
(d) Pedestrian safety reduced due to garages;
(e) Overlooking;
(f) Excessive site coverage; and
(g) Overshadowing.

46. A planning consultation meeting was held on 13 June 2017, with this meeting attended by the Applicant, Objectors, a supporter and Council officers. No changes to the plans were made following this meeting.

Referrals

External Referrals

47. No external referrals were required under the Scheme.

Internal Referrals

48. The application was referred to the following internal departments, with comments attached to this report.
    (a) Engineering Services Unit;
    (b) Urban Design Unit;
    (c) ESD Officer

OFFICER ASSESSMENT

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

    (a) State and Local Planning Policy Framework (SPPF and LPPF);
    (b) Neighbourhood Character Assessment;
    (c) Clause 55 of the Yarra Planning Scheme (Rescode);
    (d) Car parking; and
    (e) Objector concerns.

State and Local Policy Frameworks (SPPF and LPPF)

50. When assessed against the State and Local Planning Policy Frameworks, there is strategic support for the development with regards to its location within close proximity to an activity centre (AC) and within the General Residential Zone (GRZ). The purposes of the GRZ are as follows:
    (a) To *implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
    (b) To encourage development that respects the neighbourhood character of the area;
    (c) To implement neighbourhood character policy and adopted neighbourhood character guidelines;
    (d) To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport;
    (e) *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate location.*

51. It considered that the proposed development fulfils these objectives, and allows for two modern family homes in an inner city context that is ideally located to take advantage of existing services including tram services available along Bridge Road (330m north) and train/tram services along Swan Street (550m south-west).

52. Clauses 11 and 16 of the Scheme aims for an increase in diversity of choice, economic viability, accessibility and land use and transport integration, whilst facilitating sustainable development that takes full advantage of existing settlement patterns. The future residents of the dwellings will use the services available in the nearby commercial environment, in accordance with clause 11.06.

53. The development also accords with a number of key strategic policies within the Scheme, in particular clause 11.06-2 and 18.02-1 and 18.02-2, by providing higher density housing with connections to public transport and cycling networks, and clauses 16.01-2, 16.01-4 and 21, by increasing and consolidating the supply and diversity of housing in existing urban areas. For all of the reasons outlined above, the proposal is considered to achieve compliance with the relevant State and Local Planning policies.

Neighbourhood character assessment

54. Clause 22.10 (*Built form and design policy*) and Clause 22.13 (*Residential Built Form Policy*) provide specific guidance on assessing appropriate height and scale of new developments in residential contexts. Clause 22.10 provides design guidelines at Clause 22.10-3.2 (*Urban form and character*), Clause 22.10-3.3 (*Setbacks & building heights*), and Clause 22.10-3.4 (*Street and Public Space Quality).*

55. The proposed development incorporates a minimum front setback of 2.5 metre to Type Street (Dwelling 1), with a small landscaped area provided. A review of the surrounding area has identified similar front setbacks, which is a common design response within an inner city context due to the small lot sizes and fine grain subdivision pattern. Given the setbacks found within the surrounding area, the proposed setback is considered to be in keeping with the prevailing setbacks and is an acceptable design response.

56. Towards Type Street, Dwelling 1 incorporates a graduated building setback varying from 2.5m (ground floor), 5m (first floor) and 6.5m (second floor). This graduated stepping back of the building reduces the built form as the dwelling increases in height. Combined with the use of materials and fenestration, it is considered an appropriate design response in an area which is in transition and where triple storey built forms are present.

57. Concerns have been identified by Council's Urban Design Unit with respect to the triple storey built form constructed along the northern boundary with No. 65 Type Street, associated with the staircase of Dwelling 1. It is recommended that the staircase be setback 1.2m, in line with the rest of the second floor. This section of the building extends for 6.2m along the boundary and is setback 6.5m from Type Street. To provide the requested setback, the master bedroom and WIR would have to be reduced in width, identical to the setback provided to the master bedroom to Dwelling 2. It is considered that given the setback to the street (6.5m), its location adjacent to the roof of No. 65 Type Street (not a sensitive open space or habitable room window), the presence of triple storey built forms within area and use of material (white concrete cladding along the first with black corrugated iron along the second) the section of wall is acceptable in this instance.

58. Dwelling 2 is orientated towards Glasshouse Street and is to be constructed along the southern (side) boundary. The provision of a zero setback (to both Dwellings 1 and 2) to the side street is a common design response due to the constraints of sites within an inner city context. Examples can be found on the opposite side of Glasshouse Street at No. 69 Type Street, where the existing double storey building is constructed to the boundary and is being retained as part of the site's redevelopment. Additional examples can be found at No. 54 Stawell Street to the east, with a double storey built form presenting to Glasshouse Street. Furthermore the existing dwelling is constructed flush along the southern boundary for the majority of its length (24.5m approx.). To reduce the visual bulk a partial 1m setback is provided to allow for the dwelling entry and some landscaping. Further articulation is provided through the articulation of the garage timber doors which does provide some articulation and visual relief.

59. Along Glasshouse Street, it is proposed to construct the first floor of both dwellings along the southern boundary, with some articulation provided within the centre to distinguish between the two. As discussed earlier in this report, double storey built forms are present along Glasshouse Street with No. 69 Type Street retaining its double storey built form as part of its redevelopment and No. 54 Stawell Street also built to the street at double storey height. The use of concrete cladding does provide a contrast between levels (both to the ground and second floors). In addition the use of fenestration breaks up the façade and allows surveillance of the street.

60. The addition of a third floor is considered acceptable in this instance given the surrounding context where triple storey built forms is an emerging characteristic. Examples of triple storey developments can be identified with the redevelopment of No. 69 Type Street, No. 12 Glasshouse Street (to the east and at the end of the street), No. 59 Stawell Street No. 88 Type Street and No. 21 Boland Street. The second floor of the proposed development is setback 1m from Glasshouse Street and incorporates a dark metal finish to appear as a recessive element. It is considered that the setback of the second floor combined with the 3.4m high first floor wall will result in the ground and first floors presenting to the surrounding streets and laneway as the primary form, with the second floor being a recessive element.

61. Further to the above, discrepancies between the perspectives and the floor plans/elevation have been identified with respect to the provision of windows along the second floor (southern elevation). The perspective shows glazing along the second floor, with the elevation and floor plans showing a blank wall. It is considered that the provision of windows along the second level will provide a better appearance and a break in the upper floor. As such a condition will be included for the provision of fenestration to the second floor, southern elevation.

62. Towards the rear, Dwelling 2 is constructed to the laneway along the ground floor with a graduated stepping back in the built form along the first floor (3m) and second floor (6m). A review of existing built forms along the laneway has identified both single and double storey walls are present. The provision of a single storey wall along the ground floor is considered acceptable in this context. The graduated stepping back of the first and second floors reduces the built form presenting to the laneway. Towards the northern boundary a varied 1.275m to 2.528m setback is incorporated to reduce the built form to No. 65 Type Street and in particular the dwelling's secluded private open space to the rear. Combined with these setbacks the dwelling incorporates the use of dark brickwork along the ground floor, concrete cladding along the first and dark metal cladding to the second.

63. In general, the overall built form is considered appropriate through the use of varied finishes and setbacks provided although setbacks will be discussed in more detail later in the report. This not only assists in reducing the visual bulk but also provides visual interest when viewed from the adjacent streets and properties. Combined with the incorporation of upper floor setbacks and provision of landscaping along Type Street, it is considered that the proposed development presents an appropriate design response to the surrounding neighbourhood character.

Clause 55 of the Yarra Planning Scheme (Rescode)

64. Clause 55 (ResCode) provides an assessment tool for the appropriateness of the design of two or more dwellings on a lot. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate. The relevant test is whether the proposal meets the objectives.
The following provides an assessment against the relevant standards of ResCode and shows the proposal achieves a high level of compliance with relevant objectives.

Standard B1 – Neighbourhood Character

65. This standard encourages proposed development to respond to the existing neighbourhood character or to contribute to a preferred neighbourhood character of the area. An assessment of the proposed development in relation to neighbourhood character has been carried out above and found that the proposal provides and appropriate design response to respect both the existing and preferred neighbourhood character.

Standard B2 – Residential Policy

66. As set out earlier, the proposal demonstrates consistency with State policies by contributing to urban consolidation and utilising existing infrastructure without unreasonably affecting the existing character of the surrounding neighbourhood and therefore the medium density can be supported.

67. The proposal has a reasonable level of consistency with local planning policies contained within the Scheme, including relevant components of the MSS. Accordingly, the proposed development is considered to adequately respond to the requirements of this Standard.

Standard B3 – Dwelling Diversity

68. Not applicable as there are not ten dwellings.

Standard B4 – Infrastructure

69. The development is located within an existing established residential area. It is not expected that the two dwellings would overload the utility services and infrastructure. The proposed development would be readily connected to the required utility services and infrastructure which are present at the site. The site is capable of supporting the proposed two dwellings.

Standard B5 – Integration with the street objective

70. Dwellings will be orientated towards both Type Street and Glasshouse Street, with vehicle access via the side street. A low 1.2m high picket fence is provided to Type Street, maintaining the predominant fence height along this street.

Standard B6 – Street Setback

71. Under the above standard, the dwelling should be setback the same distance as the adjoining building at No. 65 Type Street, at 3.594 metres. A minimum setback of 2.5 metres is proposed, requiring a variation of 1.094m.

72. A review of front setbacks along Type Street shows similar building setbacks as to what is proposed or less in some instances. In addition, verandahs effectively reduce the setback, and the proposed setback generally matches the verandah line. The proposed setback is also a good transition to the zero setback of No. 69 Type Street (built to the boundary). Given the surrounding context and similar setbacks within the street (including corner sites typically having lesser setbacks) the proposed variation is considered to be in keeping with the prevailing setbacks of the street. The variation to the setback is further reduced with the provision of landscaping within the front setback and by the upper floor setbacks.

73. With respect to the Glasshouse Street frontage, the above standard requires front setbacks (Dwelling 2) and side setbacks (Dwelling 1) to be setback "*the same distance as the setback of the front wall of any existing building on the as abutting allotment facing the side street*".

74. The subject site abuts No 3/54 Stawell Street, which has a zero setback to Glasshouse Street. As such the proposed, with a zero setback to Glasshouse Street, is the same as the adjacent allotment and compliant with the above standard.

Standard B7 – Building height objective

75. The total overall building height of 8.55 metres is proposed. This is in accordance with the maximum 9 metres prescribed by the standard and the 9 metres mandatory height control of the General Residential Zone – Schedule 2.

Standard B8 – Site coverage objective

76. The site coverage is proposed to increase to 89%, which does not comply with the maximum 60% recommended by the standard.

77. This is considered an acceptable variation and is reasonable in the context of the site in an inner urban environment, and the established neighbourhood character which is characterised by high site coverage. Examples of rear additions, outbuildings, carport/garage structures exceeding 60% can be identified within the surrounding area. Furthermore the recent approved development at No. 69 Type Street has 100% site coverage.

Standard B9 – Permeability

78. The proposal will result in approximately 11% of permeable surfaces retained on the subject site, located within the front setback of Dwelling 1 and the courtyard associated with Dwelling 2. As discussed above, lots with high site coverages and with low permeability is common with an inner city context where lots sizes are relatively small and increased densities are sought.

79. To reduce the impact of increased stormwater run-off, permeable areas have been incorporated within the courtyard and a STORM report has been submitted which provides a 2,000 litre rainwater tank to collect rainwater. A variation is therefore considered acceptable in this instance given the lot constraints and provision of a rainwater tank.

Standard B10 – Energy Efficiency objectives

80. It is considered that the development will achieve an acceptable level of energy efficiency in accordance with the relevant energy efficiency objectives and standard at Clause 55.03-5 as follows:
    (a) All habitable room windows will receive natural light in accordance with clause 55.05-3 (Daylight to New Windows), with the living rooms located along the first floor and provided with dual outlooks.
    (b) Openable windows and doors on multiple aspects of each dwelling allows for cross-ventilation.
    (c) The dwellings are each provided with rainwater tanks to treat stormwater runoff.

81. The proposal, subject to the submission of an amended STORM report, complies with Clause 22.16 Stormwater Management (WSUD) and can meet the required on-site stormwater treatment as demonstrated by achieving 100%, or greater, using the STORM tool.

82. Council's ESD Officer reviewed the submitted Sustainable Management Plan (SMP) and STORM report which is deemed to largely provide an appropriate response. Concerns have been raised in relation to the extent of glazing along the northern, eastern and western elevations and possible high levels of heat gain as a result.

83. It has been recommended that, *"all glazing exposed to summer sun angles be protected by some external adjustable blinds, retractable awnings, louvers, shutters or similar that can provide shade from summer sun angles".* A condition will be included to reduce the level of solar heat gain, to the satisfaction of Council.

84. It is not expected that the dwellings would result in unreasonable impacts to the energy efficiency of adjoining properties given the east-west orientation of the site; with shadowing contained along Type and Glasshouse Streets and the setbacks provided to adjoining sites. Consideration of existing windows and overshadowing will be undertaken later in this report.

Standard B11 – Open Space

85. Not applicable as no public or communal space is proposed.

Standard B12 – Safety objective

86. The pedestrian entries will be located along both Type Street (Dwelling 1) and Glasshouse Street (Dwelling 2) and will be clearly visible from either street. The entries to both dwellings are setback behind the building façade and each dwelling is clearly identifiable and can easily provide a sense security. Street lighting is already provided along both streets.

87. The proposal is in accordance with the objective and standard.

Standard B13 – Landscaping

88. In accordance with the objective and standard, acceptable landscaping will be provided within the front setback to Dwelling 1 and entry to Dwelling 2 along Glasshouse Street, consistent with an inner suburban residential context.

Standard B14 – Access

89. Under the above standard, the width of an accessway should not exceed 33% of the site frontage. It is proposed to construct two double width garages, side by side, along Glasshouse Street resulting in an overall width of 10.7m. As a result of Council's vehicle crossover requirement and the provision of splays, this width will increase by at least a metre each side, resulting in a width of 12.7m. At present there is provision for three to four car spaces along this section of Glasshouse Street (permit parking).

90. With a combined 10.7m accessway, this equates to a width of 32.9% which is in accordance with the above standard. The accessways however will result in the loss of approximately two or three car spaces along Glasshouse Street. Given that the proposed development does not require a reduction in car parking, has no existing on-site car parking and will result in the provision of 4 off-street car spaces, it is considered that the loss of the car spaces are reasonable in this instance, with a net gain of spaces on-site.

Standard B15 – Parking Location

91. The proposed garages are integrated into both dwellings and provide for convenient access between the dwellings and parking spaces. The garage would be secure and sufficiently ventilated. There are no shared accessways proposed as part of this application.

Standard B17 – Side and Rear Setbacks

92. *"A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:*
    (a) *At least the distance specified in a schedule to the zone, or*
    (b) *If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres".*

93. The following table identifies the variations required:

Boundary	Height of wall	Setback required	Setback provided	Variation required
Northern ground floor - courtyard	3.85m	1.075m	1.2m	N/A
Northern first floor	7.1m	2.19m	1.275m	0.915m
Northern second floor (stairwell & master bedroom)	8.55m	3.64m	1.275m	2.365m
Northern second floor (ensuite)	8.55m	3.64m	2.52m	1.11m
Eastern first floor	7.1m	2.19m	3m	N/A
Eastern second floor	8.55m	3.64m	6m	N/A

94. A variation is considered acceptable in this instance for the following reasons:
    (a) The majority of the walls (first and second levels) which require the variation are located adjacent to the roof of No. 65 Type Street;
    (b) The ensuite along the second floor (which is adjacent the secluded private open space of No. 65 Type Street) would be largely screened by the ground and first floor built form (given the narrow lot widths), and the section of the second floor visible to the adjoining open space uses varied external materials (concrete cladding and dark metal cladding) to provide visual interest;
    (c) The section of wall that interfaces with the secluded private open space of No 65 Type Street, interfaces an existing tree along the common boundary which provides some level of screening to the adjoining open space. While the tree can be removed, the proposal is still acceptable as the section of wall extending beyond the dwelling is only 4.3m long and would be minimally visible above the first floor from within the adjoining back yard.
    (d) There will be no overshadowing into No. 65 Type Street due to the orientation of the subject site;

Standard B18 – Walls on boundaries

95. Standard B18 generally requires that:
    (a) *All walls on boundaries or within 200mm of a boundary should not exceed an average height of 3.2m with no part higher than 3.6m, i.e. unless the wall abuts a higher existing or simultaneously constructed wall; and*
    (b) *A new wall should not abut the boundary for a length of more than 10m plus 25% of the remaining length of the boundary of an adjoining lot; or*
    (c) *A new wall should not abut the boundary for a length more than the length of the existing or simultaneously constructed walls or carport on an abutting lot.*

96. Under the above standard the northern boundary wall should not exceed a length of 15.61m. The proposed development provides a wall length of 23.51m along the northern boundary, requiring a 7.9m variation.

97. A variation in the wall length is considered acceptable in this instance for the following reasons:
    (a) There are examples of similar wall lengths or wall lengths which exceed the above standard within the area;
    (b) The visual bulk is reduced due to the presence of a 5.95m courtyard towards the rear and the use of materials along the upper floors;
    (c) The boundary wall is constructed adjacent to an existing/simultaneously constructed boundary wall for the majority of its length with No. 65 Type Street;
    (d) The off-site amenity impacts are considered reasonable given the proposal's compliance with daylight to existing windows and overshadowing provisions.

(e) The locating of a wall to the rear would allow for the construction of a garage/shed to the rear of No. 65 Type Street, should it be developed in the future (which is typical in the area).

98. A variation is also required with respect to the proposed wall heights along the northern and eastern boundaries. The walls are to have an overall height of between 7.25m (northern boundary) and 3.8m (eastern boundary), exceeding the permitted height by between 0.65m to 4.05m.

99. A variation in the above standard is considered acceptable in this instance for the following reasons:
    (a) The northern boundary wall is to be constructed adjacent to an simultaneously constructed single storey boundary wall with No. 65 Type Street and directly above the dwelling's roof;
    (b) A review of the surrounding area shows a number of dwellings with double storey walls constructed along the boundaries. Examples can be identified at Nos. 3/54 Stawell Street and at No. 10 Glasshouse Street.
    (c) The off-site amenity impacts (overshadowing and daylight to existing windows) are compliant with Clause 55 and given the inner city context of the subject site, will not present unreasonable visual bulk or amenity impacts as discussed earlier in this report.
    (d) Neither of the walls extend into the abutting secluded private open spaces.
    (e) The eastern boundary wall interfaces with a laneway, where there is an existing double storey wall associated with No. 3/54 Stawell Street on the opposite side.

Standard B19 – Daylight to Existing Windows

100. A minimum 1 metre clearance to the sky has been provided to all adjoining habitable room windows, ensuring adequate daylight to these windows in accordance with the above standard.

Standard B20 – North-Facing Windows

101. There are no north-facing windows within three metres of the subject site.

Standard B21 – Overshadowing

102. This standard requires, where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40 square metres with a minimum dimension of 3 metres should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September. If existing sunlight to the secluded private open space (POS) of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

103. A review of the shadow diagrams has identified that all shadowing will be cast along Type Street (morning period) and Glasshouse Street throughout the rest of the day (midday and afternoon), with no secluded private open space affected by the proposal.

Standard B22 – Overlooking

104. Along the ground floor, the courtyard along the northern boundary (Dwelling 2) has been provided with 2m high boundary fences to prevent overlooking in accordance with the above standard.

105. At the first floor, fixed obscure glazing to a height of 1.7m has been provided to the north-facing kitchen and living/meals room. A privacy screen has been provided to the northern section of the rear terrace to prevent overlooking into the secluded private open space of No. 65 Type Street, however no details of this screen have been provided (i.e. materials, transparency).

A condition will be included for the screen's details to be provided and to be in accordance with the above standard. Potential overlooking however has been identified into the secluded private open space of No. 3/54 Stawell Street from the rear section of the terrace. A condition will be included for the rear portion of the terrace to be screened in accordance with the above standard.

106. At the second floor, all north-facing windows have been provided with a minimum sill height of 1.7m, in accordance with the above standard. Overlooking however has been identified from the east-facing master bedroom window into the secluded private open space of No. 65 Type Street. A condition will be included for this window to be screened in accordance with the above standard.

107. Finally with respect to habitable room windows fronting Glasshouse Street, the road width is in excess of 9m and as such do not require any screening.

Standard B23 – Internal views

108. No internal overlooking has been identified within the proposed development.

Standard B24 – Noise Impacts

109. Given the proposed development, including the balconies, will be used for residential purposes, it is considered that there will be no unreasonable off-site acoustic amenity impacts to the surrounding area. The use of balconies is a common design response within an inner city context.

Standard B25 – Accessibility

110. Both dwellings will have adequate ground-floor access, but do not specifically provide for those with limited mobility. The ground-floor of the new dwellings would be accessible to people with limited mobility which will be generally consistent with the requirement of the standard.

Standard B26 – Dwelling Entry

111. Each dwelling comprises separate entries, clearly visible from both Type Street and Glasshouse Street. A covered (sheltered) area has been provided to both entries by cantilevering the first floors. This ensures shelter as well as providing a transitional space in accordance with the objective and standard.

Standard B27 – Daylight to New Windows

112. Standard B27 generally requires that:

A window in a habitable room should be located to face:

(a) *An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot.*

113. All habitable room windows will receive daylight access in accordance with the standard requirements.

Standard B28 – Private Open Space

114. Standard B28 generally requires that:

A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.
If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:

(a) An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and with a minimum area of 25 square metres, a minimum dimension of 3 metres and,
(b) A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
(c) A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

115. Both dwellings have been provided with first floor balconies with minimum areas of 14sqm and a minimum width of 2.5m in accordance with the above standard to meet the service and recreation needs of future occupants.

Standard B29 – Solar Access to Open Space

116. Balconies are located to the front (western) and rear (eastern) boundaries of the site. Their location will ensure that they receive appropriate solar access throughout the day and good outlook to both street frontages.

Standard B30 – Storage

117. All dwellings have been provided with a total of 6m³ of storage space within both garages in accordance with the above standard.

Standard B31 – Design Detail

118. The proposed development incorporates a mix of cement cladding, dark brickwork, corrugated iron, timber doors and glazing along all floors. The use of timber doors for the garages softens the development when viewed from Glasshouse Street. The proposed materials are considered to be characteristic of more recent infill developments in the area. The modular design is also representative of the contemporary designs and infill developments found within the wider Richmond area.

119. The dwellings pick up on a number of existing design details within the street including flat roofing, provision of porches and proportioning of the windows. Combined with the use of materials this allows both dwellings to be comfortably absorbed into the streetscape.

Standard B32 – Front Fences

120. The proposal incorporates a 1.2 metre high picket fence along Type Street. This is considered an acceptable fence height that respects the predominant fence heights within the streetscape.

Standard B33 – Common Property

121. There is no common property proposed.

Standard B34 – Site Services

122. Mailboxes and bin storage areas have been provided to both dwellings within the front and rear setbacks in accordance with the above standard.

<u>Car parking</u>

123. Pursuant to Clause 52.06, each new one or two bedroom dwelling requires the provision of one car space with a three (or more) bedroom dwelling requiring the provision of two on-site car spaces. A total of four spaces have been provided in accordance with the rate identified above clause. Variations are however required for the dimension of the garages and provision of visibility splays.

124. Under the above standard, garages should have a length of 6m. A length of 5.84m is provided, requiring a variation of 0.16m. A variation in the above standard is considered acceptable in this instance given the constraints of the subject site with a 6.1m width. A length of 5.84m will still allow for a small vehicle and the proposal will result in the provision of 4 car spaces on-site.

125. A second variation is required for splays to the corners of both garages. Under the above standard a splay of 2m by 2.5m should be provided. A variation is considered acceptable in this instance given the low volume of pedestrians that would use the footpath, the relatively slow speeds vehicles would be exiting the site and as pedestrians would be alerted to vehicles exiting through the opening of the garage doors (as per other garage doors which also front Glasshouse Street).

126. Furthermore Council's Traffic and Transportation Unit have no objection to either variation.

Objector Concerns

127. The objections received raised the following (summarised) concerns with the proposal:

(a) Excessive in scale and building height;

This issue was discussed in paragraphs 54 to 63 of this assessment

(b) Saturation of dwellings and overdevelopment of the site;

The number of dwellings and overall site coverage will increase by one dwelling as a result of the proposed development. However it is State Planning Policy to encourage urban consolidation in areas that are well serviced and is in proximity to a range of facilities and infrastructure, which the subject site is.

Furthermore the site is located within a General Residential Zone which does not prohibit increased densities, subject to compliance with the Planning Scheme, and most notably Clause 55 of which the proposal has shown high compliance.

It is therefore considered that the proposal does not represent an overdevelopment of the site and has a building envelope that is appropriate for an area experiencing increased development.

(c) Loss of on-street car parking (Glasshouse Street);

This issue was discussed in paragraphs 89 to 90 of this assessment

(d) Pedestrian safety reduced due to garages;

This issue was discussed in paragraph 125 of this assessment

(e) Overlooking;

This issue was discussed in paragraphs 104 to 107 of this assessment

(f) Excessive site coverage; and

This issue was discussed in paragraphs 76 to 77 of this assessment

(g) Overshadowing.

This issue was discussed in paragraphs 102 to 103 of this assessment.

Conclusion

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

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN16/1198 for the construction of two dwellings at 67 Type Street, Richmond VIC 3121, generally in accordance with the decision plans and subject to the following conditions:

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

   (a) The east facing, second floor master bedroom associated with Dwelling 2 to be screened in accordance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme.
   (b) The first floor balcony associated with Dwelling 2 to be screened in accordance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme.
   (c) The provision of windows to the second floor, southern elevation of both dwellings (generally as per perspectives); and
   (d) The provision of shading devices to the north, east and west-facing windows to reduce solar heat gain.

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

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

4. 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.

5. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

6. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:

   (a) in accordance with any requirements or conditions imposed by Council;
   (b) at the permit holder's cost; and

(c) to the satisfaction of the Responsible Authority

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

   (a) Constructed and available for use in accordance with the endorsed plans;
   (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
   (c) Treated with an all-weather seal or some other durable surface; and
   (d) Line-marked or provided with some adequate means of showing the car parking spaces.

   to the satisfaction of the Responsible Authority.

8. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

   (a) at the permit holder's cost; and
   (b) to the satisfaction of the Responsible Authority

9. Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Type Street and Glasshouse Street road frontages must be reinstated to Council's satisfaction and at the Permit Holder's expense.

10. 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.

11. This permit will expire if:

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

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

Notes:

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

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

CONTACT OFFICER: **Gary O'Reilly**
TITLE: **Senior Statutory Planner**
TEL: **9205 5040**

Attachments

1 PLN16.1198 - 67 Type Street, Richmond - Advertising Plans
2 PLN16.1198 - 67 Type Street, Richmond - Engineering comments
3 PLN16.1198 - 67 Type Street, Richmond - Urban Design comments
4 PLN16.1198 - 67 Type Street, Richmond - ESD comments

Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans



Type Street & Immediate Neighbourhood Character

The existing Neighbourhood character of Type Street & its immediate neighbourhood consists of single and double dwellings, with a recent emerging character in the area comprising of multi-dwelling developments.

External materials vary widely, involving face brickwork, weatherboard, and render.

Architectural styles range from 1960's weatherboard cladding, 1970's brick veneer construction to post 2000's contemporary / modern developments.

- 420m Burnley Tram Stop
- 330m Bridge Road Shops
- 660m Melbourne Girls College
- 550m Burnley Train Station
- 1.8km Strathcona Girls Grammar School
- 1.3km Melbourne University, Burnley Campus
- 780m Burnley Park
- 1km Richmond Recreation Centre
- 600m Richmond Medical Centre
- 1.5km Epworth Hospital
- 2.5km Melbourne Cricket Ground (MCG)
- 1km Victoria Gardens Shopping Centre/IKEA
- 1km Hawthorn West Primary School
- 5km Melbourne CBD



NO. 67 TYPE STREET - SUBJECT SITE



NO. 21 TYPE STREET



NO. 72 TYPE STREET



NO. 89 TYPE STREET



NO. 54 GLASSHOUSE STREET

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Site Analysis
67 Type Street,
Richmond

Rev	Description	Date
A	TP ISSUE	12.12.2016
B	Council RFI	07.02.2017

Project Number: 1637
Date: February 2017 — SC: 1:300@A1
Drawing Number: SA01 — Revision: B

Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans



DESIGN RESPONSE LEGEND

1. **Pedestrian Access**
   Townhouse 1 will be accessed directly off Type Street and Townhouse 2 will be accessed Via Glasshouse Street via pedestrian pathways.
2. **Front Open Space & Mailboxes**
   Townhouse 1 is provided with front open space on ground level, facing Type Street. Front open space to be landscaped to create a softened interface with the street. Each dwelling to have a mailbox according to the Australia Post Guidelines & easily accessible for tenants.
3. **Vehicle Access**
   All vehicle access will be provided via Glasshouse Street by reinstating the existing crossover for townhouse 2 and providing a new crossover for Townhouse 1.
4. **Landscaping**
   Proposed landscaping to soften interface to Type Street and adjoining properties to sides. Landscaping to council approval.
5. **Private Open Space**
   All dwellings have been provided with private open space in the form of Balconies on first floors which are accessible directly off main living areas. Private open space complies with Clause 55 of ResCode.
6. **Screening**
   Solid walls and adequate landscaping offer screening between subject site and adjoining buildings. Obscure glazing and window sills of 1700h from finished floor levels will screen upper floors from overlooking issues.
7. **Side & Rear Setbacks**
   Proposed townhouses are built from boundary to boundary in keeping with the predominant neighbourhood character. Some areas are set back 1.2m to lessen impact on adjoining neighbors.
8. **Orientation**
   North windows provide living areas and private open spaces with ample amount of natural light.
9. **Street Presence**
   Proposed three storey built form has been appropriately articulated to provide visual interest, and reduce building mass.
10. **Proposed Vehicle Parking**
    Townhouses 1 & 2 are provided with double garages via Glasshouse Street.
11. **Built Form**
    The proposed built form is consistent with the adjoining streetscape and surrounding neighbourhood. Articulation of built form has been used to minimise visual impact on the adjoining properties and to also keep within the existing streetscape.
12. **Service Meters**
    All service meters to be accessed at the front of the property and are to be easily accessible by service authorities.
13. **Roof Form**
    The proposed roof form has been designed to reduce the impact of built form on the streetscape and remain consistent with the adjoining properties & neighbourhood character.
14. **Overshadowing**
    Setbacks and roof forms of the proposed building have been designed to reduce the impact on adjoining properties and private open spaces.
15. **Architecture**
    The proposed built form, articulation, use of materials, facade treatments and prominent landscaping encourage the following:

    Providing a visually attractive residential form that blends in comfortably with the immediate natural landscape and the surrounding heritage character.

    Providing upmarket accommodation and raising the quality standard of similar projects in the immediate precinct.
16. **Street Setback**
    Townhouse 1 is provided with a setback of 2.5m, creating minimal impact to the Type streetscape.

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Design Response
67 Type Street,
Richmond

Rev	Description	Date
A	TP ISSUE	07.12.2016
B	Council RFI	07.02.2017

Project Number: 1637
Date: February 2017 SC: 1:200@A1
Drawing Number: SA02 Revision: B

Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans



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Rev	Description	Date
A	TP Issue	12.12.16
B	Council RFI	06.02.17

Project Number: 1637

Proposed Streetscape
67 Type Street,
Richmond

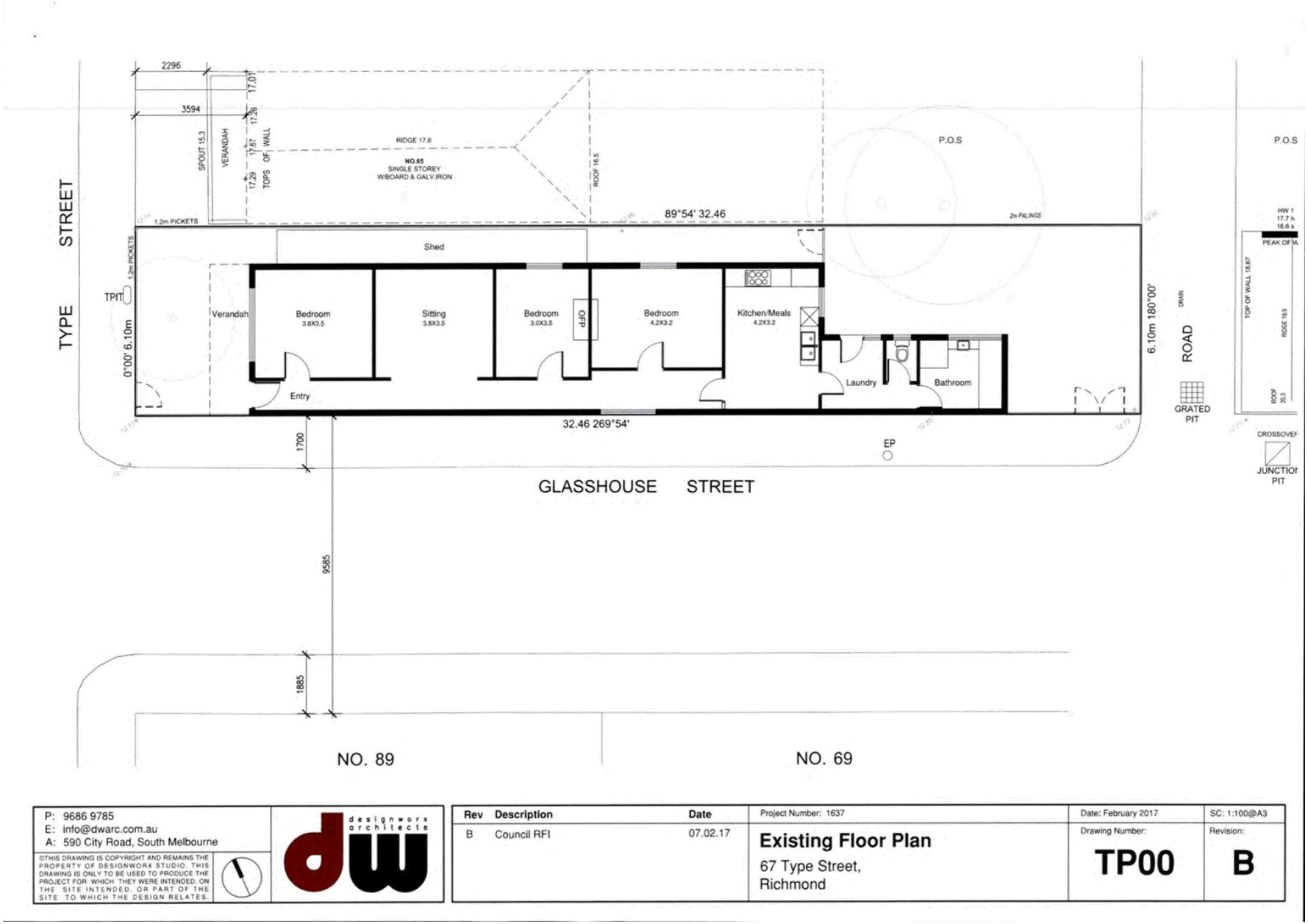
Date: February 2017

Drawing Number: **SA03**

Revision: **B**

SC: 1:100@A3

Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans



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Rev	Description	Date
B	Council RFI	07.02.17

Project Number: 1637

Existing Floor Plan
67 Type Street,
Richmond

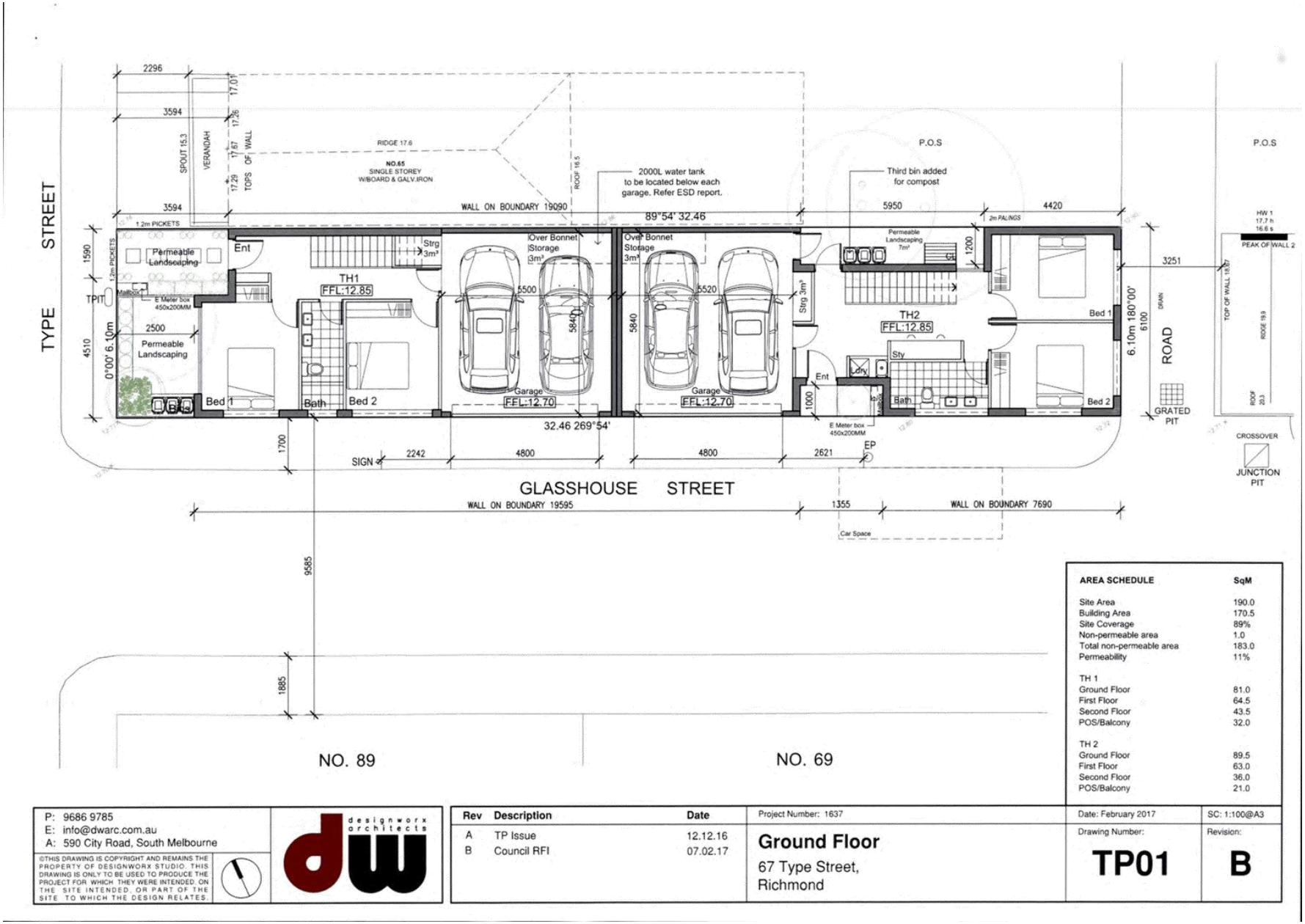
Date: February 2017

Drawing Number: **TP00**

SC: 1:100@A3

Revision: **B**

Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans



AREA SCHEDULE	SqM
Site Area	190.0
Building Area	170.5
Site Coverage	89%
Non-permeable area	1.0
Total non-permeable area	183.0
Permeability	11%
TH 1	
Ground Floor	81.0
First Floor	64.5
Second Floor	43.5
POS/Balcony	32.0
TH 2	
Ground Floor	89.5
First Floor	63.0
Second Floor	36.0
POS/Balcony	21.0

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Rev	Description	Date
A	TP Issue	12.12.16
B	Council RFI	07.02.17

Project Number: 1637

Ground Floor
67 Type Street,
Richmond

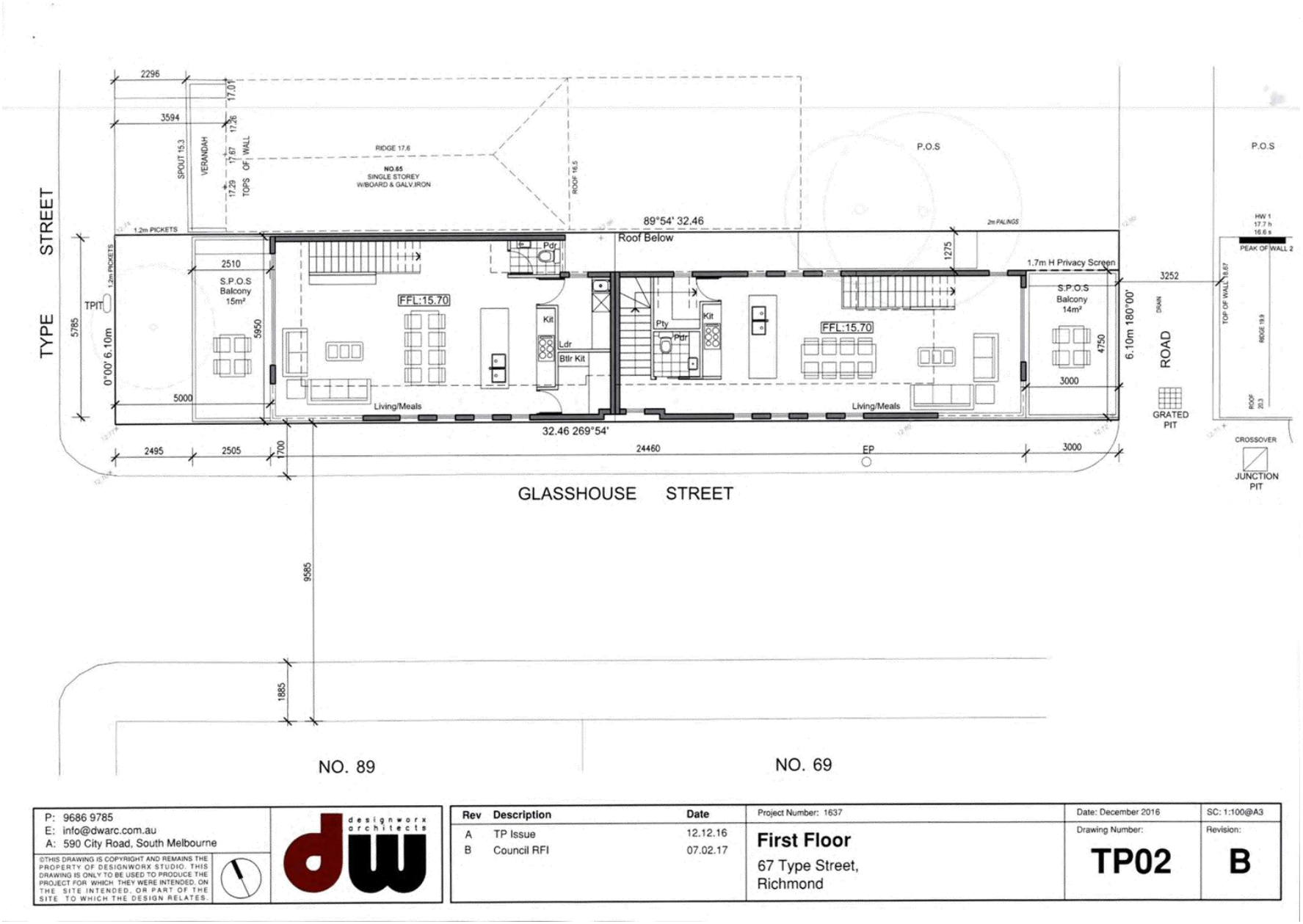
Date: February 2017

Drawing Number: **TP01**

SC: 1:100@A3

Revision: **B**

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Rev	Description	Date
A	TP Issue	12.12.16
B	Council RFI	07.02.17

Project Number: 1637

First Floor

67 Type Street,
Richmond

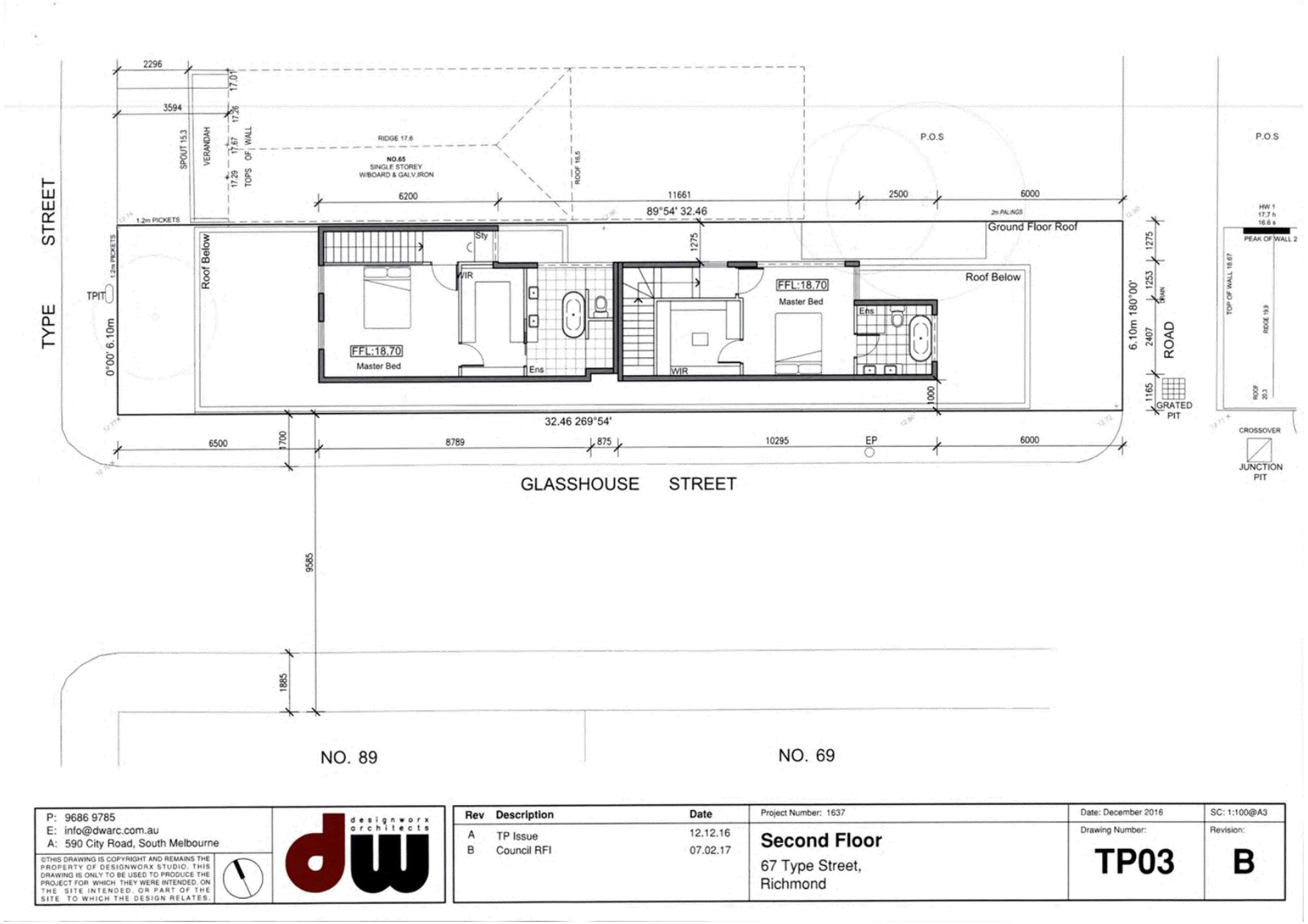
Date: December 2016

Drawing Number: **TP02**

Revision: **B**

SC: 1:100@A3

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Rev	Description	Date
A	TP Issue	12.12.16
B	Council RFI	07.02.17

Project Number: 1637

Second Floor
67 Type Street,
Richmond

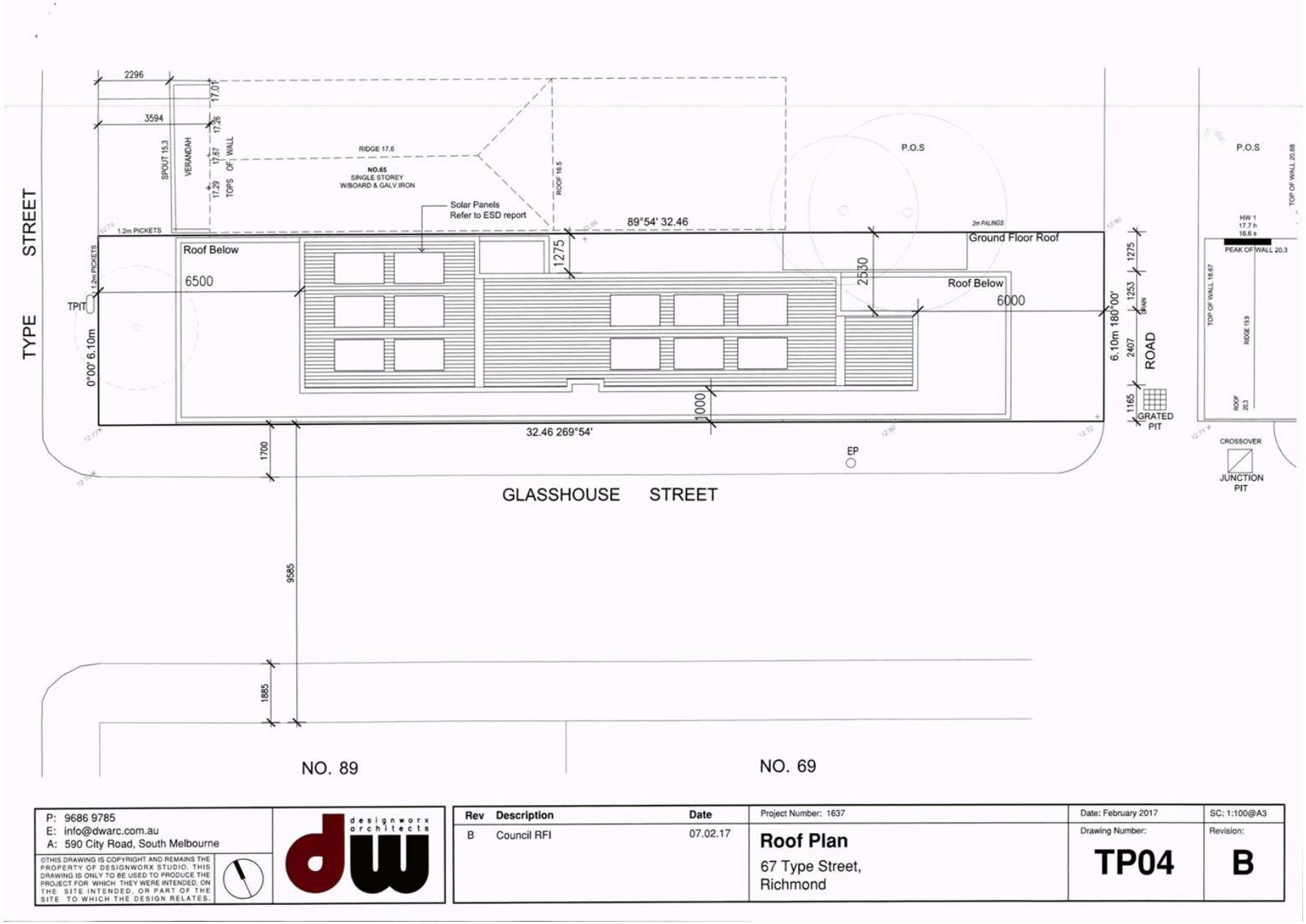
Date: December 2016

Drawing Number: **TP03**

Revision: **B**

SC: 1:100@A3

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Rev	Description	Date
B	Council RFI	07.02.17

Project Number: 1637

Roof Plan

67 Type Street, Richmond

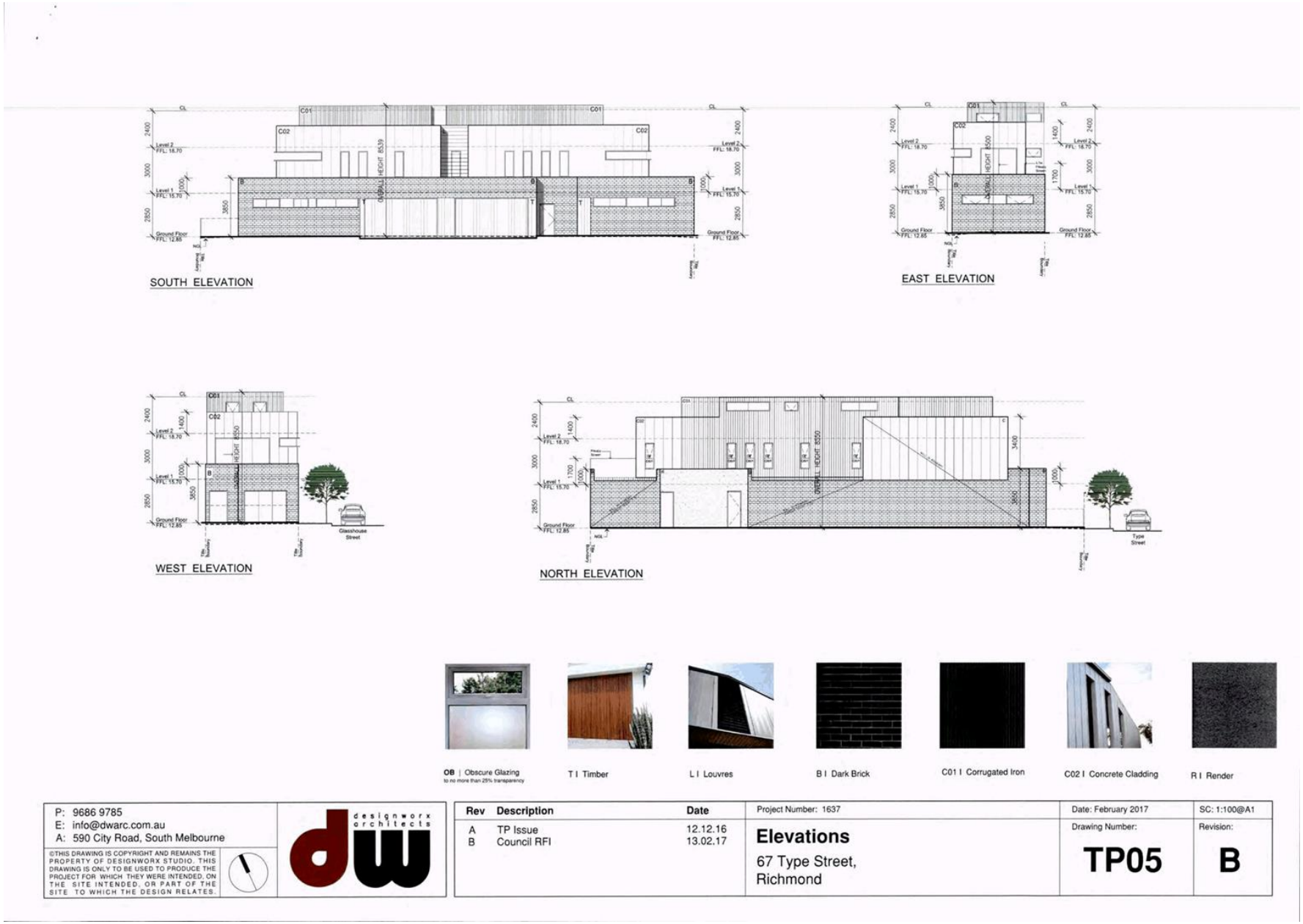
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Drawing Number: **TP04**

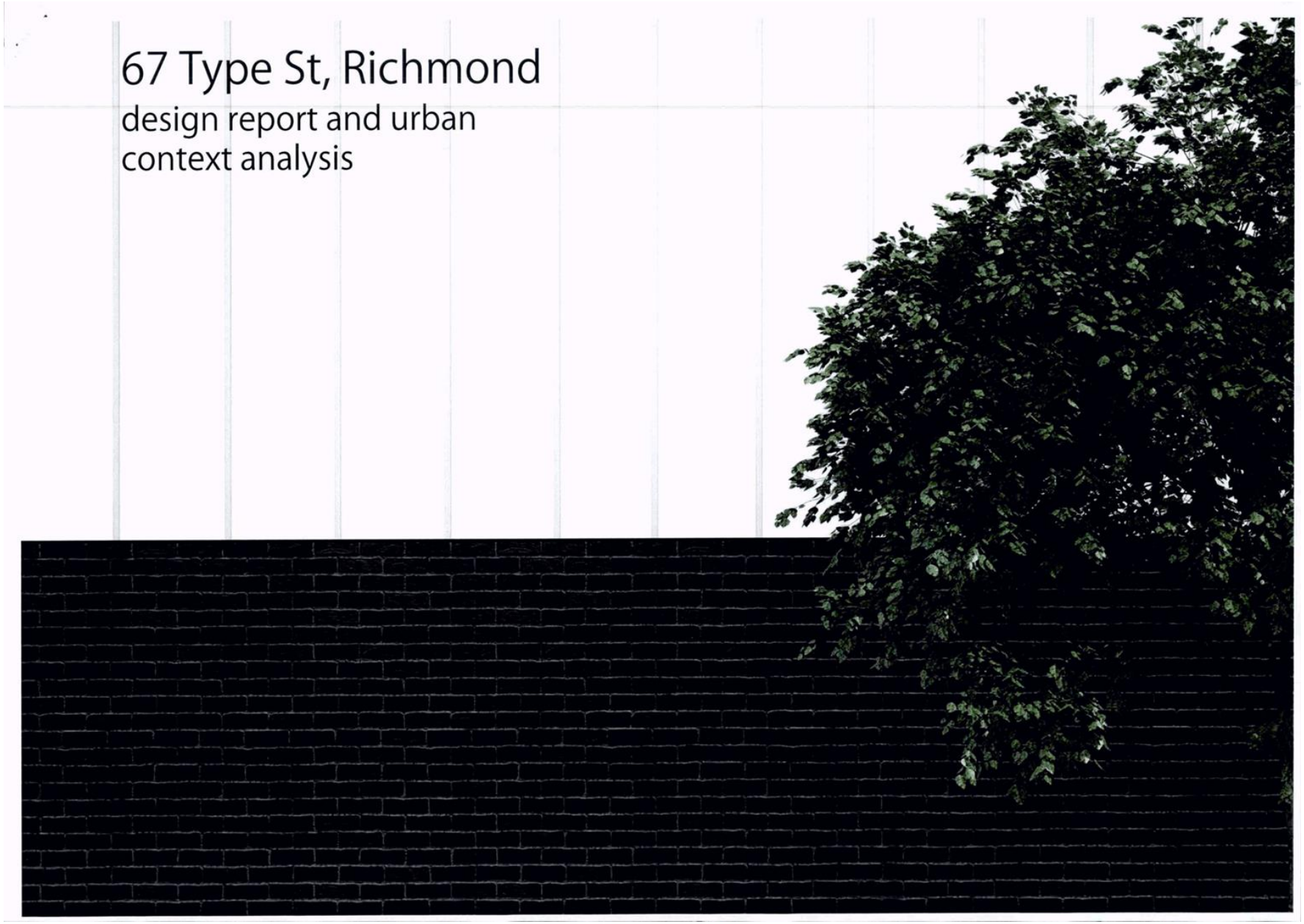
Revision: **B**

SC: 1:100@A3

Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans



Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans



Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans

Subject Site



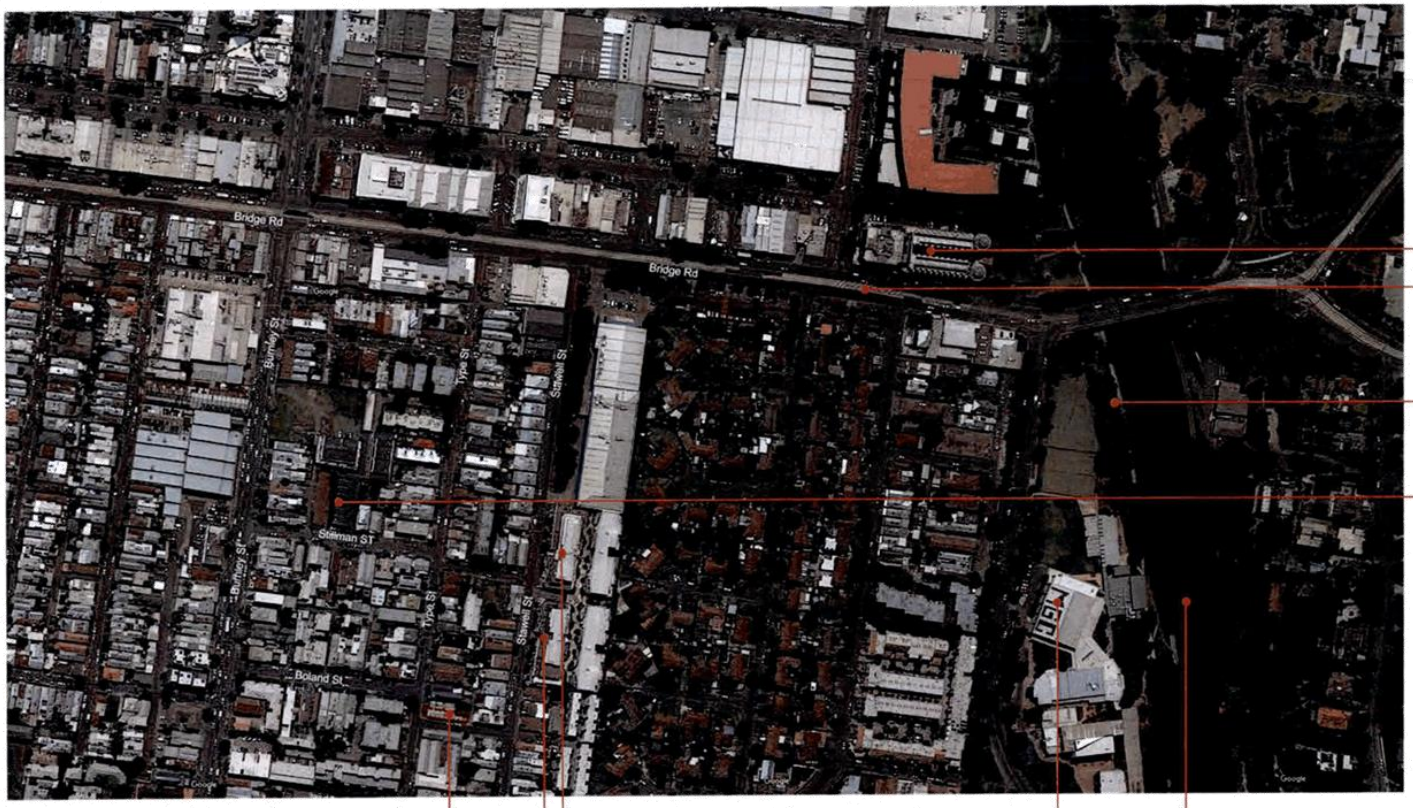
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SITE ANALYSIS

Project Name: **67 Type St, Richmond**
Project Address: **67 Type St, Richmond**
Date: **Jan 2017**
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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans

Site Analysis



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SITE ANALYSIS

Project Name: **67 Type St, Richmond**
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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans

Context Photos



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SITE ANALYSIS

Project Name: **67 Type St, Richmond**
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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans





Context Photos

1. Subject Site - 67 Type St, Richmond. View looking North-East

2. Subject Site - 67 Type St, Richmond. View looking South-East

3. Subject Site - 67 Type St, Richmond. View looking North-West

4. Type St, Richmond





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SITE ANALYSIS

Project Name: **67 Type St, Richmond**
Project Address: **67 Type St, Richmond**
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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans





Context Photos

5. Modern townhouses, Stawell St, Richmond

6. Modern townhouses, Stawell St, Richmond

7. Modern townhouses, Stillman St, Richmond



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SITE ANALYSIS

Project Name: **67 Type St, Richmond**
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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans

Design Statement

Richmond is a suburb of Melbourne perfectly located just 3 kilometers South-East from Melbourne CBD.

The proposed project is at 67 Type St, Richmond is a reflection on the heritage aspect of the area. This dual occupancy development provides Richmond with a unique type of accommodation whilst respecting the Heritage values of the area.

The design provides for a style of accommodation which will suit a diverse demographic in the area. Classic modern design along with unique architectural features make this dual occupancy development a perfect fit for the Richmond area.

Each townhouse comprises of double garage, three bedrooms, with open plan living provided with ample natural light. Spacious private open areas designed to create a vibrant feel. Within walking distance to shops and public transportation this contemporary design with high level of attention to details makes these townhouses a desirable outcome for the future of Richmond.



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DESIGN STATEMENT

Project Name: **67 Type St, Richmond**
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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans

Proposed development. Perspective View looking North-East.



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DESIGN REPORT

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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans

Proposed development. Perspective view looking South-East.



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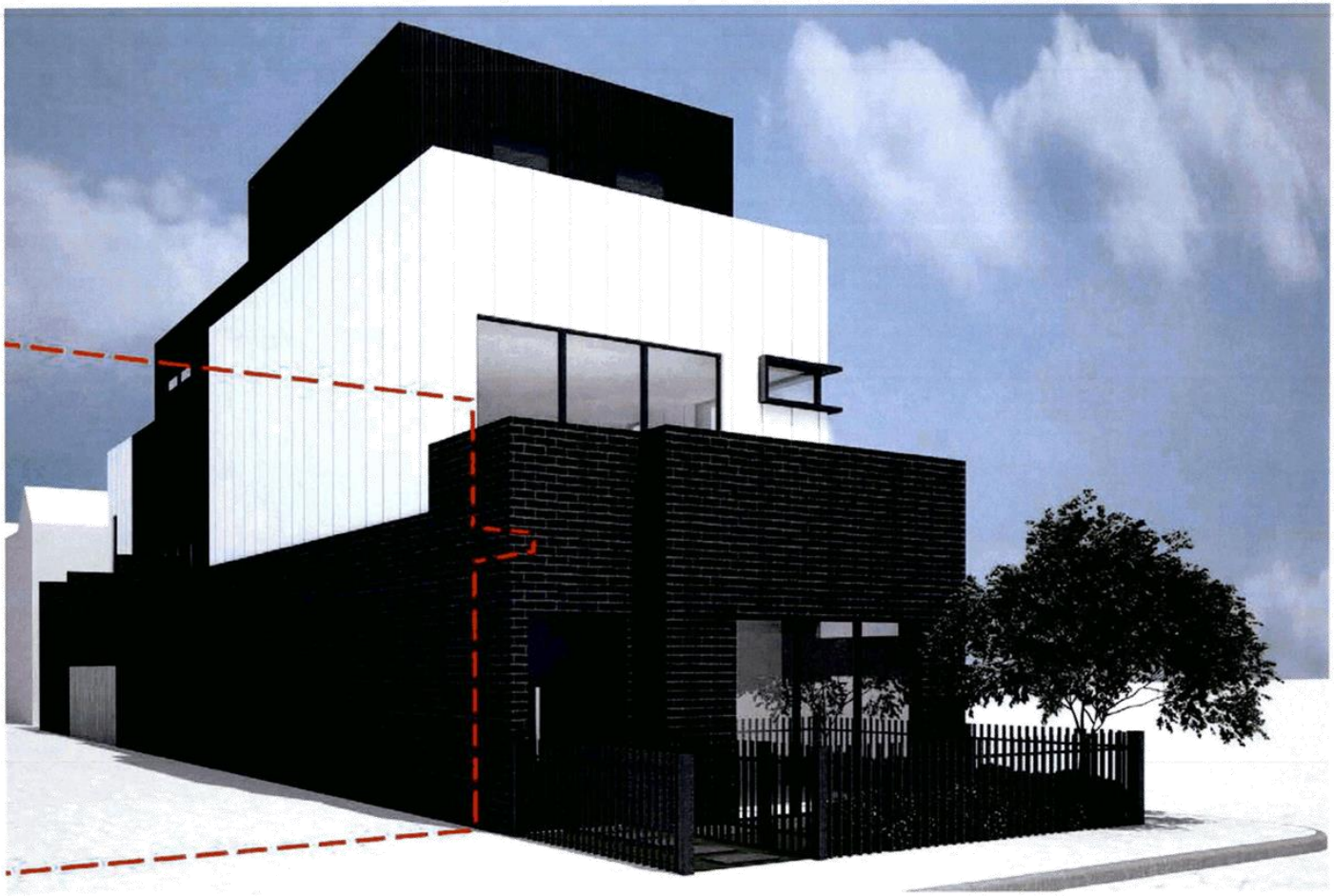
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DESIGN REPORT

Project Name: **67 Type St, Richmond**
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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans

Proposed development. Perspective view looking South-East, existing dwelling is shown as a dashed line.



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DESIGN REPORT

Project Name: **67 Type St, Richmond**
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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans

Proposed development. Perspective view looking North-West.



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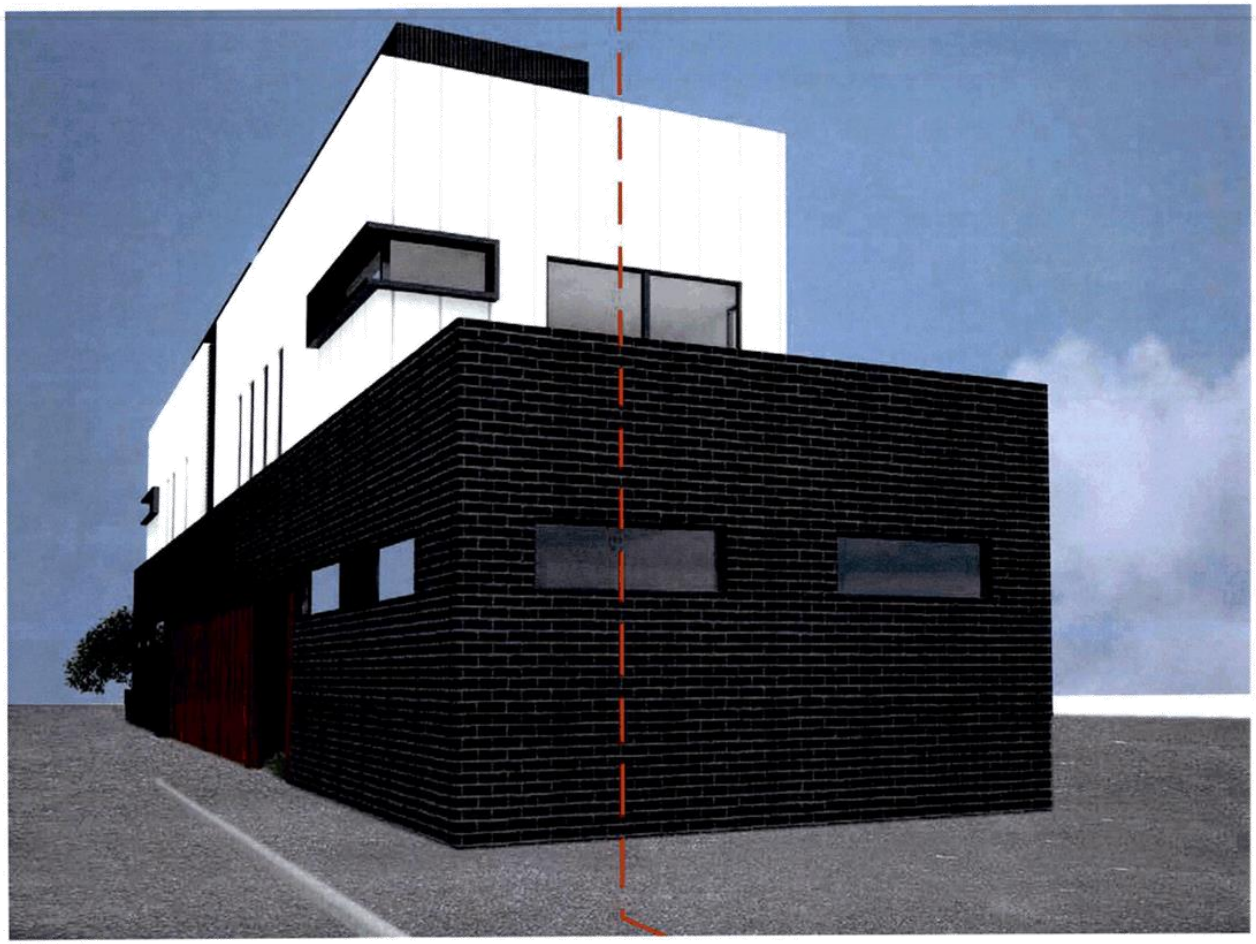
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DESIGN REPORT

Project Name: **67 Type St, Richmond**
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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans

Proposed development. Perspective view looking North-West, existing dwelling is shown as a dashed line.



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DESIGN REPORT

Project Name: **67 Type St, Richmond**
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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans

Design Features.



1. Architectural feature windows frames
2. Dark brick to complement the character of the area
3. Timber look cladding with concealed garage doors as an architectural feature
4. Vertical light cladding
5. Dark corrugated metal cladding upper level
6. Highlight windows to ground floor to allow natural light without overlooking
7. Short glass balustrade above raised brick parapet to balconies as a design feature
8. Private open space to Type Street to complement the character of the area

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DESIGN REPORT

Project Name: **67 Type St, Richmond**
Project Address: **67 Type St, Richmond**
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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans

Material Schedule



1. Black window feature frames



2. Dark Brick



3. Timber look cladding



4. Dark corrugated metal cladding



5. Light cladding



6. Dark grey steel picket fence



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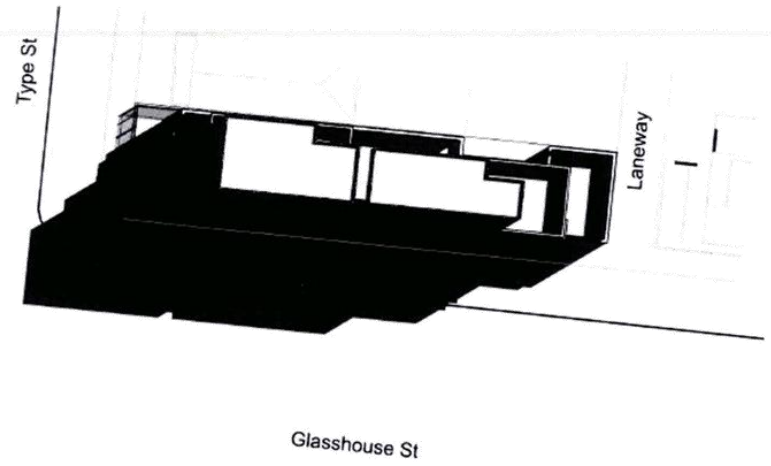
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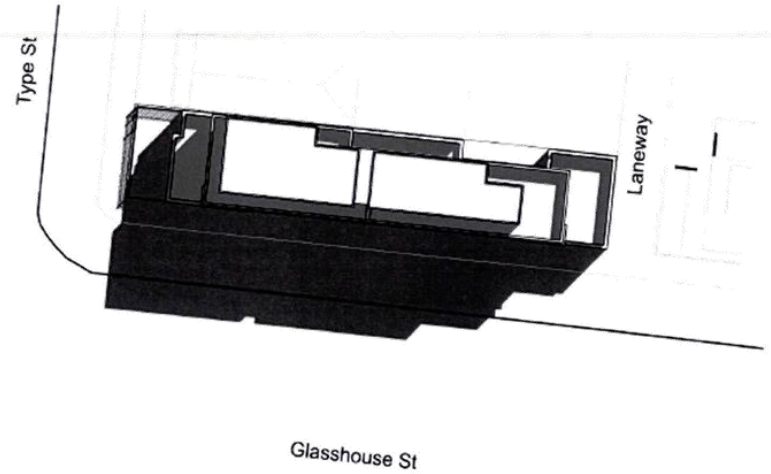
Project Name: **67 Type St, Richmond**
Project Address: **67 Type St, Richmond**
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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans

Shadow Analysis



Shadow Analysis for 67 Type St, Richmond
9:00am September 22



Shadow Analysis for 67 Type St, Richmond
10:00am September 22

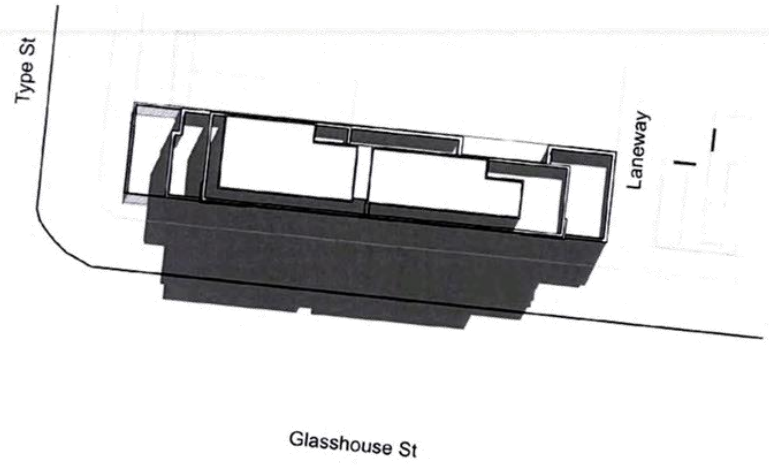
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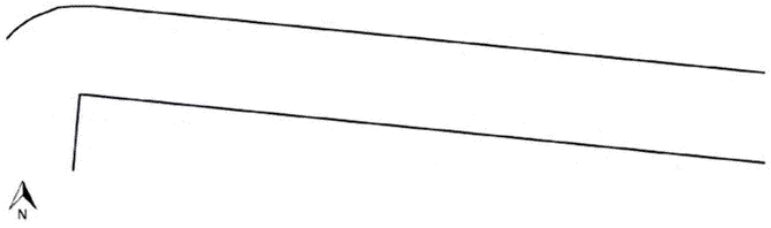
SHADOW ANALYSIS

Project Name: **67 Type St, Richmond**
Project Address: **67 Type St, Richmond**
Date: **Jan 2017**
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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans

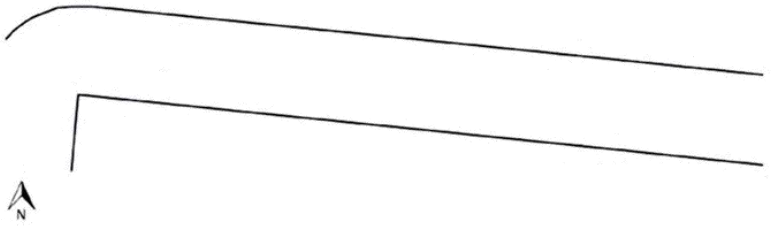
Shadow Analysis





Shadow Analysis for 67 Type St, Richmond
11:00am September 22





Shadow Analysis for 67 Type St, Richmond
12:00pm September 22

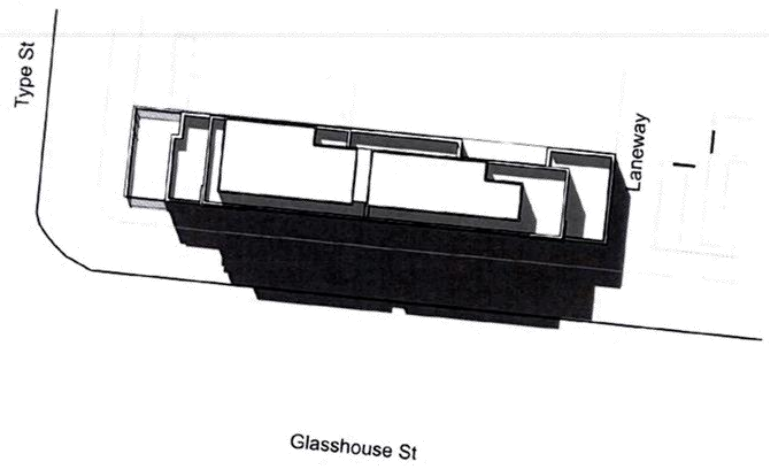
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SHADOW ANALYSIS

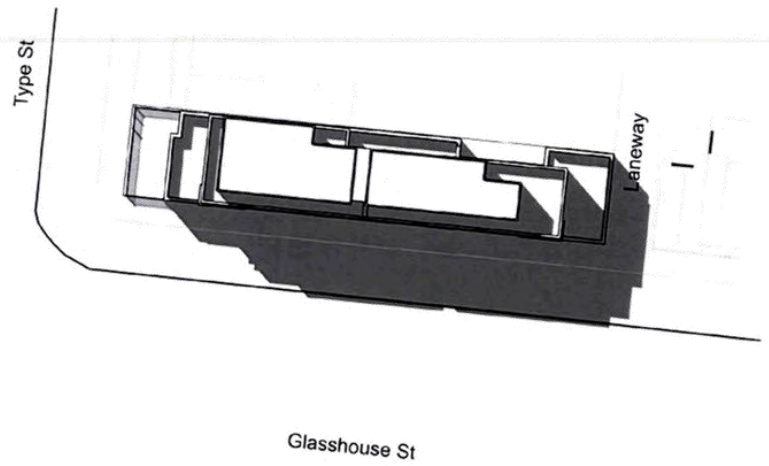
Project Name: **67 Type St, Richmond**
Project Address: **67 Type St, Richmond**
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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans

Shadow Analysis



Shadow Analysis for 67 Type St, Richmond
13:00pm September 22



Shadow Analysis for 67 Type St, Richmond
14:00pm September 22

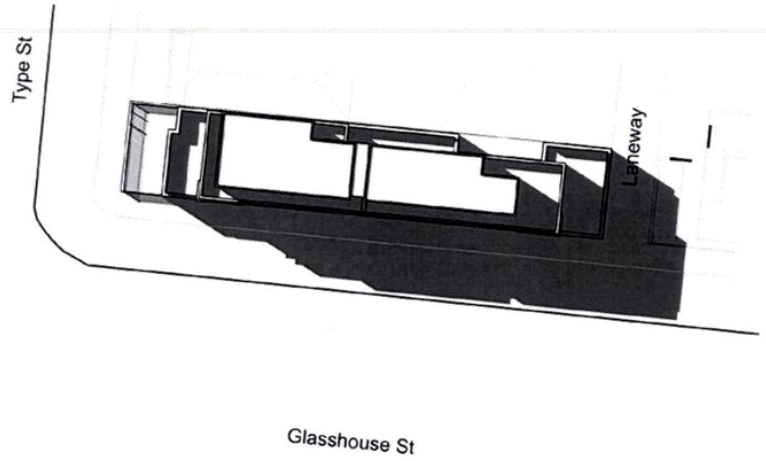
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SHADOW ANALYSIS

Project Name: **67 Type St, Richmond**
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Attachment 1 - PLN16.1198 - 67 Type Street, Richmond - Advertising Plans

Shadow Analysis



Shadow Analysis for 67 Type St, Richmond
15:00pm September 22

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SHADOW ANALYSIS

Project Name: 67 Type St, Richmond
Project Address: 67 Type St, Richmond
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Attachment 2 - PLN16.1198 - 67 Type Street, Richmond - Engineering comments

CITY OF YARRA

MEMO

To:	**Gary O'Reilly**	
From:	**Artemis Bacani**	
Date:	**8 May 2017**	
Subject:	**Application No:**	**PLN16/1198**
	Description:	**Construction of Two Dwellings**
	Site Address:	**67 Type Street, Richmond**

I refer to the above Planning Application received on 11 April 2017 in relation to the proposed development at 67 Type Street, Richmond. Council's Engineering Services unit provides the following information:

DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

Item	Assessment
Access Arrangements	
Width of Glasshouse Street	A site inspection revealed that the north footpath and carriageway has a width of approximately 8.2 metres.
Garage Doorway Width and Vehicle Turning Movements	The doorway of the garages has a width of 4.8 metres. Off an 8.2 metre wide apron, the width of the doorways is considered adequate.
Vehicle Crossing	The new vehicle crossings are not shown on the drawings.
Car Parking Modules	
Double Garages	The double garages have a minimum width of 5.5 metres and a depth of 5.84 metres which satisfies AS/NZS 2890.1:2004.

Design Items to be Addressed

Item	Details
Vehicle Crossing	The position of the new vehicle crossings must be shown on the drawings.
	The construction of the new vehicle crossing is to be done in accordance with Council's standard Drawings and engineering requirements.

Attachment 2 - PLN16.1198 - 67 Type Street, Richmond - 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.

ENGINEERING CONDITIONS
The following items are to be included in the Planning Permit for this site:

Civil Works

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Type Street and Glasshouse Street road frontages must be reinstated to Council's satisfaction and at the Permit Holder's expense.

Road Asset Protection

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

Impact of Assets on Proposed Development

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

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

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

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

Clearances from Electrical Assets
Overhead power lines run along the east side of Type Street, close to the property boundary.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website:

http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs

Attachment 2 - PLN16.1198 - 67 Type Street, Richmond - Engineering comments

Loss of On-Street Parking
A site inspection of Glasshouse Street revealed that the distance between the No Stopping/Permit Zone parking sign and the Right of Way is approximately 23.5 metres. This would accommodate approximately four car spaces.

Since the location of the proposed vehicle crossings are not depicted on the drawings, it can be expected that the development would result in the loss of two to three car spaces in Glasshouse Street.

Engineering Services has no objection to the loss of the on-street car spaces to accommodate four vehicles on-site.

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 3 - PLN16.1198 - 67 Type Street, Richmond - Urban Design comments

CITY OF YARRA

MeMO

TO:	Gary O'Reilly (Statutory Planning)
FROM:	Andrew Shaw (Urban Design)
DATE:	2 May 2017
SUBJECT:	67 Type Street, Richmond
APPLICATION NO:	PLN16/1198
DESCRIPTION:	Development of the land for the construction of two dwellings, each three storeys in height.

COMMENTS SUMMARY

Statutory Planning has requested feedback from the Urban Design team on the above application on the following matters:

- Three storey built form
- Design Response

Confirmation is also sought on whether there are any relevant capital works planned in the surrounding area. It is understood that there are no capital works proposed at this time around the site.

Site & Context

The site of the proposed development is situated on the north/east corner at the intersection of Type Street and Glasshouse Street. The following planning scheme zones and overlays apply to the site:

- General Residential Zone Schedule 2 (GRZ2)

The site sits within the Central Richmond neighbourhood as identified in Clause 21.08 of the Yarra Planning Scheme. The built form character is described as *Inner Suburban Residential*. One and two storey single dwellings are prevalent on Type Street however there are some 2 and 3 storey multi-residential buildings within the immediate area. Given that there is no heritage overlay covering this area the emerging character of the area is for a 3 storey residential buildings.

Attachment 3 - PLN16.1198 - 67 Type Street, Richmond - Urban Design comments

The proposed *Glasshouse* development at 69 & 89 Type St retains an existing Victorian brick industrial building of two storeys. A new corner addition (on the south-east corner of Type Street and Glasshouse Street) to that site is also two storeys in height with a parapet at 7.35m above footpath level.

Proposal

The proposed development involves the demolition of a single storey dwelling and the construction of two dwellings with off-street parking. The proposed development comprises two detached three storey townhouses. The dwellings are arranged back to back along Glasshouse Street. Both dwellings are provided with double car garages at ground floor level with garage doors opening off Glasshouse Street. Each dwelling has two bedrooms on the ground floor with living spaces on the first floor. A third storey accommodates a master bedroom for each dwelling. Small gardens are provided at ground floor level and private open space is provided at first floor level at either end of the development. The new dwellings have been designed as three storey detached townhouses with a single unifying architectural treatment.

The proposed building is setback from Type St at ground floor level. The setback varies from 3.59m to 2.5m. No setback is provided to the Glasshouse St and rear R.O.W boundaries. There is no setback to the north boundary, although a small service courtyard is provided for the rear dwelling. The first floor is setback 5m from Type St and 3m from the rear R.O.W. Both dwellings are provided with S.P.O.S Balconies within the setbacks at first floor level. No setback is provided at first floor level to the Glasshouse St boundary. A 1.275m setback is provided to the north boundary from the rear of the existing adjacent dwelling to rear R.O.W. The second storey is set back 6.5m from Type Street, 6m from the rear R.O.W. and 1m from Glasshouse Street. The 1.275m setback to the northern boundary is maintained with the exception of a 6.2m section with zero setback adjacent to the existing dwelling at no. 65 Type Street. The boundary wall is three storeys high at this point.

Urban Design feedback

- *Built form and massing*

Clause 21.08-10 of the Yarra Planning Scheme identifies the built form character of this precinct as Inner Suburban Residential. The Municipal Strategic Statement seeks to “limit the variations in height to a maximum of one storey compared to adjacent properties, on single house sites/small development sites in areas with generally consistent building heights.

While the prevailing character of this immediate area is of older single storey dwellings with more recent two storey infill and two storey additions, there are a number of three storey residential buildings within the neighbouring area. In our view, three storeys on this site is not inappropriate, and is consistent with the emerging character of the area, provided that a secondary setback is

provided to the upper level. The 6.5m setback to the 2nd Floor mass is sufficient in reducing the impact of that storey.

It is considered that the three storey boundary wall to the northern boundary of the site is inappropriate and cannot be supported. The 1.275m setback should be applied to the full length of the northern boundary.

- *Building layout and interface*

The main living spaces for both townhouses are located on the first floor level with access to private open space on balconies/terraces at that level. Opportunities for windows without privacy screening are provided to the south – Glasshouse Street – elevation. The first floor private open spaces have aspects to the street/right of way boundaries to the site. While double garages are located on the Glasshouse Street interface, both townhouses have bedrooms, study spaces and landscaped gardens at ground floor level.

Windows to the ground floor bedrooms have sills at high level (dimension not given) to provide privacy to these internal spaces. Lower sills would provide an opportunity to observe the street while even high level windows would be subject to overlooking from the future residential development opposite on Glasshouse Street and therefore some internal window covering would be necessary. We would therefore recommend that some of the ground floor bedroom windows on the south boundary should have sills at a lower level to allow overlooking of the street.

Attachment 4 - PLN16.1198 - 67 Type Street, Richmond - ESD comments

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

Assessment Summary:

Responsible Planner:		Gary O'Reilly	
ESD Advisor:		Euan Williamson	
Date:	04.05.2017	Planning Application No:	PLN16/1198
Subject Site:		67 Type Street, Richmond, VIC 3121	
Site Area:	Approx. 190m^2	Site Coverage:	100%
Project Description:		Two townhouses	
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:
- Minimum NCC average 6 Star NatHERS ratings for thermal energy efficiency.
- 1.5 kW solar array for each townhouse.
- STORM rating of 101% relying on 50m^2 of roof in each townhouse connected to a 2,000 rainwater tank in each dwelling for flushing of all toilets.
- Energy efficient heating and cooling.
- Water efficient appliances and fixtures.

(2) Application ESD Deficiencies:
- There is a significant amount of exposed north, west and east facing glazing that will suffer from high levels of summer solar gain. Strongly recommend that all glazing exposed to summer sun angles be protected by some external adjustable blinds, retractable awnings, louvers, shutters or similar that can provide shade from summer sun angles.

(3) Outstanding Information:
There is no outstanding information required at this time.

(4) ESD Improvement Opportunities:
- Consider improving the average NatHERS rating for thermal energy efficiency to exceed the minimum NCC standards with a suggested target of 7 Stars or higher.
- Consider gas boosted solar hot water instead of 6 gas instantaneous.

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

1.2 23-33 Johnston Street, Collingwood - PLN16/0845 - Development of the land for the construction of a multi-storey building, including part demolition, use of land for dwellings, reduction in the car parking requirements, waiver of the loading bay requirements and alter access to a Road Zone Category 1 Road

Executive Summary

Purpose

1. This report provides the Internal Development Approvals Committee with an assessment of a planning application submitted for 23-33 Johnston Street, Collingwood. The report recommends approval of the application subject to a number of conditions.

Key Planning Considerations

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

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic justification
   (b) Land use
   (c) Noise emissions
   (d) Heritage Impacts
   (e) Built form and design
   (f) Off-site amenity impacts
   (g) Equitable development
   (h) Internal amenity
   (i) Sustainable design
   (j) Car parking and bicycle facilities
   (k) Traffic and access
   (l) Objector concerns

Objector Concerns

4. Thirty-two (32) objections were received to the application, these can be summarised as:
   (a) Excessive height and setbacks
   (b) Design incongruous with existing character
   (c) Loss of heritage fabric
   (d) Amenity impacts – overshadowing, overlooking and visual bulk
   (e) Inequitable development opportunities
   (f) Poor internal amenity
   (g) Insufficient ESD standards
   (h) Inadequate acoustic treatments
   (i) Loss of activate frontage
   (j) Insufficient parking
   (k) Traffic and safety impacts from use of the laneway

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: **Amy Hodgen**
TITLE: **Principal Statutory Planner**
TEL: **9205 5330**

1.2 23-33 Johnston Street, Collingwood - PLN16/0845 - Development of the land for the construction of a multi-storey building, including part demolition, use of land for dwellings, reduction in the car parking requirements, waiver of the loading bay requirements and alter access to a Road Zone Category 1 Road

Trim Record Number: D17/105075
Responsible Officer: Manager Statutory Planning

Proposal:	Development of the land for the construction of a multi-storey building, including part demolition, use of the land for dwellings, reduction in the car parking requirements, waiver of the loading bay requirements and alter access to a Road Zone Category 1 road
Existing use:	Café, retail shop, art studio spaces and dwellings
Applicant:	Gurner Pty Ltd c/o Urbis Pty Ltd
Zoning / Overlays:	Commercial 1 Zone / Heritage Overlay (HO324), Environmental Audit Overlay
Date of Application:	16 September 2016
Application Number:	PLN16/0845

Planning History

1. Planning Permit PL08/0894 was issued on 22 September 2010 for:
   (a) *Use and development of the site for the construction of a six storey building for the purpose of student accommodation, including part demolition of the existing building, alteration of the Johnston Street vehicle access, a reduction to the car parking requirements and a waiver of the loading bay requirements.*

2. The application was initially approved at a height of 9 storeys at Council's IDAC Meeting on 9 June 2010. An Application for Review was lodged by an objector with the Victorian Civil and Administrative Tribunal. The matter was ultimately resolved via consent order between parties, and subject to the inclusion of Condition 1(ah) requiring the deletion of three levels i.e. reducing the building height from 9 storeys to 6 storeys.

3. The permit has been extended on multiple occasions and will now expire if works have not commenced by 22 September 2018. On the 20 March 2017, the permit applicant submitted plans and reports for endorsement. Council advised the applicant that the documents did not adequately address the conditions and are awaiting a further response.

4. The following characteristics of the existing approval are of note:
   (a) 189 student apartments;
   (b) Two retail tenancies at ground level;
   (c) Provision for 27 car parking spaces and 41 bicycle spaces;
   (d) Overall height of 6 storeys and 25.43m;
   (e) A 6m setback from Johnston Street above the street wall (Levels 2 to 4);
   (f) A 9m setback from Johnston Street to Level 5 (top level)
   (g) Minimum 1.5m setback from side and rear boundary at all levels

5. A copy of the decision plans presented at the 9 June 2010 IDAC is attached to this report.

Background

6. Sketch Plans were received on 5 June 2017 in response to concerns raised by objectors, VicRoads and Council officers. These plans include the following changes:
   (a) Deletion of vehicle access from the Right of Way to the west;
   (b) Shift the vehicle access to Johnston Street further to the west;

(c) Johnston Street facade of No. 31-33 Johnston Street to be reinstated post construction;
(d) Increase the width of the vehicle crossover to Johnston Street from 7.3m to 9m;
(e) Increased upper level setbacks from Johnston Street and the Collingwood Arts Precinct between 4m to 6m and 4.5m retrospectively;
(f) Increased setbacks from the western boundary to the Right of Way to a minimum 2m at Levels 1 and 2;
(g) Various increases to all boundary setbacks at Level 9-11;
(h) Increased common corridor widths to 1.5m, introduced natural daylight and ventilation at the east and west ends of the corridors;
(i) Reduction in the number of dwellings from 154 to 134;
(j) Improved internal amenity for apartments;
(k) Reduction in the floor area of the easternmost food and drink premises from 264sqm to 145sqm;
(l) Bicycle parking increased from 49 to 70 spaces;
(m) Provision for four bicycle hoops along Johnston Street footpath;
(n) Provision of wintergardens to apartments on Levels 3 to 7 facing the Collingwood Arts Precinct;
(o) Retention of the existing 'saw tooth' masonry wall adjacent to the Collingwood Arts Precinct; and
(p) Change in materials including colour of glass from silver to pewter and light grey to Levels 9 to 11.

7. The following documents were also included with the 'sketch plan' submission:
   (a) Arboricultural report prepared by John Patrick landscape architects Pty Ltd assessing the potential impact upon the trees within the adjoining courtyard of the Collingwood Arts Precinct; and
   (b) More accurate shadow impact analysis of the adjoining courtyard associated with the Collingwood Arts Precinct.

8. A revised ground floor sketch plan was submitted on 9 June 2017 in response to further concerns raised by Council officers and VicRoads regarding the width of the vehicle crossover to Johnston Street. This included the following changes:
   (a) Reduction in the width of the vehicle crossover to Johnston Street from 9m to 6.2m; and
   (b) Additional swept path diagrams depicting turning movements for the waste collection vehicle.

9. The sketch plans do not formally substitute the advertised plans, however references to the sketch plans will be made throughout the report and in the officer recommendation.

Existing Conditions

Subject Site

10. The site is located on the south side of Johnston Street, midway between Wellington Street to the east and Smith Street to the west. The site is an irregular battle axe shaped site comprising four allotments of various sizes. The site has a maximum frontage to Johnston Street of 42.3m and a total site area of 1,873sqm.

11. While consisting of four titles, the site contains three two-storey buildings, those being:
   (a) No. 23-25 Johnston Street (westernmost)
   (b) No. 27-29 Johnston Street (middle)
   (c) No. 31-33 Johnston Street (easternmost)

12. The subject buildings present a matching two-storey brick façade to Johnston Street, with an awning extending the length of the frontage. The western two buildings were constructed as a pair circa 1939-1941, with the eastern-most building comprising a Victorian era building (former Court House Hotel) that was reclad in the 1950s to match the western buildings.

13. There are no covenants or restrictions registered on title, however there are carriageway easements between No. 27-29 Johnston Street and No. 31-33 Johnston Street with a combined width of 3.06m. There are also party wall easements between the two lots that comprise No. 23-25 Johnston Street.

14. The buildings are occupied by various uses including a café, retail shop, artist studio spaces (Magic Johnston) and dwellings at the upper levels.



Aerial view of subject site (Source: Council's GIS)

Surrounding Land

15. The subject site is located toward the western end of the Johnston Street Neighbourhood Centre, 100m to the east of the Smith Street Major Activity Centre. The surrounding area contains a mix of residential, commercial and community uses, reflective of the inner-city context of the area.

16. The site is situated on a busy east-west arterial road (Johnston Street) and is accessible by buses servicing Johnston Street and trams running along Smith Street.

17. Built form within this section of Johnston Street is predominately two storey with varying parapet heights. There is limited presence of infill development or upper level additions, with the exception of No. 2 Johnston Street on the northern side of the street closer to Smith Street, being 6 storeys. The former Collingwood Technical School, now Collingwood Arts Precinct (CAP) immediately to the west of the site and is the most dominant building within the streetscape; consisting of a generous three-storeys and constructed to the street edge. There is an eclectic mix of building styles within the immediately surrounding area, with no prevailing period of construction.

North

18. There are six commercial properties on the northern side of Johnston Street that are directly opposite the subject site. These sites are developed with one and two storey built form and are occupied by a variety of uses including a restaurant, a mechanic, retail shops and office space.

West

19. There are four properties to the west of the site, being No. 19 Johnston Street, Nos. 2 & 2A Bedford Street and No. 4 Bedford Street. No. 4 Bedford Street shares a boundary with the subject site (No. 23 Johnston Street); the other properties are separated by a Right of Way approximately 3m wide connected to Johnston Street.

20. No. 19 Johnston Street is a two storey industrial building with undercroft parking accessed from Johnston Street. A planning permit application (PLN17/0321) has been lodged for a place of assembly. The application is currently on hold, awaiting further information from the applicant.

21. Nos. 2 - 2A comprises a brick warehouse building converted with a three storey residential development above. A centrally located courtyard is situated along the southern boundary. Windows also face the development at ground floor. There a two existing solar panels situated toward the western section of the roof space.

22. No. 4 Bedford Street is developed with a two storey building accommodating four units. There is secluded private open space at ground floor with windows at first floor that are orientated toward the subject site. Planning Permit PLN14/0358 has been issued for construction of a third storey. The works have not yet commenced.

East

23. Immediately east of the site is the former Collingwood Technical College, which has been converted into the Collingwood Arts Precinct (CAP). This land was recently rezoned to Special Use Zone, Schedule 6 on 21 July 2017. The purpose of the new Zone includes:
    (a) *To recognise the Collingwood Arts Precinct as a significant arts and cultural precinct of State significance.*
    (b) *To provide for the use and development of the site as an integrated hub for the arts and creative industries, including studios, workshops, galleries, rehearsal, performances, live music and events spaces, spaces for training, production and community engagement activities.*
    (c) *To facilitate the activation of the site and provide for public access and the use of outdoor* spaces.

24. Presently the site is occupied by the Circus Oz Spiegeltent and performance spaces. There is also an amphitheatre that is used for performances approximately 30m from the subject site. Immediately adjacent to the subject site is a grassed courtyard of approximately 450sqm, containing three mature English Plane Trees.

25. Subsequent to the rezoning of the CAP site, it is also understood that further performance art activities will commence on the site (within the coming weeks) without the need for a planning permit. There was previously a permit sought for this activity, which was then called in by the Minister for Planning (the Minister). However, consequent to the change in Zone and other amendments to sections of the Yarra Planning Scheme, these uses no longer require planning permission to commence. Additionally, as part of this Planning Scheme Amendment, the CAP site has been identified as a Live Music Venue within clause 52.43.

26. Further to the east is the Tote Hotel on the corner of Wellington and Johnston Street. This is an established live music venue approximately 90m from the subject site.

South

27. The CAP site also adjoins the southern boundary of part of the subject site (No. 27-33 Johnston Street). This area contains existing buildings, which as discussed above, will be shortly occupied by performance art activities.

28. The south (of No. 23-25 Johnston Street) is No. 10 Perry Street. This property faces Perry Street, a local east-west street to the south. The site contains a dwelling converted from a former warehouse built to all boundaries. There are two courtyards, one to each side boundary midway along the site. These have not been shown on the plans but are visible on Council's aerial imagery.

The Proposal

29. The application proposes development of the land for the construction of a multi-storey building, including part demolition, use of the land for dwellings, reduction in the car parking requirements, waiver of the loading bay requirements and alter access to a Road Zone Category 1 road.

30. Key elements of the proposed development, as depicted on the advertised plans prepared by Cox Architecture, dated 14 December 2016 and received 19 October 2016 are described below. (Please note sketch plans have been described earlier in this report)

Demolition

31. Demolition of all buildings and structures on the site with the exception of the façade and awning of the two westernmost buildings (No. 23-25 & No. 27-29) and retention of the western wall of No. 23-25 Johnston Street to a distance of 9m.

32. Removal of the existing vehicle crossover along Johnston Street.

Buildings and Works

33. Construction of a new 7.3m wide crossover to Johnston Street.

34. Construction of two levels of basement extending to the full boundaries of the site with the exception of a 0.75m set back from the retained heritage façade. The basement levels will be accessible via ramps (cars), lifts and stairs. These levels contain:
    (a) 101 car spaces;
    (b) 9 bicycles;
    (c) 58 storage cages;
    (d) Bin storage room; and
    (e) 19,000L rainwater tank
    (f) Building services

35. The ground level is to comprise:
    (a) Two cafés (food & drink premises) of 264sqm and 196sqm respectively fronting Johnston Street with glazed entrances;
    (b) Between the two cafés, a 5.75m wide residential lobby entry to Johnston Street providing access to the lift core, mail room and an ambulant toilet;
    (c) A 8.3m wide basement entrance via Johnston Street adjacent to the eastern boundary;
    (d) Various building services, including a fire booster cupboard extending 5.4m along the Johnston Street frontage, with a substation immediately behind.
    (e) Car parking area accessed via the Right of Way to the west, containing:
        (i) 24 car spaces
        (ii) 34 storage cages
        (iii) 40 bicycle spaces

36. Levels 1 to 11 contain a total of 154 apartments double loading along an L-shaped corridor, a summary of the dwelling numbers is provided in the table below:

Level	Apt per fl	1 bed	2 bed	3 bed
1	24	22	2	-
2	23	20	3	-
3-7	16	40	40	-
8	12	4	8	-
9-11	5	-	3	12
	Total:	86	56	12

37. The building composition is made up of a podium (Ground – Level 2), midrise section (Levels 3 to 8) and a cap (Levels 9-11). The setbacks are described in the table below:

Level	North (Johnston Street)	East	CAP Courtyard East	CAP Courtyard south	South	West
Gnd	0.0	0.0	0.0	0.0	0.0	0.0
1	1.6m (excl balc)	0.0	2.6m (excl balc.)	2.8m (excl. balc.)	0.0	0.0 – 4.77m
2	1.6m - 3.45m	0.0	2.6m (excl balc.)	2.8m (excl. balc.)	0.0	0.0 – 4.77m
3-7	3m – 5.17m	0.0	4.41m – 4.53m	2.85m – 4.75m	4.5m	1.45m – 4.56m
8	4m – 6.07m	10m – 11m	4.42m – 6.6m	2.87m – 7.4m	4.5m	1.45m – 4.56m
9-11	10.66m – 11.22m	19.82m	4.42m – 6.6m	N/A	4.52m – 6.12m	3.37m – 6.62m

38. The rooftop comprises various site services curtailed by a 1.5m high louvered screen, roof top services include:
    (a) Fire tank
    (b) Fire tank pump room,
    (c) Central domestic hot water system
    (d) 44 PV panels

39. The height of the building is 36.08m (measured to the Level 11 parapet) and 38.68m to the top of the rooftop service room.

40. The materials and finishes include:
    (a) Clear glazed shop fronts to Johnston Street;
    (b) Semi-gloss copper fins to infill façade of No. 31-33 Johnston Street;
    (c) Retention of the existing face brick façade to Nos. 23-25 and 27-29 Johnston Street;
    (d) Silver double glazing to the facades of Levels 2-8;
    (e) Silver double glazing with a 'fractured' effect to Levels 9-11; and
    (f) Level bands expressed in a semi-gloss black paint finish.

Landscaping

41. A landscape concept plan prepared by Jack Merlo Design & Landscaping dated 4 October 2016 includes the following landscape opportunities throughout the site:
    (a) At Level 1, a 14m long by 4.77m deep non-trafficable landscape zone within the south-western corner adjacent to the units at No. 4 Bedford Street accommodating four trees, with a smaller cantilevering planter box to Level 2 above;
    (b) At Levels 1 and 2, planter boxes extending along the boundary adjacent to the CAP courtyard;
    (c) At Level 3, three trees and other greenery along the western boundary;

(d) At Levels 3, 5 and 7, a tree is to be accommodate at the midpoint of the façade;
(e) Level 8 contains a landscaped courtyard, supporting 7 trees and numerous other plants and greenery
(f) Level 9 contains a further landscape courtyard.

Planning Scheme Provisions

Zoning

Clause 34.01 – Commercial 1 Zone

42. Pursuant to clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a planning permit is not required to use land for accommodation (includes dwellings), unless a frontage at ground floor exceeds 2 metres. The residential component has a frontage width of 5.28m to Johnston Street and therefore a permit is required to use the land for dwellings.

43. A planning permit is not required pursuant to clause 34.01-1 of the Scheme to use land for a food and drink premises (nested in retail premises).

44. Pursuant to clause 34.01-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works.

45. Also pursuant to clause 34.01-4, an apartment development must meet the requirements of Clause 58. However, Clause 58 does not apply to an application for a planning permit lodged before the approval date of Amendment VC136 (13 April 2017). The application was lodged prior to VC136, and therefore Clause 58 does not apply.

Overlays

C*lause 43.01 – Heritage Overlay*

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

47. Pursuant to the Schedule to the Heritage Overlay, external paint controls apply to the Johnston Street Heritage Precinct (HO324).

Clause 45.03 – Environmental Audit Overlay

48. Pursuant to Clause 45.03-1 of the Scheme, before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
    (a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
    (b) An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

49. As the proposed development includes a residential use, the requirements of this overlay apply. Should the application be supported, a note is recommended on any permit issued to advise the permit holder of their obligations.

Particular Provisions

Clause 52.06 – Car Parking

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	86	1 space per dwelling	86	44
Two-bedroom dwelling	56	1 space per dwelling	56	56
Three-bedroom dwelling	12	2 spaces per dwelling	24	18
Residential visitors	154 Dwellings	1 space per 5 dwellings	30	4
Food and Drink	460 m^2	4 spaces per 100 m^2 of leasable floor area	18	3
		Total	**214 Spaces**	**125 Spaces**

51. Pursuant to Clause 52.06-3, a permit is required to reduce the number of car spaces required under Clause 52.06-5.

Clause 52.07 – Loading and Unloading of vehicles

52. Pursuant to Clause 52.07, no buildings or works may be constructed for the manufacture, servicing, storage or sale or goods or materials unless space is provided for loading and unloading in accordance with specified requirements.

53. Based upon the above, a loading bay is not required for dwelling use, however is required for a food and drink premises. As no on-site loading is provided, a waiver is sought.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1 Road (inter alia)

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

55. An application must be referred to the Roads Corporation under Section 55 or the Act.

Clause 52.34 – Bicycle Facilities

56. Pursuant to clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The following table identifies the bicycle parking requirement under Clause 52.34-3, the provision on site, and the subsequent reduction below the statutory requirement:

Use	Quantity/Size	Statutory Rate	No. Spaces required
Dwellings	154 dwellings	1 per 5 dwellings for residents	31 resident spaces
		1 per 10 dwellings for visitors	15 visitor spaces
Retail (includes Food & Drink)	460sqm	1 per 300sqm for staff	2 staff spaces
		1 per 500sqm for visitors	1 customer space
		Total:	**49 spaces**

57. The proposal provides 49 spaces and as such the requirement of 52.34-3 is met.

Clause 52.36 – Integrated Public Transport Planning

58. Pursuant to clause 52.36, an application to construct a building or construct or carry out works for a residential development comprising 60 dwellings or more must be referred in accordance with Section 55 of the Art to the Public Transport Development Authority.

Clause 52.43 – Live Music and Entertainment Noise

59. This clause applies to an application to use land or to construct or carry out works associated with a noise sensitive residential use within 50m of a live music entertainment venue.

60. Pursuant to clause 52.43-3, a noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:
    (a) indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).
    (b) outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes.

61. The CAP site at 35 Johnston Street, Collingwood, immediately east of the subject site, is listed as a live music entertainment venue within the Schedule to clause 52.43.

General Provisions

62. 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)

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

Clause 11.03.01 – Activity Centre Network

64. The objective of this clause 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 11.02 – Activity Centre Planning

65. The objective of this clause 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 11.06-2 - Housing Choice

66. The objective of this clause is:
    (a) *To provide housing choice close to jobs and services.*

Clause 11.06-5 – Neighbourhoods

67. The objective of this clause is:

(a) *To create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.*

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

68. The objective of this clause is:
(a) *To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

Clause 13.04 – Noise and Air

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

Clause 15.01.1 – Urban Design

70. 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

71. The objective of this clause is:
(a) *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

Clause 15.01-4 – Design for Safety

72. 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

73. The objective of this clause is:
(a) *To recognise and protect cultural identity, neighbourhood character and sense of place.*

Clause 15.02 – Sustainable Development

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

Clause 15.03 - Heritage

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

Clause 16.01-1 – Integrated Housing

76. The objective of this clause is:
(a) *To promote a housing market that meets community needs.*

Clause 16.01-2 – Location of residential development

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

Clause 16.01-3 – Housing opportunity areas

78. The objective of this clause is:
    (a) *To identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*

Clause 16.01-4 – Housing Diversity

79. The objective of this clause is:
    (a) *To provide for a range of housing types to meet increasingly diverse needs.*

Clause 16.01-5 – Housing affordability

80. The objective of this clause is:
    (a) *To deliver more affordable housing closer to jobs, transport and services.*

Clause 17.01.1 - Business

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

Clause 18.01 – Integrated Transport

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

Clause 18.02-1 – Sustainable personal transport

83. The objective of this clause is:
    (a) *To promote the use of sustainable personal transport*

Clause 18.02-2 - Cycling

84. The objective of this clause is:
    (a) *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*

Clause 18.02-3 – Principal Public Transport Network

85. The objective of this clause is:
    (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes in Metropolitan Melbourne.*

Clause 18.02-5 – Car parking

86. The objective of this clause is:
    (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*

<u>Local Planning Policy Framework (LPPF)</u>

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04 – Land Use

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

Clause 21.05 – Built Form

88. The relevant objectives of this clause are:
    (a) *To protect and enhance Yarra's heritage places.*
    (b) *To reinforce the existing urban framework of Yarra.*
    (c) *To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
    (d) *Strategy 17.2 – Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
        (i) Significant upper level setbacks
        (ii) Architectural design excellence
        (iii) Best practice environmental sustainability objectives in design and construction
        (iv) High quality restoration and adaptive re-use of heritage buildings
        (v) Positive contribution to the enhancement of the public domain
        (vi) Provision of affordable housing
    (e) *To retain, enhance and extend Yarra's fine grain street pattern.*
    (f) *To ensure that new development contributes positively to Yarra's urban fabric*
    (g) *To enhance the built form character of Yarra's activity centres.*
    (h) *To encourage the provision of universal access in new development.*

Clause 21.06 - Transport

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

Clause 21.07 – Environmental Sustainability

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

Clause 21.08 – Neighbourhoods

91. Clause 21.08-5 describes the Collingwood area in the following way:
    (a) *Much of Collingwood is industrial in character with the residential precincts surrounded by or interspersed with industrial buildings.*
    (b) *To the south of Johnston Street development is Victorian overlaid with subsequent periods of development. This part of Collingwood is varied in built form and character, ranging from large Victorian factory buildings to small pockets of low rise residential development.*

92. Figure 13 of Clause 21.08-5 shows the site as being within a Neighbourhood Activity Centre. It also identifies this section of Johnston Street as an area to improve on street pedestrian and cycle links to open space.

Relevant Local Policies

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

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

Clause 22.05 – Interface Uses Policy

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

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

95. The relevant objectives of this clause are:
    (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). Currently, these water quality performance objectives require:*
        (i) Suspended Solids - 80% retention of typical urban annual load
        (ii) Total Nitrogen - 45% retention of typical urban annual load
        (iii) Total Phosphorus - 45% retention of typical urban annual load
        (iv) iv. Litter - 70% reduction of typical urban annual load
    (b) *To promote the use of water sensitive urban design, including stormwater re-use.*

Clause 22.17 – Environmentally Sustainable Development

96. This policy applies to residential development with more than one dwelling. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

Incorporated Documents

City of Yarra Review of Heritage Areas 2007 Appendix 8, revised May 2017

97. The existing buildings on the site are identified in the incorporated document as 'Individually Significant' to the Johnston Street Precinct (HO324).

Planning Scheme Amendments

Johnston Street Local Area Plan

98. The Johnston Street Local Area Plan (LAP) was adopted by Council on December 2015. This document is intended as a high-level strategy arranged around land use, public spaces, access and movement and built form.

99. The Land Use Framework Plan at Figure 15 includes the subject site within the Johnston Street Central (Mixed Use/creative) area, which seeks to:

(a) Increase street activation along Johnston Street
(b) Offices, shops and commercial activity with ground floor activating uses
(c) Residential uses above offices, shops and compatible commercial uses

100. Pursuant to section 4.9 (Built Form Guidelines and Principles), the relevant Built Form Guidelines for Precinct 1 (Johnston Street Central) are as follows:
(a) Strengthen the appearance of the street wall façade with good, visually interesting design;
(b) Ensure the ground level of buildings are designed for active uses;
(c) Design the ground floor entries to upper floor levels to be visible and easy to access from street level;
(d) Upper levels should be set back appropriately and be visually recessive in the streetscape;
(e) Taller buildings should minimise off-site impacts and be recessive in design in respect to the street wall façade;
(f) Design of new higher development should be recessive and compliment the heritage fabric; and
(g) Heritage facades should dominate streetscape views.

101. Also contained within section 4.9 are the following maximum height and setback requirements for Precinct 1:
(a) 2-3 storey (11m) street wall façade with respect to existing heritage;
(b) 6-7 storeys (23m) on sites able to accommodate upper level setbacks;
(c) 2-3 storeys (11m) at the interface with fine grained residential properties;
(d) Set back upper levels between 3-6m from both street façade and rear interfaces (depending on site context and the presence of heritage fabric); and
(e) Behind heritage buildings, a setback of 6m will generally be required and the heritage building should remain dominant in the streetscape.

Amendment C220 – Johnston Street Activity Centre

102. Amendment C220 seeks to implement the land use and built form objectives and strategies of the Johnston Street LAP into the Yarra Planning Scheme.

103. On 8 March 2017, the Minister for Planning gave authorisation to prepare and exhibit Amendment C220 subject to the following condition:

(a) *Council must limit the application of mandatory controls to confined locations where there are exceptional circumstances as outlined in Planning Practice Note 60 - Height and Setback Controls for Activity Centres.*

104. The amendment has not been exhibited to date and has limited statutory weight in the consideration of this application.

Advertising

105. The application was advertised in accordance with Section 52 of the *Planning and Environment Act* 1987 (the Act) by way of 2,315 letters sent to the surrounding property owners/occupiers and by three signs on the site (one to each building frontage). A total of 32 objections were received. The concerns can be summarised as:

(a) Excessive height and setbacks
(b) Design incongruous with existing character
(c) Loss of heritage fabric
(d) Amenity impacts – overshadowing, overlooking and visual bulk
(e) Inequitable development opportunities
(f) Poor internal amenity
(g) Insufficient ESD standards

(h) Inadequate acoustic treatments
(i) Loss of activate frontage
(j) Insufficient parking
(k) Traffic and safety impacts from use of the laneway

Referrals

External Referrals

106. The application was required to be referred to the following referral authorities, with their comments attached to this report:
(a) VicRoads
(b) Public Transport Victoria (PTV)

Internal Referrals

107. The application was referred to the following areas, with their full comments attached to this report:
(a) Engineering Services Unit
(b) Waste Services Unit
(c) ESD Advisor
(d) Open Space Unit
(e) Heritage Advisor
(f) Urban Design Consultant (Robert McGauran)
(g) Acoustic consultant (SLR Consulting Australia)

108. The 'sketch plans' were provided to VicRoads, Council's Engineering Services, Heritage advisor and SLR for further comment. Comments were also sought from Council's Arborist regarding the arboricultural report submitted. Given that the changes contained within the sketch plans otherwise responded to the advice from the various departments and advisors, further comment on the sketch plans was not sought.

OFFICER ASSESSMENT

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

Strategic Justification

110. State Policy expressly supports the intensification of housing on the site. Specifically, clause 11.03 (Activity centres) encourages '*diversity of housing types at higher densities in and around activity centres.'* Situated within the Johnston Street Neighbourhood Centre and 100m from the Smith Street Activity Centre, this policy direction is applicable to the subject site.

111. Housing intensification is further encouraged within clause 16 (Housing) of State planning policy. Notably, clause 16.01-1 (Integrated housing) seeks to '*Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.'* and additionally, clause 16.01-2 seeks to *'Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*' The subject site benefits from excellent access to jobs, services and public transport. In addition to Smith Street Activity Centre, the site is also within 300m of the Gipps Precinct, one of Yarra's principal employment districts. The site is also well serviced by public transport as previously outlined within the surrounds description.

112. At a local level, there is an expectation stated at clause 21.04-1 that Commercial 1 Zones will accommodate some of Yarra's housing growth, however potential amenity conflicts between residential and other uses needs to be managed, with Strategy 3.1 requiring that new residential development in the Commercial 1 Zones to be designed to minimise potential negative amenity impacts of existing non-residential uses in the vicinity. Potential interface issues with non-residential uses will be discussed in greater detail through this report.

113. While of limited weight, the Johnston Street LAP provides useful insight into Council's current strategic thinking for the area. Within the Johnston Street LAP, the preferred future character of the Johnston Street Central Mixed Use Precinct (which the site is located within) anticipates (among other things) *'higher density housing established on larger sites, above and behind commercial activity'.*

114. Housing diversity is encouraged at both a State and local level, with State policy at clause 16.01-4 identifying the objective *'To provide for a range of housing types to meet increasingly diverse needs.'* Including the strategy to *'support opportunities for a wide range of income groups to choose housing in well- serviced locations.'* Objectives within the MSS on land use (clause 21.04) are very similar, advocating for the retention of a diverse population and household structure. The proposed development supports these policies by incorporating a mix of one, two and three bedroom dwellings at various sizes and layouts. This is considered an improvement on the existing approval, which only permits student accommodation.

115. State and local policies on heritage and built form (clause 15.01 and 21.05) are consistent in their objectives for protection and conservation of heritage places and for the delivery of responsive and high quality built form environments. More specifically and relevantly, objective 17 of clause 21.05 seeks '*to retain Yarra's identity as a low-rise urban form with pockets of higher development'.* The consistency with heritage and built form policies will also be discussed in greater detail within the built form assessment.

116. Yarra recognises the importance of environmentally sustainable development within its MSS (clause 21.07) and through its Environmentally Sustainable Development Policy at clause 22.17 and Stormwater Management (WSUD) Policy at clause 22.16. The environmental sustainability of the proposed development will be covered in greater detail within this report.

117. Both State and local policy directives seek to promote the use of sustainable personal transport and increased development close to high-quality transport routes (clauses 18.02-1, 18.02-2, 18.02-3 and 21.06). In regard to car parking, clause 18.02-5 encourages an adequate supply of car parking to be provided with consideration to '*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.'*

    At a local level, clause 21.06 acknowledges that whilst parking availability is important for many people, *'unrestricted car use and parking is neither practical nor achievable.'* Matters relating to transport relevant to the proposed development will be covered later within this report.

118. The site is well-positioned to accommodate more intensive development of the site, with excellent accessibility to jobs, services and public transport. Having regard to the above discussion, the proposal clearly demonstrates strong policy support at both a State and local level.

Land use

119. As stated within the planning controls section earlier in this report, the use of the land for dwellings only triggers a planning permit because the residential frontage to Johnston Street is wider than 2m (5.28m proposed). The intention of this permit trigger is to ensure that residential activity does not dominate street level frontages within commercial areas. Further discussion regarding the street level interface is contained later within this report.

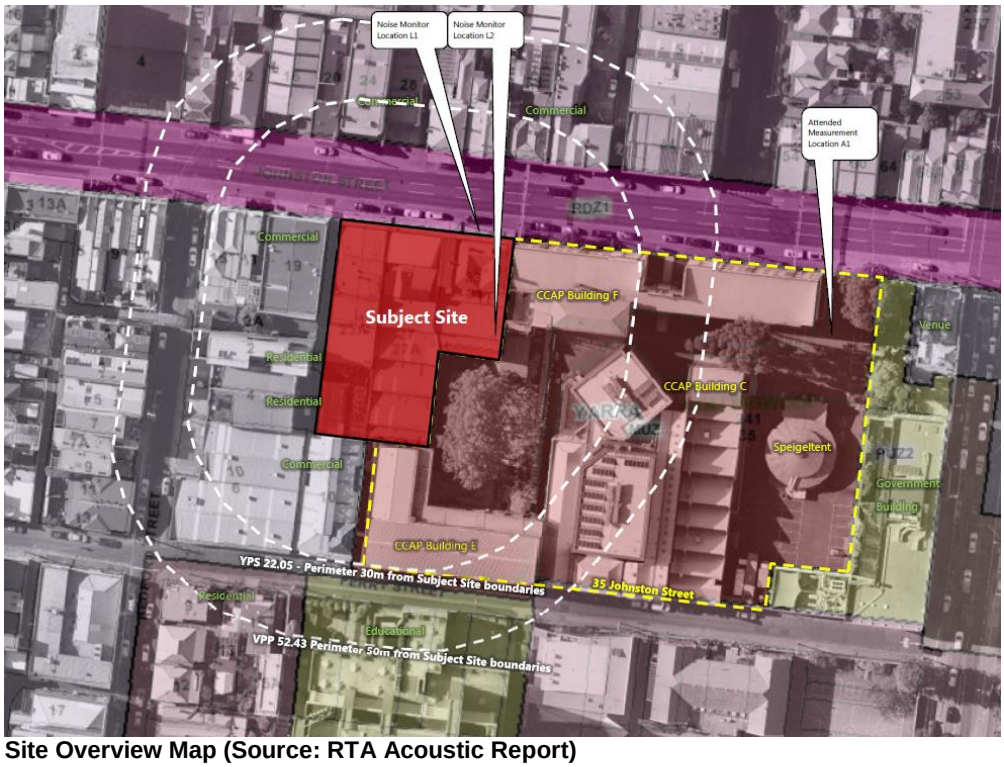
120. Residential use of the land has clear policy support within both State and local policy as well as within the adopted Johnston Street LAP as outlined within the Strategic Justification section above. It is also consistent with the purpose of the Commercial 1 Zone, which includes: *'To provide for residential uses at densities complementary to the role and scale of the commercial centre.'*

121. While residential use of the land is supported and will contribute toward a vibrant mixed use commercial centre, consideration needs to be given to potential land use conflicts with non-residential uses. In relation to the subject site, the most apparent potential interface conflict relates to noise emissions from surrounding non-residential uses. This will be covered in the following section. Other interface conflicts will also be discussed later within the report as relevant.

Noise Emissions

External Noise

122. There are a number of nearby noise sources external to the site that need to be considered, this includes:
    (a) Traffic Noise along Johnston Street;
    (b) Music and patron noise associated with the future CAP Inc. activities at 35 Johnston Street;
    (c) Music and patron noise from the Circus Oz Spiegeltent;
    (d) Music noise within the Circus Oz Amphitheatre
    (e) Music noise from the Tote hotel



Site Overview Map (Source: RTA Acoustic Report)

123. Guidance on assessing noise impacts is contained within clauses 13.04, 22.05 and 52.43 of the Scheme. These clauses require consideration of the potential impacts of existing noise sources on proposed noise-sensitive uses (such as dwellings). An Acoustic Report prepared by Renzo Tonin & Associates (RTA) dated 29 November 2016, was submitted after public notice of the application containing an assessment of external noise sources with the potential to impact upon the future residential use and development of the site. This has subsequently been peer reviewed by SLR Consulting.

124. In regard to traffic noise, SLR considered the long term average targets proposed by RTA to be reasonable, however recommend that the night interval extend until 7am (rather than 6am), consistent with Victoria's environmental noise policy. This can be addressed via condition on any permit issued. Furthermore, indicative calculations undertaken by SLR, using the traffic noise spectrum obtained from a different section of Johnston Street indicated that the proposed glazing specification included in Appendix B of the report may not meet the nominated targets within bedrooms. This can be further investigated by way of condition on any permit issued.

125. The RTA report argues that the Tote Hotel and the Spiegeltent are beyond 50m from the subject site and therefore the 'agent of change' requirements of clause 52.43-3 (as outlined in the planning controls section) do not apply to the proposed development. SLR however, was of the view that irrespective whether triggered under clause 52.43-3, all significant existing and potential noise impacts need to be addressed to achieve an acceptable level of amenity for the future residents. This position is also expressed in Council's interface policy at clause 22.05, which directs:
    (a) *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*

126. In light of the above, it is considered necessary that noise attenuation measures are implemented within the proposed development having regard to all existing noise sources, including those beyond 50m, to ensure reasonable amenity expectations are met with respect to existing external noise sources. An amended acoustic report would be required to adequately address this.

127. The RTA Report has not identified the existing Circus Oz amphitheatre within the CAP site, which is situated approximately 30m in a direct line of sight to the subject site. Additionally, the report does not include any acoustic measures to protect the proposed development from the future uses of the CAP site, noting in the report that these uses are not existing and therefore do not need to be considered. The Circus Oz amphitheatre however, is an existing use. As outlined earlier, pursuant to Amendment GC73 approved on 21 July 2017, the CAP site at No. 35 Johnston Street, Collingwood is now recognised as a live entertainment venue to which clause 52.43 applies. It is understood that performance art activities will commence on the land in the coming weeks (which no longer require planning permissions). However, as contained within Schedule 6 of the Special Use Zone, the uses on the CAP site will be subject to patron noise criteria.

128. Leading to Amendment GC73, the Government Land Standing Advisory Committee (the Committee) was established, at the request of the Minister, to advise on suitable changes to the Planning Scheme for No. 35 Johnston Street, being State Government-owned land. The Committee made the following pertinent commentary (p.46) on the potential noise impacts of the CAP site upon the current application:

    (a) *The acoustic attenuation required on the facade of any new development is a design constraint. The impact of that treatment on the internal amenity of the apartments is a relevant consideration in whether or not a proposal should be approved. But if the cost of the acoustic treatment of the facade of the proposed building is too high, the policy response should not be to lower the requirement when this will have an adverse impact on the operation of a neighbour's legitimate activities. Planning would not accept the reverse situation and allow a noisy activity to establish on the basis that it was too costly to provide sound insulation on the noise source.*

    (b) *Not all land has equal development potential, in this case the land at 23-33 Johnston Street is potentially constrained by being next to an existing established source of noise. There is no overriding policy presumption that the Gurner site should be developed for dwellings*

129. Having regard to the above commentary, the recent changes implemented by Amendment GC73 and the purpose of clause 52.43: '*to ensure that the primary responsibility for noise attenuation rests with the agent of change'*, it is necessary that the proposed development is designed and constructed with acoustic attenuation measures that reduce noise levels anticipated (and existing) at the CAP site in accordance with the requirements of clause 52.43 of the Scheme.

130. The applicant has not submitted a revised acoustic report to address the above matters, however the sketch plans have introduced winter gardens to apartments at Levels 3 to 7 facing the CAP courtyard. SLR have advised that without a revised acoustic report it is not possible to ascertain whether these measures are sufficient to achieve compliance with the requirements of clause 52.43-3. Nevertheless, SLR provided the following comments:
    (a) The existing boundary wall between the subject site and 35 Johnston Street is likely to provide protection for Level 1, however it is unclear whether the existing wall sufficient reduce noise impacts at Level 2.
    (b) The wintergardens have the potential to provide good control of patron and music noise provided suitable glazing is provided.
    (c) There are a number of habitable rooms on Level 3-8 that do not have windows or winter gardens. The acoustic report would need to demonstrate that suitable noise targets can be met.
    (d) Acoustic treatments need to be provided for levels 9 to 11.

131. Based upon advice from SLR, it appears possible to implement noise attenuation measures within the proposed development that will achieve reasonable amenity expectations with respect to all identified existing noise sources and future activities within the CAP site. The existing RTA report does not adequately identify these noise sources or measures for mitigating their impact. A revised acoustic report is required to be submitted as part of any permit issued to consider the potential noise impacts from this site with specific consideration given to the specified noise levels within Schedule 6 to the Special Use Zone and provide recommendations in order to demonstrate that the requirements of clause 52.43-3 are met for all uses of the CAP site (including Circus Oz) and the Tote.

Internally Generated Noise

132. The noise sources from the proposed development are identified at Section 9.2 of the submitted Acoustic Report prepared by Renzo Tonin & Associates (dated 29 November 2016). Noise from commercial mechanical plant and any equipment under the control of the body corporate is proposed to be designed to achieve SEPP N-1 requirements. Noise from apartment air condensers is to be assessed against the Victoria EPA Noise Control Guidelines. Detailed design advice on how these limits will be met is not provided within the acoustic report as this is to be determined at the design detail stage. SLR agreed that it was reasonable that this detail be carried out at this later stage, provided that the acoustic consultant is retained. A condition is included in the recommendation if a permit is to issue.

133. The acoustic report considered music noise impacts from the ground floor cafés. The acoustic report advises that music would only be played at background levels and includes recommended octave band maximum levels of music within the cafés. However, as identified by SLR, the report does not consider patron or operation noise and therefore recommends the following:
    (a) The building design should aim to keep patron noise levels within apartments (windows closed) to 30dBA or less.
    (b) Achieve a minimum 3 star Lmax design target rating under the Association of Australian Acoustical Consultants (AAAC) 'Guide for apartment and Townhouse acoustic Rating (September 2010)

134. While it is acknowledged that the ground floor cafés are as-of-right uses, it is appropriate to ensure that the proposed development is designed to ameliorate potential noise sources within the development. This is also supported by design objective 7.3 of the Activity Guidelines, which seeks *to ensure good amenity for residents of higher density housing and the surrounding neighbourhood,* with a design suggestion 7.3.5 *to incorporate adequate noise attenuation measures into buildings.*

135. SLR in their review of the proposal identified that the car park entrance doors to Johnston Street and the lane to the west may impact upon the apartments above. This has not been covered within the acoustic report and therefore if a permit is to issue, it is recommended that an amended acoustic report is submitted to address this.

Heritage Impacts

Demolition

136. Council's heritage policy at clause 22.02-5.1 generally discourages full demolition as well as part demolition of an individually significant building unless '*it can be* demonstrated *that the removal of part of the building or works does not negatively affect the significance of the place.'*

137. As described within the proposal section, the application proposes to demolish all buildings on the site with the exception of the façades of Nos. 23 to 29 Johnston Street and the western side wall of No. 23 Johnston Street adjacent to the Right of Way to a depth of approximately 9m from Johnston Street. As also noted previously, all three buildings are identified as 'individually significant' to the Johnston Street Precinct.



No. 31-33 Johnston Street



No. 27-29 Johnston Street & 23-25 Johnston Street

138. A Heritage Impact Statement prepared by Lovell Chen (dated October 2016) has been submitted with the application. The report makes the following observations in relation to the site:
    (a) The contribution of the buildings when tested against the Precinct's statement of significance is not of a high order in that the facades are not of Victorian or Edwardian period buildings for which the area is known;
    (b) While the site is three discrete properties, the visual presentation of the site is of a single building;
    (c) The more intact of the three properties is the western pair;
    (d) In respect to the easternmost building (No. 33 Johnston Street), the façade is an extension over the former Victorian hotel building, this is considered by Lovell Chen to break the paired arrangement of No. 23-29 Johnston Street and the balance of the site;
    (e) the change in the façade finish is also considered to detract from the earlier form;

(f) The second pediment between No. 27 and 33 Johnston Street has been introduced, and diminishes the composition;

139. The particular factors identified in the statement of significance for No. 31-33 Johnston Street includes;
   (a) A distinctive Moderne Design with use of glass bricks and with some original shop fronts
   (b) For the early Victoria-era, former Court House Hotel visible beihind the façade as Victroian-era chimneys, roof and room forms; also
   (c) The rare Victorian-era carriage way next to 31 Johnston Street.

140. The Lovell Chen report considers the above elements and notes that the façade does not contain glass bricks, but acknowledges it does retain a partially intact shop front of the 1950s era and the visible chimneys, the original roof form also remains. The 'rare Victoria-era carriageway' was an open lane that provided access to the rear of the site. It was later built above and in the opinion of Lovell Chen, is in no sense rare. The report concludes that neither the easternmost façade or the remnant Court House Hotel make an important contribution to the precinct, and thus their removal would have little impact.

141. Council's Heritage Advisor agrees in part with findings of the Lovell Chen report in so much as the eastern portion contributes less than the other two remaining properties and whilst contrary to Council's policy, its removal would not have an adverse effect on the retained portions. However, to support demolition of the individually significant building, Council's heritage advisor needed to be satisfied that the replacement building would provide a greater contribution to the balance of the site than the existing building to be removed.

142. Council's heritage advisor also seeks further clarification and justification as to why the existing façade cannot be retained, noting its retention in the existing approval. Council's heritage advisor has requested that this is supplemented by a structural report. While the applicant has not provided a structural report at this stage, they have advised that that demolition of the façade is necessary to gain access to the site during construction. However, in responding to the heritage advisor's comments and objector concerns, the sketch plans now propose to reconstruct the existing façade of No. 31-33 Johnston Street.

143. While demolition and reconstruction of an individually significant building would not typically be supported, in light of the advice from Lovell Chen and Council's Heritage Advisor, demolition and reconstruction of the façade is considered acceptable. However, conditions would need to be imposed on any permit issued requiring a construction management statement to be prepared containing high detailed specifications of the existing façade with measures to ensure that the façade is accurately reconstructed.

144. In regard to the extent of demolition to the western-most buildings, the Lovell Chen report notes that the fabric to be removed is generally concealed from Johnston Street and in the opinion of Lovell Chen, is not fabric that contributes to an understanding of the buildings within the precinct.

145. The roofs are said to reflect the progressive development of the place, combining various skillion and hipped forms, but are otherwise undistinguished and in the opinion of Lovell Chen, their removal would not alter the contribution of the retained façades to the streetscape. Council's heritage advisor identified (through site inspection) that the roof comprises a timber-framed sawtooth truss roof, which is an early example and a precursor to steel frames. While this roof detail is not readily visible from outside the site or referenced in the Statement of Significance for the site, it is of historical interest. Council's heritage advisor requested that an archival photography survey be undertaken and lodged in the local history collection at the Fitzroy or Collingwood Libraries. A permit condition can request that an archival photography survey of the timber framed sawtooth roof truss be undertaken and submitted, however it is inappropriate to direct a permit condition involving obligations with an unrelated third party.

146. The works proposed to the façade largely involve the removal of shop front detailing of more recent origins. There is discussion in the Lovell Chen report regarding walls that enclose the main stair beneath a projecting central bay, with a recommendation that these walls are referenced in the new design to ensure the 'grounding' of the bay above, as it is at present. This recommendation has been incorporated into the advertised plans, with the location of the residential entrance door situated immediately below the central bay, framed by solid pillars aligning with the walls above.

147. The retention of the western side wall of Nos. 23-25 Johnston Street to a depth of 9m is considered adequate to appreciate the three dimensional form of the existing building. The demolition of the wall beyond this point, in the opinion of Lovell Chen and Council's Heritage Advisor, would not negatively affect the significance of the site. Furthermore, it is noted that the existing approval proposed the full demolition of the western wall, so in this regard the current application will be an improvement.

148. Council's heritage advisor did not object to the extent of demolition of these buildings, acknowledging that this was comparable to the extent of demolition within the existing approval. However, Council's heritage advisor requested that a structural engineering report be provided prior to the approval of any demolition to determine the feasibility of retaining the existing façade during construction.

149. It is not necessary that a structural report be provided prior to determining the application. Retention and protection of heritage façades during construction is not uncommon. While a structural report would be required to ensure that the façade is to be appropriately protected, this is not a determining factor as to whether the extent of demolition is acceptable. On this basis, it is recommended that a structural report be provided prior to the commencement of any works (which would include demolition) via a condition on any permit issued.

150. Informed by the heritage advice contained within the Lovell Chen report and from Council's heritage advisor, the proposed part demolition of the existing buildings is acceptable. Whilst extensive demolition is proposed, this is not considered to negatively affect the significance of the overall Johnston Street Heritage precinct, consistent with clause 22.02-5.1 of the Scheme. Furthermore, subject to reconstruction of the façade of No. 31-33 Johnston Street, as shown on the sketch plans, the buildings will continue to maintain a similar presentation to Johnston Street.

New Buildings

Podium

151. Specific policy guidance on upper level additions and works to industrial, commercial and retail heritage places is provided at clause 22.02-5.7.2 of the Scheme. In summary, it is sought to respect the scale and form of heritage places by setting back upper level additions from lower heritage façades. It also encourages treatments that will make new additions less apparent.

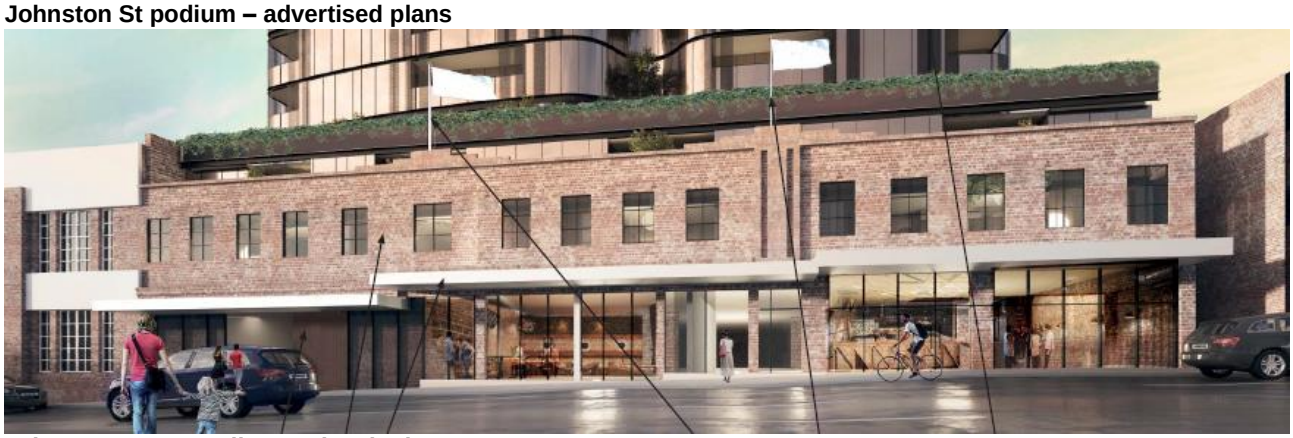
152. The proposal seeks to construct a third level that sits above the existing two storey heritage façade. As will be discussed within the street wall section within the built form and design assessment, the increase in the podium height will generally align with the parapet heights of adjoining buildings and will contribute to a more balanced design taking into account the width of the frontage and scale of the building. The glazed material will clearly distinguish Level 2 as a new and distinct element, as will the 1.6m setback provided to the section behind the retained heritage wall. This setback will also contribute to a recessive appearance, thereby maintaining the existing retained façade as the dominant element, consistent with clause 22.02-5.7.2.

153. The new façade (and screen) to No. 31-33 Johnston Street was considered generally acceptable by Council's heritage advisor, subject to it being 'toned down'. However, these comments become obsolete with the sketch plans, which seek to reconstruct the existing façade.

154. Reconstruction of the existing heritage façade to No. 31-33 Johnston Street will further reinforce the dominance of the existing heritage street wall along Johnston Street. Furthermore, the reconstruction of the brick work facade will continue the existing visual connection with the CAP site. This is illustrated in the following images.



Johnston St podium – advertised plans



Johnston Street podium – sketch plans

Upper levels

155. Council's heritage advisor was not satisfied that the height and front setbacks shown are acceptable when compared with the existing approval. It was recommended that the top three levels of the building be deleted and the setbacks to Johnston Street be increased to generally match the existing approval, which as outlined earlier is 6m up to Level 4 and 9m to Level 5 (top level).



Johnston Street elevation of decision plans of existing approval
(Note: top three levels shown are to be deleted)

156. While Council's heritage advisor considers the curvilinear design of the current proposal to be superior to the permitted design, this was not sufficient to justify the additional height and reduced setbacks to Johnston Street. To address the concerns raised, the sketch plans propose to increase the existing setback by a further metre, so that it is now 4m at the centre and increases to 6m at the outer edge.

157. Council's heritage advisor also expressed concern with the use of reflective, silver glazing to the building's façade on the basis that it will draw attention to the new addition rather than appearing recessive. In response, sketch plans have addressed this by modifing the type of glazing to a more subdued pewter coloured double glazing. The faceted silver glass to Levels 9 to 11 is to be removed and replaced with a light grey double glazing. However, further details would be needed, including samples if a permit were to issue.

158. It is considered that the changes included within the sketch plans assist in reducing the visual impact of the development on Johnston Street. Furthermore, the curvature of the façade provides a more sculptural and visually aesthetic response than a uniform setback of 6m (as proposed in the current approval). Additionally, the adopted Johnston Street LAP states that upper levels to be set back between 3m and 6m, depending upon the heritage significance of the place. In the absence of any other nominative setbacks, the proposed setback between 4m to 6m is considered appropriate in relation to the current strategic direction for the Johnston Street Neighbourhood Centre. In relation to the upper levels (Levels 9 to 11), it is considered that replacing the faceted silver glass with a sheer light grey glazing, would enable these levels to fade into the background.

159. The permit associated with the existing approval contains a number of conditions that Council's heritage advisor recommends be carried over to any new permits issued for the site. This includes:
    (a) Details drawings showing all restoration works proposed to the Johnston Street façade. This is to include the paint (or render) to be removed from the façade, restoration of steel-framed windows and the street awning.
    (b) Extent of alteration to the shopfronts, including the provision for a plinth.
    (c) Retention of the existing flagpoles and that they are painted white.

160. Retention of the flag poles is shown on the sketch plans. The requirement for the flagpoles to be painted white, and the remaining items listed above, can be included on the new permit, if one is to issue.

Built form and design

161. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are found at Clause 15 (Built Environment and Heritage) and Clause 21.05 (Built Form). As supplementary guidance, the former Department of Sustainability and Environment's Guidelines for Higher Density Residential Development (GHDRD) are also of relevance.

162. These provisions and guidelines all seek a development outcome that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations for the area. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and its relationship to adjoining buildings and properties.

Street level interface

163. Activating ground level street frontages is an established urban design principle, particularly within activity centres. It is also reflected in urban design policy guidance contained at clauses 15.01-2, 21.05 and Objective 3.2 of the GHDRD. Mr McGauran in his urban design review of the application, was dissatisfied by the large expanse of the Johnston Street frontage dedicated to car parking access and back of house areas, noting that it was a missed opportunity for the façade. Council officers share these concerns but also acknowledge the constraints of the site. Specifically, there is no alternative access point to the site. The revised ground floor plan within the sketch plan set reduces the width of the crossover from 7.3m to 6.2m, and the opening within the façade from 8.3m to 7.35m. While desirable, it is not possible to further reduce the width of the vehicle crossover. The width of the crossover is dictated by the need to accommodate safe ingress and egress to the site in addition to clear sight lines to and from the site.

164. In addition to the vehicle access point, the proposed development is also somewhat constrained by the requirement to provide services proximate to the building façade. The services, which occupy approximately 10 per cent of the total frontage, do not unreasonably dominate the facade. The sketch plans however have increased the extent of services visible from Johnston Street by shifting the fire booster to in front of the café. This further reduction in active frontages is not supported and it is required that the fire booster cupboards be retained in front of the substation as per the advertised plans.

165. The proposed development proposes an expansive residential entry to Johnston Street, comprising a width of 5.28m. While the entrance is glazed, it provides a limited contribution to activating Johnston Street as compared to a commercial tenancy. It is therefore recommended that the residential entrance is reduced in width by a minimum of 2m (to 3.28m), for a depth of at least 5m (to the first internal column), with this surplus area reallocated to the adjoining café. As a consequence of this condition, the residential lobby window facing Johnston Street would form part of the retail tenancy. Reducing the residential entrance to 3.28m is considered a sufficient width to maintain a clear sense of address, whilst improving active frontages. A further condition is recommended that the newly located wall between the residential lobby and retail tenancy be predominately clear glazing to enable integration and activation between the retail and café spaces.

166. Mr McGauran in his urban design advice suggested the inclusion of a 6m wide pedestrian access way at ground floor connecting Johnston Street and the CAP courtyard. This suggestion would clearly have implications on CAP and is not considered reasonable to impose via condition. The application was initially lodged with an active retail interface with the CAP courtyard. It is understood that the managers of CAP, Contemporary Arts Precincts Inc. (CAP Inc.), were not supportive of this scheme and the impact this would have on their intended use of the site. The retail interface was subsequently removed from the application prior to notification of the application.

It has since been requested by CAP Inc. that the existing 'saw tooth' masonry wall be retained on the boundary, this has been reflected in the sketch plans. A structural report will be required to detail protection of this section of wall.

167. Greater activation of the western laneway interface has also been recommended by Mr McGauran. However, from a heritage perspective, it is important to preserve the extent of the western wall in its original condition, noting the individually significant grading of the site. Any opportunities for activation at ground level would need to be incorporated into the new built form. Given that the carpark is located within the new rear portion and it is set back 9m from Johnston Street, there are limited opportunities to provide meaningful activation along the western laneway interface. Notwithstanding this, the proposal will contribute to passive surveillance within the lane via activation of the existing first floor windows along this elevation in addition to apartments above and to the rear of this wall, which are orientated to face the lane.

Street Wall

168. The street wall is composed of the original heritage façade and a new infill section at No. 31-33 Johnston Street. Level 2, which sits above the existing street wall, will also present as part of the podium element, albeit setback 1.6m behind the heritage facade. The increased height of the podium is appropriate on the basis that it would generally align with the parapets to the east and west of the site, as illustrated on the northern elevation. Additional by increasing the height of the parapet, a more comfortable and balanced ratio is achieved with the length of the site and the scale of the upper levels. The proposed street wall is considered to contribute to a resolved design for the site.

169. As discussed within the heritage assessment, the sketch plans now proposes to reinstate of the existing façade. Therefore, once completed, the street wall will appear as existing, with the additional level above.

Upper level setback to Johnston Street

170. As identified previously, the Johnston Street LAP calls for setbacks ranging between 3m and 6m, depending on the heritage sensitivity of the site. The proposal provides a curved setback ranging from 3m to 5.17m at Levels 3 to 7, 4m to 6m at Level 8 and 10.6m to 11.1 from Level 9. The sketch plans propose to increase the setbacks from Johnston Street at Level 3 to 7 to match Level 8. This is consistent with the urban design advice from Mr McGauran in respect to the preferred setback from Johnston Street.

171. Mr McGauran also recommends that Levels 3 to 7 match the eastern setback of Level 8 to the levels below i.e. setback of 10m. The motivation for this is to improve the solar access to the courtyard within the Collingwood Arts Precinct rather than to reduce its appearance from Johnston Street. As will be discussed within the section on overshadowing, the additional overshadowing from the existing approval is considered acceptable and therefore an additional setback is not warranted from the eastern boundary.

Height

172. The proposed development is 12 storeys, composed of the existing two storey podium, a six storey midrise section and a three storey 'cap'. The midrise section of the building (to Level 7) is comparable in height to the current approval (27.16m approved, 26.35m proposed), albeit slightly closer to the Johnston street frontage. The setbacks have already been discussed above and within the heritage assessment. The key consideration is therefore whether the additional Levels 8 to 11 are acceptable.



Advertised proposal



Sketch plan amendments

173. Furthermore, while the existing approval is for a 6 level scheme, this was a result of a negotiated outcome with an objector to the original application. Council's IDAC panel had supported the 9-storey development, approximately 7m (equivalent to two storeys) less than the height of the current application.

174. While there are no specific height controls the site within the Scheme, there is guidance contained at Strategy 17.2 of clause 21.05. This states that buildings in activity centres should generally be no more than 5-6 storeys unless certain benefits can be achieved. These benefits, as outlined in the policy section, are considered to be met as follows:
    (a) The merging of four allotments reflects a greater development potential than would otherwise exist. This consolidation also enables adequate setbacks to be provided from all boundaries (subject to additional setbacks within the sketch plans);
    (b) The design (inclusive of the sketch plans amendments) is well resolved and a high quality;
    (c) Subject to additional conditions, the development will achieve best practice in environmentally sustainable design;
    (d) The proposal involves the restoration and adaption of the individually significant heritage facades, noting that the sketch plans also propose the reconstruction of the existing façade to No. 31-33 Johnston Street; and
    (e) While no formal provision of affordable house is proposed, the site contains a mixture of dwelling types, including more affordable one-bedroom dwellings.

175. A further consideration is the preferred building height contained within the Johnston Street LAP. This states that a preferred building height limit of 6-7 storeys (23m). While this is a consideration, it presently has limited weight given that it has not yet been through the rigor of an Independent Planning Panel process. As such, this document cannot be relied upon in determining an appropriate height for the development.

176. While Mr McGauran suggests deleting the top three levels, this advice is based upon a concern with the additional overshadowing to the CAP courtyard, rather than a concern with the visual impact to Johnston Street. The shadow impacts will be discussed later within the report.

177. Having regard to the above discussion, and the earlier heritage assessment, the increased height of the development is considered acceptable on the following basis:
    (a) The proposal is only the equivalent of two storeys higher than the previous proposal for the site (prior to mediated outcome) supported by Council;
    (b) The current proposal is a significantly more resolved development than the existing approval;
    (c) Urban design advice indicates that the upper levels are not of concern from a visual perspective within Johnston Street;

(d) The sketch plans introduce greater setbacks and a more refined material palette that is more complementary to the streetscape, reducing the dominance of the development within the heritage streetscape;
(e) As will be discussed later within this report, the additional height does not result in any unreasonable amenity impacts to the surrounding area.

Architectural Quality

178. The architectural quality has been discussed within the heritage assessment earlier within the report and deemed to be acceptable subject to the additional amendments contained within the sketch plans. Urban design advice received from Mr McGauran was also supportive of the resolution of the design, noting that from an urban design perspective that the site can accommodate a significant building using the design language suggested.

179. The sculptural design of the upper levels is considered a substantial improvement to the existing approval and will present an acceptable response to the Johnston Street streetscape.

Landscaping

180. The application was accompanied by a landscape concept plan prepared by Jack Merlo Design and Landscape dated 4 October 2016. This plan integrates planter boxes throughout the development, which is to accommodate trees, shrubs and other low level greenery. Johnston Street and the surrounding commercial area displays limited greenery visible from the public realm, this is a welcomed inclusion within the development that will assist in softening views of proposed built form, when viewed from Johnston Street and adjoining properties, particularly from the CAP courtyard and also from the south-western residential interface.

181. The landscape concept plan has been reviewed by Council's Open Space Unit who made the following comments:
(a) The *Dietes robinsonia* is a robust plant that self-seeds readily and is likely to out-compete the other species in the planter bed at Levels 1 and 8.
(b) The *Ficus hilli* on Level 3 and Level 8 can quickly grow into a large mature species and will require regular pruning. It also has a vigorous root system when restricted within a planter and may break this, causing future maintenance concerns.
(c) Queensland grown specifies will require 6 weeks hardening off before they are planted in Melbourne
(d) The common name for the *Lagerstroemia indica* is incorrected, it should be Crepe Myrtle rather than a Compact Lilly Pilly.
(e) The *Murraya paniculata* requires regular pruning and can be problematic for people who are allergy prone. A *Choisya ternate* is considered a suitable alternative with a similar habit and appearance.
(f) The *Prunus lusianica* used within Level 9 develops dark cherry-like fruits that can be a maintenance/cleaning issue.

182. It is recommended that the above suggestions be incorporated into a revised landscape plan via a permit condition on any permit that issues.

183. An arboricultural report prepared by John Patrick was submitted with the revised sketch plans, assessing the potential impact on the existing English Plane Trees within the courtyard of CAP. This report was reviewed by Council's arborist and deemed to be acceptable on the assumption that the courtyard is not used during the construction permit. The applicant has not indicated any intent to utilise the CAP courtyard during construction, with access to occur directly from the subject site. The arboricultural report and recommendations contained within should form a condition of any permit that issues.

Micro Climate impacts

184. A desktop pedestrian wind environment assessment has been prepared by Windtech dated 17 October 2017 to consider the likely impacts of the proposed development on the wind environment. The report recommended retaining the full extent of the canopy along the Johnston Street façade. This is addressed with the sketch plans, which seek to retain the existing awning along the frontage of the site.

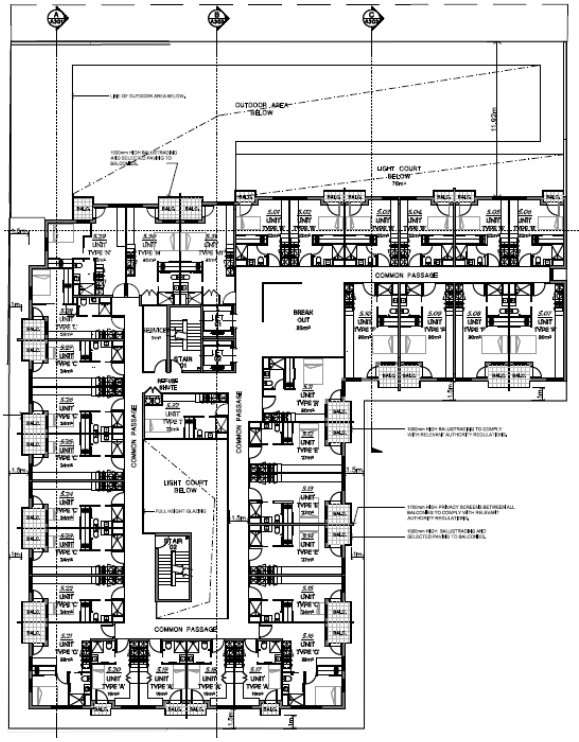
185. The report also makes recommendations for treatments to protect balconies and communal terraces within the development. This includes retention of the proposed vegetation within planter boxes (which would already be required via standard conditions on any permit issued). It was also suggested that full height louvers, porous screens or glazing were provided to the south-east corner balcony to Levels 3 – 11. This recommendation was incorporated within the amended plan set.

Off-site amenity impacts

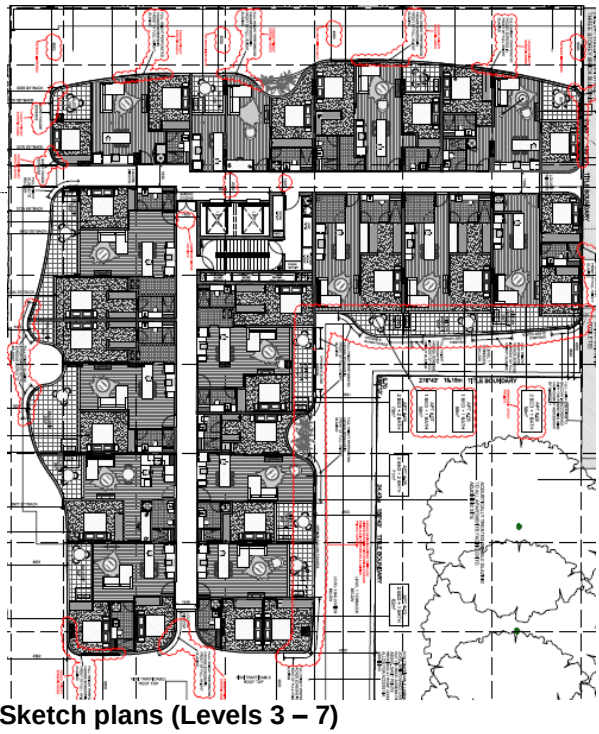
186. The policy framework for amenity considerations is contained within clause 22.05 (Interface Uses Policy) and the GHDRD. Clause 55 of the Scheme provides some guidance on these matters, although not strictly applicable.

Visual bulk

187. Notwithstanding that the current proposal is taller than the existing approval, it is considered that it would result in less visual bulk impacts to the immediately surrounding area. This is because it is the midrise levels that are most apparent when in proximity to the site. The visual impact of the midrise levels has been significantly improved through substantially greater setbacks and a more sculptural design when compared with the existing approval. The midrise sections of the existing approval have a uniform set back of 1.5m from the side and rear boundaries, whereas the current proposal is set back between 3.07m to 4.56m from the western boundary and 4.5m from the southern and eastern boundaries. The curvilinear sculptural design with high quality material will also be less dominating than the repetitive utilitarian presentation of the current proposal.



Existing approval Level 5 (typical level)



Sketch plans (Levels 3 – 7)

188. The soft landscaping proposed throughout the site will also assist with mitigating visual bulk impacts, particularly as viewed from No. 4 Bedford Street and the CAP courtyard.

189. Due to the setbacks to the upper levels (Levels 9 to 11), these will be more visible from longer range views and as a consequence of this distance, there would be minimal amenity impact from this additional height.

Daylight to existing windows

190. There are first floor windows to the west of the site associated with No. 19 Johnston Street, Nos. 2-2A and 4 Bedford Street. The plans are not clear which windows (if any) are habitable, therefore a conservative approach is to be taken.

191. Borrowing from Standard B19 (Daylight to existing windows) of Clause 55, a wall should be set back from a window by a distance of half the height of the new wall, with the height to be measured from the floor level of the room containing the window. In the case of the subject site, a separation of 16.5m from the adjacent windows would be required at the top floor to meet the standard. The proposal provides a separation of 6.38m from the windows at No. 19 Johnston Street, 8.09m from the windows at No. 2 & 2 Bedford Street and between 11.8m and 12.8m from the windows at No. 4 Bedford Street.

192. While the proposal does not comply with the daylight standard to these windows, it is a significant improvement to the current approval, which required a 12m separation, however at setback of 1.5m from the boundary would have resulted in a separation of 4.5m from the windows of No. 19 Johnston Street and No. 2 & 2a Bedford Street and 7.7m separation from the windows at No. 4 Bedford Street. This cross analysis illustrates that consequent to the substantial increase in setbacks to the upper levels, the current proposal reflects an improvement on the current approval.

193. Additionally, it is important to note that the properties to the north are within the Commercial 1 zone, and as such, amenity expectations need to be tempered having regard to the strategic context, being one where higher intensification of development is to be expected and encouraged.

194. Based upon the above, it is considered that the potential impact of the development on daylight access to existing windows is acceptable having regard to the existing approval for the site and the particular strategic context.

Overshadowing

195. A key consideration is the impact of the proposal on the adjoining courtyard within the CAP site. This is presently used as a communal courtyard for the occupants and visitors to the site. This area will be further activated by performance arts uses as discussed previously, and explicitly expressed as a purpose of Schedule 6 (Collingwood Arts Precinct) to the Special Use Zone. While the existing approval already overshadows the courtyard, it is important this in not further impacted by the current proposal. Shadow diagrams submitted with the application indicated that there would be a small increase in the overshadowing impact at 1pm (11sqm), increasing to a much more substantial impact at 2pm (150sqm). At 3pm, the courtyard would already be entirely overshadowed by the existing approval.

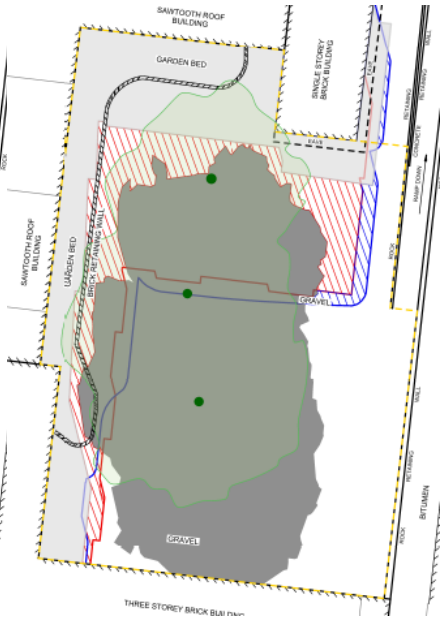
196. As part of the sketch plan submission, more accurate shadow diagrams were supplied based upon a level survey undertaken of the subject site and the adjacent courtyard. This analysis determined that, based on the sketch plans submitted (which increases the separation between the CAP site and the proposed new building) the proposed development would cause no greater than 2 per cent increase in shadowing. This calculation however, included the shadows cast by the three deciduous trees within the courtyard. It is not appropriate to include existing vegetation in shadow calculations and therefore officers have made their own calculations. The following increases are expected:

    (a) 1pm Less than 1%

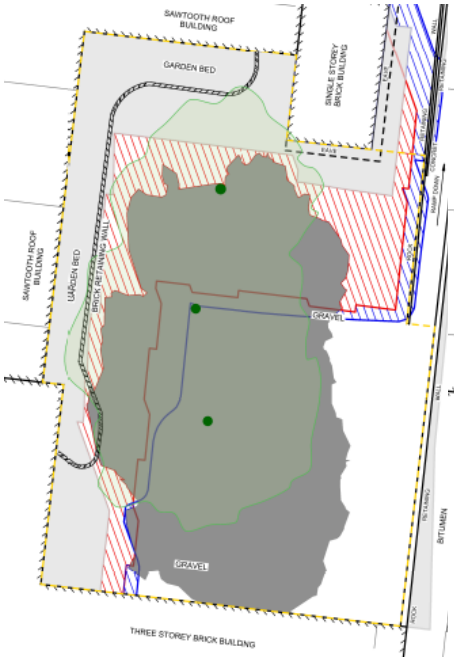
(b) 2pm 3% increase
(c) 2.15pm 5% increase
(d) 2.30 7% increase
(e) 2.45 9.5% increase
(f) 3pm 13% increase



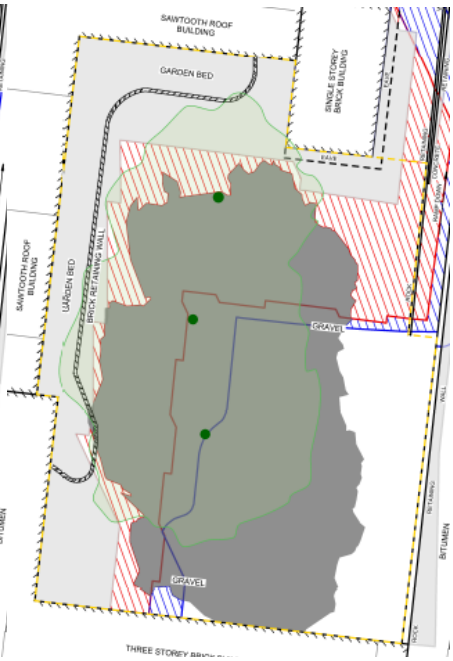
1.00pm – Less than 1% increase



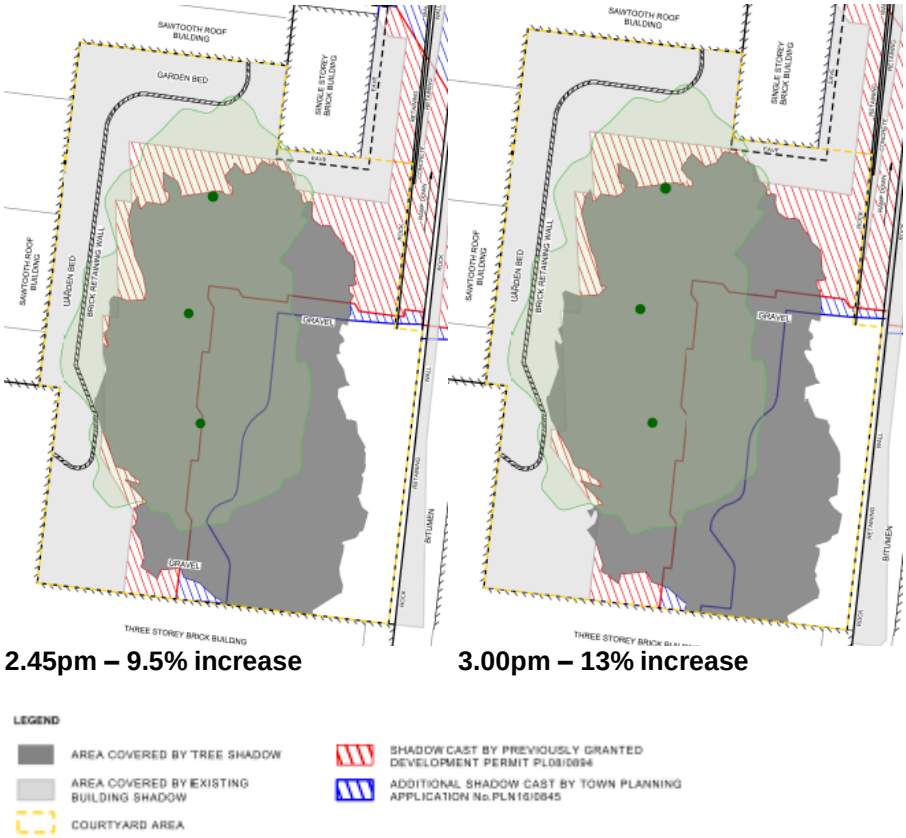
2.00pm – 3% increase



2.15pm – 5% increase



2.30pm – 7% increase



Shadow Analysis (Source: Reeds Consulting shadow diagrams)

197. As illustrated by the above analysis, the additional shadowing would be minor until 2.30pm. The additional shadow from 2.30pm is considered reasonable given it is at the later period of the afternoon. It is common for planning policy to direct that overshadowing be avoided in public spaces up until 2pm. The Johnston Street LAP for example seeks to avoid overshadowing to footpaths between 10am to 2pm. On this basis, the increase in overshadowing as described is considered to be an acceptable outcome.

198. There are two courtyards located at No. 10 Perry Street immediately south of the site that have not been shown on the plans, these are located to the east and west side boundaries, slightly north of centre. While these light courts have not been depicted on the plans (a matter that can be addressed via condition on any permit issued), the current proposal is unlikely to result in any additional impact than the existing approval. On the contrary, the shadow diagrams show that these courtyards will receive greater solar access at 9am, 10am and 1pm consequent to an increase in side setbacks from the existing approval.

199. While there will be additional shadows cast over Bedford Street in the morning, it does not create any additional overshadowing impacts on any areas of secluded private open space with areas already in shadow cast by existing buildings (denoted in a grey shadow)

Overlooking

200. Objective 2.9 of the GHDRD suggests that existing dwellings should be protected against overlooking in accordance with Standard B22 of Clause 55. Standard B22 prescribes that a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into existing habitable room windows or secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.

201. The proposed development appears to attend to potential overlooking opportunities from Levels 1 and 2 to the residential properties to the west (Nos. 2 to 4 Bedford Street) via the provision of full height privacy screening.

While a notation is shown on the plans, there are no details of the type of screening proposed on the elevations or sections. Additionally, the plans do not adequately show whether there will be any overlooking opportunities from Levels 3 and above to residential properties to the west (Nos. 2 to 4 Bedford Street) and No. 10 Perry Street, which all appear to have private open space areas and habitable room windows within 9m of the subject site.

202. The sketch plans have added a notation that full height perforated façade screens will be provided to the south facing bedrooms at Levels 3 to 7. This would appear to address potential overlooking opportunities into 10 Perry Street, however details of the type of screen would need to provide to demonstrate that it adequately limits views. The sketch plans however have removed the privacy screening notation on the first and second floor plans.

203. Neither the advertised plans nor the sketch plans clearly demonstrate that overlooking of adjoining properties has been sufficiently mitigated. This could be addressed via a condition on any permit issued.

204. There are views available from balconies facing the CAP courtyard. This is not unacceptable given the non-residential nature of this space and the intended purpose of CAP '*To facilitate the activation of the site and provide for public access and the use of outdoor spaces'* (as contained in Special Use Zone, Schedule 6). It would be appropriate for passive surveillance of this space to occur. Notwithstanding this, it is noted that the sketch plans have introduced privacy screens to balconies and habitable windows facing CAP within Levels 3 to 7. While the provision for screening is acceptable, consideration will need to be given to the details of the screens to ensure that they are not unreasonably compromising the internal amenity of these apartments.

Equitable development

205. Objective 2.6 of the GHDRD aims to ensure areas can develop with an equitable access to outlook and sunlight. The design suggestions require consideration of the possible future development of adjoining sites and allow, as best as possible, for an equitable spread of development potential throughout an area.

206. Mr McGauran in his urban design advice suggested that habitable room windows be set back a minimum of 4.5m from the centre of the adjoining laneway. The sketch plans have increased the setback of Levels 1 and 2 from 1.6m to 2m; resulting in a setback of 3.5m from the midpoint of the lane. While not meeting the urban design advice, it is considered acceptable given that only six apartments will face onto the lane (with the southern-most balconies now provided a secondary outlook to the south-western landscape zone). The three apartments on Level 2 are also open to the sky, thus will maintain an adequate level of amenity in the event that the properties to the west are redeveloped.

207. Council's ESD advisor did not raise any concern with the apartments along the western laneway, however, did raise concern regarding the reliance upon borrowed amenity from the courtyard within CAP, recommending that the setbacks from these boundaries be increased. This has been addressed in the sketch plans, which now provide a minimum set back of 4.5m from the building line. While the first floor terraces extend to the common boundary, the balconies above are set back 2.4m. While it is unlikely that the CAP courtyard would be redeveloped (given the strategic intent for the site), in the event that a future development was sought, this would not be unreasonably compromised by the proposed development.

208. All side and rear setbacks to Level 3 and above are a minimum of 4.5m from the boundary (or midpoint of the lane). These setbacks reflect an equitable distribution of development opportunities in respect to daylight and outlooks.

On-site amenity

209. Element 4: Circulation and Services, Element 5: Building Layout and Design and Element 6: Private and Communal Open Space of the GHDRD provide useful guidance with regard to on-site amenity including circulation spaces, site services, dwelling diversity, layout and open space.

Daylight

210. Objective 5.4 and design suggestion 5.4.1 of the GHDRD aim to ensure a good standard of natural lighting is provided to internal building spaces, provide direct light to all rooms wherever possible and design light wells that are adequately sized for their intended purpose.

211. The majority of the one bedroom apartments on Levels 1 and 2 have deep recessed inbound bedrooms, with daylight access via a 1m wide corridor. This layout would not achieve an acceptable level of daylight amenity for these apartments. Concern is also raised with the poor daylight levels associated with the corner apartments, specifically apartments 1.11, 1.12, 2.10 and 2.11. These concerns were shared by both Mr McGauran and Council's ESD Advisor. The sketch plans have addressed these concerns by reconfiguring the apartment layouts to remove the inboard bedrooms and the tight arrangement of the corner apartments. The amendments contained within the sketch plan will be conditioned accordingly.

212. As discussed with the section on internal overlooking, various privacy screens are proposed to prevent overlooking opportunities. This includes full height screening to Levels 1 and 2 facing the Right of Way to the west, however no details of the screen have been provided. While preventing direct views into adjacent secluded private open space areas and habitable room windows is necessary, the screens need to be designed to ensure that they still allow for adequate daylight and reasonable outlook for the dwellings. This is particularly important given the modest setbacks of the Level 1 and 2 balconies facing the laneway.

213. Additionally, details of the screens to the apartments facing the CAP courtyard included within the sketch plans would also need to demonstrate that they do not unreasonably compromise the internal amenity of these apartments through loss of daylight and outlook.

Private open space

214. Borrowing from Standard B28 of Clause 55 of the Yarra Planning Scheme, a dwelling should have an area of private open space of a minimum area of 8 square metres and a minimum width of 1.6 metres with easy access from the living room. The plans generally meet these requirements, with the exception for:
    (a) Apartments 18 and 19 on Level 1,
    (b) Apartments 17 to 23 on Level 2,
    (c) Apartments 3, 5, 8, 13 on Levels 3 to 7

215. These apartments have slightly smaller balconies at 6sqm and 7sqm. In all cases, the minimum dimension of 1.6m is achieved and each balcony is located directly accessible from the principal living space. Furthermore, those apartments where the minimum balcony area is not achieved are associated with single bedroom apartments, as such the slightly smaller balconies are considered to sufficiently fulfil the outdoor recreation needs of future occupants. Also noting that future residents will also have access to a communal landscape roof at Levels 8 and 9.

216. The sketch plans have increased a number of the balcony sizes to achieve Standard B28. On Level 1, there would no longer be any balconies less than 8sqm, however those fronting Johnston Street would have sections with width less than 1.6m (1.2m) proposed. In these cases, a usable area with a minimum dimension of 1.8m is maintained. At Level 2 all balconies achieve Standard B28, with the exception for Apartments 1 to 3 and 8 on Levels 3 to 7, which comprise balconies of 6sqm and 7sqm.

It is considered preferable for apartments 1 and 3 to be increased to a minimum area of 8sqm with a minimum dimension of 1.6m as they comprise two bedrooms, thus likely to require a greater balcony size. This can form a condition if a permit is to issue. At Level 8, the three apartments facing Johnston Street have balconies of 7sqm in area. While two of the apartments contain 2 bedrooms, the shortfall of 1sqm is considered negligible. Additionally, these apartments also have convenient access to the communal roof terrace at the end of the common corridor. On this basis, it is not considered necessary that this area be increased. Balconies on Levels 9 and 11 continue to comply with Standard B28.

Storage

217. Storage areas of 3 cubic metres are provided for each dwelling; either as over the bonnet storage or as separate storage cages within the ground floor and basement levels. The provision of storage provided within dwellings is considered acceptable for the size and typology of the dwellings.

218. The GHDRD do not specify minimum storage size requirements, thus Clause 55 is often used as a bench mark in this regard. Standard B30 of Clause 55 specifies that a minimum of 6 cubic metres of externally accessible storage be provided. However noting that this standard applies equally to single dwellings with backyards, which typically have greater storage needs for garden equipment and the like.

219. The adequacy of storage was explored in the Tribunal decision of U1Stanley Street Pty Ltd v Yarra CC [2012] VCAT 1455 where the Tribunal determined in the case of apartment typologies, 3 cubic meters is an acceptable volume of storage to adequately provide for the storage needs within apartment developments. Having regard to this decision, the storage provision within the proposed development is considered acceptable.

Safety

220. The proposed development does not present any safety concerns. A visible and secure residential entry is provided to Johnston Street. As discussed earlier, a condition is recommended to reduce the width of the residential entry by 2m (to 3.28m). To enhance the natural surveillance and perception of safety within the residential corridor entry, a further condition is recommended that the internal wall shared with the café be predominately clear glazing.

221. The vehicle access is also contained within a basement level, secured via a garage tilt door. The basement layout is open, with clear lines of sight to the lift core. The design and layout of the car parking area does not result in any areas of concealment. It is noted that an intercom accessing the basement is not shown on the plans. Given that the basement contains visitor spaces, an intercom will be required. This detail will be requested via condition on any permit issued.

222. The inclusion of habitable room windows and balconies facing both Johnston Street and the laneway will positively contribute to the level of natural surveillance of the surrounding area.

Internal Views

223. Overlooking between apartments has largely been managed through design or privacy screening. However there are various potential internal overlooking opportunities at Level 8, specifically between Apartments 2 and 3, Apartments 4 and 5 and Apartments 7 and 8. The sketch plans include additional privacy screening detail to prevent such views. No details of the privacy screening have been provided and will be requested via condition on any permit issued to demonstrate that screening will sufficient mitigate overlooking opportunities between apartments, with views to a maximum of 25% (borrowing from Clause 55 overlooking standard B22).

Circulation spaces

224. The width of internal corridor spaces ranges from 1.4m to 1.54m, with lift lobby zones increasing to a width of 2.19m. Mr McGauran was satisfied with the dimensions of the lift lobby zones, however suggested that the upper level corridor spaces be widened to a minimum of 1.5m and 1.8m at apartment entrances. The sketch plans have increased the minimum corridor widths to 1.5m, however have not increased points of entry to 1.8m. The recommendation is suggested as a way of breaking up the expansive and continuous corridor spaces in accordance with Objective 4.3 of the GHDRD. However this objective could equally be achieved by articulating the corridor lengths. It is recommended that a condition be worded to provide flexibility in how this is achieved to ensure that the internal amenity of apartments is not unduly affected.

225. Responding to a recommendation of Council's ESD advisor, the sketch plans have introduced a light court to the eastern end of the common corridor and louvered windows at the end of each corridor. These amendments improve opportunities for natural light and ventilation within these spaces and will substantially improve the internal amenity of the corridor spaces.

226. As previously discussed, a permit condition is recommended to reduce the width of the entrance to Johnston Street by 2m, subsequently reallocated this area to the adjoining café. At 3.28m wide, the entrance corridor will still maintain a comfortable width, however as discussed within the section on safety, it is also recommended that the internal wall between the café tenancies and residential entrance be treated with clear glazing for the 5m corridor depth. In addition to passive surveillance, this will also assist in increasing the daylight level into this area and a visual integration between the café and residential lobby spaces.

Site services

227. Site services are provided at each level with separate residential and commercial waste storage areas being located within the basement. This is compliant with objective 4.6 of the GHDRD. Mail services have been shown in the residential lobby on the ground floor of the building. The roof plan has been provided showing 44 solar PV panels. The provision of services within the proposed development is considered appropriate and will not unreasonably impact on the appearance or function of the building.

<u>Sustainable design</u>

228. Council's local policies at Clause 22.16 and Clause 22.17 call for best practice water quality performance objectives and best practice in environmentally sustainable development from the design stage through to construction and operation, respectively.

229. The applicant submitted a Sustainable Management Plan (SMP) prepared by ADP dated 15 September 2016 with the original application. The SMP proposes to implement the following initiatives into the development:
    (a) Average 6.5 star energy efficiency rating for dwellings;
    (b) Stormwater management proposal with a STORM rating of 100%;
    (c) 11kWp solar PV array contributing to common area electricity demand;
    (d) Energy efficient heating/cooling, hot water and lighting systems; and
    (e) Water efficient appliances and fittings.

230. Council's ESD Advisor has requested that a 10% improvement on the minimum NCC requirement be achieved for the non-residential component, demonstrated through JV3 modelling or equivalent. This is recommended by way of an amended SMP as a condition if a permit were to issue.

231. The extent of exposed north, east and west-facing glazing has been raised as a concern by Council's ESD advisor in regard to the impact of unwanted solar gain. Council's ESD advisor has suggested that this concern could be addressed by providing adjustable external shading devices such as louvers, shutters, awnings, fins, screens etc. It is recommended that these suggestions are included as conditions on any permit issued.

232. Council's ESD advisor was satisfied that dwellings within the development would have reasonable natural ventilation provided that all habitable rooms have an operable window. Common areas also have glazing but it is unclear on the plans whether these windows will be operable. The sketch clarify that the corridors will comprise operable louvered windows, however it is recommended that a condition be placed on any permit issued requiring that all habitable rooms have an operable window, with details of operability to be clearly shown on both floor plans and elevations.

233. A further suggestion from Council's ESD advisor was to consider providing retractable clotheslines or racks or other low energy clothes drying facilities. This suggestion has not been included within the officer recommendation given the highly visible nature of the balconies. It is considered that residents could use 'fold-up' portable drying racks internally or on balconies where screened by balustrades. This is typically the case for apartment developments where visible clotheslines are less desirable.

234. Council's ESD advisor also raised concerns in relation to daylight access and bicycle parking. These matters are discussed within the relevant sections of this report (i.e. Daylight and Bicycle Facilities).

235. Turning to the potential impacts on the environmental sustainability of surrounding properties. Impacts on existing daylight has already been considered and addressed in the off-site amenity discussion. Solar panels have been identified on the roof of No. 2 Bedford Street and No. 9 Perry Street. The shadow diagrams submitted with the application for the September Equinox indicate that the solar panels at No. 2 Bedford Street will be in shadow at 9am and will no longer be affected by 10am. In regard to 9 Perry Street, the shadow diagrams submitted do not show any shadowing impact to this property at the September Equinox. On this basis, the proposed development is not considered to have an unreasonable impact upon the energy efficiency of these properties.

Car and bicycle parking

Car Parking

236. As outlined in the Particular Provisions section earlier in this report, the applicant is seeking a statutory car parking reduction of 89 car spaces. Separated into each use, the proposal seeks a reduction of 48 resident spaces, 26 visitor spaces and 15 spaces associated with the food and drink premises. However the sketch plans reduced the required reduction to 64 spaces; comprising 33 resident spaces, 22 residential visitor spaces and 10 spaces for the food and drink premises.

237. It is important to note that Clause 52.06 is a State wide provision and the rates are not always relevant to inner city locations such as Yarra. In considering a reduction, Clause 52.06 requires that an assessment of the actual number of car spaces likely to be generated by the uses be undertaken.

238. The Traffic Engineering Assessment prepared by Traffix Group dated October 2017 and submitted with the original application contains car ownership rates for the Collingwood area from the 2011 ABS census data. This identified that 47% of one-bedroom households do not own a car. For three bedroom dwellings in Collingwood, the data suggests an average car ownership of 1 car per dwelling. On-site car parking has been provided for residents in accordance with this data.

239. In respect to residential visitor parking, Council's Engineering Unit have quoted a frequently used empirical rate for peak visitor parking demand for apartment developments of 0.12 spaces per dwelling. Applying this rate, a peak residential demand of 18 car spaces would be expected. However during normal business hours, it is expected that the demand would be approximately 30 per cent of the peak demand, resulting in a demand of approximately 5 spaces. There are four residential visitor spaces provided on-site, with the remaining parking demand to be accommodated off-site.

240. In regard to the food and drink premises, there are three car spaces provided for staff, which Traffix Group assert to reflect approximately 30 per cent of the car parking demand.

241. To assess the existing availability of car parking in the surrounding area, Traffix Group conducted an on-street parking occupancy survey. The results of the survey indicate that peak occupancy of 92 per cent occurred at 12pm on a Thursday, with a minimum of 37 vacant spaces recorded at this time. Council's Traffic Engineers were satisfied with the extent and times of the survey. They were also satisfied that the survey demonstrated that the surrounding area had capacity to accommodate the short stay car parking demand generated by the proposed uses.

242. The need to provide car parking in accordance with existing demand was explored in a recent VCAT Red Dot decision of Ronge v Moreland CC [2017] VCAT 550 issued 2 May 2017:
    (a) *[70] Census data from 2011 or 2016 is simply a snapshot in time, a base point, but we are not persuaded that such data should be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers. Policy tells us the future must be different. We consider that oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.*

243. In the same decision, the Tribunal states:
    (a) *[72] One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements along Stewart and Hardy Streets, and other local roads.*

244. This decision demonstrates that it is imperative to consider the site context and whether there are opportunities to encourage sustainable transport alternatives and assist with reducing existing traffic congestion. In respect to the current proposal, reduced car parking provision is considered appropriate, specifically:
    (a) The site is within a neighbourhood activity centre, where a concentration of activities and services promotes greater walkability and multi-purpose trips;
    (b) The area is well serviced by public transport within comfortable walking distance, including buses along Johnston Street and trams along Smith Street;
    (c) Residents would be ineligible for parking permits, thus it would likely discourage those with cars (or multiple cars) where not otherwise allocated onsite;
    (d) The provision for bicycle parking within the development supports alternative transport modes; and
    (e) The Johnston Street LAP anticipates substantial development will occur within the area, encouraging a modal shift away from cars will assist in mitigating future traffic congestion within the area.

245. Council's Engineering Unit were also supportive of the proposal on the basis that it is in line with the objectives of Council's *Strategic Transport Statement* noting that the site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site parking would discourage private motor vehicle use.

Bicycle parking

246. As outlined in the planning controls section earlier in this report, pursuant to Clause 52.34-3, the proposed application requires a minimum 49 bicycle spaces to be provided. The proposal meets the requirements, providing 40 spaces on the ground floor and a further 9 spaces within the basement. Council's Sustainable Transport Unit did not raise issue with the quantity of bicycle facilities; however, Council's ESD advisor requested that a minimum of one bicycle space is provided per dwelling, with additional spaces for visitors and staff. The sketch plans increase the number of bicycle facilities on the site to 70, with an additional four hoops on the pavement (which could accommodate 8 bicycles). This still would not achieve one space per dwelling, however it is 21 spaces in excess of the statutory requirement. Given also that Council's Sustainable Transport Unit were satisfied with the extent of bicycle parking provided at 49 spaces, no further bicycle facilities are requested.

247. End of trip facilities for staff is also recommended by Council's ESD advisor, noting that there appear to be opportunities to accommodate this within the back of house WC facilities. To encourage staff to ride to work, it is recommendation that this be included on any permit issued.

248. While Council's Sustainable Transport Unit was satisfied with the number of bicycles provided, it is requested that a minimum of 20 per cent of spaces allow bicycles to be stored on-ground. This is consistent with the Australian Standard AS2890.3-2015 and an appropriate condition to ensure that bicycle facilities are convenient and readily accessible.

249. Council's Sustainable Transport Unit has also raised concern with the access and location of the bicycle spaces. The ground floor bicycle spaces are accessed via a cobblestone laneway which is not ideal for cyclists. The sketch plans have addressed this concern by providing access via the vehicle access point to Johnston Street. A designated bicycle access path is also allocated to the side of the access way, with bollards to protect cyclists.

250. Concern was also raised that the nine car spaces within the basement were within the swept path area. This has also been addressed within the sketch plans via the reallocation of all bicycle spaces within the ground floor car parking area.

251. Council's Sustainable Transport Unit raised further concern with the location of the bicycle facilities for customers of the café, recommending that these be relocated so to be accessible from Johnston Street. This has been addressed within the sketch plans, which now show the provision of four bicycle hoops on the footpath.

Traffic and access

Traffic Generation

252. Traffix Group has adopted a rate of three trips per dwelling per day, which Council's Traffic Engineers consider to be conservative. The peak hour traffic rate would be 10 per cent of the daily residential traffic volume. The resulting traffic generation equating to 336 vehicle trips per day with 34 vehicle trips in each peak hour. The three retail tenancies each have one allocated on-site car parking space and each space would generate two vehicle trips per day, one trip in each peak hour.

253. In the context of the surrounding road network, Council's Engineering Services Unit does not consider the traffic volumes generated by the proposed development to be unduly high and would not adversely impact on the operation of Johnston Street.

254. The traffic movements within the Right of Way to the west were anticipated by Traffix Group to be 6 vehicle trips in each peak hour. While Council's Traffic Engineers were not concerned with the additional movements within the lane, VicRoads objected to this on the ground that *'the proposed vehicular access (via the right of way) is incompatible with the operation of Johnston Street and public safety'*

255. The sketch plans have responded to this by removing the proposed vehicle access from the Right of Way, with all access now proposed via the new vehicle crossover to Johnston Street toward the eastern side of the site. VicRoads have since advised that they do not object to the granting of a permit based upon the revised access arrangements shown within the sketch plan.

256. On another matter, VicRoads have also directed that a condition requiring the plans to be modified to show a canopy setback of at least 750mm from the back of kerb (along Johnston Street). This requirement must be included on any permit issued pursuant to clause 62(1)(a) of the Act.

Car Parking Layout

257. Council's Traffic Engineers have assessed the internal car parking layout and consider it satisfactory subject to the following additional information being provided:
    (a) Sight line triangle at the vehicle entry/exit points to be dimensioned on the drawings
    (b) Headroom clearance dimensioned at the entrance and at critical points along the curved ramps (measures perpendicular to the ramp grade)
    (c) The inside and outside radii of the curved ramps to be specified on the drawings and to provide swept path diagrams for a B99 design vehicle and an oncoming B85 design vehicle (in accordance with AS/NZS 2890.1:2004)

258. The sketch plans have significantly altered the car parking layout by removing vehicle access from the Right of Way in addition to narrowing and shifting the location of the Johnston Street access point. The revised layout has been further reviewed by Council's Traffic Engineering Unit and deemed to be acceptable, however it was identified that the column depths and setbacks have not been dimensions on the drawings. This could be included by way of permit condition. The additional information requested on the advertised plans is either satisfied by the sketch plans or no longer required.

Loading and Unloading

259. The loading requirements within the Planning Scheme only call for a loading bay to be provided for the proposed food and drink premises. These uses are considered to have relatively limited loading and unloading required, with deliveries expected to occur via small trucks or vans. The nearest on-street loading zone is located in front of No. 10 Perry Street, there is also another loading zone on Bedford Street, just south of Perry Street. Council's engineering services unit has raised no objection to these vehicles utilising on-street car parking to deliver goods to the site.

<u>Waste management</u>

260. A waste management plan prepared by Leigh Design (dated 15 September 2016) was submitted with the application. This outlines the arrangements for the storage and collection of waste from the proposed development. In particular, the following is proposed:
    (a) Bin storage room within Basement 1;
    (b) Connected to bin chutes within the core to each level above;
    (c) A private contractor shall collect waste within the internal car park;
    (d) Collection is to be via a 6.4m rear-lift vehicle, requiring a clearance of 2.5m;
    (e) Collections are to occur 3 times a week for both general waste and recyclables; and
    (f) Commercial general waste is to be collected five times a week.

261. Council's Waste Services Unit did not support the Waste Management Plan on the basis that it is not a standalone document. Specifically, the collection point illustration on page 6 needs to show the entry and exit points of the vehicle to and from the bin room.

262. The sketch plans have also revised the location of the bin storage room, with this now within the ground floor level. The statement prepared by Traffix Group submitted with the sketch plans advises that collection will continue to occur onsite by a mini-rear lift vehicle. Swept path diagrams have also been submitted to demonstrate that vehicles are able to undertake a three-point turning movement within the car park to enable the vehicle to exit Johnston Street in a forward direction.

263. An amended waste management plan will be required via condition on any permit issued to address concerns raised by Council's Waste Services Unit as well as reflecting the revised waste arrangements as detailed within the sketch plans.

Civil works

264. Council's Engineering Services Unit has recommended various civil works to be undertaken as part of the proposed development. Much of which can be addressed via condition on any permit issued. One of the requirements was for reconstruction of the Right of Way along the western boundary. Based upon the changes within the sketch plans, the proposal no longer proposes to utilise this laneway for access. Therefore it would no longer be reasonable to impose a condition requiring the reconstruction of the lane as part of the current application.

Objector Concerns

265. All objector issues have been addressed in the report within the following sections:
    (a) Excessive height and setbacks - Paragraphs 170 - 177
    (b) Design incongruous with existing character – Paragraphs 151 - 179
    (c) Loss of heritage fabric – Paragraphs 136 -150
    (d) Amenity impacts – overshadowing, overlooking and visual bulk - Paragraphs 186 - 204
    (e) Inequitable development opportunities - Paragraphs 205 - 208
    (f) Poor internal amenity - Paragraphs 209 - 227
    (g) Insufficient ESD standards - Paragraphs 228 - 235
    (h) Inadequate acoustic treatments - Paragraphs 122 - 135
    (i) Loss of activate frontage – Paragraphs 163 - 167
    (j) Insufficient parking - Paragraph 236 - 245
    (k) Traffic and safety impacts from use of the laneway - Paragraph 254 - 255

Conclusion

266. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. Notably, the proposal achieves the State policies' urban consolidation objectives and Council's preference to direct housing within commercial areas.

267. While the current proposal seeks a building that is higher than the existing approval, overall it is considered a superior proposal, notably:
    (a) Vastly improved architectural design;
    (b) Improved quality of materials;
    (c) Mitigated amenity impacts and more equitable development opportunities from substantial increases to the side and rear setbacks to the midrise section;
    (d) No unreasonable additional impacts observed from the increase in height;
    (e) Greater provision of landscaping softening, including tree planting; and
    (f) Greater mix of apartment sizes supports a greater diversity of dwelling types within the development.

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 PLN16/0845 for development of the land for the construction of a multi-storey building, including part demolition, use of the land for dwellings, reduction in the car parking requirements, waiver of the loading bay requirements and alter access to a Road Zone Category 1 road at 23-33 Johnston Street, Collingwood, generally in accordance with the plans noted previously as the "decision plans" and subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by COX Architects dated 14 October 2016 but modified to show:
   (a) Changes as per the 'sketch plans' prepared by COX Architects dated 1 June 2017, received 5 June 2017 and 9 June 2017, which include:
      (i) Deletion of vehicle access from the Right of Way to the west;
      (ii) Shift the vehicle access to Johnston Street further to the west;
      (iii) Reduce the width of the proposed vehicle crossover to Johnston Street to 6.2m;
      (iv) Reinstatement of the facade of 31-33 Johnston Street;
      (v) Retention of the existing flagpoles
      (vi) Increased upper level setbacks from Johnston Street and the Collingwood Arts Precinct to a minimum of 4.5m;
      (vii) Increased setbacks from the western boundary to the Right of Way to a minimum 2m at Level 1 and 2;
      (viii) Minimum setback from Johnston Street increased to 10.92m at Levels 9-11;
      (ix) Minimum setback from the western boundary increased to 5.18m (to balcony) at Levels 9-11;
      (x) South-west corner of Levels 9-11 increased to a minimum 6.36m from the southern boundary and 6.62m from the western boundary;
      (xi) South-east corner of Levels 9-11 increased to a minimum of 6.21m (to balcony) from the southern boundary and 6.38m from the eastern boundary;
      (xii) North-west corner of Levels 9-11 increased to a minimum of 6.01m from the western boundary and 11.41m from the northern boundary;
      (xiii) Increased common corridor widths to 1.5m, introduced natural daylight and full height operable louvers at the east and west ends of the corridors;
      (xiv) Reduction in the number of dwellings from 154 to 134;
      (xv) Reconfiguration of apartments layouts for improved internal amenity;
      (xvi) Bicycle parking increased from 49 to 70 spaces;
      (xvii) Provision for four bicycle hoops along Johnston Street footpath;
      (xviii) Retention of the existing 'saw tooth' masonry wall adjacent to the Collingwood Arts Precinct;
      (xix) Replacement of silver glazing with pewter-coloured glazing up to (and including) Level 8;
      (xx) Deletion of serrated glass detail to Levels 9-11 and replace with curtain glass wall treatment in a light grey glazing.
   (b) The following further changes to the 'sketch plans' prepared by COX Architects dated 1 June 2017, received 5 June 2017 and 9 June 2017:
      (i) Relocation of the fire booster cupboard so that it remains in front of the substation;
      (ii) A minimum 8sqm balcony maintained to Apartments 1 and 3 on Levels 3 to 7;
      (iii) Existing flagpoles to be painted white.
   (c) Full schedule of materials and schedules including coloured elevations/perspectives and samples;

(d) Reduce the residential entrance by a minimum 2m to a depth of 5m from Johnston Street, reallocating the surplus area to the adjoining café to the east;
(e) Shared internal wall between the residential lobby corridor and the café for the 5m depth to be treated with predominately clear glazing;
(f) Provision of a plinth to glazing along the Johnston Street frontage;
(g) The location of courtyards associated with 10 Perry Street to be shown on floor plans;
(h) Compliance with Overlooking Standard B22 of Clause 55 (ResCode);
(i) Details of privacy screens that satisfy Condition 1(h) and minimise direct views between apartments within the development to a maximum of 25%, without compromising adequate levels of daylight and internal amenity to apartments;
(j) Location of the intercom providing access into the basement;
(k) Internal shared corridor widths increased to 1.8m at apartment entries or an alternative design to the satisfaction of the Responsible Authority the breaks up the continuous corridor length.
(l) All habitable room windows to have an operable window, with details shown on plans and elevations;
(m) Provision of end of trip facilities for staff of the food and drink premises;
(n) Minimum 20 per cent of bicycle spaces to allow bikes to be stored on ground (i.e. not elevated);
(o) Dimensions of column depths and setbacks adjacent car spaces;
(p) Any changes as a result of the amended Sustainability Management Plan pursuant to Condition 4;
(q) Any changes as a result of the amended Acoustic Report pursuant to Condition 6;
(r) Any changes as a result of the amended Waste Management Plan pursuant to Condition 10;
(s) Any changes as a result of the Construction Methodology Statement pursuant to Condition 21;
(t) Amendments as a result of VicRoads' Condition 17; and
(u) A vehicle crossover plan in accordance with Condition 26;

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.

Ongoing Architect Involvement

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

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

Sustainable Management Plan

4. Before the endorsement of plans pursuant to Condition 1, 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 ADP dated 15 September 2015, but modified to include or show:
(a) Any changes required as a result of the amended plans pursuant to Condition 1; and
(b) Non-residential component to achieve best practice with a minimum 10% improvement on the minimum NCC requirement, demonstrated through JV3 modelling or equivalent.
(c) Provision for adjustable external shading devices to exposed north, east and west-facing glazing

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.

Acoustic Report

6. Before the endorsement of plans pursuant to condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Renzo Tonin & Associates and dated 29 November 2016, but modified to include (or show, or address):
   (a) Changes as a result of condition 1;
   (b) Requirements of clause 52.43-3 associated with the uses at 35 Johnston Street, Collingwood (the CAP site);
   (c) Measures to mitigate noise impacts from the Tote hotel at 67-71 Johnston Street, Collingwood;
   (d) Night time interval within the assessment of Traffic Noise increased from 6am to 7am;
   (e) Confirmation that glazing specification for bedrooms meet the nominated targets for traffic noise within bedrooms;
   (f) Building designed to achieve 30dBA or less within apartments (windows closed) associated with patron noise level within the ground floor food and drink premises;
   (g) Apartments to achieve a minimum 3 star Lmax design target rating under the Association of Australian Acoustical Consultants (AAAC) '*Guide for apartments and Townhouse Acoustic Rating*' September 2010; and
   (h) Consideration of the potential impact of the car park entrance door on the apartments above within the development.

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

Post commencement Acoustic Report Required

8. Within 3 months of occupation of the dwellings permitted by this permit, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess whether the noise measures contained within the acoustic report required pursuant to Condition 5 have been implemented and whether they achieve the necessary noise targets contained within.

9. Ongoing involvement of Renzo Tonin & Associates or otherwise suitably qualified acoustic consultant to the satisfaction of the Responsible Authority, to advise on acoustic measures at detailed design stage of the development.

Waste Management Plan

10. Prior to the endorsement of plans pursuant to Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 15 September 2016, but modified to include/show:
    (a) Changes required as a result of amended plans pursuant to condition 1.
    (b) Entry and exit points of the vehicle to and from the bin room;
    (c) Collection truck swept path diagrams included as appendices

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.

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

Landscape Plan

13. 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 Concept plan prepared by Jack Merlo Design and Landscape dated 4 October 2016 but modified to show/include:
    (a) Details of irrigation and maintenance procedures;
    (b) Alternative species to the *Dietes robinsoniana and Ficus hillii* that is more suitable/compatible for the planters proposed;
    (c) *Murraya paniculata* replaced with a *Choisya ternate* or similar;
    (d) Notations to specify that any Queensland-grown species are given a six-week hardening period prior to planting;
    (e) Correctly reference the common name for the *Lagerstroemia indica;*

    to the satisfaction of the Responsible Authority.

14. 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.

15. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.

16. The provisions, recommendations and requirements of the endorsed Arboricultural Report generally in accordance with the Arboricultural Report prepared by John Patrick Landscape Architects dated 6 April 2017, must be complied with and implemented to the satisfaction of the Responsible Authority.

VicRoads Conditions (17-18)

17. Before the development commences, amended plans must be submitted to and approved by the Roads Corporation. When approved by the roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with Drawing Number 20-00 Revision ASK028 dated 1 June 2017 through to Drawing number 40-04 Revision ASK044, dated 1 June 2017 but modified to show:
    (a) Canopy setback of at least 750mm from the back of kerb (along Johnston Street).

18. 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 Johnston Street Boundary (i.e. the canopies, fixed shading devices, architectural features, balcony framing), to indemnify the Crown in relation to any claim or liability arising from the projections within the Johnston Street road reserve.

PTV Condition (19)

19. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Johnston Street 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.

Archival Record

20. Before demolition commences, a detailed and annotated photographic record of the existing timber framed saw tooth roof truss of No. 23-25 Johnston Street, Collingwood must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
    (a) be submitted in black and white format; and
    (b) be taken by a suitably qualified heritage photographer.

Construction Methodology Statement

21. Before the endorsement of plans pursuant to condition 1, a Construction Methodology Statement prepared by a suitably qualified conservation architect or structure engineer with heritage experience to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Construction Methodology Statement will be endorsed and will form part of this permit. The Construction Methodology Statement must include, but not be limited to, the following:

    (a) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
        (i) The existing façade of No. 31-33 Johnston Street, Collingwood , including sections to how the thickness of architectural elements;
        (ii) The proposed reconstruction and restoration to the existing façade, with notations clearly outlining any changes from existing conditions or use of new materials (including details of the restoration works proposed to the Johnston Street façade, including areas where existing paint/render is to be removed, restoration of steel-framed windows and the building canopy);

    (b) A written description of the demolition and construction methods to be used.

22. The provisions, recommendations and requirements of the endorsed Construction Methodology Statement must be implemented and complied with to the satisfaction of the Responsible Authority.

Structural Report

23. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention. The report must address stability and propping of:
    (a) Retained portion of the Johnston Street façade; and

(b) Boundary walls to be retained adjacent to the courtyard of 35 Johnston Street, Collingwood (CAP site)

24. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Bicycle hoops

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 4 bike hoops must be installed along the Johnston Street frontage:
    (a) at the permit holder's cost; and
    (b) in a location and manner,

    to the satisfaction of the Responsible Authority.

Road Infrastructure

26. Prior to the endorsement of plans pursuant to condition 1, a 1:20 scale cross sectional drawing of the new vehicle crossing must be submitted to Council's Construction Management branch for assessment and approval, showing:
    (a) Actual reduced levels (not interpolated levels from the application drawings) of the Johnston Street road profile (from centre line of road pavement to property line) to three decimal places.
    (b) Building line level, the proposed finished level of the accessway 2.0 metres inside the property, the top of kerb level, the invert level, lip level and road pavement levels.
    (c) By way of a ground clearance check that a B99 design vehicle can traverse the new vehicle crossing and accessway without scraping or bottoming out.

27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
    (a) in accordance with any requirements or conditions imposed by Council;
    (b) at the permit holder's cost; and
    (c) to the satisfaction of the Responsible Authority.

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.

29. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the Johnston Street footpath and half-width road pavement of Johnston Street (from south kerb to centre line) for the width of the property frontage if required by the Responsible Authority):
    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.

30. Prior to the building being occupied, the permit holder must ensure that any public lighting from existing, new or modified lights does not spill into the window of any new dwellings within the development and that any new or modified lighting as a result of the permitted development does not spill into the windows of existing nearby residents to the satisfaction of the responsible authority. Any light shielding that may be required shall be funded by the permit holder.

General

31. 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.

32. 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.

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

34. 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.

35. 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.

Construction Management

36. Before the use and 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
(q) any site-specific requirements.

During the construction:

(r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
(s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
(t) vehicle borne material must not accumulate on the roads abutting the land;
(u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
(v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

Time expiry

38. This permit will expire if:

(a) the development is not commenced within two years of the date of this permit; or
(b) the development is not completed within four years of the date of this permit; or
(c) the use has not commenced within five years of the date of this permit.

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

Notes:

The 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 5095 to confirm.

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

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

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

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

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

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

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

VicRoads Notes:

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. Johnston Street). Please contact VicRoads prior to commencing any works.

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.

CONTACT OFFICER: **Amy Hodgen**
TITLE: **Principal Statutory Planner**
TEL: **9205 5330**

Attachments

1 Location Map
2 Decision Plans (Advertised)
3 Landscape Concept Plans
4 Sketch Plans
5 Decision Plans & Sketch Plans Comparison
6 Shadow Study of Sketch Plans on the CAP courtyard
7 Decision Plans for PL08/0894 (IDAC 9/6/2010 attachment)
8 VicRoads Referral Response
9 PTV Referral Response
10 Heritage Referral Advice
11 Heritage Referral Advice (Supplementary)
12 Heritage Referral Advice on Sketch Plans
13 Urban Design Referral Advice (Rob McGauran)
14 Acoustic Referral Advice (SLR Consulting)
15 Acoustic Referral Advice (SLR Consulting) on Sketch Plans
16 ESD Referral Advice
17 Open Space Referral Advice

18 Arborist Referral Advice on Arborist Report for trees within CAP site
19 Engineering Services Referral Advice
20 Engineering Services Referral Advice on Sketch Plans
21 Waste Services Referral Advice

Attachment 1 - Location Map

SUBJECT LAND

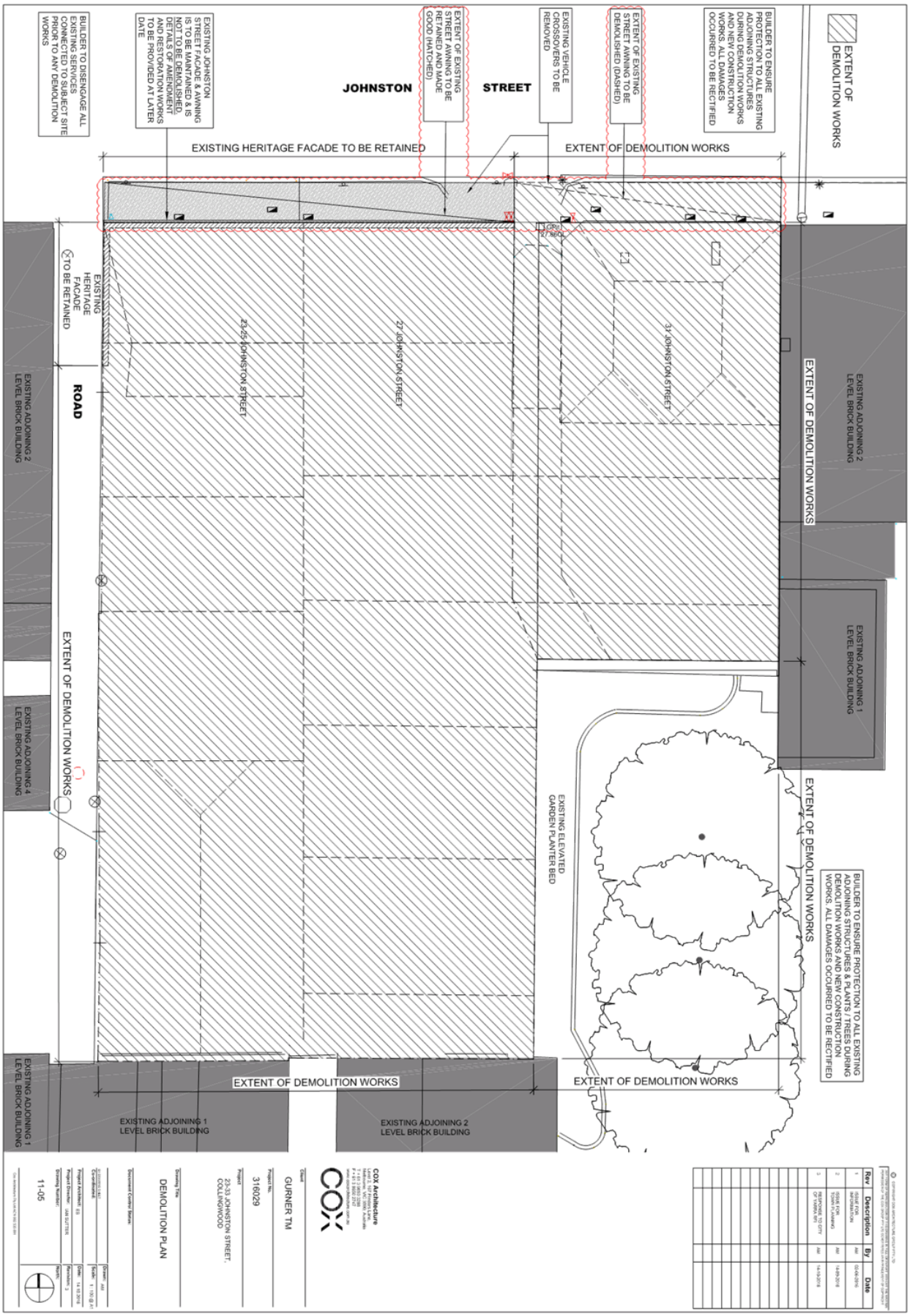
23-33 JOHNSTON STREET, COLLINGWOOD



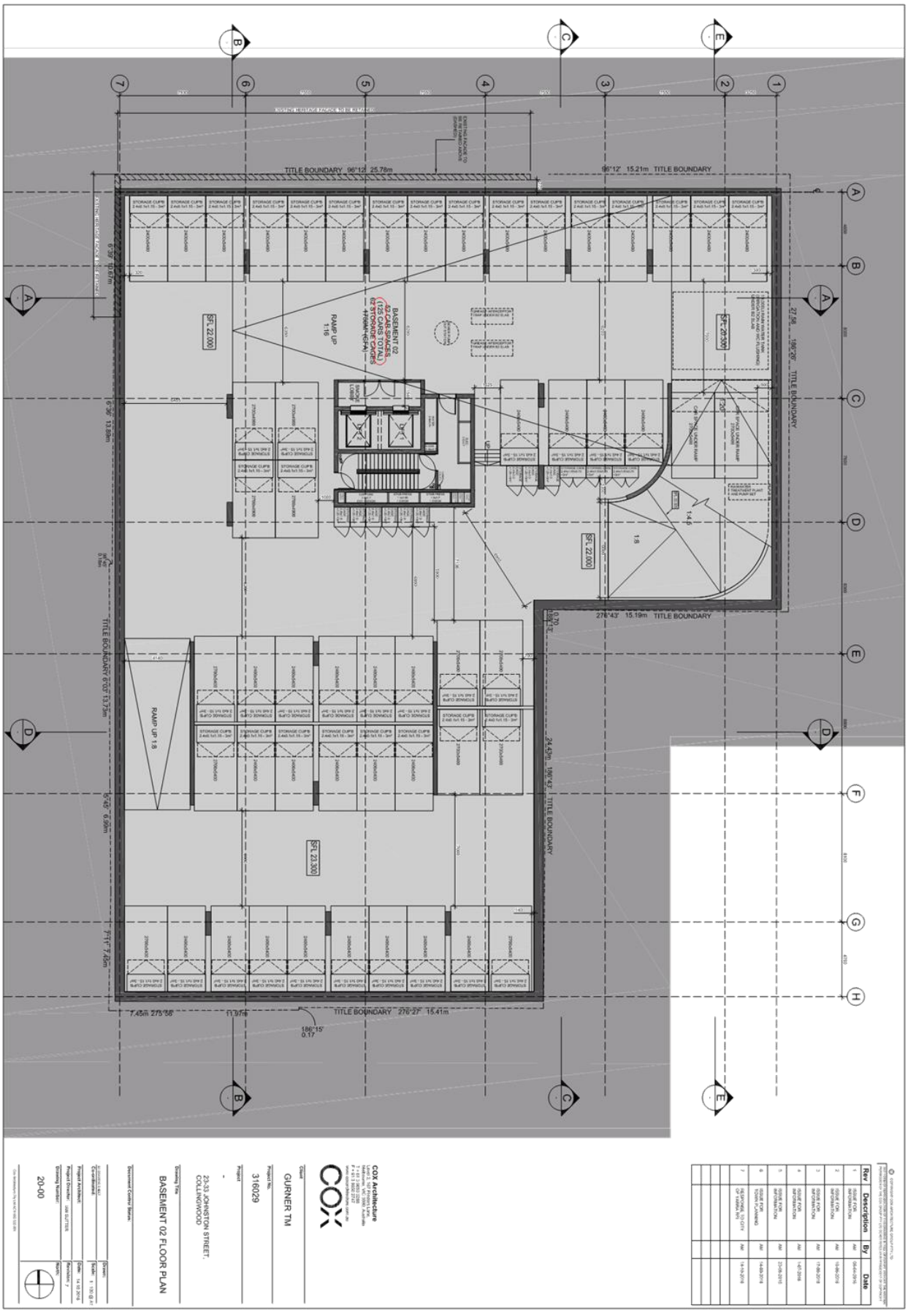
⇧ **North**

Subject site

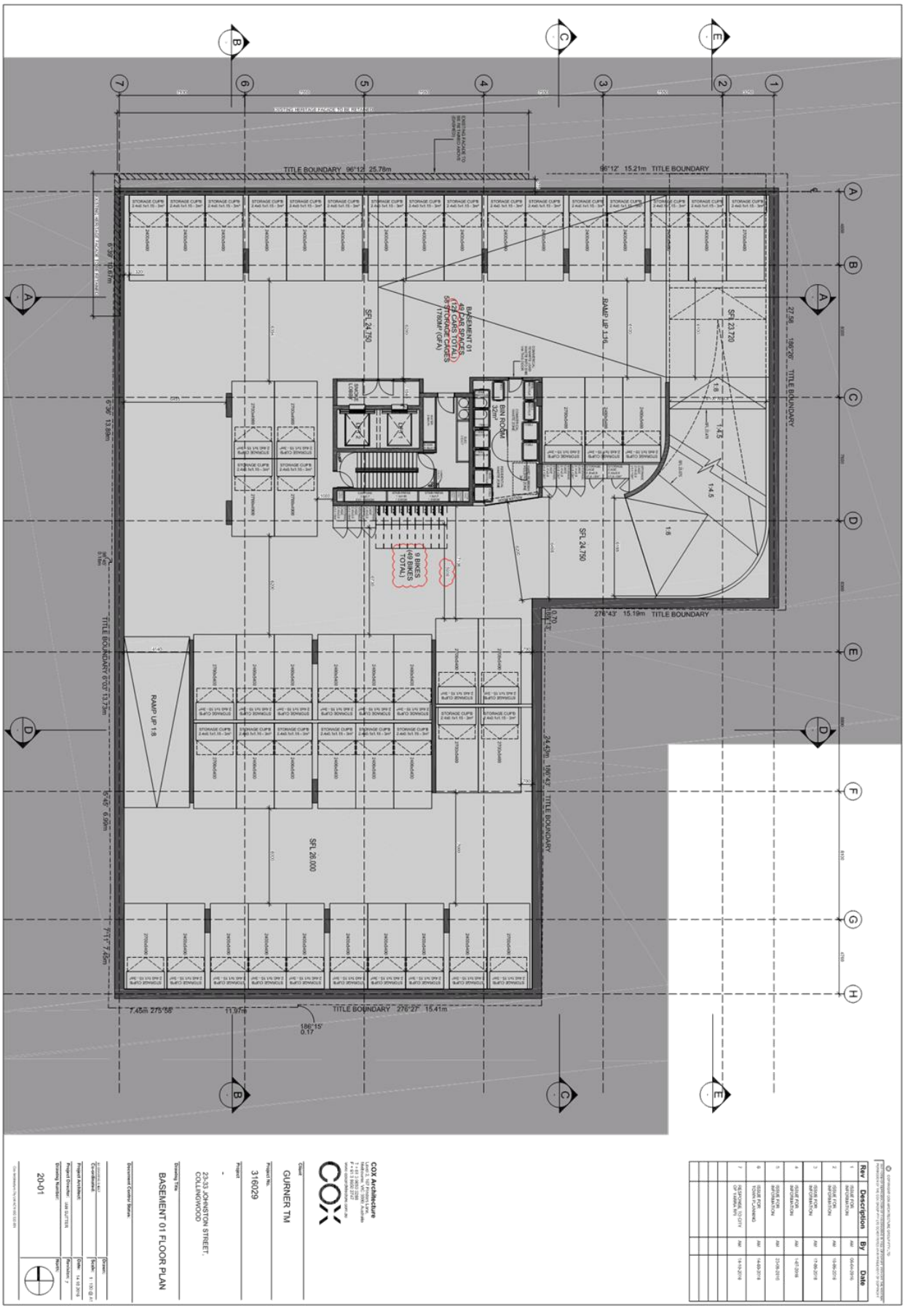
Attachment 2 - Decision Plans (Advertised)



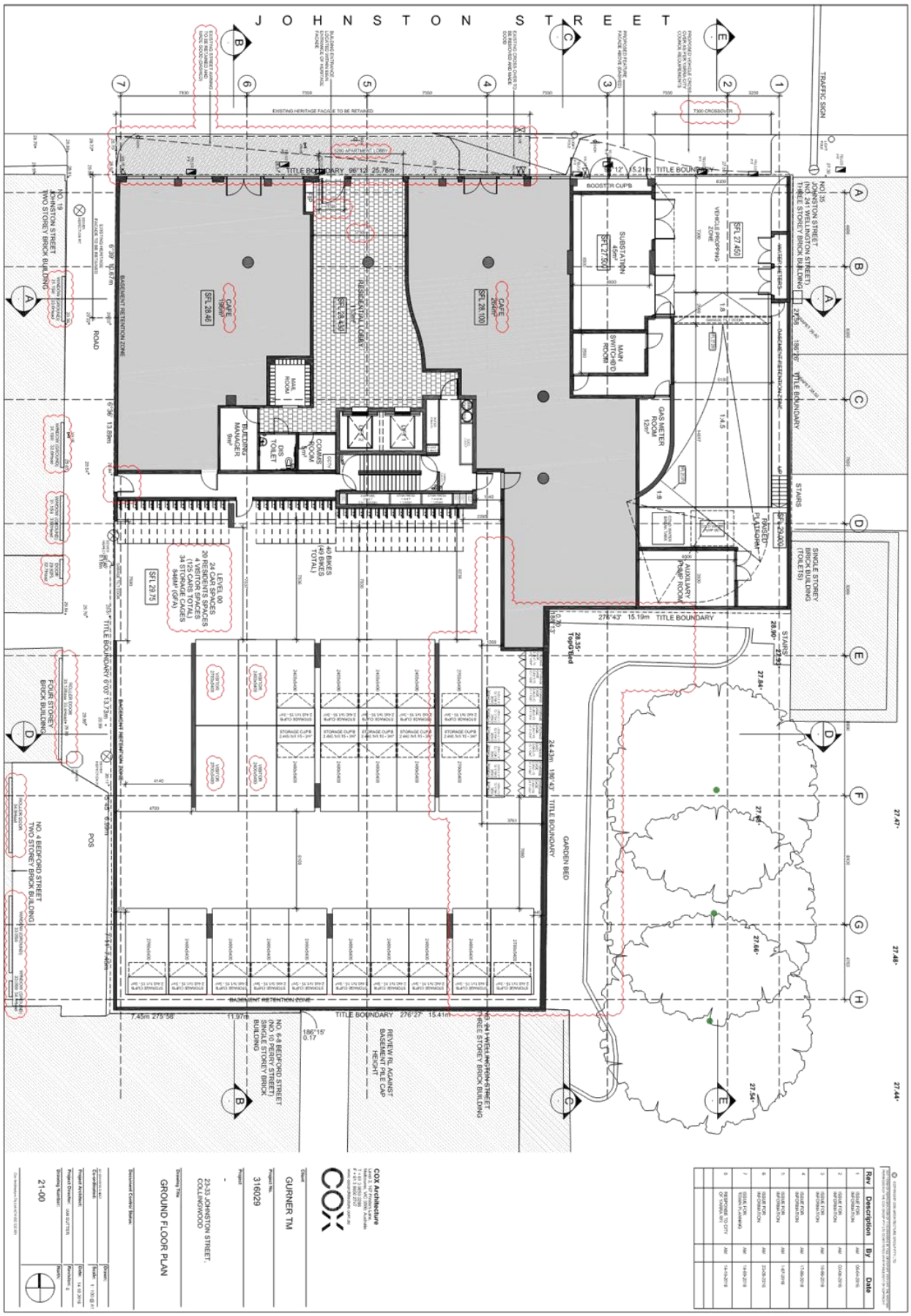
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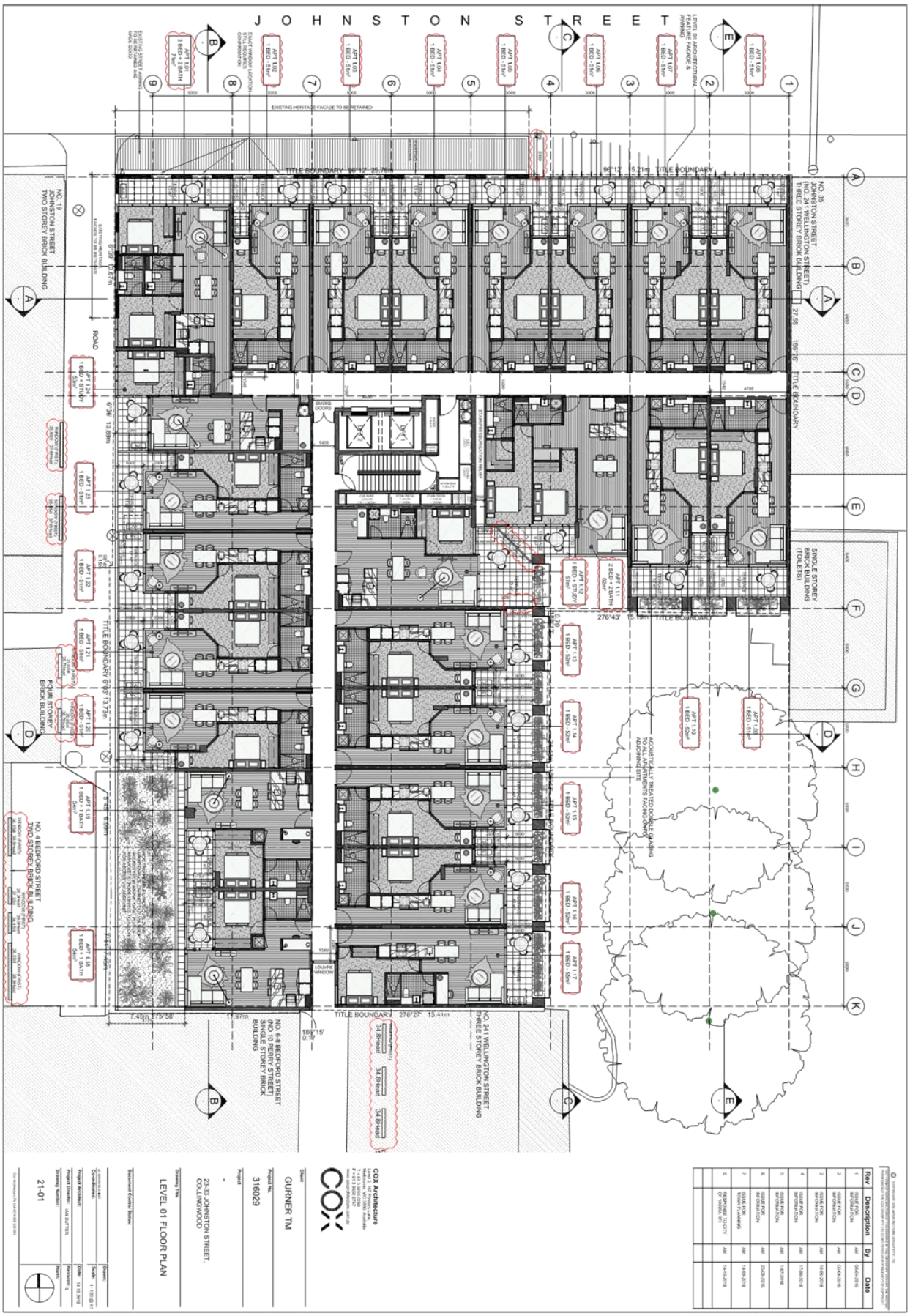
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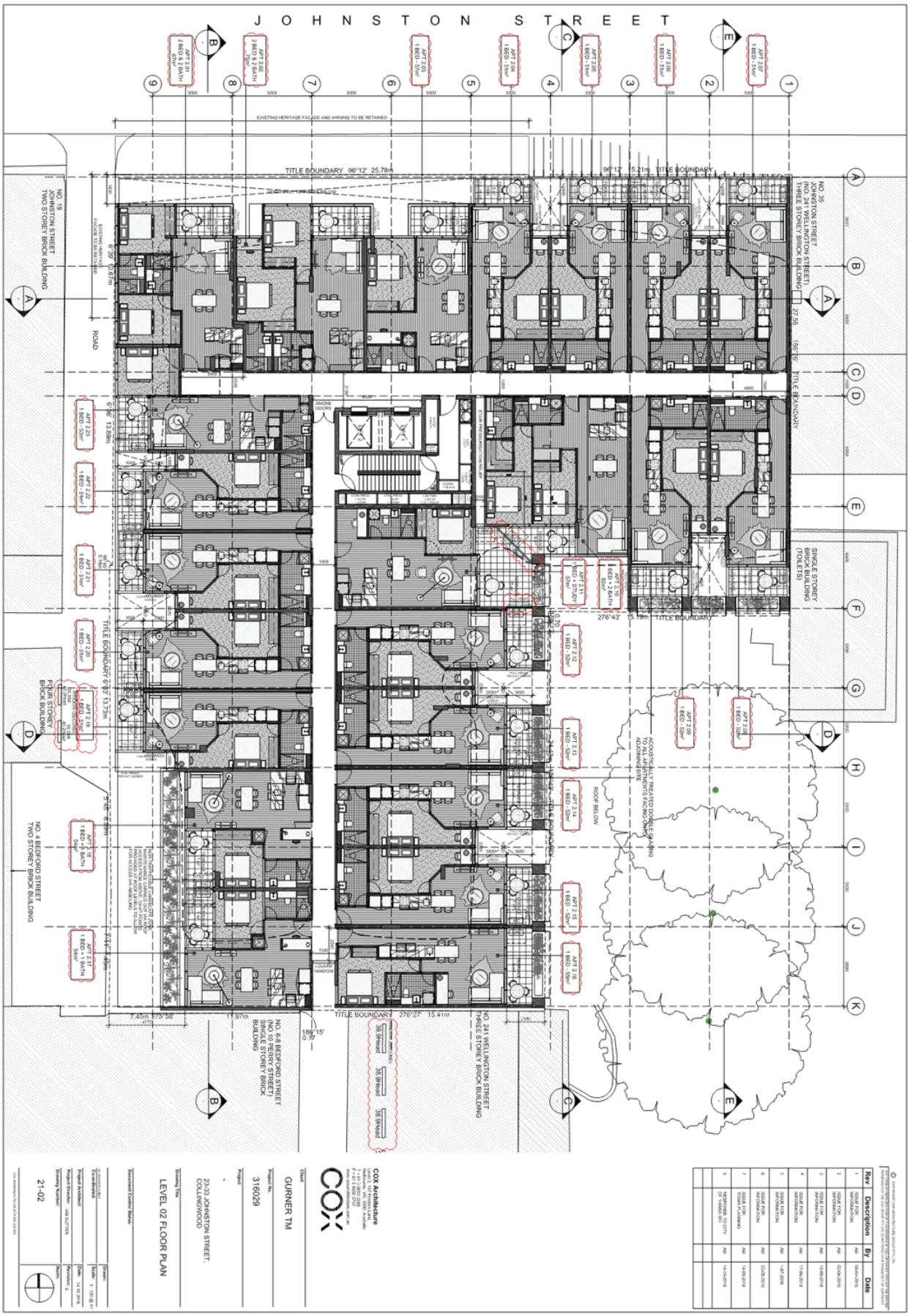
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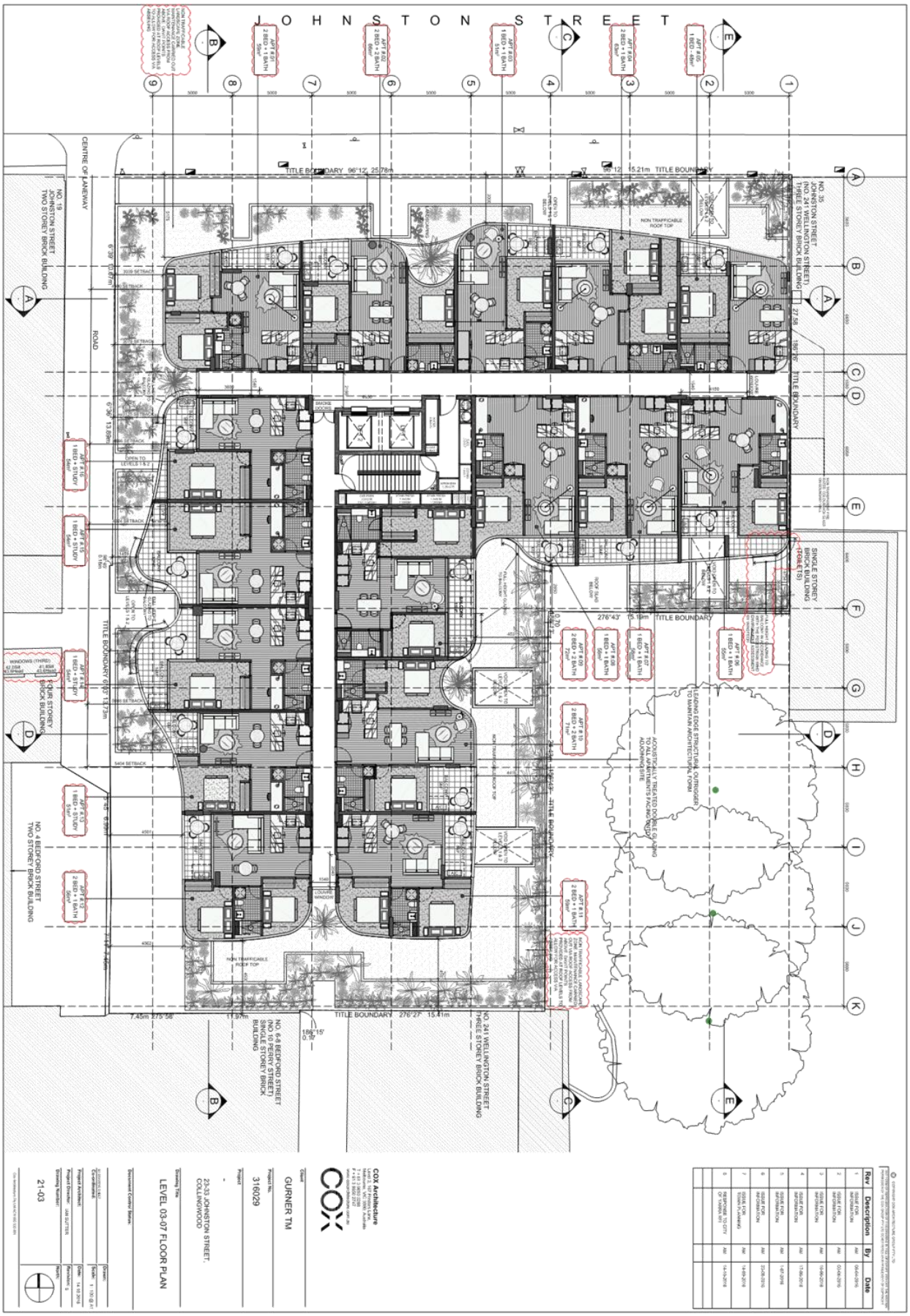
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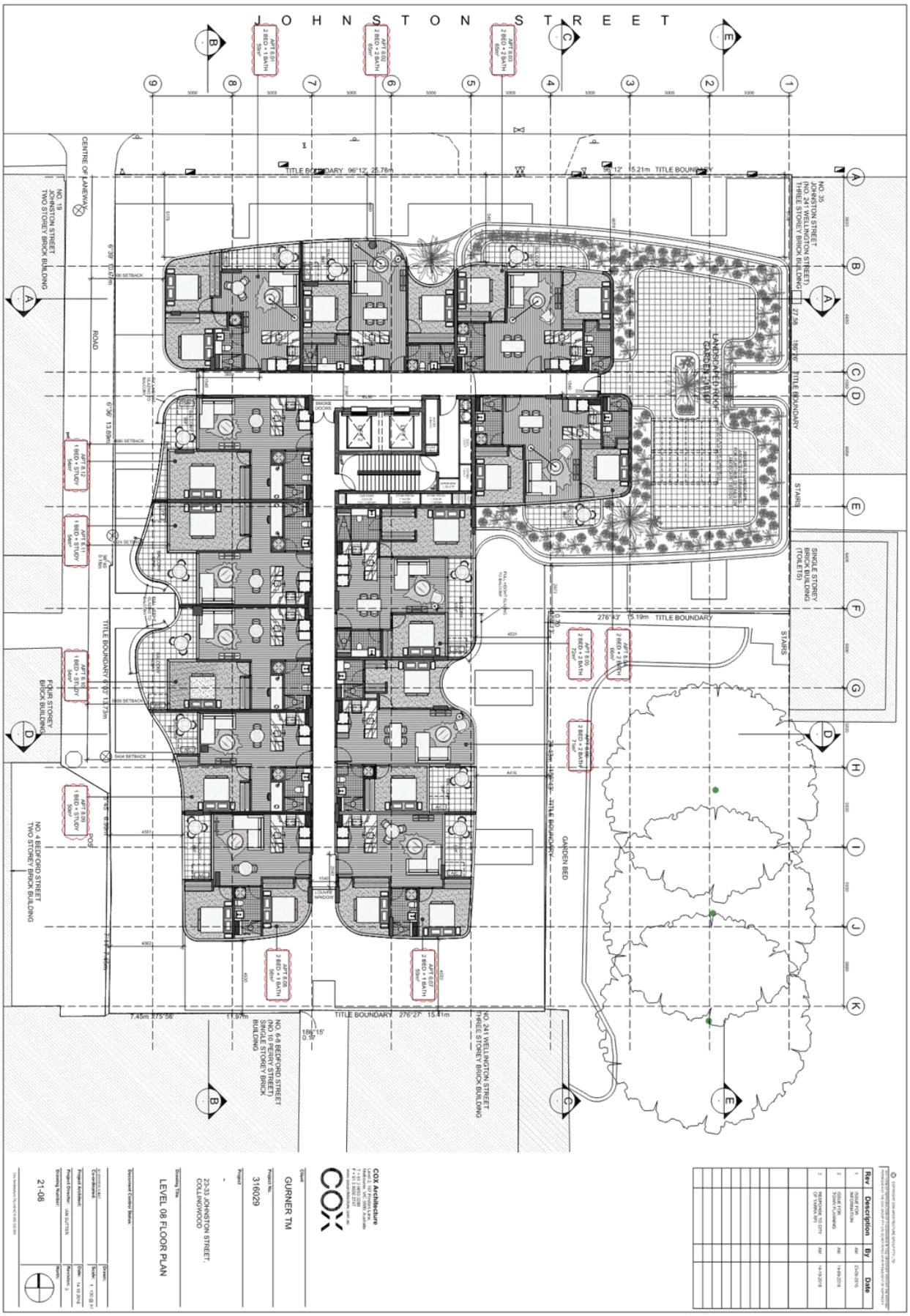
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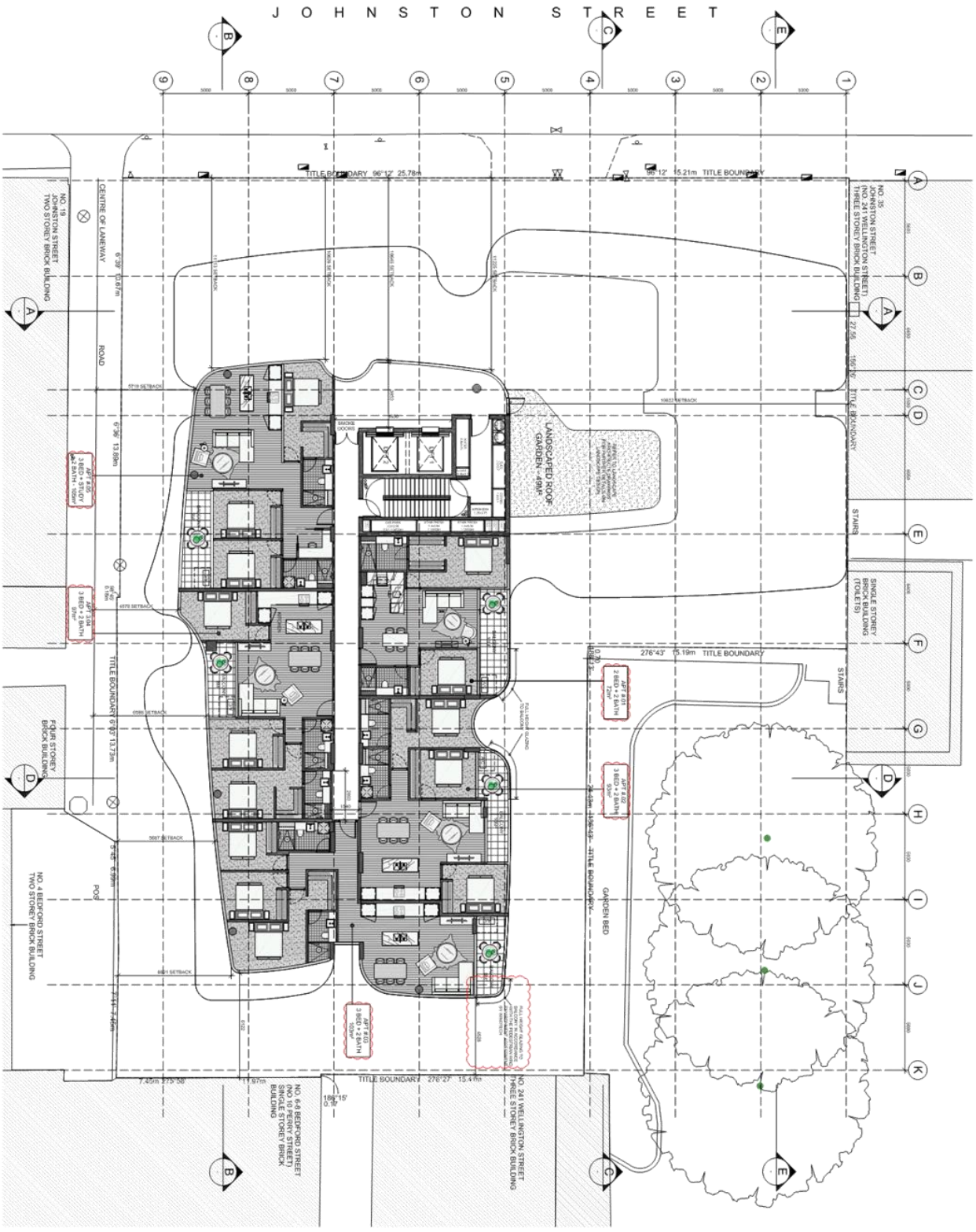
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Attachment 2 - Decision Plans (Advertised)



Attachment 2 - Decision Plans (Advertised)



COX Architecture

Client: GURNER TM

Project No.: 316029

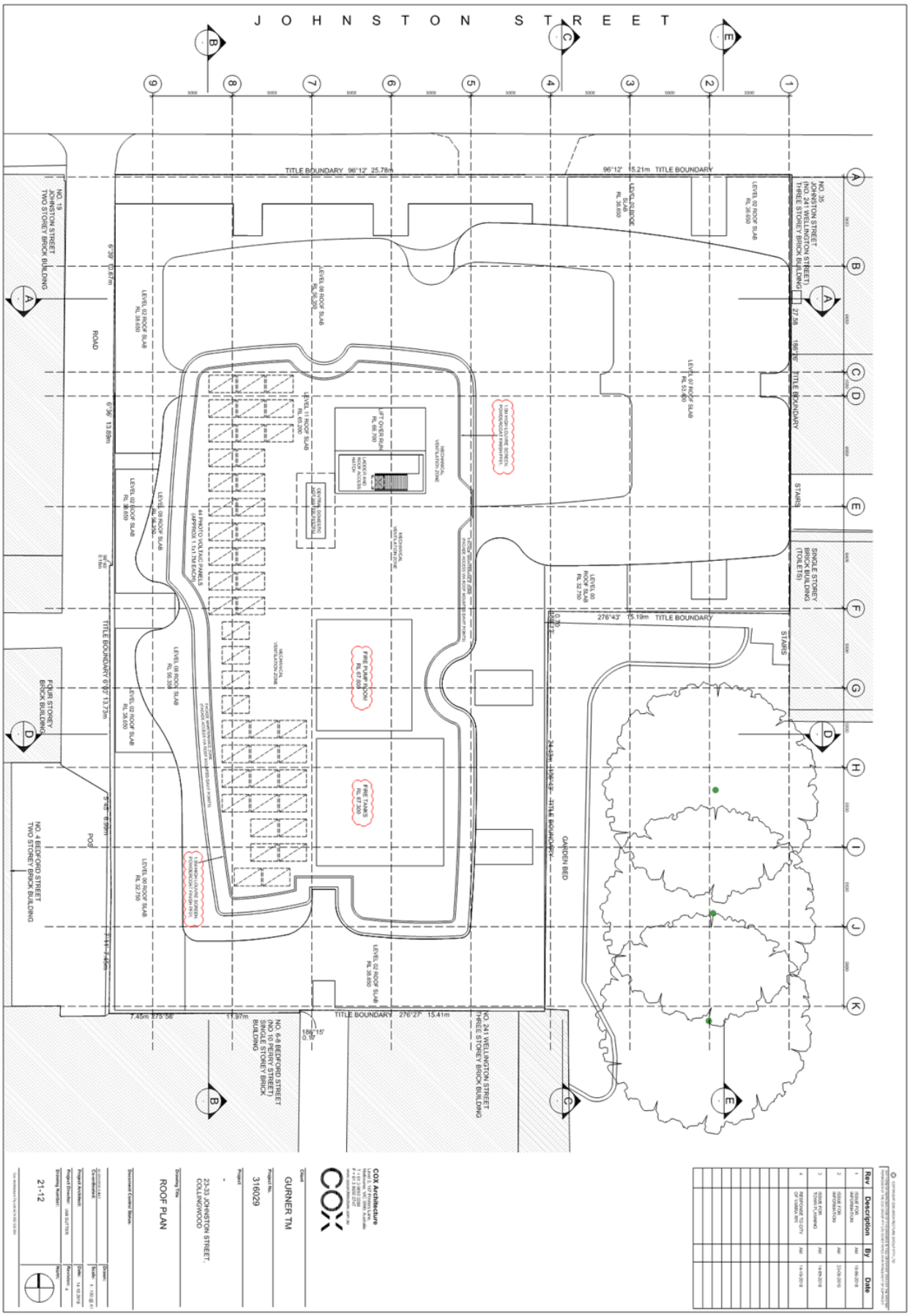
Project: -, 213-33 JOHNSTON STREET, COLLINGWOOD

Drawing Title: LEVEL 09-11 FLOOR PLAN

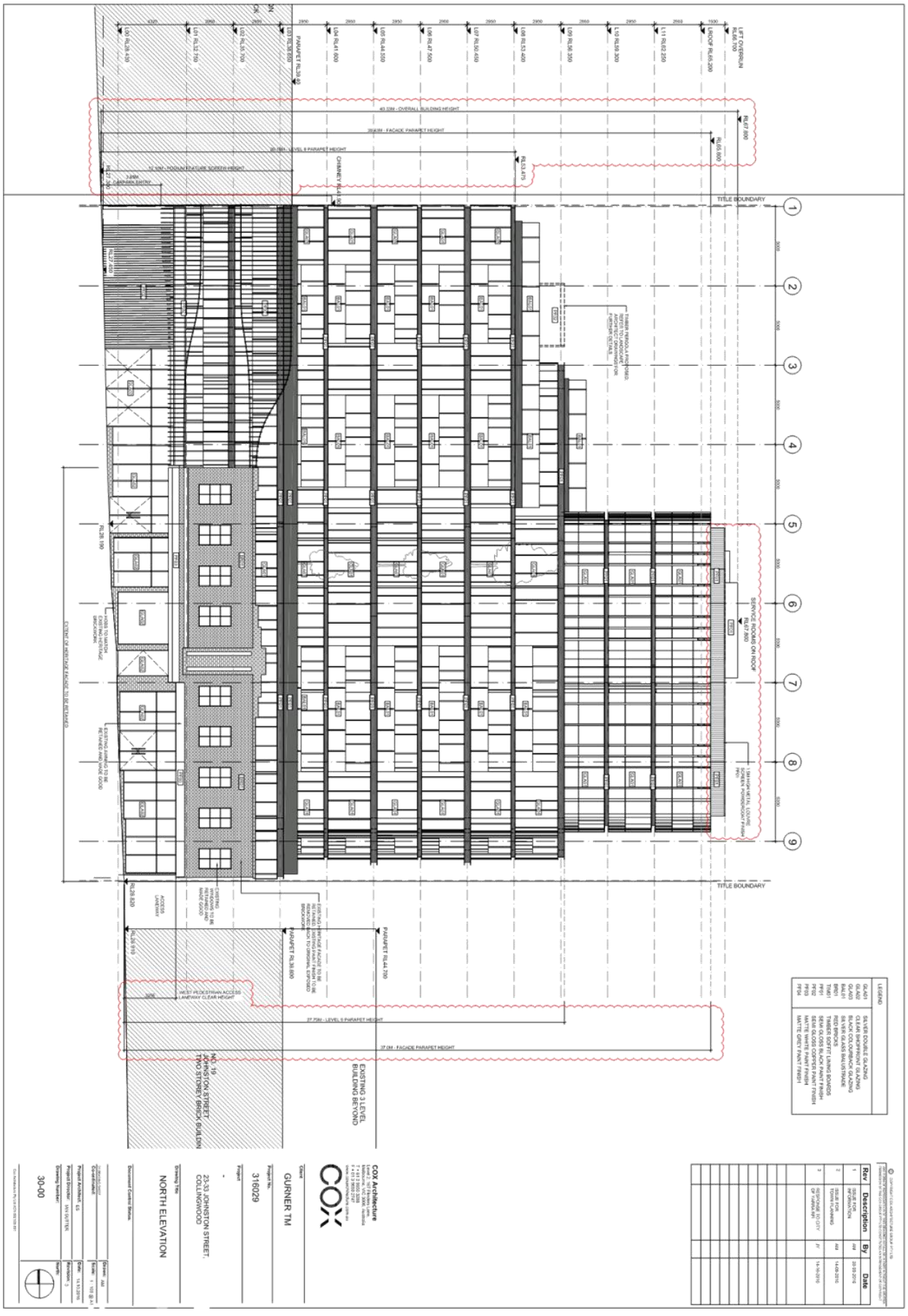
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Rev	Description	By	Date
1	ISSUE FOR INFORMATION	AM	09-05-2016
2	ISSUE FOR INFORMATION	AM	03-06-2016
3	ISSUE FOR INFORMATION	AM	14-06-2016
4	ISSUE FOR INFORMATION	AM	17-06-2016
5	ISSUE FOR INFORMATION	AM	21-07-2016
6	ISSUE FOR INFORMATION	AM	22-08-2016
7	ISSUE FOR PLANNING	AM	14-09-2016
8	RESPONSE TO CITY OF YARRA RFI	AM	14-10-2016

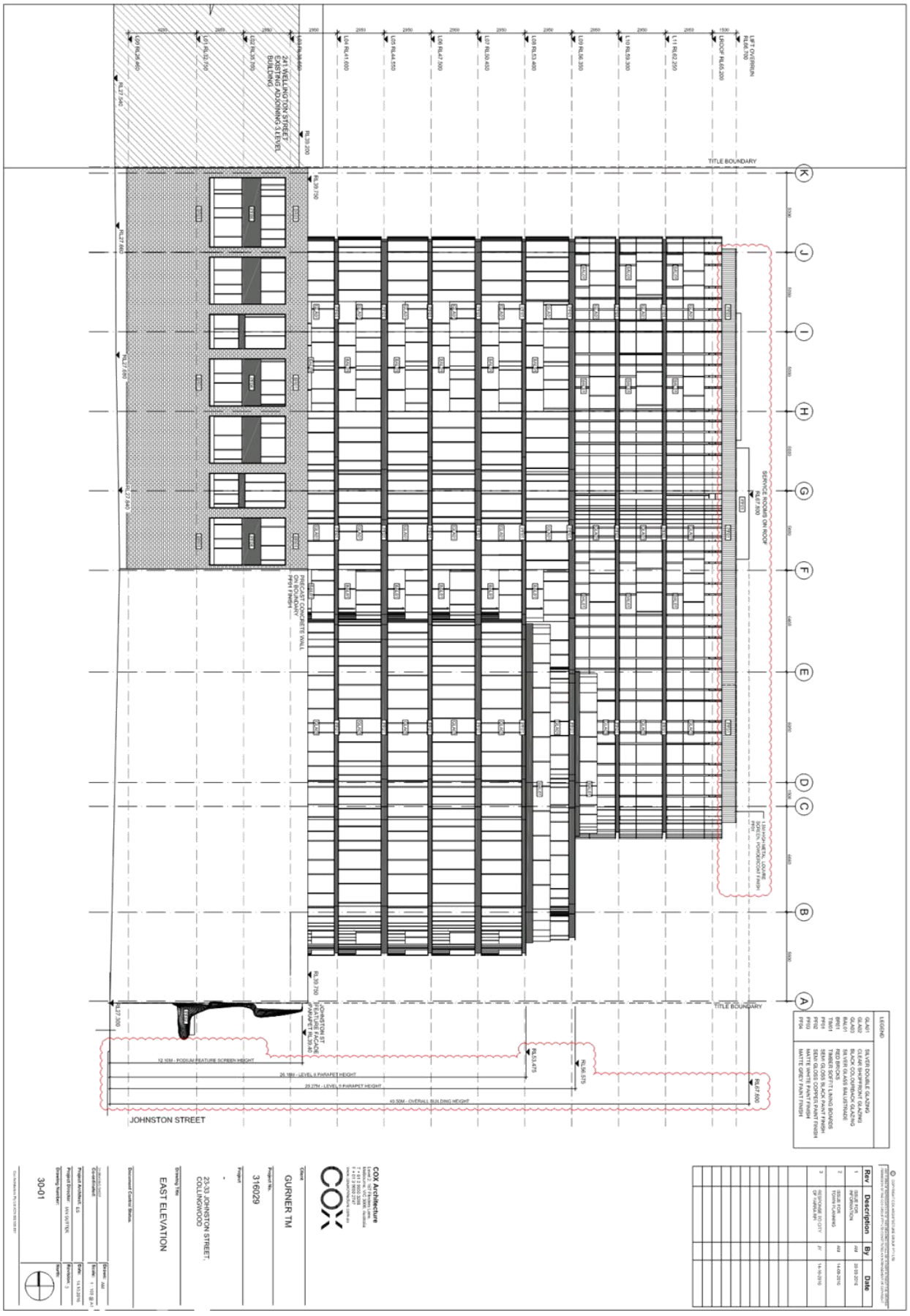
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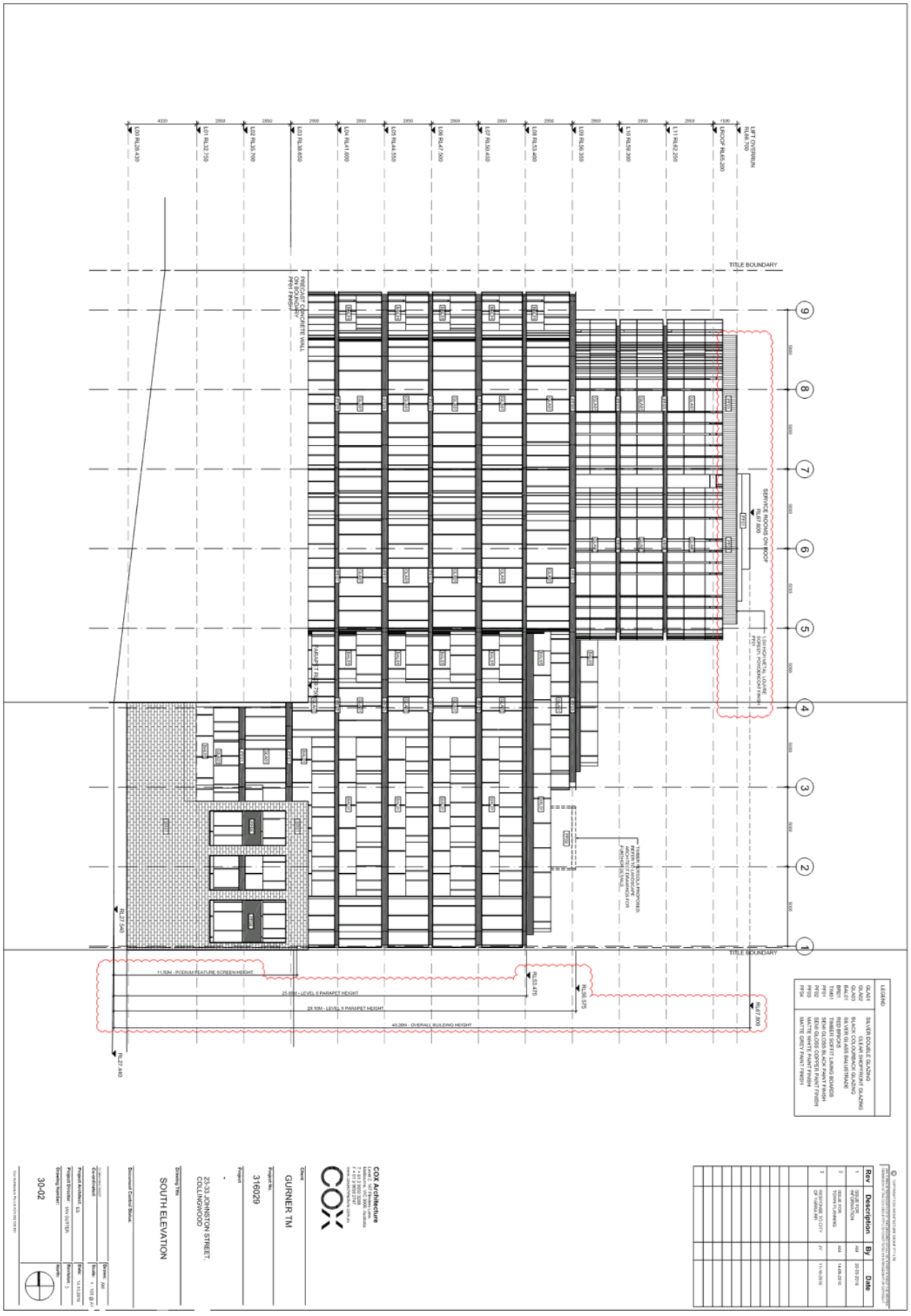
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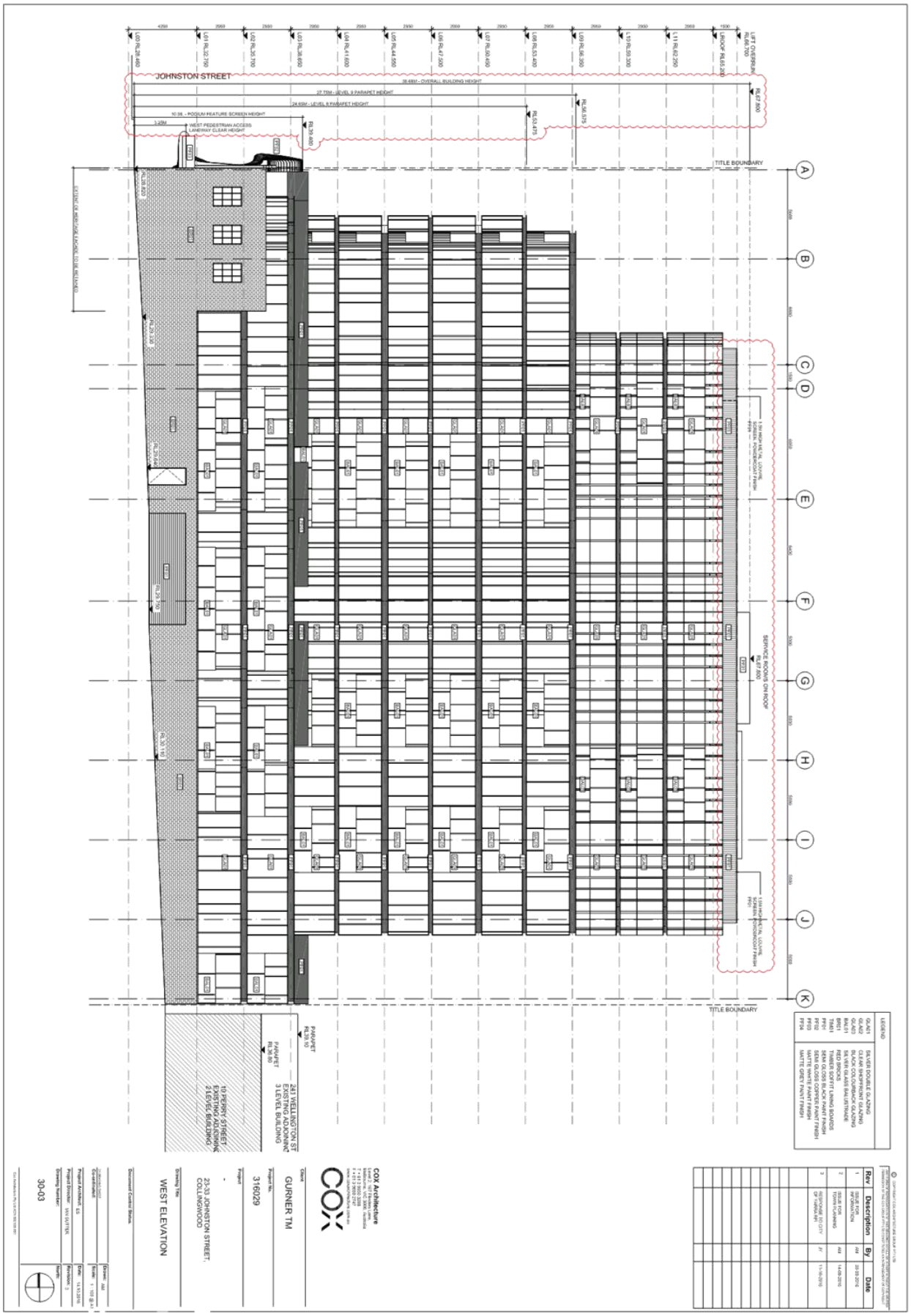
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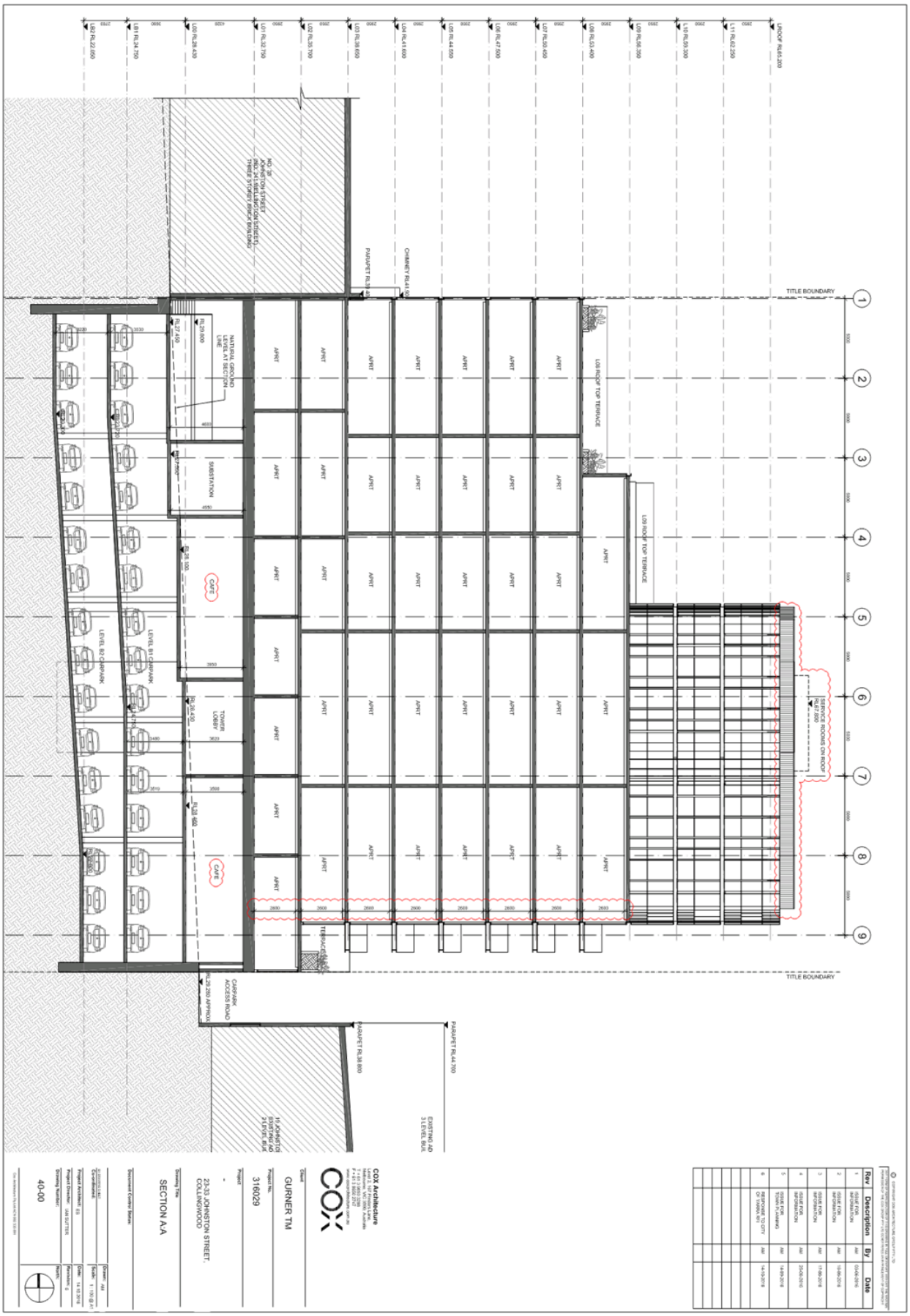
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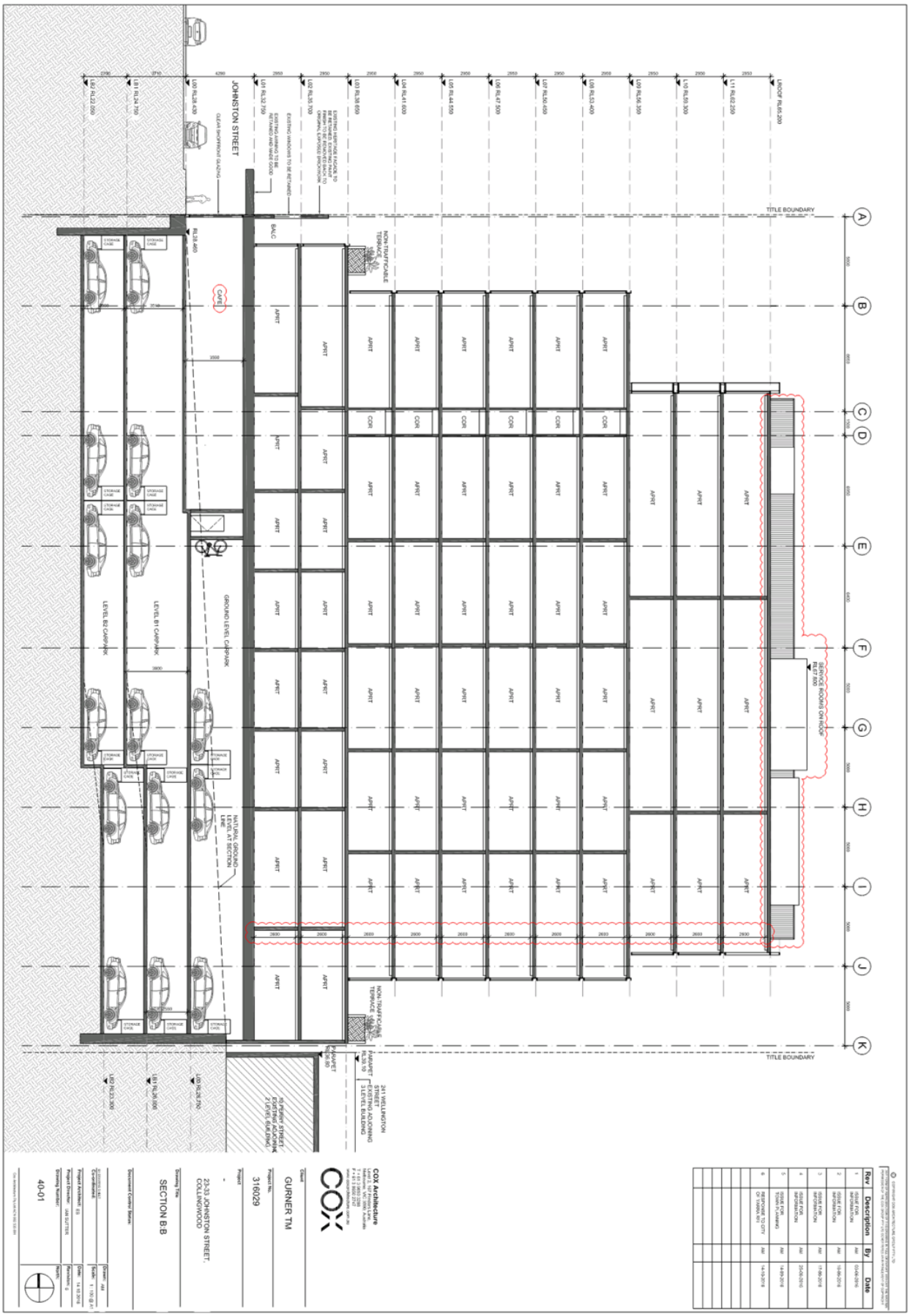
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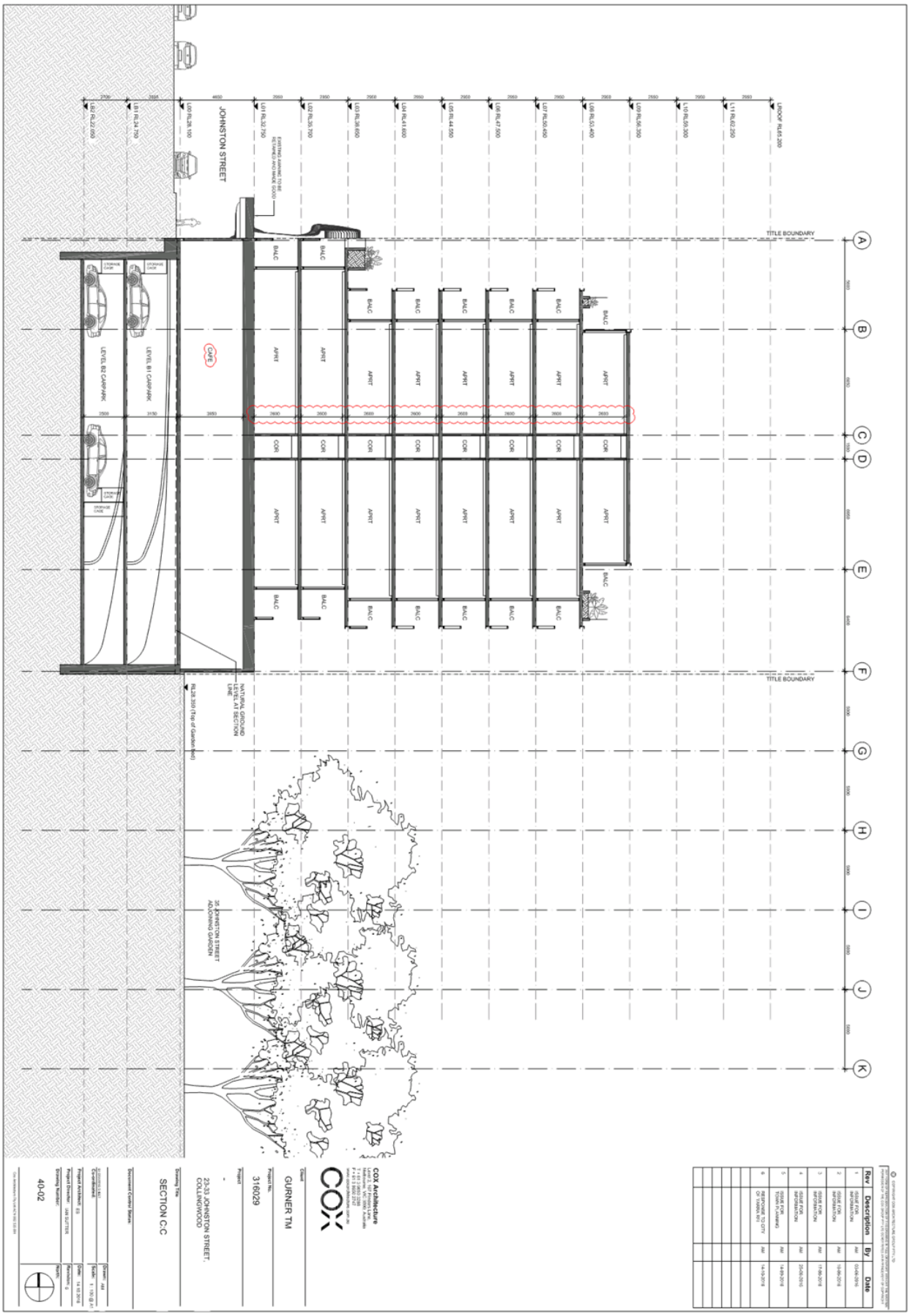
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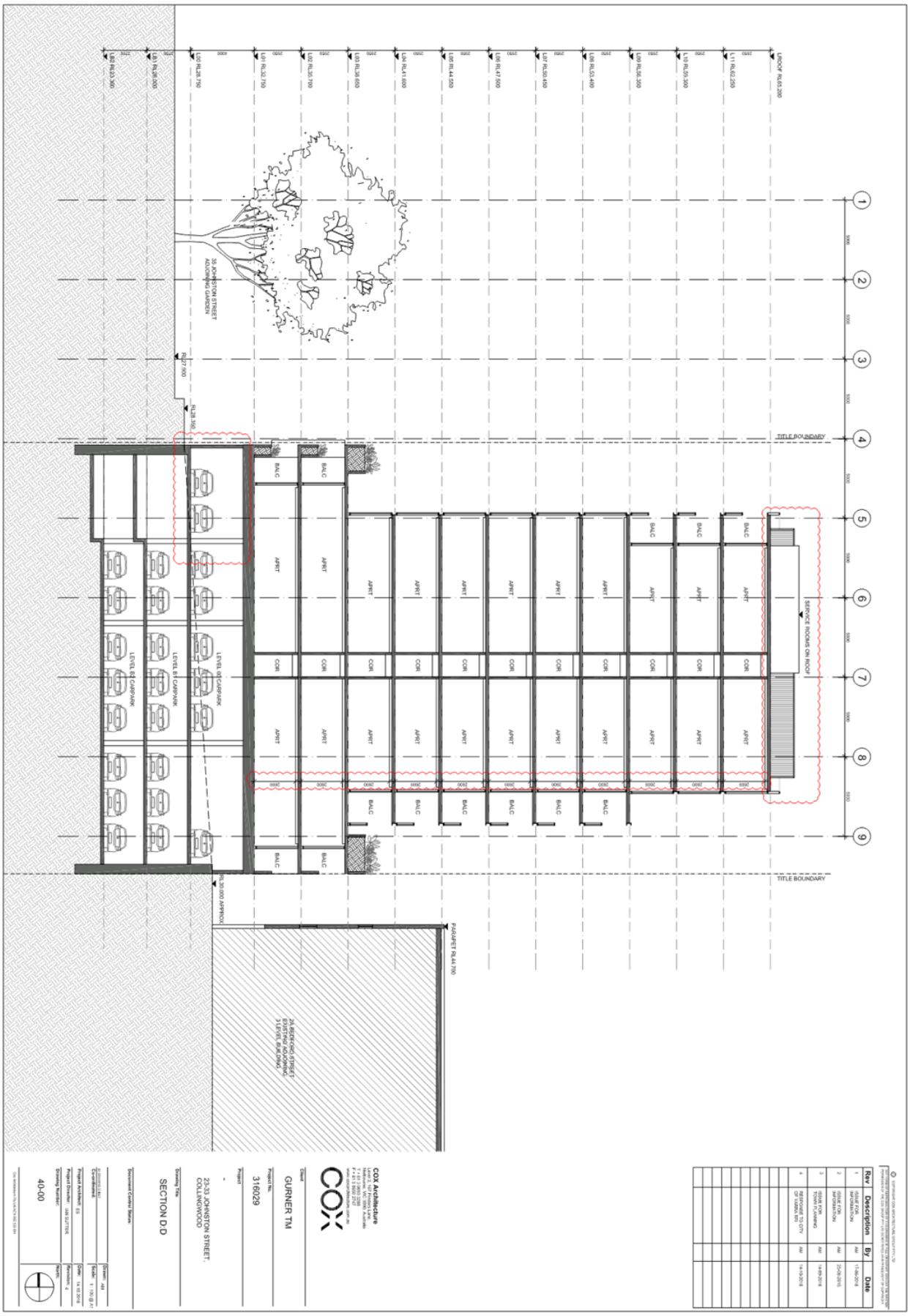
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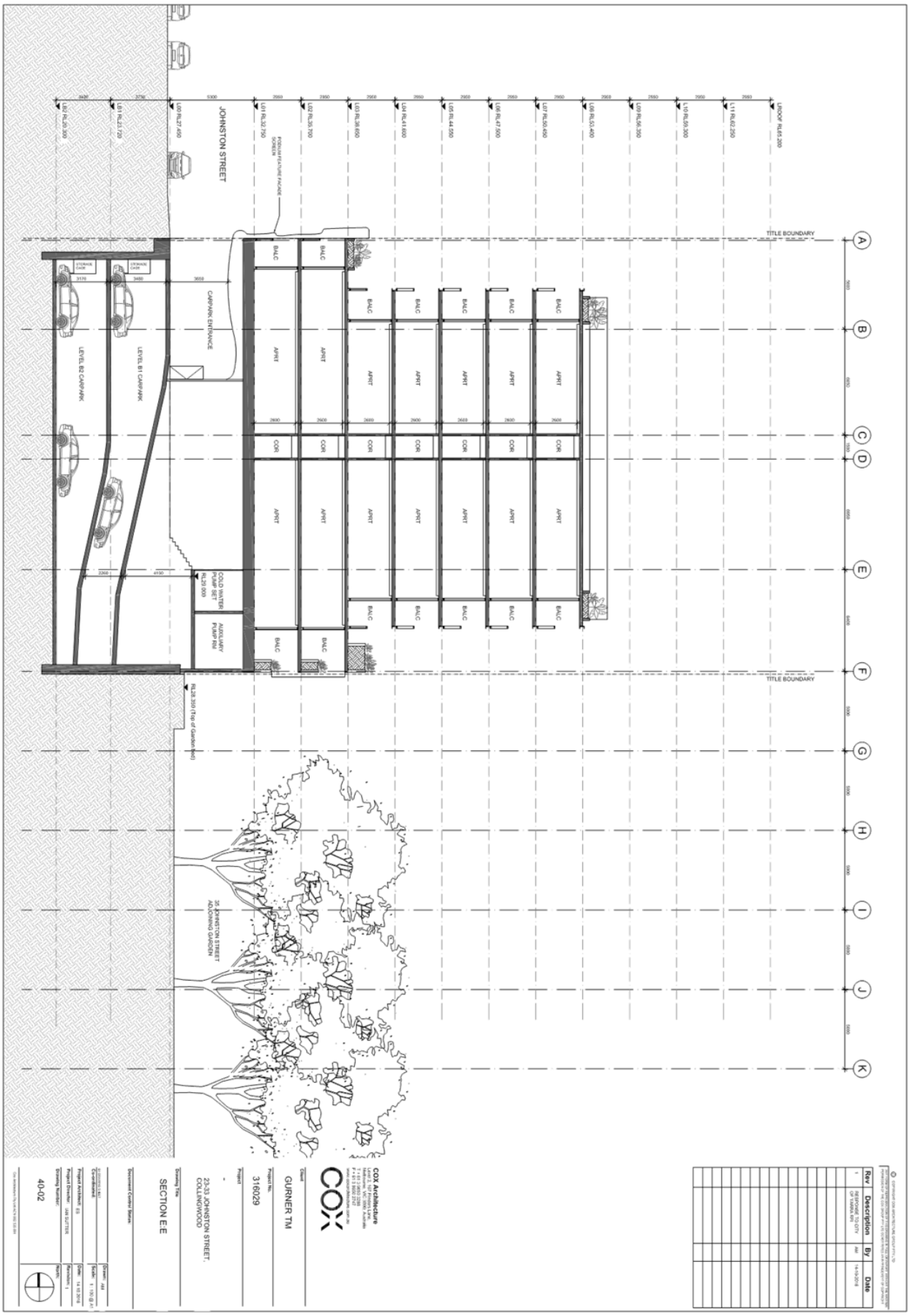
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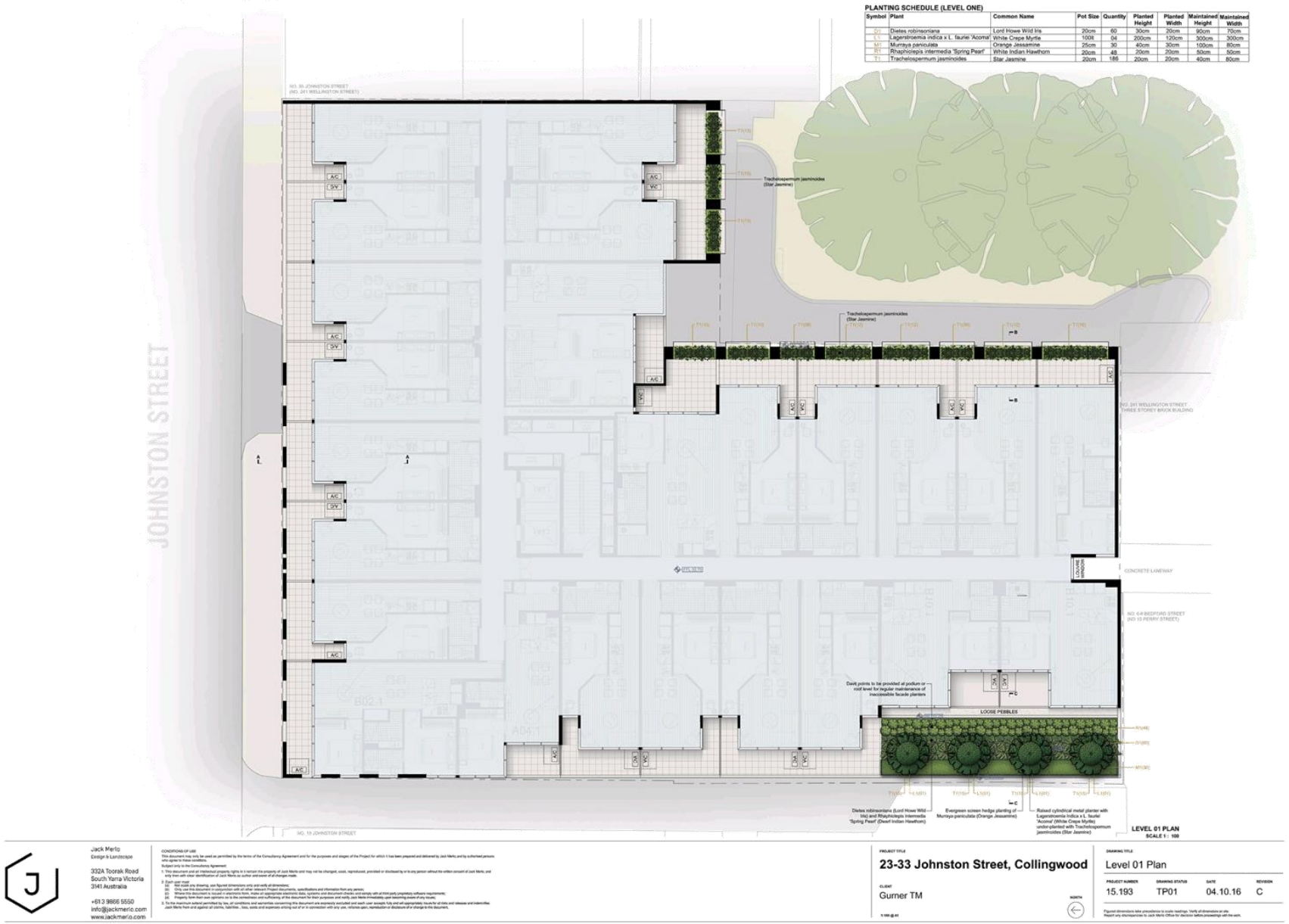
Attachment 2 - Decision Plans (Advertised)



Attachment 2 - Decision Plans (Advertised)



Attachment 3 - Landscape Concept Plans



Attachment 3 - Landscape Concept Plans



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info@jackmerlo.com
www.jackmerlo.com

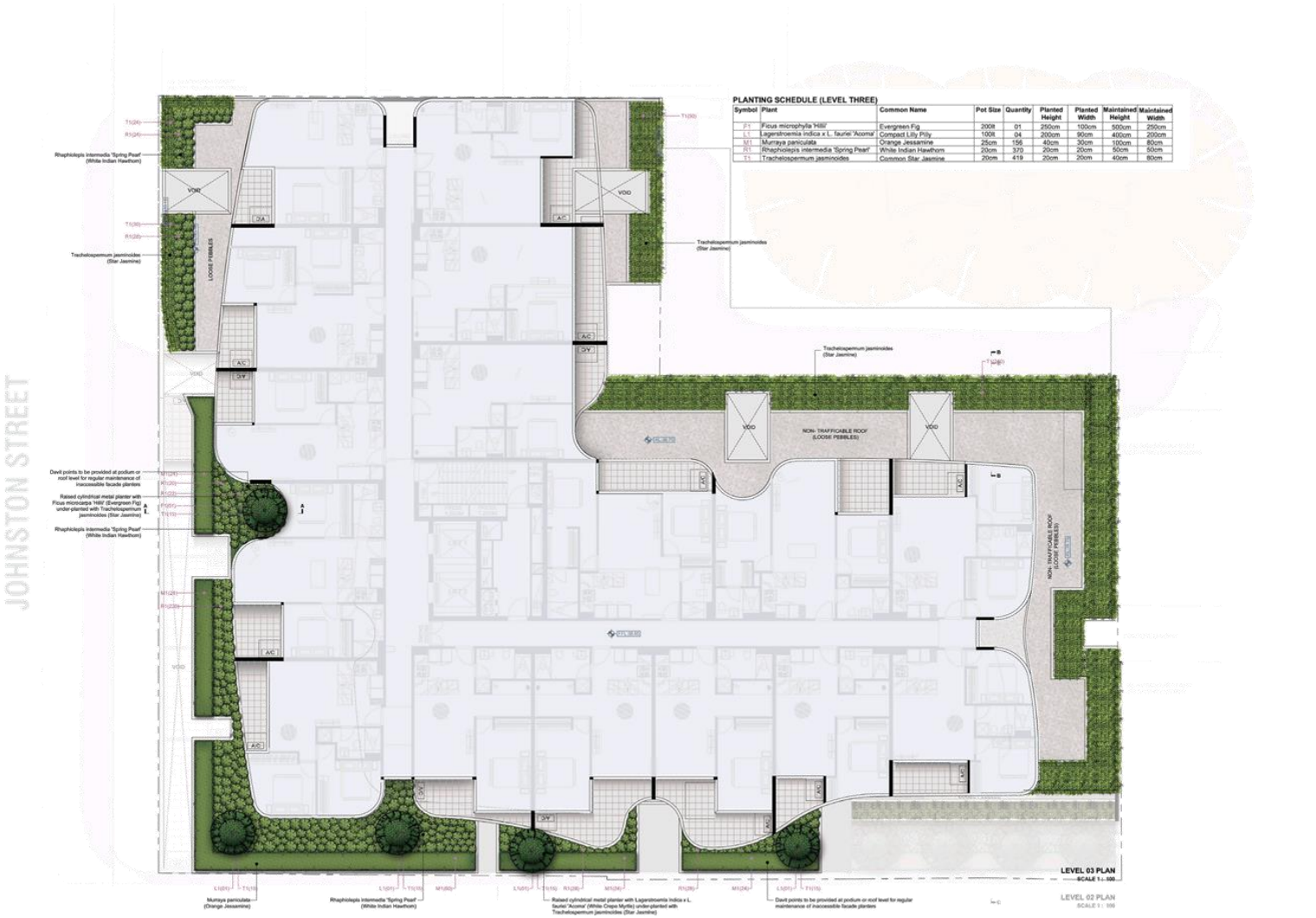
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PROJECT TITLE
23-33 Johnston Street, Collingwood
CLIENT
Gurner TM
NORTH
DRAWING TITLE
Level 02 Plan

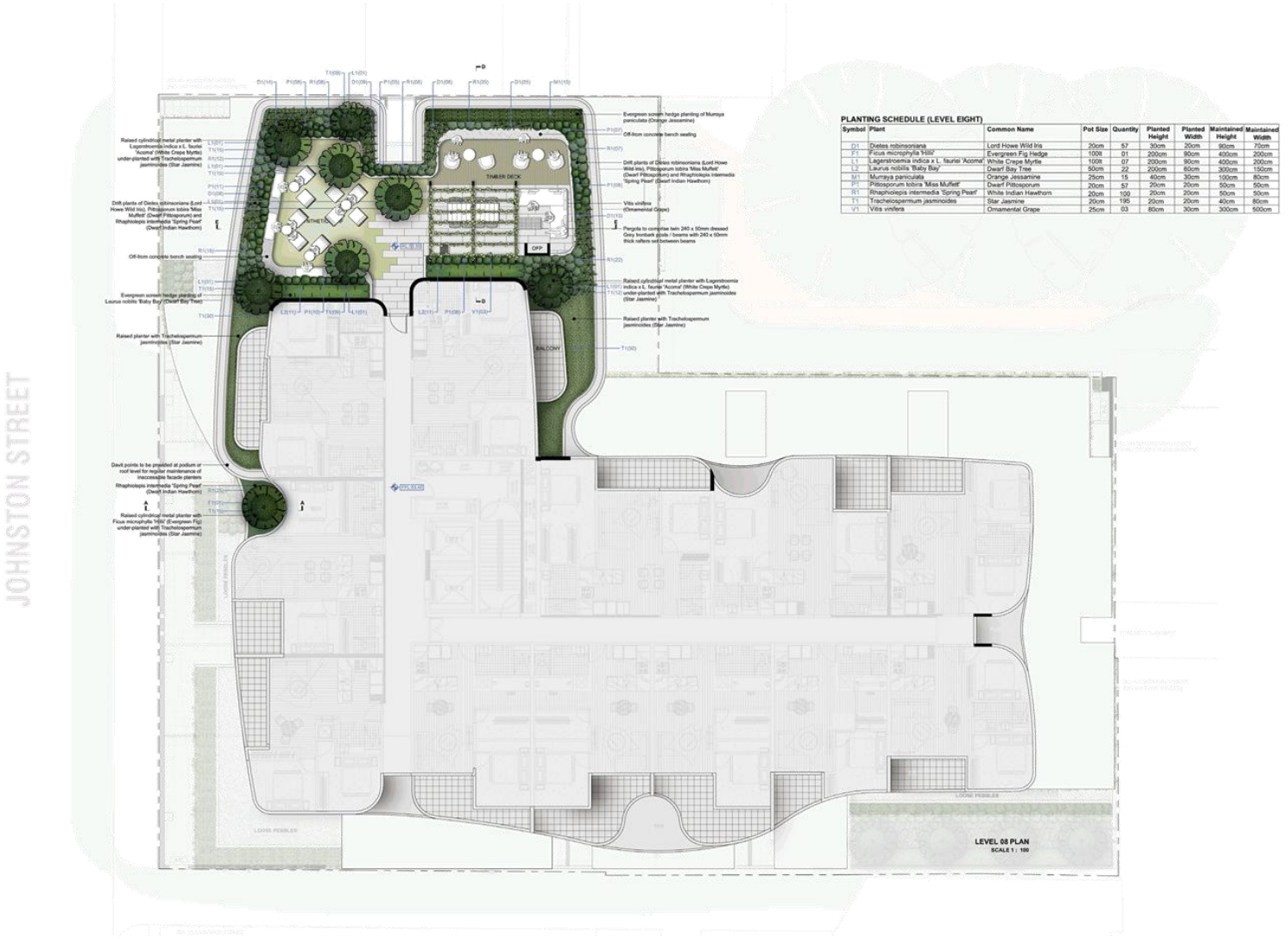
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15.193	TP02	04.10.16	C

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Attachment 3 - Landscape Concept Plans



Attachment 3 - Landscape Concept Plans



PLANTING SCHEDULE (LEVEL EIGHT)

Symbol	Plant	Common Name	Pot Size	Quantity	Planted Height	Planted Width	Maintained Height	Maintained Width
D1	Dietes robinsoniana	Lord Howe Wild Iris	20cm	57	30cm	20cm	60cm	70cm
F1	Ficus microphylla 'Hillii'	Evergreen Fig Hedge	100lt	01	200cm	90cm	400cm	200cm
L1	Lagerstroemia indica x L. fauriei 'Acoma'	White Crepe Myrtle	100lt	07	200cm	90cm	400cm	200cm
L2	Laurus nobilis 'Baby Bay'	Dwarf Bay Tree	50cm	22	200cm	60cm	300cm	150cm
M1	Murraya paniculata	Orange Jessamine	25cm	15	40cm	30cm	100cm	80cm
P1	Pittosporum tobira 'Miss Muffett'	Dwarf Pittosporum	20cm	57	20cm	20cm	50cm	50cm
R1	Rhaphiolepis intermedia 'Spring Pearl'	White Indian Hawthorn	20cm	100	20cm	20cm	50cm	50cm
T1	Trachelospermum jasminoides	Star Jasmine	20cm	195	20cm	20cm	40cm	80cm
V1	Vitis vinifera	Ornamental Grape	25cm	03	80cm	30cm	300cm	500cm

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PROJECT TITLE
23-33 Johnston Street, Collingwood

CLIENT
Gurner TM

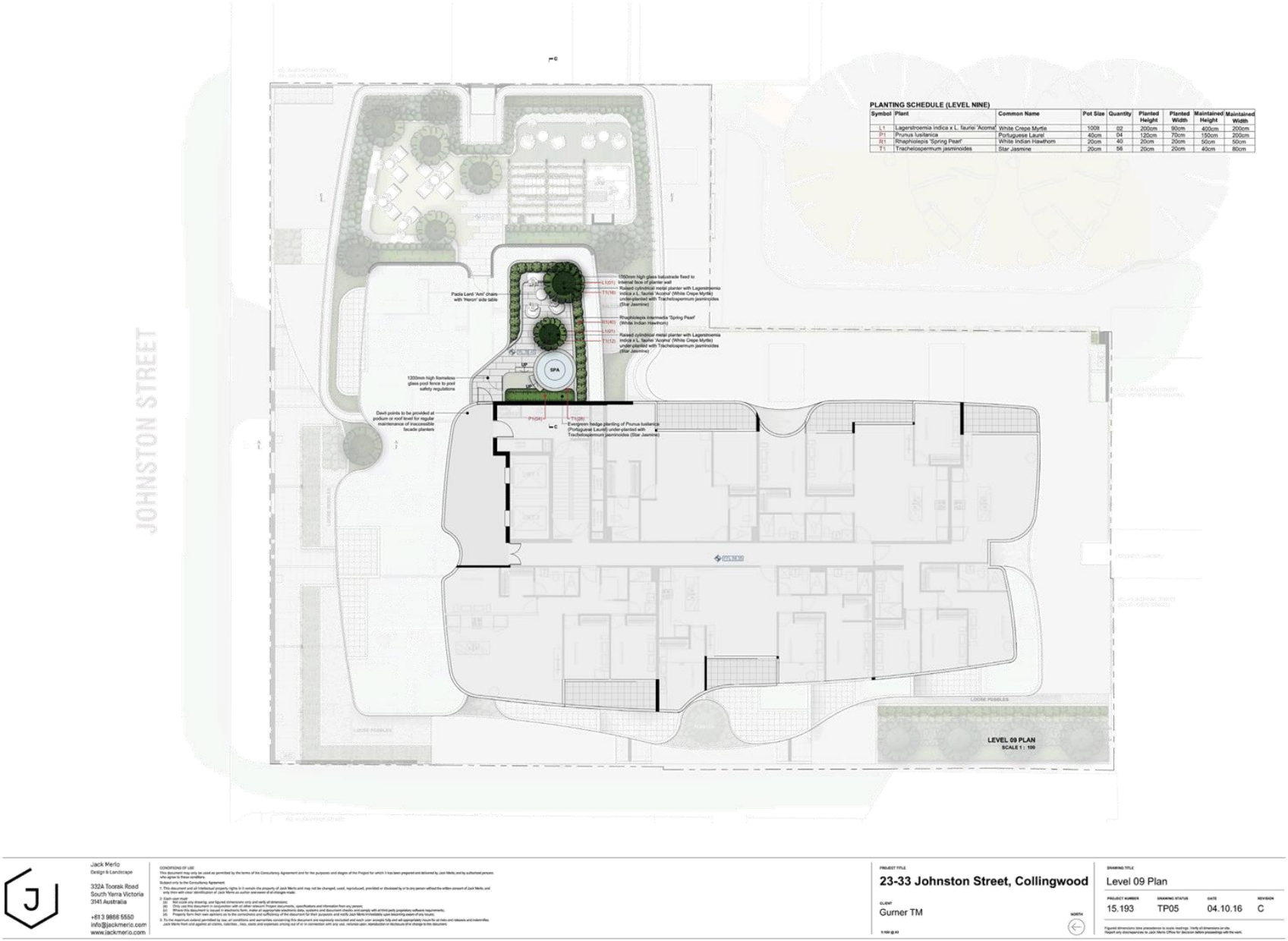
NORTH

DRAWING TITLE
Level 08 Plan

PROJECT NUMBER	DRAWING STATUS	DATE	REVISION
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Attachment 3 - Landscape Concept Plans



Attachment 3 - Landscape Concept Plans



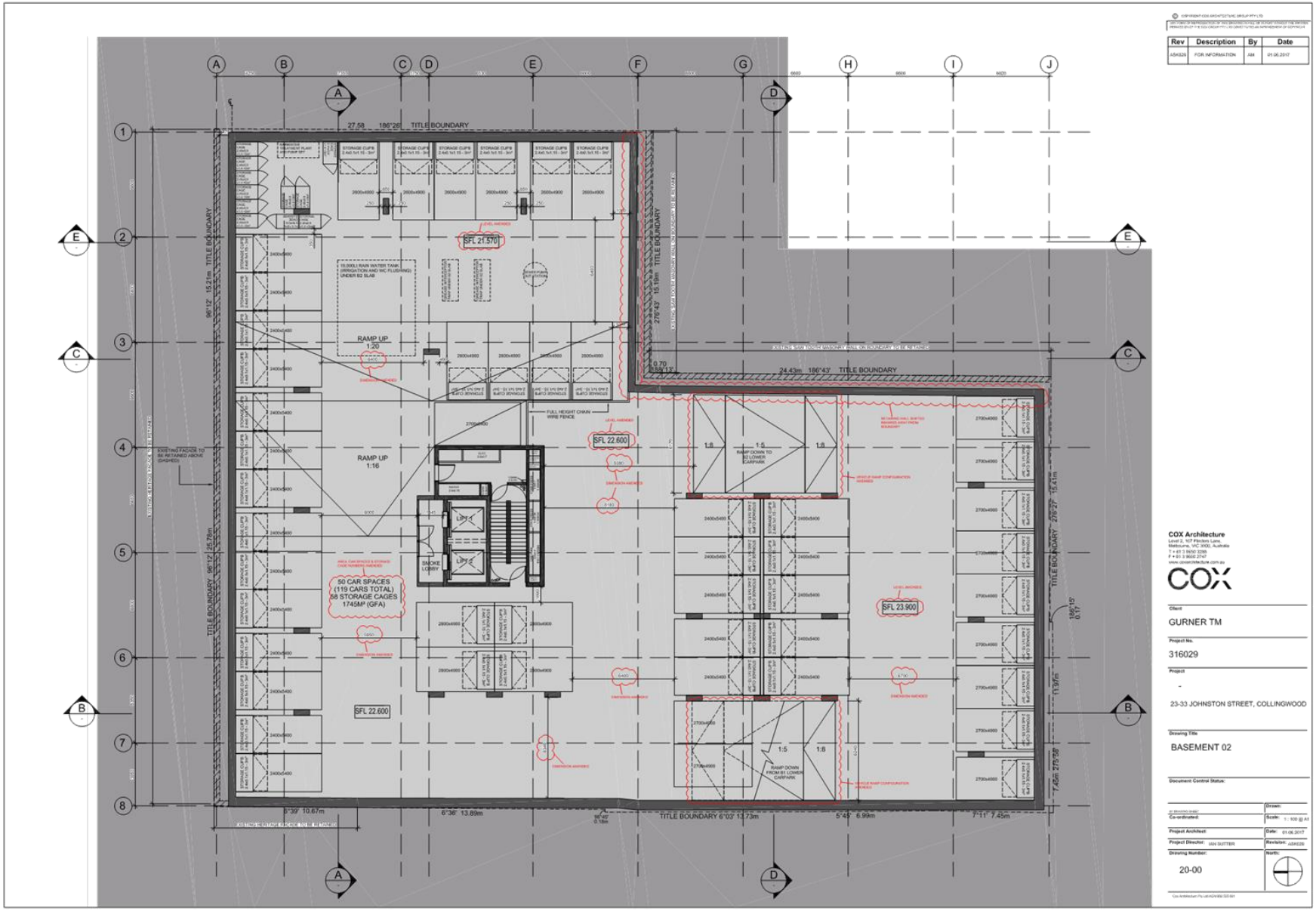
Attachment 3 - Landscape Concept Plans



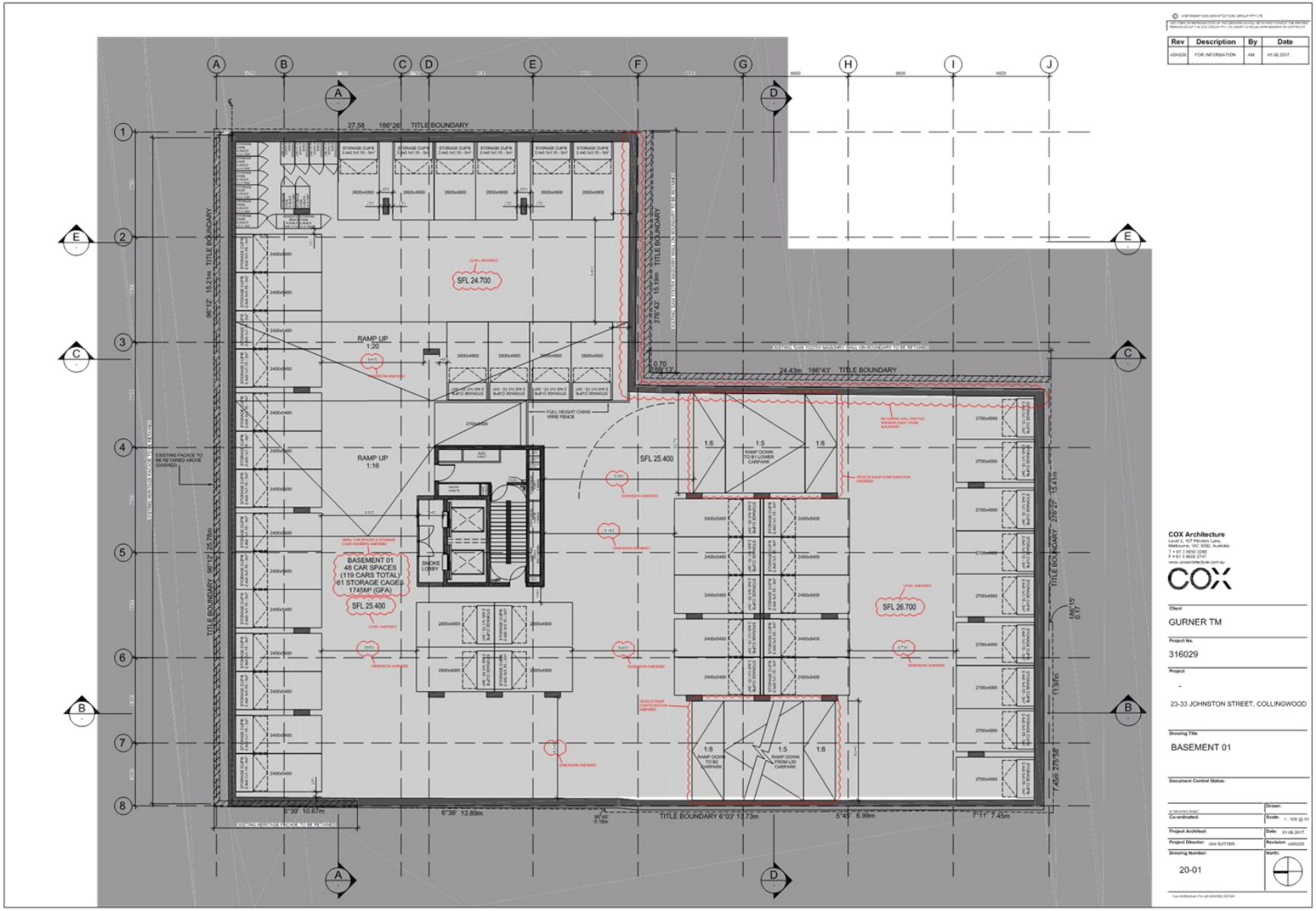
A1 - Acmena smithii 'Fire Screen' (Compact Lilly Pilly)
C1 - Clivia miniata 'Belgian Hybird' (Broad Leaf Clivia)
C2 - Cotoneaster dammeri (Trailing Cotoneaster)
D1, D1, D1, D1 - Dietes robinsoniana (Lord Howe Wild Iris)
L1, L1 - Lagerstroemia indica 'Lipan' (Dwarf Crepe Myrtle)
M1, M1, M1, M1 - Murraya paniculata (Orange Jessamine)
N1 - Nandina domestica 'Moon Bay' (Dwarf Sacred Bamboo)
P1 - Pittosporum tobira 'Miss Muffett' (Dwarf Pittosporum)
P1 - Pandorea jasminoides 'Lady Di' (White Pandorea)
P1 - Prunus lusitanica (Portuguese Laurel)
R1, R1 - Rhaphiolepis intermedia 'Spring Pearl' (Dwarf Indian Hawthorn)
R2, R1 - Rosmarinus officinalis 'Blue Lagoon' (Semi Prostrate Rosemary)
T1, T1, T1, T1 - Trachelospermum jasminoides (Climbing Star Jasmine)
V1, V1 - Vitis vinifera (Ornamental Grape)

23-33 JOHNSTON STREET, COLLINGWOOD - PLANT IMAGES

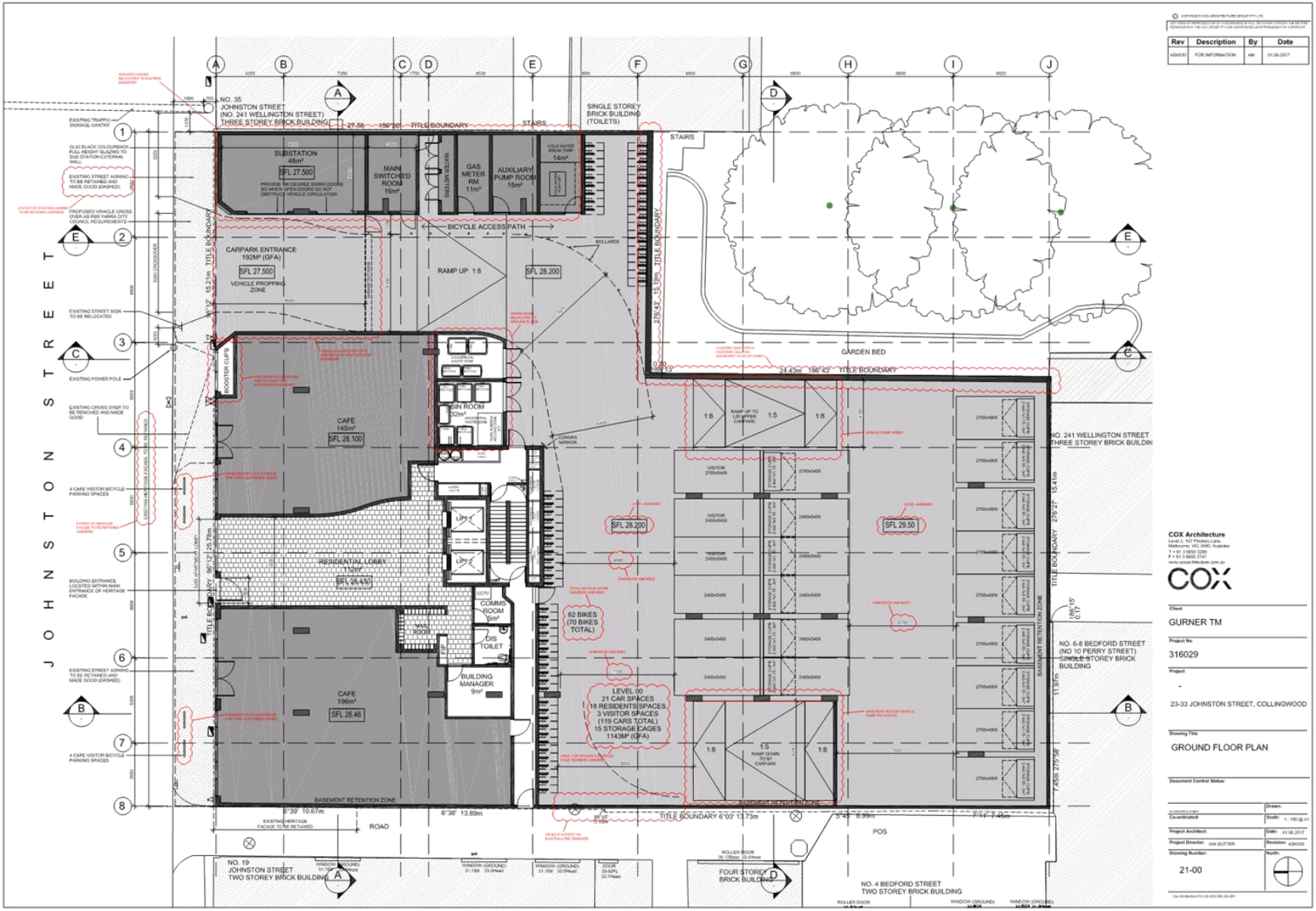
Attachment 4 - Sketch Plans



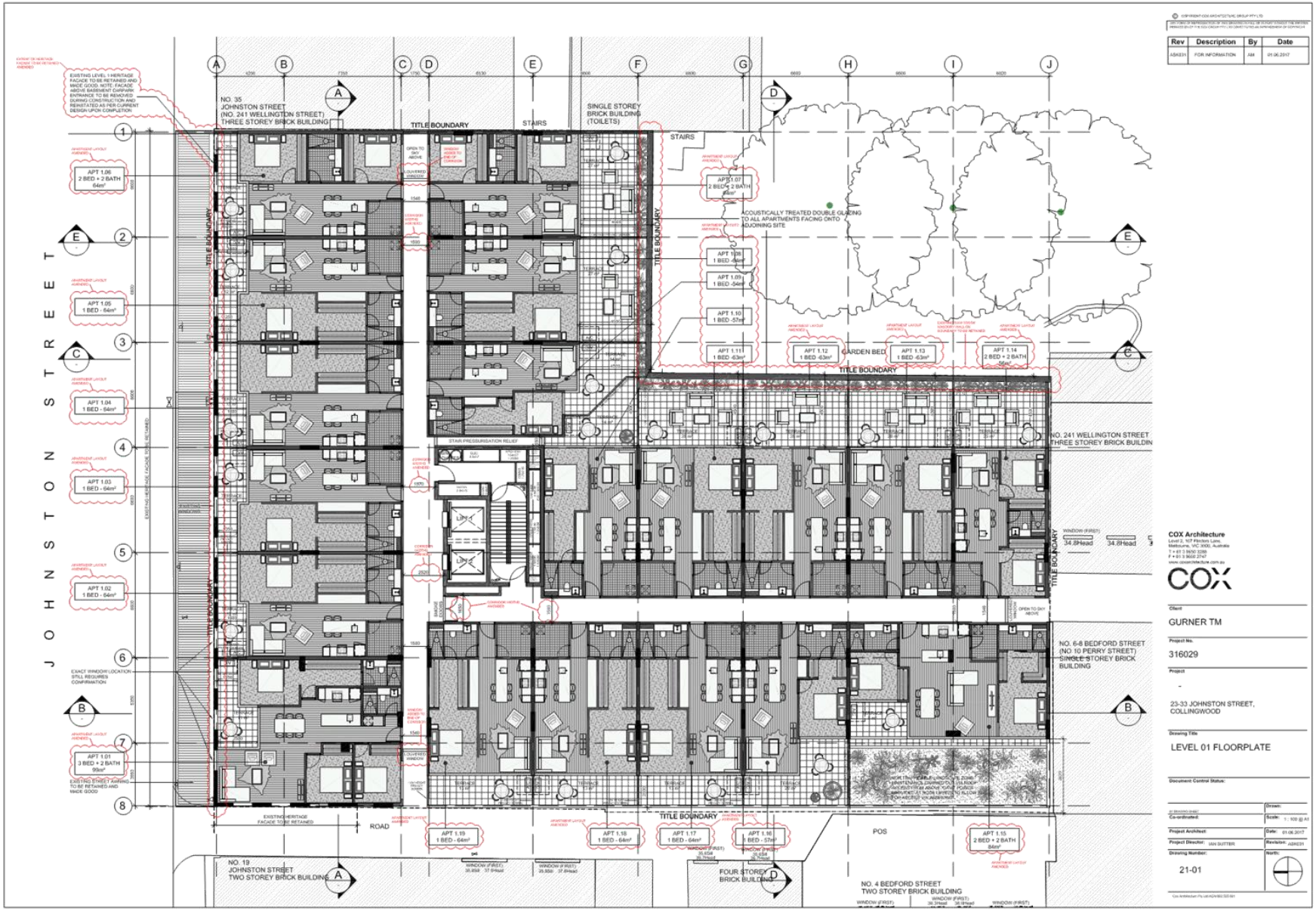
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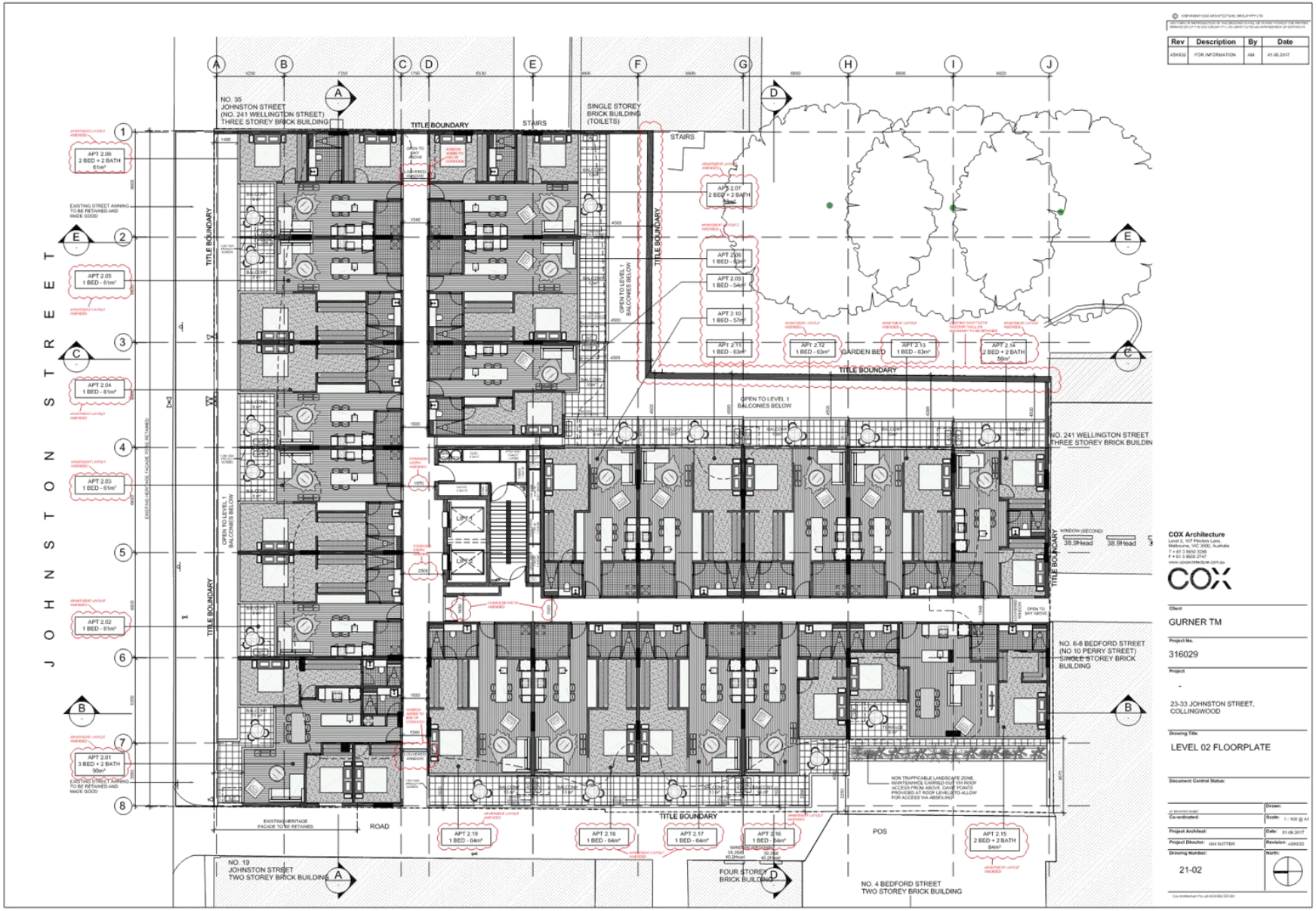
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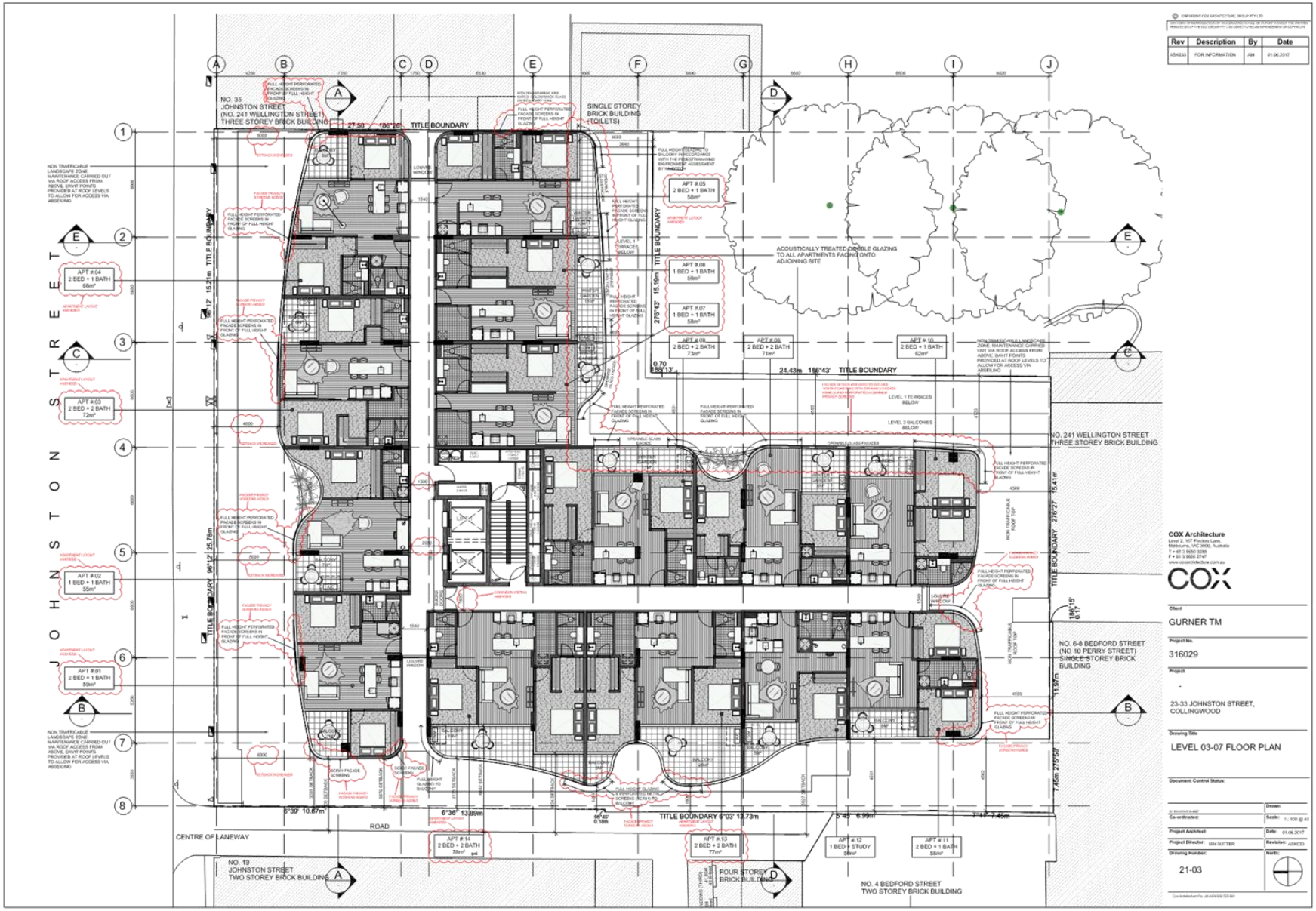
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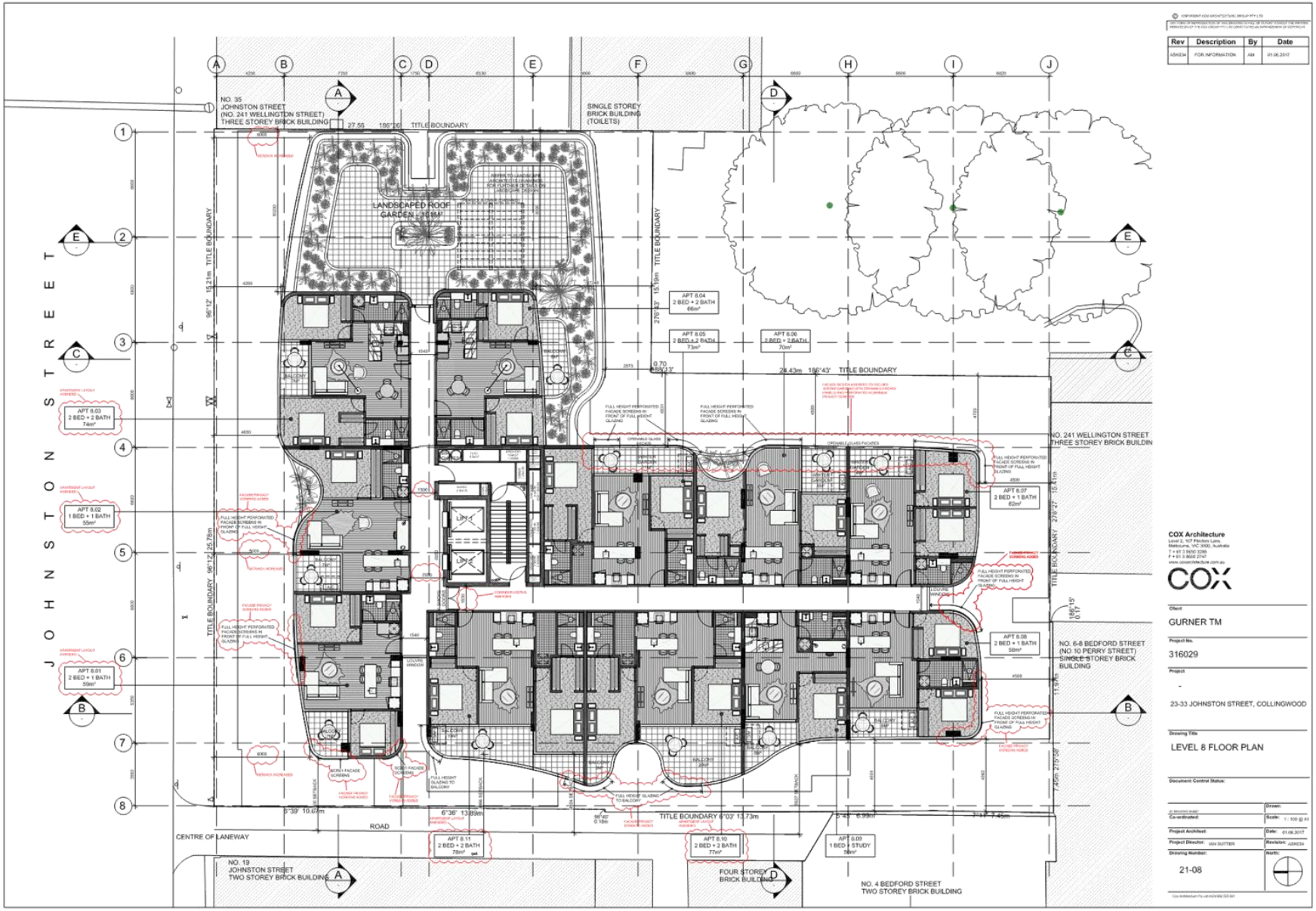
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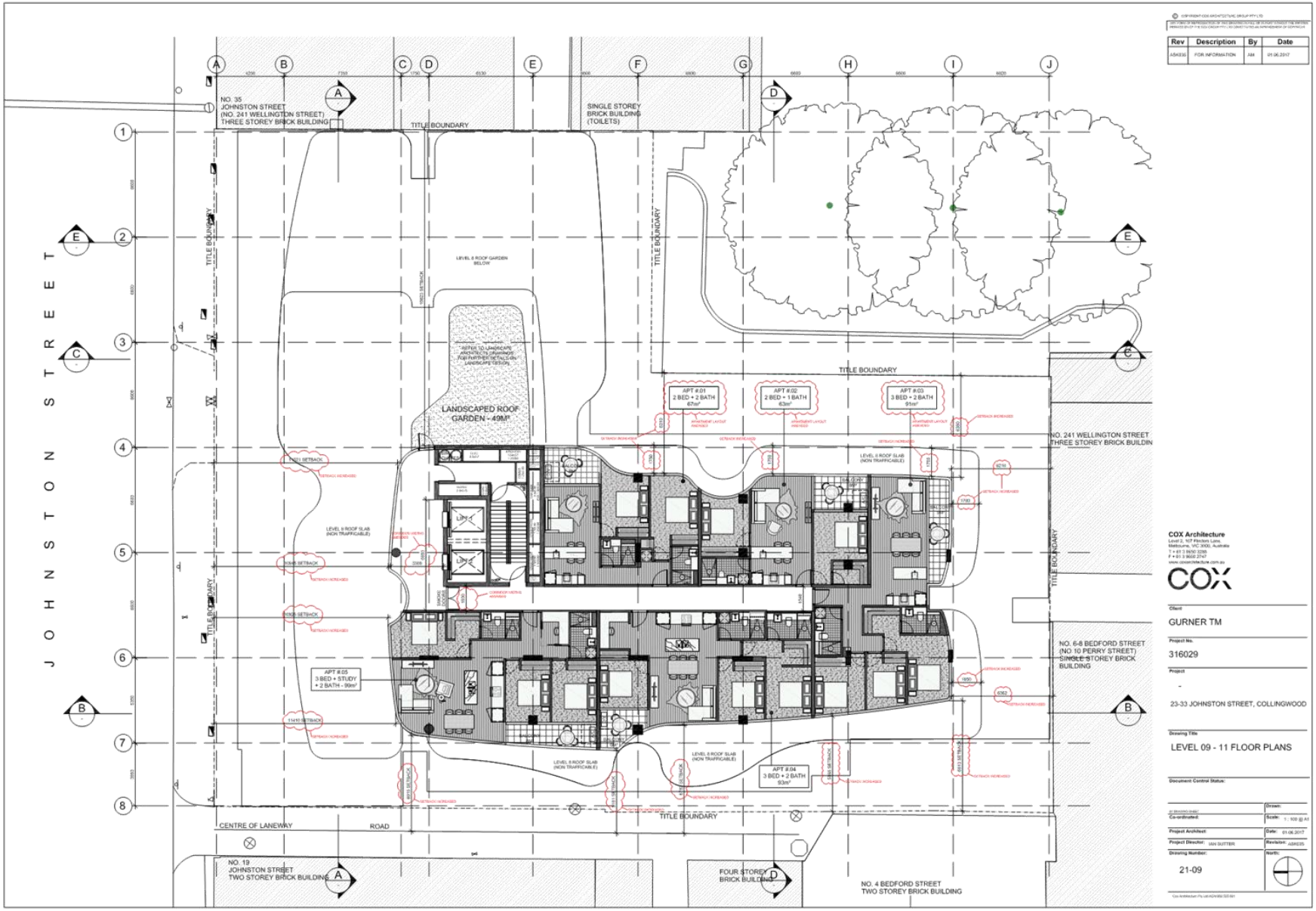
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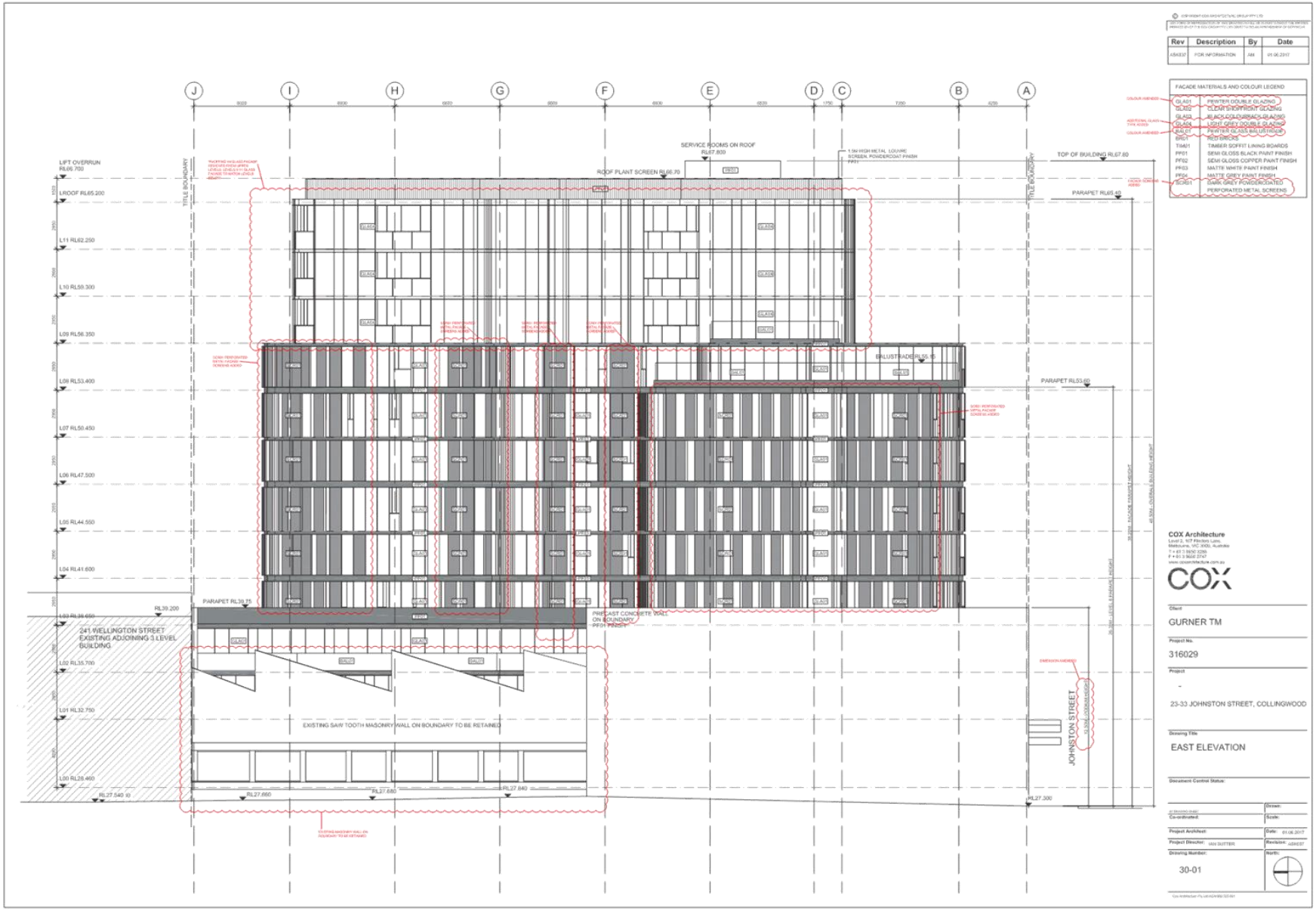
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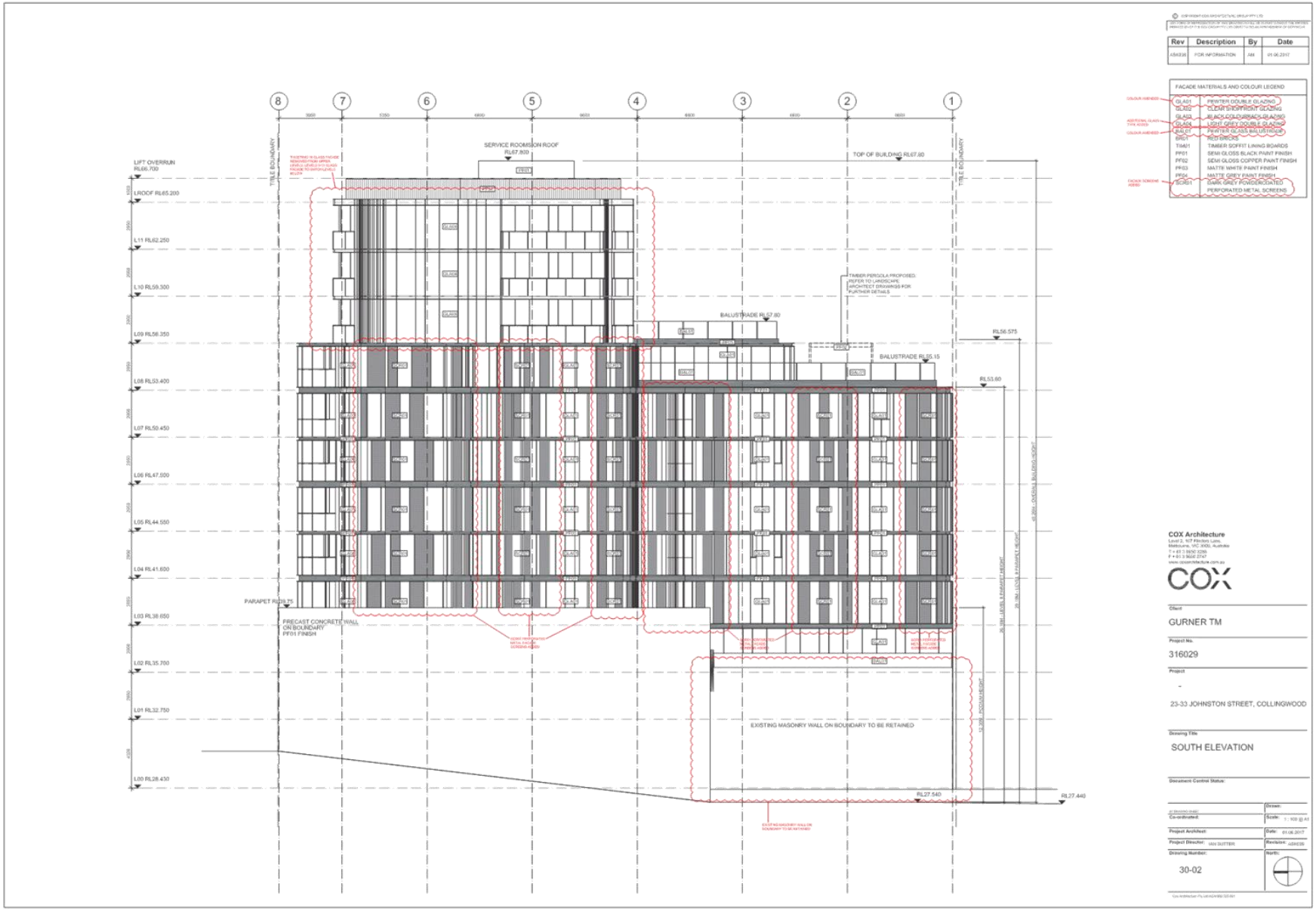
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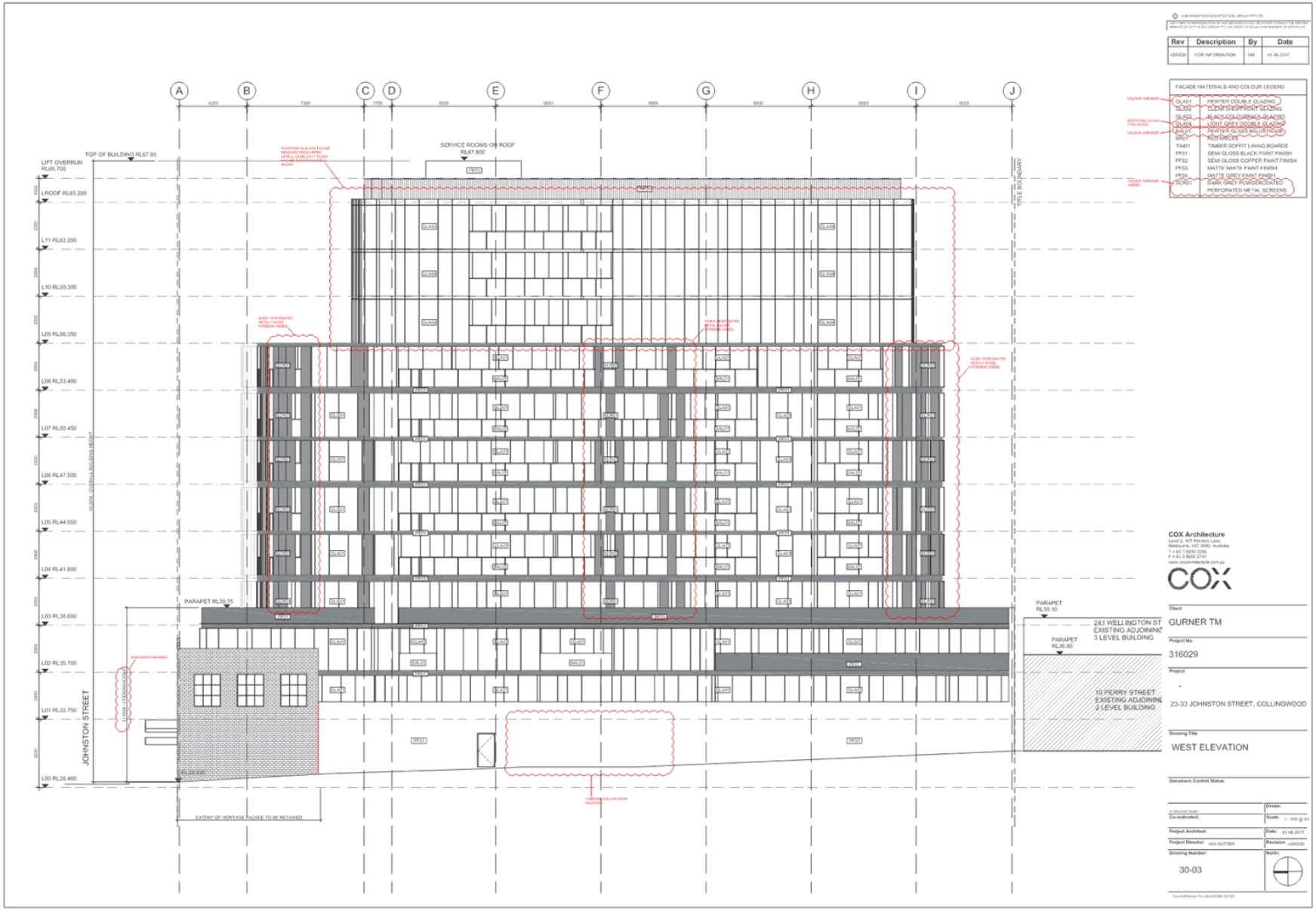
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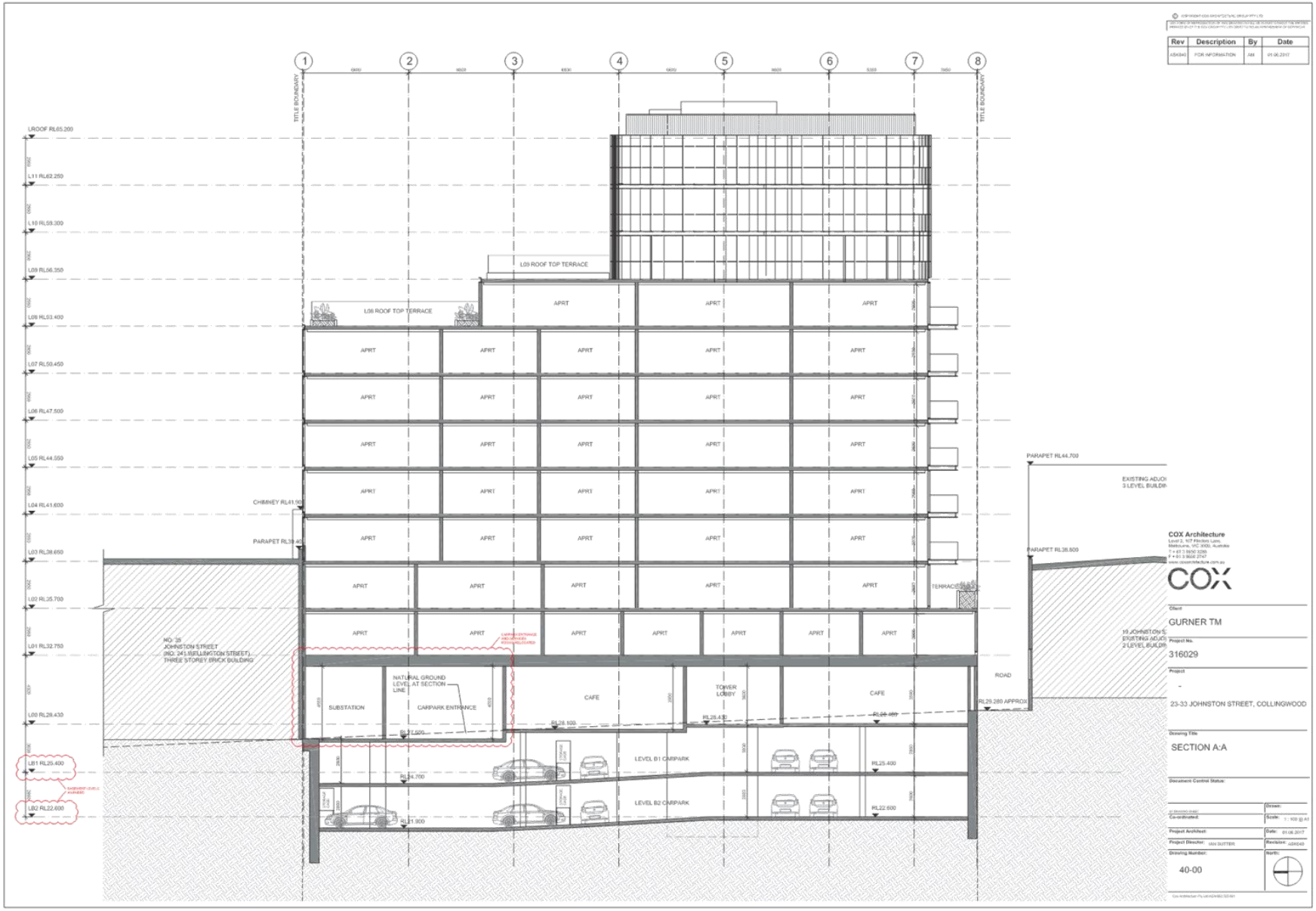
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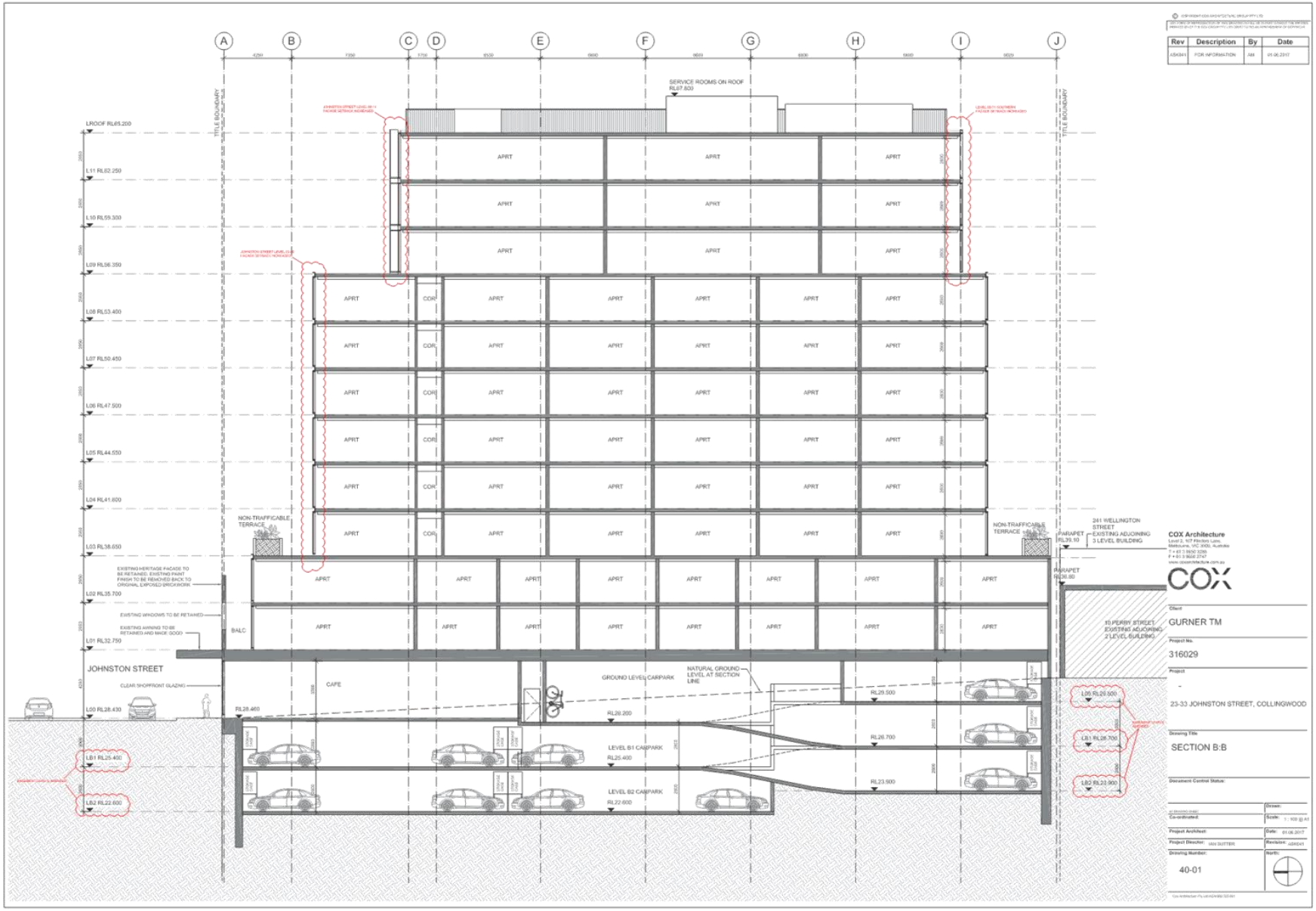
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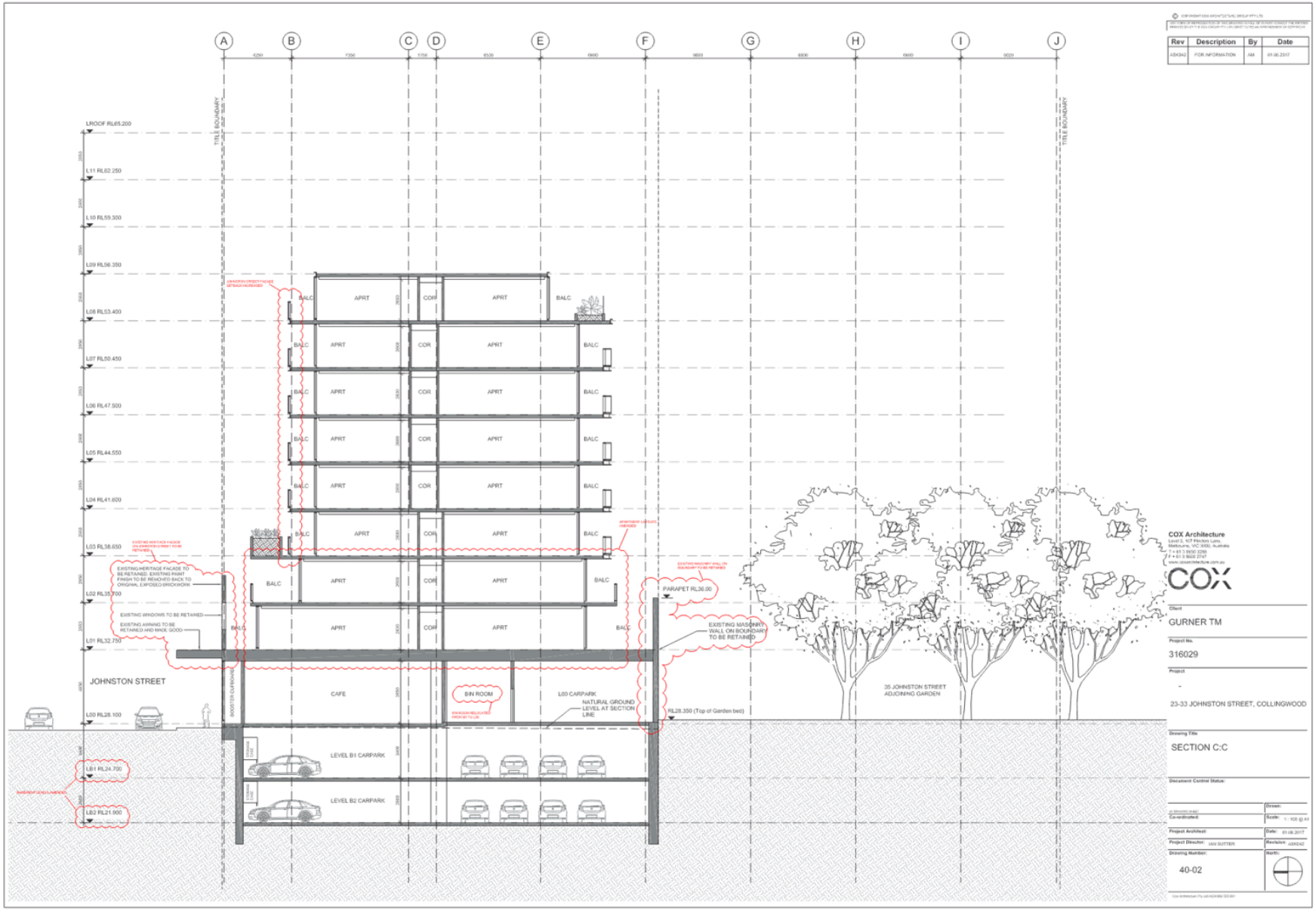
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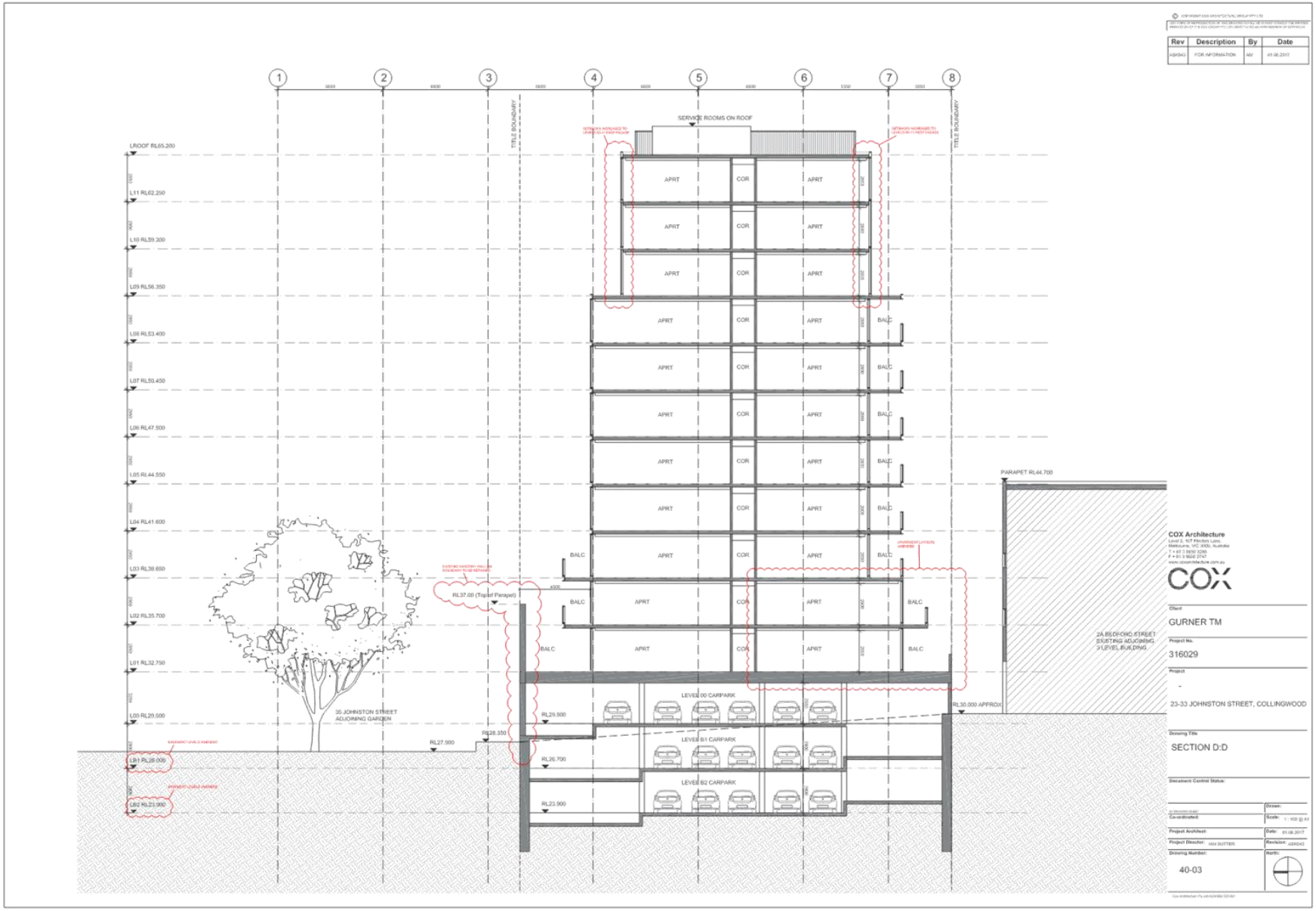
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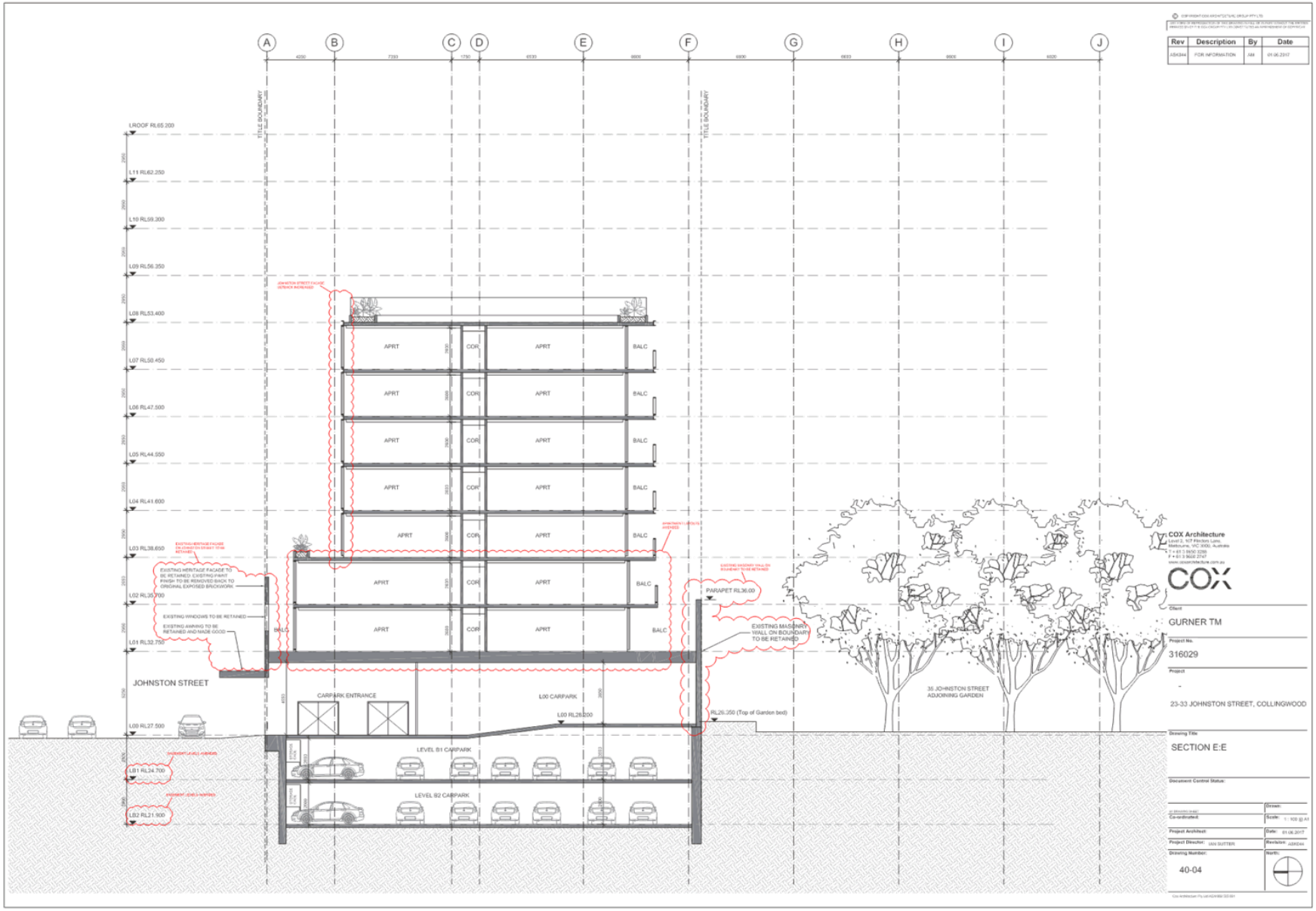
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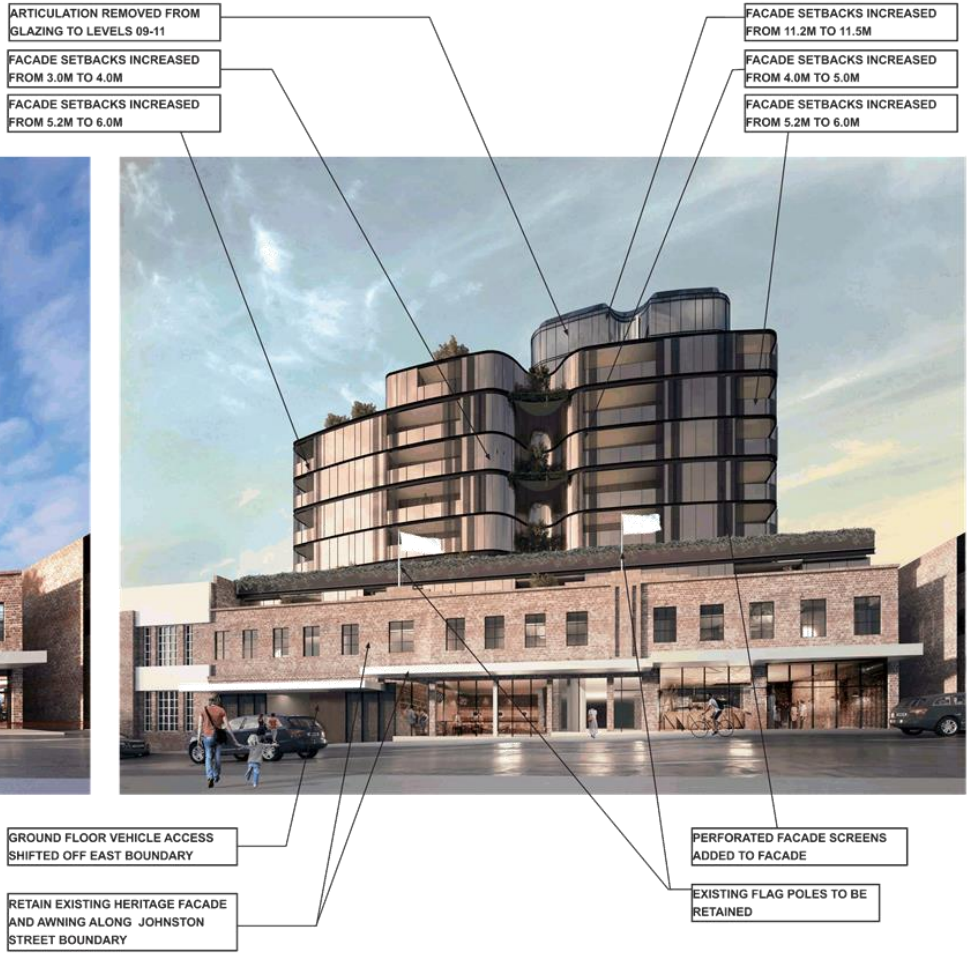
Attachment 5 - Decision Plans & Sketch Plans Comparison

23-33 JOHNSTON STREET COLLINGWOOD

ADVERTISED LAYOUT
JOHNSTON STREET PERSEPCTIVE IMAGE



AMENDED LAYOUT
JOHNSTON STREET PERSEPCTIVE IMAGE



Attachment 6 - Shadow Study of Sketch Plans on the CAP courtyard



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Attachment 6 - Shadow Study of Sketch Plans on the CAP courtyard



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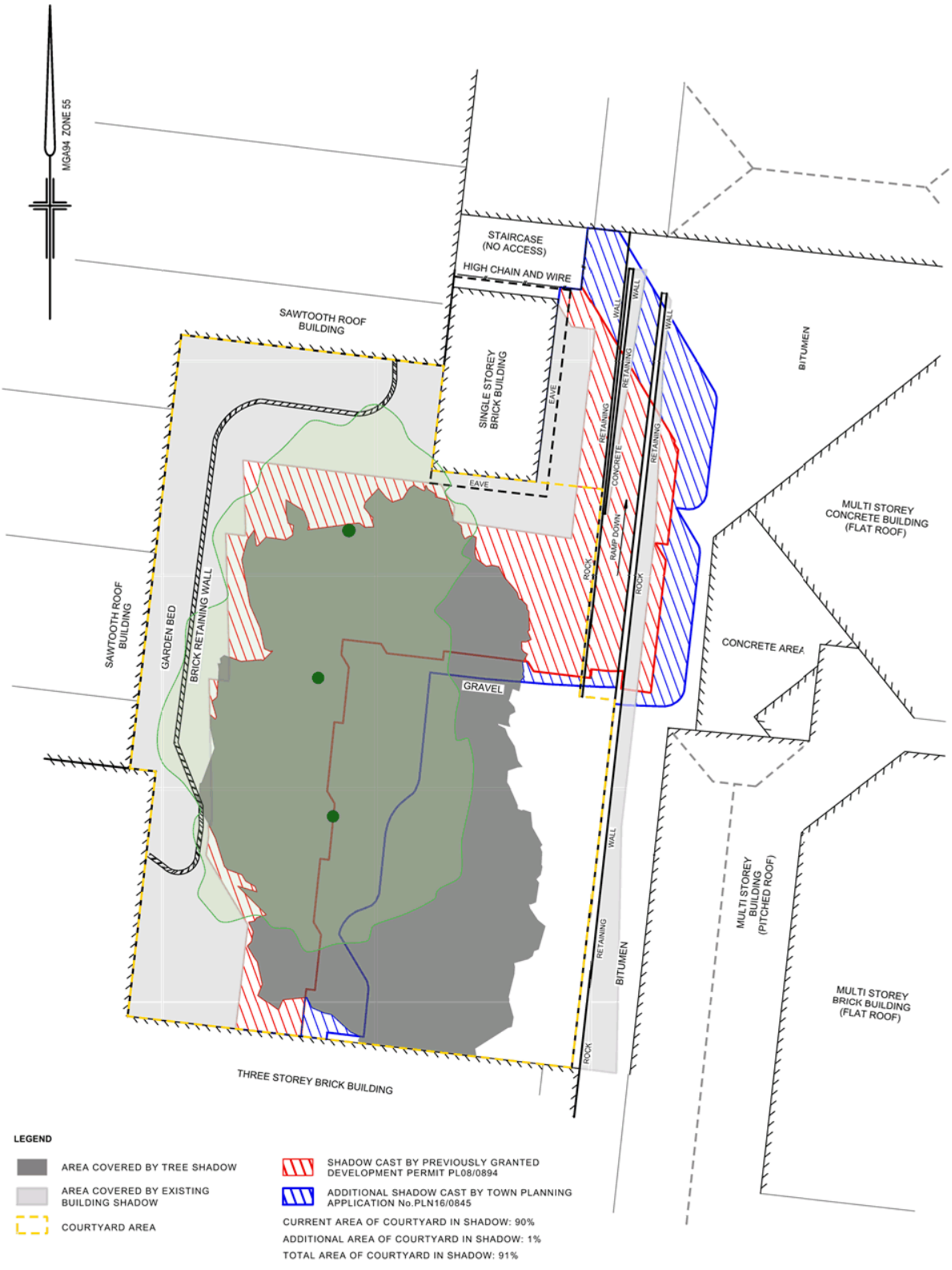
Attachment 6 - Shadow Study of Sketch Plans on the CAP courtyard



Attachment 6 - Shadow Study of Sketch Plans on the CAP courtyard



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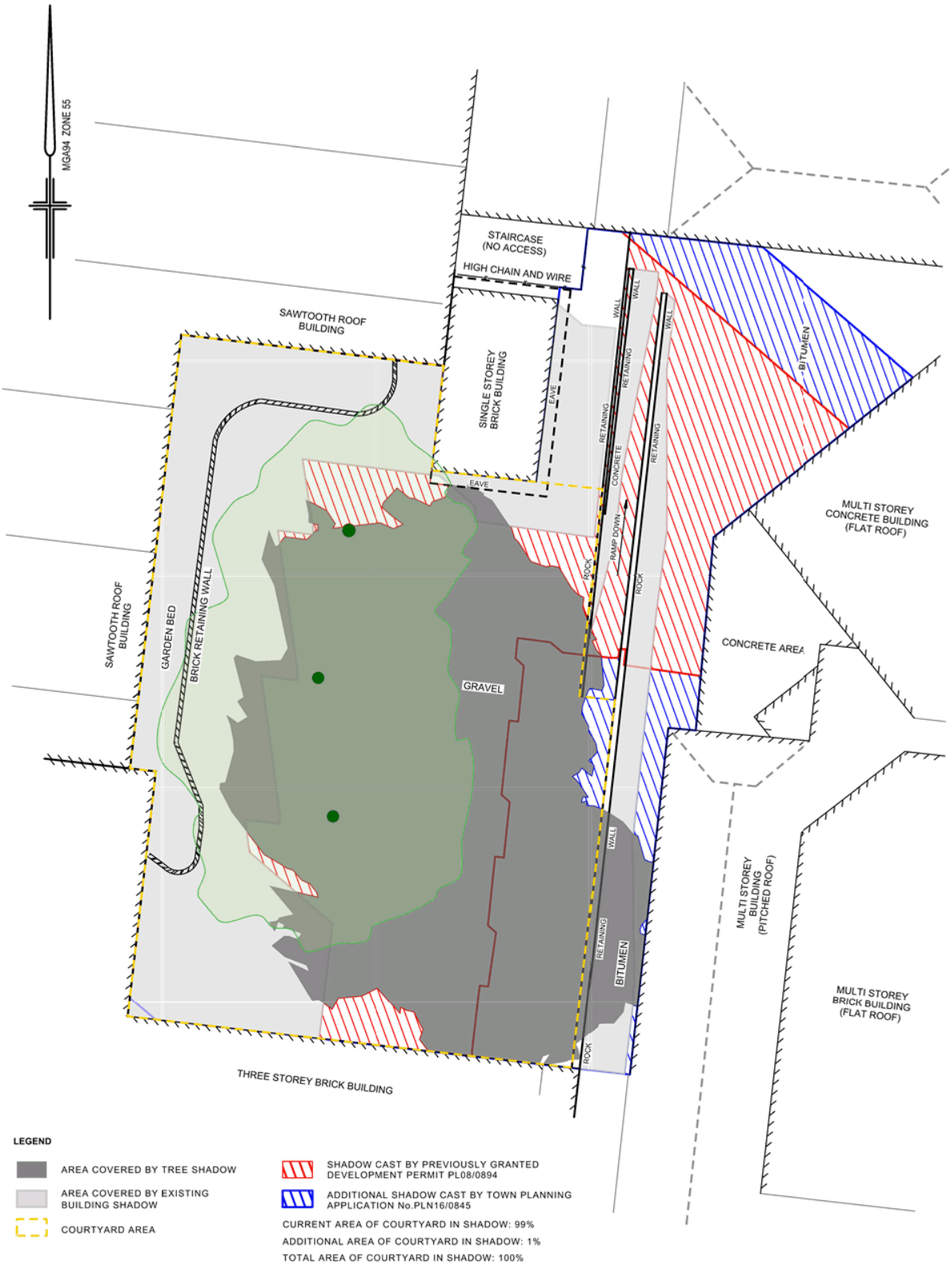
Attachment 6 - Shadow Study of Sketch Plans on the CAP courtyard



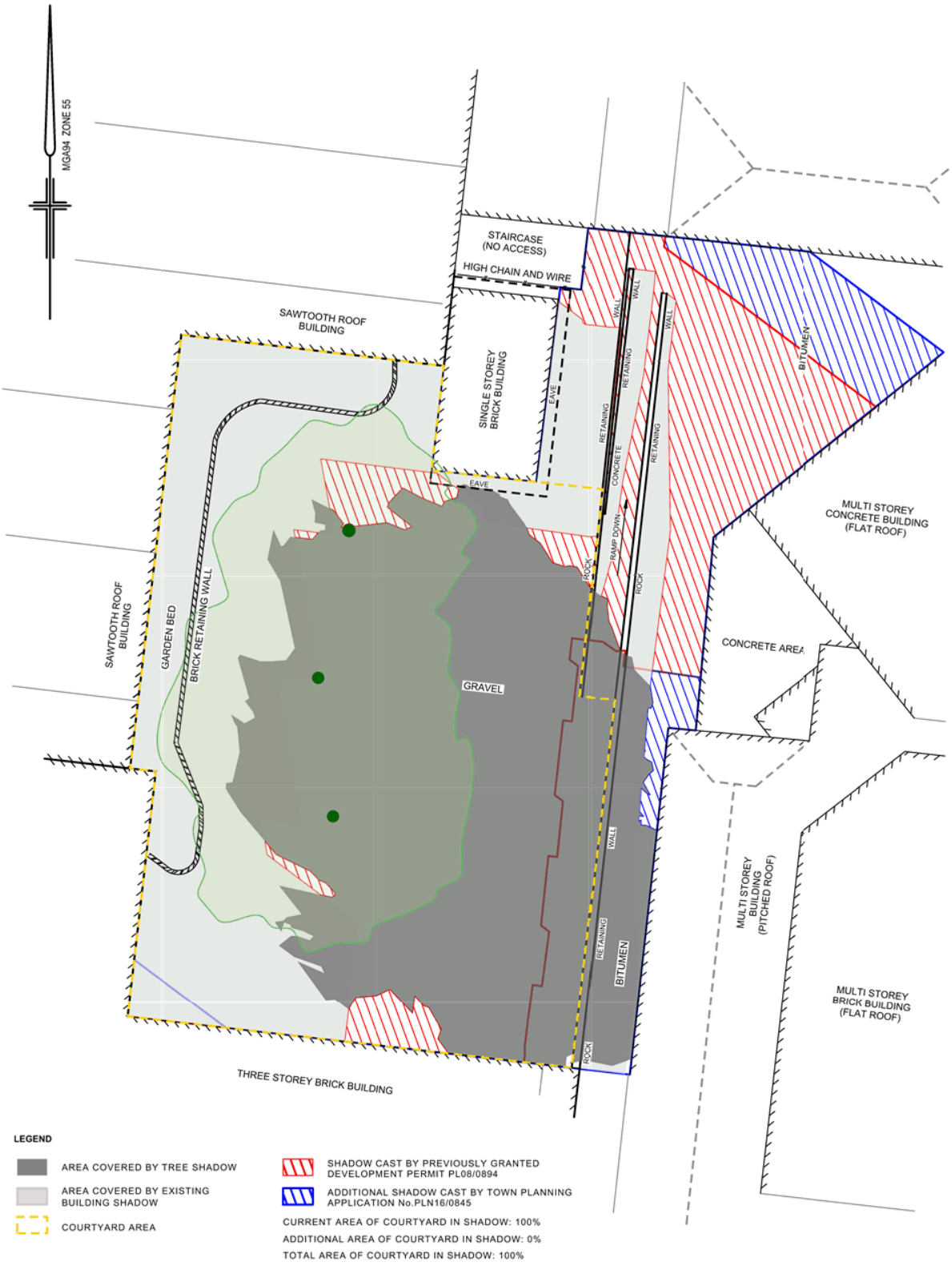
Attachment 6 - Shadow Study of Sketch Plans on the CAP courtyard



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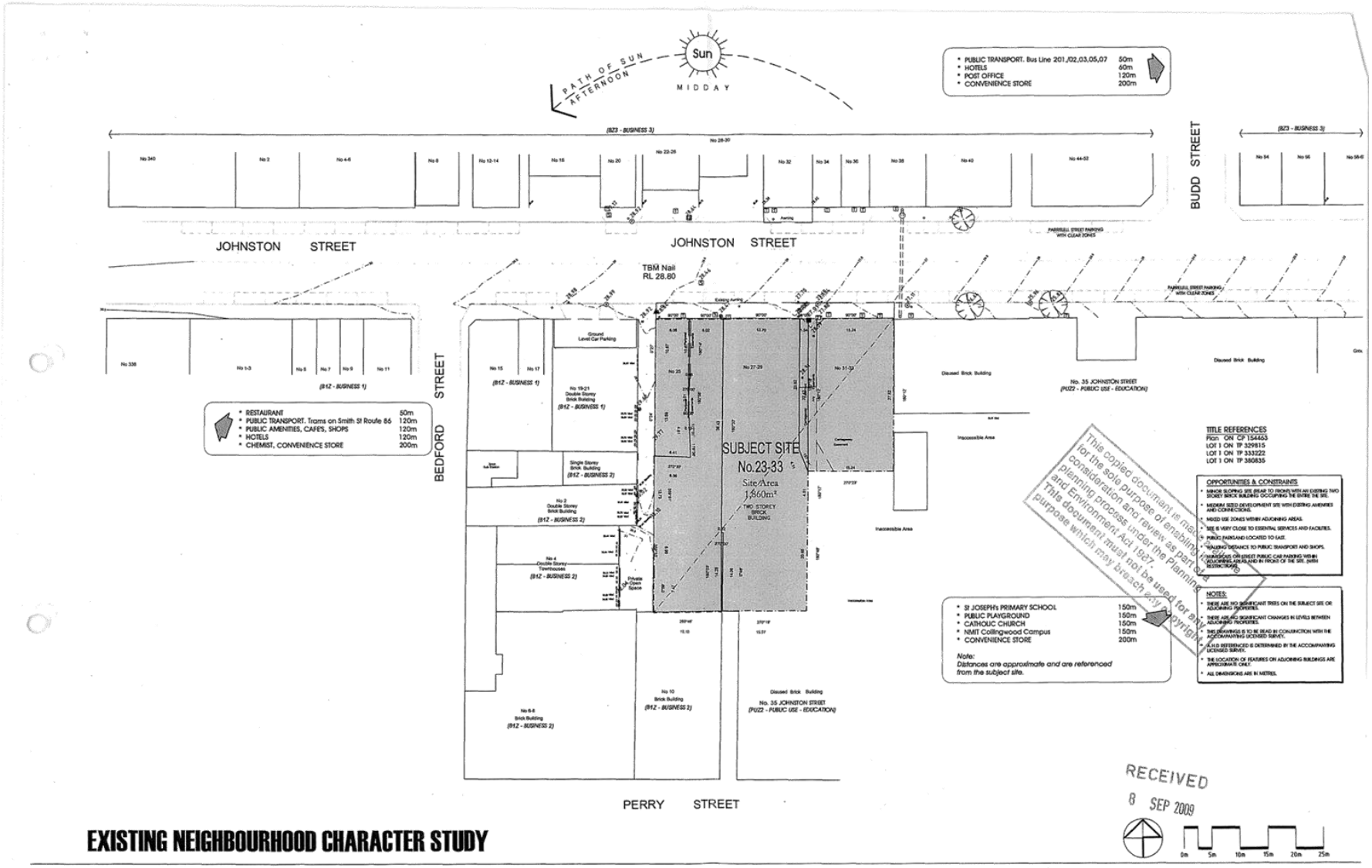
Attachment 6 - Shadow Study of Sketch Plans on the CAP courtyard



Attachment 6 - Shadow Study of Sketch Plans on the CAP courtyard



Attachment 7 - Decision Plans for PL08/0894 (IDAC 9/6/2010 attachment)



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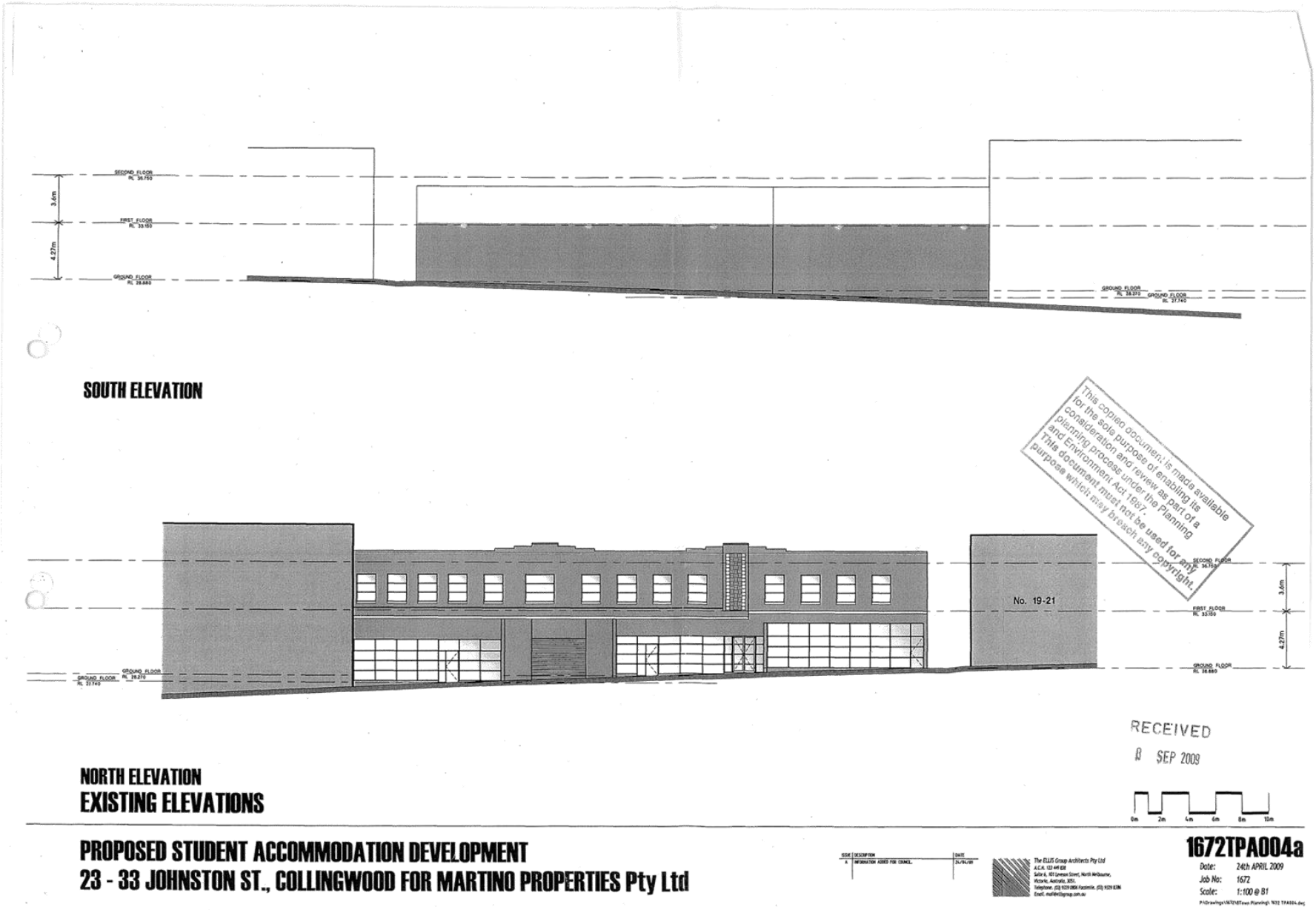
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23 - 33 JOHNSTON ST., COLLINGWOOD FOR MARTINO PROPERTIES Pty Ltd

ISSUE | DESCRIPTION | DATE
A | INFORMATION ADDED FOR COUNCIL | 28/04/09

The ELLIS Group Architects Pty Ltd
A.C.N. 122 449 828
Suite 4, 101 Lygon Street, North Melbourne, Victoria, Australia, 3051.
Telephone. (03) 9329 0856 Facsimile. (03) 9329 8286
Email. mail@ellisgroup.com.au

1672TPA101a
Date: 28th APRIL 2009
Job No: 1672
Scale: 1:250 @ B1
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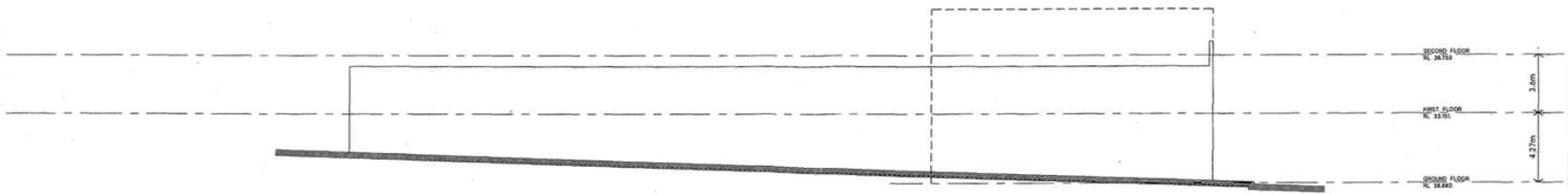
Attachment 7 - Decision Plans for PL08/0894 (IDAC 9/6/2010 attachment)



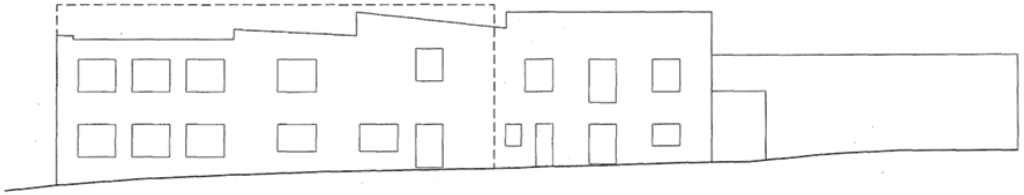
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Attachment 7 - Decision Plans for PL08/0894 (IDAC 9/6/2010 attachment)



EAST ELEVATION



WEST ELEVATION

EXISTING ELEVATIONS

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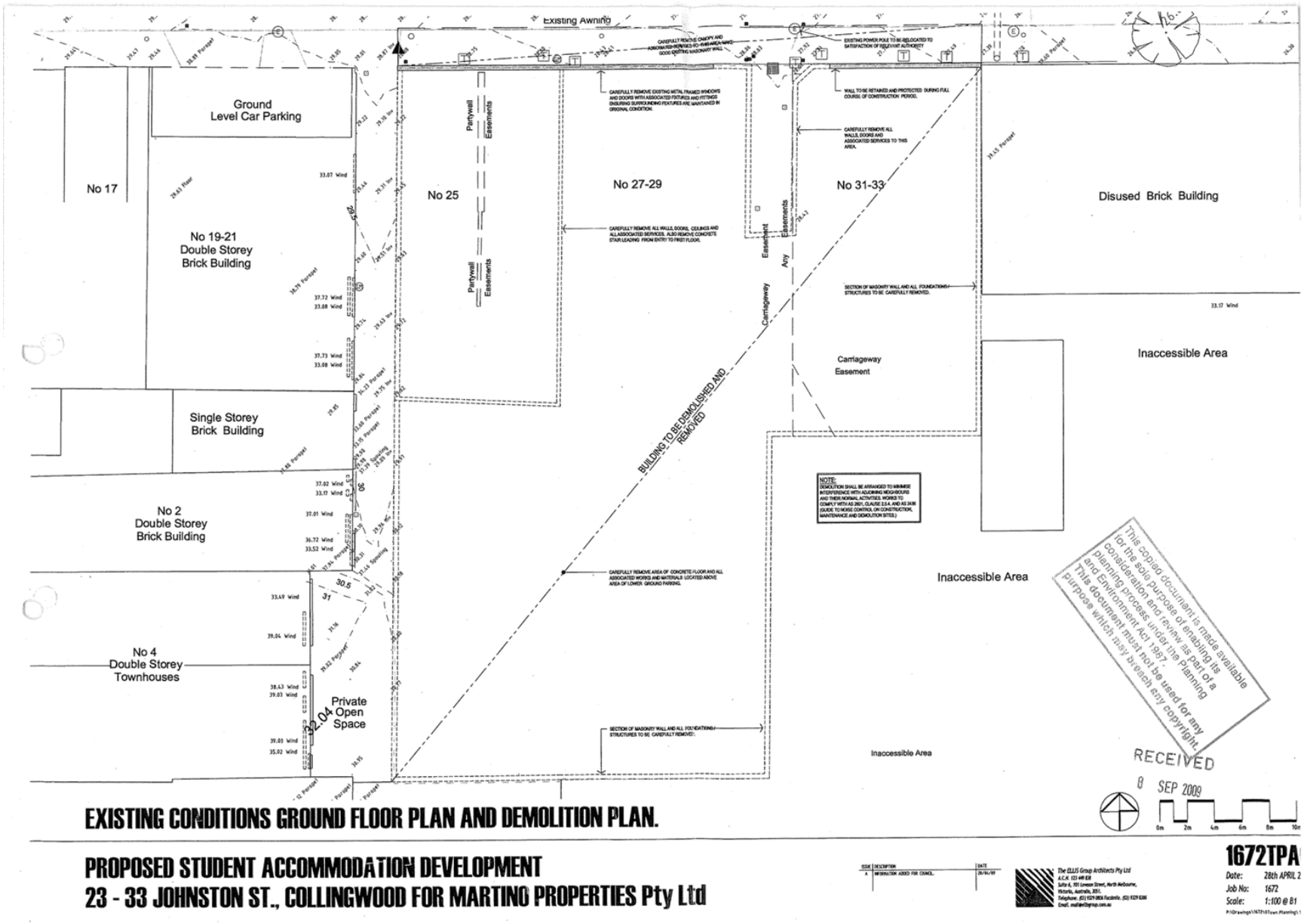
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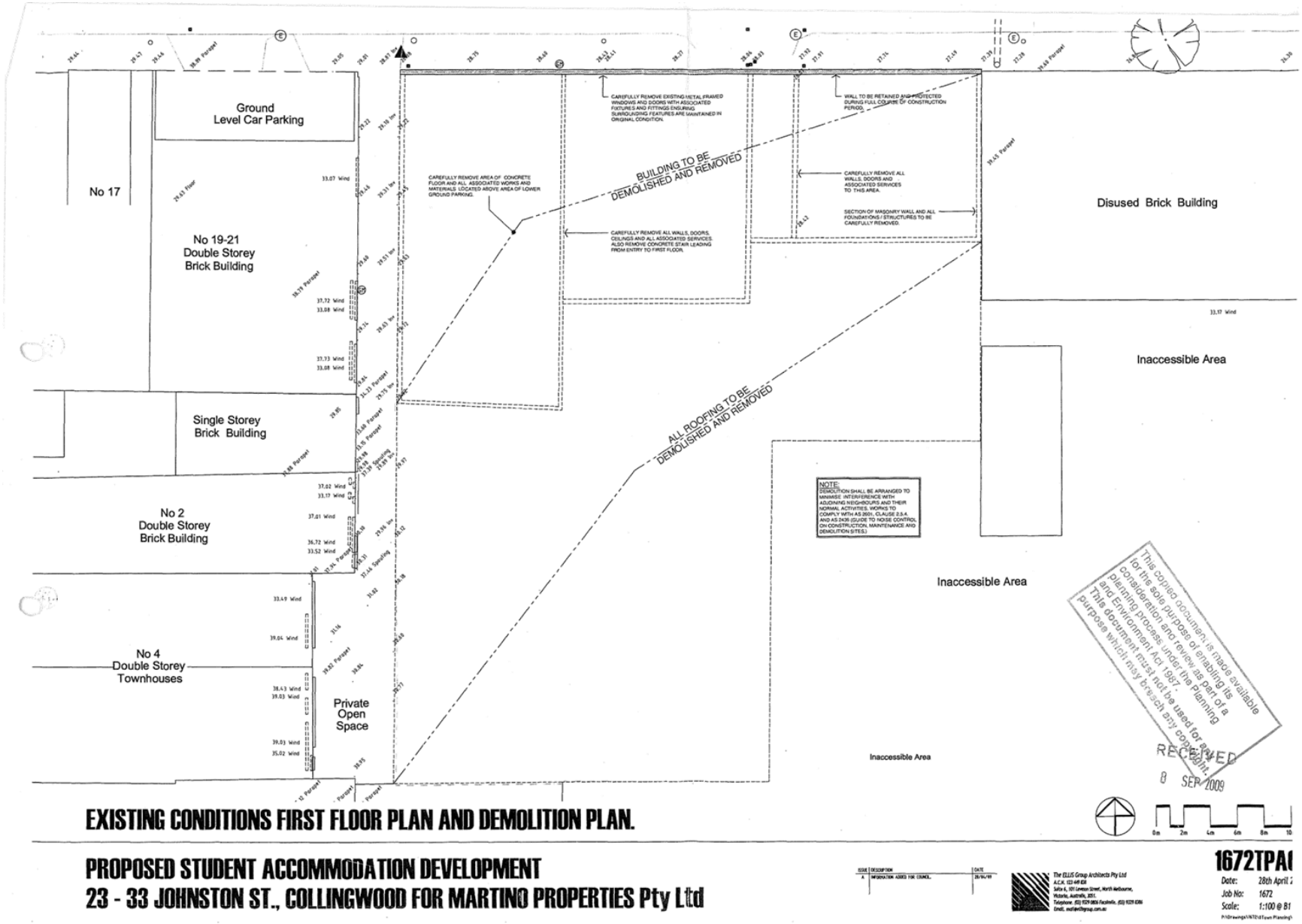
The ELLIS Group Architects Pty Ltd
A.C.N. 123 449 838
Suite 6, 191 Lennox Street, North Melbourne,
Victoria, Australia, 3051.
Telephone. (03) 9329 0806 Facsimile. (03) 9329 8286
Email. mail@tegroup.com.au

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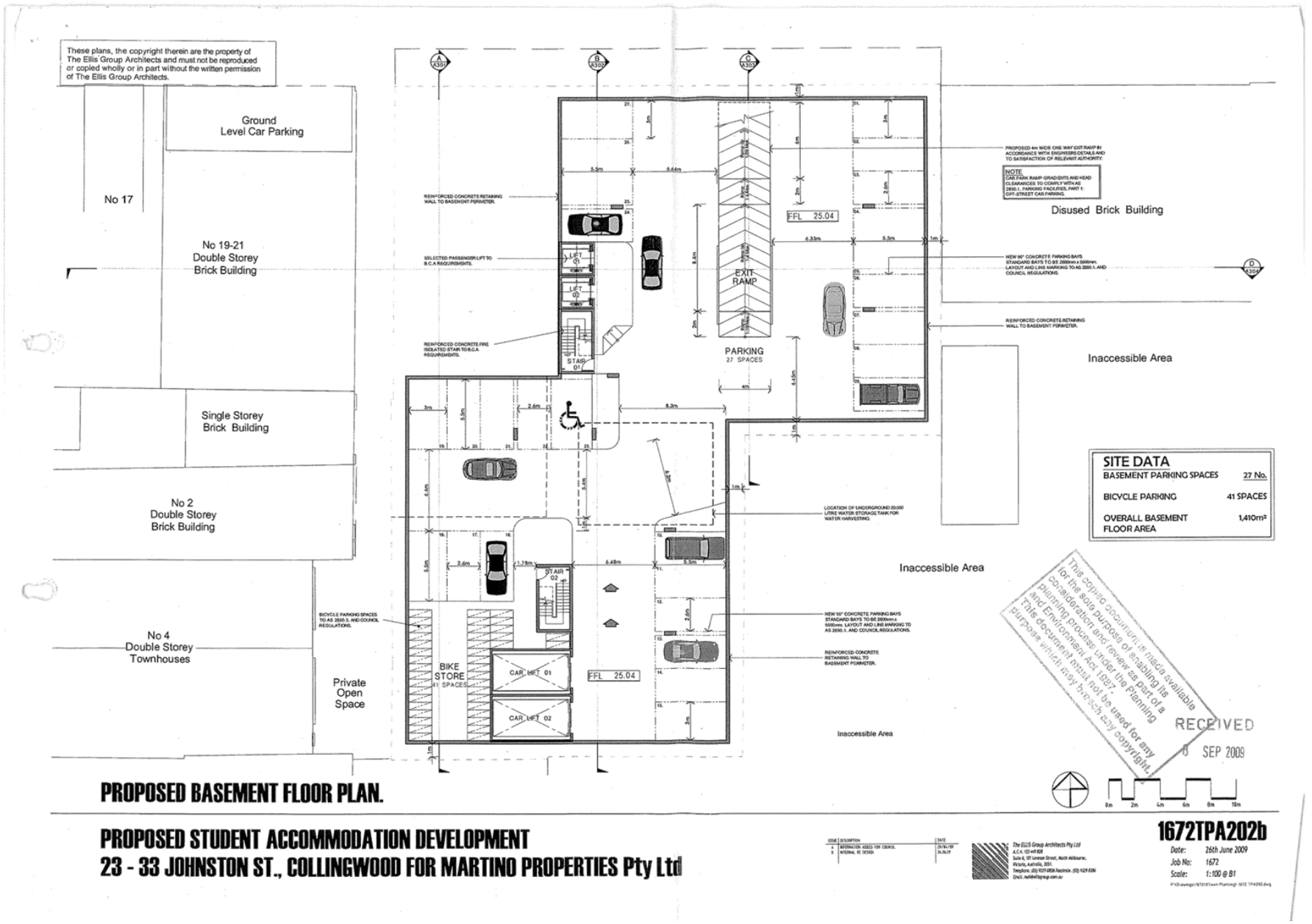
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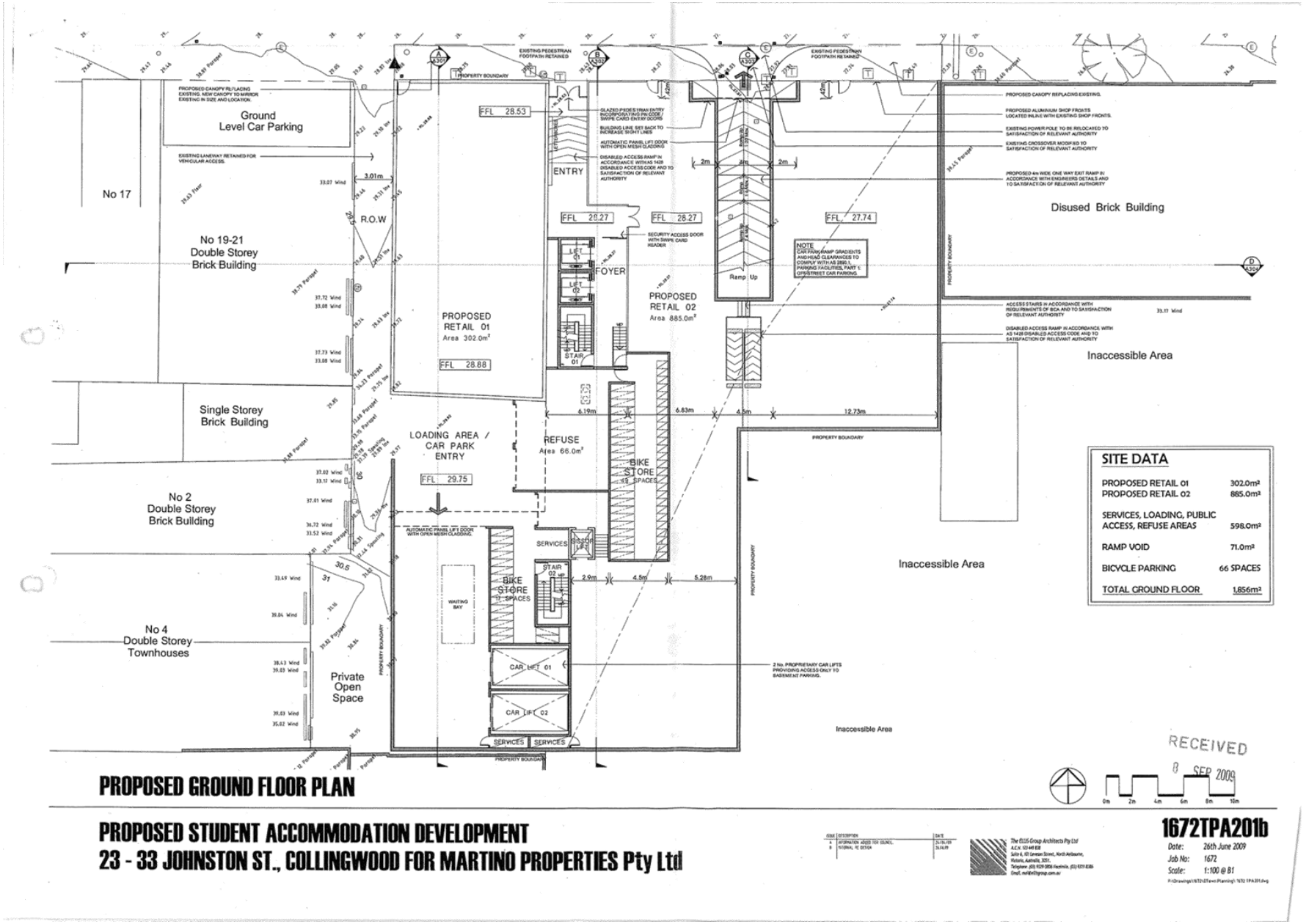
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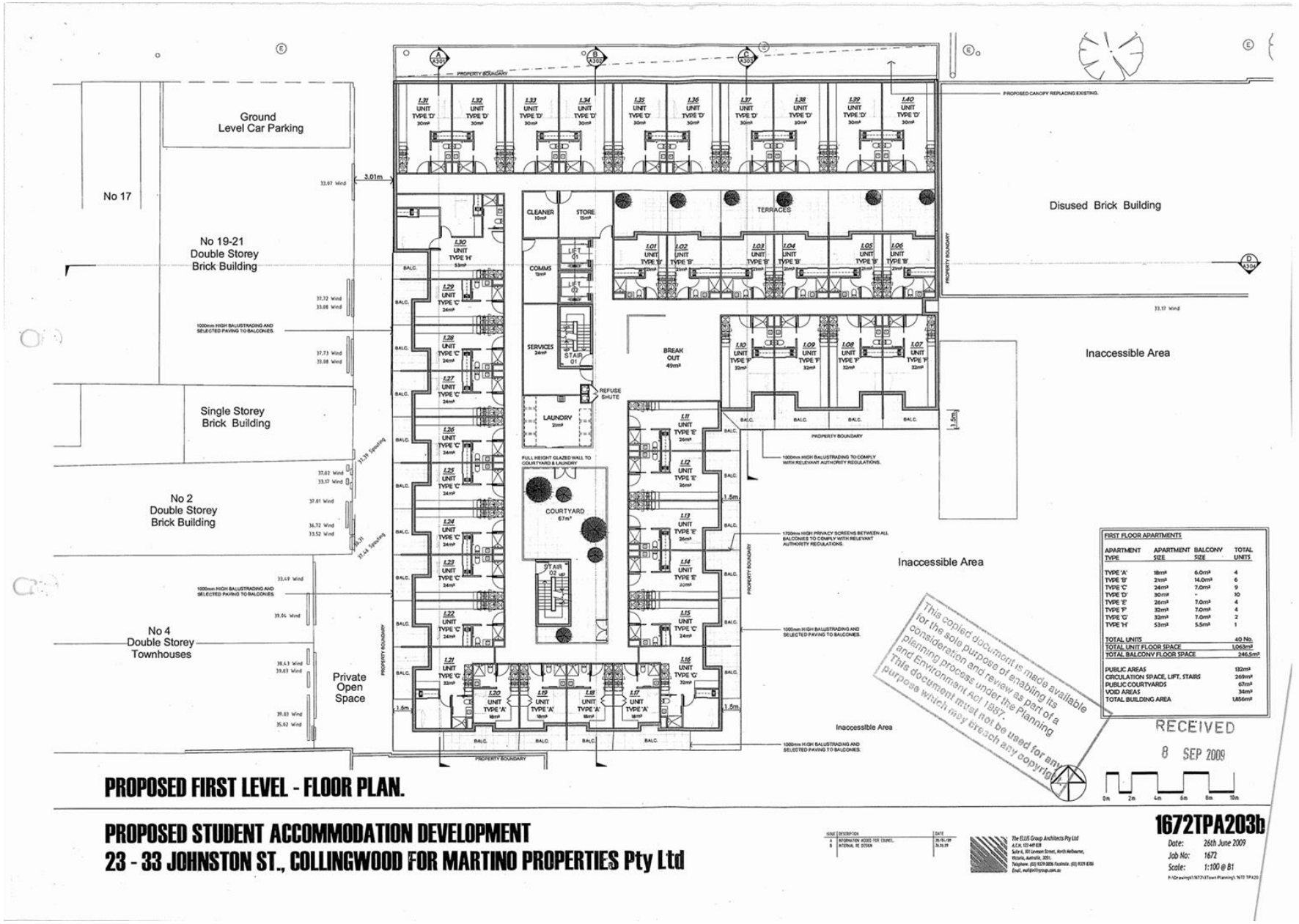
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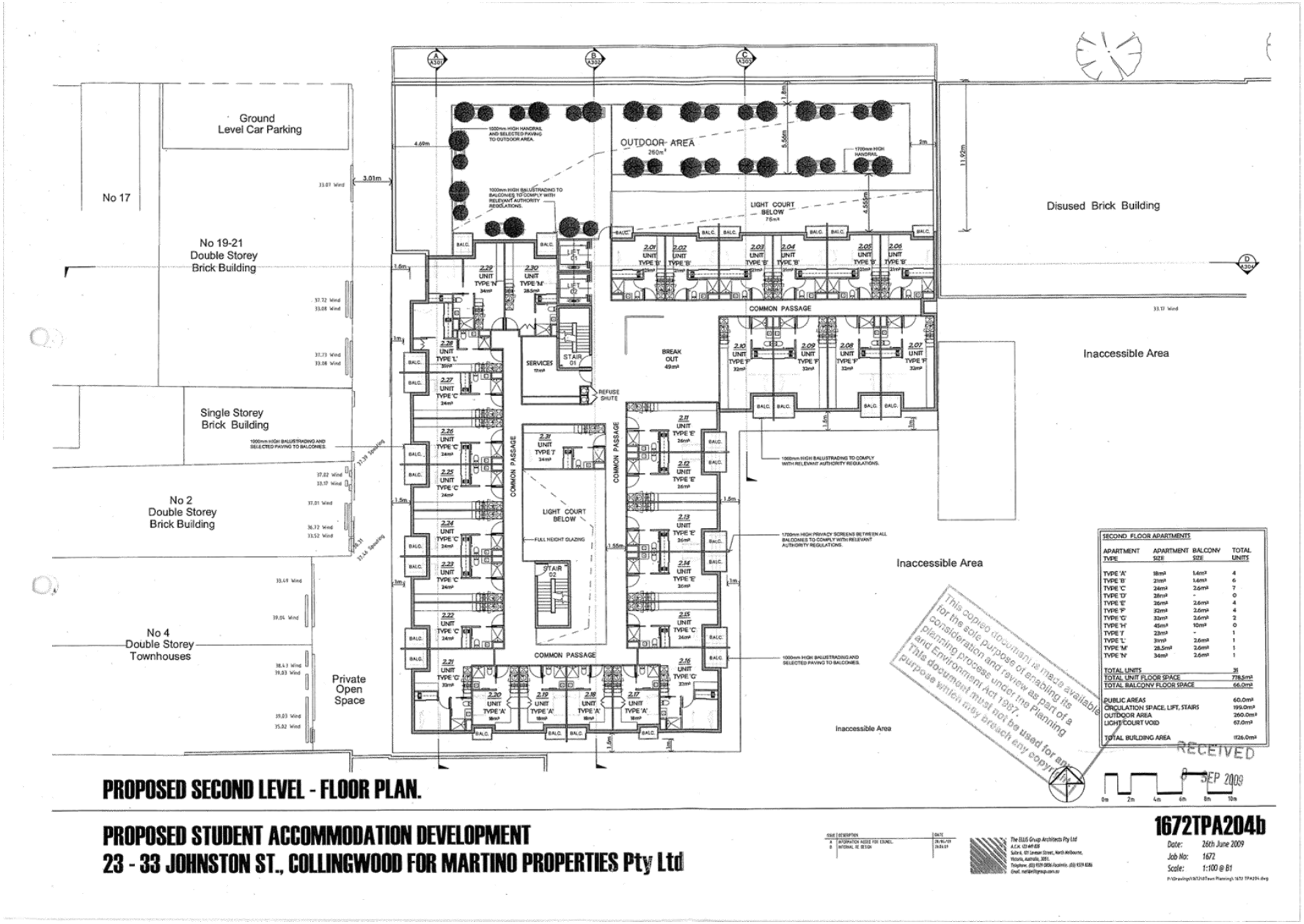
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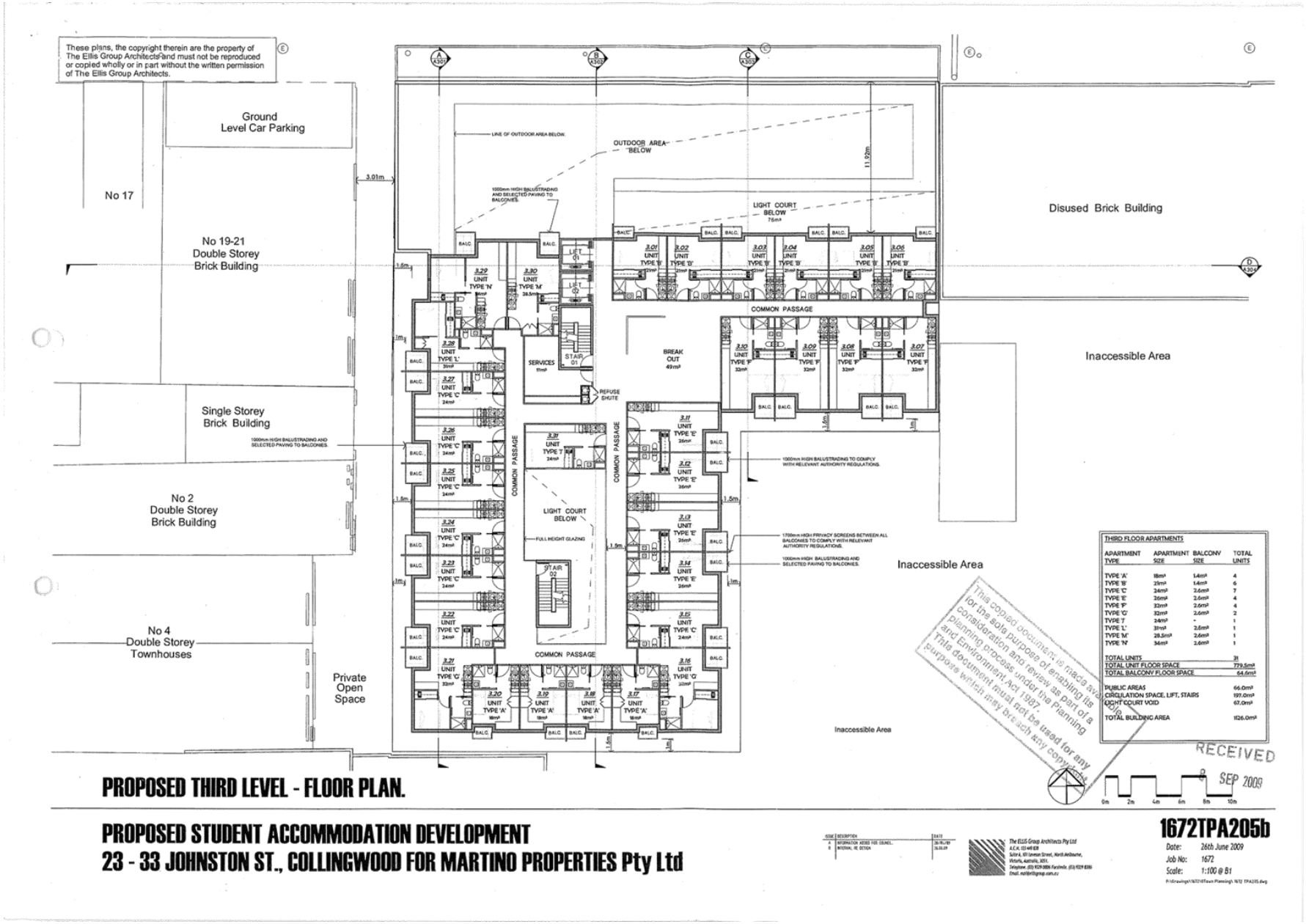


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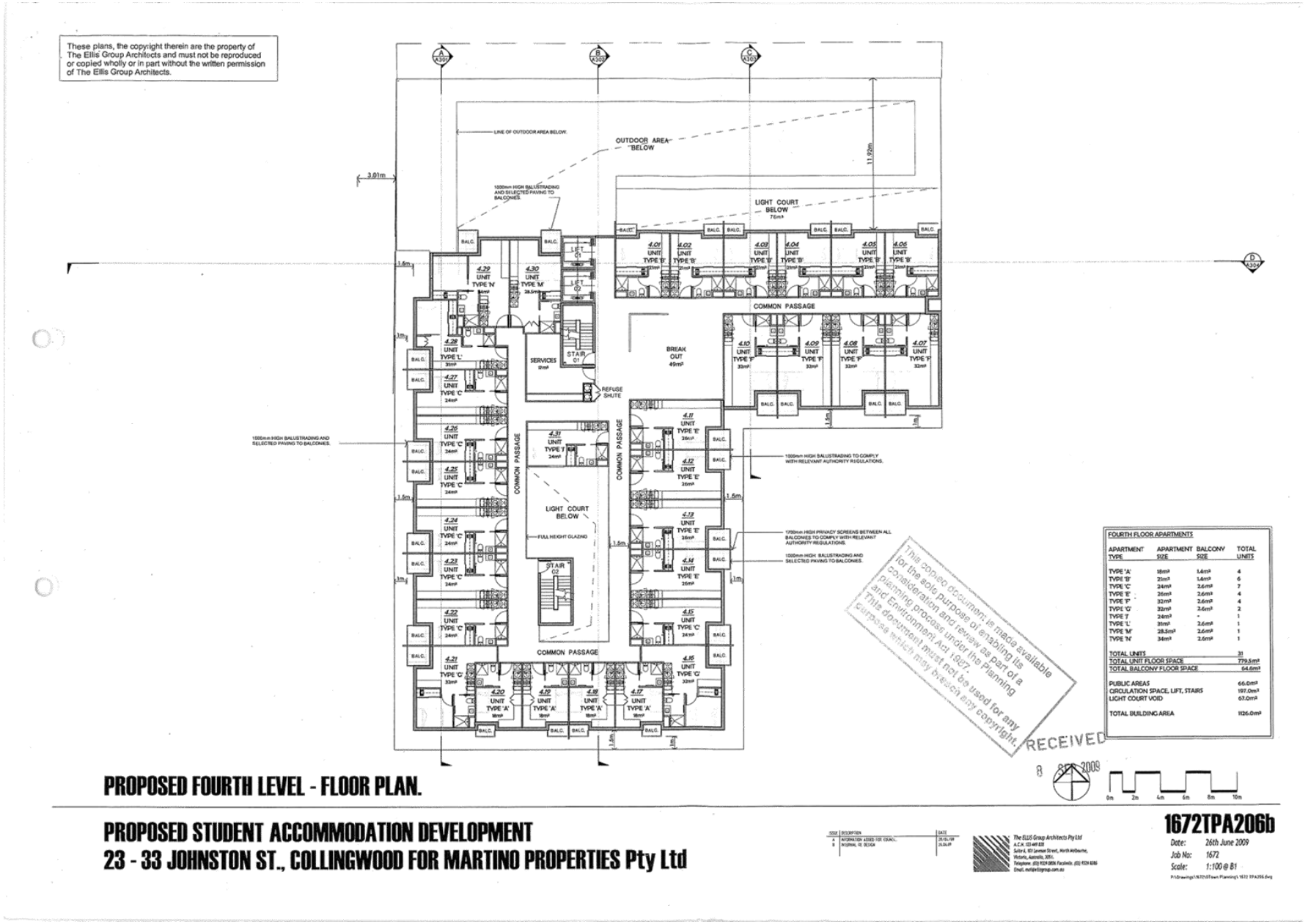


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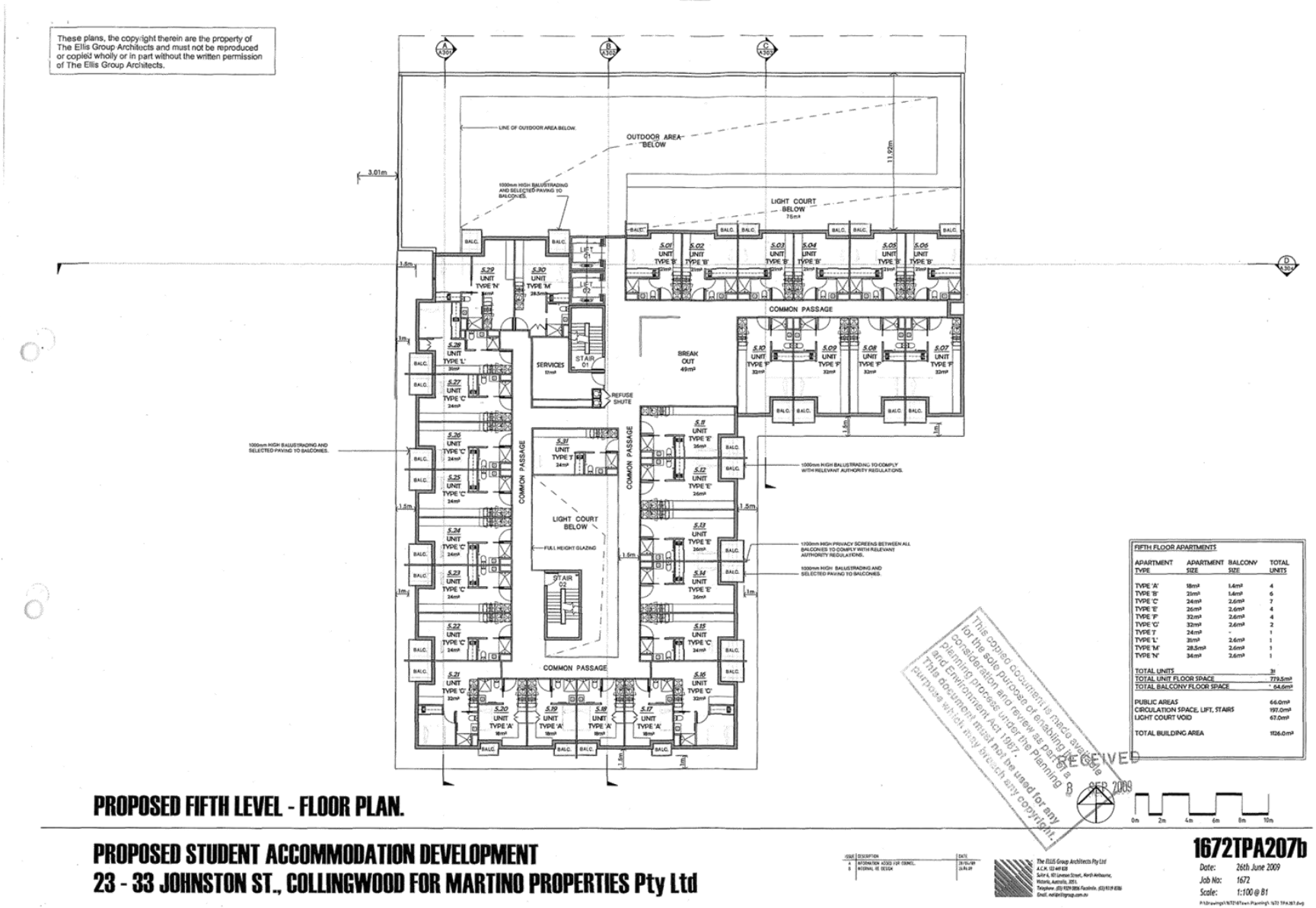
Attachment 7 - Decision Plans for PL08/0894 (IDAC 9/6/2010 attachment)



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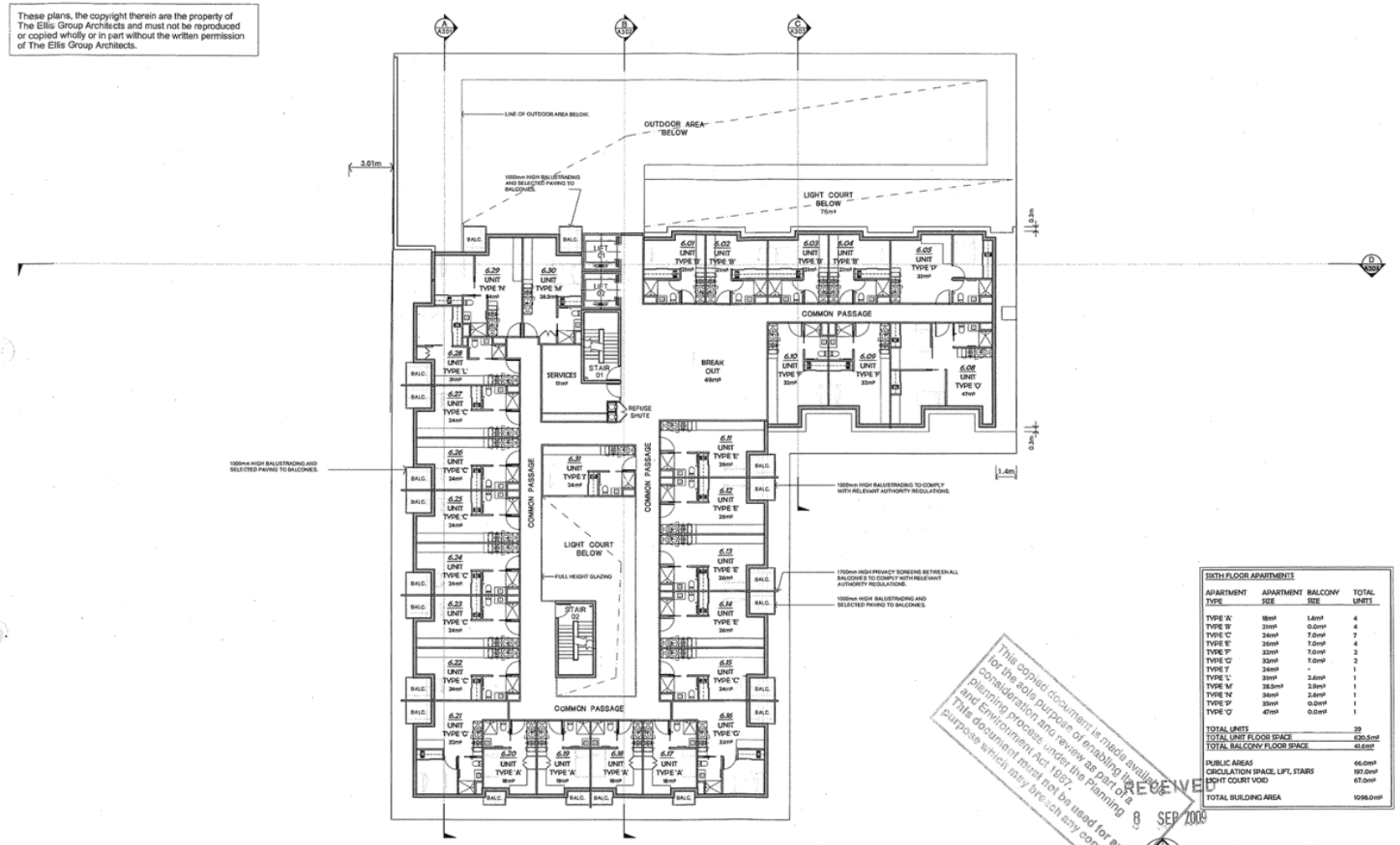


Attachment 7 - Decision Plans for PL08/0894 (IDAC 9/6/2010 attachment)



Attachment 7 - Decision Plans for PL08/0894 (IDAC 9/6/2010 attachment)

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SIXTH FLOOR APARTMENTS

APARTMENT TYPE	APARTMENT SIZE	BALCONY SIZE	TOTAL UNITS
TYPE 'A'	18m²	1.4m²	4
TYPE 'B'	21m²	0.0m²	4
TYPE 'C'	24m²	7.0m²	7
TYPE 'E'	26m²	7.0m²	4
TYPE 'F'	32m²	7.0m²	2
TYPE 'G'	32m²	7.0m²	2
TYPE 'I'	24m²	-	1
TYPE 'L'	35m²	2.6m²	1
TYPE 'M'	28.5m²	2.9m²	1
TYPE 'N'	34m²	2.6m²	1
TYPE 'P'	35m²	0.0m²	1
TYPE 'Q'	47m²	0.0m²	1
TOTAL UNITS			29
TOTAL UNIT FLOOR SPACE			620.5m²
TOTAL BALCONY FLOOR SPACE			41.6m²
PUBLIC AREAS			66.0m²
CIRCULATION SPACE, LIFT, STAIRS			197.0m²
LIGHT COURT VOID			67.0m²
TOTAL BUILDING AREA			1098.0m²

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0m 2m 4m 6m 8m 10m

PROPOSED SIXTH LEVEL - FLOOR PLAN.

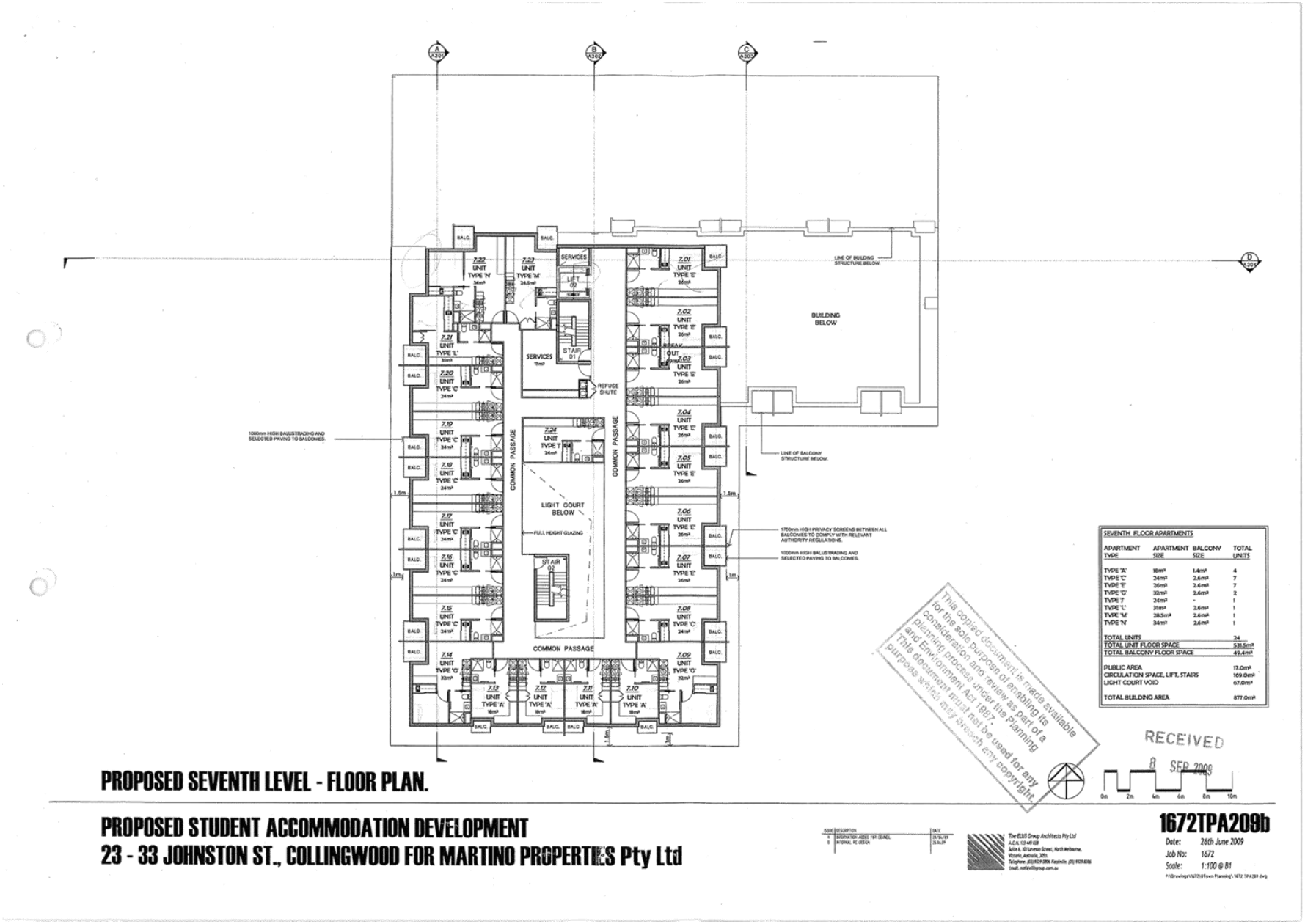
PROPOSED STUDENT ACCOMMODATION DEVELOPMENT
23 - 33 JOHNSTON ST., COLLINGWOOD FOR MARTINO PROPERTIES Pty Ltd

ISSUE	DESCRIPTION	DATE
A	INFORMATION ADDED FOR COUNCIL.	28/06/09
B	INTERNAL RE DESIGN	24.08.09

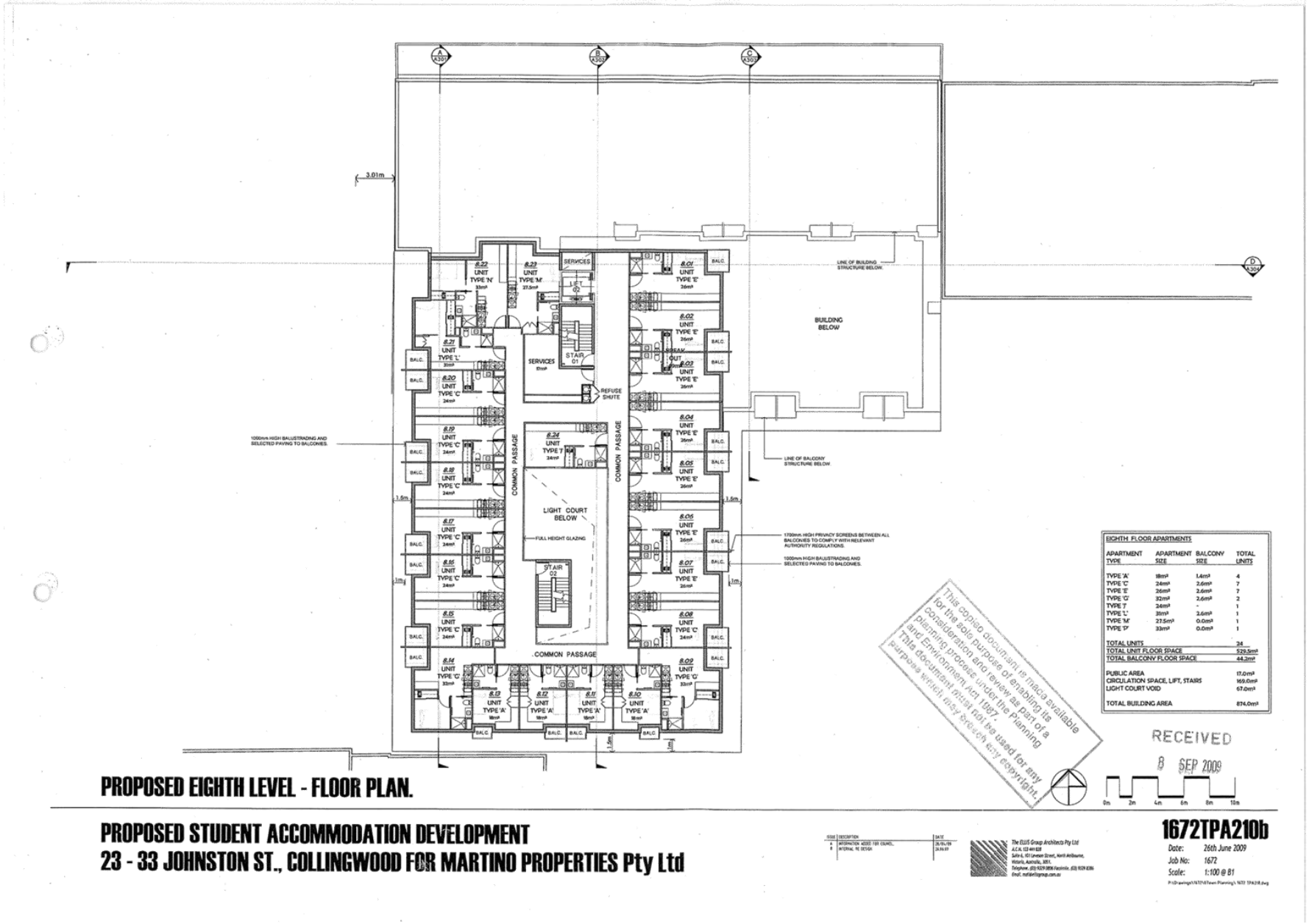
The ELLIS Group Architects Pty Ltd
A.C.N. 123 449 818
Suite 4, 101 Leveson Street, North Melbourne, Victoria, Australia, 3051.
Telephone. (03) 9329 0806 Facsimile. (03) 9329 8086
Email. mail@ellisgroup.com.au

1672TPA208b
Date: 26th June 2009
Job No: 1672
Scale: 1:100 @ B1

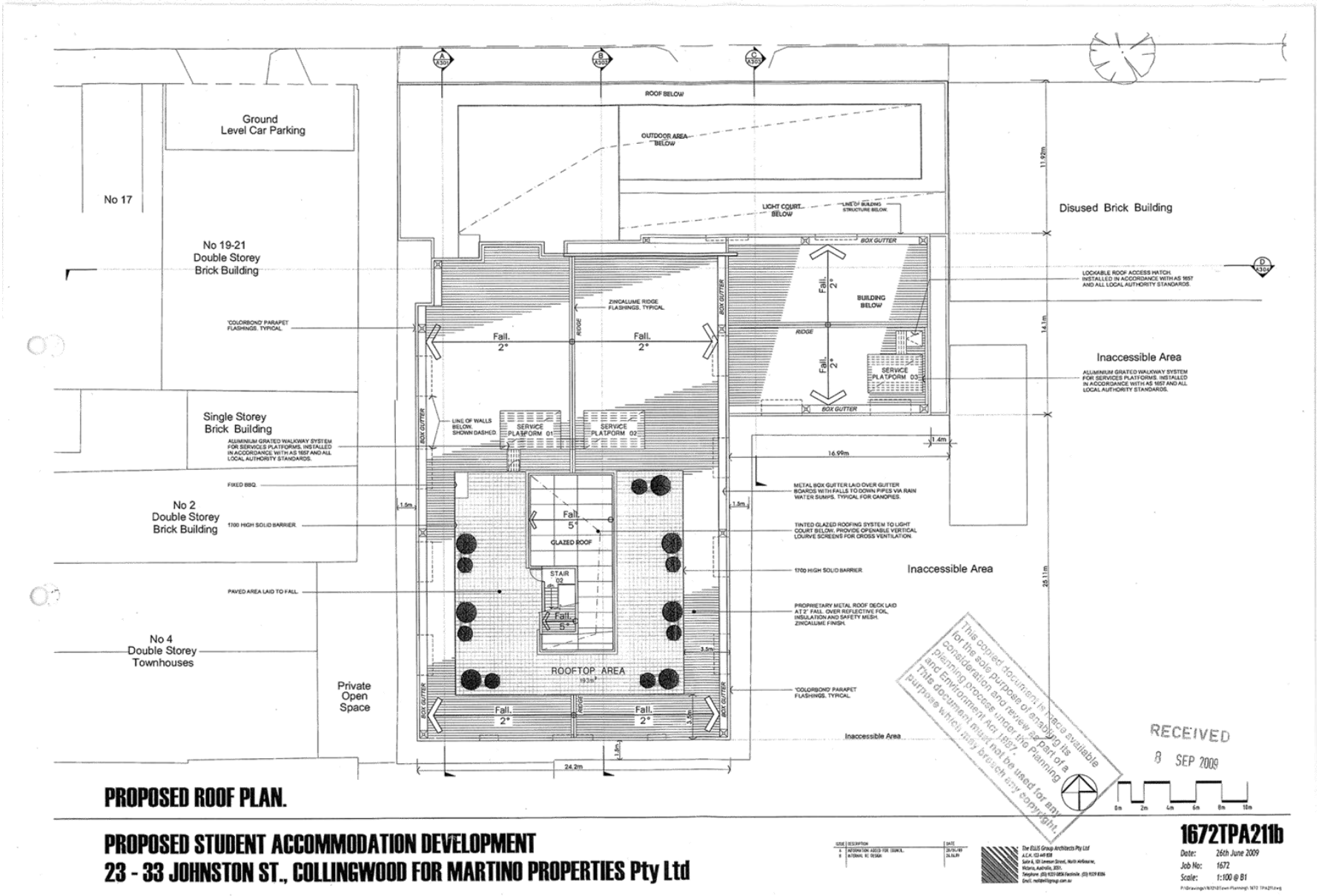
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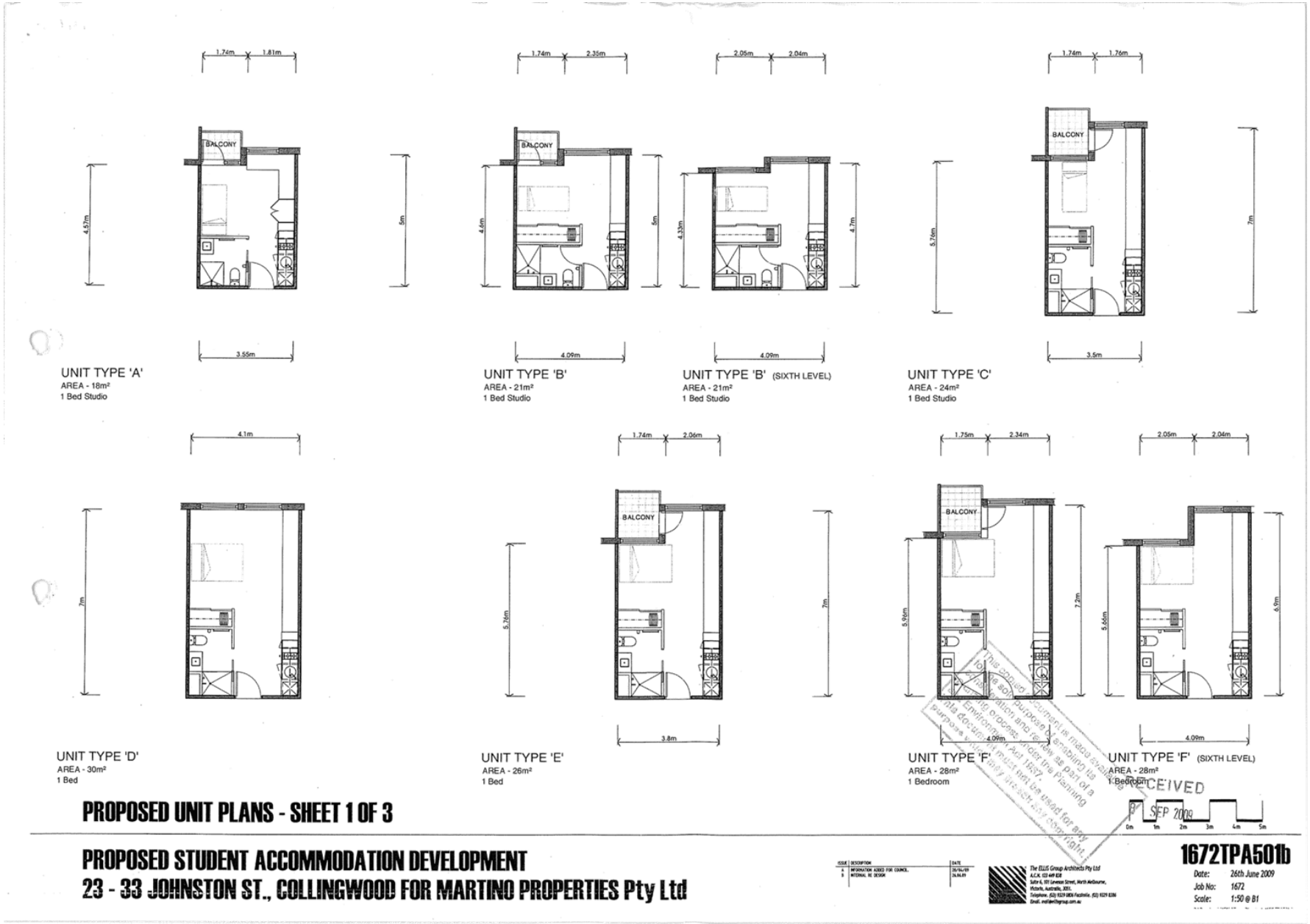
PROPOSED ROOF PLAN.

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23 - 33 JOHNSTON ST., COLLINGWOOD FOR MARTINO PROPERTIES Pty Ltd

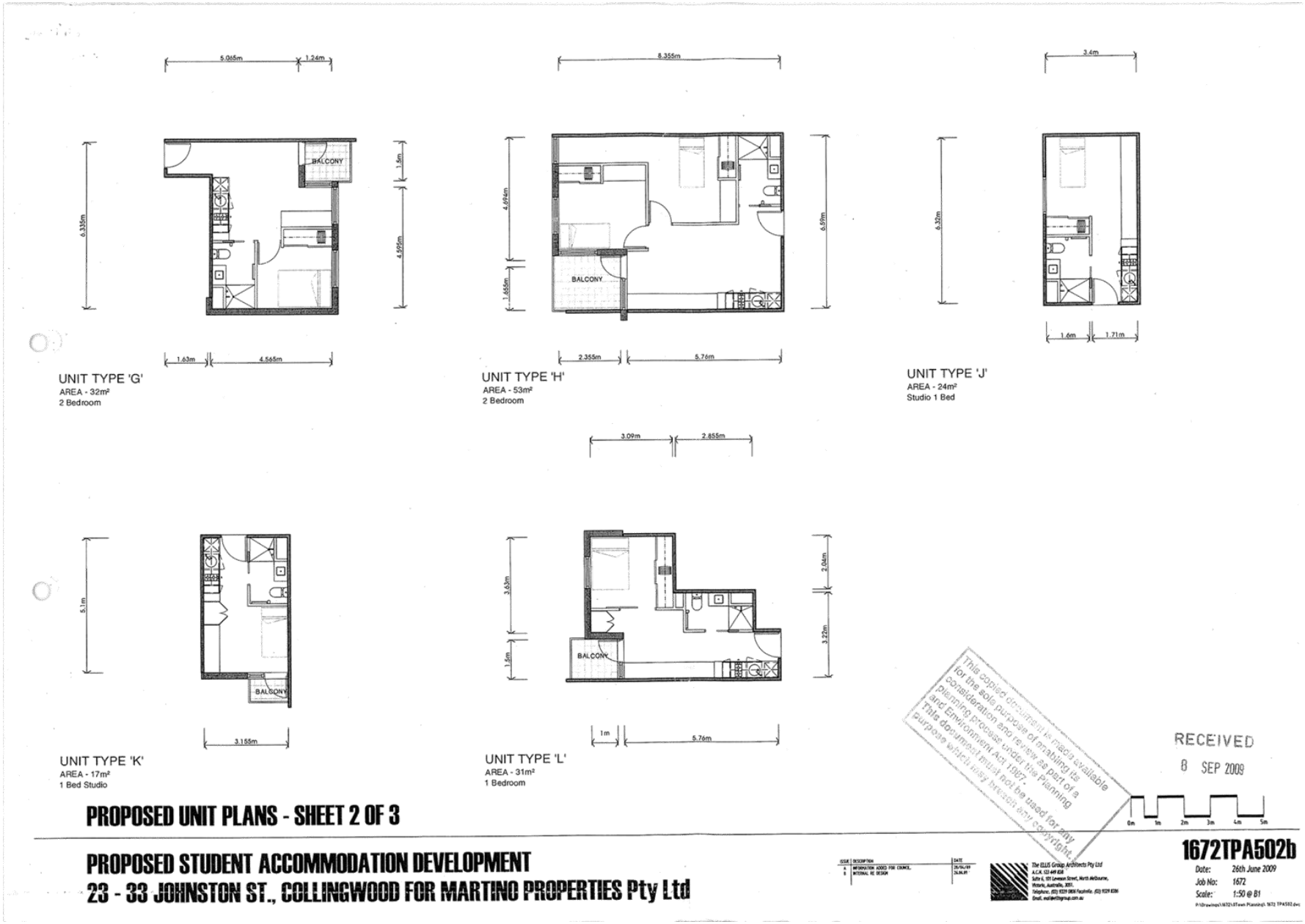
The ELLIS Group Architects Pty Ltd
A.C.N. 153 449 658
Suite 4, 151 Lennox Street, North Melbourne, Victoria, Australia, 3051.
Telephone (03) 9329 0856 Facsimile (03) 9329 8356
Email: mail@ellisgroup.com.au

1672TPA211b
Date: 26th June 2009
Job No: 1672
Scale: 1:100 @ B1

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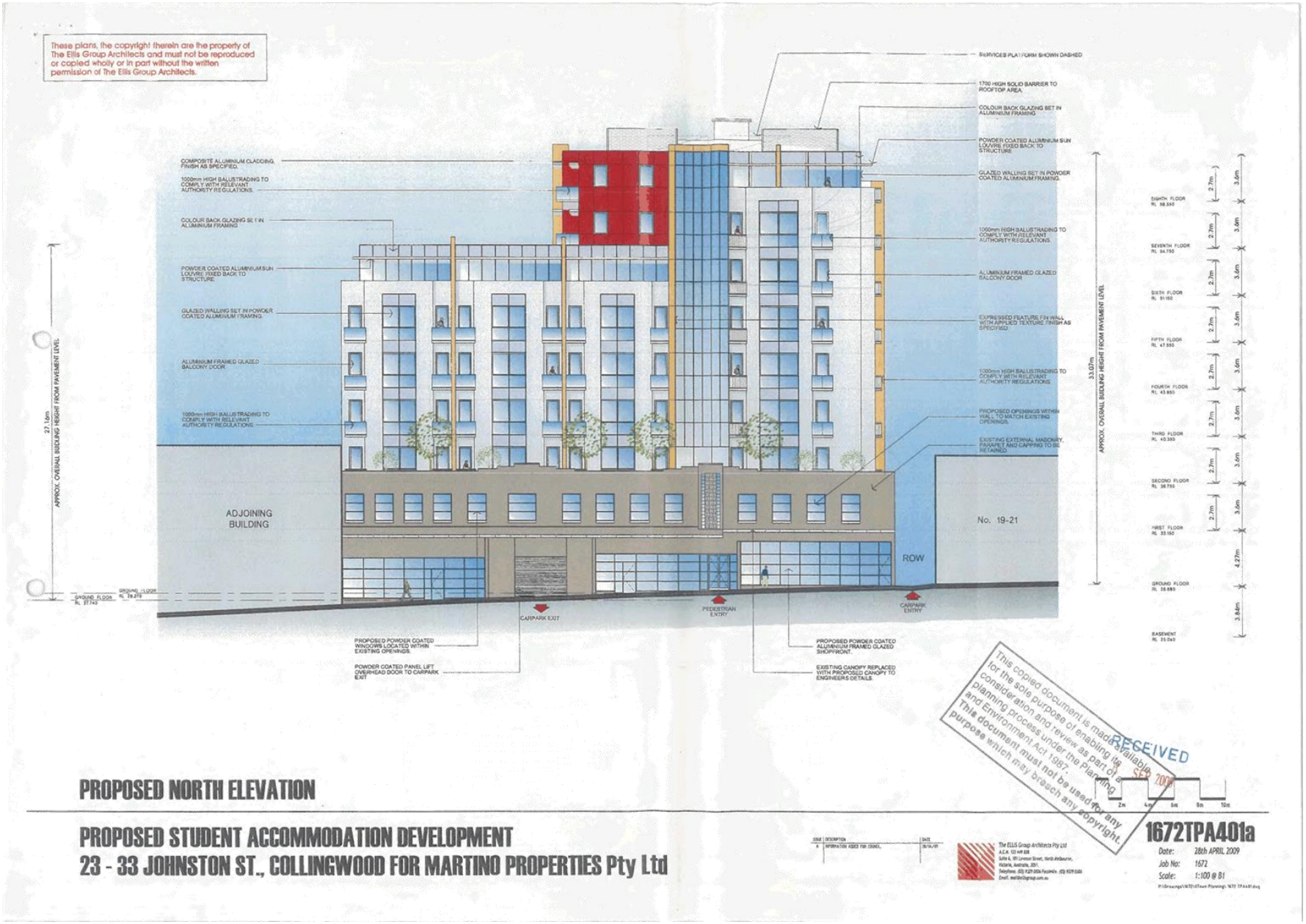


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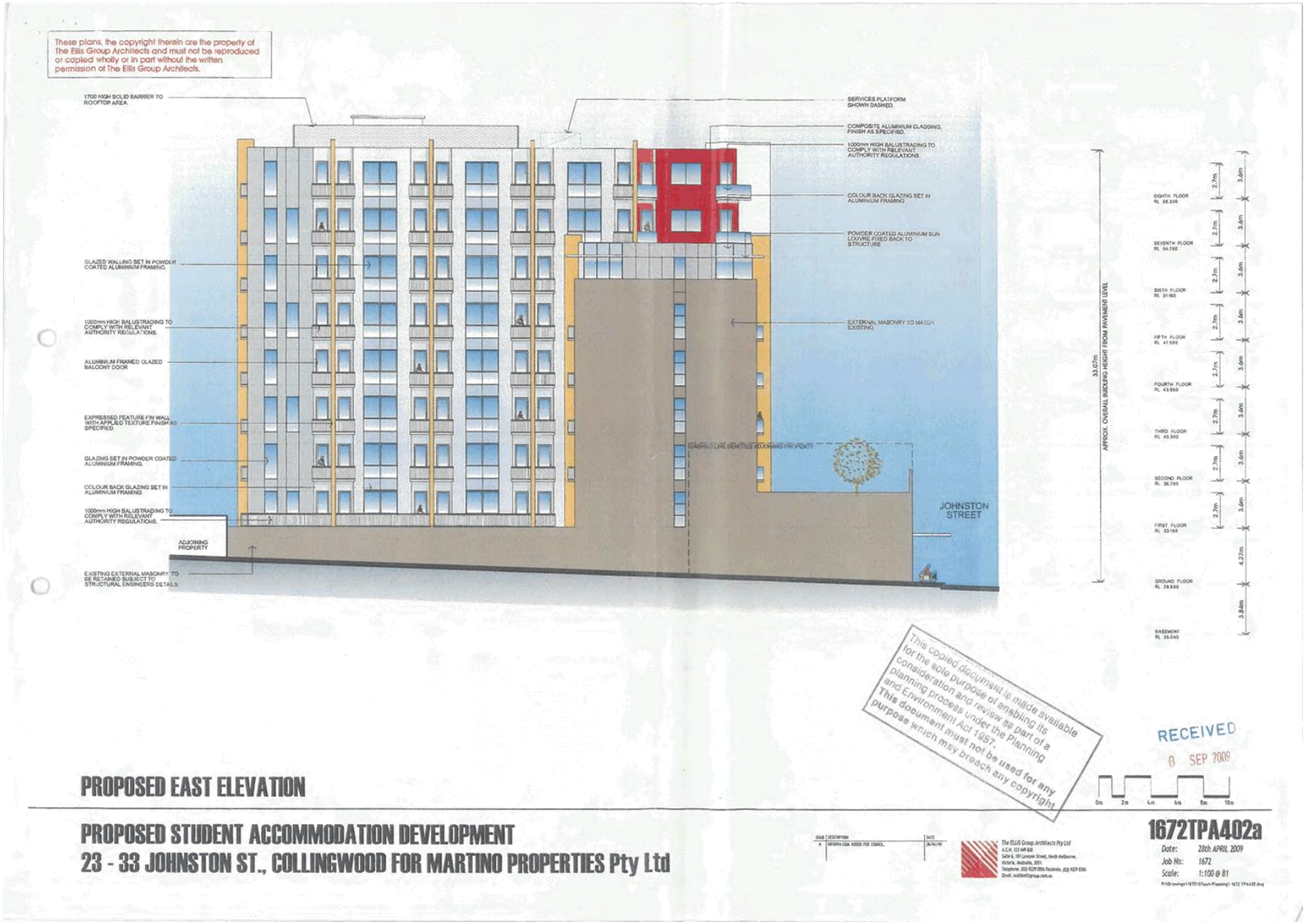
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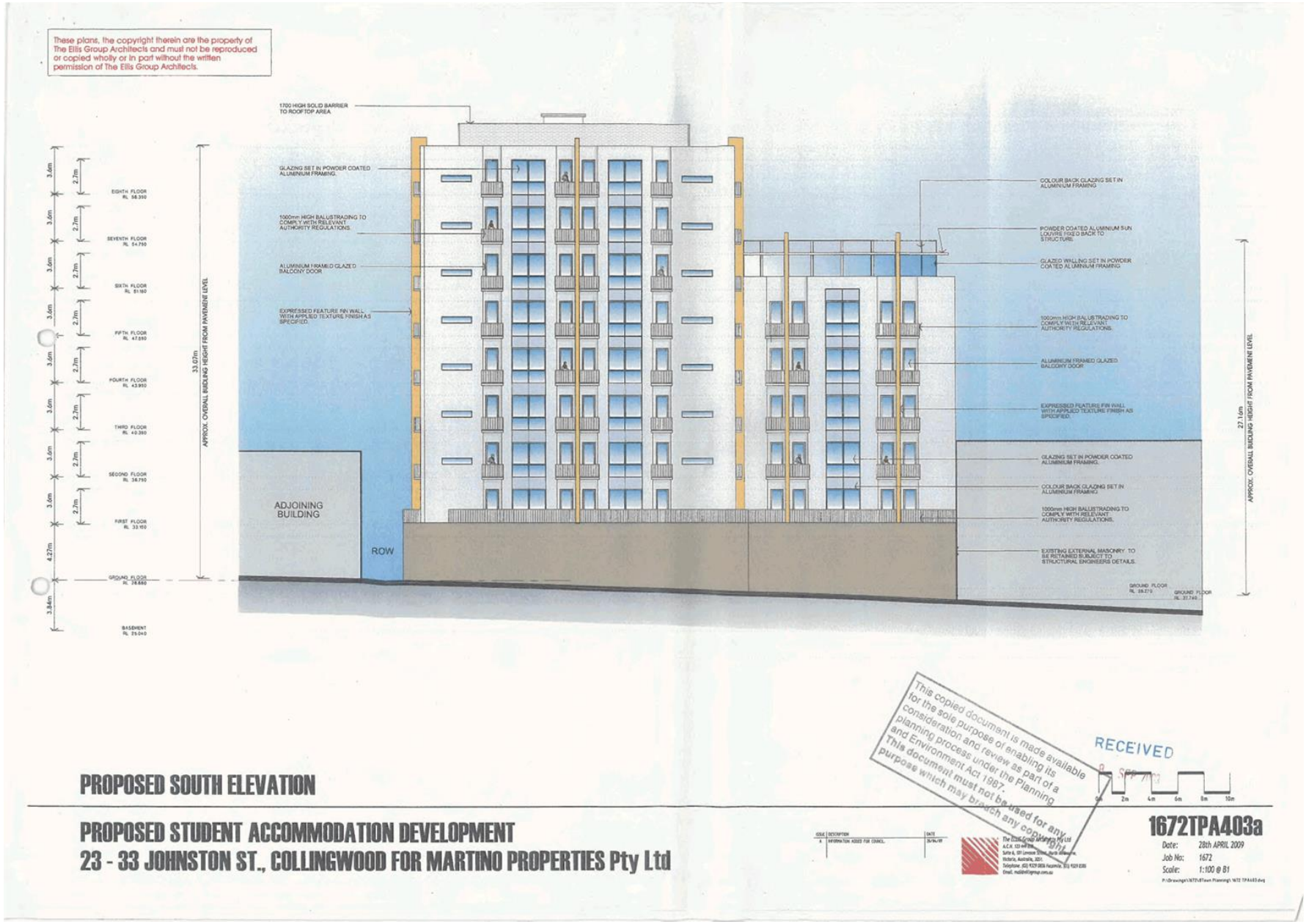
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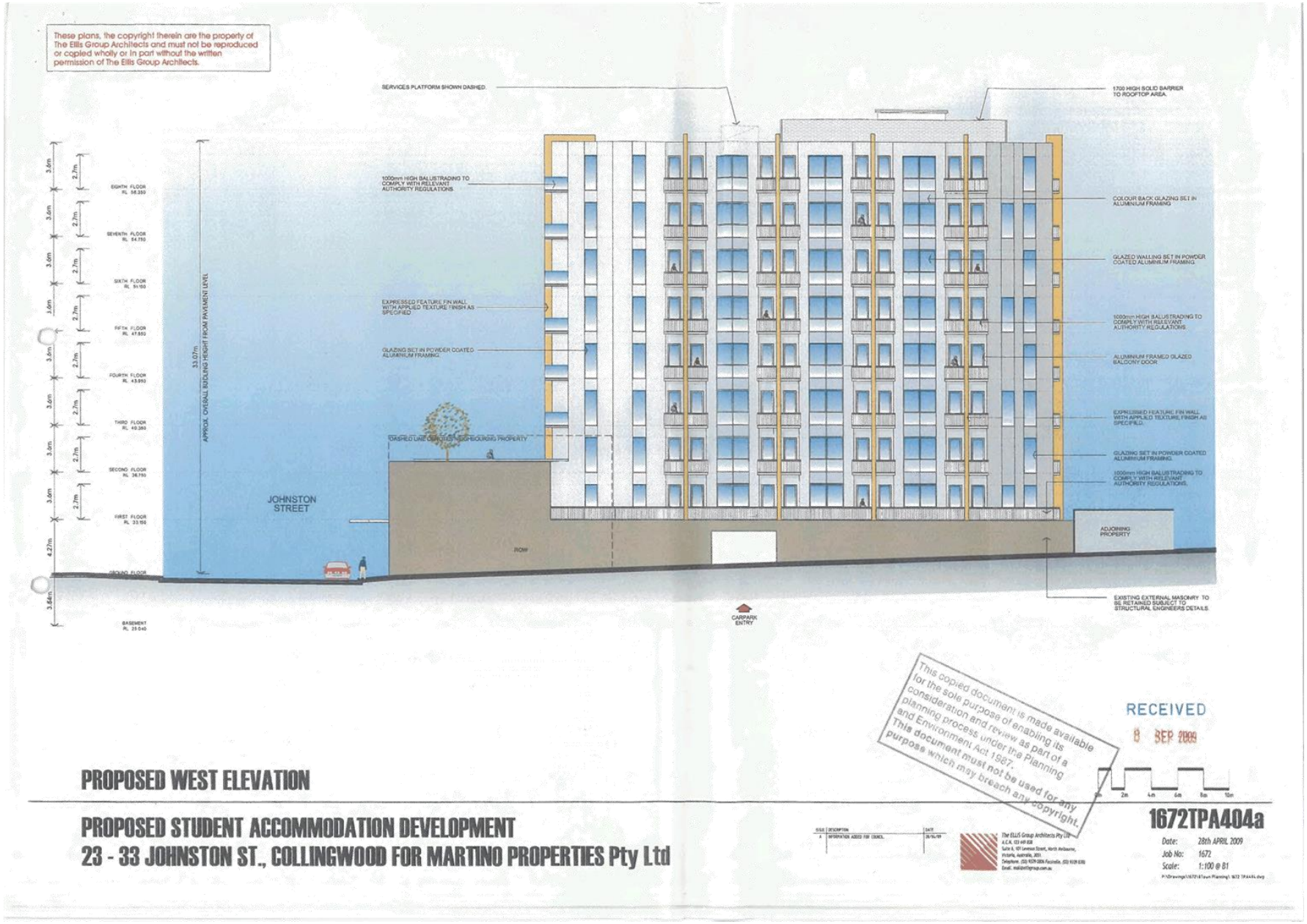
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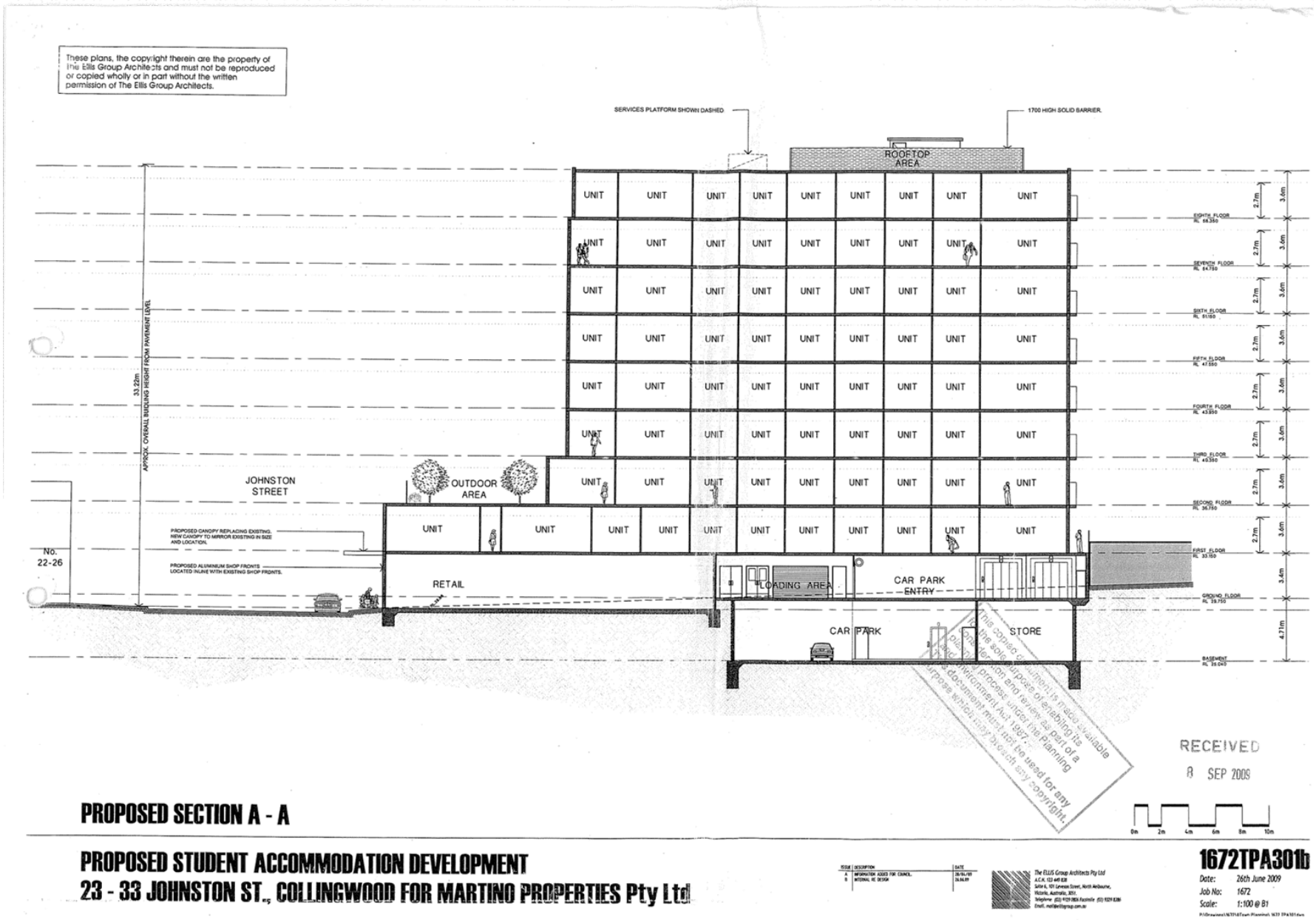
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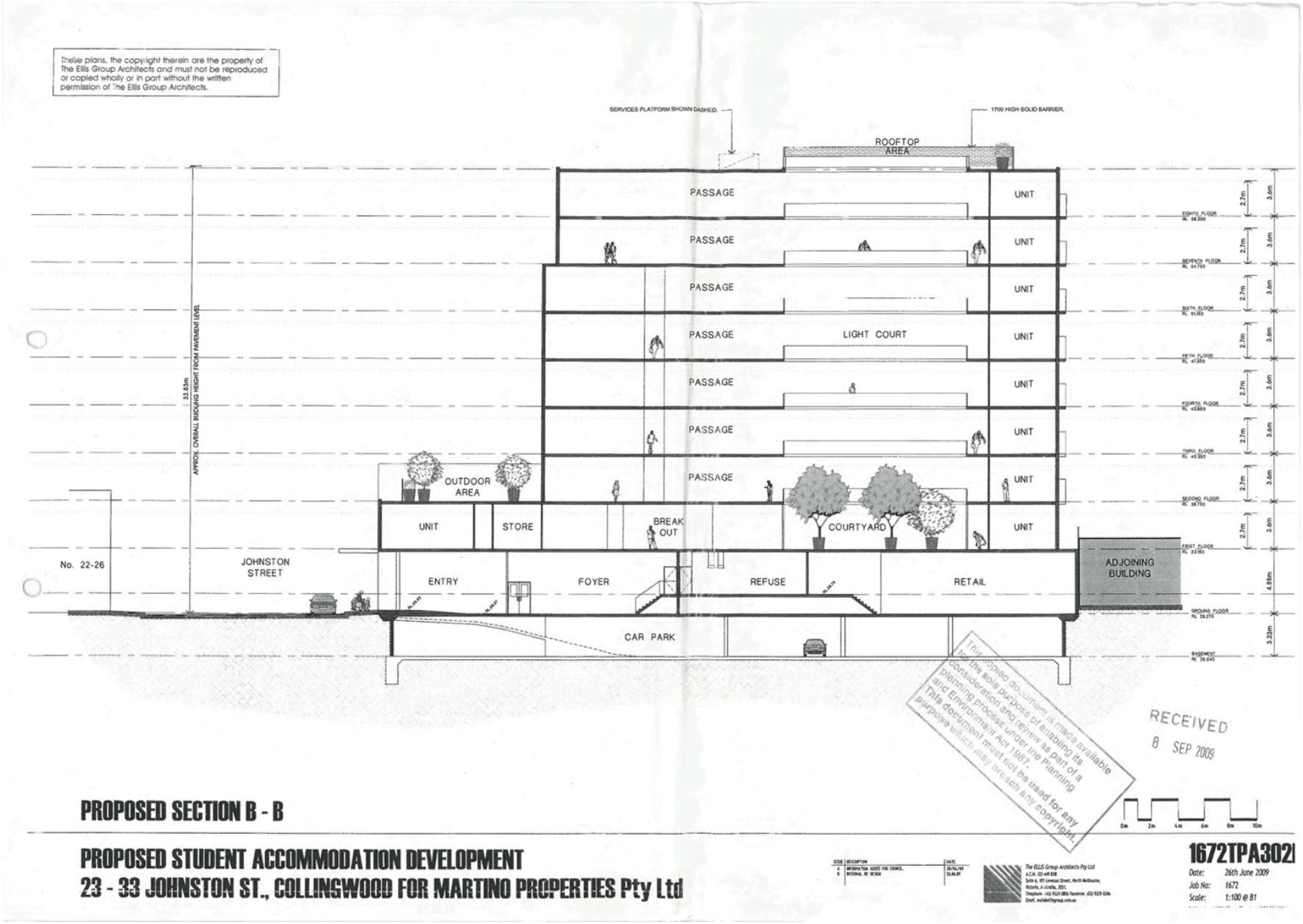
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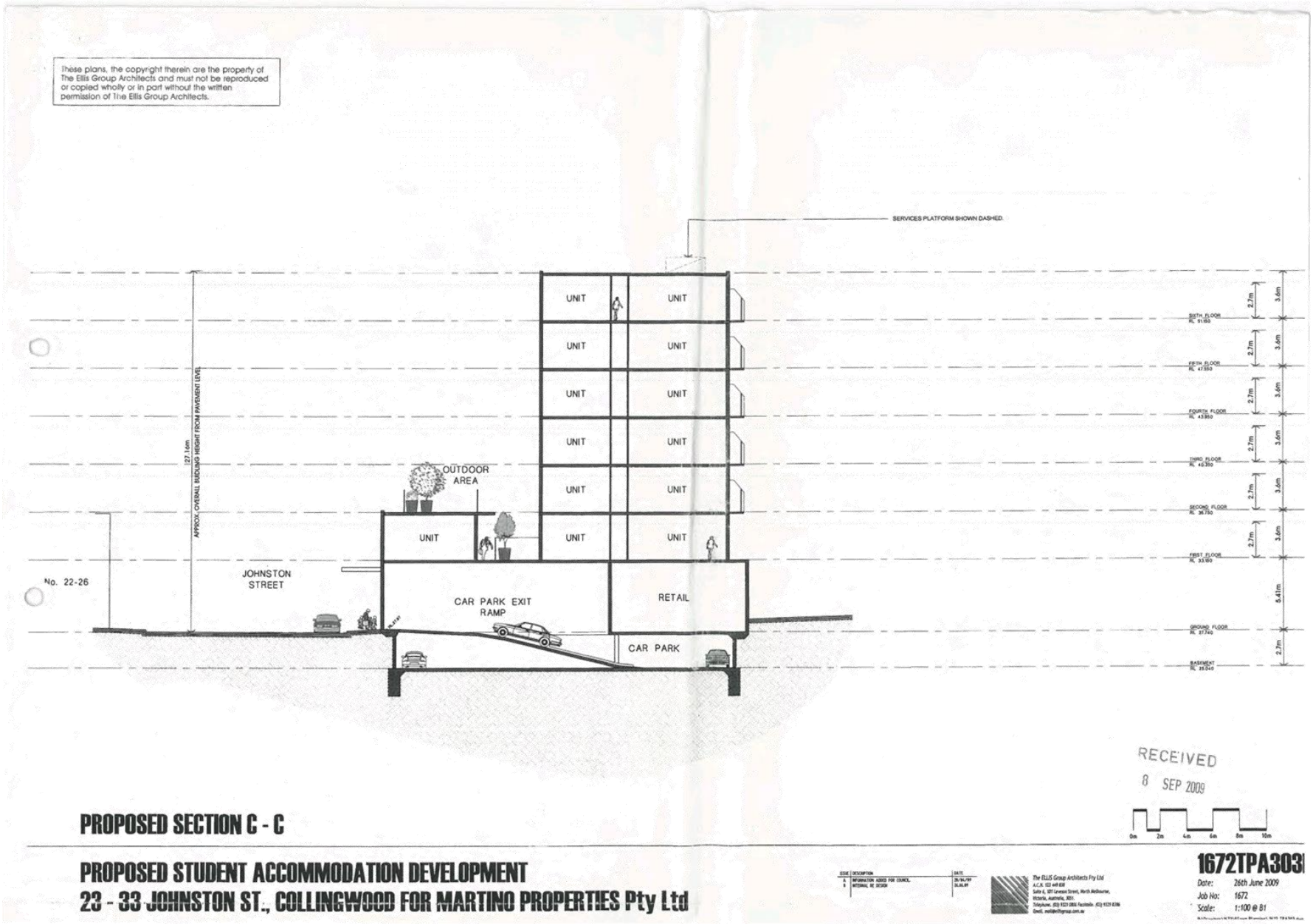


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PROPOSED SECTION C - C

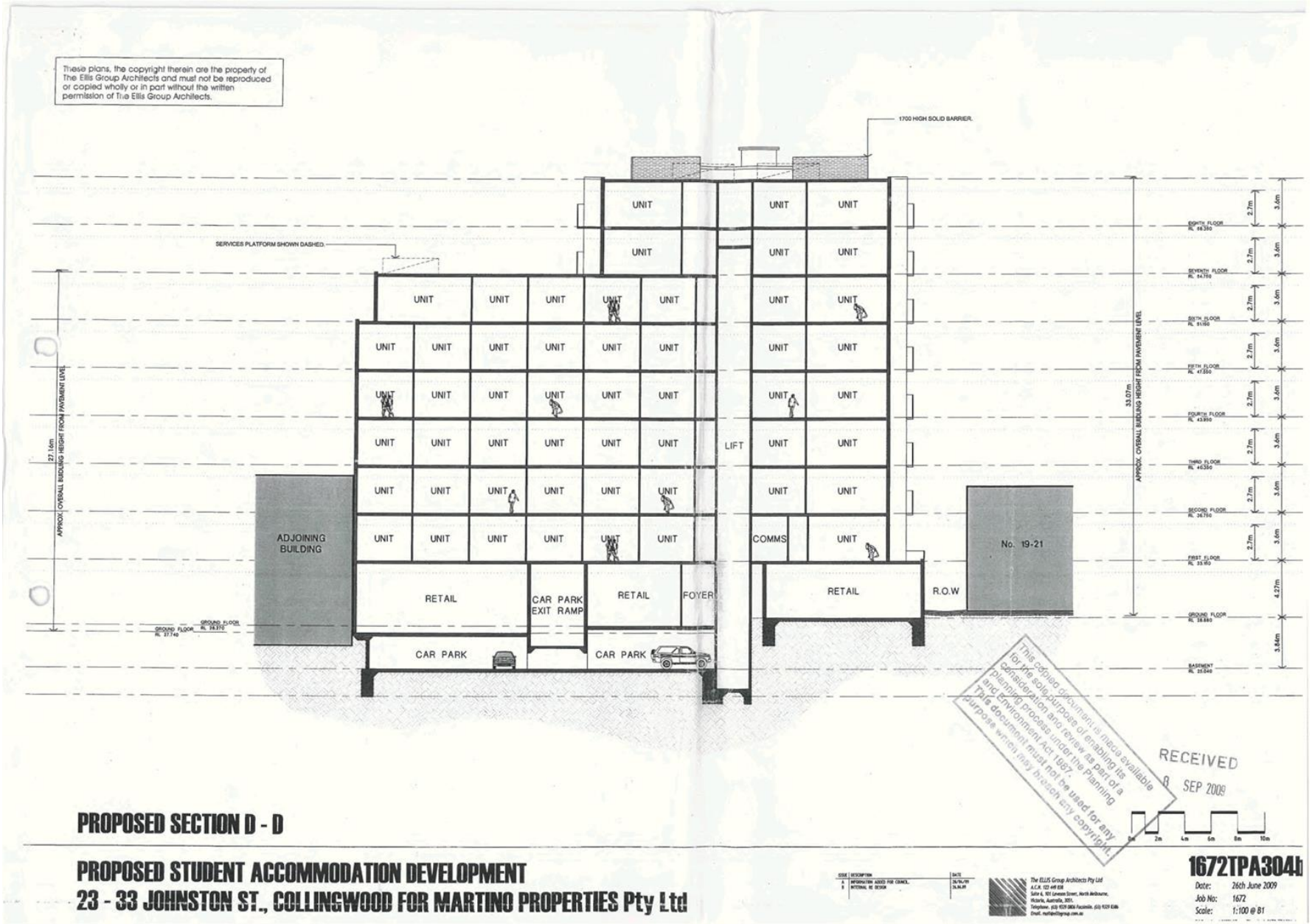
PROPOSED STUDENT ACCOMMODATION DEVELOPMENT
23 - 33 JOHNSTON ST., COLLINGWOOD FOR MARTINO PROPERTIES Pty Ltd

ISSUE	DESCRIPTION	DATE
A	INFORMATION ADDED FOR COUNCIL	26/06/09
B	INTERNAL RE DESIGN	26.08.09

The ELLIS Group Architects Pty Ltd
A.C.N. 122 449 618
Suite 6, 101 Lonsdale Street, North Melbourne, Victoria, Australia, 3051.
Telephone: (03) 9329 0866 Facsimile: (03) 9329 8286
Email: mail@tpgroup.com.au

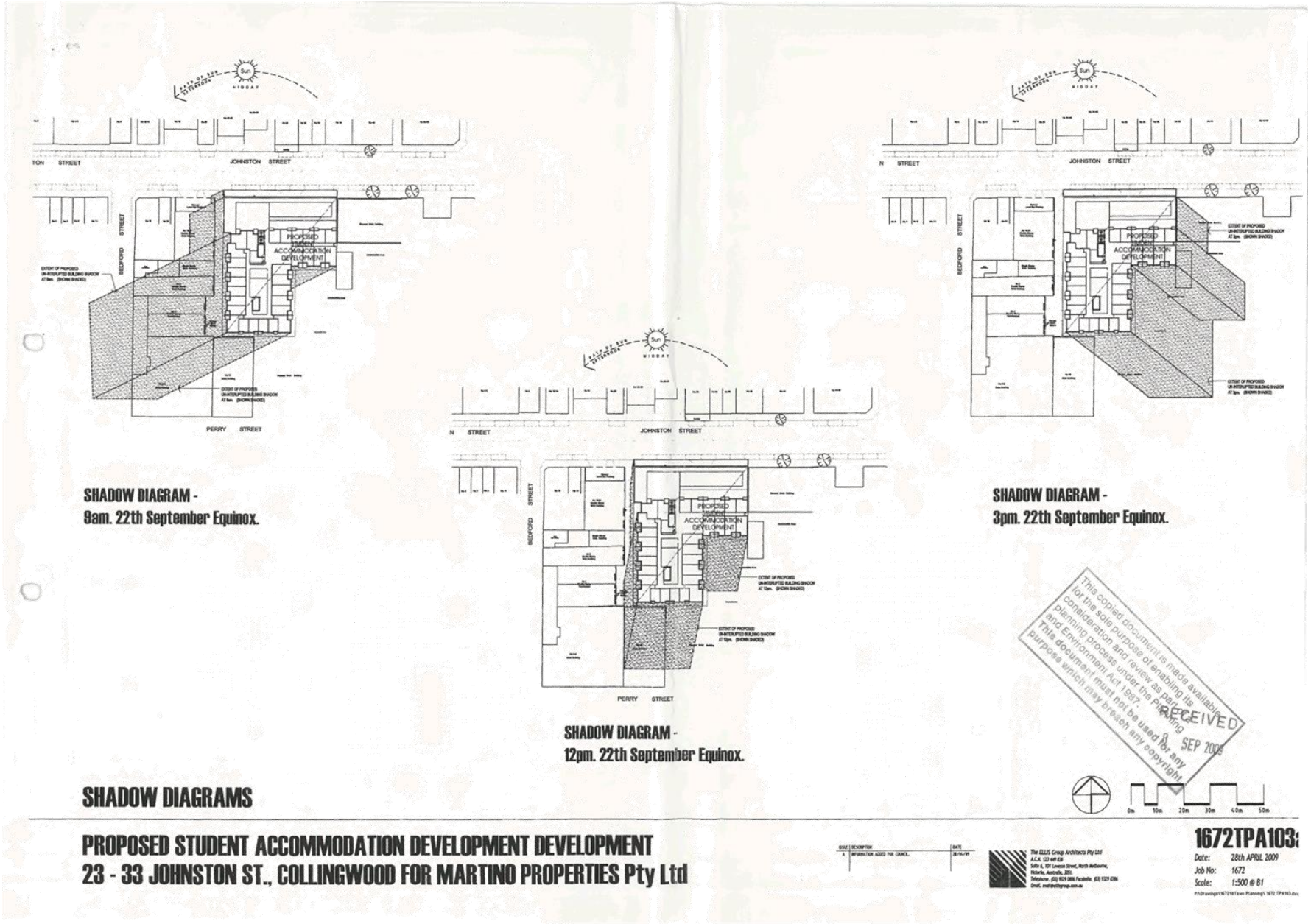
1672TPA303B
Date: 26th June 2009
Job No: 1672
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Attachment 8 - VicRoads Referral Response

Yarra City Council
PO Box 168
RICHMOND VIC 3121
Attention: Amy Hodgen

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

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

Parcels and Drawings to:
Private Bag 4000 Sunshine
Victoria 3020

vicroads.vic.gov.au

Dear Ms Hodgen

PLANNING APPLICATION NO.: **PLN16/0845**
VICROADS REFERENCE NO: **20094/16**
PROPERTY ADDRESS: **23 JOHNSTON STREET, COLLINGWOOD**

Section 55 – No objection subject to conditions

Thank you for the opportunity to provide our further comments in relation to **modified plans** detailed in Drawing Number 20-00 (Revision ASK028, dated 1 June 2017) through to Drawing Number 40-04 (Revision ASK044, dated 1 June 2017) (copy attached)

VicRoads does not object to the development in its revised form and is prepared to withdraw its objection dated 2 May 2017 (copy attached) provided the Council regards the proposed **revised** development favourably, and the following conditions are included in any Notice of Decision to issue a Planning Permit or Planning Permit:

1. *Before the development commences, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with Drawing Number 20-00 Revision ASK028 dated 1 June 2017 through to Drawing number 40-04 Revision ASK044, dated 1 June 2017 but modified to show:*

   i) Canopy setback of at least 750mm from the back of kerb (along Johnston Street).

2. *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 Johnston Street boundary (i.e., the canopies, fixed shading devices, architectural features, balcony framing), to indemnify the Crown in relation to any claim or liability arising from the projections within the Johnston Street road reserve.*

Notes:

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. Johnston Street). Please contact VicRoads prior to commencing any works.

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.

Please forward a copy of Council's decision to this office as required under Section 66 of the Planning and Environment Act 1987.

VICTORIA State Government

VicRoads ABN 61 760 960 480

PSL 38

Attachment 8 - VicRoads Referral Response

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 (Central)

21 July 2017

Attachment 8 - VicRoads Referral Response

COPY

vicroads

Yarra City Council
PO Box 168
RICHMOND VIC 3121
Attention: Amy Hodgen

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

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

Parcels and Drawings to:
Private Bag 4000 Sunshine
Victoria 3020

vicroads.vic.gov.au

Dear Ms Hodgen

PLANNING APPLICATION NO.: **PLN16/0845**
VICROADS REFERENCE NO: **20094/16**
PROPERTY ADDRESS: **23 JOHNSTON STREET, COLLINGWOOD**

Section 55 – Refusal

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

The application is for the use and development of the land for dwellings and two food and drink premise at ground floor (no permit required for use), part demolition and construction of a 12 storey building, reduction in the car parking requirements, waiver of loading bay requirements and to alter access to a road zone category 1 road.

VicRoads has assessed the application and considers the safety and operational implications associated with the vehicular access via the right of way, from and onto Johnston Street as unsatisfactory.

VicRoads have serious safety concerns and does not wish to see a vehicle reversing along the ROW back onto Johnston Street in the event of a conflict. Accordingly, VicRoads objects to the development in its current form on the following grounds:

1. *The proposed vehicular access (via the right of way) is incompatible with the operation of Johnston Street and public safety.*

In relation to point numbered 1 above, VicRoads may be prepared to withdraw their objection upon receipt of a **risk assessment and road safety audit** which demonstrates to VicRoads satisfaction that access to the site via the right of way is a low risk. If Council decides to make their decision without the above additional information and/ or modifications, this letter should be regarded as an objection to the issue of a planning permit.

Notwithstanding the above, in the event a planning permit is issued for this subject site, VicRoads advise that projections exceeding 300mm beyond the title boundary on, over or under Government Roads be subject to the following planning permit condition and notes:

1. *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 Johnston Street boundary (i.e., the canopies, fixed shading devices, architectural*

VICTORIA State Government

VicRoads ABN 61 760 960 480

Attachment 8 - VicRoads Referral Response

COPY

features, balcony framing), to indemnify the Crown in relation to any claim or liability arising from the projections within the Johnston Street road reserve.

Notes:

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. Johnston Street). Please contact VicRoads prior to commencing any works.

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.

Please forward a copy of Council's decision to this office as required under Section 66 of the Planning and Environment Act 1987.

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

Yours sincerely

G Menegas

GILLIAN MENEGAS
Senior Planner - Statutory Planning Department

2 May 2017

Attachment 9 - PTV Referral Response

PUBLIC TRANSPORT VICTORIA

File: FOL/09/19689
Ref: DOPT2016/0498

PO Box 4724
Melbourne Victoria 3001
Australia

Telephone 1800 800 007
ptv.vic.gov.au

Amy Hodgen
Acting Co-ordinator Statutory Planning
City of Yarra
P O Box 168
RICHMOND VIC 3121

Dear Ms Hodgen

YARRA PLANNING SCHEME
PLANNING APPLICATION NO: PLN16/0845
PROPOSAL: 154 DWELLINGS
ADDRESS: 23-33 JOHNSTON STREET COLLINGWOOD

Thank you for your letter dated 9th December 2016 referring the above application to Public Transport Victoria pursuant to Section 55 of the *Planning and Environment Act 1987*.

Public Transport Victoria, pursuant to Section 56(1) of the *Planning and Environment Act 1987* **does not object** to the grant of a planning permit subject to the following conditions:

Conditions:

1. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Johnston Street 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 James Noy on telephone 03 902 74852.

Yours sincerely

Margaret Burge

MARGARET BURGE
Senior Lawyer
23/1/17

Attachment 10 - Heritage Referral Advice

City of Yarra
Heritage Advice

Application No.: PLN16/0845

Address of Property: 23 - 33 Johnston Street, Collingwood.

Planner: Amy Hodgen

Yarra Planning Scheme References: Clauses 43.01, 21.05 and 22.02.

Heritage Overlay No.: HO324 **Precinct:** Johnston Street Precinct, Collingwood.

Level of significance

The site comprises:

Nos. 23A -25A Johnston Street, Collingwood, Gregory Steel Products Pty Ltd, engineering workshop complex, part, constructed 1939.

Nos. 27 – 29 Johnston Street, Collingwood, Gregory Steel Products Pty Ltd, engineering workshop complex, part, constructed 1941.

Nos. 31 – 33 Johnston Street, shops & office façade (See also Couth House Hotel), constructed 1954, 1860s.

Nos. 31 – 33 (rear) Johnston Street, Collingwood, Court House Hotel (later Gregory Steel Products Pty Ltd, engineering workshop complex, part, constructed 1860 – 1880.

All are listed as being Individually significant in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007 (Rev. Sep. 2015).*

The Statement of Significance for Nos. 23A - 25A Johnston Street is included in Appendix 7.

What is significant?

The Gregory Steel Products Pty Ltd. engineering workshop complex (part) at 23A-25A Johnston Street, Collingwood was created in 1939 for James H Gregory and has historical associations with the firm Gregory Steel Products. The place has a fair integrity to its creation date (ground level changed).

Fabric from the creation date at the Gregory Steel Products Pty Ltd. engineering workshop complex is locally significant within the City of Yarra, compared to other similar places from a similar era.

How is it significant?

The Gregory Steel Products Pty Ltd. engineering workshop complex(part) at23A-25A Johnston Street, Collingwood is architecturally significant to the locality of Collingwood and the City of Yarra.

Why is it significant?

This part of the Gregory Steel Products Pty Ltd. engineering workshop complex, is significant as part of a large Moderne style building group, developed from an earlier core, with significant details such as glass bricks.

Attachment 10 - Heritage Referral Advice

The footnote references to this citation, which quote the Municipal Rate Books, make several references to a stone shop on the site between the entries for 1919/1920 and 1954/1955 which was later recorded as a brick shop. No entries prior to 1919/1920 are shown but it is assumed that the stone shop was constructed c. 1860-70s.

The Statement of Significance for Nos. 27 - 29 Johnston Street virtually the same and is included in Appendix 7:

> **Why is it significant?**
>
> The Gregory Steel Products Pty Ltd. Engineering (part of larger complex) at 27-29 Johnston Street, Collingwood was created in 1941 for James H Gregory and has long associations with Gregory Steel Products Pty Ltd. The place has a fair integrity to its creation date (ground level changed).
>
> Fabric from the creation date at the Gregory Steel Products Pty Ltd. Engineering building is locally significant within the City of Yarra, compared to other similar places from a similar era.
>
> **How is it significant?**
>
> The Gregory Steel Products Pty Ltd. Engineering at 27-29 Johnston Street, Collingwood is historically and architecturally significant to the locality of Collingwood and the City of Yarra.
>
> **Why is it significant?**
>
> The Gregory Steel Products Pty Ltd. Engineering is significant as part of a large Moderne style complex developed from an earlier core with significant details such as glass bricks.

The Statement of Significance for Gregory's Shops and Office façade, also Court House Hotel behind Nos. 31 -33 Johnston Street, Collingwood, is also and is included in Appendix 7:

> ***What is significant?***
>
> The shops and office facade, (see also Court House Hotel) at 31-33 Johnston Street, Collingwood were created in 1954 (hotel built behind by the 1860s) for James H Gregory and has historical associations with Gregory Steel Products. The place has a fair integrity to its creation date (part ground level changed).
>
> Fabric from the creation date of the shops and office facade, (see also Court House Hotel) is locally significant within the City of Yarra, compared to other similar places from a similar era.
>
> ***How is it significant?***
>
> The shops and office facade (see also Court House Hotel) at 31-33 Johnston Street, Collingwood is historically and architecturally significant to the locality of Collingwood and the City of Yarra.
>
> ***Why is it significant?***
>
> - The shops and office facade are significant
> - As a distinctive Moderne design with use of glass bricks and with some original shop fronts;
> - For the early Victorian-era, former Court House Hotel visible behind the facade as Victorian-era chimneys, roof and room forms; also
> - The rare Victorian-era carriage way next to 31.

Attachment 10 - Heritage Referral Advice

The salient points from the Statement of Significance for the Johnston Street precinct and which are pertinent to this application are:

What is significant?

…

Johnston Street was well established as a major east-west thoroughfare through Collingwood by the 1880s, when the Melbourne Tramway and Omnibus Cos. (known as the (Melbourne Tramway Cos. from 1900) began a cable tram service along Johnston Street. The service operated from 1887 until 1939, when the service was replaced by buses. This transport service would have promoted and supported the continuing prosperity of many commercial ventures along the strip, including those as diverse as John Wren's legendary tote at 148 Johnston St (since replaced in part by an Edwardian-era shop).

…

MMBW plans from the mid 1890s show a number of hotels in the Heritage Overlay Area, including the Council Club, the Court House, the Engineers' Arms and the Ivanhoe. At this time most of the street was developed with a combination of residential and commercial buildings. Adjacent to the former Court House Hotel stood the former Collingwood court house, set back from Johnston Street, along with the Collingwood council chambers (used 1860-1887), the Collingwood police station and Working Men's Club. The Collingwood Technical School (later Collingwood TAFE) and the Gregory Steel Products Pty Ltd. engineering workshop complex absorbed these buildings and eventually replaced most of them. This was after the Collingwood Council sold land for the school, subdivided in 1910 from the original municipal reserve. Only the Court House Hotel (refaced, at rear of 31- 33 Johnston Street) and the later Working Men's Club building opposite (64 Johnston St) survive from this former centre of Collingwood's civic life.

In the 20th century, the Collingwood Technical School complex developed as an alternative public centre to the former town hall and court house. The school was opened in 1912 at the former Collingwood municipal offices and the first purpose-built school structure was completed in 1913 (facing Perry St) but most of the complex developed around the World War Two era, playing a major role in retraining of returned soldiers. The school complex contains the highly significant 1938 Administration Building, with its arched Johnston Street entry bay. A superior example of international Dudok Modernism, the building was designed by the Public Works Department Chief Architect, Percy Everett.

…

How is it significant?

HO324 Johnston Street Heritage Overlay Area, Collingwood is **aesthetically and historically** significant to the City of Yarra (National Estate Register [NER] Criteria E1, A4)

Why is it significant

The Johnston Street Heritage Overlay Area is significant:

Attachment 10 - Heritage Referral Advice

- As a good demonstration of mainly Victorian and Edwardian-era commercial and retail development in Collingwood, including hotels, a former theatre, former shops with residences over, small industrial buildings and some residential development, that represents the second and major generation of settlement that occurred in the area in the late nineteenth century, promoted by the establishment of a cable tram service there in 1887;
- For the important architectural elements such as the ornate Italianate or Edwardian details on the upper storey shop facades; and
- For individually significant buildings and building groups such as the Collingwood Technical School complex, a significant 20th century school design, also
- As the site of the first Collingwood Municipal Reserve and a number of locally historic buildings that evolved around it. [Emphasis added.]

The development site abuts the Collingwood TAFE site, constructed 1913, 1923, 1938, 19458-9 is also listed as being Individually significant. The Statement of Significance is also and is included in Appendix 7:

What is significant?

The Collingwood Technical School complex, later Collingwood TAFE at 35-63 Johnston Street, Collingwood, was created in stages in 1913, 1923, 1938, 1948-9, 1950s for the Education Department (Victorian State Government) and has historical associations with the numerous pupils, parents of pupils and teachers who attended or visited the school. The place has a good integrity to its creation date.

Fabric from the creation date at the Collingwood Technical School complex, later Collingwood TAFE is locally significant within the City of Yarra, compared to other similar places from a similar era.

How is it significant?

The Collingwood Technical School complex, later Collingwood TAFE at 35-63 Johnston Street, Collingwood is socially, historically and architecturally significant to the locality of Collingwood and the City of Yarra.

Why is it significant?

The Collingwood Technical School complex, later Collingwood TAFE is significant:

- As a major educational complex in the Collingwood area and Melbourne, with many long associations for the community;
- For the highly significant Dudok-Modern architectural styling of its components, particularly the Johnston St arched facade (Percy Everett's Public Works Department design), the Wellington St block and engineering workshop of 1938,
- For the original well-preserved Collingwood Technical School of 1913 sited in Perry Street;
- For the inter-war and immediate post Second War wings that served as war-related training venues, also
- The Keith Haring mural in the courtyard. [Emphasis added.]

Proposal

Attachment 10 - Heritage Referral Advice

Partial demolition of No. 23 -33 Johnston Street, complete demolition of No. 31 – 33 Johnston Street and construction of a 12-storey building above a 2-level basement.

At Nos. 23 -29 Johnston Street the façade will be retained as will the saw-tooth truss wall abutting the west laneway will be retained for a length of 9 metres.

Drawing Numbers

20 pages drawings; prepared by Cox Architects and with Council date stamp 19 Oct 2016.

17 pages of various existing conditions, "Concept" and "Architectural Design Response" illustrations prepared by Cox Architects and with Council date stamp 16 Sep 2016.
Plan of Relocation Features and Levels, prepared by Reeds Consulting, and with Council date stamp 19 Oct 2016.

Heritage Impact Statement prepared by Lovell Chen dated October 2016 and with no Council date stamp.

Context Description

Other than for the Gregory's Engineering and Collingwood TAFE sites, the area is mixed with single and double-storey shops predominating in Johnston Street which are mostly graded Contributory and which are interspersed with some Non-contributory buildings and three Individually significant buildings on the north side of Johnston Street. The development site abuts the Individually significant former Collingwood Technical School complex to the east Nos. 35 – 63 Johnston Street. This is a large and robust collection of triple (or 2 ½)-storey inter-War buildings, mostly with a zero setback and form a distinctive and dominant element in the streetscape because of the design, bulk, scale and expanse of street frontage. The architectural design and presentation is significant. No doubt before changes to the façade (overpainting or possibly rendered, affixed screen) of the Gregory's Engineering building the group would have presented as an impressive Moderne streetscape.

An internal site inspection reveals that little fabric of the Court House Hotel remains and certainly not enough to adequately demonstrate the plan form or the nature of any rooms. No evidence of the stone shop was sighted but at the time of the site inspection its existence was not known. Given that the stone shop, if it exists most likely dates from c. 1860s it would be worth undertaking another inspection, if only to record any remnants of it and the visible remnants of the Court House Hotel.

Otherwise the site presents as an industrial site and contains some timber-framed multi-paned windows in the timber-framed sawtooth truss roof which is an early example and a precursor to the more typical steel-framed roof and windows. It is recommended that an archival photographic survey be undertaken, after the removal of internal non-original partitions around the artists' studios, and lodged in the local history collection at the Fitzroy or Collingwood Libraries.

Attachment 10 - Heritage Referral Advice

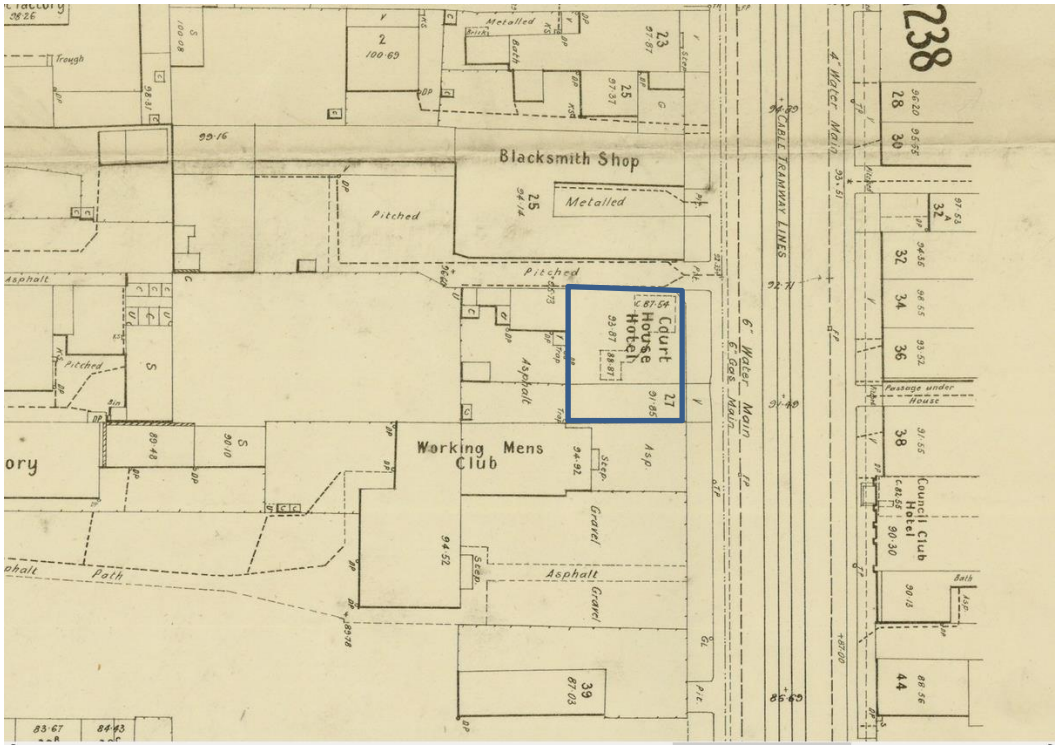


Figure 1 *The MMBW Plan No. 1196, dated 1900. (North is to the right.) The approximate area of the hipped roof shown in Figure 2 is indicated.*

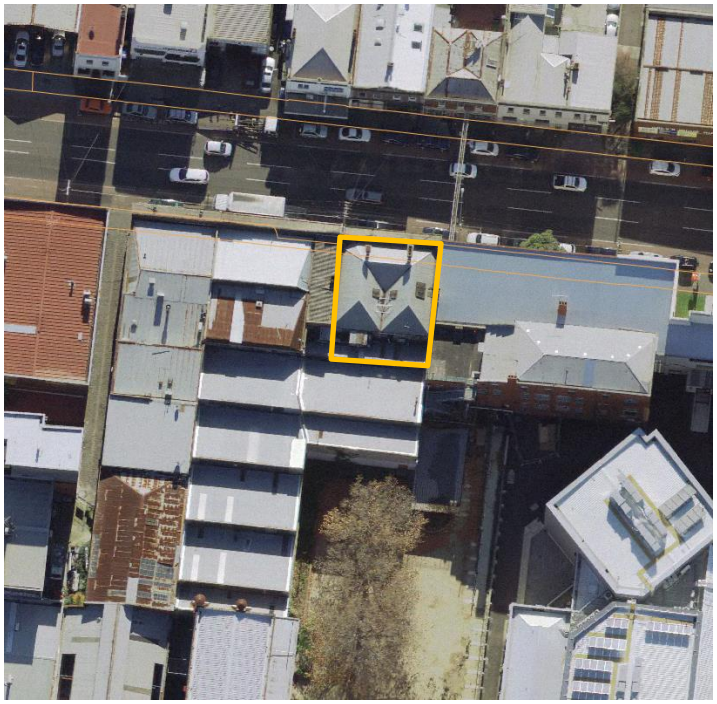


Figure 2 *The three hipped roof elements are probably part of the Court House Hotel however, there is little evidence of this or anything else of the Hotel which is evident in the building.*

Attachment 10 - Heritage Referral Advice

Policy and Planning Context

Included in the list of Contributory elements in the Johnston Street precinct are:

two storey shops with residences over, having typically:

- Façade parapets, with pitched roofs set behind;
- Two storey wall heights;
- Face brick walls (red, dichrome [bichrome?] and polychrome) or stucco walls (typically originally unpainted) with some significant moulded or pressed cement detailing on parapets;
- Corrugated iron roof cladding, with some slate roofing;
- Chimneys of either stucco finish (with moulded caps) or of matching face brickwork with corbelled capping courses;

The following sections indicate the appropriate policy context in which to assess this application.

Cl. 21.05 Built Form includes

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

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

Strategy 14.3 Protect the heritage skyline of heritage precincts.

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

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

Strategy 17.2 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 [Emphasis added.]

Cl. 22.2 Development Guidelines for Sites Subject to the Heritage Overlay includes:

22.02-5.1 Demolition

Full Demolition or Removal of a Building

Generally encourage the retention of a building in a heritage place, unless

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

Note: The poor condition of a heritage place should not, in itself, be a reason for permitting demolition.

Attachment 10 - Heritage Referral Advice

Removal of Part of a Heritage Place or Contributory Elements

Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.

Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

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

22.02-5.7.1 New development, Alterations and Additions. General

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

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- 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. (p. 37)

Minimise the visibility of new additions by:

- Locating ground level additions and any higher elements towards the rear of the site. [Emphasis added.]

Industrial, Commercial and Retail Heritage Place or Contributory Elements

Encourage new upper level additions and works to:

- Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.
- Incorporate treatments which make them less apparent.

22.02-7 Decision Guidelines

Before deciding on an application the responsible authority will consider:

- Whether there should be an archival recording of the original building or fabric on the site.
- The heritage significance of the place or element as cited in the relevant Statement of Significance or Building Citation. [Emphasis added.]

Johnston Street Local Area Plan

Attachment 10 - Heritage Referral Advice

The whole site is also included in the *Johnston Street Local Area Plan*. Section 3.4 specifically mentions that that, *inter alia*:

> Heritage buildings and precincts, such as the Johnston Street Precinct (HO324), create a strong sense of character within the study area. The heritage fabric of some sections of the street poses a constraint on development opportunities that will be a consideration in future built form outcomes. (p. 37)
>
> New development needs to respond to the presence of heritage buildings through their design and materials. However, some larger sites offer opportunities for future development behind the existing heritage fabric, as well as the adaptive re-use of heritage buildings. Creating a consistent street edge (street wall facade) along main streets is an important design element to be considered in future built form to create a consistent character. (p. 37)
>
> The scale of new buildings needs to be influenced by the context of individual sites and the level of change they can accommodate, which includes the following considerations:
>
> - The context, size and orientation of the site;
> - Street width, footpaths and the enhancement of the public realm;
> - The presence of heritage fabric and the design response;
> - The impact of built form on existing fine-grain residential areas to the north and south of Johnston Street and the need to provide a transition to sensitive interfaces; (p. 37)
>
> The central section of Johnston Street (Precinct 1) is subject to a Heritage Overlay that predominantly covers the properties that front onto Johnston Street. This precinct has opportunities for new development that needs to be respectful of the existing heritage fabric that contributes to the character of this section of Johnston Street. [Emphasis added.] (p. 42)

With regard to the future character of this part of Johnston Street, it states:

> The Central part of Johnston Street will become a vibrant, mixed use precinct which comprises medium scale buildings that relate to the busy footpaths. New buildings respect the heritage qualities of the precinct and reinforce a consistent street edge. Active street frontages are incorporated where the heritage fabric is not a constraint to new development. (p. 53)

The relevant Built Form Guidelines are:

> - Complement the predominant street wall façade height with infill development.
> - The street wall façade of larger developments should be designed to reflect the facade pattern, particularly the vertical rhythm of existing buildings.
> - Build to the street frontage boundary of the site.
> - Complement the street wall of heritage building when building on adjacent sites.
> - Upper levels should be setback appropriately and be visually recessive in the streetscape.
> - Taller building should minimise off site impacts and be recessive in design in respect to the street wall façade.
> - Design of new higher development should be recessive and compliment the heritage fabric.
> - Heritage facades should dominate streetscape views. [Emphasis added.]
>
> Maximum heights and setbacks
>
> - 2-3 storey (11m) street wall facade with respect to existing heritage
> - 6-7 storeys (23m) on sites able to accomodate [Sic.] upper level setbacks

- 2-3 storeys (11m) at the interface with fine grained residential properties
- Set back upper levels between 3-6 metres from both street facade and rear interfaces (depending on site context and the presence of heritage fabric)
- Behind heritage buildings a setback of 6 metres will generally be required and the heritage building should remain dominant in the streetscape. (p.53).

Planning Permit PL08/0894

I note that a planning permit (PL08/0894) for this site was issued on 22 September, 2010 but not proceeded with yet. An extension of time has been granted for completion until 2019. The original assessment of the proposal was considered against the present Cl.22.02 as Amendment C85 had been adopted by Council on 19 August 2008 and had been submitted to the Minister for Planning for approval. In addition, the permitted proposal was assessed in the context of the *Smith Street Structure Plan*, which then had "little statutory weight". Since then the *Johnston Street Local Area Plan* has been adopted by Council (December 2015) but a Planning Scheme Amendment has not yet been prepared so any weight given to this must be measured but nevertheless regarded.

As permit PL08/0894 is still live it is appropriate to consider the permitted design in conjunction with the now proposed design and in the existing policy context. The permitted proposal retained all of the façade, included a car park entrance in the same location as is now proposed and included a building with a maximum building height of 33.78 metres plus 2.2 metres for plan. The retained façade, in its entirety, forms a podium to a stepped tower which is set back and which is visible above/behind the podium. The design was quite different from the current proposal and borrowed heavily on the design of the adjacent Collingwood TAFE.

Assessment of Proposed Works

Demolition

The permitted proposal included demolition of all of the fabric other than for the whole of the Moderne façade.

It is proposed to demolish all of No. 31 – 33 Johnston Street and all of Nos. 23 – 27 Johnston except for the façade, awning and return sawtooth wall along the west lane. The western sawtooth wall is proposed to be demolished in the permitted proposal.

Noting that the buildings are Individually significant, and that demolition as proposed would not normally be approved an objective assessment needs to be made in the light of the relevant policies and the existing conditions which are not completely evident.

The permitted proposal utilises the laneway/easement between Nos. 27 -29 and Nos. 31 – 33 Johnston Street for access to the basement car park and which does not involve any demolition of the façade. The rationale for complete demolition of Nos. 31 -33 Johnston Street in the current proposal appears to be based upon providing an entry to the basement car park and the assumed structural difficulties of supporting the upper level façade only, during construction. I note that the Demolition Plan has a note that "Existing Johnston Street façade & awning is to be maintained and not to be demolished". It would not be acceptable if during construction another application is made to demolish this façade on the basis of its physical condition or some other issue. To this end it would be preferable to receive a structural engineering report which sets out the feasibility of retention during construction, before approval of any demolition of the facade.

The justification for full demolition in the Lovell Chen report (pp. [18] – 19) is unconvincing.

I am unable to judge whether or not the façade of the west wing (i.e. two sections) "is more coherent and intact" than the eastern façade (i.e. single section) because the western façade is covered up. As is visible, the central and eastern sections appear

comparable. The assessment of the permitted proposal indicates that some of the first floor windows have been removed, probably behind the advertising hoarding (west wing). Any assessment needs to be made in the light of the physical evidence and the western portion of the façade should be uncovered, as was the case with the Lyric Theatre which was sufficiently uncovered so as to be able to make a realistic assessment. That said, otherwise the only visible difference between the façade of Nos. 27 - 29 compared with that of Nos. 23 – 25 is the bichrome brick panel which separates Nos. 23 – 25 from Nos. 27 – 29 Johnston Street.

Insofar as fabric behind the façade is concerned, it is a conglomeration of industrial construction, probably altered in parts, and including a corrugated steel shed and remnants of the Court House Hotel. None of it is of sufficient intactness or integrity as to warrant retention and this is consistent with the assessment of the permitted proposal. This assessment is based on the internal site inspection which has yielded new information about the rear of the building which was most likely not-evident at the time that the citation was prepared.

Proposed works

Built form (height/setbacks)

Height

I note that Concept Drawings (4.3 Existing Permit Scheme Analysis) (p. 44) state that the overall height of the permitted scheme is 25.43 metres (for 9 storeys) but the actual drawings for the permitted scheme show a height of approximately 22 metres (notation somewhat illegible) to the top of the lower portion on the eastern side and 33 78 metres to the top of the higher portion on the western side, the latter dimension according with the planning assessment of the permitted proposal. This drawing also notes the permitted building to have 7 levels (but seeming; drawn as 6 levels). This drawing requires clarification.

This current proposal is similar to the permitted proposal in that the building height is divided into two portions with a higher portion being on the western portion of the site. The proposed building is to be 12 storeys (compared with 9 storeys in the permitted proposal) and with quite different setbacks. The height of the proposed building is 39.61 metres (RL 67.800 -28.190 – i.e. at the centre of the façade) to the top of the roof (i.e. the east edge of the west tower portion) and 28.9 metres (RL56.350 - 27.450) to the roof of Level 9 on the east side. I note that the Concept Drawings (4.3 Existing Permit Scheme Analysis) (p. 44) state the proposed overall height as being 40.38 metres. The maximum building height of the permitted proposal is 33.78 metres plus 2.2 metres to the top of the rooftop access stairs (i.e. 35.98 metres overall). Leaving aside plant the difference in height appears to be an increase of 5.83 metres – say 6 metres. In both proposals the higher built form is on the west side of the site and the use of the existing façade as a podium is common to both proposals. Given the differences in floor to ceiling heights it is difficult to make any further direct comparisons in this regard.

The form of the permitted building is rectilinear whereas the form of the proposed building is curved. . In the permitted proposal the setbacks commence at Levels 2 -7 (Level 8 appears to be the same) where the front setback is 11.9 metres partially illegible). Condition 1 (a) of the permit requires the setbacks of the 7th level to be increased to 19 metres and the setback of the 8th level to be increased to 22.65 metres. In the proposed building setbacks virtually commence at Levels 03 -07 and vary from 5.175/6 metres to 3 metres. At Level 8 the setbacks have been increased by 2.5 – 3 metres in the centre and the east end there are no setbacks as the built form at this level has been replaced by a rooftop garden. At Levels 9 – 11 the built form is confined to the west portion (half) of the site where the front setbacks are 10.6 metres to 11.1/2 metres.

In the permitted proposal the side setbacks are approximately 1.5 metres compared with approximately 4.5 metres in the proposal. Overall the visual bulk has been increased Concept Drawings (4.3 Existing Permit Scheme Analysis) (p. 44)

Attachment 10 - Heritage Referral Advice

In summary, the proposed building is 6 metres higher and with considerably smaller front setbacks which makes the upper levels and the visual bulk more apparent and out-of-keeping with the heights of the surrounding area, including in Heritage Overlay precincts. The bulk in views east and west along Johnston Street is clearly demonstrated in the Concept Drawings (4.5 Massing and Form, p.46) and in the perspective looking east from the intersection with Smith Street. The perspective looking west from the intersection of Wellington Street does not seem to accord with the Massing and Form diagram. Further, the perspective looking east from the intersection with Smith Street also demonstrates that Levels 9 – 11 (top 3 levels) are particularly dominating and oppressive and they should preferably be deleted. The front setbacks should also be increased – setbacks of approximately 13 metres have been consistently achieved in Bridge Road so as to keep the higher built form back from the heritage streetscape and also to retain buildings often in their entirety. Given the existing permit, the setbacks should be increased to be responsive to, but not necessarily match exactly, the permitted setbacks.

The assessment of the permitted proposal noted that the significant vantage points in which any higher built form would be viewed is along Johnston Street and more unspecified views "from the north south and east where land topography falls away and upper levels will be seen" – the subject site is almost at the top of the Collingwood Slope and its elevated position would, depending upon height and bulk, would make any large building conspicuous in the immediate environs. These vantage points referred to are presumably north and south along Smith Street, from the east and also from the west along Johnston Street and the smaller residential streets including HO 321 (Gold Street Precinct) and between Wellington and Smith Streets (HO 312 Campbell Street Precinct). It was also recognised that "from some vantage points to the south, the building will be screened by the NMIT high-rise building". This is because the NMIT building is the highest and most bulky building in closest proximity to the subject site. This is ably demonstrated in the Concept Drawings (4.3 Existing Permit Scheme Analysis, p. 44 and 4.5 Massing and Form, p.46). This building is already noticeably bulkier and higher than the surrounding built form and is a visually intrusive and dominant element in several streetscape views. The proposed building will have a similar, or possibly worse effect in terms of visual bulk.

Colours/materials

Generally the design is superior to the permitted design. The curvilinear from is acceptable in this example and is a form which should soften the edges of any higher built form. However, in this proposal it does but it does not disguise the underlying height and bulk which is unacceptable and inappropriate together as designed (proposed height and setbacks compared with the permitted height and setbacks).

The façade is generally silver double glazing which will draw attention rather than appearing to be recessive. There have been some issues in Yarra with reflective glass cladding which have been unfortunate. Examples of curved or box-like, smooth reflective glazed buildings elsewhere such as in St Kilda Road and Chapel Street/Alexandra Avenue (south-west corner), despite their mixed contexts, demonstrate that this type of design and cladding is actually most-often strong, dominant and attention-seeking rather than architecturally polite and recessive as might be expected. While this type of design and reflective, shiny glazed materiality may be appropriate in a different context, it is not an appropriate or acceptable response in the Johnston Street, South Fitzroy or Smith Street Heritage Overlay precincts from where the upper levels will variously be visible. Before commenting further, a sample of the material should be supplied so as to be able to accurately judge its appearance during the day and the night – will it be a discordantly illuminated high box at night?

While external timber is often not approved in Yarra due to poor maintenance and an unsightly appearance emanating therefrom, the timber here is to line the soffits where it is likely to maintain an acceptable appearance. To this end the exposed/outer edges should be lined/framed in a weatherproof/durable material.

I have no serious issue with the façade to Nos. 31 – 33 Johnston Street of itself however, and leaving aside the issue of demolition, it would be preferable if it were toned down somewhat.

Attachment 10 - Heritage Referral Advice

Conservation Works

Condition 1 (w) on the existing permit requires "detail drawings showing all restoration works proposed to the Johnston Street façade at an appropriate scale, in consultation with a suitably qualified heritage expert". It is not known whether or not these have been submitted but in any event the scope of any works should be consistent and a similar condition should be included on any new permit.

The paint (or render) will be removed from the façade as will the advertising hoarding. The steel-framed windows will be retained and repaired and the street awning, which contains a pressed metal soffit will be retained. These works are appropriate but need to be detailed on a drawing at an appropriate scale.

Shopfronts

Alterations to the shopfronts are proposed i.e. complete demolition, to enable an entrance lobby and retail space. The size of the shopfronts was an initial concern in the permitted proposal and they were changed accordingly. The existing shopfronts are a mixture of styles and levels of intactness. Elsewhere in Johnston and Smith Streets there are more intact inter-War shopfronts. The alterations proposed are acceptable and are generally similar to the size of the shopfronts in the permitted proposal. That said, it is not discernible from any of the drawings if any part of the façade was to be demolished to enable any proposed shopfronts. This should be clarified but in any event the new shopfronts should be consistent with the permitted shopfronts (Condition 1 (a)) as the proposed shopfronts were a heritage concern.

Plinths or stallboards are typical of the shopfronts in Yarra including Johnston and Smith Streets and the inclusion of a plinth pf at least up to approximately 400 – 500 mm. is frequently required in Yarra so as to continue the street edge. A plinth is included in the permitted proposal (Condition 1 (a)) and a plinth should be included in this current proposal.

Flagpoles

Condition 1 (v) on the existing permit requires the flagpoles to be retained. They are not shown on Drwg. 30-00 nor are they mentioned on Drwg. 11-05 nor do they appear to be mentioned in the Lovell Chen report. The flagpoles are to be retained and painted white which is the traditional/protocol colour.



Figure 3 The façade with the flagpoles.

Attachment 10 - Heritage Referral Advice

Recommendation / Comments:

Not approved in its current form.

Strategy 17.2 envisages that "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 and architectural design excellence

Noting that the assessment of the permitted proposal observed that there is some room to move, the consideration here is whether or not the architectural design is sufficiently, or acceptably excellent, as to warrant an increase in height to 12 storeys – double that which is envisaged in Cl. 21.05 or 6-7 storeys (23m) on sites able to accommodate upper level setbacks as envisaged by the *Johnston Street Local Area Plan*.

As demonstrated by the material supplied, the proposed building will be a high visually bulky building in a significant heritage location which will be out-of-keeping with the heritage surrounds and the locality generally. Given the conspicuous nature of the site due to its elevated location near a major and significant heritage intersection, any new building on this site should be responsive to its surrounds and the policy regime and not simply push the envelope.

The Built Form Strategies seek to "Conserve, protect and enhance identified sites and areas of heritage significance " by " Protect[ing] the heritage skyline of heritage precincts [and] buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas". What is proposed will not achieve these strategies. As proposed significant upper level setbacks have not been contemplated. The building is not respectful of "the pattern, rhythm, … spatial characteristics, fenestration … materials and heritage character of the surrounding historic streetscape"; it will not be visually recessive and will dominate in the heritage place; it is not respectful of "the scale and form of the heritage place or contributory elements … by being set back from the lower built form elements" and does not acceptably incorporate treatments to make the upper levels less apparent. The last point is crucial.

The proposed building is 6 metres higher than the permitted building, although this needs clarification, and the front setbacks, which are critical, are considerably less than the permitted building. In summary, the top three levels should be deleted or at least made recessive and less/not visually apparent from the heritage streetscapes. The front setbacks should be increased to positively respond to those which have been permitted. That said, and noting the existing permit, the principal requirement is to reduce the visual bulk considerably by some of the techniques suggested above and which can be tested during the re-design process by 3-D modelling so as to comply with the relevant policies as discussed above.

While generally the design is superior to the permitted design it has not reached a level of architectural excellence as to warrant the increase in height as significant upper level setbacks have not been achieved which is another critical part of the equation.

Clarify all of the dimensions and stated floor levels on Concept Drawings (4.3 Existing Permit Scheme Analysis) (p. 44) before any approvals are made.

Demolition behind the façades as proposed is acceptable and is dependent upon completion of a structural engineering report, and an archival photographic survey and another internal inspection to ascertain what if anything of the stone shop might remain. Any remnants might have archaeological interest.

So as to alleviate a future problem, and before approval of any demolition of the façade is made, request that a structural engineering report, which sets out the feasibility of retention of the façades during construction, is submitted for consideration.

Before any conclusions can be arrived at with regard to the demolition of the façade of Nos. 31 – 33 Johnston Street can be arrived at, the façade of Nos. 23 – 25 Johnston Street (the

Attachment 10 - Heritage Referral Advice

west façade) should be uncovered so that a proper and informed assessment of the three façades can be made in the light of the physical evidence.

Undertake an archival photographic survey, after the removal of internal non-original partitions around the artists' studios, of the Court House Hotel remnant, the stone shop and the Gregory's factory and lodge it in the local history collection at the Fitzroy or Collingwood Library.

Provide a sample of the silver double façade glazing so as to be able to accurately judge its appearance during the day and the night.

Clarify how it will appear at night.

Tone down the façade to Nos. 31 – 33 Johnston Street.

Include a similar condition on any new permit to (Condition 1 (w) on the existing permit which requires "detail drawings showing all restoration works proposed to the Johnston Street façade at an appropriate scale, in consultation with a suitably qualified heritage expert". Ensure that the scope of any works is consistent in both applications.

Clarify if any part of the façade is proposed to be demolished to enable the proposed shopfronts.

The new shopfronts should be consistent with the permitted shopfronts (Condition 1 (a)). Include a plinth to the shopfronts to at least approximately 400 – 500 mm (Condition 1 (a)).

Retain the flagpoles and paint them white.

Signed:



Robyn Riddett

Director – Anthemion Consultancies

Date: 1 February, 2016.

Attachment 11 - Heritage Referral Advice (Supplementary)

City of Yarra
Heritage Advice - Supplementary

Application No.: PLN16/0845

Address of Property: 23 - 33 Johnston Street, Collingwood.

Planner: Amy Hodgen

Yarra Planning Scheme References: Clauses 43.01, 21.05 and 22.02.

Heritage Overlay No.: HO324 **Precinct:** Johnston Street Precinct, Collingwood.

Level of significance

The site comprises:

Nos. 23A -25A Johnston Street, Collingwood, Gregory Steel Products Pty Ltd, engineering workshop complex, part, constructed 1939.

Nos. 27 – 29 Johnston Street, Collingwood, Gregory Steel Products Pty Ltd, engineering workshop complex, part, constructed 1941.

Nos. 31 – 33 Johnston Street, shops & office façade (See also Couth House Hotel), constructed 1954, 1860s.

Nos. 31 – 33 (rear) Johnston Street, Collingwood, Court House Hotel (later Gregory Steel Products Pty Ltd, engineering workshop complex, part, constructed 1860 – 1880.

All are listed as being Individually significant in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007 (Rev. Sep. 2015).*

Proposal

Façade demolition of No. 31 – 33 Johnston Street.

I provided heritage advice regarding the whole proposal on 1 February 2017. This supplementary advice only addresses the proposed demolition of the façade to Nos. 31 – 33 Johnston Street. For this reason I have not repeated information in the previous advice which is not to be construed now that that information is no longer required. Other than wanting to push on with demolition of this portion of the façade, no other information or comment about the other items raised in my advice, nor the demolition, has been provided to me

Drawing Numbers

20 pages drawings; prepared by Cox Architects and with Council date stamp 19 Oct 2016.

17 pages of various existing conditions, "Concept" and "Architectural Design Response" illustrations prepared by Cox Architects and with Council date stamp 16 Sep 2016.
Plan of Relocation Features and Levels, prepared by Reeds Consulting, and with Council date stamp 19 Oct 2016.

Heritage Impact Statement prepared by Lovell Chen dated October 2016 and with no Council date stamp.

Cl. 22.2 Development Guidelines for Sites Subject to the Heritage Overlay includes:

Attachment 11 - Heritage Referral Advice (Supplementary)

22.02-5.1 Demolition

Full Demolition or Removal of a Building

Generally encourage the retention of a building in a heritage place, unless

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

Note: The poor condition of a heritage place should not, in itself, be a reason for permitting demolition.

Removal of Part of a Heritage Place or Contributory Elements

Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.

Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

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

Assessment of Proposed Works

Demolition

The permitted proposal included demolition of all of the fabric other than for the whole of the Moderne façade.

This advice addresses the proposal to demolish all of No. 31 – 33 Johnston St.

I noted previously that the buildings are Individually significant, and that demolition as proposed would not normally be approved and that an objective assessment would need to be made in the light of the relevant policies and the existing conditions which were not completely evident. I also noted that the rationale for complete demolition of Nos. 31 -33 Johnston Street in the current proposal appears to be based upon providing an entry to the basement car park and the assumed structural difficulties of supporting the upper level façade only, during construction. I also noted that the Demolition Plan has a note that "Existing Johnston Street façade & awning is to be maintained and not to be demolished". My previous advice was that it would not be acceptable that, if during construction, another application is made to demolish this façade on the basis of its physical condition or some other issue. I requested a structural engineering report which sets out the feasibility of retention during construction, before approval of any demolition of the façade and to date none has been received.

I also commented that the justification for full demolition in the Lovell Chen report (pp. [18] – 19) is unconvincing.

I was then unable to judge whether or not the façade of the west wing (i.e. two sections) "is more coherent and intact" than the eastern façade (i.e. single section) because the western façade was covered up. As was visible, the central and eastern sections appear generally comparable. The Lovell Chen assessment of the permitted proposal indicates that some of the first floor windows have been removed, and I surmised that they were probably behind the advertising hoarding (west wing). The hoarding has now been

removed, other than for the frame, and all of the windows are intact externally however, the entire upper level façade has been overpainted in 'fuschia' pink. All of the upper level facades appear intact and are similar except for the parapets and dividing panels below. The paint could probably be removed from the western portion, indeed all portions.

Other than for the state of the brickwork beneath the overpainting, the only visible difference between the façade of Nos. 27 - 29 compared with that of Nos. 23 – 25 is the bichrome brick panel which separates Nos. 23 – 25 from Nos. 27 – 29 Johnston Street. These tow portions differ slightly from the eastern portion as discussed below.

Permit PL08/0894 is still live and the permitted proposal retained all of the façade and included a car park entrance in the same location as is now proposed. Why is it now proposed to demolish one third of the façade of an Individually significant building which is against policy? If it could be retained previously what cannot it be retained now?

While in three sections the façade reads as a coherent entity, albeit with different details, and what is proposed is demolition of one-third of it which is not in accord with the Heritage Policy.

The Statement(s) of Significance states that Nos. 23A - 25A Johnston Street, part of the Gregory Steel Products Pty Ltd. engineering workshop complex, "is significant as part of a large Moderne style building group, developed from an earlier core, with significant details such as glass bricks". The Statement of Significance for Nos. 27 - 29 Johnston Street is virtually the same. The reasons why Nos. 31-33 Johnston Street, Collingwood are significant are:

- The shops and office facade are significant
- As a distinctive Moderne design with use of glass bricks and with some original shop fronts;
- For the early Victorian-era, former Court House Hotel visible behind the facade as Victorian-era chimneys, roof and room forms; also
- The rare Victorian-era carriage way next to 31.

It is clear that the physical remnants of the Court House Hotel do little, if anything, to provide an, understanding of this building. The "rare Victorian-era carriage way" exhibits nothing of a "carriageway' in its present condition and in reference to the MMBW Plan No. 1196, it appears more like a typical pitched lane leading to a downpipe in a rear pitched yard.

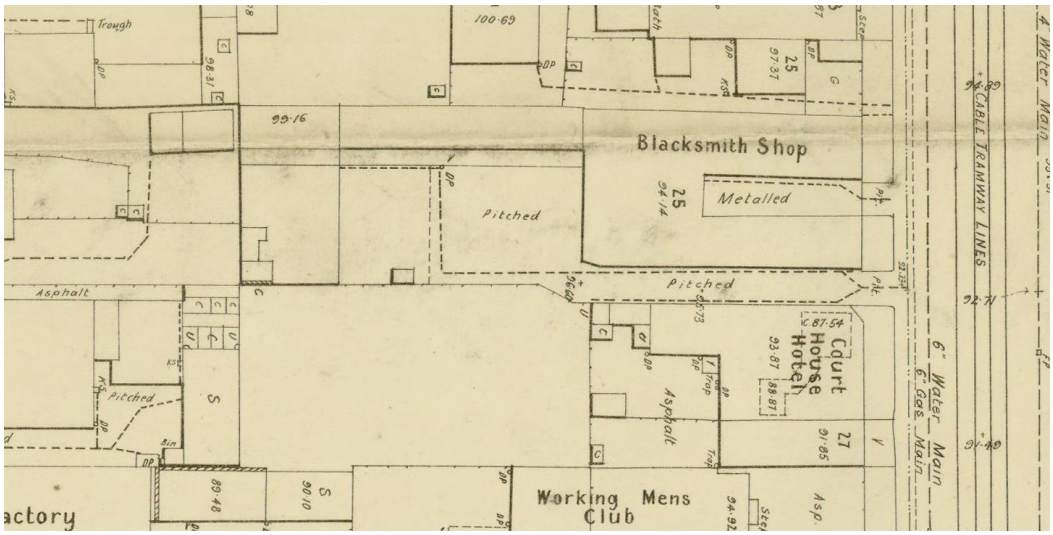


Figure 1 The MMBW Plan No. 1196, dated 1900. (North is to the right.)

Attachment 11 - Heritage Referral Advice (Supplementary)

The façade of Nos. 31-33 Johnston Street does not include glass bricks, although this descriptor could be read as part of the description of the entire Moderne façade.

The assessment therefore comes down to whether the western portion of the façade is more significant than the other portions and whether or not it adds anything measurable to an understanding and/or appreciation of this example of a Moderne' industrial façade. Conversely whether its loss would have an adverse effect on, or would compromise, the whole façade or the other two portions. Clearly the central and eastern sections have some greater pretention by virtue of the stepped parapet and glass brick and panel detail below, the latter being lacking in relation to the eastern portion. In my opinion, the Moderne façade is a fairly plain and almost utilitarian façade compared with contemporary industrial facades. In my opinion it was. and remains. of a low order of aesthetic significance. This eastern portion of the façade was created in 1954 and appears to have been partially constrained by incorporating window openings to coincide with those, or some of those, belonging to the Court House Hotel, however this, while a likely explanation for the larger window openings and wider spacing compared with the other two portions, cannot be verified. As a result the western portion appears slightly ungainly. In my opinion the historical associations with Gregory Steel Products is perhaps of interest but not significance. On balance the eastern portion contributes less than the other two portions and its loss, while not in accord with the policy would not have an adverse effect on the retained portions. However that said, and without setting a broader precedent for the demolition of facades or significant portions of buildings, the consideration will be whether the proposed new building makes a greater contribution than the loss of the existing and therefore whether demolition as proposed can be contemplated. To come to a conclusion, I require clarification as to why it is necessary, or perhaps just proposed, to demolish the façade of Nos. 31 – 33 Johnston Street, Collingwood, when it is proposed to retain the facade in the existing permit and also why the drawings show the façade to be retained when it is to be demolished. Any explanation would benefit from the light of a structural report – I note that this is proposed to be a permit condition but this does not address the nub of the issue.

Recommendation / Comments:

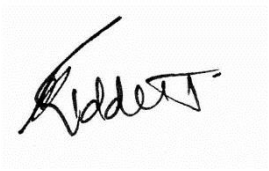
Not approved in its current form.

Provide appropriate responses to all of the matters raised in my advice of 1 February 2017 before any approvals are made.

As Permit PL08/0894 is still live provide clarification and justification for the proposed demolition of the façade by providing appropriate responses to the following questions: Why is it now proposed to demolish one third of the façade of an Individually significant building which is against policy? If it could be retained previously what cannot be retained now?

This would benefit from the light of a structural report. I reiterate that so as to alleviate a future problem, and before approval of any demolition of the façade is made, request that a structural engineering report, which sets out the feasibility of retention of the façade during construction, is submitted for consideration.

Signed:



Robyn Riddett

Director – Anthemion Consultancies

Date: 7 March, 2016.

Attachment 12 - Heritage Referral Advice on Sketch Plans

City of Yarra
Heritage Advice – Supplementary 2

Application No.: PLN16/0845

Address of Property: 23 - 33 Johnston Street, Collingwood.

Planner: Amy Hodgen

Yarra Planning Scheme References: Clauses 43.01, 21.05 and 22.02.

Heritage Overlay No.: HO324 **Precinct:** Johnston Street Precinct, Collingwood.

Level of significance

The site comprises:

Nos. 23A -25A Johnston Street, Collingwood, Gregory Steel Products Pty Ltd, engineering workshop complex, part, constructed 1939.

Nos. 27 – 29 Johnston Street, Collingwood, Gregory Steel Products Pty Ltd, engineering workshop complex, part, constructed 1941.

Nos. 31 – 33 Johnston Street, shops & office façade (See also Couth House Hotel), constructed 1954, 1860s.

Nos. 31 – 33 (rear) Johnston Street, Collingwood, Court House Hotel (later Gregory Steel Products Pty Ltd, engineering workshop complex, part, constructed 1860 – 1880.

All are listed as being Individually significant in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007 (Rev. Sep. 2015).*

Proposal

I provided heritage advice regarding the whole proposal on 1 February 2017 and supplementary advice on 7 March, 2016 which only addressed the proposed demolition of the façade to Nos. 31 – 33 Johnston Street.

I have had the latest changes on sketch plans explained to me and comment as follows:

I understand that it is now proposed to reconstruct the east portion of the façade to the vehicle entry. I have recommended that a heritage construction methodology statement be prepared to the satisfaction of the Responsible Authority as a permit condition.

I note that the setbacks at the mid-level have been increased by 1 metre at various points. This will be of little consequence.

I note that the setbacks of the top 3 storeys have been increased by approximately 300mm which will also be of little consequence.

I understand that the glazing has been changed from a silver colour to a more brown colour. In order to make a realistic assessment of the likely appearance of the building I would need to see a sample or else an address of another example where it has been installed.
I note that the faceting to the top 3 levels has been replaced by the brown glazing. While possibly blending in more with the lower levels it is my recommendation that these levels be deleted therefore further consideration is not necessary.

Attachment 12 - Heritage Referral Advice on Sketch Plans

In my opinion there is not a lot of difference between the previously assessed proposal and the sketch plans and it is still my recommendation that the proposal in its current form not be approved.

I note that the flagpoles are now to be retained and painted white. This is positive.

The lack of clarity referred to in my earlier advice in relation to the 6 storeys mentioned on the permit and the 9 storeys shown ion the plans has now been explained to me that it is the outcome of mediation and it does not change my opinions from earlier advice.

Recommendation / Comments:

Not approved in its current form.

Signed:



Robyn Riddett

Director – Anthemion Consultancies

Date: 31 July, 2017.

Attachment 13 - Urban Design Referral Advice (Rob McGauran)

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EXPERT INDEPENDENT URBAN DESIGN ADVICE

23-33 JOHNSTON STREET COLLINGWOOD

December 2016

Prepared by

Robert McGauran
B. Arch. (Hons. Melb), B.A. (Fine Arts Melb.), P.D.M. (Melb.), LFRAIA, FVPELA, Architect
Our ref: 16173

Directors
Eli Giannini
Chris Jones
Cameron Lacy
Robert McGauran
Mun Soon
Joshua Wheeler

Attachment 13 - Urban Design Referral Advice (Rob McGauran)

BACKGROUND

1. In November 2016, I was asked by the City of Yarra to comment on the proposed development at 23-33 Johnston Street, Collingwood.
2. The Plans describe a proposal for the following:

   a) Partially demolishing the existing building
   b) Construction of a 12 level mixed use building containing 154 apartments and 460sqm of retail, consisting of:
   > 43no 1-bedroom apartments (28%)
   > 43no 1-bedroom plus study apartments (28%)
   > 28no 2-bedroom 1-bath apartments (18%)
   > 28no 2-bedroom 2-bath apartments (18%)
   > 12no 3-bedroom apartments (8%)
   c) Two basement car park levels containing 126 parking spaces, 49 bicycle spaces and 154 storage cages.

STATE PLANNING POLICY FRAMEWORK

3. 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
4. Plan Melbourne outlines a vision for Melbourne: Melbourne will be a global city of opportunity and choice achieved by five key directions.
5. 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.
6. **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.

   a) 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.

7. The Central Subregion includes the subject site.
8. **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.
9. 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:

   a) Comprises a range of centres that differ in size and function
   b) Is a focus for business, shopping, working, leisure and community facilities

c) Provides different types of housing, including forms of higher density housing
d) Is connected by public transport and cycling networks
e) Reduces the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres
f) Improve access by walking, cycling and public transport to services and facilities for local and regional populations
g) 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
h) Encourage economic activity and business synergies.

10. **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.
11. **Clause 11.04-2 Housing Choice and Affordability** seeks to reduce the cost of living by increasing housing supply near services and public transport.
12. **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.
13. **Policy guidelines to consider where relevant include**:

    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 more than four storeys.
    b) Activity Centre Design Guidelines (Department of Sustainability and Environment, 2005) in preparing activity centre structure plans and in assessing the design and built form of new development in activity centres.
    c) 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.
    d) Urban Design Charter for Victoria (Department of Planning and Community Development 2009).

14. **Clause 16 Housing** encourages higher density housing development in and around activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

    a) 16.01-3 Strategic redevelopment sites are identified
    > In and around central activity districts
    > In or beside neighbourhood activity centres that are served by public transport

15. **Clause 18 Transport** encourages solutions that ensure an integrated and sustainable public transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movement of goods and people and is safe.

    a) Clause 18.02-1 promotes sustainable personal transport
    b) Clause 18.02-2 promotes cycling and aims to integrate planning for bicycle travel with land use and development planning and to encourage cycling as an alternative mode of travel.

16. **Clause 19.01** promotes renewable energy use in development.

LOCAL PLANNING POLICY FRAMEWORK

17. Clause 21.03 Vision which recognises the contribution of Yarra's heritage and distinctive low rise built form with areas of high development and highly valued landmarks and notes that it *will be a place where buildings throughout the City will adopt state of the art environmental design and accommodate a diverse range of people.*

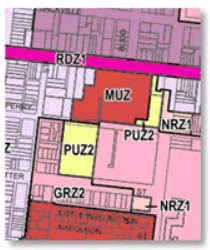
Attachment 13 - Urban Design Referral Advice (Rob McGauran)

18. This area of Johnston Street sits near the interfaces with the Collingwood Arts Precinct and within the Neighbourhood Centre context within these provisions. Unlike the Smith Street corridor it is not a Major Activity Centre Corridor.
19. Clause 21.04 Land Use - notably 21.04-1 Accommodation and Housing
    This clause seeks to protect the character and historic integrity of the area by accommodating the majority of new development on strategic redevelopment sites located in proximity to activity centres and / or good access to transport and services. Given the pre-existing population diversity, the clause looks to maintain diversity by encouraging all household types and structures.
20. Its objectives seek the following:
    - To accommodate forecast increases in population.
    - To retain a diverse population and household structure.
    - To reduce potential amenity conflicts between residential and other uses.
21. Clause 21.05 Built Form
    This clause covers heritage, urban design, built form character, and public environment. The objective of this policy is to conserve areas of heritage significance whilst providing for an adaptive reuse and change of buildings. It seeks to 'retain Yarra's identity through maintaining built and urban form as typically low-rise with pockets of higher development' and to enhance the built form character by considering the surrounding context and respecting (not dominating) existing built form. It also seeks 'to provide a public environment that encourages community interaction and activity', promoting universal access and ensuring that 'buildings have a human scale at street level'.
22. Clause 21.06 Transport.
23. Clause 21.07 Environmental Sustainability.
24. Clause 21.08-5 Collingwood where it notes that, *"To the south of Johnston Street development is Victorian overlaid with subsequent periods of development. This part of Collingwood is varied in built form and character, ranging from large Victorian factory buildings to small pockets of low rise residential development.* Johnston Street is noted as one of the Neighbourhood Activity Centres running east-west through the neighbourhood.

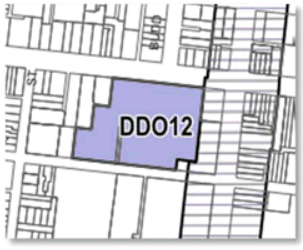
    a) *Implementation of strategies*
    The implementation of land use strategies in clause 21.04 includes:
    - Supporting opportunities for convenience and fresh food shopping.
    - Supporting a land contribution to open space in preference to monetary contribution when residential subdivision occurs. The implementation of built form strategies in clause 21.05 includes:
    - Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.
25. Clause 22.02 Development guidelines for sites subject to the Heritage Overlay outlines how heritage places should be approached.
26. Clause 22.05 Interface Uses Policy
    This clause seeks to facilitate 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'. Its aim is to ensure that residential uses located within Mixed-Use Zones or near commercial centres and industrial uses enjoy a reasonable level of amenity and are designed to minimise the impact of nearby business operations and industrial activities on the amenity within the proposed dwellings*.
27. Clause 22.17 Environmentally Sustainable Development.

ZONING

28. The site is covered by both the Commercial 1 Zone (C1Z) and abuts a Mixed Use Zone (MUZ).







OVERLAYS

29. The site is subject to Schedule 324 to the Heritage Overlay (HO324).
30. DDO 12 FORMER NMIT SITE 35 JOHNSTON STREET, COLLINGWOOD informs development of the abutting eastern site and open space. It sets out Design objectives for the adjoining land including:

    > To encourage regeneration of the site through high quality architecture.
    > To respect and respond to any retained heritage fabric on the site.
    > To facilitate an adaptive re-use of the site.
    > To encourage urban design that provides for a high level of community safety and comfort.
    > To maintain a suitable level of amenity to adjacent residential uses through the design, height and form of proposed development.
    > To ensure that overshadowing of neighbouring properties and public space is within reasonable limits.
    > To ensure that new built form is adequately articulated and modulated.
    > To ensure that the combination of uses and the intensity of development is compatible with the capacity of the existing road system.
    > To ensure that the number of vehicle access ways along Perry and Johnston Streets are limited and that vehicle parking is concealed from street view.
    > To ensure that new development responds to the neighbourhood character and site influences.
    > To ensure that buildings properly address the public realm, including that of Johnston and Perry Streets.
    > To provide for pedestrian permeability through the site.
    > To require energy efficient building design.
    > To provide for an appropriately sized, well designed and located area of public open space that is publicly accessible with good surveillance and has active interfaces with appropriate uses.

31. An Environmental Audit Overlay (EAO) applies to the site.
32. An existing permit for a 9 storey student accommodation project exists on the subject site with obvious perceived affordable housing synergies perceived in a land use sense between this and the adjoining Collingwood Arts Precinct.

PROPOSED DEVELOPMENT

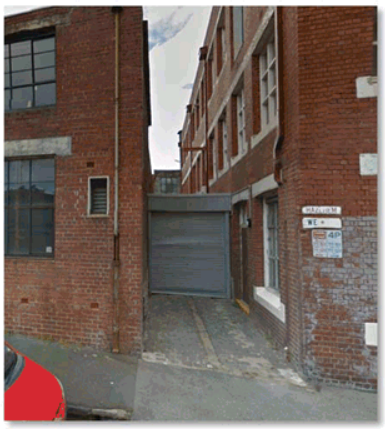
Ground Level

33. The proposal seeks to provide for the retention of the street wall of the site in the western 60% of the frontage with the eastern section removed corresponding to the alignment with the landscaped courtyard to the rear Collingwood Arts Precinct Quadrangle.
34. The major section of this eastern ground level is dedicated to car ingress and egress with the main residential entrance onto the western half flanked by retail tenancies.
35. No pedestrian access or view is provided between the rear courtyard and street.
36. Retail tenancies that sleeved the ground level parking at the interface with the courtyard to the west and part of the northern edge of the site have been diminished in footprint with the western side now an

inert wall interface along with the entire north interface. In a campus context this is a disappointing outcome.

37. A bluestone single laneway width laneway flanks the western edge of the site whilst a discontinued lane abuts the south boundary.





38. Whilst the south side of Johnston Street presents coherently the north side is more fragmented.



39. The substation combined with car access occupies a significant frontage of the site immediately abutting the adjoining development.
40. The western lane provides access to bike storage and parking for 24 cars. No waste management is provided for the retail at this level. Level 1 provides lift access to an L-shaped block of double loaded apartments.
41. Eight apartments are oriented towards Johnston Street, seven of which have inbound bedroom arrangements that I will discuss later.
42. Seven apartments rely exclusively on a western laneway orientation with setbacks of between 4.775 and 1.6m to this interface.
43. Six apartments have an eastern aspect to the landscaped courtyard of the Arts Precinct.
44. A further three apartments have a southern orientation to the same space.
45. The southern corridor opens to the alignment with the abutting laneway and has a predominant width of 1400mm. The lift lobby is 2198mm and the east-west corridor is similarly 1400mm in width. Apartments 11 and 12 have an internal corner juxtaposition that presents some challenges for amenity.
46. The footprint of development to the west, south and eastern boundaries is mirrored on the Level 2 plans with the north façade seeing the western 3 apartments set back at 8.3m minimum from the historic façade.
47. Levels 3-7 have a curvilinear front façade form with five apartments oriented to Johnston Street and three southward to the courtyard. A further five apartments are oriented to the western lane and

interface with 6-8 Bedford Street and three dwellings to the eastern courtyard. Hallways are widened at the ends and open to natural light.

48. Unlike lower levels habitable spaces are typically set back a minimum 4.5m from the laneway interface to the west and educational buildings to the south.
49. At level 8 a rooftop garden offsets the building approximately 10m from the eastern CAP boundary.
50. Three apartments are north oriented with the western footprint matching levels below and the eastern footprint setback further to Johnson Street between 5.48 and 6.07m.
51. The south wing matches lower floors.
52. Levels 9 to 11 provide for setbacks to Johnston Street of between 10.6 and 11.1m with a double loaded north-south axis comprising five apartments per level, with the eastern edge unchanged but with an increased setback of the southern half of the western wing in a tapered arrangement.

Overshadowing

53. Shadow diagrams indicate the arrangement arising from the development with the proposed north-south taller tower form providing for an increased overshadowing impact on the open space of the abutting CAP courtyard and the north façade of the adjoining Perry Street buildings, (themselves of substantial scale) after midday at the Equinox.
54. Earlier in the day impacts are evident to the eastern facades of buildings to the west of the abutting laneway with shadows reaching to Bedford Street at 9:00am, although any redevelopment of these sites in the future would clearly see substantial impact at this time arising in addition to those formed by the subject proposal.
55. Of more concern to me is the proposed overshadowing of the shared amenity landscaped garden space of the adjoin CAP precinct arising from the proposed built form in the eastern half of the Johnston Street frontage. The diagrams indicate a previously approved plan and its comparison with the subject proposal. As noted earlier I understand that plan for student accommodation issued in 2010 allows for a 9 level building for student accommodation.
56. In the scheme before us the proposal results in shadowing of around 20% of the adjoining courtyard by 10:00 am with this extending to around a third of the courtyard or more by midday. This impact is exclusively arising from the proposal as presented and is in my view an unfortunate outcome, particularly given the dependence on the amenity afforded by this courtyard for the liveability of the proposed south and east facing accommodation at upper levels.
57. In the afternoon the proposal has more substantial impacts, overshadowing more than 50% of the courtyard by 1:00pm, over 80% of the courtyard by 2:00pm and the courtyard and adjoining spaces at 3:00pm with the magnitude of these impacts substantially greater than the earlier application. Clearly in any proposal a balance is required.
58. The site sits in an area where substantial change should be anticipated and indeed welcomed and an area of considerable interest and character through the abutment of a series of campus scale warehouse buildings and former educational buildings with the eastern and southern properties progressively being reimagined as a creative arts precinct.
59. In this context, shared amenity open space areas are an important element of a successful outcome. Importantly too, reimagining Johnston Street as a much more pedestrian and cycle friendly street is a key goal of local strategy and in the context of the adjoining arts precinct and nearby places of worship and regional cycle paths, clearly a location wherein improved connecting up and diminished car parking impacts should be sought.

Interfaces

60. In this context it is disappointing to see such a large area of the Johnston Street frontage being dedicated exclusively to car parking access and back of house areas and the missed opportunity for a dedicated interconnection of the central courtyard space with the Johnston Street frontage is something that could be achieved through careful consideration of the eastern section of the proposal.
61. Equally it is disappointing that the interface with the adjoin CAP courtyard has been reduced to blank walls. I presume this has been through a breakdown in communication between the applicant and

Council and administrators of the adjoining precinct as earlier plans indicate activation in part of this interface, however logically, there are opportunities for win-win through some coordinated action in this area.

62. A further disappointment is the absence of activation to the laneway interface and any opportunity afforded through this development to re-establish an integrated network of laneways around the precinct. Whilst I understand the value of restoring the historic façade in the western section of the Johnston Street frontage I am less convinced that the attributes sought for Johnston Street are best served by separating car parking access to two separate locations in this frontage with consequent significant reductions in pedestrian amenity to two major parts of the site interface.
63. Desirably car parking access would be provided in the westernmost 6m of the Johnston Street frontage abutting the laneway and I wonder whether egress from the car park could be separate from the access and provided via the laneway thereby reducing the amount of crossover space within the Johnston Street frontage and containing it to an area of Johnston street where historically this has occurred.
64. This would enable a much more ambitious retail proposition to the eastern side of the lift core and the potential for a daytime interconnecting pedestrian lane at ground level between Johnston Street and the internal courtyard along which retail activity could be provided with some protection from Johnston Street and with clear opportunities for an enhanced accessibility and experience for the arts precinct arising from this development.
65. Access to lower levels could be via what is currently the aisle zone where bike paths are provided or where bike paths and car parks are provided.
66. A better balance in delivering both reasonable levels of new development and continued amenity for shared open space is I think vital to an acceptable outcome for this proposal. To this extent I would suggest the following
67. In the first instance a minimum 6m width pedestrian lane provided at Ground Floor licensed to operate as a publicly accessible lane during day time hours linking the internal courtyard with the adjoining community arts hub and Johnston Street.
68. The podium proposals for Levels 1 and 2 are generally acceptable in my view in regards to their scale and juxtaposition to this internal courtyard zone although I will comment further in regard to internal amenity and organisation of apartments later in my report.
69. The laneway interface should provide for a minimum 4.5m setback from the centre of the laneway at lower levels to habitable rooms dependent on the laneway interface for amenity. This will require some amendment to apartments 1.01 and 1.20 - 1.24 on Level 1 and apartment 2.01 and apartments 2.19 – 2.23 on Level 2.
70. In my view the extent of footprint currently proposed on Level 8 should characterise all levels between 3 and over, above this 3 level podium with the landscaped roof and garden area becoming the rooftop of Level 2. This change to built form will preserve substantially more amenity in the morning hours to the adjoining CAP open space and reduce the sense of enclosure and diminished amenity in the afternoon by preserving open views to the sky to the north.
71. I am satisfied generally that the setbacks to the laneway and courtyard space at Levels 3 to 8 are otherwise acceptable and that the setback similarly described for apartment 8.04 would be acceptable for apartments at Level 3 and upwards.
72. I am not convinced that the footprint for increased heights of Levels 9 to 11 is warranted given the demonstrable extension of overshadowing in the afternoon to the shared open space zones in the centre of the adjoining campus. It is my view that there would need to be further reductions in the built form through the removal of the south western area of development at these levels. I would recommend removal of these levels.

Internal Amenity

73. There are a number of internal amenity issues that will need to be address by the applicant to deliver a successful outcome.

a) I am satisfied that the lift lobby zone is adequate in dimension. This is particularly important in development with the elongated and extended length of corridors as suggested in this instance.

74. The increased setbacks for development reliant on the interface with the laneway at Levels 1 and 2 may result also in the removal of the bedroom at the western end of the east-west corridor at Levels 1 and 2 with an enhanced amenity for the lift lobby zone and the northern corridor arising through this arrangement.
75. The typology for one-bedroom apartments incorporating deeply recessed inbound bedrooms will I think be problematic in this development with the south orientated apartments in particular and the internal corner apartments 1.11, 1.12, 2.10 and 2.11 providing particular challenges for quality of daylighting to the internal areas of both bedrooms and kitchens arising from the necessary dividing screen and limited access to light for the terraces on which in one case living areas and bedroom are reliant and in the other on which two bedrooms are entirely dependent.

    a) Daylighting details should be provided for all of these apartments with this inbound bedroom characteristic to demonstrate that they achieve the standard sought under that sought by contemporary practice and as verified in recent VCAT decisions as important.
    b) I suspect this will result in a need to reconfigure a number of these apartments potentially with a wider frontage for each arising as a result.

76. In contrast, the footprint for Levels 3 to 7 seems typically much more workable with the removal suggested of apartments .04 to .07 inclusive. There is an opportunity to diminish conflicts currently evidenced in the plan between the apartments that abut south and east the internal corner. Whilst I acknowledge that there has been some full height glazing proposed to these interfaces the impact of these gestures is one that diminishes amenity as a result.
77. The current arrangement of Level 8 does not in its current form resolve these issues, with balcony views from apartment 5 having direct visibility into the habitable rooms of apartment 4 within 9m. This needs to be addressed through design changes.
78. Similarly in apartments 7 and 8 it is not clear how fenestration is to be managed between the apartment's habitable rooms. Obviously it would be desirable for there to be no loss of privacy between dwellings as a result of windows in these juxtapositions. The same can be said also for apartment 12 where the current arrangement would suggest full height glazing to the north western side of the balcony form when a preferred outcome would be to ensure that the main bedroom opposite is screened at that interface to provide optimal living space amenity.
79. Issues similarly exist between apartments 3 and 2 where again it is not clear how visibility between habitable rooms and balconies of adjoining apartments is to be managed.

REVIEW OF THE DEVELOPMENT

Common Area Hallway Widths

80. The issue of providing adequate circulation areas to enable a building to be fit for purpose in the long term is something I have consistently advocated for within the City of Yarra. Recent cases including *P2017/2014 Gesher Pty Ltd vs. Yarra City Council (Members Liston & Gray VCAT 506)* agree that corridor widths of under 1.5m of considerable length were a matter that the Tribunal should be concerned about and this continues a number of earlier rulings within the City of Yarra around similar issues.
81. These dimensional characteristics are anticipated to service a large population plus guests on each level. Council has been supported in numerous cases in which I have appeared on its behalf in requiring more appropriate scaling of these spaces to ensure these necessarily long lasting buildings are designed for practical use and amenity.
82. Hallways should be typically 1500mm minimum in width (and wider if required by BCA for DDA visitability) and widened to 1800mm at entries to apartments as noted previously

Recommendation

Amend minimum hallway widths (currently shown as 1400mm) north-south to the greater of 1500mm or as required for DDA visitability with localised widening to 1800mm at entry to apartments and a lift lobby of 2100 width.

Equitable Development

83. Principles of equitable development have over the last few years become better understood. I am satisfied that the eastern setbacks reflect typically these principles and manage reasonably lesser setbacks to commercial properties. I will comment separately on the interface with the north eastern residential neighbour and northern neighbour.
84. Examples such as the matter of *P3543/2012 52 Park Street Pty. Ltd., Dimitrios Pashalidis & Ors. Vs. Port Phillip City Council (Member Deidun) VCAT 2199,* have discussed the implications of poor decisions where development has effectively borrowed from the development potential of its neighbour.
85. In that matter Member Diedun concluded that *"I do not consider it appropriate to multiply or compound the poor planning decision already made in respect of 52 Park Street (*to allow a modest setback of 2.5m), *by making another poor decision to approve a development with inadequate setbacks on the review site.* His conclusion highlights the likely outcome for adjoining sites in the future in the context.
86. Hence in these circumstances either the habitable room windows should be configured with a setback of 4.5m from the western boundary or there should be no habitable rooms reliant on this aspect with a setback of the dimension now nominated.

Recommendation

> Setback a minimum of 4.5m from the centre of the adjoining western laneway
> Relocate the waste management for the Food and Beverage area to the ground floor for easy management via the laneway of commercial waste management separate from the residential facility.

Architectural Expression

87. The design language and expression for the development are in more view sound being.

    a) Retention, refurbishment and adaption of the contributory section of the Johnston Street façade.
    b) The development of a contemporary infill element between this façade and the adjoining CAP precinct heritage buildings.
    c) The redevelopment of a tower element of diminishing footprint, invested with durable materials and in a curvilinear form that recognises its visibility in the round
    d) Utilisation of the roofscape zones as areas for shared amenity.
    e) Save for my concern about the excessive day-long impacts on the adjoining CAP courtyard and tenanted north facing areas and insufficiency of setbacks from the western neighbours, I am satisfied that a significant building using the design language suggested , could be accommodated on the site. Having said this it is my view that more needs to be done to stich the design response into a broader enhanced shared precinct amenity and development strategy as I have explained elsewhere.

CONCLUSION

88. The site sits in an area where change should be anticipated but where the subject site is the edge rather than centre of this change.
89. The previous permit on the site establishes a principle for development of at least 9 levels noting however the synergy between the previously proposed student housing and the underlying core attributes of training, and affordable creative arts space endemic in the adjoining Collingwood Arts Precinct.
90. The subject site is constrained by the shared quadrangle open space in the north-western end of the neighbouring Arts precinct and is an obvious amenity zone for tenants and users. In my view the location of the taller form is better maintained to the west of the frontage in a typically north south

longitudinal orientation so that better amenity can be maintained for more of the day on the CAP campus zone to the east and south of the development

91. The retention of both neighbourhood amenity and heritage is a key platform of local policy and design excellence is sought in any significant built form that seeks to be inserted into this valued heritage fabric.
92. The proposal goes some way to achieving the outcome. There remain however key issues of protection of adjoining amenity from excessive impacts arising from the proposal particularly in the morning and later afternoon and enabling equitable development of adjoining sites that need to be resolved.
93. There is much to like about the proposal in terms of the design language, approach to retaining heritage product and the management of form and interface however the project remains in my view a work in progress and I would encourage negotiation between Council and the applicant in view of the new Apartment Design Guidelines and between the adjoining Creative Arts Precinct board and Council's Traffic and heritage consultants to consolidate access in a manner that facilitated not only car access into the site but improved interconnection between this campus of buildings that collectively rely on the central courtyard for much of the light and identity that will afford this precinct value in the short and longer term.

DOCUMENTS FORMING THE BASIS OF THE REPORT

94. 23-33 Johnston Street Collingwood Urban Context Report - Cox

Prepared By
Robert McGauran
B. Arch. (Hons. Melb), B.A. (Fine Arts Melb.), P.D.M. (Melb.), LFRAIA, Architect

Dated
December 2016

Attachment 14 - Acoustic Referral Advice (SLR Consulting)

22 December 2016

640.10090.04540 23-33 Johnston St CollingwoodA.docx

City of Yarra
PO Box 168
Richmond VIC 3121

Attention: Amy Hodgen

Dear Amy

23-33 Johnston Street, Collingwood
Planning Assessment Acoustical Review
PLN16/0845

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the mixed use development proposed for 23-33 Johnston Street, Collingwood.

Details of the report are as follows:

- Title: 23-33 Johnston Street, Collingwood, Town Planning – Response to RFI – Acoustic Report
- Reference: MC063-02F03
- Date: 29 November 2016
- Prepared by: Renzo Tonin & Associates (RTA)

The acoustic report has been prepared to address a City of Yarra RFI for the project, which requires consideration of potential noise impacts to the site, including noise associated with the Circus Oz outdoor amphitheatre at 35 Johnston Street, Collingwood.

The site has a current planning permit for a six storey building including student accommodation. The current application is for a twelve storey mixed use development.

1 Preliminary *(agreed / no comments)*

(Sections 3 and 4 of the acoustic report)

The site and surrounding uses are described in these sections of the report.

SLR Comment: *The development and context is adequately described. Sources of noise to and from the site have been identified. From the information provided we would expect the following potential noise impacts to be addressed in the report:*

- *Road traffic and general street noise from Johnston Street*

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Attachment 14 - Acoustic Referral Advice (SLR Consulting)

- *Music and patron noise associated with the proposed Collingwood Contemporary Arts Precinct (CCAP) at 35 Johnston Street.*
- *Music and patron noise from the Circus Oz tent*
- *Music noise from The Tote hotel at 67-71 Johnston Street.*

2 Road Traffic Noise

2.1 Noise Criteria

(Sections 6.2.1 of the acoustic report)

Road traffic noise is proposed to be assessed to the following indoor targets:

- Sleeping areas at night 35 dBA $L_{eq,8h}$ (10 pm to 6 am the following morning)
- Living rooms 40 dBA $L_{eq,16h}$ (6 am to 10 pm)

SLR Comment:

The long term average targets proposed by RTA are reasonable, and are consistent with the recently released Victorian Government 'Better Apartments – Design Standards' (December 2016). Contrary to this publication, we prefer to include the 6 am to 7 am period in the 'night' interval, in accordance with the NSW Road Noise Policy and Victoria's environmental noise policy (SEPP N-1) and guidelines (Publication 1254), and also to ensure that the loudest hour does not exceed the upper end of the AS/NZS2107:2016 range. These targets are not necessarily achieved if the goals in the 'Better Apartment – Design Standards' document are met.

The Better Apartment Design Standards document requires the nominated noise targets to be met in unfurnished apartments, with windows closed.

2.2 Traffic Noise Measurements

(Section 5.1 of the acoustic report)

Unattended noise logging was conducted to quantify road traffic noise impacts at a location above the northern façade of the existing building, overlooking Johnston Street. The logging data is provided in an appendix to the acoustic report. The highest day and night average results are reported in Table 4 and are understood to be:

- 65 dBA $L_{eq,16h}$ (free field)
- 63 dBA $L_{eq,8h}$ (free field)

Spectral data was obtained during the logging but is not included in the acoustic report.

SLR Comment:

The measurement location and duration is appropriate for quantifying road traffic noise impacts to the subject development.

2.3 Assessment and Recommendations

Road traffic noise has been modelled to the subject site using a 3-D modelling package. The results of the modelling are graphically presented in the façade noise maps included as Appendix B of the report.

Attachment 14 - Acoustic Referral Advice (SLR Consulting)

A glazing specification is provided for achieving the nominated indoor targets. With the exception of the first floor apartments, which are proposed to have wintergardens, apartment glazing is proposed to comprise 6/12/6 double glazing. Details of the glazing systems and required acoustic ratings are provided in Table 19 of the report.

SLR Comment:

Our indicative calculations, using a traffic noise spectrum obtained from a different part of Johnston Street, suggests that the proposed glazing will meet the nominated targets in living rooms but may not achieve them in bedrooms (our calculations assume bedrooms are carpeted as shown on the architectural drawings).

3 Noise from Commercial Uses to the Subject Development

The report identifies a range of existing and proposed commercial uses with potential to impact the development site. The existing uses include the Spiegeltent (Circus Oz performance space), The Tote live music venue and the restaurants on the north side of Johnston Street.

Proposed uses include the performances spaces and outdoor entertainment area associated with the CCAP.

RTA argue that noise from these uses are not required to be considered by the Applicant because neither Clause 52.43 of the Victorian Planning Scheme of Clause 22.05 of the Yarra planning Scheme are triggered by the application. On the basis of this conclusion, no assessment is provided of existing commercial impacts to the subject development.

RTA also argue that CCAP should be treated as the 'agent of change' with regard to the issue of noise due to the fact that there was a previous planning permit for the subject site that approved the construction of six storeys of student apartments.

SLR Comment:

In our opinion all significant existing and potential noise impacts to the subject site should be addressed by the developer irrespective of whether the requirement to consider them is specifically triggered by the planning scheme clauses. Any other course of action has potential to negatively impact the amenity of future occupants of the development, and/or to compromise the operations of the existing and proposed commercial and public uses.

The question of whether the previous permit for the subject site entitles the proposed development to be treated as an existing use with regard to the CCAP is a legal one and not one that we can assist with.

4 Noise from the Development

4.1 Mechanical Plant

Commercial mechanical plant and any equipment under the control of the body corporate is proposed to be assessed to SEPP N-1. Noise from owner operated equipment such as apartment air conditioners is proposed to be assessed to The Victorian EPA Noise Control Guidelines (Publication 1254). Noise limits are identified in Section 6.1 of the report.

No detailed design advice is provided in the report for ensuring that the nominated limits will be met. RTA state that noise control for all plant will be determined during the detailed design phase of the project. They also observe that the development has a low risk of exceedance and that standard options for controlling noise are available should an exceedance be identified.

Attachment 14 - Acoustic Referral Advice (SLR Consulting)

SLR Comment:

The nominated noise limits look reasonable. It is also reasonable to carry out the full design of noise control during the detailed design phase of the project provided that the builder retains an acoustical consultant during that phase of the project.

4.2 Carpark Entry Doors

There are carpark entry doors onto Johnston Street and onto the lane to the west.

SLR Comment: *Advice for noise control from carpark entry doors should be provided in the report to minimise airborne and structureborne sound impacts to the apartments above.*

4.3 Ground Floor Cafes

4.3.1 Café Music Noise

Advice is provided in the report for managing music noise impacts from the two ground floor cafes to apartments above. The advice includes recommended octave band maximum levels for music within the cafés, and the recommendation that future tenants demonstrate that their emissions will comply with SEPP N-2 if higher levels of music are proposed.

SLR Comment: *The above approach is considered reasonable.*

4.3.2 Other Café Noise

It is unclear whether the cafes are part of the current application. If they are, the following noise issues should also be addressed in the acoustic report. If separate development applications are likely to be submitted for the cafes, it may be reasonable for these issues to be addressed at that time.

Patron Noise

The floor / ceiling between the two large cafes and the apartments above should be designed to control the high levels of patron noise that may occur in these spaces. The National Construction Code (NCC) minimum requirement of Rw+Ctr not less than 50 dB may not be sufficient.

As a guide, the design should aim to keep patron noise levels within apartment (windows closed) to 30 dBA or less. Cafe patron noise levels can be in the order of 80 dBA L_{eq} within the café.

Operational Noise

There are a range of noises within café/restaurants including: airborne and impact noise from the coffee 'knock box' and impact generated noise from the movement of furniture (e.g. chairs and tables). We have measured noise in the range 50-60 dBA Lmax due to structureborne sound from the movement of furniture in a ground floor café to apartments above, in a masonry building, and levels up to 53 dBA Lmax from a coffee knock box. These noise sources are not effectively assessed to SEPP N-1, but should be considered in any assessment of café or restaurant noise.

Lmax design targets for apartments are provided in the Association of Australian Acoustical Consultants (AAAC) 'Guide for apartment and Townhouse acoustic Rating (September 2010) and are reproduced in **Table 1**.

The 3 Star rating is a recommended minimum target, however higher star ratings should be targeted if the project is aiming for a good level of acoustical amenity.

Attachment 14 - Acoustic Referral Advice (SLR Consulting)

Table 1 Internal Noise Intrusion Design Targets (AAAC Star Rating Guide), L_{max} day and night levels

Internal noise intrusion	2 star	3 Star	4 Star	5 Star	6 Star
Bedrooms	45	40	35	30	27
Other habitable rooms	55	45	40	35	32

5 SLR Summary

The acoustic report prepared for 23-33 Johnston Street, Collingwood addresses potential road traffic noise impacts to the proposed use and mechanical plant noise impacts from the proposal. The issues we would like further information on, or addressed in further detail are listed below:

- Road traffic noise has been assessed in the report. We are comfortable with the nominated noise targets for this project, the predicted noise levels and the advice for controlling noise to living area. Our indicative calculations suggest that the targets may not be met in bedrooms that are exposed to noise from Johnston Street and have large areas of glazing.
- Music and patron noise from surrounding existing and proposed commercial uses should, in our opinion, be mitigated at the subject development to ensure a reasonable level of acoustical amenity for future occupants and to protect commercial and public uses.
- Advice for the control of airborne and structureborne noise from the carpark entry to the apartments above should be included in the report.
- Noise from the two large proposed ground floor cafes is not, in our opinion fully addressed. Advice should be provided for the control of airborne and impact generated noise if the cafes are part of this application.

Yours faithfully,



Dianne Williams
Associate - Acoustics

Checked by: JA

Attachment 15 - Acoustic Referral Advice (SLR Consulting) on Sketch Plans

25 July 2017

640.10090.04540 23-33 Johnston St Collingwood 20170725.docx

City of Yarra
PO Box 168
Richmond VIC 3121

Attention: Amy Hodgen

Dear Amy

23-33 Johnston Street, Collingwood
Planning Assessment Acoustical Review
PLN16/0845

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the revised plans for the mixed use development proposed for 23-33 Johnston Street, Collingwood.

The details of the plans are as follows:

Cox Architecture Drawings: 21-01; 21-02; 21-03; 21-08; 21-09; 30-00; 30-01; 30-02; 30-03; 40-00; 40-01; 40-02; 40-03; 40-04, dated 1 June 2017.

It is our understanding that the drawings have been submitted without a revised acoustic report. It is unclear whether the assumptions and upgrade advice provided in the Renzo Tonin & Associates (RTA) reports, as referenced in their letter to Marshall Day Acoustics (MDA) dated 22 February 2017 (*23-33 and 35 Johnston Street, Collingwood – Without Prejudice Treatment Proposal and Basis*) is still current.

The acoustic report for the project should provide details of the internal noise targets, the conditions under which they are proposed to be met, and a full description of the proposed façade upgrades.

It needs to be confirmed that noise from all potential impacts to the site have been considered in the current design, including noise from outdoor concerts, operation of the Tote Hotel, the proposed use of all the buildings associated with the CAP site and large gatherings in the CAP courtyard.

It also needs to be confirmed that the external music and patron noise levels assumed in the design are consistent with those assumed by the acoustical consultant working for CAP. The data submitted by MDA and RTA at the Panel Hearing was not consistent for all noise sources, with MDA appearing to predict higher levels of music and patron noise levels than RTA at the façade of the proposed development.

Noise from patrons and music is required to be addressed to demonstrate compliance with Clause 52.43 of the planning scheme and as of right uses.

Without the revised acoustic report it is not possible to provide a full acoustic review of the proposal. The following comments on the provided plans are indicative only.

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Attachment 15 - Acoustic Referral Advice (SLR Consulting) on Sketch Plans

Levels 1 and 2

- Apartments on Levels 1 and 2 of the development (facing the CAP courtyard) do not include wintergardens. The existing parapet wall between the subject site and the CAP courtyard is proposed to be retained. The wall will provide a good level of acoustic shielding to most apartments on Level 1 and a lesser level of shielding to Level 2 apartments. Shielding to Level 1, in combination with appropriate glazing upgrades, could enable the acoustic design targets for the project to be met. However it is unclear whether the wall will provide sufficient protection to apartments on Level 2 to allow wintergardens to be omitted from this level. Further information on the proposed upgrades and the predicted noise levels would be required to assess the option.

Levels 3 to 8

- Wintergardens are proposed for apartments on Levels 3-8. The wintergarden treatments have the potential to provide good control of patron and music noise to the protected rooms, and a reasonable level of acoustic amenity to balconies. Provided that suitable glazing is selected, we would expect these treatments to address the issue of noise to the affected rooms.
- There are a number of habitable rooms on Levels 3-8 that do not have windows onto wintergardens. These include the recessed bedrooms on the eastern façade, and the corner bedrooms on the south eastern façade (room numbers are not shown on the drawings). The acoustic report would be required to demonstrate that suitable noise targets can be met in these rooms.

Levels 9 to 11

- Levels 9 to 11 are set further back from the site boundary than the lower apartment levels, and they do not have wintergardens. Details of the acoustic treatments for controlling noise to these apartments are not clearly indicated in the plans. It is also of note that these apartments may be more affected by music noise from the Tote hotel, which operates at night, than from music played in the CAP courtyard. We would expect the final acoustic report to include the predicted music noise at the façade of these rooms for all relevant noise sources, internal noise targets and details of the façade upgrade treatments proposed.

Yours faithfully,



Dianne Williams
Associate - Acoustics

Checked by: JA

Attachment 16 - ESD Referral Advice

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



ESD in the Planning Permit Application Process

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

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

As detailed in Clause 22.17, this application is a 'large' planning application as it meets the category R*esidential 1. 10 dwellings or more,* and also includes a non-residential component *With a gross floor area between 100 and 1000m*^{2}.

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

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

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

Assessment Process:

The applicant's town planning drawings provide the basis for Council's ESD assessment. Through the provided drawings and the SMP, Council requires the applicant to demonstrate best practice.
The following comments are based on the review of the architectural drawings, prepared by C*ox Architecture (dated 14.10.2016)* and the accompanying SMP, prepared by *ADP (dated 15.09.2016).*

Attachment 16 - ESD Referral Advice

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



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Attachment 16 - ESD Referral Advice

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



Assessment Summary:

Responsible Planner:	Amy Hodgen
ESD Advisor:	Euan Williamson
Date: 15.11.2016	Planning Application No: PLN16/0845
Subject Site:	23-33 Johnston Street, Collingwood, VIC
Site Area: Approx. 1,861m^2	Site Coverage: 100 %
Project Description:	Development of the land for a 12 storey buildings comprising dwellings and two ground floor retail/cafes.
Pre-application meeting(s):	No ESD involvement.

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

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

(1) Application ESD Commitments:

- The applicant has committed to exceeding the minimum BCA/NCC energy efficiency requirements for dwellings with an average 6.5 Star rating.
- A stormwater management proposal with STORM rating of 100% has been received. This relies on 1,299m^2 of roof connected to a 19,000 litre tank connected to all toilets for flushing in dwellings with 60 bedrooms.
- A minimum 11kWp solar PV array for contributing to common area electricity demand.
- Energy efficient heating/cooling, hot water and lighting systems.
- Water efficient appliances and fittings.

(2) Application ESD Deficiencies:

- There are major issues with the proposal in relation to access to daylight. There numerous dwellings with inadequate setbacks from the side boundaries. These dwellings at lower levels will be extremely vulnerable to future development on neighbouring lots (in an activity centre) which threatens access to daylight and internal amenity. Recommend re-design building to increase side boundary setbacks to east and south boundaries into existing courtyard to ensure access to daylight. Access to daylight should be demonstrated in the context of future development of neighbouring sites through daylight modelling.
- Non-residential component meeting minimum energy efficiency standards of the BCA/NCC only. Recommend that the non-residential component also demonstrates best practice with a minimum 10% improvement on the minimum NCC requirement, demonstrated through JV3 modelling or equivalent.
- There are significant area of north, east and west facing glazing exposed to summer sun angles and unwanted solar gain. Recommend that all north, east and west glazing exposed to summer angles be shading with adjustable external shading such as louvers, shutters, awnings, fins, screens, etc.
- 49 secure residents bicycle parking spaces across two basement level car parks for 154 dwellings and staff of the ground floor retail / café. This is far below the best practice standards of one bike space per dwelling; recommend that a minimum of 154 bike spaces be provided for residents, plus additional spaces visitors and staff.

Attachment 16 - ESD Referral Advice

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



- Council recommends providing change lockers and showers to support staff riding to work. It appears that there might be space to accommodate this in the WC facilities in the back of house area, ground floor.

(3) Outstanding Information

- Floor plans of dwellings have reasonable access to natural ventilation, providing all habitable rooms have an operable window. Common area corridors have glazing but it is unclear if this is operable. Recommend that all habitable rooms and common area corridors have an operable window. Please clearly mark all operability to windows habitable rooms and common area corridors on plans and elevations.

(4) ESD Improvement Opportunities:

- Consider provided retractable clothes lines or racks, or other low energy clothes drying facilities.

Further Recommendations:

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

Attachment 16 - ESD Referral Advice

1. Indoor Environment Quality (IEQ)

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Natural Ventilation and Night Purging	Floor plans of dwellings have reasonable access to natural ventilation, providing all habitable rooms have an operable window. Common area corridors have glazing but it is unclear if this is operable.	Recommend that all habitable rooms and common area corridors have an operable window. Please clearly mark all operability to windows habitable rooms and common area corridors on plans and elevations.	3
Daylight	There are major issues with the proposal in relation to access to daylight. There numerous dwellings with inadequate setbacks from the side boundaries. These dwellings at lower levels will be extremely vulnerable to future development on neighbouring lots (in an activity centre) which threatens access to daylight and internal amenity.	Recommend re-design building to increase side boundary setbacks to east and south boundaries into existing courtyard to ensure access to daylight. Access to daylight should be demonstrated in the context of future development of neighbouring sites through daylight modelling.	2
External views	Most dwellings will currently have external views.	-	1
Hazardous Materials and VOC	Commitment to low VOC paints, sealants, adhesives, carpets and finishes. Low-CH_20 timber products.	-	1
Thermal Comfort	Good thermal comfort is determined through a combination of good access to ventilation, balanced passive heat gains and high levels of insulation. This application proposes: - Reasonable floor area to glazing ratio, - Reasonable access to natural ventilation, - Reasonable passive heat gains.	*Refer to Nat Vent and Daylight Sections above and the section 'BCA Energy Efficiency Requirements Exceeded' below.*	1

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 1. Indoor Environment Quality
Good Environmental Choice Australia Standards www.geca.org.au
Australian Green Procurement www.greenprocurement.org
Residential Flat Design Code www.planning.nsw.gov.au
Your Home www.yourhome.gov.au

Attachment 16 - ESD Referral Advice

2. Energy Efficiency

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
BCA Energy Efficiency Requirements Exceeded	The applicant has committed to exceeding the minimum BCA/NCC energy efficiency requirements for dwellings with an average 6.5 Star rating. Non-residential component meeting minimum BCA only.	Recommend that the non-residential component also demonstrates best practice with a minimum 10% improvement on the minimum NCC requirement, demonstrated through JV3 modelling or equivalent.	2
Hot Water System	Centralised five start gas hot water system.	-	1
Peak Energy Demand	Various energy efficient systems and solar generation.	-	1
Effective Shading	There are significant area of north, east and west facing glazing exposed to summer sun angles and unwanted solar gain.	Recommend that all north, east and west glazing exposed to summer angles be shading with adjustable external shading such as louvers, shutters, awnings, fins, screens, etc.	2
Efficient HVAC system	Reverse cycle split heating and cooling systems, within one star of the highest available energy efficiency rating.	-	1
Efficient Lighting	Energy efficient lighting 20% improvement on the lighting power densities required by the NCC. LED, compact fluro, metal halide lighting and sensor controls throughout development.	-	1
Electricity Generation	A minimum 11kWp solar PV array for contributing to common area electricity demand.	-	1
Clothes Drying	No information provided.	Consider provided retractable clothes lines or racks, or other low energy clothes drying facilities.	2
Other	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 2. Energy Efficiency
House Energy Rating www.makeyourhomegreen.vic.gov.au
Building Code Australia www.abcb.gov.au
Window Efficiency Rating Scheme (WERS) www.wers.net

Attachment 16 - ESD Referral Advice

Minimum Energy Performance Standards (MEPS) www.energyrating.gov.au
Energy Efficiency www.resourcesmart.vic.gov.au

Attachment 16 - ESD Referral Advice

3. Water Efficiency

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising Amenity Water Demand	Water efficient fixtures will be specified as follows; • 3 Star WELS rated showers • 4 Star WELS rated toilets • 5 Star WELS rated taps • 5 Star rated urinals • 4 appliances (if provided)	-	1
Water for Toilet Flushing	Rainwater will be harvesting into a minimum total storage capacity of 19,000 litre tank for toilet flushing (*see Stormwater section following*).	-	1
Water Meter	No information provided.	-	1
Landscape Irrigation	No information provided.	-	1

*** Council Assessment Ratings:**

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

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

Attachment 16 - ESD Referral Advice

4. Stormwater Management

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating	A stormwater management proposal with STORM rating of 100% has been received. This relies on 1,299m^2 of roof connected to a 19,000 litre tank connected to all toilets for flushing in dwellings with 60 bedrooms.	-	1
Stormwater Diversion	No information provided.	-	1
Stormwater Detention	A rainwater tank will store rainwater from the roof for toilet flushing.	-	1
Stormwater Treatment	No information provided.	-	1

*** Council Assessment Ratings:**

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

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

Attachment 16 - ESD Referral Advice

5. Building Materials

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Reuse of Recycled Materials	No specific information provided.	Council recommends using recycled materials.	4
Embodied Energy of Concrete and Steel	No specific information provided.	Council recommends using a reduction in Portland cement across the project, as follows: - 30% reduction insitu concrete - 20% reduction precast concrete - 15% reduction for stressed concrete	4
Sustainable Timber	All timber accredited sourced as sustainable with either PEFC, AFS or FSC accreditation.	-	1
Design for Disassembly	No specific information provided.	-	2
PVC	60% of all PVC to meet GBCA standards.	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 5. Building Materials
Building Materials, Technical Manuals www.yourhome.gov.au
Embodied Energy Technical Manual www.yourhome.gov.au
Good Environmental Choice Australia Standards www.geca.org.au
Forest Stewardship Council Certification Scheme www.fsc.org
Australian Green Procurement www.greenprocurement.org

Attachment 16 - ESD Referral Advice

6. Transport

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising the Provision of Car Parks	Basement car parking for residents and visitors.	-	1
Providing Bike Storage	49 secure residents bicycle parking spaces across two basement level car parks for 154 dwellings and staff of the ground floor retail / café.	This is far below the best practice standards of one bike space per dwelling; recommend that a minimum of 154 bike spaces be provided for residents, plus additional spaces visitors and staff.	2
End of Trip Facilities	No information has been provided.	Council recommends providing change lockers and showers to support staff riding to work. It appears that there might be space to accommodate this in the WC facilities in the back of house area, ground floor.	2
Car Share Facilities	-	-	-
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 6. Transport
Off-setting Car Emissions Options www.greenfleet.com.au
Sustainable Transport www.transport.vic.gov.au/doi/internet/icy.nsf
Car share options www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/
Bicycle Victoria www.bv.com.au

Attachment 16 - ESD Referral Advice

7. Waste Management

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Construction Waste Management	A minimum 80% recycling target for demolition and construction waste.	-	1
Operational Waste Management	Dual waste chutes and educational material included in Building Users Guide.	-	1
Storage Spaces for Recycling and Green Waste	Area on ground floor for separate recycling and waste bins.	Check Waste Management Plan to ensure adequate recycling systems will be in place. Council recommends a composting system will be provided.	4

*** Council Assessment Ratings:**

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

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

Attachment 16 - ESD Referral Advice

8. Urban Ecology

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
On Site Topsoil Retention	There is no productive topsoil on this site.	-	3
Maintaining / Enhancing Ecological Value	Landscaping on the terraces that could enhance the ecological value and the amenity of the development.	-	1
Reclaiming Contaminated Land	No information has been provided.	-	1
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 8. Urban Ecology
Department of Sustainability and Environment www.dse.vic.gov.au
Australian Research Centre for Urban Ecology www.arcue.botany.unimelb.edu.au
Greening Australia www.greeningaustralia.org.au
Green Roof Technical Manual www.yourhome.gov.au

Attachment 16 - ESD Referral Advice

9. Innovation

Objective:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Significant Enhancement to the Environmental Performance	-	-	-
Innovative Social Improvements	-	-	-
New Technology	-	-	-
New Design Approach	-	-	-
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 9. Innovation
Green Building Council Australia www.gbca.org.au
Victorian Eco Innovation lab www.ecoinnovationlab.com
Business Victoria www.business.vic.gov.au
Environment Design Guide www.environmentdesignguide.com.au

Attachment 16 - ESD Referral Advice

10. Construction and Building Management

Objective:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Building Tuning	Comprehensive commissioning and tuning.	-	1
Building Users Guide	A Building Users' Guide for residents to minimise energy and water consumption and optimise sustainability, comfort and amenity.	-	1
Contractor has Valid ISO14001 Accreditation	No information has been provided.	-	1
Construction Management Plan	Building construction contractor will provide an Environmental Management Plan.	-	1

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 10. Construction and Building Management
ASHRAE and CIBSE Commissioning handbooks
International Organization for standardization – ISO14001 – Environmental Management Systems
Keeping Our Stormwater Clean – A Builder's Guide www.melbournewater.com.au

Attachment 16 - ESD Referral Advice

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



Applicant Response Guidelines

Project Information:

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

Environmental Categories:

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

Objectives:

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

Issues:

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

Assessment Method Description:

The applicant needs to explain what standards have been used to assess the applicable issues. For a list of potential standards, please refer to the section 'Relevant Standards' under each Key Sustainable Building Category

Benchmarks Description:

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

How does the proposal comply with the benchmarks?

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

ESD Matters on Architectural Drawings:

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

Attachment 17 - Open Space Referral Advice

Memo

diverse

vibrant

exciting

inclusive

To: Amy Hodgen

Cc:

From: Christa Mitchell

Date:15/11/2016

Subject: PLN16/0845 – 23-33 Johnston Street Collingwood –

Open Space Referral

Dear Amy,

I have reviewed the Landscape Concept Plans (PLN16 0845) prepared by Jack Merlo Design and Landscape for the above development, and advise the following:

General comments

- The proposed planting plan and selected species are mostly suitable for the development, with a few exceptions that may become problematic from a maintenance perspective. Generally a medium to high level of maintenance will be required to maintain some of the plants at desired size and shape. Irrigation will be essential to maintain the plants in good health.
- The Plant Image sheet attachment includes several plants that are not listed on the Drawing Plan Plant Schedule – I have assumed that this has been superseded and have reviewed only the plant species listed in the schedules.

Level 01 Plan

- *Dietes robinsoniana* is a robust-growing species that self-seeds readily. It is likely to out-compete the other species in the planter bed and self-seeded plants will need to be removed regularly.

Level 02 Plan

- Proposed plant species are suitable for the location

Level 03 Plan

- Proposed tree species *Ficus hillii* can quickly grow to a large mature species and will require regular foliage pruning to keep in check. The vigorous root system, when restricted in a planter can grow up and out of the container and break the planter. This will be a future maintenance concern if the trees require root pruning. Queensland grown species will require six weeks hardening off before planting in Melbourne.

- Proposed tree species *Lagerstroemia indica* is suitable for the development and location. The plant schedule table lists this species' common name as Compact Lilly Pilly – this is incorrect; its common name is Crepe Myrtle.

Attachment 17 - Open Space Referral Advice

- The proposed shrub *Murraya paniculata* will require regular pruning 2 to 4 times per year to retain its compact shape. It can be a problematic species for people who are allergy prone. An alternative species *Choisya ternata* is a suitable alternative species with similar habit and appearance.

Level 08 Plan

- Except for the proposed species *Dietes robinsonia*, *Ficus hillii* and *Murraya paniculata* that have maintenance and/or allergy issues as described above, the proposed plant species are suitable for the development and the location.

Level 09 Plan

- Proposed plant species are suitable for the development and the location.
- The proposed *Prunus lusitanica* develops dark cherry-like fruits that may be a maintenance/cleaning issue.

If you require any further input, or would like to discuss these comments in more detail, please don't hesitate to contact me on 0434 316 523.

Kind regards,

Christa Mitchell
Open Space Planner

Attachment 18 - Arborist Referral Advice on Arborist Report for trees within CAP site

Hodgen, Amy

From: Whitten, Paul
Sent: Tuesday, 25 July 2017 7:57 AM
To: Hodgen, Amy
Cc: Lindsay, Carrie
Subject: RE: PLN16/0845 - 23-33 Johnston Street Collingwood - Request to review arborist report

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Amy,

The arborist report covers it all.
The trees need to be protected in accordance with AS4970. If they are not going to use the adjacent land for construction then a boundary fence will be sufficient. If they intend to use the adjacent land for construction purposes they will have to show methodology for tree protection.

Paul Whitten
Arborist
City Of Yarra

Attachment 19 - Engineering Services Referral Advice

CITY OF YaRRA

MEMO

To:	**Nikolas Muhllechner**	
From:	**Artemis Bacani**	
Date:	**5 December 2016**	
Subject:	**Application No:**	**PLN16/0845**
	Description:	**Mixed Use Development**
	Site Address:	**23-33 Johnston Street, Collingwood**

I refer to the above Planning Application received on 27 October 2016 and the accompanying report prepared by Traffix Group in relation to the proposed development at 23-33 Johnston Street, Collingwood. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION

Proposed Development

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	86	1 space per dwelling	86	44
Two-bedroom dwelling	56	1 space per dwelling	56	56
Three-bedroom dwelling	12	2 spaces per dwelling	24	18
Residential visitors	154 Dwellings	1 space per 5 dwellings	30	4
Food and Drink	460 m^2	4 spaces per 100 m^2 of leasable floor area	18	3
		Total	**214 Spaces**	**125 Spaces**

A waiver of 48 resident spaces, 26 residential visitor spaces and 15 spaces associated with the food and drink premises is sought.

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

Attachment 19 - Engineering Services Referral Advice

Car Parking Demand Assessment

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

- *Parking Demand for Dwellings*. For the residential component, some 42 one-bedroom dwelling would not be allocated an on-site parking space and six three-bedroom dwellings would be allocated one space per dwelling. Traffix Group has sourced car ownership rates for the Collingwood area from the 2011 census conducted by the Australian Bureau of Statistics. For one-bedroom dwellings in Collinwood, some 47% of one-bedroom households do not own a motor vehicle. The average number of cars per one-bedroom dwelling is 0.6 cars. For the three-bedroom dwellings, the ABS data recorded that three-bedroom dwellings in Collingwood have an average car ownership of 1.0 car per dwelling. Some 79% of three bedroom dwellings own one or less vehicles. The data suggests that there is a market for flat type dwellings with no or little on-site car parking.
- *Parking Demand for Residential Visitors*. Peak parking for residential visitors generally occurs on weekday evenings and at weekends. An empirical peak residential visitor parking rate of 0.12 spaces per dwelling could be adopted and has been often quoted in other traffic impact reports we have reviewed in the past. Applying this rate to the 154 residential dwellings would result in a peak residential visitor parking demand of 18 spaces. It is agreed that during normal business hours, the visitor parking rate would be much less than the 0.12 spaces per dwelling. The submitted report indicates that daytime visitor parking would be around 30 per cent of the peak residential visitor parking rate, which would result in an off-peak visitor parking demand of five spaces.
- *Parking Associated with the Food and Drink Premises.* The food and drink premises use has been allocated three on-site car parking spaces for staff. According to Traffix Group, the staff parking demand at the food and drink premises would constitute around 30 per cent of the parking demand. Customers would park off-site or use alternative forms of transport.
- *Availability of Public Transport in the Locality of the Land*. The site is within walking distance of bus services operating along Johnston Street and tram services operating along Smith Street.
- *Multi-Purpose Trips within the Area*. Customers to the food and drink premises might combine their visit to the area by engaging in other business or activities.
- *Convenience of Pedestrian and Cyclist Access*. The development is within walking distance of shops, businesses, essential facilities, supermarkets, potential centres of employment and education. The site is also located in the vicinity of the principal on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- *Availability of Car Parking*. Traffix Group had conducted on-street parking occupancy surveys of the area surrounding the site on Monday 6 June 2016 at 12:30pm, Thursday 16 June 2016 at 12:00pm and 8:00pm and on Saturday 18 June 2016 at 1:00pm and 8:00pm. The survey area encompassed Johnston Street (Gore St to Gold St), Smith Street (Easey St to St David St), Otter Street, Lt Wellington Street, Napoleon Street, Hargreaves Street and sections of Gore Street, Greeves Street, Easey Street, Sackville Street, Budd Street, Bedford and Wellington Street. An inventory of up to 516 publicly available parking spaces was identified. The extent and times of the survey are considered appropriate. The results of the survey indicated that the peak parking occupancy of 92 per cent had occurred at 12:00pm on the Thursday, with a minimum of 37 vacant spaces recorded. The streets within the survey area have capacity to accommodate short stay car parking demand from the site.
- *Relevant Local Policy or Incorporated Document*. The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the lack of on-site car parking for a number of dwellings would discourage private motor vehicle ownership and use.

Attachment 19 - Engineering Services Referral Advice

- *Car Parking Deficiency associated with Existing Land Use*. According to Traffix Group, the existing land contains a number of commercial uses and contains some residential dwellings. The commercial uses of the site would have highly likely generated a customer car parking demand. This parking demand would have been accommodated off-site. Any short-stay car parking credit that the site may have could potentially be transferrable to the new site.
- *Other Relevant Considerations*. Occupants of the new dwellings will not be eligible to apply for on-street residential and visitor car parking permits.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking for this site is considered appropriate in the context of the development and the surrounding area. The occupation of the dwellings and the operation of the food and drink premises should not adversely impact on existing on-street car parking conditions in the area.

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

TRAFFIC GENERATION

Residential Traffic

Traffix Group has conservatively adopted a rate of 3 trips per dwelling per day (for dwellings that have a parking space). The peak hour traffic would be 10% of the daily residential traffic volume. The resulting residential traffic generation equates to 336 vehicle trips per day with 34 vehicle trips in each peak hour.

The distribution of arrivals and departures from the dwellings during each peak hour would be 20% arrivals and 80% departures in the morning peak hour and 60% arrivals and 40% departures in the evening peak hour.

Commercial Traffic

The three café employee spaces are expected to generate 2 trips in the AM peak hour and 2 trips in the PM peak hour.

Traffic Movements to and from the Development

The development's primary vehicular access would be via a two-way ramped accessway off the south side of Johnston Street. The development also has a minor access point off a west abutting Right of Way which connects to Johnston Street. The Right of Way access services a ground level car park containing 20 resident spaces. Traffix Group has indicated that the ground floor car park is expected to generate 6 vehicle trips in each peak hour.

The development would generate 36 vehicle trips per peak hour, which equates to an average of one vehicle trips every 1 minute and 40 seconds. In the context of the surrounding road network, this volume of traffic is not unduly high and should not adversely affect the operation of Johnston Street.

Attachment 19 - Engineering Services Referral Advice

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Entrance Width	The two-way entrance has a width of 8.3 metres and satisfies *Design standard 1 – Accessways* of Clause 52.06-8.
Accessway Width	Provided at 6.1 metres, with a 300 mm wide kerb on the east side. Satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Visibility at Entrance	A sight triangle has been provided for the exit lane. Not dimensioned.
Headroom Clearance of Entrance	Not dimensioned on the drawings.
Doorway of At-Grade Car Park	Provided at a width of 7.5 metres and is satisfactory off the Right of Way.
Car Parking Modules	
Car Parking Spaces and Aisles	The dimensions of the car parking spaces and aisles satisfy *Design standard 2: Car parking spaces*. Bays that have the dimensions 2.4 metres by 5.4 metres satisfy AS/NZS 2890.1:2004.
Column Setbacks and Depths	Not dimensioned on the drawings.
Clearance to Walls	Clearances of a minimum of 300 mm have been provided or bays have been widened to 2.7 metres as required by AS/NZS 2890.1:2004 (where appropriate).
Numbering of Bays	To be provided on the drawings for easier identification of bays.
Blind Aisle Extensions	Aisle ends have been widened to 7.0 metres in width. Swept path diagrams for end bays using the B85 design vehicle satisfactorily demonstrate vehicle entry and exit movements.
Ramps and Gradients	
Grade for first 5.0 metres inside Development	The first 7.3 metres inside the property has a horizontal grade and satisfies *Design standard 3: Gradients*.
Ramped Accessway Widths	The widths of the ramped accessways range from 6.1 metres to 6.188 metres (clear width) and satisfy AS/NZS 2890.1:2004.
Ramp Grades and Changes of Grade	The ramp grades and changes of grade throughout the car park satisfy *Design standard 3*.
Longitudinal Grades - Aisles	The 1 in 16 longitudinal grades along the aisles satisfy AS/NZS 2890.1:2004.

Attachment 19 - Engineering Services Referral Advice

Summary of Design Items to be Addressed

Item	Details
Visibility at Entrance	The sight triangle at the Entrance to be dimensioned on the drawings.
Headroom Clearance of Entrance	To be dimensioned on the drawings prior to endorsement.
Column Setbacks and Depths	To be dimensioned on the drawings prior to endorsement. The positions of the columns should be outside the car parking space envelope as per *Diagram 1 Clearance to car parking spaces* in Clause 52.06-8 or as per AS/NZS 2890.1:2004 (where applicable).
Curved Ramps – Radii and Vehicle Passing	The inside and outside radii of the curved ramps must be specified on the drawings. The applicant must provide swept path diagrams for a B99 design vehicle and an oncoming B85 design vehicle (as required in AS/NZS 2890.1:2004).
Ground Clearance Check – Curved Ramps	The applicant must provide ground clearance checks of the curved ramps along the inside radius using the B99 design vehicle.
Headroom Clearances – Curved Ramps	To be provided at critical points along the ramps (measured perpendicular to the ramp grade).

Verandah
The existing verandah along the Johnston Street road frontage does not meet current regulations. The Building Regulations 2006 specifies that a verandah must not project beyond the street alignment unless it is set back not less than 750 mm from the face of kerb.

The applicant must contact Council's Building Services branch to determine the appropriate setback for the verandah.

Traffic Gantry
A check of the Ground Floor plans indicates that the traffic gantry is approximately 2.4 metres east of the eastern edge of the vehicle crossing. Since Johnston Street is an Arterial Road, the applicant must also obtain consent from VicRoads regarding the location of the new vehicle access.

Telecommunications Pit
The applicant must liaise with the relevant Authority regarding the existing telecommunications pit located in the footpath. It should be determined if the pit must be relocated or re-constructed to a heavy duty pit.

IMPACT ON COUNCIL ROAD ASSETS
The construction of the new buildings, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site.

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

Attachment 19 - Engineering Services Referral Advice

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

Civil Works – Johnston Street

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Johnston Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.

- The half-width road pavement of Johnston Street (from south kerb to centre line) from the eastern limit of the development to the Right of Way must be profiled and re-sheeted to Council standard. Any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed. The costs associated with these road works shall be borne by the developer.

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

- All road markings, including the bus lane, must be reinstated following the completion of the works at the Permit Holder's expense.

Civil Works – Right-of-Way

- Upon the completion of all building works, the Right-of-Way along the western boundary of the site must be fully re-constructed from the Johnston Street road alignment to the existing mesh gate. All costs associated with the works shall be at the Permit Holder's expense.

Pedestrian Access

- All pedestrian access points of the development from the road reserve must be DDA compliant.

Vehicle Crossing – Johnston Street Frontage

- The applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the new vehicle crossing, showing the actual reduced levels (not interpolated levels from the application drawings) of the Johnston Street road profile (from centre line of road pavement to property line). The required levels (to three decimal places) include the building line level, the proposed finished level of the accessway 2.0 metres inside the property, the top of kerb level, the invert level, lip level and road pavement levels. The existing road profile of Johnston Street must be accurately drawn. The applicant must demonstrate by way of a ground clearance check that a B99 design vehicle can traverse the new vehicle crossing and accessway without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.

Public Lighting

- The developer must ensure that light projected from any existing, new or modified lights does not spill into the windows of any new dwellings or any existing nearby residences. Any light shielding that may be required shall be funded by the Permit Holder.

Redundant Vehicle Crossings

- All redundant vehicle crossings along the property's road frontages must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and the Permit Holder's cost.

Attachment 19 - Engineering Services Referral Advice

Preparation of Detailed Road Infrastructure Design Drawings

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

Construction Management Plan

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

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

Road Asset Protection

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

Impact of Assets on Proposed Development

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

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

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

- The existing parking signs along the Johnston Street road frontage are mounted on metal poles with a bicycle hoop attachment. Any poles that are removed during construction must be reinstated with the same or similar type pole.

Attachment 19 - Engineering Services Referral Advice

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.

Clearances from Electrical Assets

Overhead power lines run along the south side of Johnston Street, close to the property boundary.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website:

http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs

Protection of Basement

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

The developer needs to ensure that the basement car park and any portions of the development at or below natural surface level have a level of protection to minimise the seepage of subterranean water (groundwater) or any rainfall run-off from penetrating the walls or floors of the site.

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

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 20 - Engineering Services Referral Advice on Sketch Plans

Hodgen, Amy

From: Pisani, Mark
Sent: Thursday, 27 July 2017 4:33 PM
To: Hodgen, Amy
Subject: RE: PLN16/0845 - 23-33 Johnston Street - Revised ground floor and basement layouts

Hi Amy

I refer to the Traffic Engineering Assessment prepared by Traffix Group dated 2 June 2017 and the submitted revised drawings in relation to the development at 23-33 Johnston Street, Collingwood. Engineering Services provides the following information:

DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance	The effective development entrance is dimensioned at 6.2 metres and corresponds with the proposed vehicle crossing width.
Visibility	A check of the Ground Floor Plan using the Trapeze plan management tool indicates that the visibility splay at the west side of the development entrance measures approximately 2.15 metres by 2.67 metres. This splay satisfies *Design standard 1 – Accessways* of Clause 52.06-8. The splay should be depicted and dimensioned on the drawings.
Headroom Clearance	Minimum headroom clearance at the entrance, measured from the top of the doorway/underside of the awning to ground level has not been dimensioned. We are satisfied that a minimum headroom clearance of 2.5 metres has been provided throughout the car park.
Internal ramped Accessways	The internal two-way ramped accessways have a minimum wall-to-wall width of 6.24 metres and the one-lane wide accessway has a minimum width of 4.18 metres. These widths satisfy the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Vehicle Passing	The revised proposal no longer contains curved ramps. For vehicle passing movements, the swept path diagrams provided by Traffix Group for a B99 design vehicle passing a 6.4 metre Small Rigid Vehicle at the entrance are considered satisfactory.
Car Parking Modules	
Car Parking Spaces	The on-site parking comprises a combination of parking spaces which satisfy *Design standard 2: Car parking spaces* and AS/NZS 2890.1:2004.
Aisles	Aisle widths satisfy *Design standard 2*.
Column Depths and Setbacks	Not dimensioned on the drawings.

1

Attachment 21 - Waste Services Referral Advice

Hodgen, Amy

From: Agostino, Joe
Sent: Wednesday, 2 November 2016 10:19 AM
To: Hodgen, Amy
Cc: Valente, Enzo
Subject: RE: PLN16/0845 - 23-33 Johnston Street, Collingwood - Waste Management Referral

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Amy

The Waste Management Plan prepared by LEIGH DESIGN dated 15TH Sep 2016 for 23-33 Johnston Street Collingwood is unsatisfactory from the City Works Branch's perspective. The WMP needs to be a standalone document. The collection point illustration on page 6 needs to show the entry and exit points of the vehicle to and from the bin room.

If you have any further queries please contact me.

Regards

Joe Agostino

1.3 PLN16/0924 - 373-375 Bridge Road, Richmond - The construction of a ten storey building plus a roof top terrace containing a shop and 35 dwellings, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement

Executive Summary

Purpose

1. This report provides Council with an assessment of planning permit application PLN16/0924 and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Land use (Clauses 11.01, 17.01, 21.04, 34.01)
   (b) Built form (Clauses 15.01, 21.05 and 22.10)
   (c) Off-site amenity impacts (Clauses 15.01, 22.05 and 22.10)
   (d) Internal amenity (Clauses 22.05, 22.10 and 22.17)
   (e) Car and bicycle parking provision (Clauses 18.02, 21.06, 52.06 and 52.34)

Key Issues

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

Objector Concerns

4. A total of 25 objections were received to the application, these can be summarised as:
   (a) Out of character and excessive height, bulk and scale.
   (b) Impacts on the Bridge Road heritage precinct.
   (c) Impact on Richmond Town Hall clock tower.
   (d) Contravenes the Better Apartment Design Standards (Clause 58).
   (e) Visual bulk to the rear interface with residential properties.
   (f) Inappropriate materials and finishes.
   (g) Overshadowing.
   (h) Overlooking.
   (i) Noise impacts from mechanical plant and equipment on residential properties.
   (j) Wind impacts on the public realm.
   (k) Impact on views.
   (l) Safety concerns in the laneway.
   (m) Lack of car parking.
   (n) Access to car parking from laneway.
   (o) Increased traffic congestion and lack of a loading bay.
   (p) Impacts during construction.
   (q) Fire safety.
   (r) Reduce property values.

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

1.3 PLN16/0924 - 373-375 Bridge Road, Richmond - The construction of a ten storey building plus a roof top terrace containing a shop and 35 dwellings, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement

Trim Record Number: D17/93308
Responsible Officer: Principal Planner

Proposal:	The construction of a ten storey building plus basement car parking and a roof top terrace containing a shop and 35 dwellings, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement.
Existing use:	Single storey commercial building.
Applicant:	Ratio Consultants Pty Ltd
Zoning / Overlays:	Commercial 1 Zone
Date of Application:	12 October 2016
Application Number:	PLN16/0924

Planning History

1. Planning permit application PL01/1472 sought approval to paint the southern façade. This planning permit was issued on 27 March 2002.

2. Planning permit application PL02/0070 sought approval for the display of advertising signs and was issued on 17 April 2002.

3. Planning permit application PL02/0457 sought approval for buildings and works to construct a canvas awning and was issued on 28 August 2002.

4. Planning permit application PLN11/0257 sought approval for part demolition to allow for buildings and works and the installation of advertising signage. The planning permit was issued on 8 August 2011. However, the permit contained a condition stipulating that within two (2) months of the issue of the planning permit, amended plans be submitted and the works completed within six (6) months. However, the plans were not submitted within the required timeframe and the planning permit expired.

5. Planning permit application PLN12/0375 sought approval for the part demolition to allow for buildings and works, painting and the installation of externally-illuminated business identification signage. This planning permit was issued on 24 May 2012.

Background

6. This application was received by Council on 12 October 2016. Following the submission of further information the application was advertised and 25 objections were received.

7. In response to the issues raised in objections, as well as issues raised by Council officers and in referral comments, a set of 'without prejudice' plans were submitted on 14 June 2017. These plans made the following changes to the proposed development:

   (a) A reduction from ten storeys to eight storeys through the removal of two floors.
   (b) A reduction in the overall height from 34.2 metres to 28.2 metres.
   (c) A reduction in the height of the wall on the laneway from 12.4 metres to 11.9 metres.
   (d) Increased setbacks above the street wall and to the rear laneway above the third floor.
   (e) A reduction from 35 dwellings to 25 dwellings.
   (f) An increase to the size of the light courts from the first floor and above.

8. These drawings have not been formally substituted within the application material but will be utilised for discussion purposes throughout the body of this report.

9. A consultation meeting was held on 11 July 2017 and attended by objectors, the applicant's development team, Council officers and a Ward Councillor. The 'without prejudice' plans were tabled at the consultation meeting. However, no resolutions were reached at the meeting.

Existing Conditions

Subject Site

10. The subject site is nominally rectangular in shape and located on the northern side of Bridge Road, approximately 11 metres east of Griffiths Street, in Richmond. The site has a frontage to Bridge Road of 11.89 metres, a depth of 30.48 metres and an overall site area of approximately 362 square metres. The site abuts an east-west laneway to the rear with a frontage to the laneway of 11.89 metres. The site is relatively flat with no appreciable fall.

11. The site is currently occupied by a single storey brick building with a high front parapet. The building extends for the length of the site and is constructed to all site boundaries. The building was previously used as a real estate agent and is currently used as an education centre. Vehicle access to the site is gained from the rear laneway where two garage roller doors face the laneway.

12. The subject site is legally described as Lot 1 on Title Plan 888270B and is not affected by any restrictive covenants or easements.

Surrounding Land

13. The immediately surrounding area is characterised by commercial uses to the east, south and west, all of which are located within the Commercial 1 Zone. Low-rise residential development is located to the north across the laneway and is within the General Residential Zone (Schedule 2). This section of Bridge Road in Richmond is a highly varied neighbourhood with a substantial number of commercial buildings of various types and eras.

14. The locality is well serviced by various modes of public transport, with the Bridge Road tram travelling in front of the site and the Church Street tram located approximately 315 metres away to the west. The site is located within the Bridge Road activity centre, which extends from Hoddle Street in the west to the Yarra River in the east and is characterised by commercial uses and varied built form, retaining many Victorian-era shops.

15. To the immediate west of the site, at 369-371 Bridge Road and on the north-east corner of Bridge Road and Griffiths Street, is a double storey commercial building constructed hard edged to the frontage and both side boundaries, with a setback from the rear laneway of approximately 11 metres. A planning permit was issued on 5 December 2016 for 369-371 Bridge Road and allowed the construction of an extension to the ground and first floor accommodating retail and office space and a second floor addition containing a dwelling. While this development has not been constructed yet, the planning permit remains valid.

16. Further west is Griffiths Street, a local street providing a single lane of traffic in each direction and north-south access between Bridge Road in the south and Highett Street further north. Griffiths Street contains parallel parking on the eastern side and angled parking on the western side, with an overall road reserve width of approximately 20 metres.

17. On the north-west corner of Bridge Road and Griffiths Street is a double storey commercial building constructed hard edged to both street frontages. Further west are several Victorian-era single storey commercial buildings, followed by a contemporary three storey commercial building that extends along Bridge Road to Gleadell Street and has a street wall height of approximately 12 metres. Further west on Bridge Road, approximately 175 metre away from the subject site, is the Richmond Town Hall clock tower.

18. To the immediate south, Bridge Road has a width of approximately 30 metres and carries two lanes of traffic in each direction and separate tram tracks running down the centre. Parallel parking is available on both sides of the street. The Road Zone, Category 1 applies to Bridge Road. On the southern side of Bridge Road, opposite the subject site, is predominantly double storey built form that features a finer grain pattern of development, retaining many Victorian-era shops with varied commercial uses, including cafes, restaurants, shops, hairdressing salons, massage parlours, offices and training studios.

19. To the immediate east of the subject site, at 377-379 Bridge Road, is a single storey commercial building with a high parapet matching the parapet of the building on the subject site. The building extends for the length of the site and is constructed to all site boundaries. The building is currently occupied by a retail furniture showroom. It is noted that the subject site and its two adjoining properties, 377-379 Bridge Road and 369-371 Bridge Road, are not affected by the Heritage Overlay.

20. Further east along Bridge Road is a row of double storey commercial terraces displaying the finer grain pattern of development as the southern side of Bridge Road. These properties are within the Heritage Overlay (Schedule 310) which relates to the Bridge Road heritage precinct. Further east, on the north-east corner of Bridge Road and Coppin Street is a commercial site used for car and truck rentals. That site is predominantly hard paved with a single storey building located along the rear boundary of the site.

21. To the rear of the site is the east-west laneway with a width of 3.57 metres. The laneway provides access to the rear of the premises facing Bridge Road and links Griffiths Street in the west with Coppin Street in the east. Approximately 40 metres east of the laneway's intersection with Griffiths Street, a north-south laneway form a T-intersection and extends north to Palmer Street. On the northern side of the laneway is land within the General Residential Zone (Schedule 2) that contains predominantly low-rise residential development.

22. To the immediate north, on the opposite side of the laneway, is a pair double storey attached dwellings facing Griffiths Street to the west with a double storey built form on the laneway reaching a maximum height of approximately 9 metres. Three windows are located within this boundary wall, two of which appear to be habitable room windows. A double storey outbuilding is located to the rear of the property and is also constructed on the laneway with a height of approximately 6 metres. The outbuilding has a roller door on the ground floor and three windows on the first floor, all facing the laneway.

23. The dwelling's secluded private open space is located between the rear of the dwelling and the outbuilding and contains mature vegetation and a carport abutting the outbuilding, accessed from the laneway via a roller door. To the laneway, the secluded private open space is enclosed with a timber paling fence with lattice atop, reaching a height of approximately 2.1 metres. The subject site is generally located opposite the secluded private open space of this dwelling.

24. To the north of the pair of double storey attached dwellings is a three storey walk up flat building, then a pair of contemporary double storey attached dwellings, three single storey detached dwellings and lastly a triple storey building containing two dwellings on the south-east corner of Griffiths Street and Palmer Street. All of these buildings have a frontage facing Griffiths Street.

25. Further north, approximately 110 metres from the subject site and to the north of Palmer Street is the Jaques development, which comprises a mixed use development consisting of buildings up to eleven storeys.

The Proposal

26. This application proposes the construction of a ten storey building plus a roof top terrace containing a shop and 35 dwellings, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement (Attachment 2).

27. Key elements of the proposed development as depicted in the plans advertised with the application are:

Use:

(a) The ground floor consists of a shop facing Bridge Road with a floor area of 137 square metres, the residential entrance and lobby off Bridge Road, the lift core and stair well located centrally on the site, bin storage areas, bicycle parking for 38 bicycle parking spaces and a total of twelve car parking spaces in a car stacker arrangement accessed from the rear laneway.
(b) The mezzanine floor consists of 35 storage cages and two water tanks.
(c) A total of 35 dwellings on the upper floors, consisting of 20 one-bedroom dwellings and 15 two-bedroom dwellings.
(d) The roof top terrace consisting of the lift core, stair well, solar photovoltaic array and a communal terrace of approximately 88 square metres.

Height and setbacks:

(e) The built form consists of a podium with a three storey (11.9 metres) street wall height facing Bridge Road and a three storey wall height (12.4 metres) to the rear boundary with the laneway.
(f) The proposed building has an overall height of 34.2 metres to the top of the lift overrun, while the roof of the ninth floor reaches a height of 31.8 metres.
(g) The ground floor is constructed to all boundaries resulting in 100 per cent site coverage.
(h) The first floor is constructed to all boundaries, with the exception of a 1 metre setback commencing at the Bridge Road frontage extending along both side boundaries for a depth of 6.39 metres and a light court located centrally on both side boundaries, all of which extend up through the remainder of the building.
(i) The second floor matches the first floor footprint with the exception of a 1 metre setback from both side boundaries creating a small void abutting the rear dwellings and extending through the remainder of the building.
(j) The third floor is set back 1.92 metres from Bridge Road and 2.66 metres from the rear boundary with the small void commencing on the second floor extended to the rear boundary.
(k) The fourth, fifth and sixth floors are set back 1.92 metres from Bridge Road and 2.66 metres from the rear boundary.
(l) The seventh floor is set back 5.03 metres from Bridge Road and 5.52 metres from the rear boundary. The building is setback a 1 metre from both side boundaries on this floor, extending through the remainder of the building.
(m) The eighth and ninth floors are set back 5.03 metres from Bridge Road and 5.52 metres from the rear boundary.

Design and materials:

(n) The proposed building incorporates:
    (i) Aluminium framed glass screens.
    (ii) Smooth precast coloured concrete.
    (iii) Textured precast coloured concrete.
    (iv) In situ concrete wall panels.
    (v) Plant wall scaping (green wall).

(vi) Metal claustra.
(vii) Wooden louvre screens.
(viii) Timber cladding.
(ix) Metal clad prefinished panels.

Environmental sustainable design initiatives:
(o) A STORM report with a score 103% that relies on a minimum of 220 square metres of roof connected to a 6,600 litre tank connected to toilets in dwellings with 30 bedrooms for flushing.
(p) Average NatHERS of 7 Stars in thermal energy efficiency, exceeding the minimum NCC requirements.
(q) Gas boosted 6 Star solar hot water system.
(r) A min 3.5 kW solar photovoltaic roof top array to contribute to common area electricity consumption.
(s) Energy efficient heating/cooling and lighting systems.
(t) 38 bicycle parking spaces on the ground floor for residents, employees and visitors.
(u) Landscaping including a green wall.
(v) Water efficient fixtures.

Planning Scheme Provisions

Zoning

Clause 34.01 – Commercial 1 Zone

28. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a shop is a section 1 use. A dwelling (nested under accommodation) is also a section 1 use, provided any frontage at ground floor level does not exceed 2 metres. As the residential entrance to the building on Bridge Road is more than 2 metres wide, a planning permit is required to use the land for a dwelling.

29. Clause 58 was introduced to the Scheme through Planning Scheme Amendment VC136 on 13 April 2017 and applies to apartment developments. Pursuant to the transitional provisions at Clause 34.01-4, Clause 58 does not apply as this application was lodged prior to the approval date of amendment VC136.

30. Under clause 34.01-4 of the Scheme a permit is required for buildings and works.

36.04 – Road Zone, Category 1

31. Pursuant to Clause 36.04-2, a planning permit is required to construct a building or construct or carry out works for a use in section 2 of Clause 36.04-1. As the awning is located within the Road Zone, Category 1 and is associated with a section 2 use, a planning permit is required to construct the awning.

Particular Provisions

Clause 52.06 – Car Parking

32. Pursuant to Clause 52.06-2, the car parking spaces required under Clause 52.06-5 must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the requirement to provide the number of car parking spaces required under this clause. The car parking requirements as contained in the table at Clause 52.06-5 are summarised in the table below:

Use	No. required	Proposed	Reduction sought
One or two bedroom dwellings (35)	35	12	23
Dwelling visitors	7	0	7

Shop (137 square metres)	5	0	5
TOTAL	**47**	**12**	**35**

33. With a shortfall of 35 car parking spaces, this application seeks a reduction in the car parking requirement.

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. A planning permit may be granted to reduce or waive these requirements if either the land area is insufficient or adequate provision is made for the loading and unloading of vehicles to the satisfaction of the Responsible Authority. A loading bay is not provided for the shop use, thus a waiver is sought.

Clause 52.34 – Bicycle Facilities

35. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The bicycle parking requirements as contained in the table at Clause 52.34-3 are summarised in the table below:

Use	Rate	No. Required:	Proposed:
Dwellings (35)	1 space per 5 dwellings	7	
Dwelling visitors	1 space per 10 dwellings	4	
TOTAL		**11**	**38**

36. As 38 bicycle parking spaces are proposed within the advertised plans, the application exceeds the requirement for bicycle parking spaces. No bicycle parking is required for the shop because the floor area is less than 1,000 square metres. No end of trip facilities (i.e. showers or change rooms) are required by the Scheme as the trigger is five or more employee spaces for the shop.

General Provisions

37. 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)

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

Clause 11.03 – Activity Centres

39. The relevant objectives of this clause include:
    (a) To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.

(b) To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

Clause 11.06 – Metropolitan Melbourne

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

Clause 13.04 – Noise and Air

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

Clause 15.01 – Urban Environment

42. The relevant objectives of this clause are:
    (a) To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.
    (b) To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
    (c) To improve community safety and encourage neighbourhood design that makes people feel safe.

Clause 15.02 – Sustainable Development

43. 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 16.01 – Residential Development

44. The relevant objective of this clause is:
    (a) To promote a housing market that meets the community needs.
    (b) To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.
    (c) To provide for a range of housing types to meet increasingly diverse needs.
    (d) To deliver more affordable housing closer to jobs, transport and services.

Clause 17.01 - Commercial

45. The relevant objectives of this clause are:
    (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 18.01 – Integrated Transport

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

Clause 18.02 – Movement Networks

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

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04 – Land Use

48. The relevant objectives of this clause are:
    (a) To accommodate forecast increases in population.
    (b) To retain a diverse population and household structure.
    (c) To reduce potential amenity conflicts between residential and other uses.
    (d) To maintain the long term viability of activity centres.
    (e) To increase the number and diversity of local employment opportunities.

Clause 21.05 – Built Form

49. The relevant objectives of this clause are:
    (a) To reinforce the existing urban framework of Yarra.
    (b) To retain Yarra's identity as a low-rise urban form with pockets of higher development. Strategy 17.2 – Development on strategic redevelopment sites or within activity centres should generally be no more than five to six storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:
        (i) Significant upper level setbacks.
        (ii) Architectural design excellence.
        (iii) Best practice environmental sustainability objectives in design and construction.
        (iv) High quality restoration and adaptive re-use of heritage buildings.
        (v) Positive contribution to the enhancement of the public domain.
        (vi) Provision of affordable housing.
    (c) To retain, enhance and extend Yarra's fine grain street pattern.
    (d) To ensure that new development contributes positively to Yarra's urban fabric
    (e) To enhance the built form character of Yarra's activity centres.

Clause 21.06 - Transport

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

Clause 21.07 – Environmental Sustainability

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

Clause 21.08 – Neighbourhoods

52. Clause 21.08-10 describes the Central Richmond (area between Bridge Road and Swan Street) area in the following way:

(a) *The Bridge Road major activity centre is an important regional centre. It can be split into three distinct precincts:*

- *Bridge Road West, from Punt Road to Church Street, encompasses a variety of retail outlets, with an emphasis on fashion, clothing and footwear. The precinct includes the Epworth Hospital and associated health services.*
- *Church Street to Coppin Street is diverse in its array of land uses with cafes, bars and restaurants dominating the south side and the Town Hall dominating the north side. This part of the centre does not have a consistent built form.*
- *Bridge Road East has a strong home wares focus particularly on the north side. This part of the centre also does not have a consistent built form.*

53. Within Figure 21 of Clause 21.08-9, the subject site is identified as being within the Bridge Road major activity centre. Figure 22 of Clause 21.08-9 shows the site as being within a heritage area where the objectives include to 'ensure that development does not adversely affect the significance of the heritage place'.

Relevant Local Policies

Clause 22.03 – Landmarks and Tall Structures

54. This policy applies to all development and aims to maintain the prominence of Yarra's landmarks.

Clause 22.05 – Interface Uses Policy

55. This policy applies to applications for use or development within Commercial 1 Zones (amongst others). The relevant objective of this clause is to enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.

Clause 22.07 – Development Abutting Laneways

56. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal. The objectives of this policy include to provide an environment which has a feeling of safety for users of the laneway, to ensure that development along a laneway acknowledges the unique character of the laneway, to ensure that where development is accessed off a laneway, all services can be provided to the development and to ensure that development along a laneway is provided with safe pedestrian and vehicular access.

Clause 22.10 – Built Form and Design Policy

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

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

58. This policy applies to application for new buildings. The policy aims to achieve best practice water quality performance objectives, to promote the use of water sensitive urban design, including stormwater re-use, and to mitigate the detrimental effect of development of downstream waterways.

Clause 22.17 – Environmentally Sustainable Development

59. This policy applies to residential development with more than one dwelling. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other

DSE Guidelines for Higher Density Residential Development (DSE Guidelines)

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

Advertising

61. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* (the Act) by way of 180 letters sent to the surrounding property owners/occupiers and by two signs, with one facing Bridge Road and one facing the rear laneway.

62. A total of 25 objections were received to the application. The concerns can be summarised as:
    (a) Out of character and excessive height, bulk and scale.
    (b) Impacts on the Bridge Road heritage precinct.
    (c) Impact on Richmond Town Hall clock tower.
    (d) Contravenes the Better Apartment Design Standards (Clause 58).
    (e) Visual bulk to the rear interface with residential properties.
    (f) Inappropriate materials and finishes.
    (g) Overshadowing.
    (h) Overlooking.
    (i) Noise impacts from mechanical plant and equipment on residential properties.
    (j) Wind impacts on the public realm.
    (k) Impact on views.
    (l) Safety concerns in the laneway.
    (m) Lack of car parking.
    (n) Access to car parking from laneway.
    (o) Increased traffic congestion and lack of a loading bay.
    (p) Impacts during construction.
    (q) Fire safety.
    (r) Reduce property values.

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

64. A consultation meeting was held on 11 July 2017, where the key issues raised in the objections were discussed with the objectors, the applicant's development team, Council officers and a Ward Councillor. No resolutions were reached at the meeting.

65. The applicant tabled 'without prejudice' plans (Attachment 3) at the consultation meeting in an attempt to address the issues raised in the objections, as well as issues raised by Council officers and in referral comments. These drawings made the following changes to the proposed development:
    (a) A reduction from ten storeys to eight storeys through the removal of two floors.
    (b) A reduction in the overall height from 34.2 metres to 28.2 metres.
    (c) A reduction in the height of the wall on the laneway from 12.4 metres to 11.9 metres.
    (d) Increased setbacks above the street wall and to the rear laneway above the third floor.
    (e) A reduction from 35 dwellings to 25 dwellings.
    (f) An increase to the size of the light courts from the first floor and above.

66. These 'without prejudice' plans have not been formally substituted within the application material but will be utilised for discussion purposes through the body of this report.

Referrals

External Referrals

67. There were no external referrals required by the Scheme.

Internal Referrals

68. The application was referred to the following areas, with their full comments attached to this report:

    (a) Engineering services unit (Attachment 4).
    (b) ESD advisor (Attachment 5).
    (c) Waste services unit (Attachment 6).
    (d) Open space planning and design unit (Attachment 7).
    (e) Urban design consultant (David Lock Associates) (Attachment 8).
    (f) Acoustic consultant (SLR Consulting Australia) (Attachment 9).

69. The 'without prejudice' plans were referred to Council's ESD advisor in relation to additional daylight modelling submitted. These additional comments are included as a part of Attachment 5.

OFFICER ASSESSMENT

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

Strategic Justification

71. In relation to the SPPF and LPPF, a mixed use development including retail at ground floor level with residential above, as proposed, is consistent with the general strategies contained therein that encourage urban consolidation and employment generating uses in such locations, where full advantage can be taken of existing settlement patterns and significant investment in transport, communication, water, sewerage and social facilities that already exist.

72. Council, through its MSS, directs the majority of new residential development to sites that are generally located in, abutting, or close to activity centres, or in locations that offer good access to services and transport. The subject site is located within the Bridge Road activity centre. The proposal meets the objectives and strategies of the LPPF by incorporating a range of uses including increased housing and active spaces at ground level to create and reinforce an active and pedestrian friendly street environment. The proximity of the site to a variety of public transport options and the provision of bicycle facilities in the development encourages less reliance on the motor vehicle as a means of travel.

73. The Commercial 1 Zone which applies to the site is readily acknowledged as a zone capable of accommodating a greater density and higher built form, subject to individual site constraints. State and local policies (such as Clause 16.01-2) encourage the concentration of development near activity centres and intensifying development on sites well connected to public transport.

74. The proposed development enjoys strong strategic support at both State and local level. The site is within an area where a change in the environment is encouraged and is achieved through the mix of uses proposed. The proposed development is considered to achieve the various land use and development objectives outlined earlier in this report and achieves a sound level of compliance with the relevant policies.

Built Form and Design

75. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are found at Clause 15 (Built Environment and Heritage), Clause 21.05 (Built Form), Clause 22.03 (Landmarks and Tall Structures), Clause 22.07 (Development Abutting Laneways) and Clause 22.10 (Design and Built Form). As supplementary guidance, the former Department of Sustainability and Environment's Guidelines for Higher Density Residential Development are also of relevance.

76. These provisions and guidelines all seek a development outcome that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations for the area. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks, relationship to adjoining buildings, views and roof forms.

77. The proposed ten storey development is considered excessive for the subject site and surrounds. However, the proposal as depicted in the 'without prejudice' plans (at eight storeys) is considered to be generally consistent with the relevant built form and design guidelines, as discussed in further detail below.

Street Wall

78. The proposal incorporates a three storey street wall facing Bridge Road reaching an overall height of 11.9 metres. As suggested in the GHDRD, the relationship between street width and building height is important for defining the character of a place. The surrounding built form context contains a mixture of street wall heights, including double storey and single storey immediately abutting the site to the west and east respectively. The row of double storey commercial terraces to the east have a street wall height of approximately 10 metres.

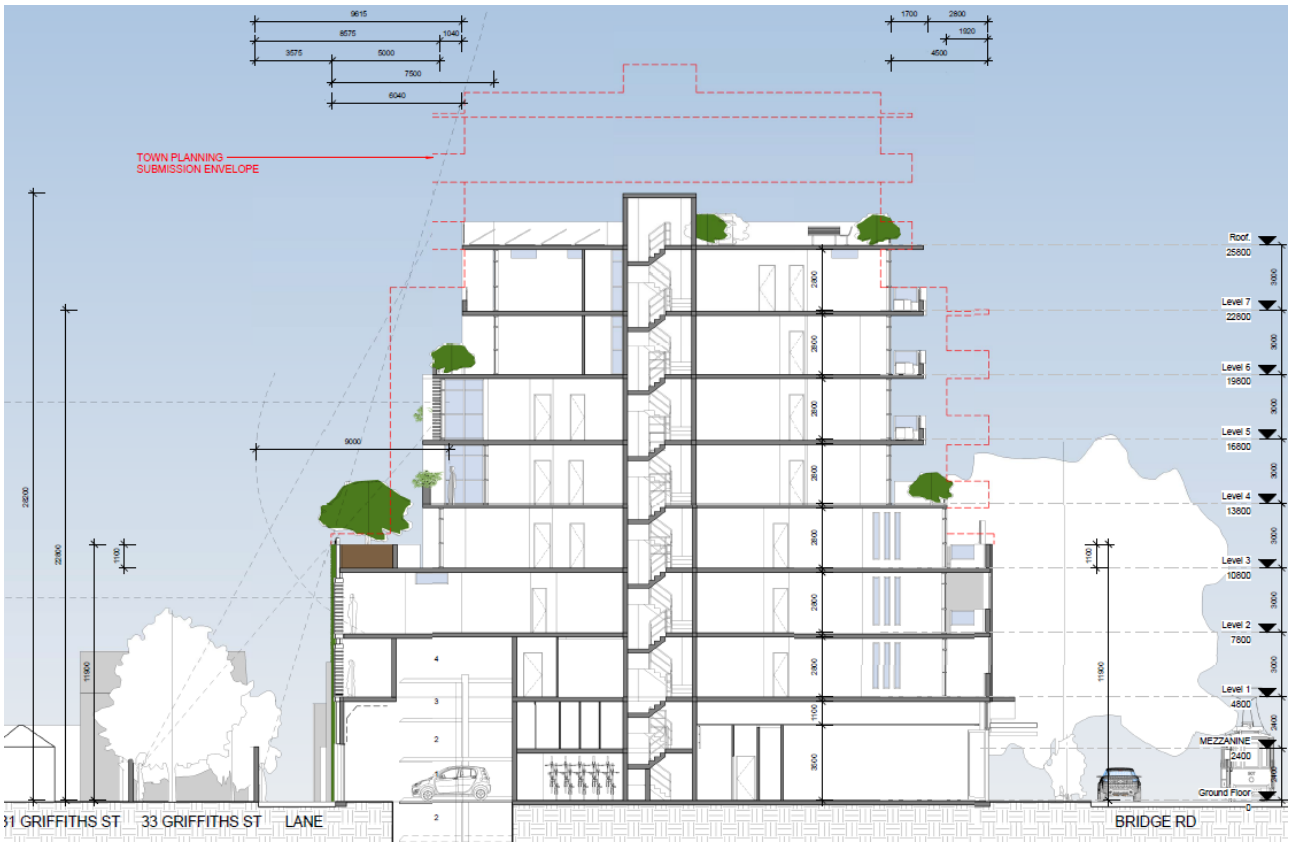
79. At 11.9 metres, the proposed street wall to Bridge Road is considered acceptable due to the varied nature of street wall heights along this section of Bridge Road. The proposed street wall height is also generally consistent with the row of double storey commercial terraces to the east and consistent with the three storey commercial building further west and will not unduly impact on the heritage values of the Bridge Road heritage precinct.

80. Council's urban design consultant is supportive of the street wall height, noting the *'proposed street wall height is at the upper end of the range of parapet heights of buildings in the vicinity of the subject site. However, this is an appropriate design response given the absence of a consistent street wall pattern north of Bridge Road. It also reflects the more consistent pattern on the south side'*.

Upper Level Setbacks to Bridge Road

81. The proposal depicted in the advertised plans incorporates a setback above the street wall of 1.92 metres for the third to sixth floors, increasing to 5.03 metres for the seventh to ninth floors. The GHDRD suggest that upper levels should be set back from the street to maintain a pedestrian related scale at street level. Council's urban design consultant recommended that the proposed upper floors be setback 5 metres from the street wall *'to ensure a clear distinction between the street wall and upper form'*.

82. The proposed upper floor setbacks from Bridge Road as depicted in the advertised plans do not create a clear distinction between the street wall and upper floors and fail to maintain a pedestrian related scale. This is exacerbated by the overall height of ten storeys and minimum setbacks to Bridge Road, which are further impacted upon by the floating balconies that encroach into these setbacks. The resultant outcome is a highly dominant form to Bridge Road.



Section A comparing advertised development (outlined in red) with the 'without prejudice' development.

83. The 'without prejudice' plans retain the setback above the street wall at the third floor and increase the setbacks to 4.5 metres for the fourth to seventh floors, in addition to removing two floors from the proposal, as shown in the image above. The setbacks shown in the revised plans, combined with the reduction in the overall height by two floors, achieve an appropriate distinction between the street wall and the upper floors and are consistent with the built form outcomes envisioned for a major activity centre.

84. While it is acknowledged that the upper floors retain floating balconies that encroach in to the setbacks, these are considered acceptable in this instance. The proposed floating balconies *'remain discontinuous and lightweight'*, as required by Council's urban design consultant, ensuring the design of the proposed development is capable of retaining the visual distinction between the street wall and the upper floors.

85. Therefore, a condition contained within the recommendation section of this report requires amended plans that are generally consistent with the 'without prejudice' plans.

Laneway Interface

86. Council's local policy at Clause 22.07 relates to development abutting laneways. Relevantly, the policy seeks to provide an environment which has a feeling of safety for users of the laneway and to ensure that development along a laneway acknowledges the unique character of the laneway. The policy specifically calls for development that respects the scale of the surrounding built form.

87. Additionally, Council's local policy at Clause 22.10 in relation to built form and design states that new development which abuts a laneway should be no higher than two storeys and should not affect the amenity of neighbouring residential properties.

88. The proposal depicted in the advertised plans incorporates a 12.4 metre high wall on the rear laneway that is to be planted out as a green wall. While the policy mentioned above does not specify a maximum height in metres, it is acknowledged that the proposed 12.4 metre high wall on the rear laneway would exceed the recommended two storeys for development that abuts a laneway.

89. The 'without prejudice' plans reduced the height of the wall on the laneway by 0.5 metres, from 12.4 metres to 11.9 metres. The reduction in the height of the rear laneway wall remains at a height that is greater than the two storeys specified within the policy. However, the policy provides guidance only and is not a mandatory control. The proposed design incorporates vertical landscaping on the rear laneway in the form of a green wall which will assist in softening the appearance of the development from the sensitive interface to the north.

90. Council's open space planning and design unit has reviewed the green wall details submitted by the applicant and noted that *'in general terms, the proposed façade should be feasible if designed correctly and maintained adequately'*, recommending that more detailed information was required to ensure the proposed green wall was achievable. Conditions contained within the recommendation ensure this additional information regarding the green wall is submitted and that the green wall is installed and completed prior to the occupation of the development.

Height

91. Objective 17 of Clause 21.05-2 seeks to retain Yarra's identity as a low-rise urban form with pockets of higher development. Clause 22.10-3.3 (Setbacks and Building Height) aims to ensure that the height of new development is appropriate to the surrounding context and respects the prevailing pattern of heights of the area where this is a positive contribution to neighbourhood character.

92. In terms of the built form context, this section of Bridge Road is generally defined by the one to three storey hard edged development. Behind the Bridge Road activity centre spine are one to three storey buildings with a mixture of building types and styles. Physically, the site and its context provide both opportunities in the form of the activity centre location, and constraints having regard to the proximity of nearby dwellings to the north.

93. However, there are a number of recently constructed developments and planning approvals that are creating and will add to an emerging character along Bridge Road and in the surrounding area. These include the Jaques development to the north which includes buildings up to eleven storeys in height, a four storey development at 463-477 Bridge Road, an eight storey development at 174 Burnley Street and a seven storey development at 571 Bridge Road, the latter three to the east. A planning permit has also been granted for a seven storey building at 619-623 Bridge Road, also to the east.

94. It is acknowledged that the above mentioned developments are all different in terms of their physical and policy context and differ to some extent from the subject site. However, they do demonstrate the State and local policy direction for higher density development within and close to the Bridge Road major activity centre.

95. The proposed development as depicted in the advertised plans seeks the construction of a ten storey building. The overall maximum height reaches 34.2 metres to the top of the lift overrun, while the roof of the ninth (top) floor reaches a height of 31.8 metres.

96. The proposed ten storey building is considered excessive in height and inconsistent with the policy context seeking heights that are appropriate to the surrounding area. Combined with the lack of appropriate setbacks above both the street wall and the rear laneway wall, the bulk and scale of the proposed ten storey building is considered excessive, does not relate to the scale of the surrounding area and does not make a positive contribution to the neighbourhood character.

97. Council's urban design consultant was similarly not supportive of the proposed height, noting that *'given the width of this part of Bridge Road, it is considered that it can sustain a scale of eight storeys, with appropriate setbacks'*.

98. The proposed development as depicted in the 'without prejudice' plans remove two floors from the proposal, reducing the height to eight storeys, and increases the setbacks to Bridge Road and the rear laneway. The resultant built form is more in line with the recommendations made by Council's urban design consultant.

99. Clause 21.05 provides the most useful guidance on overall building height by seeking development in the order of five to six storeys within activity centres. The overall height of the proposed development as shown in the 'without prejudice' plans, while exceeding this preferred height, is reflective of the range of existing and emerging heights in proximity to the site and will assist in achieving a new contemporary urban character for Bridge Road, outside the heritage precinct.

100. Specifically, Clause 21.05-2 states that development on strategic development sites or within activity centres should generally be no more than five to six storeys unless it can be demonstrated that the proposal can achieve specific benefits, such as:
    (a) Significant upper level setbacks.
    (b) Architectural design excellence.
    (c) Best practice environmental sustainability objectives in design and construction.
    (d) High quality restoration and adaptive re-use of heritage buildings.
    (e) Positive contribution to the enhancement of the public domain.
    (f) Provision of affordable housing.

101. The proposed development, as depicted in the 'without prejudice' plans, achieves upper level setbacks to Bridge Road that clearly differentiate the street wall from the upper floors and achieves significant setbacks to the rear boundary. Council's urban design consultant has commented that '*the architecture of the proposal is well resolved'* and supports the intent of the materiality.

102. Council's ESD advisor noted that this *'application does not meet Council's environmental sustainable design standards'*. The deficiencies identified related to daylight access to habitable rooms and the provision of a single waste chute instead of a dual chute to ensure recycling is at least as convenient as the general waste system.

103. The concerns raised with daylight access have largely been addressed through the changes made in the 'without prejudice' plans, as will be discussed in more detail later in this report. Additionally, a condition contained within the recommendation section of this report requires the inclusion of a dual chute waste system or similar. Council's environmentally sustainable design standards are therefore considered to be met.

104. The development also provides a mix of dwelling types contributing to a greater range of affordable and diverse housing options for the Richmond and metropolitan community. The appropriate provision of one and two bedroom dwellings is in line with 2011 statistics, where 31 per cent of households in the City of Yarra contained only one person, compared with 23 per cent in greater Melbourne, with the dominant household size being two persons per dwelling. While there are no three bedrooms dwellings in the proposal, purchasers have the option of amalgamating apartments as seen in other developments.

105. Therefore, the proposed development meets a number of the criteria to allow a building that exceeds the five to six storey preferred height limit for development on strategic redevelopment sites or within activity centres.

106. Additionally, Objective 2.2 of the GHDRD seeks to protect sunlight access to public spaces. A common urban design principle to achieve this objective requires additional overshadowing of the southern footpath of Bridge Road to be avoided between 10:00am and 2:00pm at the equinox. The proposed setbacks above the street wall assist in achieving this objective. As shown on the shadow diagrams submitted with the application, neither the ten storey proposal nor the eight storey proposal will cast shadow on the southern footpath of Bridge Road at any time on the equinox. While shadow diagrams were not provided for the winter Solstice, the reduction in height of two storeys will assist in minimising overshadowing at this time.

107. As discussed above, the physical context of the surrounding area supports the development of an eight storey building. The commercial zoning of the land and the width of Bridge Road, combined with the sensitive uses located to the north of the site and the lack of any overlays applying to the site, result in a site capable of accommodating an eight storey built form. For the above reasons, the proposed eight storey building as depicted in the 'without prejudice' plans is considered appropriate for this site and conditions contained in the recommendation section of this report require amended plans that reflect this.

Heritage Impacts

108. Clause 22.10-3.3 includes design guidelines that seek new development that is higher than adjacent buildings to adopt a secondary setback for the higher building component which retains existing view lines to nearby heritage places and other key features. Additionally, the height of new development abutting land in a Heritage Overlay should also adopt a façade height to the street frontage which is no higher than the adjacent building within the Heritage Overlay, design and site taller structures so that they do not visually dominate surrounding heritage places and match the floor levels of the adjacent heritage building.

109. While the two adjoining properties are also not located within the Heritage Overlay, properties further east and west are, as are properties to the south. The proposed development depicted in the 'without prejudice' plans adequately responds to the heritage context of the surrounding area through increasing the setbacks above the street wall thereby maintaining view lines to heritage places and adopting a street wall height that is comparable to the double storey terraces to the east.

110. The proposed building is adequately separated from the nearby heritage graded buildings and the front façade is appropriately designed so that matching floor levels are not necessary in this instance. Overall, the proposed development as depicted in the 'without prejudice' plans will unreasonably dominate the surrounding heritage buildings as proposed street wall height and setbacks to the upper floors.

Architectural quality

111. The development is considered to be of a high architectural quality and in that regard responds to the design objectives of Clause 15.01-2. The contemporary design is appropriate and responds well to the character of this part of Richmond, as confirmed by Council's urban design consultant who noted that the '*proposal adopts a contemporary architectural style that will contribute to the eclectic architectural character of north of Bridge Road'*, adding that the *'architecture of the proposal is well resolved, and the materials identified… are supported'*.

112. The east and west side elevations use various materials, including smooth precast coloured concrete, textured precast coloured concrete, in situ concrete wall panels, wooden louvre screens and timber cladding.

113. The use of these various finishes on the side boundary walls, combined with the light courts and voids, will also assist in articulating these elevations until such time as neighbouring properties develop, which is both logical and supported, as noted by Council's urban design consultant.

114. There are protrusions outside the boundaries of the site, including the awning above the Bridge Road footpath. However, the design and location of the awning is considered acceptable and adds to the visual interest and functionality of the proposed design.

Street Level Interface

115. At the ground floor, the proposal will activate Bridge Road by way of the main residential entrance and the provision of a retail tenancy to the majority of the ground floor facade. The lack of any service cabinets encroaching into the ground floor façade is a positive design outcome and ensures there will be no unreasonable impact on the public realm. The door to the proposed residential entrance lobby on Bridge Road is to be constructed on the street boundary. This is considered appropriate as it avoids the creation of areas of concealment and potential hiding places that can undermine the safety of the street.

116. The proposed development includes an awning over the Bridge Road footpath, consisting of a series of overlapping awnings. This is *'consistent with Clause 21.08-9 which encourages buildings to maintain a hard edge to the street and Clause 22.10 that seeks to create attractive interfaces with the public realm'*, as noted by Council's urban design consultant and therefore supported. Additionally, Council's engineering services unit require awnings be set back no less than 750mm from the kerb as required by the Building Regulations 2006. The proposed awning achieves this.

117. Objective 2.10 of the GHDRD aims to ensure that new tall buildings do not create adverse wind effects. Taller buildings invariably create challenging wind conditions at street level. These include down drafts and wind tunnel effects. Measures to reduce the impact of these effects should be considered.

118. The proposed development incorporates a stepped building form and articulation of the building mass to reduce wind turbulence at ground level of the Bridge Road frontage, with the proposed awning further reducing any adverse wind impacts. To the laneway, the articulation of the building mass, the inclusion of a green wall and setbacks at the upper levels assist with the minimising any adverse wind impacts.

Landmark Buildings

119. Council's local policy at Clause 22.03 seeks to maintain the prominence of Yarra's valued landmarks. The clock tower of Richmond Town Hall is identified in the policy as one such landmark building. New development within the vicinity of the clock tower should be designed to ensure the landmark remains the principal built form reference.

120. The subject site is located approximately 175 metres to the east of the clock tower of Richmond Town Hall. The applicant submitted long range perspectives with the application, looking west along Bridge Road. These perspectives show that the clock tower remains clearly visible with the proposed development sufficiently setback to retain views to the clock tower. It is also noted that the long range perspectives show the proposed ten storey building as opposed to the eight storey building, which would further reduce any visual impacts. The separation distance between the proposed development and the clock tower is also considered sufficient for the clock tower to remain as the principle built form reference.

Equitable Development

121. Objective 2.6 of the GHDRD aims to ensure areas can develop with an equitable access to outlook and sunlight. The design suggestions call for the consideration of the possible future development of adjoining sites and allow, as best as possible, for an equitable spread of development potential throughout an area.

122. The proposed design utilises the Bridge Road and the rear laneway frontages for all primary outlooks. The proposal also includes construction to both side boundaries up to the sixth floor, with light courts extending from the first floor. Council's urban design consultant was generally satisfied that the proposed development allowed for the equitable development of adjoining properties to the east and west.

123. Specifically, Council's urban design consultant was supportive of the equitable development outcome, noting that the '*proposed blank walls on the side boundaries will facilitate the efficient redevelopment of the adjoining properties by allowing future development to be built to the boundary and mirror the proposed light wells. Further, the property to the west can capitalise on its corner location to face toward the south and west'*.

124. Additionally, the amenity of the dwellings would not be compromised even if the shallow voids on the side boundaries are not reciprocated on the adjoining lots as these voids are only to windows and not primary outlooks.

Off-site Amenity Impacts

125. The subject site is located within the Commercial 1 Zone. Properties to the east, west and south of Bridge Road are also within the Commercial 1 Zone. The policy framework for amenity considerations is contained within clause 22.05 (Interface Uses Policy) and the Guidelines for Higher Density Residential Development. Clause 55 of the Scheme provides some guidance on these matters (although not strictly applicable).

126. The appropriateness of amenity impacts including visual bulk, shadowing and overlooking need to be considered within their strategic context, with the site being located within a Commercial 1 Zone. In addition, the local character shows a high level of site coverage and boundary-to-boundary development, within the subject site and those surrounding it.

127. The appropriateness of the setbacks and walls on boundaries provided in this instance need to be considered within their strategic context, being located within a Commercial 1 Zone and in a activity centre location. There would be an expectation within this area that buildings would include on boundary walls and limited setbacks, particularly as this area is earmarked for higher density developments.

128. Expectations of those residing in a Commercial 1 Zone must also be tempered with the purpose of these zones to provide for residential uses at densities complementary to the role and scale of the commercial centre. Residents in these zones should not expect wide setbacks particularly if the surrounding area is already characterised with minimal front and side setbacks, which is the case here. Clause 34.01-8 of the Scheme protects the amenity of residential properties in abuttal to commercial areas, although this should also be tempered with amenity expectations for residential properties at commercial interface locations.

Visual Bulk

129. The sensitive interface to the proposal is to the north, which is separated from the proposal by the 3.57 metre width of the laneway, thus reducing the visual bulk impact potential. While expectations of visual bulk should be tempered for those who live at the rear of properties with outlooks to laneways, the proposed development as depicted in the advertised plans failed to adequately reduce the visual bulk impact.

130. Given the sensitive interface to the north, Council's urban design consultant has recommended that the second, third and fourth floors *'be set back approximately 6 metres and the levels above approximately 10 metres from the rear boundary (balconies can encroach within these setbacks)'*. This would achieve increased rear setbacks that *'will reduce the visual impact of the proposal on the neighbouring residential property to an acceptable level',* according to Council's urban design consultant.

131. The 'without prejudice' plans reduce the height of the rear laneway wall from 12.4 metres to 11.9 metres, reduce the overall number of storeys from ten to eight and increase the setbacks to the rear boundary as detailed in the following table:

Floor	Advertised Plans:	Revised Plans:	Increase:
Third	2.66m	5m	2.34m
Fourth	2.66m	5m	2.34m
Fifth	2.66m	5m	2.34m
Sixth	2.66m	7.5m	4.84m
Seventh	5.52m	7.5m	1.98m

132. The proposed setbacks as detailed in the advertised plans failed to achieve compliance with the setbacks recommended by Council's urban design consultant and do not represent an acceptable transition from the residential properties on the northern side of the laneway. The 'without prejudice' plans increase the upper level setbacks to the rear boundary, bringing the proposed development closer to achieving compliance with the recommendation.

133. The setbacks as shown in the 'without prejudice' plans still encroach into the setbacks recommended by Council's urban design consultant. The encroachment of the upper floors into the recommended setback is considered acceptable in this instance as the visibility of the upper floors from the secluded private open space opposite the proposed development is minimal above the proposed green wall on the rear laneway. This reduces the visual impact of the proposed building and achieves a more acceptable outcome, as seen in the section plan submitted as part of the 'without prejudice' set of plans.

134. These areas of private open space to the north will also retain a northerly aspect which is likely to remain unencumbered for the foreseeable future. A condition of any planning permit that issues will require amended plans in line with the 'without prejudice' plans to ensure these changes are achieved.

Daylight to windows

135. There are a number of neighbouring habitable room windows on the northern side of the laneway that face south towards the subject site. However, these windows benefit from the 3.57 metre width of the rear laneway and are therefore provided with adequate daylight access. It is also noted that these habitable room windows are not directly opposite the subject site.

Overshadowing

136. The decision guidelines of the Commercial 1 Zone include a requirement of buildings to provide for solar access. The amenity impacts associated with the proposal must be measured in the context of the future development of the land and that the zoning of the land seeks to provide for residential uses at densities complementary to the role and scale of the commercial centre.

137. It should be noted that the decision guidelines of the Commercial 1 Zone only requires consideration of overshadowing to land in the Neighbourhood Residential Zone and General Residential Zone, not in the Commercial 1 Zone.

138. With the above in mind and noting the proposal will not overshadow the residential properties to the north, the remaining consideration in relation to overshadowing is the commercial development on Bridge Road located within the Commercial 1 Zone. The shadow diagrams submitted as part of the 'without prejudice' plans indicate that the shadow cast by the proposed eight storey building will not impact the southern footpath of Bridge Road on the equinox, extending just past the tram lines on the centre of the road.

139. Given any additional overshadowing occurs predominantly on Bridge Road itself, the proposal is not considered to unreasonably overshadow any adjoining properties on Bridge Road.

Overlooking

140. Objective 2.9 of the GHDRD suggests that windows should be protected against overlooking in accordance with Standard B22 of Clause 55. Standard B22 prescribes that a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.

141. There is secluded private open space on the opposite side of the laneway within 9 metres of the subject site. The proposal's first and second floor north facing balconies and habitable room windows, as well as the fourth and fifth floor north facing habitable room windows are all screened with timber louvres for the full height of the openings. The offending windows and balconies as outlined above have been screened with timber louvres to adequately minimise unreasonable overlooking.

142. However, the screens are not required to be the full height of the openings to minimise unreasonable overlooking. The standard only requires screening to a height of 1.7 metres above finished floor level. To ensure an improved outlook and better solar access to these rooms, a condition contained within the recommendation requires these screens to be 1.7 metres in height above the finished floor level.

143. From the sixth floor and above, the rear setbacks combined with the height above ground level ensures a minimum 9 metre distance is achieved from the nearest sensitive residential private open space areas and habitable room windows. On the third floor, the advertised plans show the balcony is screened with a 1.6 metre high screen, while the 'without prejudice' plans show the balcony is setback sufficiently from the rear wall to prevent downward views into the secluded private open space.

Noise

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

145. Clauses 13.04 and 22.05 provide specific direction on noise issues and generally require noise generated from the development to comply with relevant policy, and that noise sensitive uses (such as dwellings) protect themselves from surrounding noise generators.

146. The dwellings located in the vicinity of the subject site are surrounded by commercial uses which results in any noise from the proposed dwellings and vice versa being considered acceptable given that they are both of a residential nature. Furthermore, the Commercial 1 Zone encourages dwellings to be located above ground floor as no planning permit would have been required for the use of the land as dwellings if the residential lobby was less than 2 metres in width.

147. Regarding the noise from the any plant and equipment, compliance with the SEPP N-1 is required. The preliminary acoustic report submitted with the application *'addresses most noise issues to and from the subject development however a more detailed assessment of impacts will be required'*, as noted by Council's acoustic consultant.

148. The more detailed assessment required by Council's acoustic consultant must include an assessment of the car parking garage door and car stacker system and mechanical plant associated with the development to ensure no unreasonable impacts on nearby residential uses or on the proposed dwellings. Additionally, the detailed assessment must also include an assessment of road traffic noise, tram noise and noise impacts from surrounding commercial premises to ensure the internal amenity of the proposed dwellings is not adversely impacted upon.

149. The recommendations detailed in the acoustic consultant's referral comments are therefore included in the recommendation section of this report to ensure any potential off-site amenity impacts from noise are appropriately addressed.

Internal Amenity

150. Clause 22.10-3.7 relating to on-site amenity and Element 4: Circulation and Services, Element 5: Building Layout and Design and Element 6: Private and Communal Open Space of the Guidelines for Higher Density Residential Development provide useful guidance with regard to on-site amenity including circulation spaces, site services, dwelling diversity, layout and open space.

151. Being located within a Commercial 1 Zone, Clause 22.05 aims to achieve a reasonable level of amenity for new dwellings, whilst ensuring that new dwellings do not impact the functioning of nearby commercial land uses.

Apartment orientation and layout

152. The proposed dwellings, as depicted in the revised plans, will have an overall high level of internal amenity due to the size, orientation and location of windows that achieve objectives aiming to create functional and comfortable higher density dwellings, noting that the increased size of the light courts and reduction in the overall height improves daylight access.

Living room and bedroom sizes are all of an adequate size to ensure the usefulness of the space and create functional and comfortable residential dwellings in accordance with Objective 5.3 of the GHDRD.

Ventilation

153. Objective 5.4 of the GHDRD aims to ensure that a good standard of ventilation is provided to internal building spaces. This should be achieved by providing direct natural ventilation to all habitable rooms in the form of operable windows and avoiding the borrowing of light and air in ventilating rooms.

154. There are a number of windows able to be operable for each dwelling that face outward either onto Bridge Road, the rear laneway or towards the internal light courts. Overall, the proposal provides high internal amenity levels from a ventilation perspective, with no bedroom relying on borrowed light.

155. However, there is no section plan provided in either set of plans which shows the southern elevation of the light courts and it is therefore unclear if the windows on the southern side of the light courts are operable. The windows on the northern elevation of the light courts are shown as operable, therefore a condition contained within the recommendation will require a sectional elevation showing the southern elevation of the light courts and ensuring that all habitable rooms have an operable window.

Daylight access

156. Council's local policy at Clause 22.17 aims to achieve a healthy indoor environment quality, including the provision of natural daylight. Clause 22.10 calls for new development to provide an appropriate level of natural daylight into habitable rooms.

157. The Built Environment Sustainability Scorecard (BESS) standards in relation to daylight access to living areas and bedrooms require that at least 80 per cent of the total number of living rooms achieve a daylight factor greater than 1 per cent to 90 per cent of the floor area of each living area, and at least 80 per cent of the total number of bedrooms achieve a daylight factor greater than 0.5 per cent to 90 per cent of the floor area in each room.

158. The proposed living areas within the development achieve the BESS standard for daylight access in both the existing conditions and in an equitable development scenario, while the bedrooms only achieve the BESS standard under the existing conditions. The standard of daylight access provided to bedrooms achieved in the advertised plans was poor in an equitable development scenario.

159. Through the deletion of two floors and the increase to the size of the light courts, as depicted in the 'without prejudice' plans, 68.6 per cent of the bedrooms (24 out of 35) within the development achieved a daylight factor greater than 0.5 per cent to 90 per cent of the floor area in an equitable development scenario.

160. This is considered an acceptable outcome given the four bedrooms relying on the light courts on the third floor achieve a daylight factor greater than 0.5 per cent to between 41 per cent and 73 per cent of the floor area and the development complies with BESS standard under the existing conditions. While Council's ESD advisor is satisfied with the level of daylight access, an updated sustainable management plan including the daylight modelling has been requested. A condition contained within the recommendation section of this report ensures this requirement is achieved.

Private open space

161. Borrowing from Standard B28 of Clause 55 of the Yarra Planning Scheme, a dwelling should have an area of private open space of a minimum 8 square metres, a minimum width of 1.6 metres and easy access from the living room. Each two bedroom dwelling shown in the 'without prejudice' plans is provided with a private open space area that achieves these requirements, except the balcony of Dwelling 25 which has a width of 1.46 metres. However, this balcony has an area of 14 square metres and is easily accessed from the living area, and is therefore considered sufficient to cater for the recreation and service needs of future residents.

162. Of the 15 one-bedroom dwellings, five meet the requirements mentioned above. While Dwellings 14 and 15 fail the minimum area requirement with 5 square metres each, they achieve a minimum width of 1.8 metres, are rectangular in shape and have easy access from the living area. Given these are only one bedroom dwellings and combined with the communal roof top terrace, the balconies are considered acceptable in this instance.

163. Dwellings 16-17, 20-21 and 23-24 are only provided with 6 square metre balconies with a minimum dimension of 1.5 metres each. However, they are rectangular in shape and have easy access from the living area. Given these are only one bedroom dwellings and combined with the communal roof top terrace, the balconies are considered acceptable in this instance.

164. Dwellings 18 and 19 fail both the minimum area and minimum width requirements. Overall, theses dwellings are provided with 5 square metres of secluded private open space that is irregular in shape, further reducing the usability of the space. Therefore, to ensure reasonable private open space for these dwellings, a condition contained in the recommendation requires the balconies of these dwellings to have a minimum area of 6 square metres and a minimum width of at least 1.5 metres.

165. The proposed private open space area of each dwelling is considered acceptable in this instance, subject to the conditions outlined above. Combined with the communal roof top terrace proposed and the proximity of Citizens Park community hub and recreation facility, the recreation and service needs of the future residents can be adequately accommodated.

Storage

166. A storage cage for each dwelling is located on the mezzanine floor, each with a capacity of 2.8 cubic meters. The minimum storage area was confirmed within the Tribunal decision *U1 Stanley Street Pty Ltd v Yarra CC [2012] VCAT 1455* where the minimum acceptable amount of storage was defined as being 3 cubic metres for apartment developments.

167. The provision of storage for each dwelling in the proposed development is marginally less than the minimum volume of storage accepted by the Tribunal. Given the advertised plans show 35 storage cages on the mezzanine level and revised plans reduce the number of dwellings to 25, the minimum of 3 cubic metres of external storage per dwelling can be readily provided on the mezzanine level. This will ensure an appropriate amount of storage is provided to each dwelling within the development. A condition contained in the recommendation section of this report ensures this will be achieved.

Safety

168. The internal entrance to each dwelling is accessed from the communal corridors radiating from the lift core. The communal corridors have been minimised in length, increasing the perceived safety and complying with design guidelines within Clause 21.05-2. The inclusion of balconies facing both Bridge Road and the rear laneway will add to the level of perceived safety which is an improvement on existing conditions.

169. The residential entrance lobby door is constructed to the street boundary, avoiding the creation an area of concealment or potential hiding places that undermine the safety of the street and is a positive design outcome.

Internal Views

170. Overlooking between the proposed dwellings has been minimised through the appropriate site and building layout, window location and design. Specifically, the primary living areas and balcony of each dwelling is provided an appropriate outlook to achieve this. While some internal overlooking will occur within the proposed development, this is considered acceptable and future residents will be aware of the existing conditions prior to occupying the dwellings.

Circulation spaces

171. Dwelling access is via the residential lobby located on the ground floor or the secondary entrance from the rear laneway. The main residential lobby has a width of 1.4 metres and is considered long and narrow, failing to provide clear site lines between the entry and the lift. To improve the connection between the residential entry and the lift, the width of the corridor should be increased. Additionally, windows could be provided between the corridor and the retail space or the lift could be provided with a south facing opening on the ground floor. A condition contained within the recommendation ensures a better outcome is achieved for the residential entry and corridor.

172. Passageways in the remainder of the development are well proportioned and are located close to the lift. The circulation corridors are generously proportioned with a minimum width of 1.4 metres. The width is sufficient and the design complies with objective 4.3 of the GHDRD.

Site services

173. Site services are predominantly provided on the ground floor with waste storage areas being located to the rear of the ground floor. This is compliant with objective 4.6 of the GHDRD. Mail services have been shown in the residential lobby on the ground floor of the building. The roof plan has been provided showing services that are appropriately screened from view.

Sustainable Design

174. Council's local policies at Clause 22.16 and Clause 22.17 call for best practice water quality performance objectives and best practice in environmentally sustainable development from the design stage through to construction and operation.

175. The applicant submitted a sustainability management plan prepared by LID Consulting which provides an overview of the sustainability initiatives that have been assessed for inclusion in the proposed development.

176. Council's ESD advisor has reviewed the application including the sustainability management plan and raised concerns with the daylight access and the lack of a dual chute waste system. As discussed earlier in this report, daylight access to habitable rooms is considered satisfactory in the revised plans scenario, while a condition contained within the recommendation requires the provision of a dual chute waste system or similar to better accommodate recycling within the proposed development. Overall, the proposal can achieve an appropriate level of sustainability, subject to minor changes and additions to the plans, as outlined in the recommendation section of this report.

Car and Bicycle Parking

Car parking

177. Under clause 52.06 of the Scheme, the development as shown in the advertised plans is seeking a car parking reduction of 35 car parking spaces, as outlined within the table included in the Particular Provisions section earlier in the report. Broken down, the 35 car parking spaces consist of 23 residential spaces, seven residential visitor spaces and five shop spaces.

178. It is noted that the overall car parking reduction sought in the 'without prejudice' plans is reduced to 23 car parking spaces, made up of 13 residential spaces, five residential visitor spaces and the five shop spaces.

179. A total of twelve on-site car parking spaces will be accommodated in mechanical car stacker devices, with all spaces allocated to the dwellings. The development will also contain 30 on-site bicycle parking spaces.

180. The applicant's traffic consultant has sourced residential car ownership data for Richmond. One-bedroom dwellings have a car ownership rate of 0.84 cars per dwelling, while two-bedroom dwellings have a car ownership rate of 0.88 cars per dwelling. Applying these rates to the proposed development as depicted in the advertised plans would result in a car parking demand of 29 car parking spaces.

181. As noted by Council's engineering services unit, the statistics suggest that there is a strong market for dwellings that do not contain any on-site car parking. Although the proposed on-site car parking provision falls below the statistical average for Richmond, the reduction in the number of dwellings from the advertised plans to the 'without prejudice' plans bridges that gap. Applying the rates to the development as depicted in the revised plans results in a car parking demand of 21 car parking spaces.

182. The dwellings that do not have any on-site car parking would appeal to persons who do not own a motor vehicle and rely on more sustainable forms of transport. Persons intending to reside in the new dwellings would also be aware of whether there is access to on-site car parking.

183. Peak car parking for residential visitors generally occurs on weekday evenings and at weekends. An empirical peak residential visitor parking rate of 0.12 car parking spaces per dwelling has often been quoted in other traffic impact reports that Council's engineering services unit have reviewed in the past. Applying this rate would result in a peak residential visitor car parking demand of four spaces (three for the revised plans). During normal business hours, the visitor car parking rate would be much less than the 0.12 spaces per dwelling.

184. Off-peak daytime visitor car parking would be around 30 per cent of the peak residential visitor car parking rate, which would result in a visitor parking demand of around one space. The applicant proposes to accommodate all residential visitor parking off-site, since the site will be containing mechanical car stackers in the site, which is not practical for use by residential visitors.

185. For mixed use and multi-unit residential developments that are located along or near activity centres, Council's engineering services unit would normally encourage applicants to provide some residential visitor car parking on-site. In this instance, the proposed car parking arrangement cannot practically allow for residential visitor car parking to be accommodated on the property.

186. The concept of not providing visitor car parking spaces within car stackers has been well established by VCAT as an undesirable outcome. Within the VCAT decision *207 Bridge Road Pty Ltd v Yarra CC [2013] VCAT 1901* the following comments were made:

[46] We find the need for the provision of two visitor spaces, totally impractical given that a mechanical stacker arrangement is to be used. As noted by Mr Fairlie, stacker systems are appropriate when there is consistency in user, as such persons will become familiar with how they operate. As such, they are often employed to provide residents spaces or those for offices. They are not typically applied in public or visitor parking situations because of the lack of familiarity of those users with such systems.

187. Additionally, VCAT has also determined that it is not acceptable to delete resident car stacker spaces within developments in lieu of at-grade visitor spaces. For example, within the VCAT decision *Strathelie Property Holdings Pty Ltd v Yarra CC [2014] VCAT 513*, the following comments were made:

[39] We accept Ms Dunstan's observation that long term parking by residents is better to be within the development, and that on-street parking is better utilized by short term visitors.

188. Both of these aforementioned VCAT decisions originally included conditions by Council to delete resident car parking spaces in lieu of visitor car parking spaces and in both instances, these conditions were deleted by VCAT.

189. The car parking generated by the retail use would primarily be short-stay customer car parking. To determine the likely parking demand, a rate of three spaces per 100 square metres could be adopted, a rate often quoted in traffic reports Council's engineering services unit have previously assessed. Applying this rate would yield three car parking spaces. The retail use would therefore have an off-site parking demand of three car parking spaces.

190. The site is within walking distance of trams services operating along both Bridge Road and Church Street. Additionally, customers to the shop might combine their visit with other activities or business whilst in the area.

191. Clause 52.06 lists a number of considerations for deciding whether the required number of car parking spaces should be reduced. For the subject site, the applicant's traffic consultant commissioned on-street car parking surveys of the surrounding area on Saturday 16 July 2016 from 8:00am to 5:00pm and on Tuesday 19 July 2016 from 7:00am to 11:00pm. The extent and duration of the survey was considered reasonable for this proposal by Council's engineering services unit.

192. An inventory of between 133 to 138 car parking spaces was identified. The peak car parking occupancy on the Saturday occurred at 12:00pm, with 76 per cent of spaces occupied, leaving 32 spaces vacant. Outside the peak times, the availability of car parking ranged from 36 to 75 vacant spaces. The Tuesday survey recorded a peak car parking occupancy of 73 per cent, occurring at 11:00am. The surveys provide a good guide to the car parking conditions in the immediate area. In summary, the short-stay car parking from the subject site could be accommodated on-street.

193. From a traffic engineering perspective, a reduction of the car parking requirement for the residential and retail uses of the site is considered appropriate in the context of the development and the surrounding area. The development's off-site car parking demand is primarily short-stay car parking which could be accommodated on-street. Employees of the retail component have access to public transport services. Council's engineering services unit has no objection to the reduction in the car parking requirement for this site.

Bicycle Parking

194. As outlined earlier in the report, the proposed development as depicted in the advertised plans is required to provide seven resident bicycle parking spaces and four resident visitor bicycle spaces. The proposal includes 30 bicycle parking spaces on the ground floor as depicted in both sets of plans.

195. Through the provision of these spaces, the applicant has responded to the importance that State and local policies place on encouraging low energy forms of transport such as Clauses 15.02-3, 18.02-1, 18.02-2 and 21.06. This is a development where the use of bicycles can take precedence over the use of private motor vehicles due to the proximity of services and employment opportunities, which will encourage the use of bicycles in this development.

196. The bicycle parking spaces have also been provided in a convenient location near to the rear entrance off the laneway and in an area where there is limited potential for conflict with motor vehicles. This satisfies the requirements of clause 52.34 of the Yarra Planning Scheme. In relation to residential visitor bicycle parking options, it is noted that there are opportunities within proximity of the site for visitors to temporarily lock-up their bike along the Bridge Road footpath, including immediately in front of the site.

197. However, pursuant to AS2890.3 - 2015, at least 20 per cent of bicycle parking spaces should be ground level bicycle hoops, with a maximum of 80 per cent Ned Kelly style hanging hoops. A condition of any planning permit that issues will ensure this balance is achieved.

Traffic and Access

Traffic generation

198. For the residential component of the development, the applicant's traffic report conservatively adopted a traffic generation rate of four vehicle trips per dwelling per day for those dwellings that have a car parking space. The resulting residential traffic volume is 48 vehicle trips per day. The peak hour residential traffic volume would be 10 per cent of the daily traffic volume or five vehicle trips in each peak hour or an average of one vehicle trip every 12 minutes.

199. Council's engineering services unit consider the traffic distributions adopted in the submitted traffic report to be reasonable, although questioned the length of the laneway quoted in the report at 42 metres. On further review, it is apparent that the 42 metres quoted is the approximate distance along the laneway between Griffiths Street and the north-south laneway, which provides an opportunity for conflicting vehicles to pass each other.

200. By applying the directional splits in the morning and evening peak hours, the development is expected to generate two inbound trips and three outbound trips in the morning peak hour and three inbound trips and two outbound trips in the evening peak hour. These volumes of traffic are not unduly and should not adversely impact the traffic conditions of the rear laneway or the surrounding streets, as noted by Council's engineering services unit.

Car parking layout

201. The proposed car parking will be accommodated in a mechanical car stacker device. The car stacker device contains twelve car parking spaces. Each single platform has a useable width of 2.4 metres, while the double platforms have a useable width of 4.8 metres, which satisfies the minimum car parking space widths for resident parking. The proposed car stacker can accommodate car clearance heights of 1.95 metres for the three top car parking spaces, which would satisfy the relevant section of Clause 52.06-8 of the Scheme. The stacker device is considered satisfactory from Council's engineering services unit's perspective.

Vehicle access

202. The development's vehicular access point is located on the rear laneway. The submitted swept path diagrams provided by the applicant's traffic consultant for the B85 design vehicle adequately demonstrate satisfactory entry and exit movements into and out of the car stacker platforms via the rear laneway. Council's engineering services unit is satisfied with the vehicle access arrangements.

Loading and unloading

203. The requirement for a loading bay is triggered by the ground floor shop component, which has a floor area of 137 square metres. The nearest on-street loading zone is located directly in front of the site on Bridge Road. The proposal would use vans or small trucks to transport any goods to the site. These vehicles could also utilise regular on-street kerbside car parking when making deliveries.

204. With a site area of 362 square metres, the size of the site is considered insufficient to adequately provide for an on-site loading bay. Additionally, the existing commercial tenancies rely on on-street loading. Council's engineering services unit has no objection to the waiver of the loading requirement for the proposed development.

Waste Management

205. The applicant submitted a waste management plan with the application which outlines the waste management practices for the proposed development. These practices include a private waste contractor to collect all waste streams for both residential and commercial waste. The waste collection point is from the rear laneway behind the site.

206. Council's city works branch has reviewed the application and the waste management plan prepared by LID Consulting and dated 12 September 2016. The waste management plan is considered satisfactory from Council's waste services coordinator's perspective. However, given the changes to the proposal as depicted in the revised plans, an amended waste management plan will be required via a condition contained within the recommendation so that the plan reflects the approved development.

Objectors' Concerns

207. The majority of the issues which have been raised by the objectors have been addressed within this report, as outlined below:
    (a) Out of character and excessive height, bulk and scale.
    (b) Impact on Richmond Town Hall clock tower.
    (c) Visual bulk to the rear interface with residential properties.
    (d) Inappropriate materials and finishes.
    (e) Overshadowing.
    (f) Overlooking.
    (g) Noise impacts from mechanical plant and equipment on residential properties.
    (h) Wind impacts on the public realm.
    (i) Safety concerns in the laneway.
    (j) Lack of car parking.
    (k) Access to car parking from laneway.
    (l) Increased traffic congestion and lack of a loading bay.

208. Outstanding concerns raised in the objections are discussed below, and relate to:
    (a) Impacts on the Bridge Road heritage precinct.
    The subject site is not affected by the Heritage Overlay, although judging by the previous planning permits issued for the site, the Heritage Overlay did previously apply to the site. Given the decision to remove the site from the Heritage Overlay, the provisions of Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) and Clause 43.02 (Heritage Overlay) do not apply to the proposed application. As discussed earlier in this report, the proposal as depicted in the revised plans is considered to appropriately respond to the surrounding character and will not unduly impact on the Bridge Road heritage precinct.
    (b) Contravenes the Better Apartment Design Standards (Clause 58).
    As mentioned earlier in this report, the Better Apartment Design Standards found within Clause 58 of the Yarra Planning Scheme do not apply to this application.

(c) *Impact on views.*
While the Victorian Civil and Administrative Tribunal have recognised that views can be a relevant amenity consideration, it has also held that there is no right to a view and that the weight to be given to the amenity impact of loss of views is diminished where no planning control applies encouraging retention or sharing of views. There is no specific policy, provision or local policy control regarding views within the Yarra Planning Scheme. In this context, it is not considered that the extent of loss of view in this case is unreasonable, particularly considering the built form expectations envisaged in a major activity centre.

(d) *Impacts during construction.*
Concern has been raised in relation to damage of the adjoining dwellings, buildings and public property during construction. Protection of adjoining properties during construction is not a matter that can be addressed through the planning permit process. However, the developer has obligations under the Building Act 1993 to protect adjoining property from potential damage. It is the responsibility of the relevant building surveyor to require protection work as appropriate. Council's local laws require an asset protection permit to be obtained to ensure infrastructure assets within the road reserve are protected or repaired if damaged.

(e) *Fire safety.*
Fire safety requirements are considered at the building permit stage of the process under the relevant provisions of the Building Act 1993 and subordinate legislation and regulations.

(f) *Reduce property values.*
The Victorian Civil and Administrative Tribunal and its predecessors have generally found claims that a proposal will reduce property values are difficult, if not impossible, to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report provides a detailed assessment of the amenity impacts of this proposal.

Conclusion

209. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. Notably, the proposal achieves the State Government's urban consolidation objectives and Council's preference to direct higher density residential development in activity centres or on strategic redevelopment sites.

210. The proposal, subject to conditions outlined in the recommendation below including the adoption of the changes made in the 'without prejudice' plans, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objections and relevant planning policies, it is recommended that a Notice of Decision to Grant a Planning Permit PLN16/0924 be issued for the construction of an eight storey building plus a roof top terrace containing a shop and dwellings, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement at 373-375 Bridge Road, Richmond, subject to the following conditions:

Amended Plans

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Skematics Architects and received by Council on 24 November 2016, but modified to show:

(a) The changes shown in the revised plans prepared by Skematics Architects and dated 12 July 2017, including (but not limited to):
    (i) A reduction in the number of storeys from ten to eight with a reduction in the overall height of 28.20 metres.
    (ii) A reduction from 35 dwellings to 25 dwellings.
    (iii) Increased setbacks to the interface with the laneway and to Bridge Road.
    (iv) Increased size of the light courts.
(b) A minimum of 3 cubic metres of externally accessible storage space for each dwelling.
(c) A sectional elevation showing the southern elevation of the light courts and providing an operable window to each habitable room.
(d) The north-facing floor to ceiling screening devices reduced to a height of 1.7 metres above finished floor level
(e) The balconies of Dwellings 18-19 with a minimum area of 6 square metres and a minimum width of at least 1.5 metres.
(f) The width of the residential entry corridor on the ground floor increased to a minimum width of 2.0 metres between the Bridge Road frontage and the lift core with windows provided between the corridor and the retail space.
(g) The lift provided with either an additional south facing or west facing opening on the ground floor.
(h) A minimum of 20 per cent of bicycle parking spaces must be ground level bicycle hoops, with a maximum of 80 per cent Ned Kelly style hanging hoops.
(i) Any changes recommended in the amended sustainable management plan required by condition 3 of this planning permit.
(j) Any changes recommended in the amended acoustic report required by condition 5 of this planning permit.
(k) Any changes stemming from the landscape plan required by condition 9 of this planning permit.

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.

Sustainable Management Plan

3. Prior to the endorsement of plans, 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 LID Consulting and dated 31 August 2016, but modified to include or show:
    (a) The daylight modelling for the third floor bedrooms prepared by LID Consulting and dated 21 July 2017.
    (b) The daylight modelling prepared by LID Consulting and dated 24 February 2016 (dated incorrectly) but updated to reflect the development herein approved.
    (c) A dual chute or sorting chute system (or similar) to ensure that the recycling system is at least as convenient as the general waste system.

4. The provisions, recommendations and requirements of the endorsed sustainable management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

5. Prior to the endorsement of plans, an amended acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended acoustic report will be endorsed and will form part of this permit. The amended acoustic report must be generally in accordance with the acoustic report prepared by Acoustic Consulting Australia and dated 27 February 2017, but modified to include (or show, or address) the following:

(a) Road traffic noise is to be assessed to the Better Apartment Design Standards, 2016 level of:
   (i) 40 dB LAeq,16 h in living areas, and
   (ii) 35 dB Laeq,8 h in bedroom.
   The above levels are to be met in completed but unfurnished rooms. The design levels for living areas should also be met in bedrooms during the day period, to the satisfaction of the Responsible Authority.
(b) Tram noise is to be assessed to design targets no greater than:
   (i) 60 dB LAmax in living areas, and
   (ii) 50 dB LAmax in bedrooms.
(c) Noise impacts from surrounding commercial premises are to be assessed and façade upgrades (if required), should be designed to ensure that:
   (i) SEPP N-1 indoor noise limits are met (assuming windows are closed), and
   (ii) The levels of noise from plant do not exceed 30 dB LAeq in bedrooms at night or 35 dB LAeq in habitable rooms at any time.
(d) The carpark gate and car stacker is to be designed to comply with:
   (i) SEPP N-1 at existing and proposed dwellings, taking into consideration the likely frequency of use, the duration of the noise and any character penalties that may apply for impulse and tonality.
   (ii) Sleep disturbance targets no greater than 40 dB LAmax in bedrooms and 45 dB LAmax in living rooms of proposed apartments from both airborne and structure borne noise.
   (iii) Sleep disturbance targets no greater than 60-65 dB LAmax outside rooms of habitable windows in existing residences.
(e) Mechanical plant associated with the development is to comply with all relevant legislation and guidelines.

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

Waste Management Plan

7. Before the use and/or development commences, an amended waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended waste management plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the waste management plan prepared by LID Consulting and dated 12 September 2016, but modified to reflect the development herein approved.

8. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

9. Prior to the endorsement of plans, 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 include or show:
   (a) A plant schedule with botanical name, common name, mature height, and spread, installation size, spacing's, locations and quantities.
   (b) A legend containing key features, materials and construction details.
   (c) Proposed levels including top of wall.
   (d) Existing underground and overhead services to be detailed on the plans.
   (e) Details of any raised planter beds including height and construction methods.
   (f) Feasibility for including water sensitive urban design opportunities within the landscaping.
   (g) Information on irrigation and drainage systems.
   (h) Planter design details, including:
      (i) Planter material and dimensions.
      (ii) Mulch layer.

(iii) Growing media (suitable for roof top gardens).
(iv) Filter media.
(v) Irrigation method.
(vi) Drainage system.
(vii) Root barrier/water proofing layer.

10. 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.
    (c) Replacing any dead, diseased, dying or damaged plants.

    to the satisfaction of the Responsible Authority.

Car Parking

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

General

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

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

14. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park entrance and pedestrian entries must be provided within the property boundary. Lighting must be:
    (a) located;
    (b) directed;
    (c) shielded; and
    (d) of limited intensity,

    to the satisfaction of the Responsible Authority.

16. 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.

17. 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.

18. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

19. 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.

20. 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.

21. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

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

23. 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.

Construction Management Plan

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

(l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan.
(m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
(n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced.
(o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
(p) A noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:
    (i) using lower noise work practice and equipment.
    (ii) the suitability of the land for the use of an electric crane.
    (iii) silencing all mechanical plant by the best practical means using current technology.
    (iv) fitting pneumatic tools with an effective silencer.
    (v) other relevant considerations.
(q) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority.
(r) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.
(s) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.
(t) Any site-specific requirements.

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

25. During the construction:
    (a) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
    (b) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
    (c) Vehicle borne material must not accumulate on the roads abutting the land;
    (d) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
    (e) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

26. 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

27. This permit will expire if:
    (a) the development is not commenced within two years of the date of this permit; or
    (b) the development is not completed within four years of the date of this permit; or
    (c) the use has not commenced within five years of the date of this permit.

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

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

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.

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

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

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

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

The applicant must liaise with Council's open space unit for the protection of street trees in Bridge Road.

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

The permit holder/developer is responsible for the management and protection of their building from groundwater.

The permit holder/developer needs to ensure that the car stacker pit and any portions of the development at or below natural surface level have a level of protection to minimise the seepage of subterranean water (groundwater) or any rainfall run-off from penetrating the walls or floors of the site.

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

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

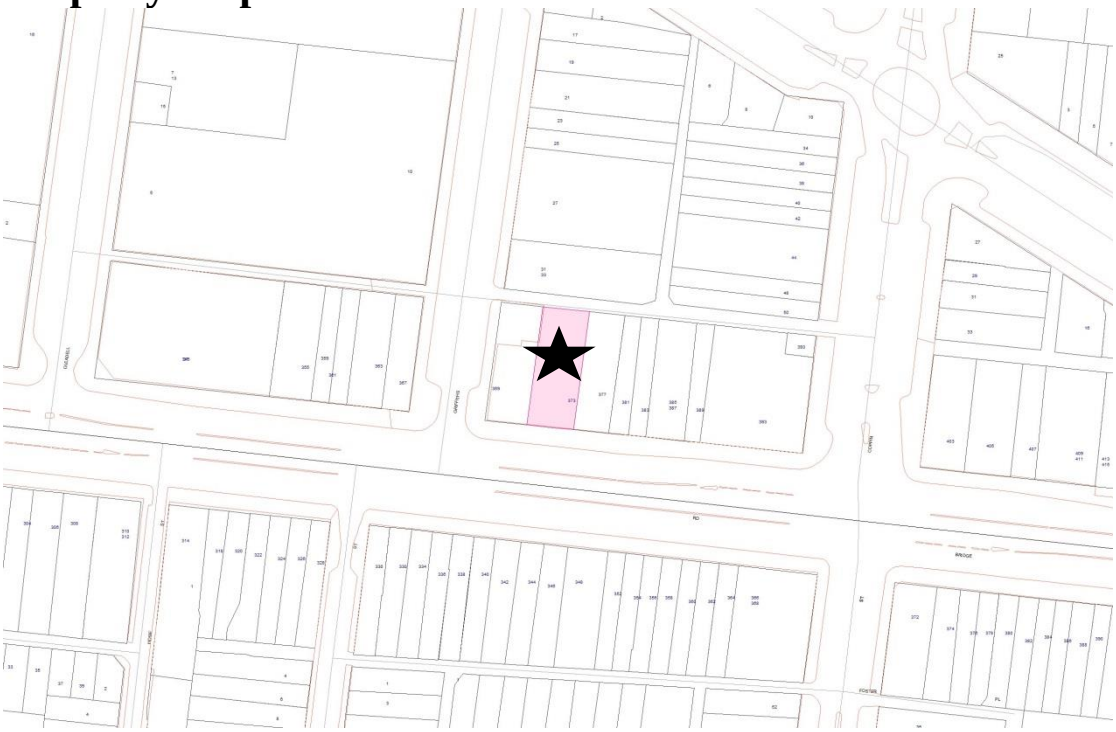
Attachments

1. PLN16/0924 - 373-375 Bridge Road Richmond - Subject Land Map
2. PLN16/0924 - 373-375 Bridge Road Richmond - Full set of advertised plans from December 2016 from Skematics
3. PLN16/0924 - 373-375 Bridge Road Richmond - 'Without prejudice' revised plans for consideration from Skematics Architects
4. PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's engineering services unit
5. PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor
6. PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments on waste management plan from Council's city works branch
7. PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's open space planning and design branch
8. PLN16/0924 - 373-375 Bridge Road Richmond - Urban design referral comments from David Lock Associates
9. PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments on acoustic report from SLR Consulting Australia

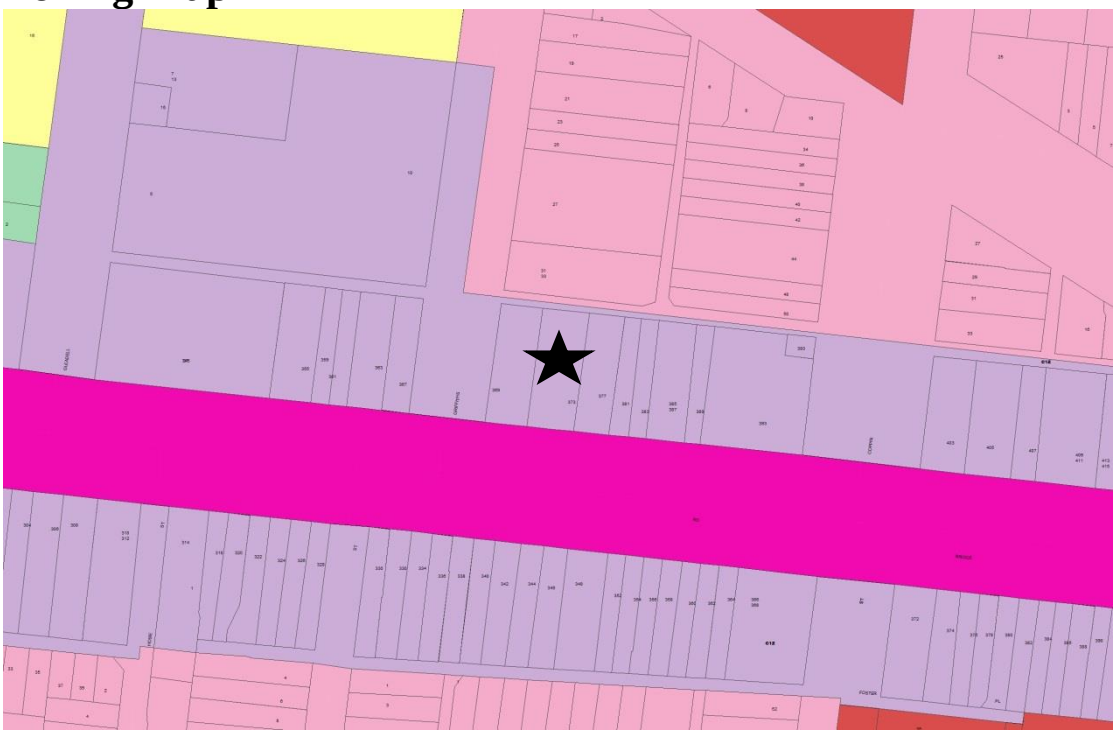
Attachment 1 - PLN16/0924 - 373-375 Bridge Road Richmond - Subject Land Map

SUBJECT LAND:

Property Map



Zoning Map



⇧ North

★ **Subject Site**

Attachment 2 - PLN16/0924 - 373-375 Bridge Road Richmond - Full set of advertised plans from December 2016 from Skematics

TOWN PLANNING SUBMISSION
373-375 BRIDGE ROAD RICHMOND



Sheet List

Sheet Number	Sheet Name	Current Revision
A1000	COVER SHEET & SCHEDULES TOWN PLANNING SUBMISSION	9
A1001	EXISTING NEIGHBOURHOOD & SITE DESCRIPTION PLAN	8
A1002	PROPOSED NEIGHBOURHOOD & SITE RESPONSE PLAN	8
A1003	GROUND FLOOR	8
A1004a	LEVEL 1	8
A1004b	LEVEL 2	1
A1004c	LEVEL 3	8
A1005a	LEVEL 4 & 6	1
A1005b	LEVEL 5	1
A1005c	LEVEL 7	1
A1006a	LEVEL 8-9	8
A1006b	ROOF	1
A1007	BRIDGE ROAD & LANE ELEVATIONS	9
A1008	EAST ELEVATION	8
A1009	WEST ELEVATION	8
A1010a	SECTION A	9
A1010b	SECTION B	1
A1011	PROPOSED SHADOW DIAGRAM 22 JUNE 9AM 10AM 11AM 12PM 1PM 2PM 3PM	6
A1012	PROPOSED SHADOW DIAGRAM 22 SEPTEMBER 9AM 10AM 11AM 12PM 1PM 2PM 3PM	8
A1013	BRIDGE ROAD, COPPIN & GRIFFITHS STREET STREETSCAPE	8
A1014	PHOTOREALISTIC BRIDGE ROAD EAST VIEW	9
A1015	PHOTOREALISTIC BRIDGE ROAD WEST VIEW	1
A1016	FACADE MATERIALS DATA SHEET	1
A1017	DETAIL	1
A1018	PERSPECTIVE SOUTH & NORTH VIEWS	
A1019	EXISTING RESIDENTIAL HIGH RISE ALONG BURNLEY ST. / GRIFFITHS ST.	1
A1020	EXISTING RESIDENTIAL HIGH RISE ALONG BRIDGE RD.	1
AX001	EXISTING - NEIGHBOURHOOD & SITE	1
AZ001	DEMOLITION - NEIGHBOURHOOD & SITE	1
AZ002	PHOTOREALISTIC GRIFFITHS ST & PALMER ST. SOUTH VIEW	1
AZ27	Unnamed	

SCHEDULE OF COMPONENTS & AREAS

Level		No	Qty	Total	Area	Area Sqm	Total Sqm
Ground floor	Retail shop		1			137.00	360.00
	Parking		17			69.00	
	Bins		10			60.00	
	Bicycles		38			34.00	
	Circulation					60.00	
Mezzanine	Stores		27			80.00	123.00
	Water tank		2			18.00	
	Circulation					25.00	
Level 1	Apartment 1		1			77.00	291.00
	Apartment 2		1			77.00	
	Apartment 3		1			112.00	
	Circulation		1			25.00	
Level 2	Apartment 4		1			77.00	333.00
	Apartment 5		1			77.00	
	Apartment 6		1			77.00	
	Apartment 7		1			77.00	
	Circulation		1			25.00	
Level 3	Apartment 8		1			77.00	326.00
	Apartment 9		1			77.00	
	Apartment 10		1			73.50	
	Apartment 11		1			73.50	
	Circulation		1			25.00	
Level 4-6	Apartment 12/16/20	3	1	3	75	225.00	891.00
	Apartment 13/17/21	3	1	3	75	225.00	
	Apartment 14/18/22	3	1	3	61	183.00	
	Apartment 15/19/23	3	1	3	61	183.00	
	Circulation	3	1	3	25	75.00	
Level 7	Apartment 24		1		65	65.00	271.00
	Apartment 25		1		65	65.00	
	Apartment 26		1		58	58.00	
	Apartment 27		1		58	58.00	
	Circulation		1		25	25.00	
Level 8-9	Apartment 28/32	2	1	2	50	100.00	430.00
	Apartment 29/33	2	1	2	50	100.00	
	Apartment 30/34	2	1	2	45	90.00	
	Apartment 31/35	2	1	2	45	90.00	
	Circulation	2	1	2	25	50.00	
Roof	Communal		1			196.00	221.00
	Circulation		1		25	25.00	
TOTAL							3246.00

1 Retail shop
35 Apartments
35 Stores
38 Bicycles
12 Car spaces

Amendments

Date	No.	Item

SKEMATICS
ARCHITECTS - PROJECT MANAGERS

Client

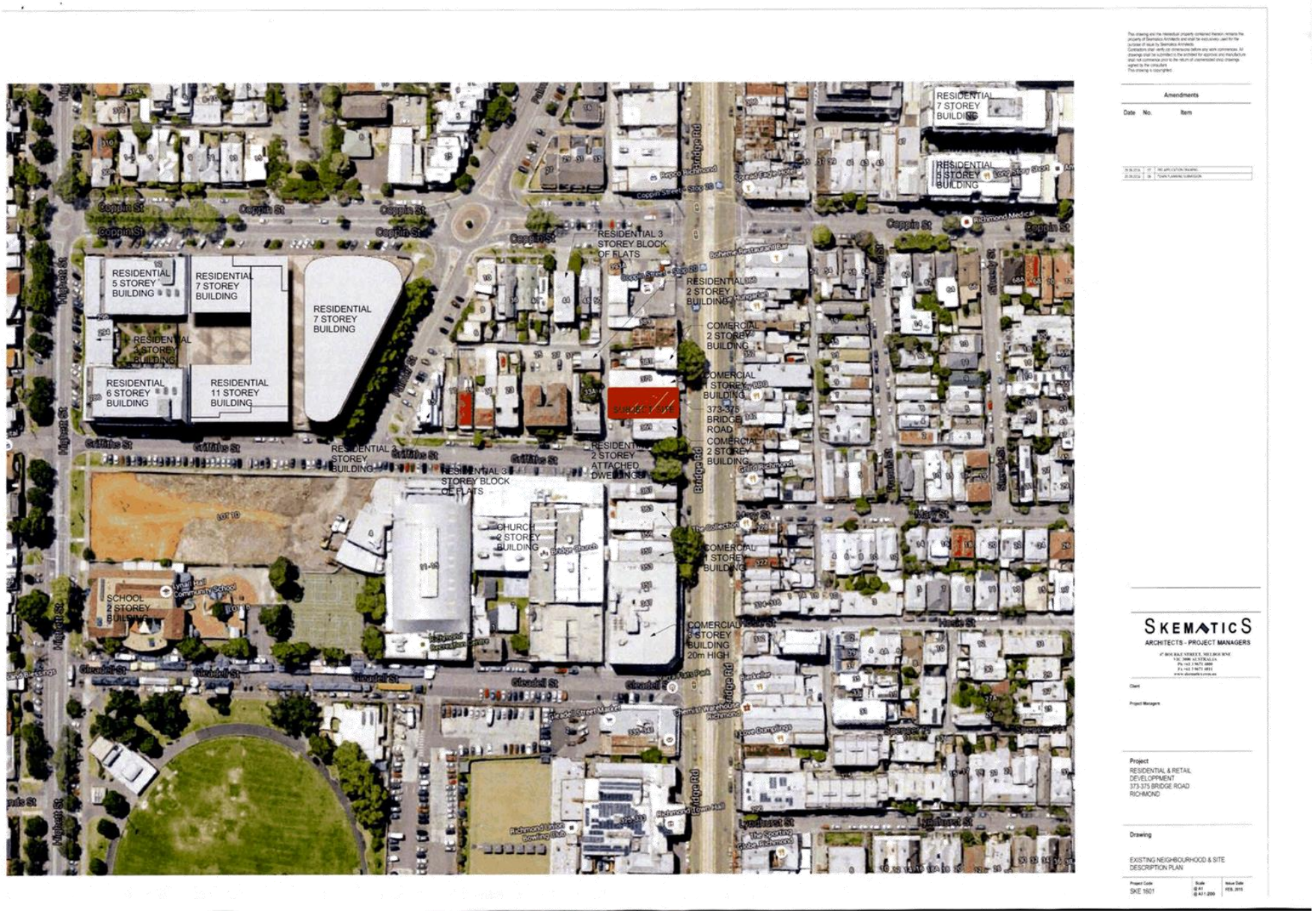
Project Managers

Project
RESIDENTIAL & RETAIL DEVELOPMENT
373-375 BRIDGE ROAD
RICHMOND

Drawing
COVER SHEET & SCHEDULES TOWN PLANNING SUBMISSION

Project Code SKE 1601 | Scale @ A1 @ A3 1:200 | Issue Date FEB 2015

Attachment 2 - PLN16/0924 - 373-375 Bridge Road Richmond - Full set of advertised plans from December 2016 from Skematics



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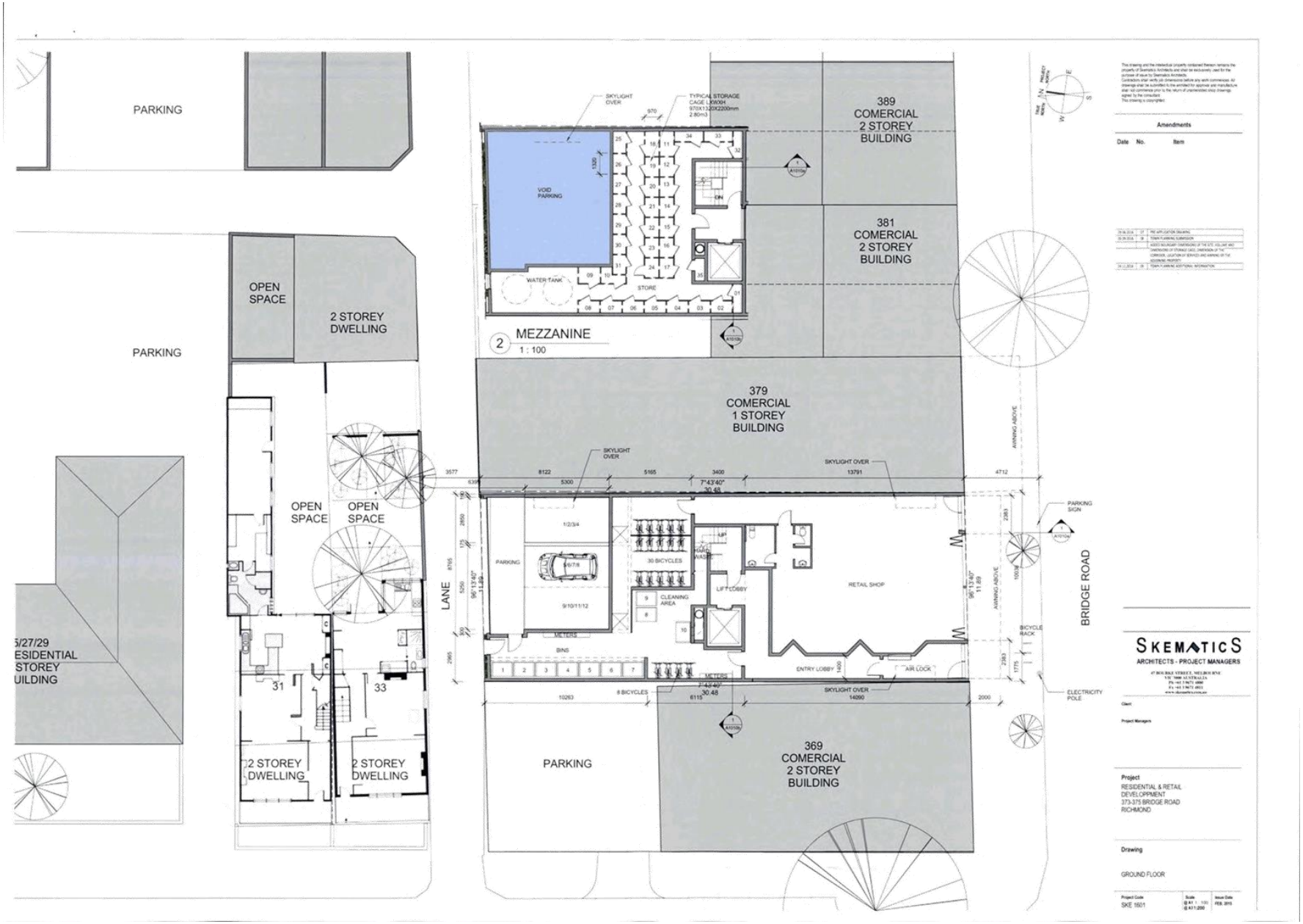
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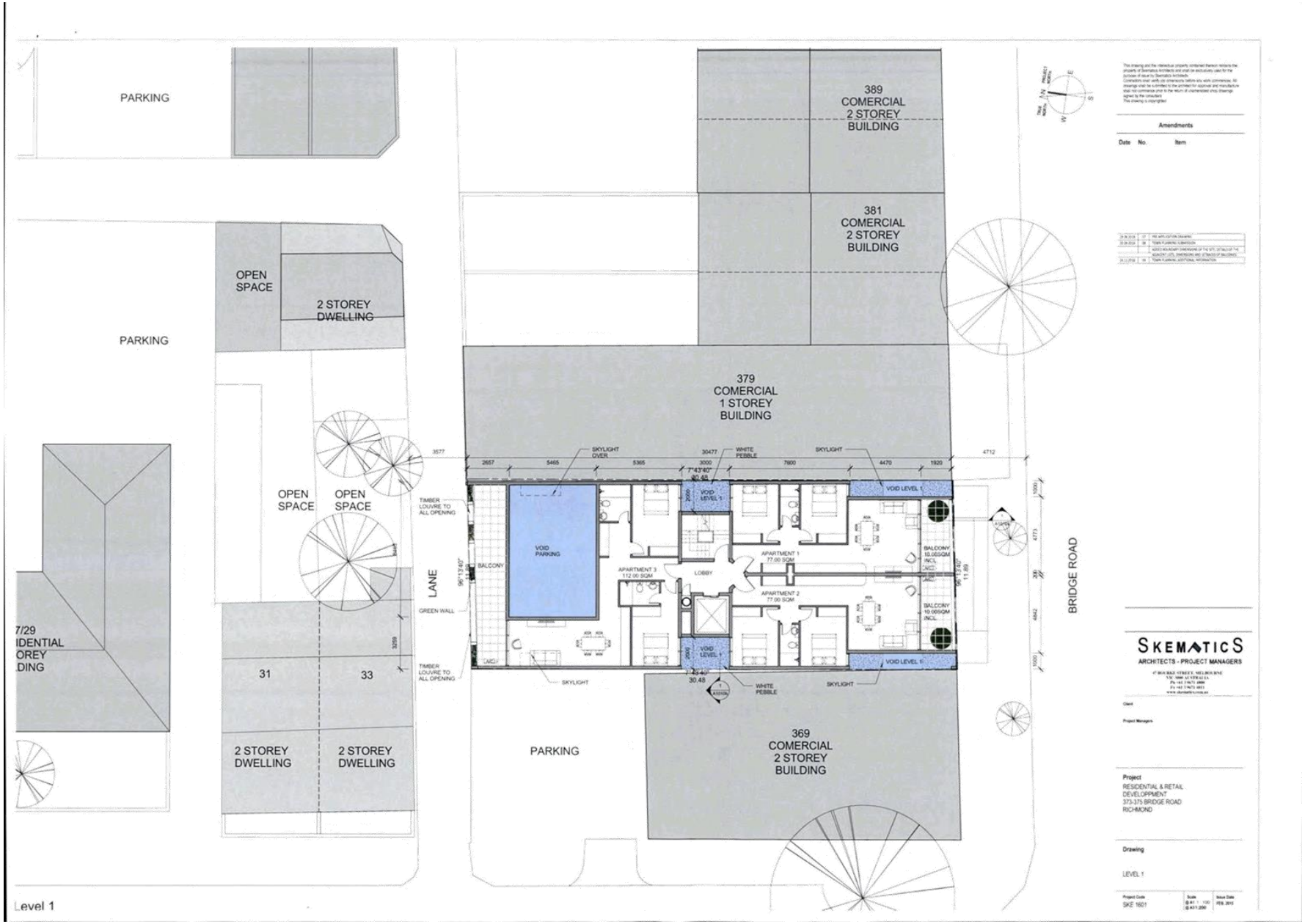
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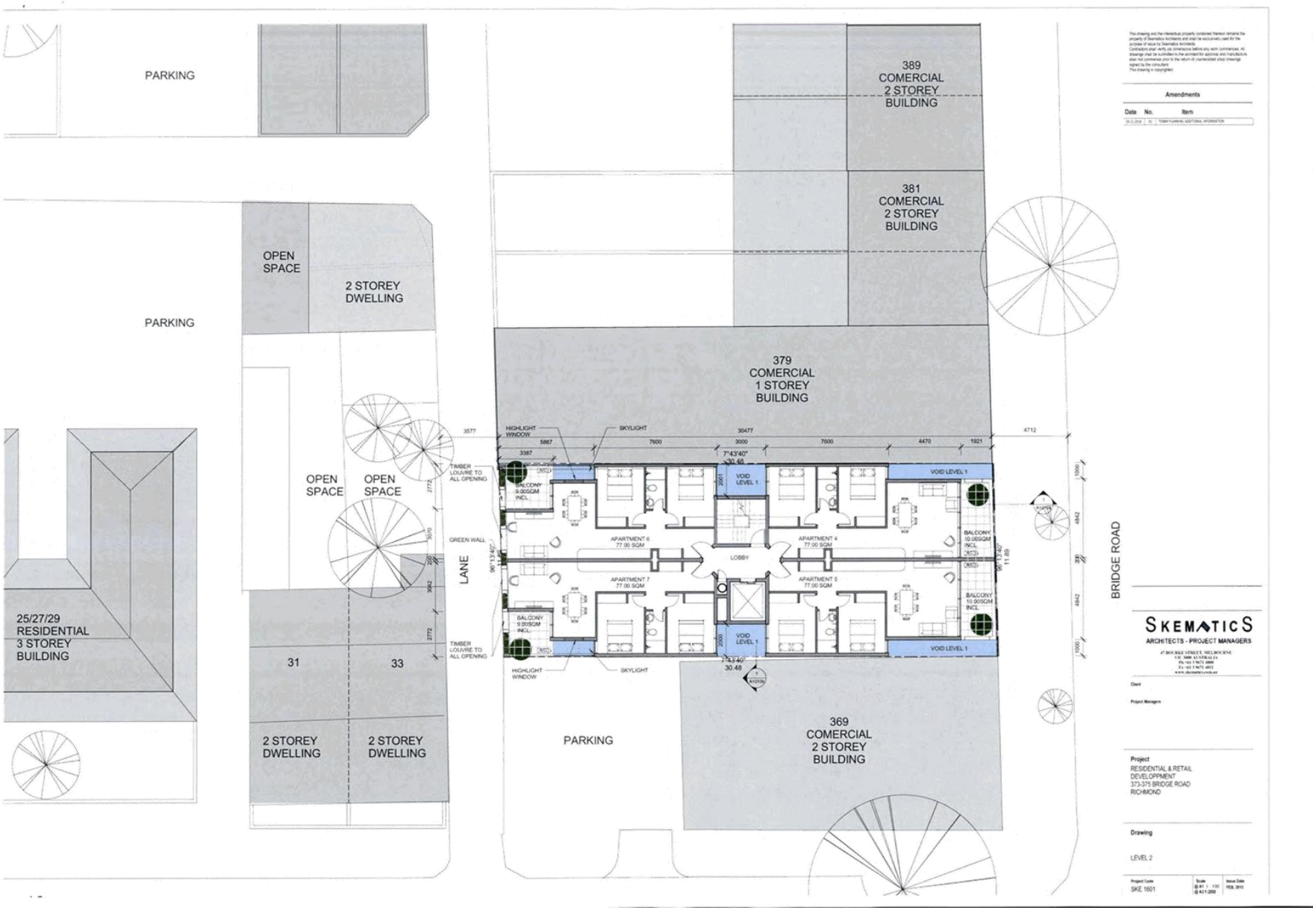
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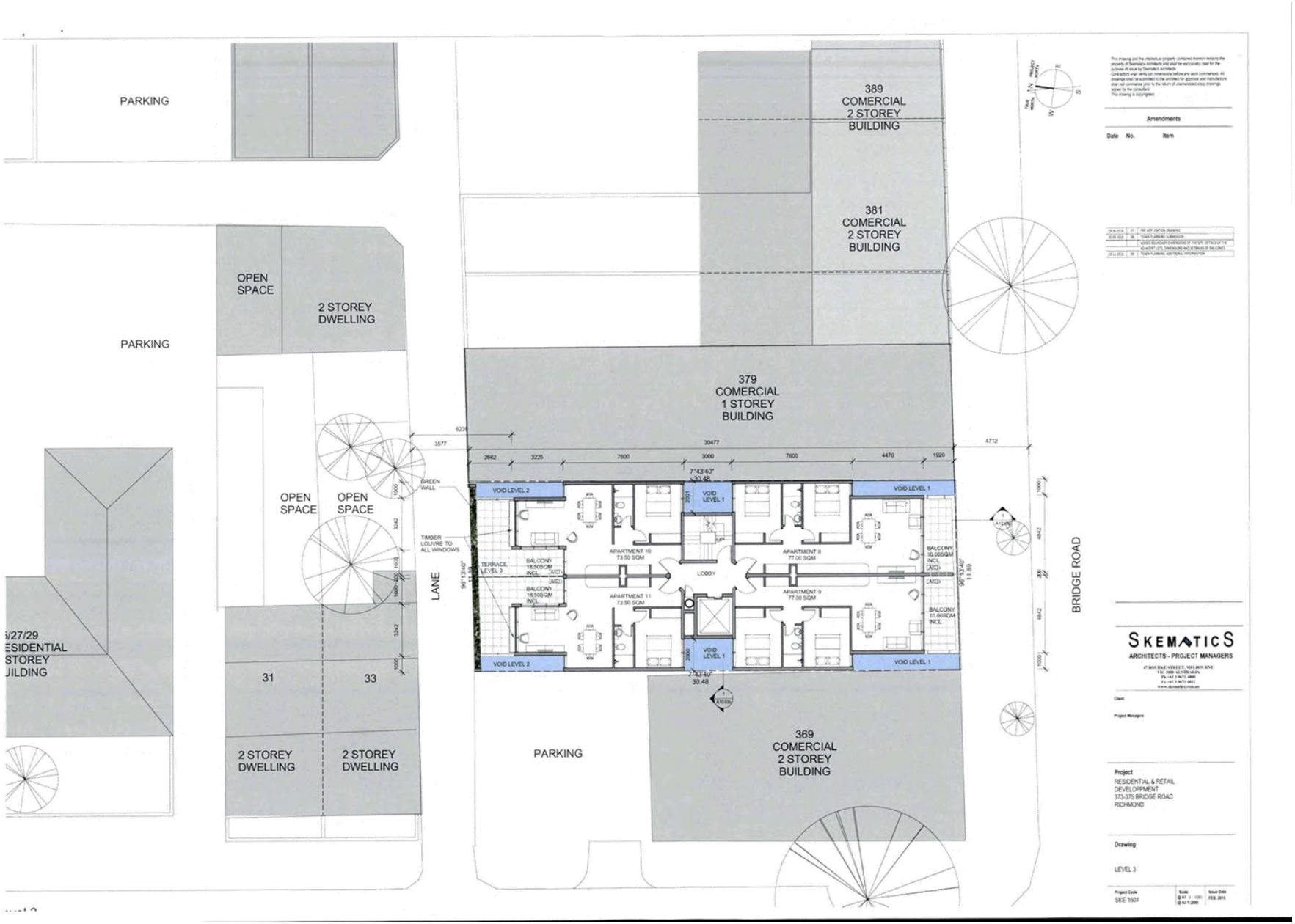
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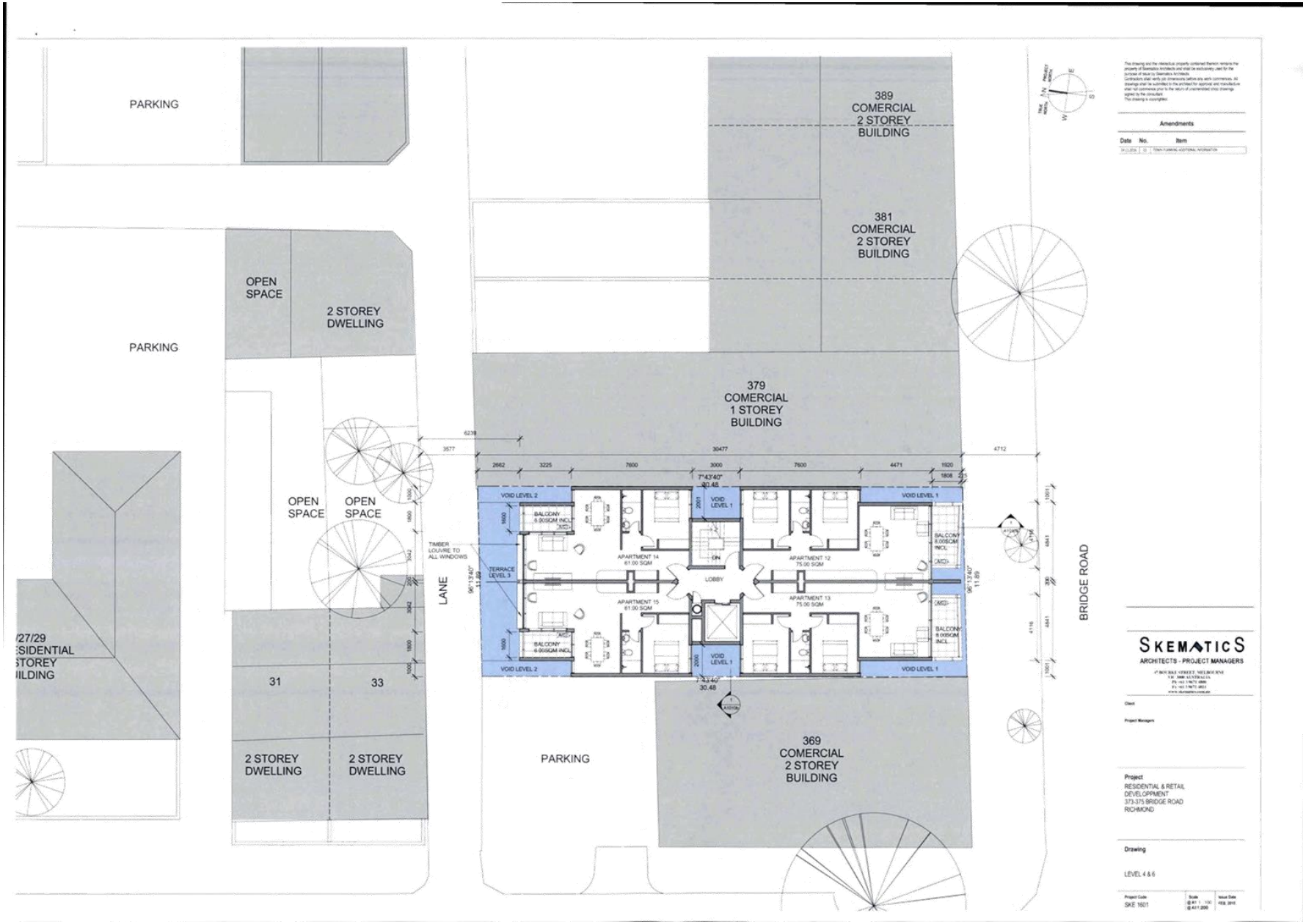
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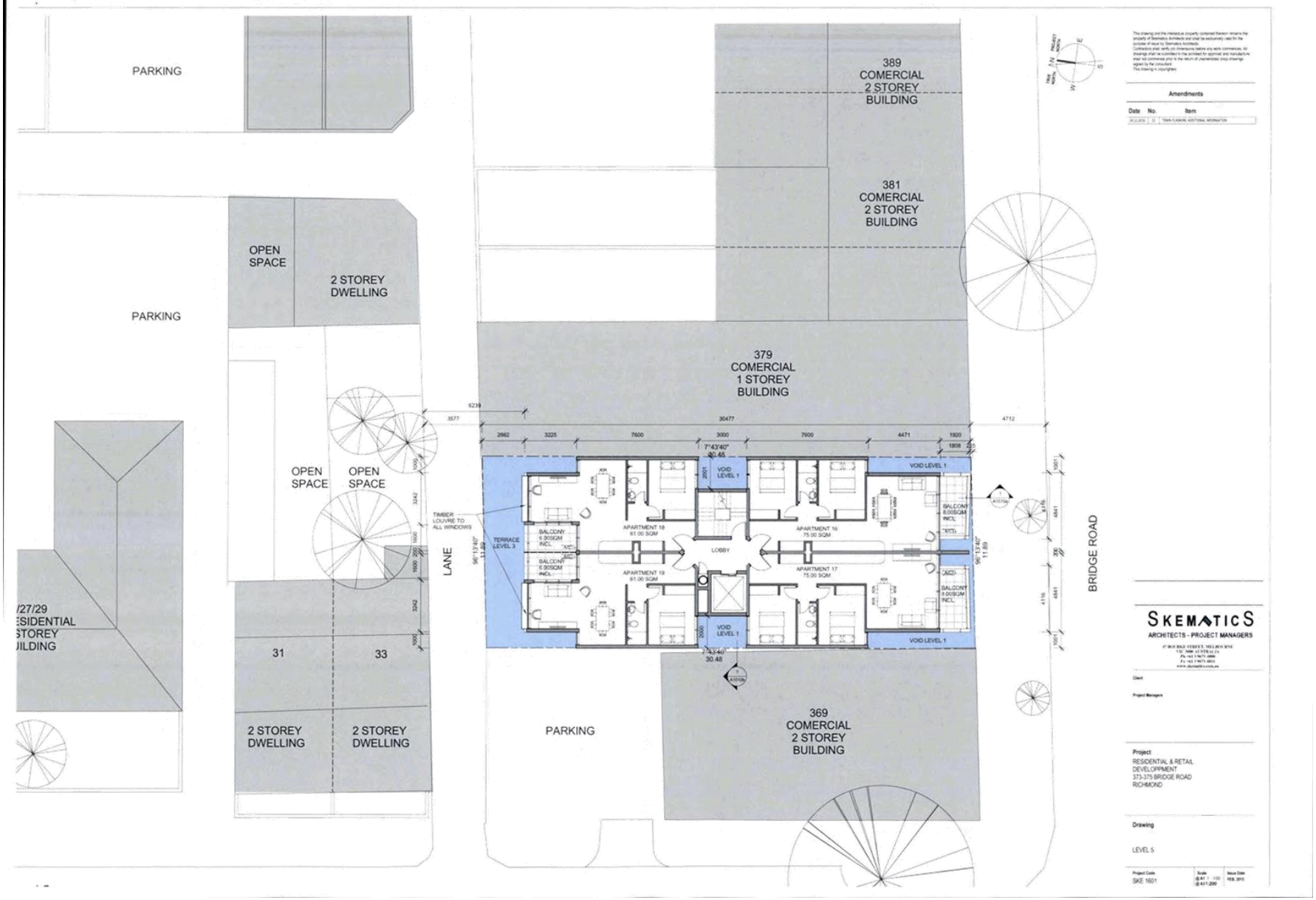
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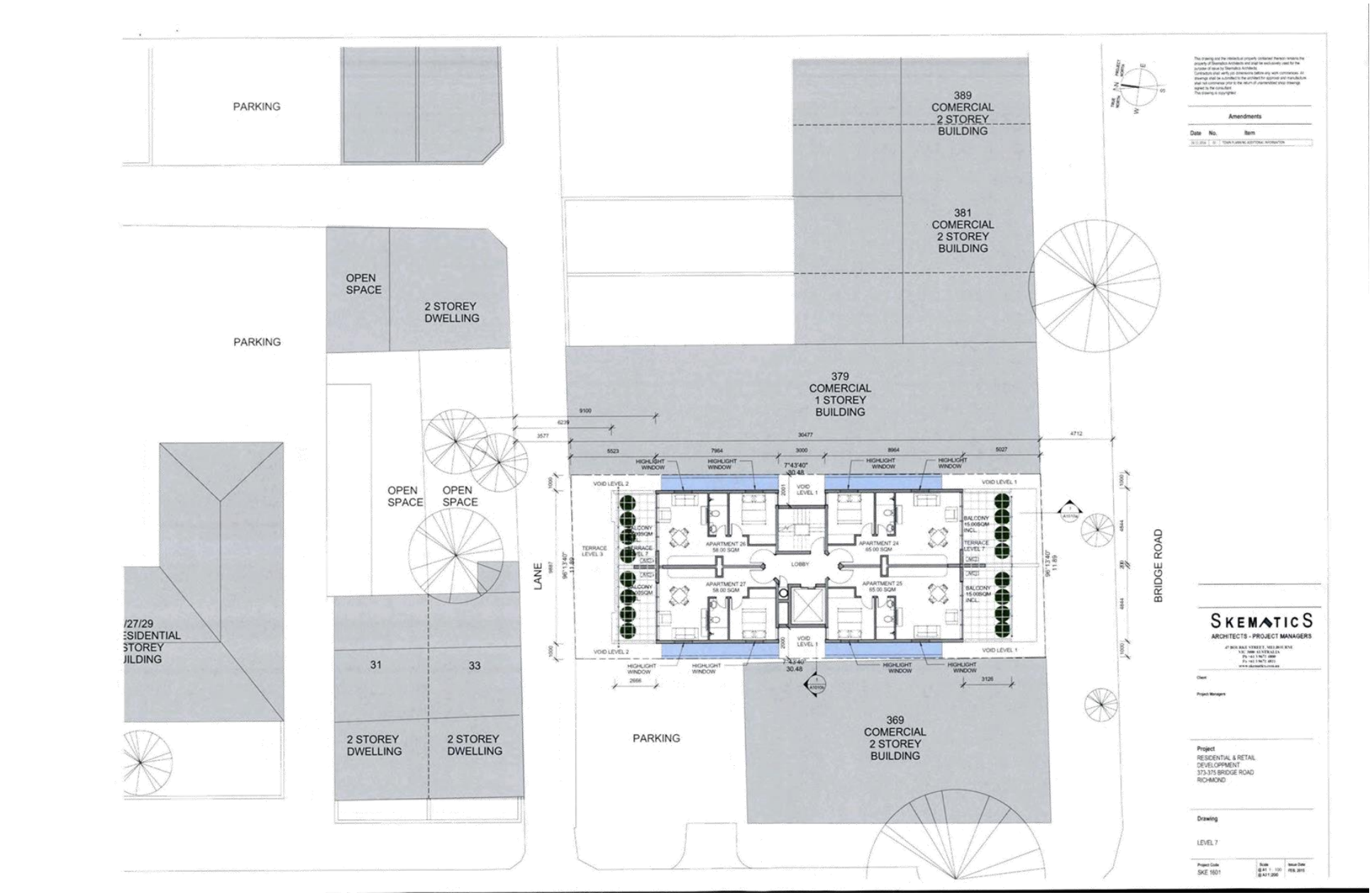
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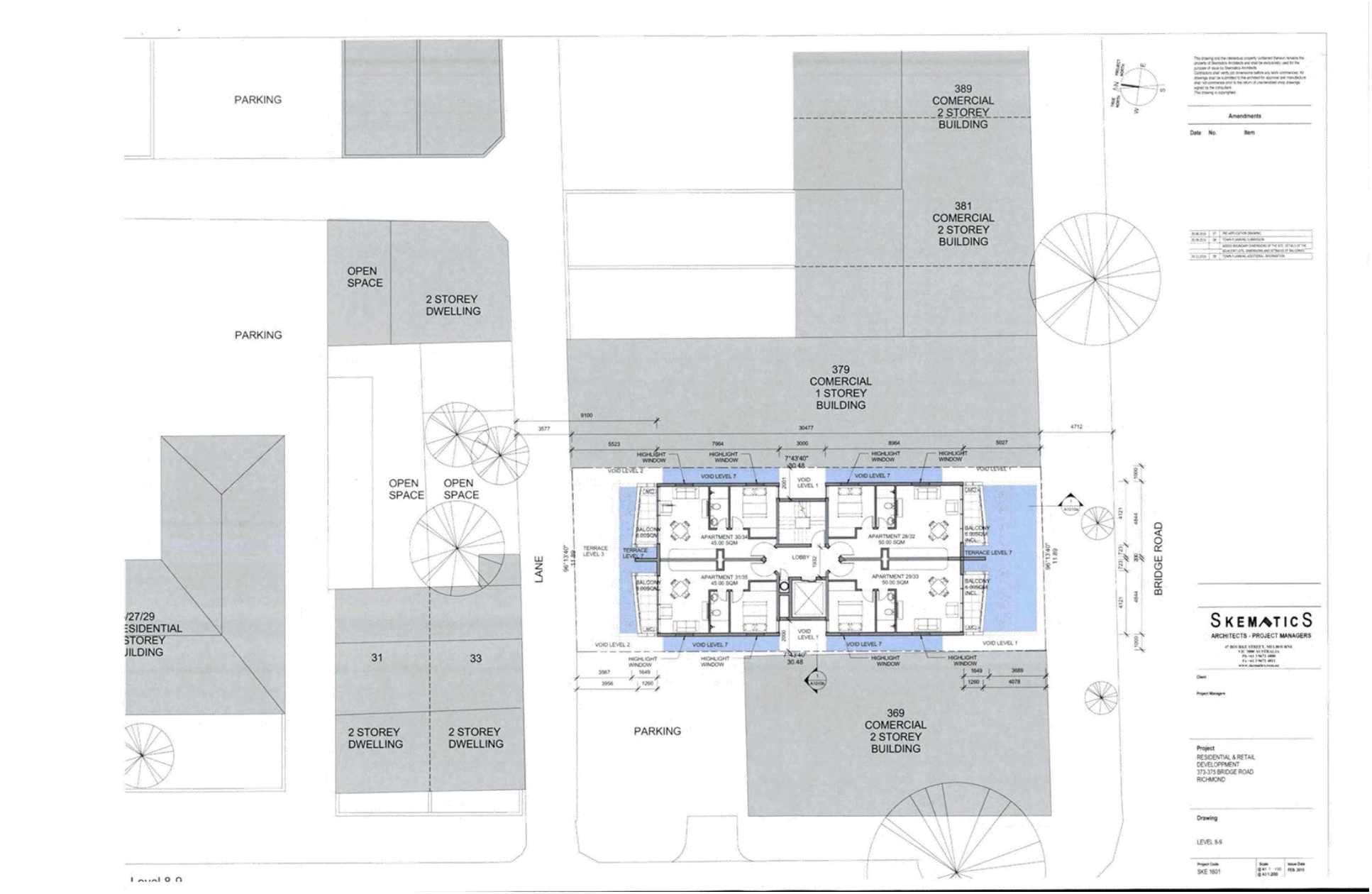
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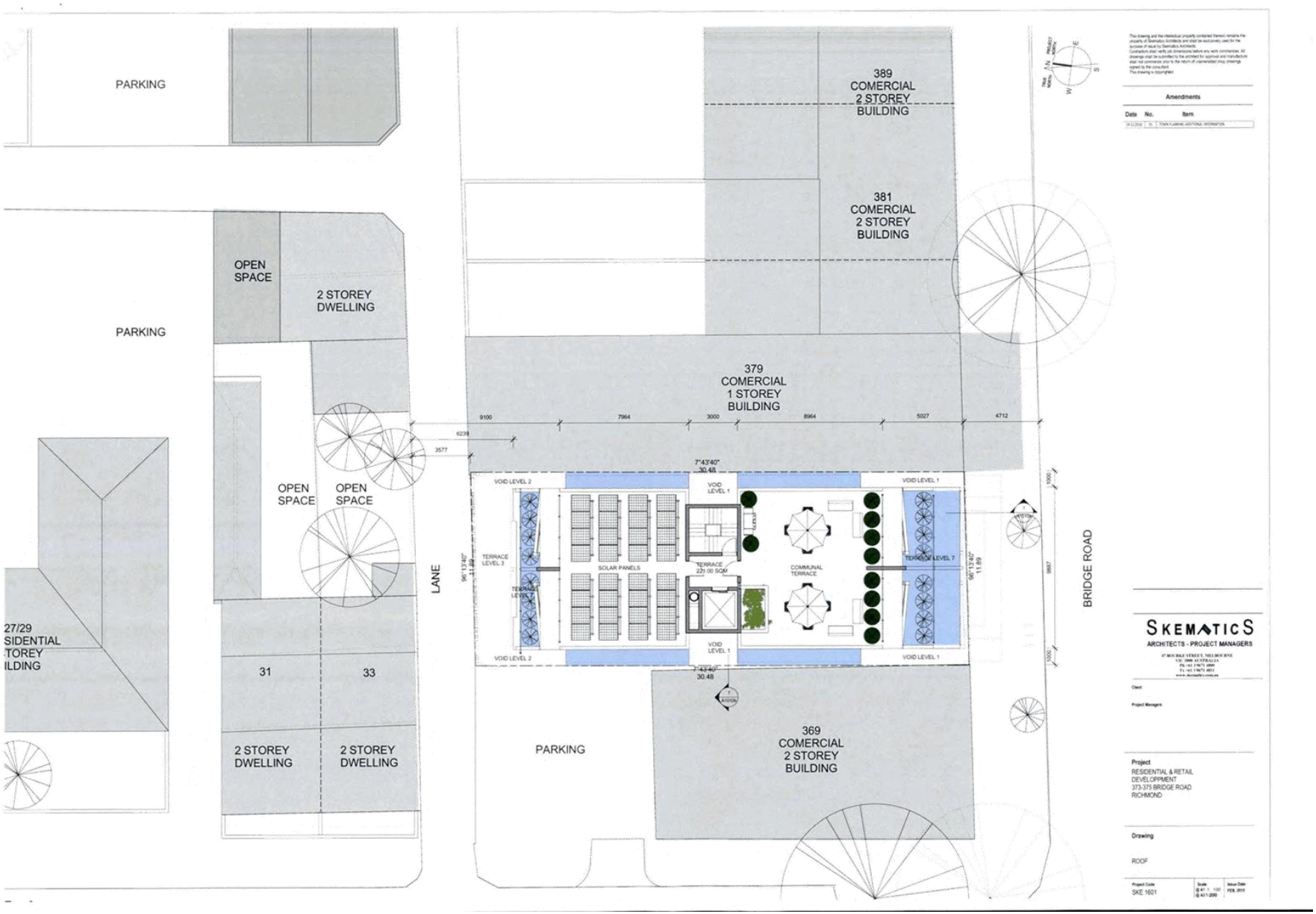
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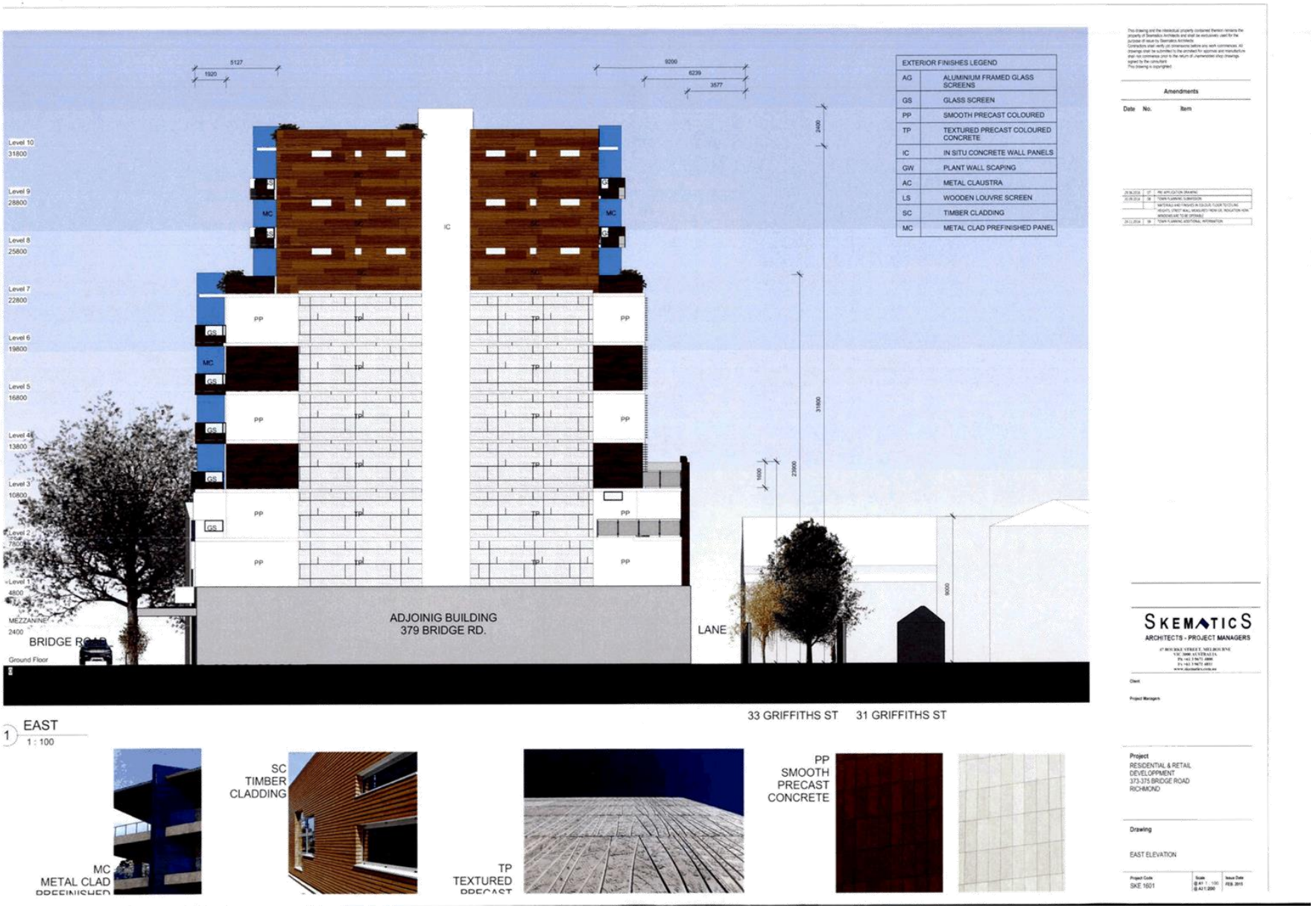
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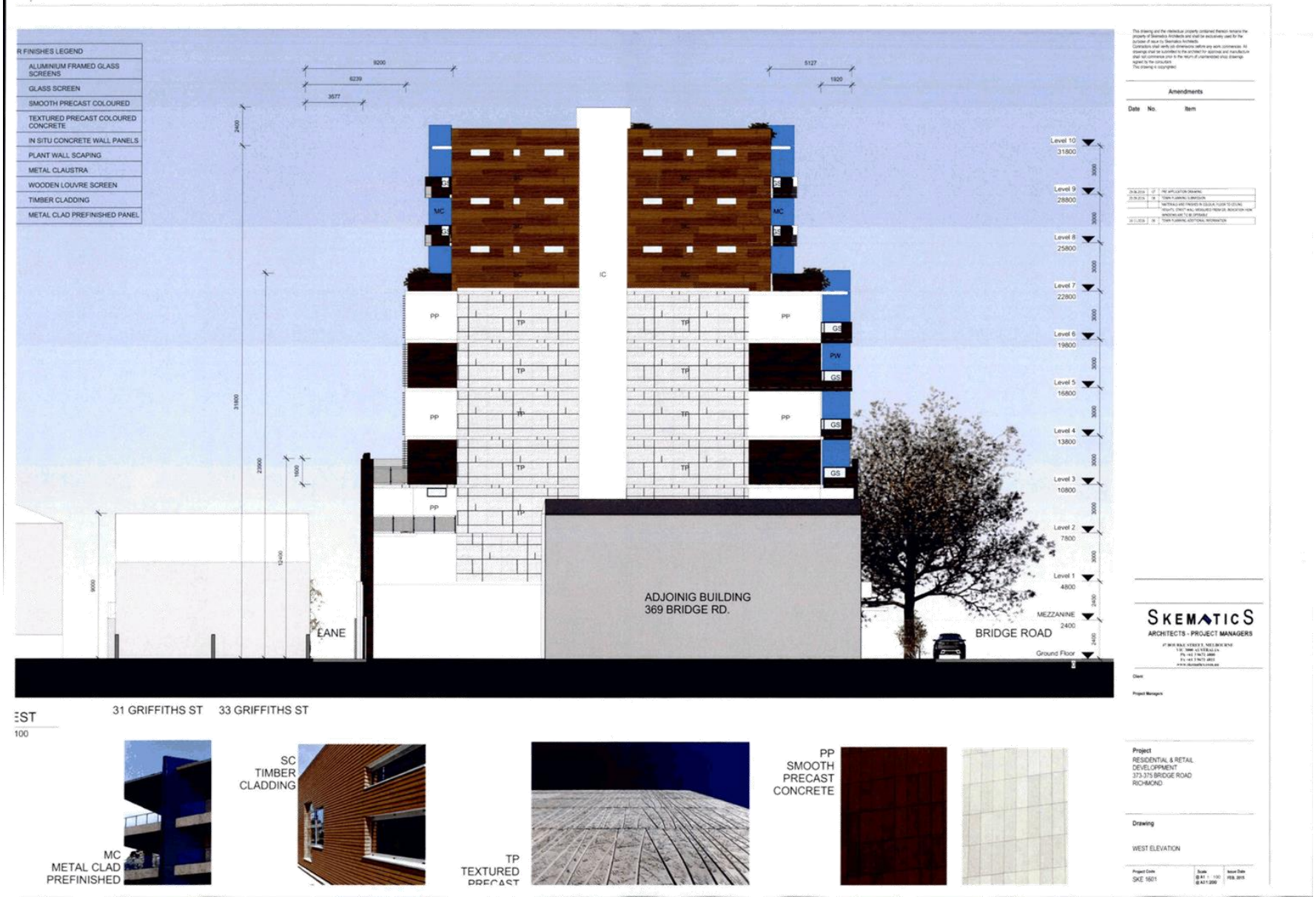
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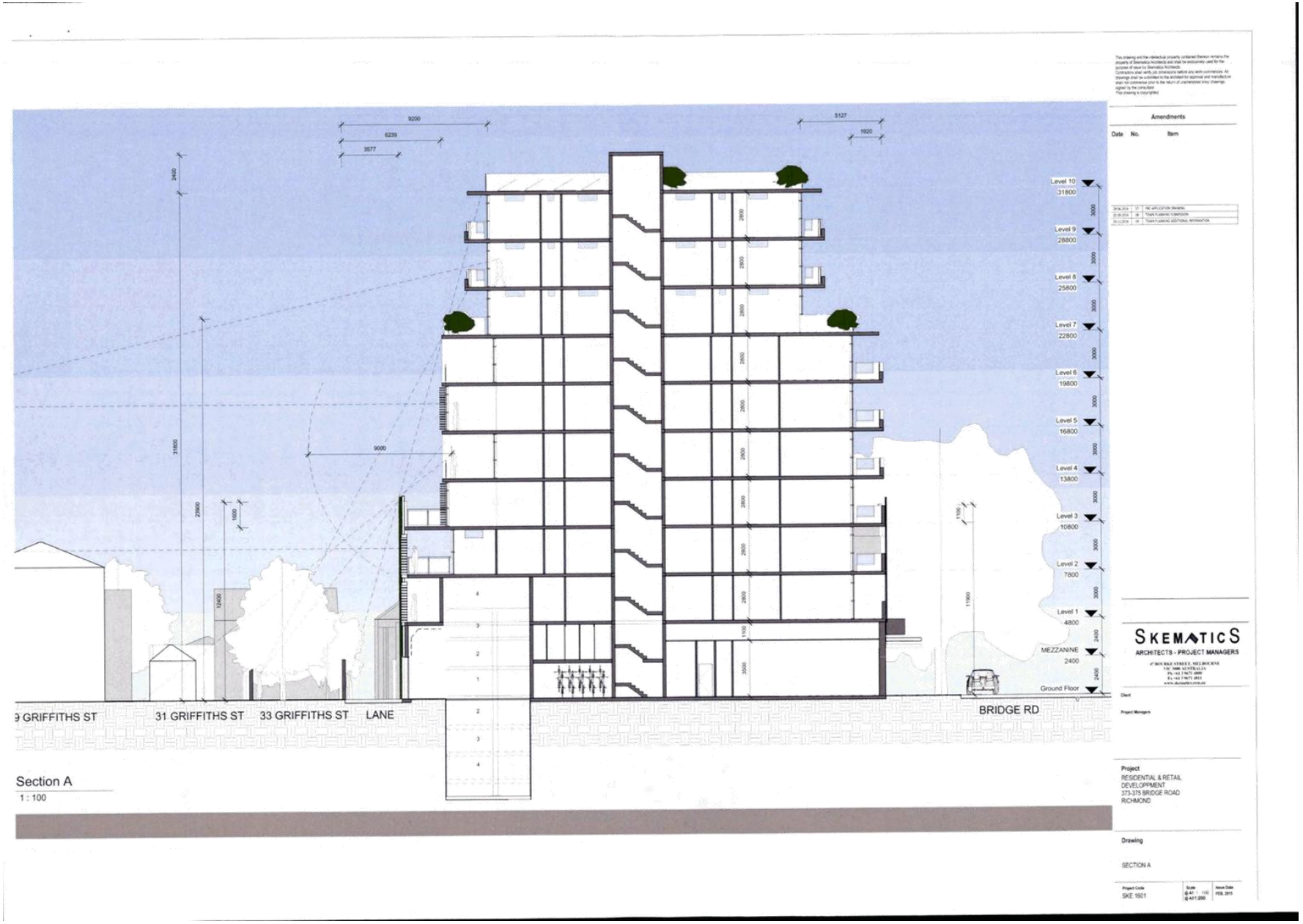
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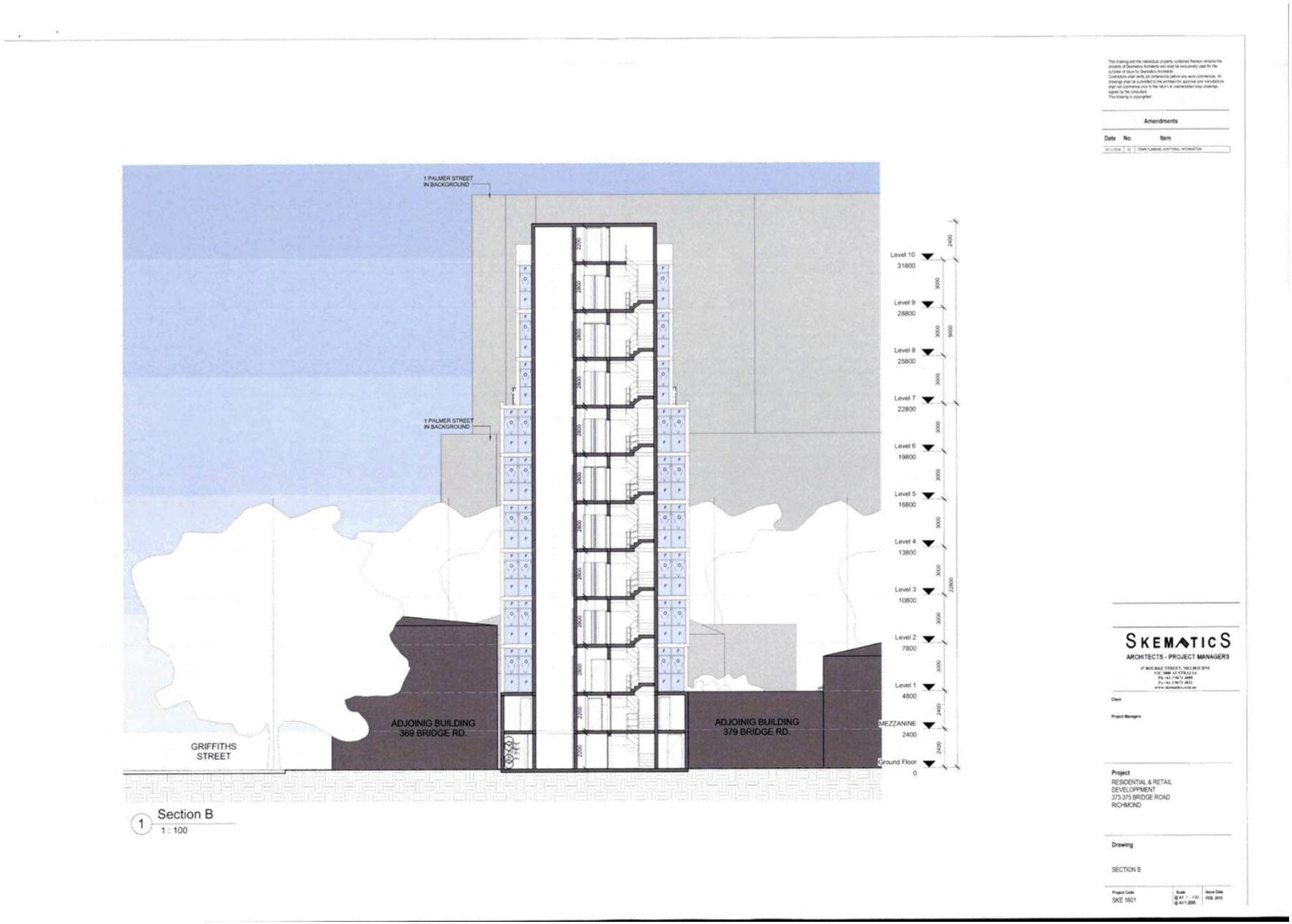
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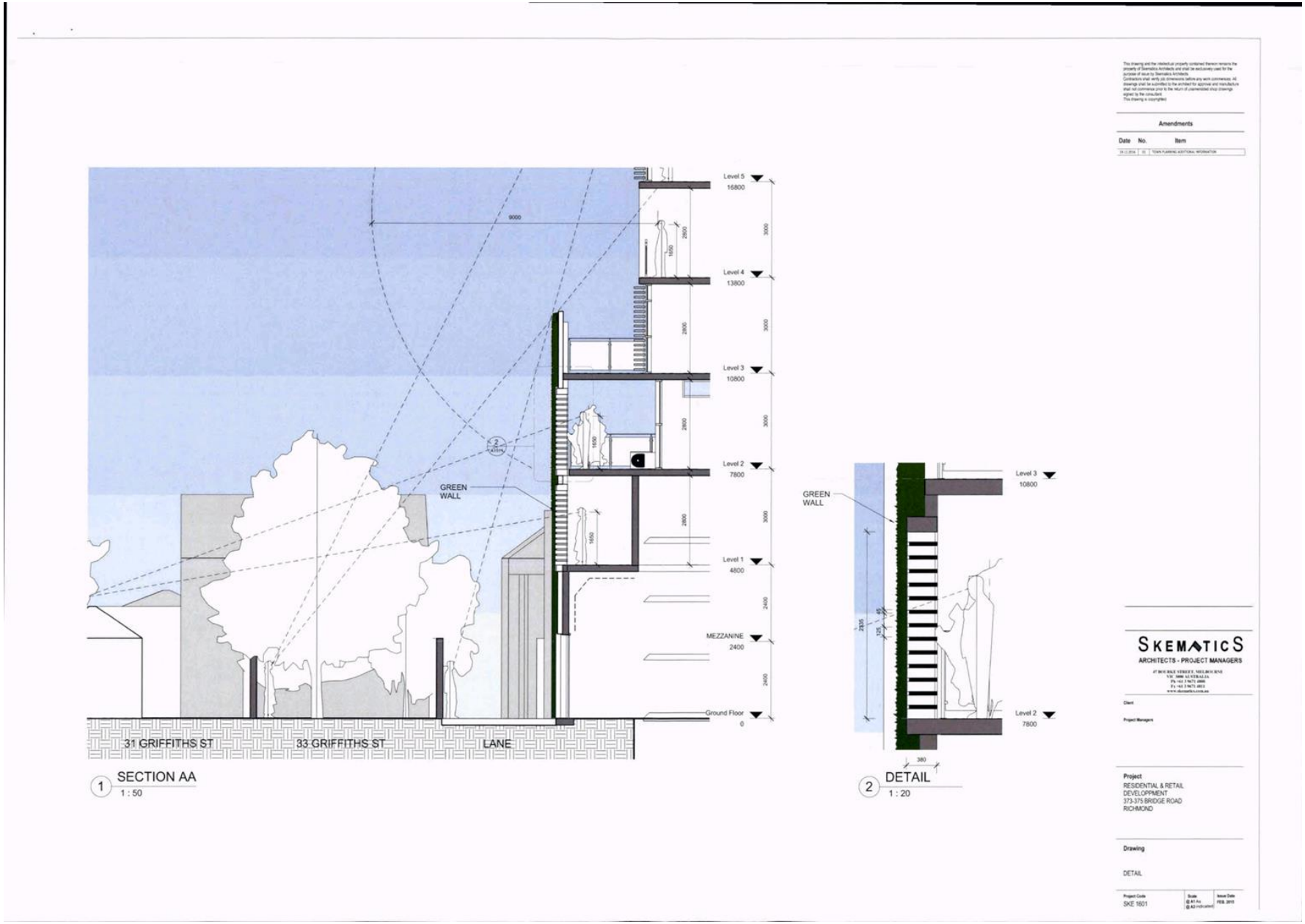
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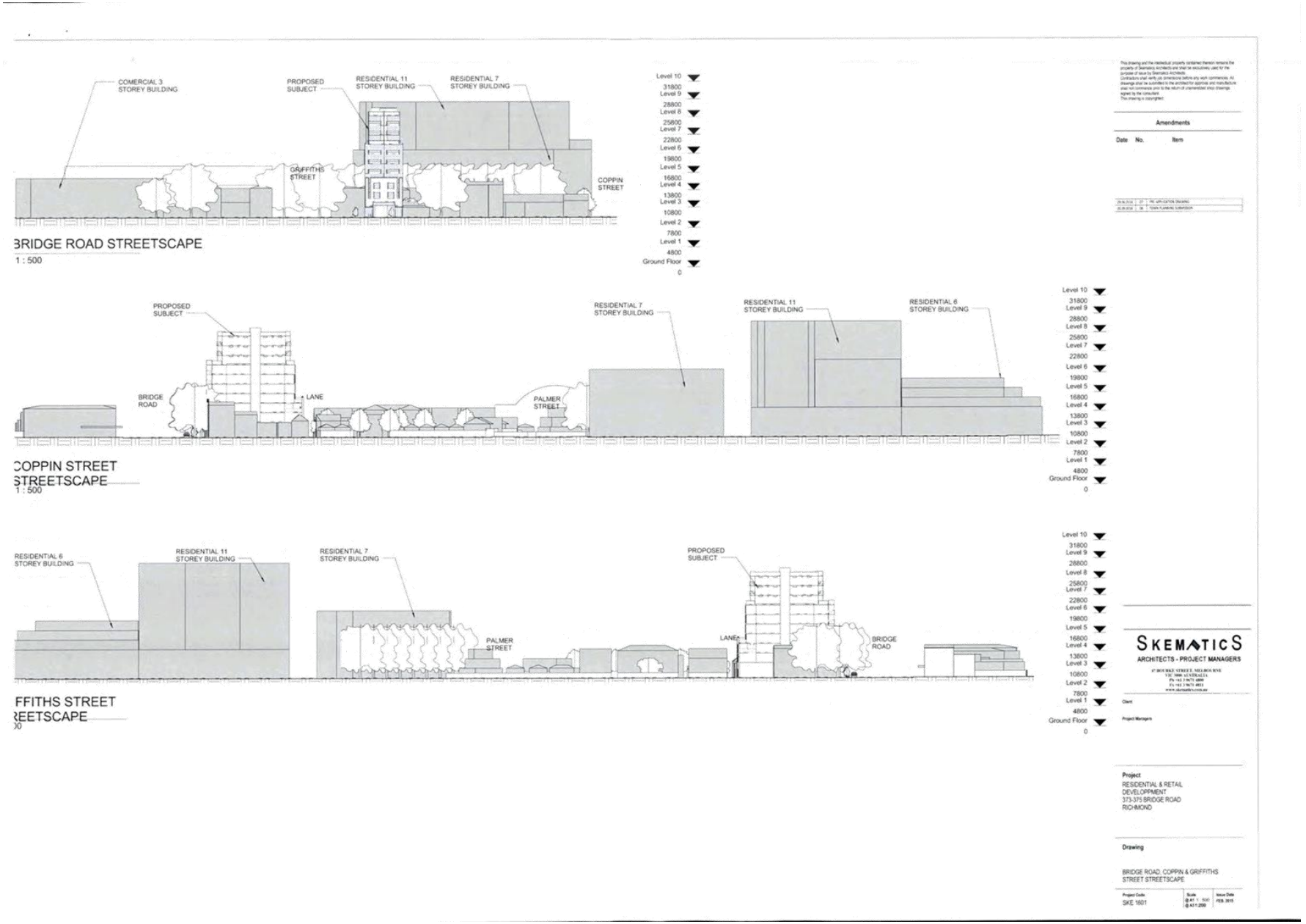
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RIDGE ROAD - LOOKING EAST EXISTING 1



BRIDGE ROAD - LOOKING EAST PERSPECTIVE 1



RIDGE ROAD - LOOKING EAST EXISTING 2



BRIDGE ROAD - LOOKING EAST PERSPECTIVE 2

Amendments

Date No. Item

SKEMATICS

ARCHITECTS - PROJECT MANAGERS

Project

RESIDENTIAL & RETAIL DEVELOPMENT
373-375 BRIDGE ROAD
RICHMOND

Drawing

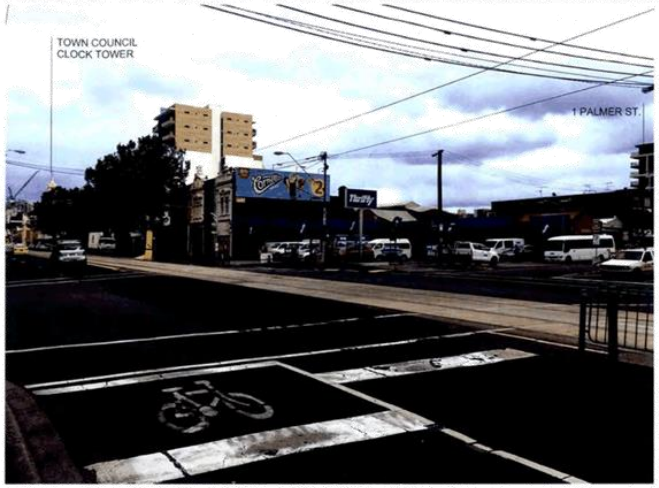
PHOTOREALISTIC BRIDGE ROAD EAST VIEW

Project Code SKE 1601

Attachment 2 - PLN16/0924 - 373-375 Bridge Road Richmond - Full set of advertised plans from December 2016 from Skematics



BRIDGE ROAD - LOOKING WEST EXISTING 1



BRIDGE ROAD - LOOKING WEST PERSPECTIVE 1





Amendments

Date No. Item

SKEMATICS
ARCHITECTS - PROJECT MANAGERS

Client

Project Manager

Project
RESIDENTIAL & RETAIL
DEVELOPMENT
373-375 BRIDGE ROAD
RICHMOND

Drawing
PHOTOREALISTIC BRIDGE ROAD WEST
VIEW

Project Code
SKE 1601

Scale
@ A1
@ A3 1:200

Issue Date
FEB 2015

Attachment 2 - PLN16/0924 - 373-375 Bridge Road Richmond - Full set of advertised plans from December 2016 from Skematics



Attachment 2 - PLN16/0924 - 373-375 Bridge Road Richmond - Full set of advertised plans from December 2016 from Skematics



SOUTH VIEW
(1) (FROM BRIDGE ROAD)
1 : 1



NORTH VIEW
(2) (FROM ADJOINING PROPERTY)
1 : 1

Amendments

Date	No.	Item

SKEMATICS
ARCHITECTS - PROJECT MANAGERS

Client

Project Manager

Project
RESIDENTIAL & RETAIL
DEVELOPMENT
373-375 BRIDGE ROAD
RICHMOND

Drawing
PERSPECTIVE SOUTH & NORTH VIEWS

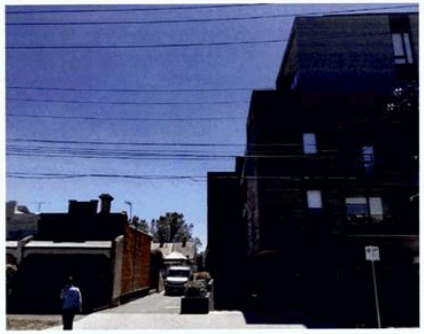
Project Code
SKE 1601

Scale
@ A1 : 1
@ A3 1:200

Issue Date

Attachment 2 - PLN16/0924 - 373-375 Bridge Road Richmond - Full set of advertised plans from December 2016 from Skematics

URNLEY ST.



EAR 142-144 BURNLEY ST. - 7 STOREY - 4 LEVEL STREET WALL



174 BURNLEY ST X BRIDGE RD. - 9 STOREY - 6 LEVEL STREET WALL



EAR 142-144 BURNLEY ST. - 7 STOREY - 4 LEVEL STREET WALL



PALMER ST - 9 STOREY - 6 LEVEL STREET WALL



GRIFFITHS ST.



GRIFFITHS ST X 1 PALMER ST. - 7 STOREY - 7 LEVEL STREET WALL



9 GRIFFITHS ST - 11 STOREY - 3 LEVEL STREET WALL

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Amendments

Date	No.	Item
24.11.2016	01	TOWN PLANNING ADDITIONAL INFORMATION

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RICHMOND

Drawing
EXISTING RESIDENTIAL BUILDINGS ALONG
BURNLEY ST. / GRIFFITHS ST.

Project Code	Scale	Issue Date
SKE 1601	@ A1 @ A3 1:200	FEB. 2017

Attachment 2 - PLN16/0924 - 373-375 Bridge Road Richmond - Full set of advertised plans from December 2016 from Skematics

IDGE RD.



GE RD. - 3 STOREY APROXIMATELY HEIGHT = 12.00m



571 BRIDGE RD. X WHITES PL. - 7 STOREY - 6 LEVEL STREET WALL



BRIDGE RD. - 3 STOREY APROXIMATELY HEIGHT = 12.00m



571 BRIDGE RD. - 7 STOREY - 6 LEVEL STREET WALL

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Client

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373-375 BRIDGE ROAD
RICHMOND

Drawing

EXISTING RESIDENTIAL BUILDINGS ALONG BRIDGE RD.

Project Code	Scale	Issue Date
SKE 1601	@ A1 @ A3 1:200	FEB 2015

Attachment 3 - PLN16/0924 - 373-375 Bridge Road Richmond - 'Without prejudice' revised plans for consideration from Skematics Architects

TOWN PLANNING SUBMISSION
373-375 BRIDGE ROAD RICHMOND



Sheet List

Sheet Number	Sheet Name	Current Revision
A1000	COVER SHEET & SCHEDULES TOWN PLANNING SUBMISSION	16
A1003	GROUND FLOOR	14
A1004a	LEVEL 1	18
A1004b	LEVEL 2	10
A1004c	LEVEL 3	18
A1005a	LEVEL 4	9
A1005b	LEVEL 5	10
A1005bc	LEVEL 6	9
A1005c	LEVEL 7	9
A1006b	ROOF	15
A1007	BRIDGE ROAD & LANE ELEVATIONS	14
A1008	EAST ELEVATION	17
A1009	WEST ELEVATION	17
A1010a	SECTION A	16
A1010b	SECTION B	2
A1011	DETAIL	5
A1012	PROPOSED SHADOW DIAGRAM 22 SEPTEMBER 9AM 10AM 11AM 12PM 1PM 2PM 3PM	12
A1017	PERSPECTIVE SOUTH & NORTH VIEWS - PROPOSED REVISED ENVELOPE	5
A1020	GREEN WALL	
A1022	SECTION B - LIGHTWELL	

SCHEDULE OF COMPONENTS & AREAS

Level		Qty	Area indoor	Area outdoor	Total	Total Sqm
Ground floor	Retail shop	1	137.00			360.00
	Parking	12	69.00			
	Bins	10	60.00			
	Bicycles	36	34.00			
	Circulation		60.00			
Mezzanine	Stores	25	78.00			125.00
	Water tank	2	20.00			
	Circulation		27.00			
Level 1	Apartment 1	1	61.00	9.00	70.00	265.00
	Apartment 2	1	61.00	9.00	70.00	
	Apartment 3	1	73.00	25.00	98.00	
	Circulation	1	27.00			
Level 2	Apartment 4	1	62.00	8.00	70.00	311.00
	Apartment 5	1	62.00	8.00	70.00	
	Apartment 6	1	64.00	8.00	72.00	
	Apartment 7	1	64.00	8.00	72.00	
	Circulation	1	27.00			
Level 3	Apartment 8	1	61.00	8.00	70.00	307.00
	Apartment 9	1	61.00	8.00	70.00	
	Apartment 10	1	47.00	10.00	57.00	
	Apartment 11	1	47.00	10.00	57.00	
	Circulation	1	27.00			
	Terrace	1	26.00			
Level 4	Apartment 12	1	47.00	13.00	60.00	241.00
	Apartment 13	1	47.00	13.00	60.00	
	Apartment 14	1	42.00	5.00	47.00	
	Apartment 15	1	42.00	5.00	47.00	
	Circulation	1	27.00			
Level 5	Apartment 16	1	47.00	6.00	53.00	227.00
	Apartment 17	1	47.00	6.00	53.00	
	Apartment 18	1	42.00	5.00	47.00	
	Apartment 19	1	42.00	5.00	47.00	
	Circulation	1	27.00			
Level 6	Apartment 20	1	47.00	6.00	53.00	227.00
	Apartment 21	1	47.00	6.00	53.00	
	Apartment 22	1	66.00	28.00	94.00	
	Circulation	1	27.00			
Level 7	Apartment 23	1	40.00	6.00	46.00	187.00
	Apartment 24	1	40.00	6.00	46.00	
	Apartment 25	1	54.00	14.00	68.00	
	Circulation	1	27.00			
Roof	Communal	1		174.00		199.00
	Circulation	1		25.00		
TOTAL	1 Retail shop					2449.00
	25 Apartments					
	25 Stores					
	36 Bicycles					
	12 Car spaces					

*Above areas are indicative & approximate, to be confirmed in design development.

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Amendments

Date	No.	Item
29.06.2016	07	PRE-APPLICATION DRAWING
20.09.2016	09	TOWN PLANNING SUBMISSION
24.11.2016	09	TOWN PLANNING ADDITIONAL INFORMATION
09.02.2017	10	TOWN PLANNING SUBMISSION DRAFT AMENDMENT
20.02.2017	11	TOWN PLANNING SUBMISSION / AMENDMENT
23.03.2017	12	ISSUED FOR INFORMATION
13.04.2017	13	ISSUED FOR INFORMATION
18.04.2017	14	ISSUED FOR INFORMATION
07.04.2017	15	ISSUED FOR INFORMATION
12.07.2017	16	ISSUED FOR INFORMATION

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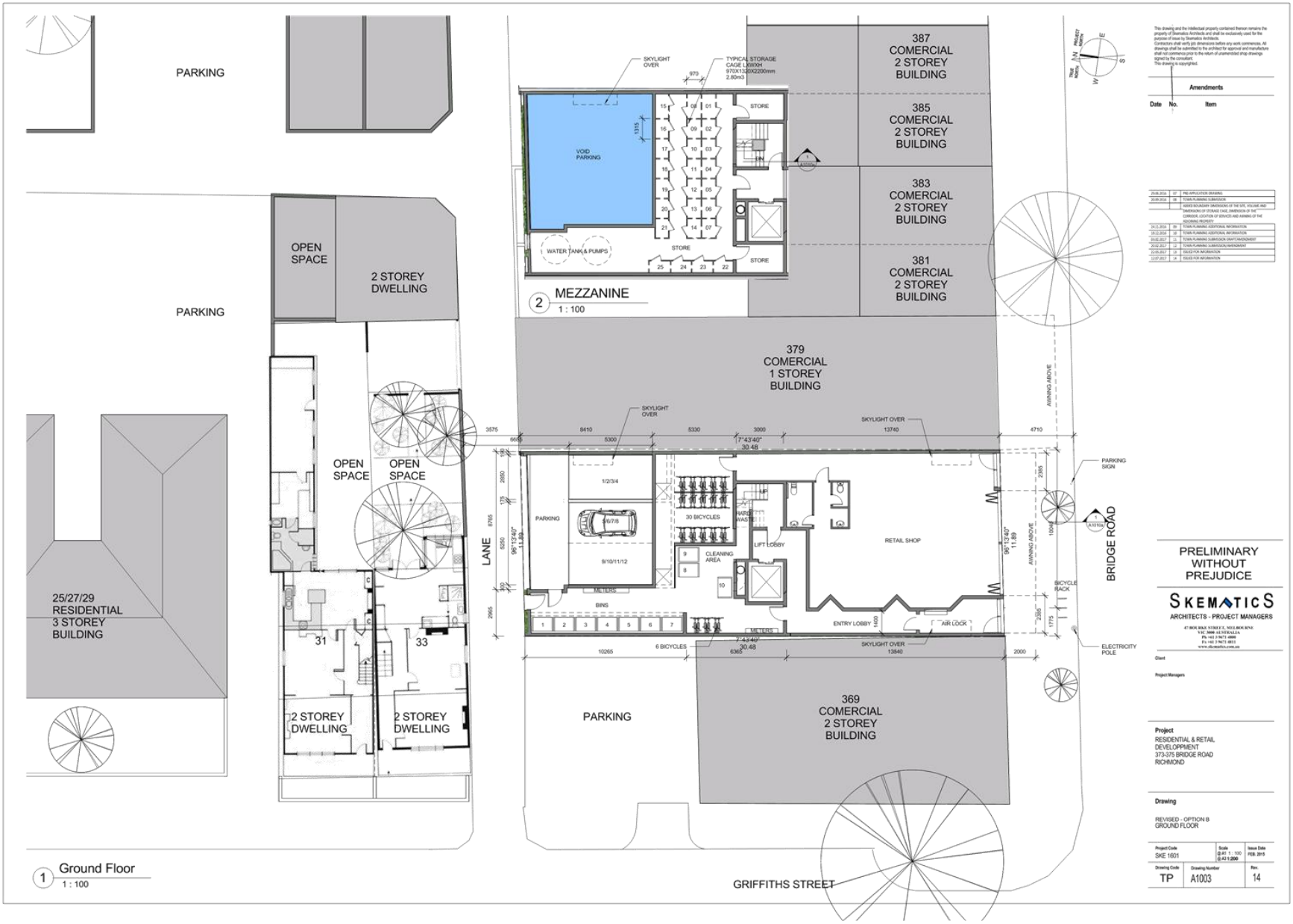
Project Managers

Project
RESIDENTIAL & RETAIL
DEVELOPMENT
373-375 BRIDGE ROAD
RICHMOND

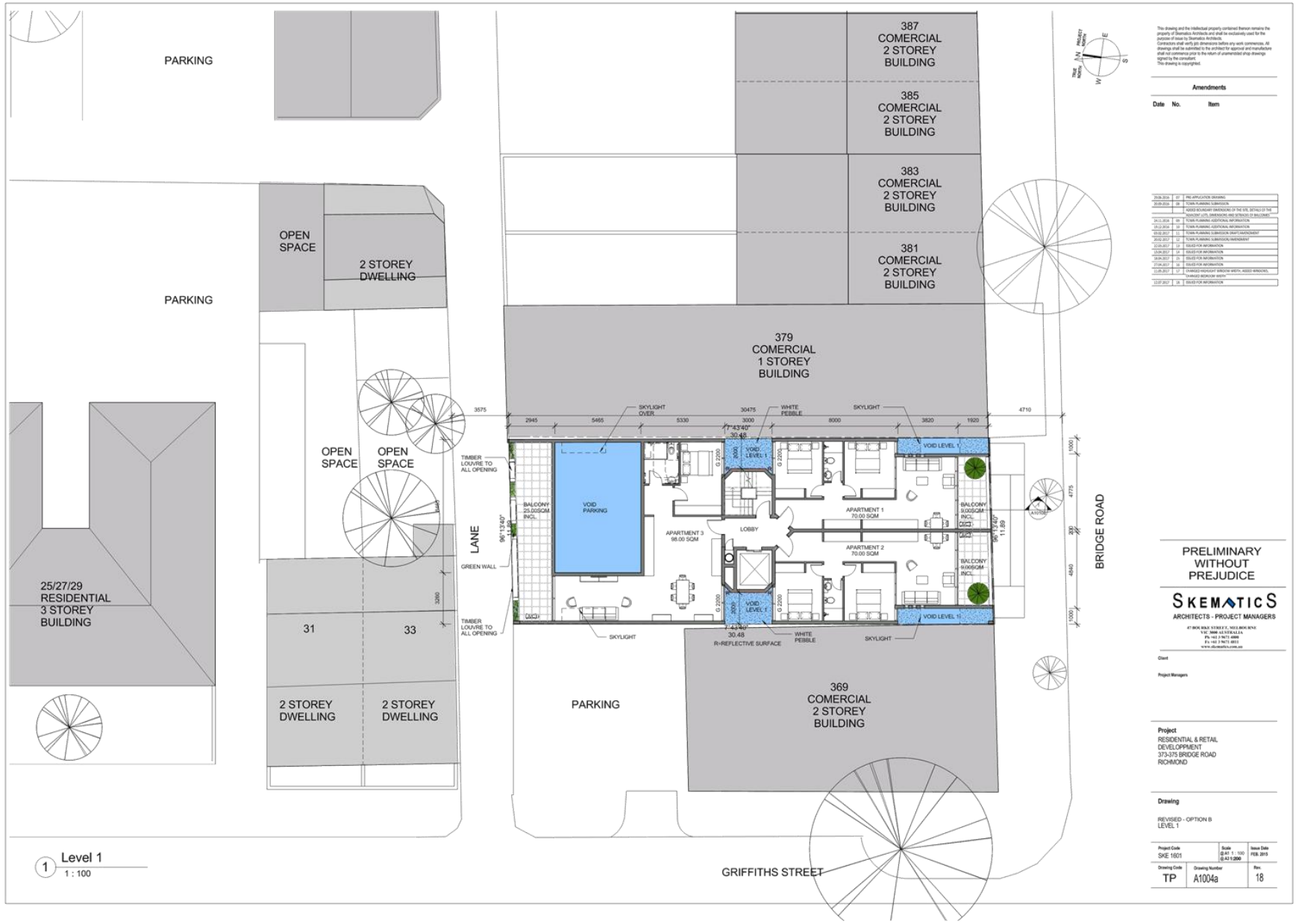
Drawing
REVISED - OPTION B
COVER SHEET & SCHEDULES TOWN
PLANNING SUBMISSION

Project Code	Scale	Issue Date
SKE 1601	@ A1 @ A3 1:200	FEB. 2015
Drawing Code	Drawing Number	Rev.
TP	A1000	16

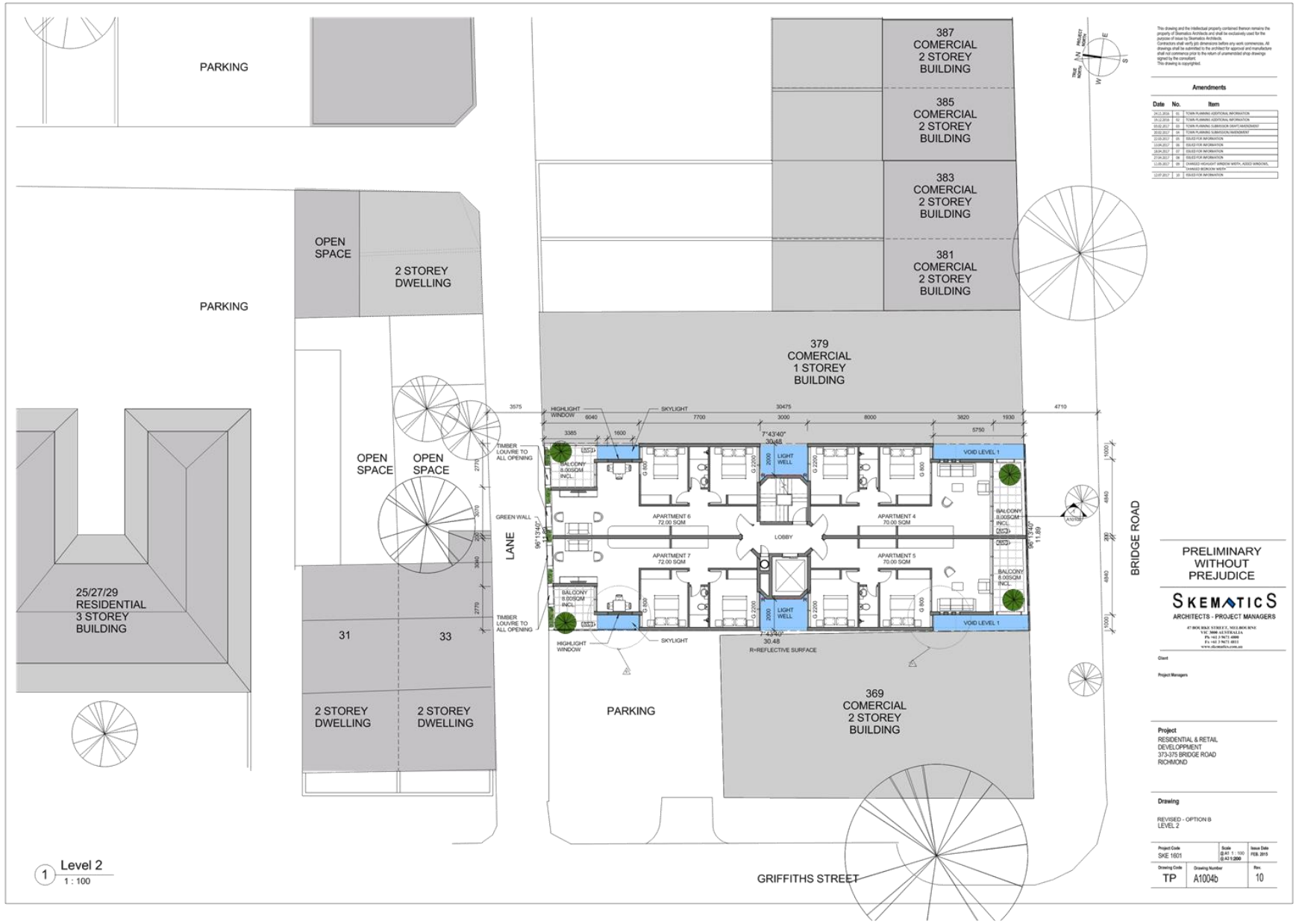
Attachment 3 - PLN16/0924 - 373-375 Bridge Road Richmond - 'Without prejudice' revised plans for consideration from Skematics Architects



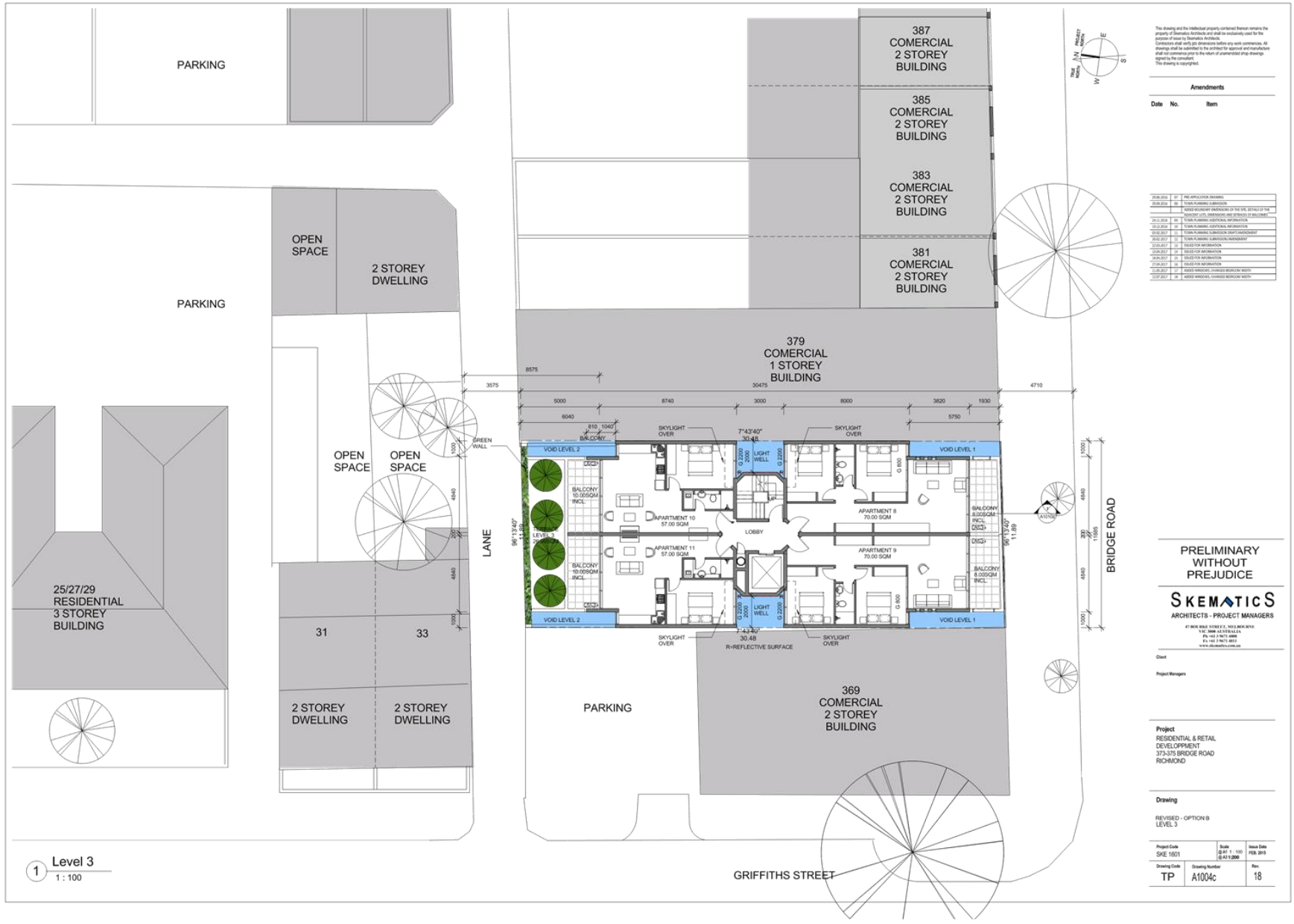
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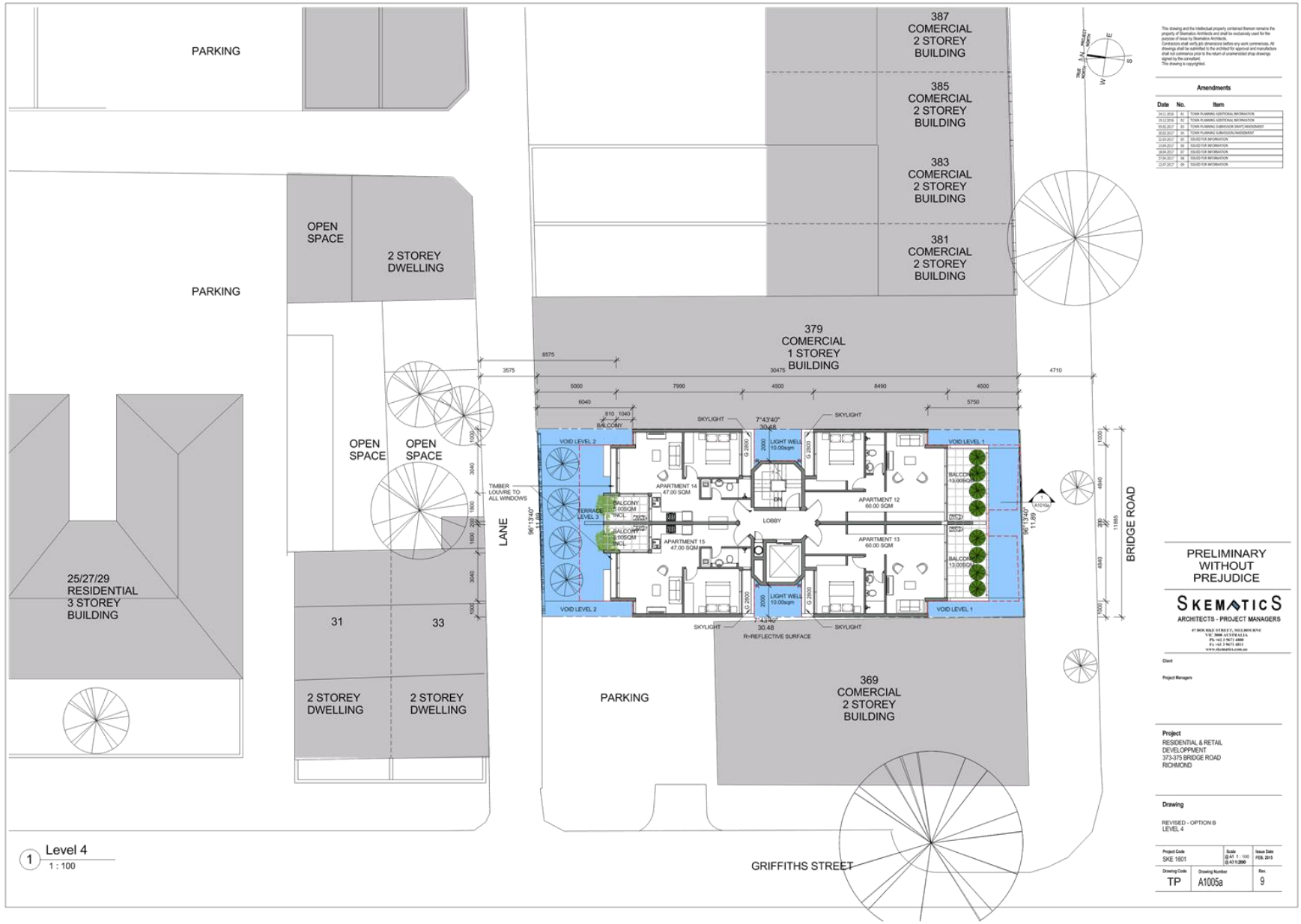
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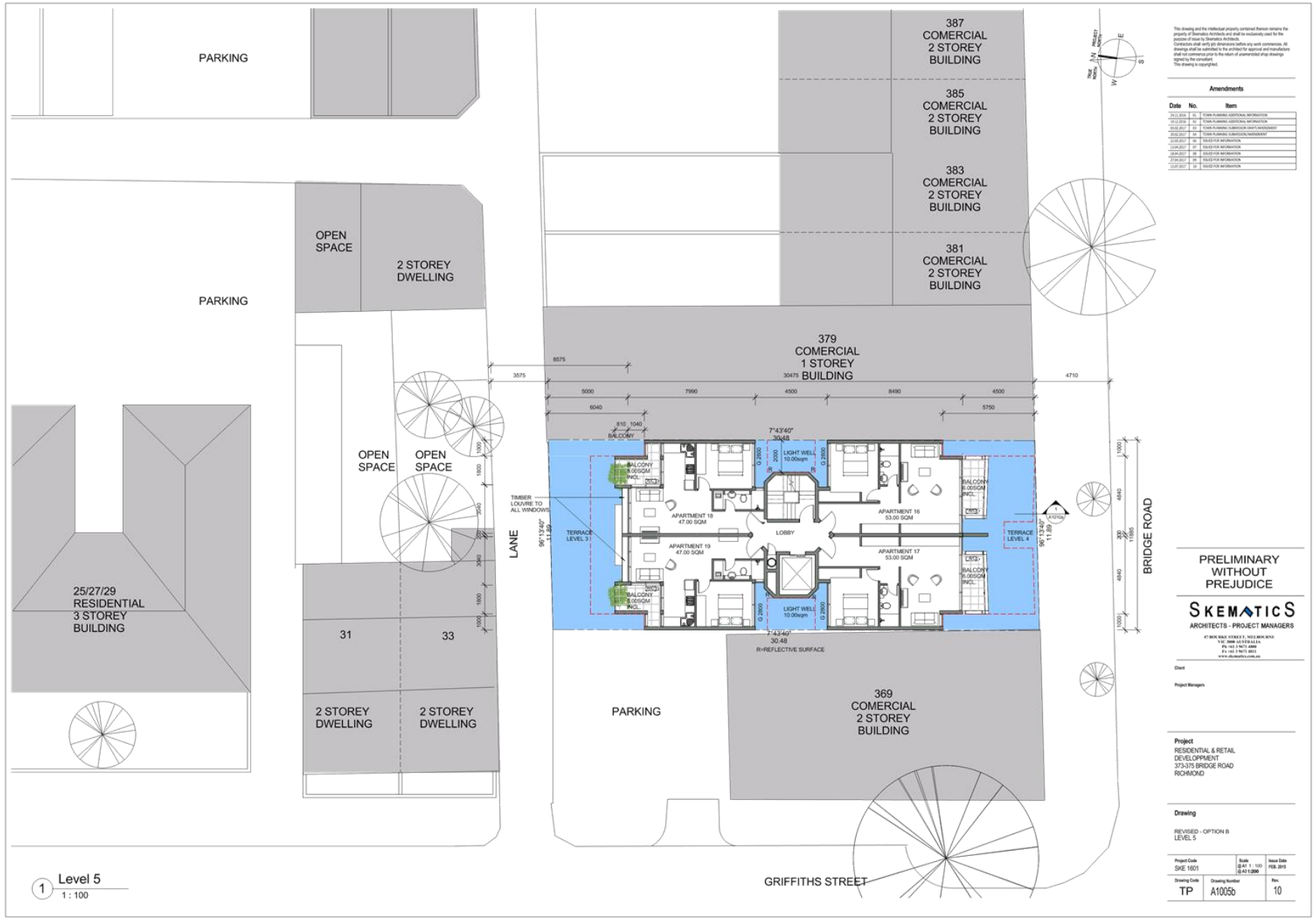
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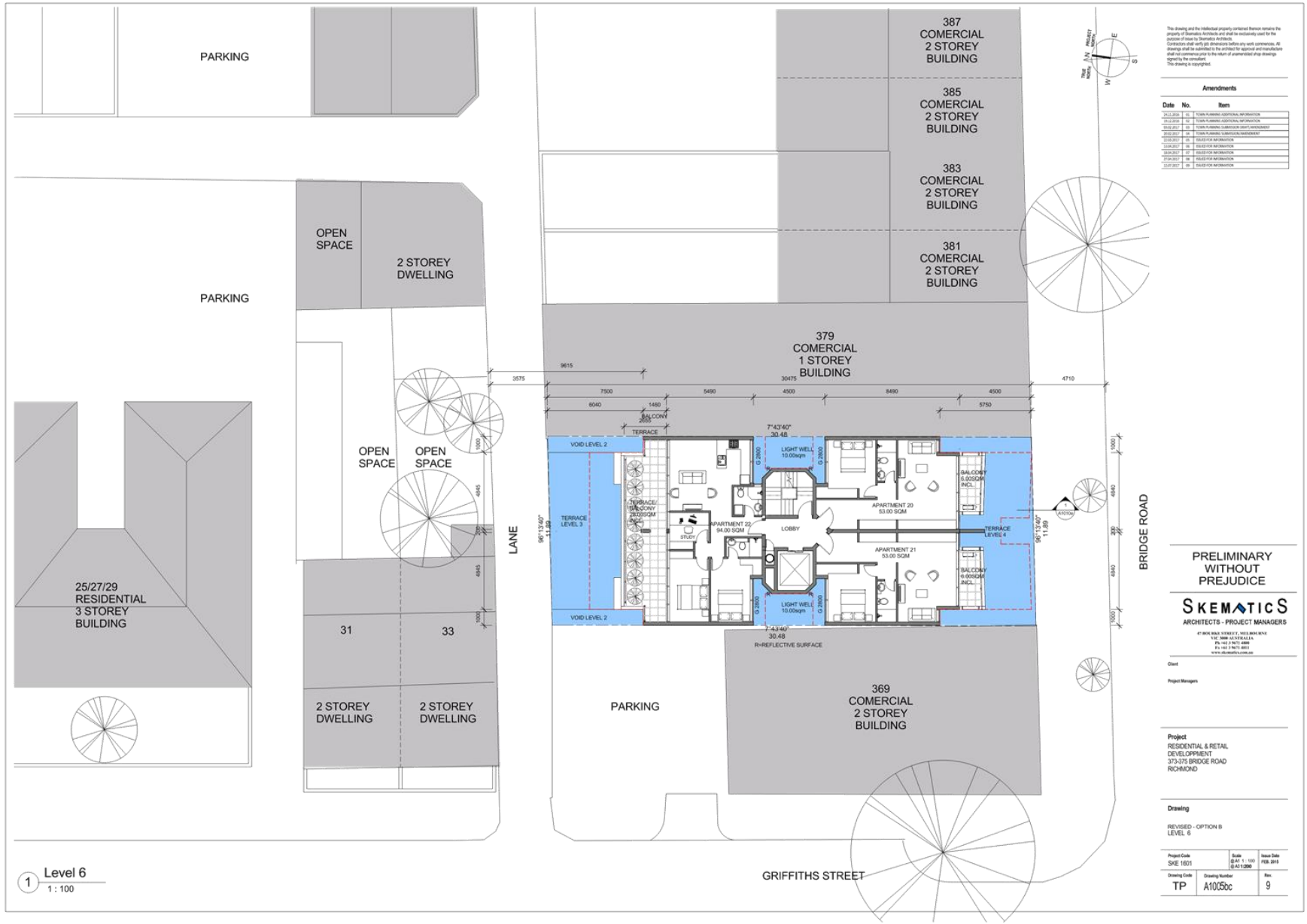
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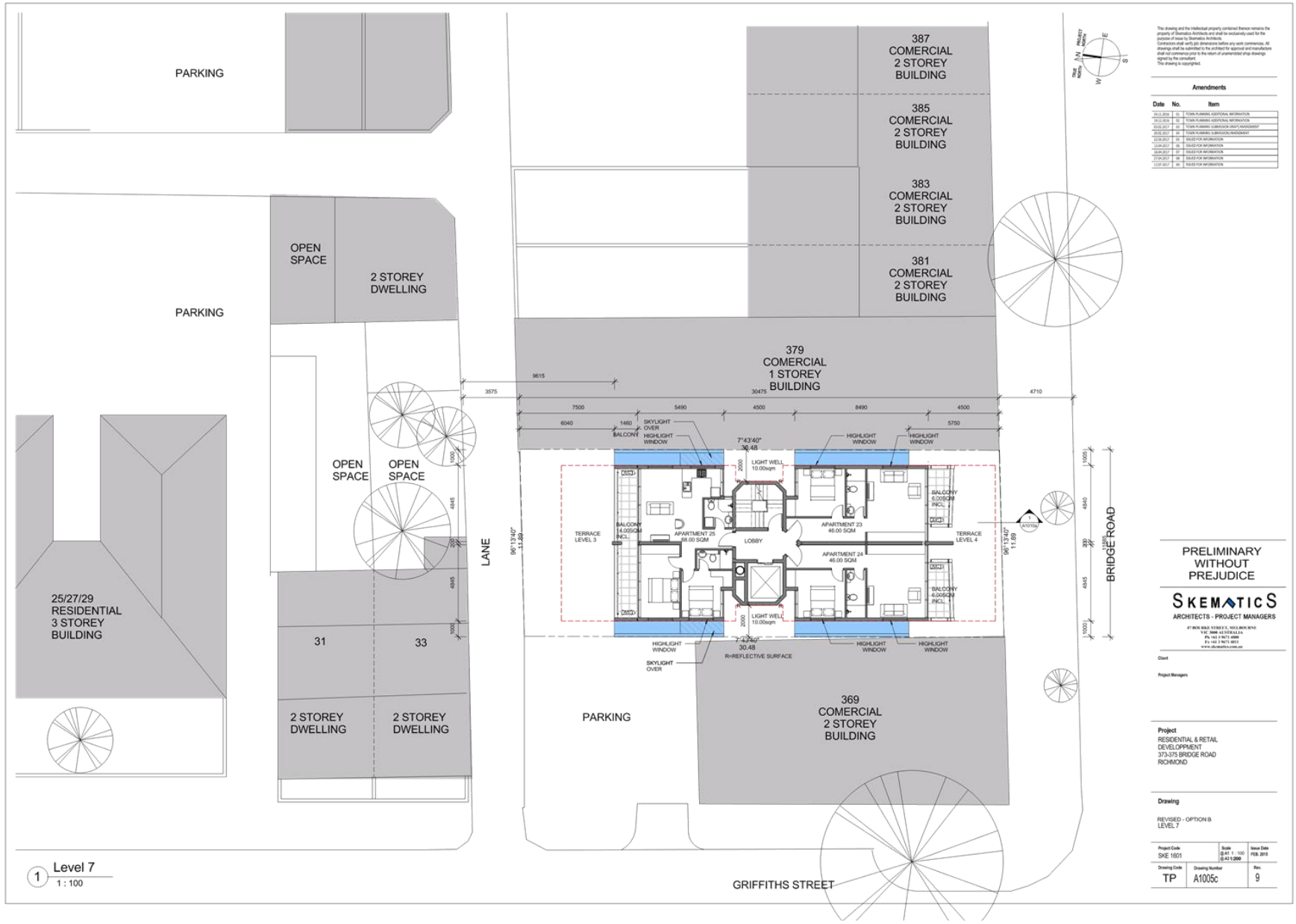
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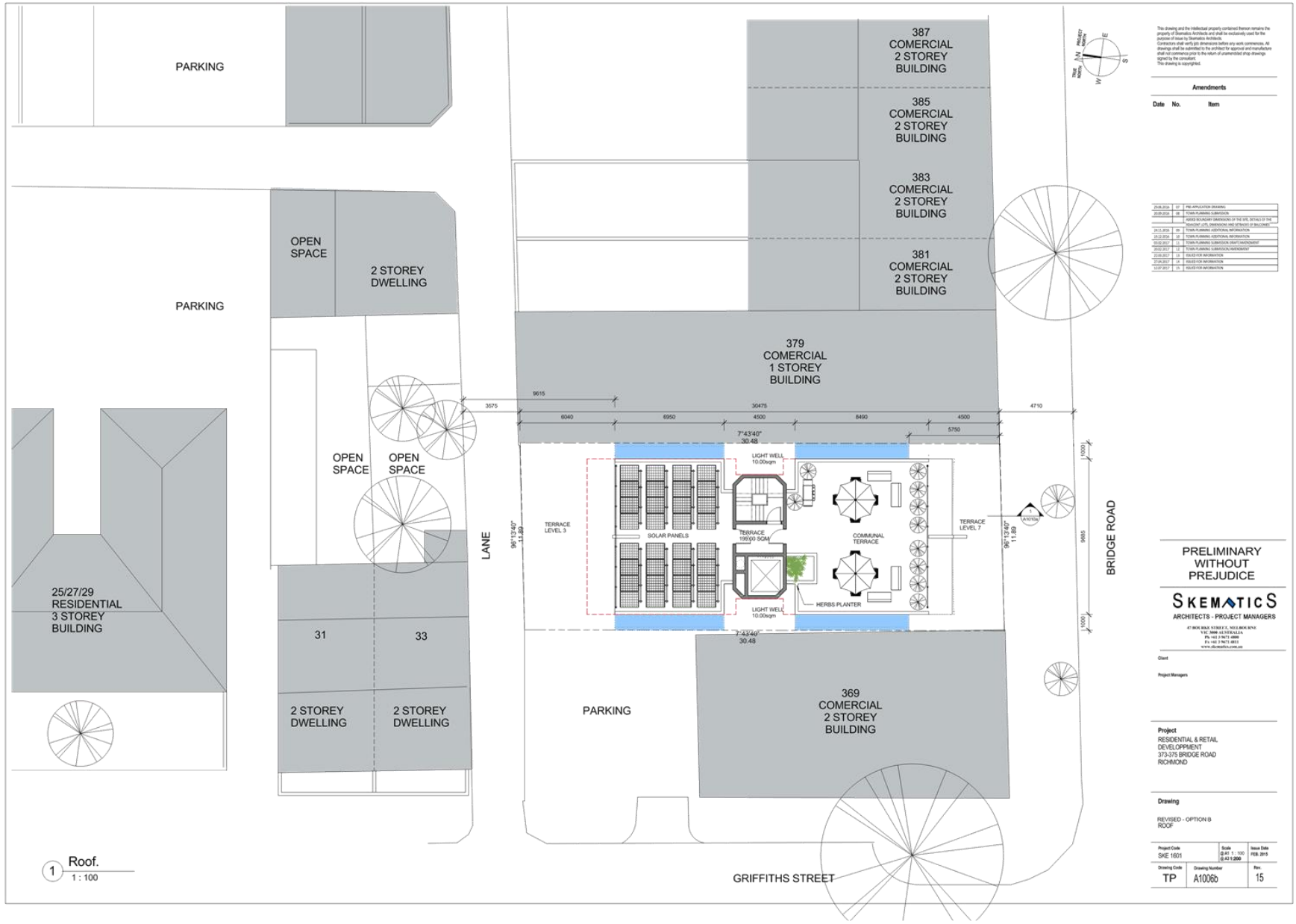
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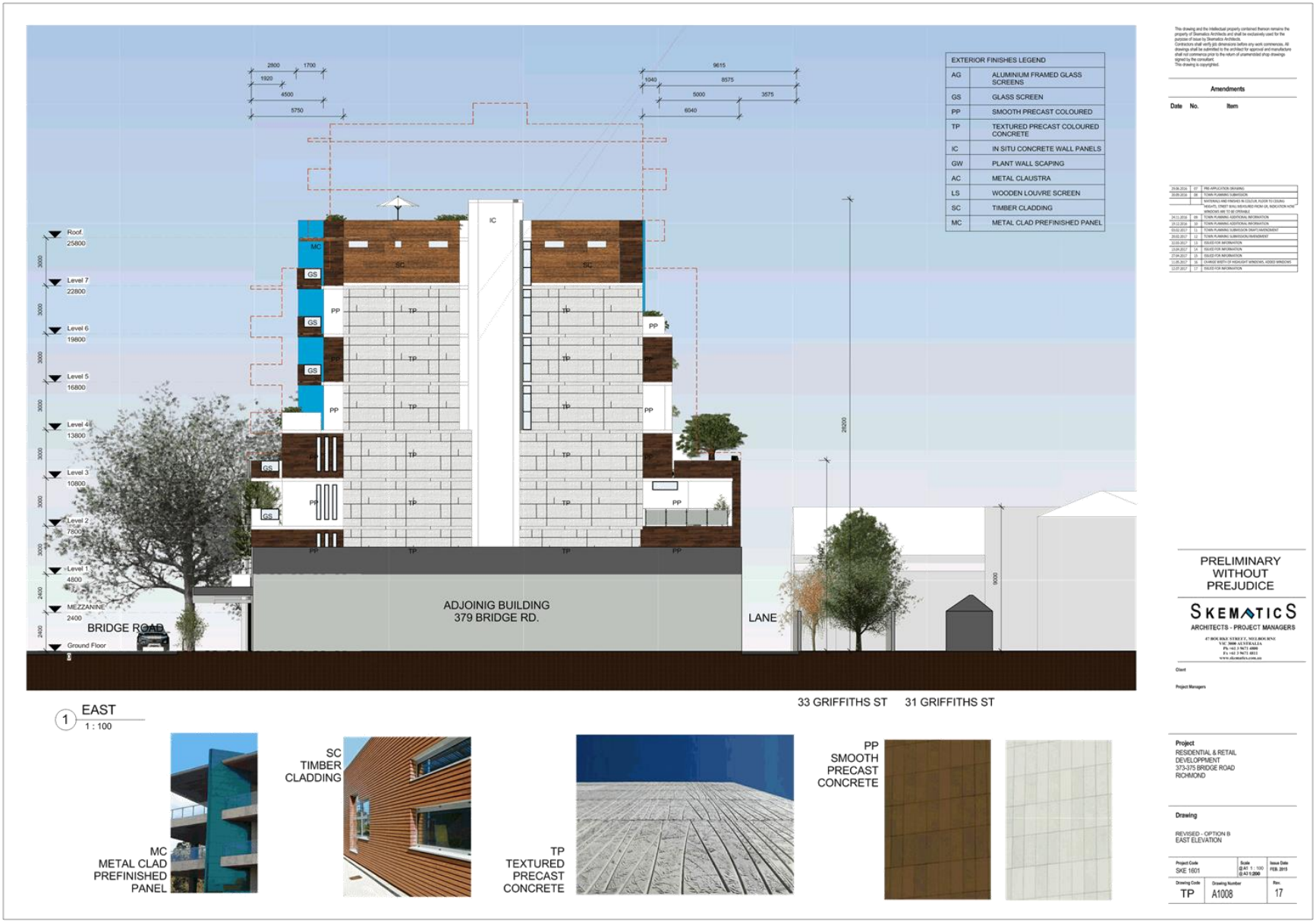
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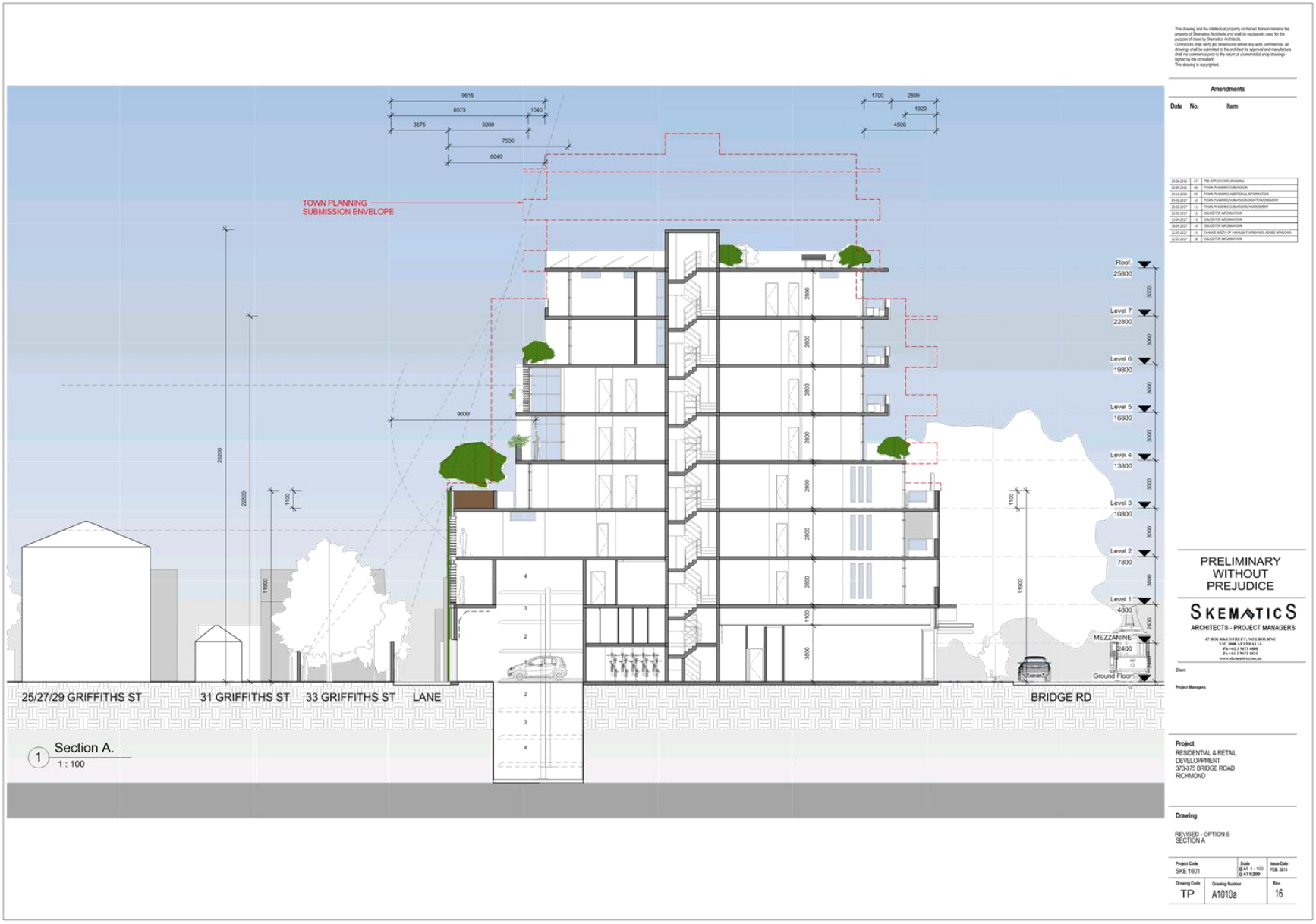
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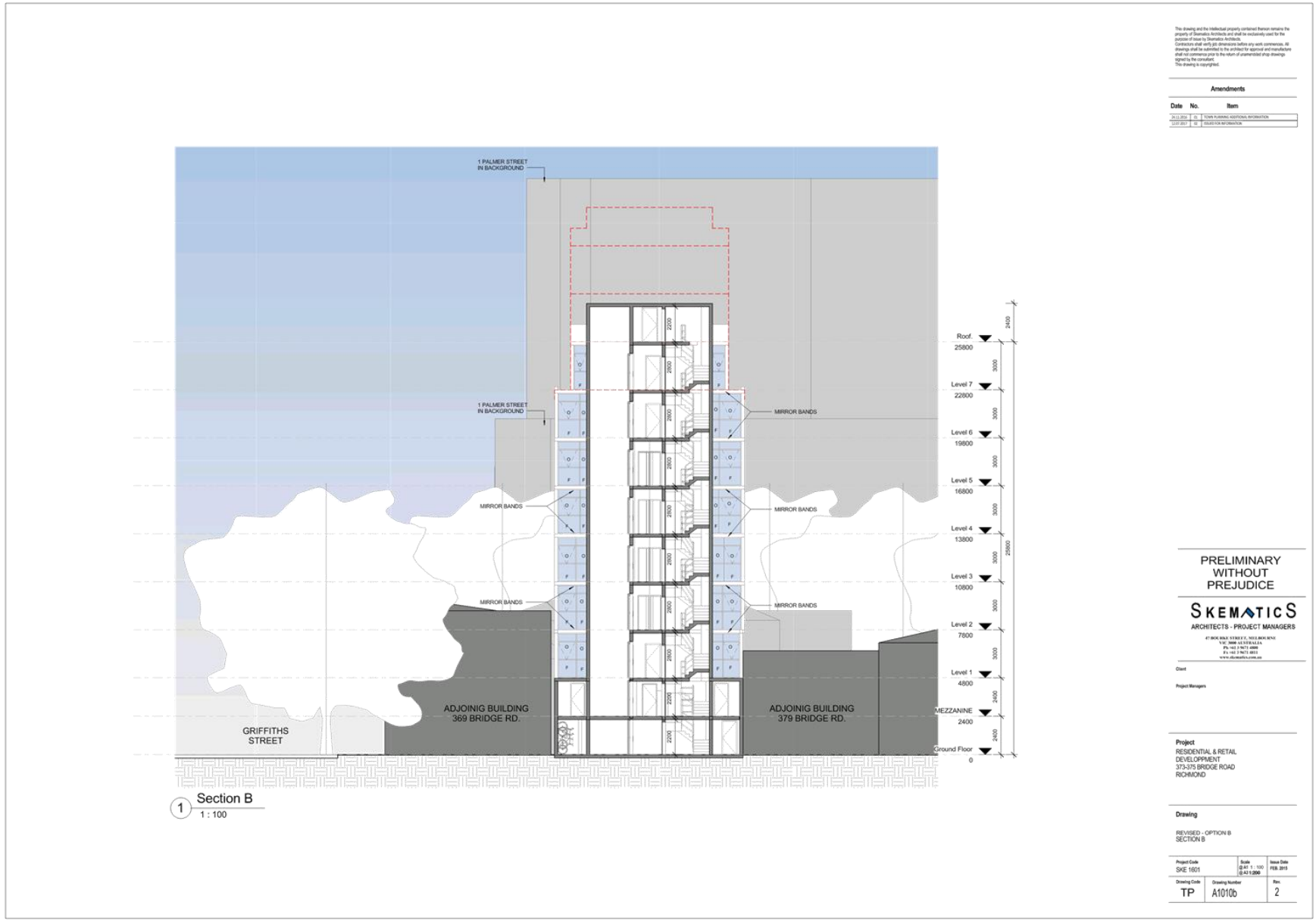
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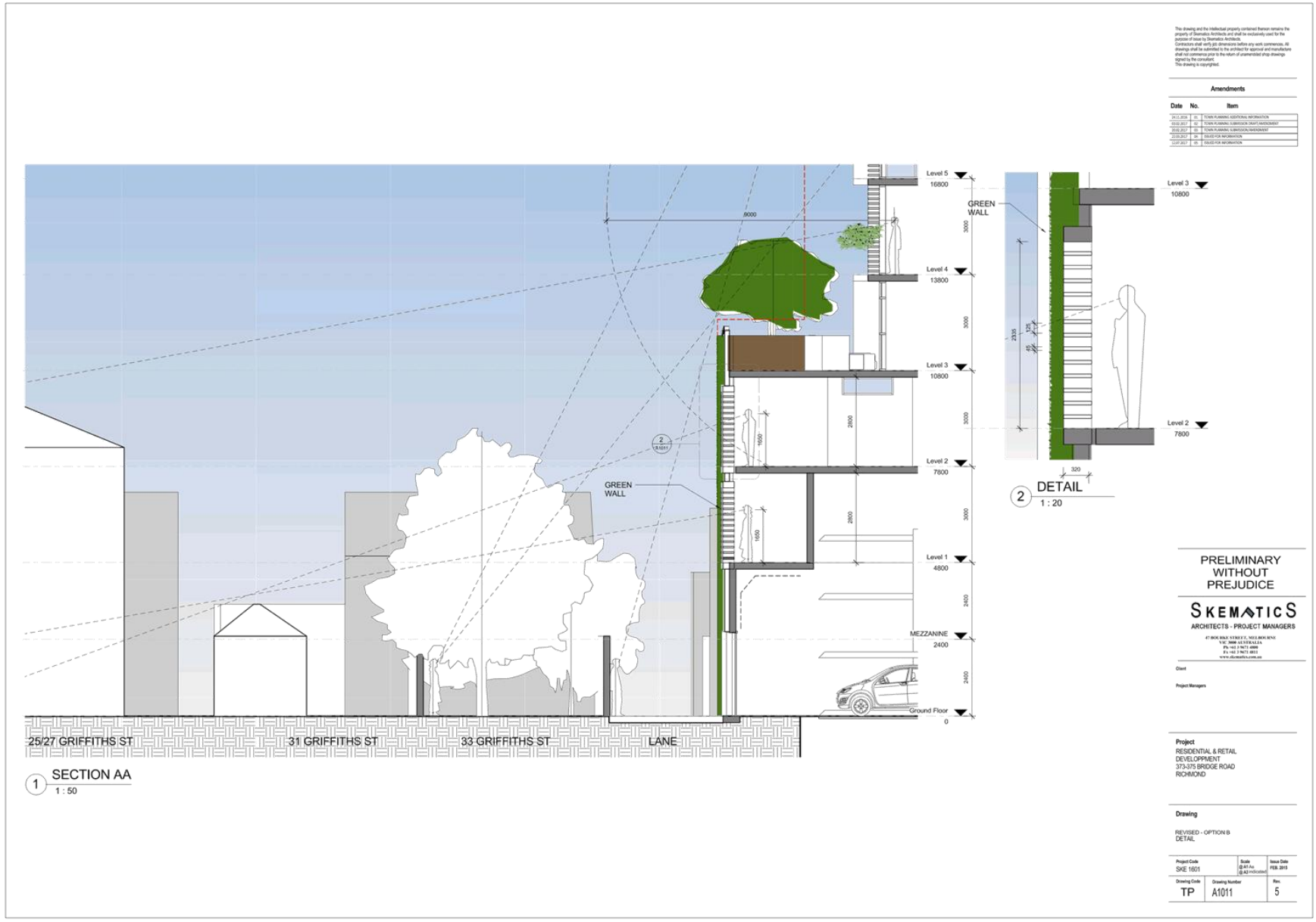
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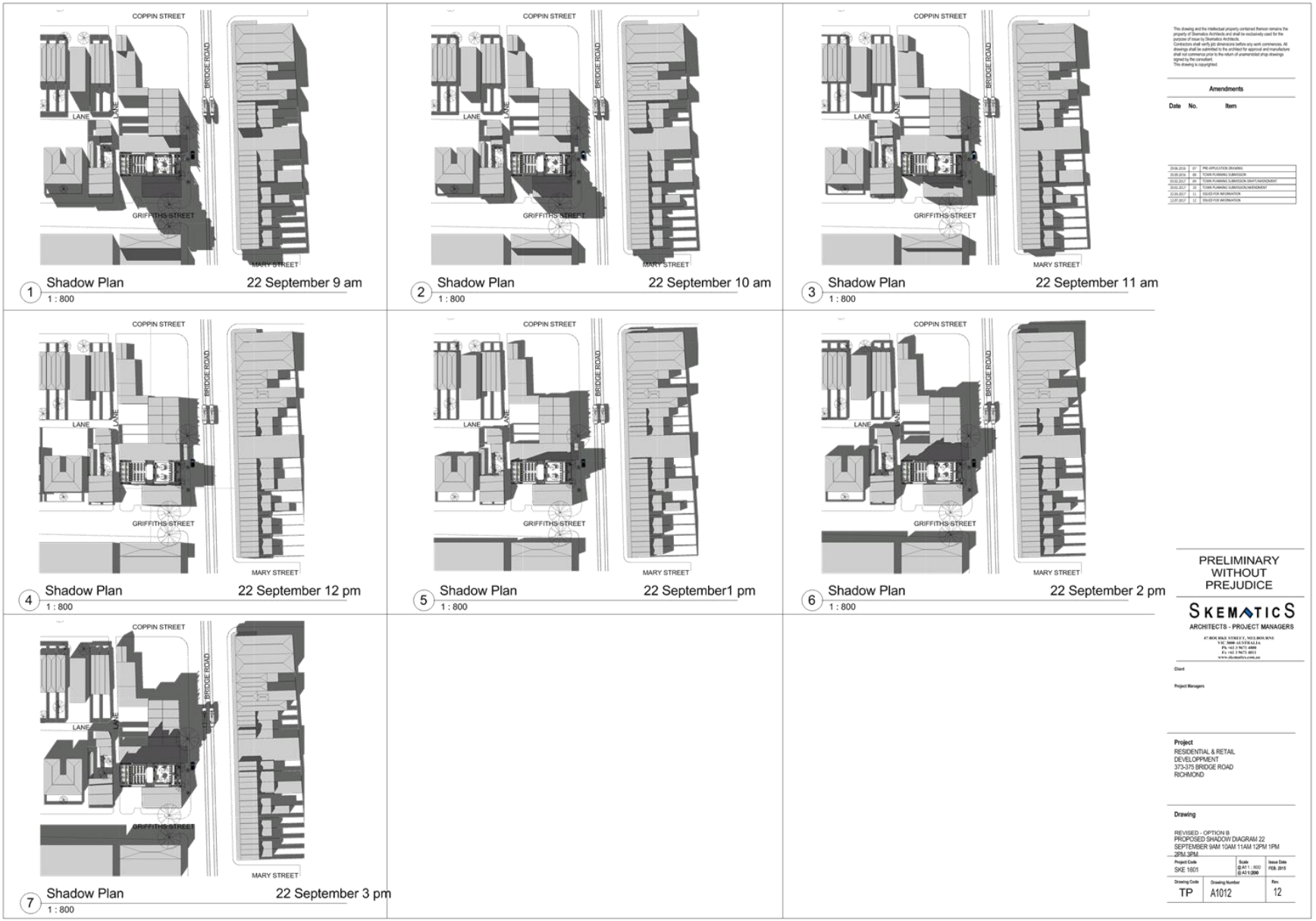
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Amendments

Date	No.	Item
18.11.2016	01	TOWN PLANNING ADDITIONAL INFORMATION
10.02.2017	02	TOWN PLANNING SUBMISSION DRAFT AMENDMENT
20.02.2017	03	TOWN PLANNING SUBMISSION AMENDMENT
23.05.2017	04	ISSUED FOR INFORMATION
13.07.2017	05	ISSUED FOR INFORMATION



1 SOUTH VIEW (FROM BRIDGE ROAD PROPOSED REVISED ENVELOPE)
1 : 1



2 NORTH VIEW (PROPOSED REVISED ENVELOPE)
1 : 1

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Client

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373-375 BRIDGE ROAD
RICHMOND

Drawing
REVISED - OPTION B
PERSPECTIVE SOUTH & NORTH VIEWS -
PROPOSED REVISED ENVELOPE

Project Code	Scale	Issue Date
SKE 1601	@ A1 1 : 1 @ A3 1:200	FEB. 2015
Drawing Code: TP	Drawing Number: A1017	Rev.: 5

Attachment 3 - PLN16/0924 - 373-375 Bridge Road Richmond - 'Without prejudice' revised plans for consideration from Skematics Architects

Benefits of Green Wall

The benefits of encouraging plant growth in an environment are many and varied. With density threatening urban environments, and space at a premium, real, buildable trellising solutions are required to unlock the green benefits we all know await.

Reducing Thermal Gain

During the summer months, plants act as sunshades shielding building facades from the harsh effects of the sun. In the winter months, they provide a further layer of insulation on the facade preventing heat loss. Vertical gardens help minimise the mechanical costs of cooling and heating, and aid in the reduction of the urban heat island effect in our cities.

Noise Reduction

Once fully grown, plants have the ability to insulate against noise and are particularly effective against low frequency noise.

Cooling Microclimates

In addition to helping reduce thermal heat gain by shading the facade, a plant's ability to cool through evapotranspiration creates a microclimate that can be up to 1-2 degrees lower than the ambient temperature. This helps ease our reliance on air conditioning.

Improved Air Quality

Many species have the ability to act as natural air filters improving air quality. They are known to absorb formaldehyde, benzene, xylene, and carbon monoxide from the immediate environment.

Aesthetic Benefits

Plants look great! When encouraged to grow on a facade they can soften the appearance of a building and help it blend into the natural environment of the area. Substantially improving the aspect of the real lane.

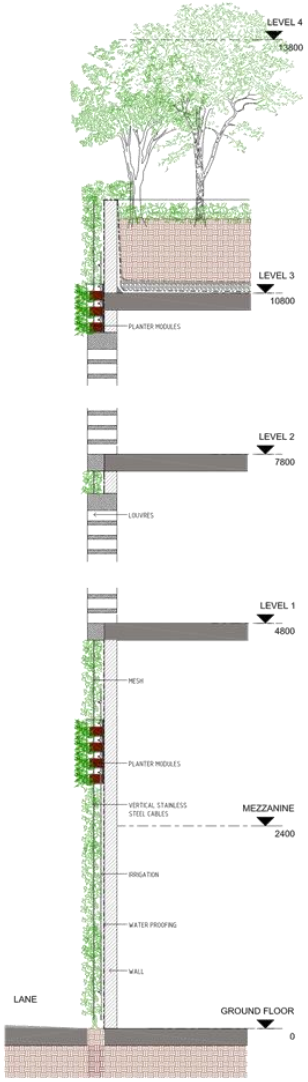
Health Benefits

The psychological benefits associated with the proximity to plant life are well known. Medically, a soothing environment brought about by the close proximity of plants has been shown to contribute towards a reduction in stress and, in some circumstances, a reduced dependence on medication and faster healing time.

Social and Economic Impacts

Although difficult to quantify, perhaps one of the most important benefits of greening is the effect the close proximity of plant life has on the users of an environment. Improved productivity, reduced stress and a decrease in absenteeism are all social/economic benefits made possible by greening the residential space and improving life quality.





Green Wall

373-375 BRIDGE ROAD - RICHMOND

ESC.1:25

Designing Green Wall

1. Wall Protections

Where waterproofing is necessary, it will prevent damage to the wall from moisture and dissolved salts from fertilizers. Provision for an air gap between the planting system and the building wall will also prevent growth of mould.

2. Climate and Orientation

Climate generally determines which plant species exist naturally within an environment. Paying close attention to the species already flourishing in the vicinity of the intended green wall, provides a good indicator of plant species likely to grow well.
The orientation of the green wall is important for determining sun exposure and wind speed. When considering the orientation of the green wall, it is also important to note surrounding structures likely to affect the amount of sunlight and wind speed to which the green wall is exposed. Once the orientation is determined, it is best to match the hours of sunlight the area receives during the day with species that cope well in these conditions.

3. Vegetation

A. Tendril Climbers
The tendrils are specialised stem, leaf or petiole with a threadlike shape that is used by the plants for support and attachment. Unlike vines, they impart less load on to the mating structure. e.g. Clematis, Passionfruit

B. Vines (Twining Plants)
Vines twine around their supports as a result of the circular growth motion of their stem tips. They form a much stronger connection than tendril climbers and are better suited for high wind locations. e.g. Wisteria, Star Jasmine

Plant Life Cycle

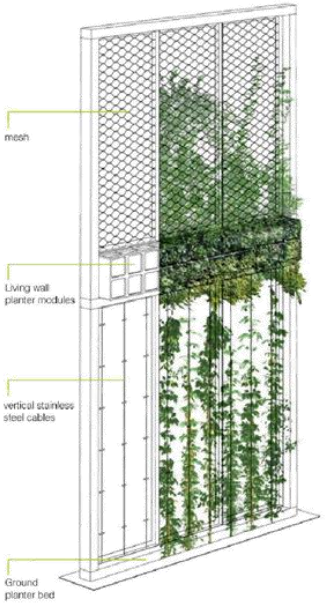
Deciduous - Deciduous climbers are ideal for thermal control as they provide shade in the summer and allow the sun through to heat the facade in winter. e.g. Ornamental Grape (Vitis Vinifera)

Evergreens - Evergreens maintain their foliage year round and can grow into a perfect privacy screen. e.g. Chinese Star Jasmine (trachelospermum jasminoides)

Common plant species of climbing plants (AUST)



References
- Growing Green Guide: A guide to green roofs, walls and facades in Melbourne and Victoria
- Ronstan Cable Trellis Systems



4. Irrigation

Green walls cannot be sustained without irrigation. Systems designed with inbuilt irrigation should mitigate plant losses due to inconsistent moisture management. Automated, remotely controllable irrigation systems are used for walls in high profile locations which enable the maintenance supervisor to keep track of the automated performance of the system, including the volume of irrigation delivered, its frequency, substrate moisture content, as well as pH and nutrient levels in the water supply. The settings can be overridden if needed; for instance, the frequency or duration of irrigation cycles may be increased on hot days.

5. Maintenance

A maintenance agreement with the installation company or with a recommended third party may be the most economical way to ensure the best long-term performance of a green wall.

A. Establishment maintenance occurs during the first one to two years after installation and is undertaken to fully realise the design intent and outcomes. For vegetation, this includes tasks such as pruning, weed control, and irrigation to ensure healthy and vigorous plant growth.

B. Routine or recurrent maintenance includes regular works that are undertaken to ensure the roof, wall or facade is maintained to a minimum or required standard of appearance, functionality and safety. For vegetation, this can include tasks such as weeding, pruning, removal of leaf litter and, in some cases, mowing.

C. Cyclic maintenance is scheduled interventions at less frequent intervals that maintain infrastructure. It includes maintenance of the underlying building structure and of specific components of the green roof, wall or facade system. This may include infrequent pruning or other formative management of woody vegetation, such as coppicing, or annual treatment of decking or other hard landscape elements to maintain their safety and functionality.

D. Reactive and preventative maintenance is undertaken when some component of the system fails suddenly, or shows signs of imminent failure. Failure may be due to a long-term problem that has gone undetected (such as blocked drains by tree roots), or sudden damage resulting from an extreme weather event (such as stormwater incursion).

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Amendments

Date	No.	Item
20.03.2017	01	ISSUED FOR INFORMATION

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Client

Project Managers

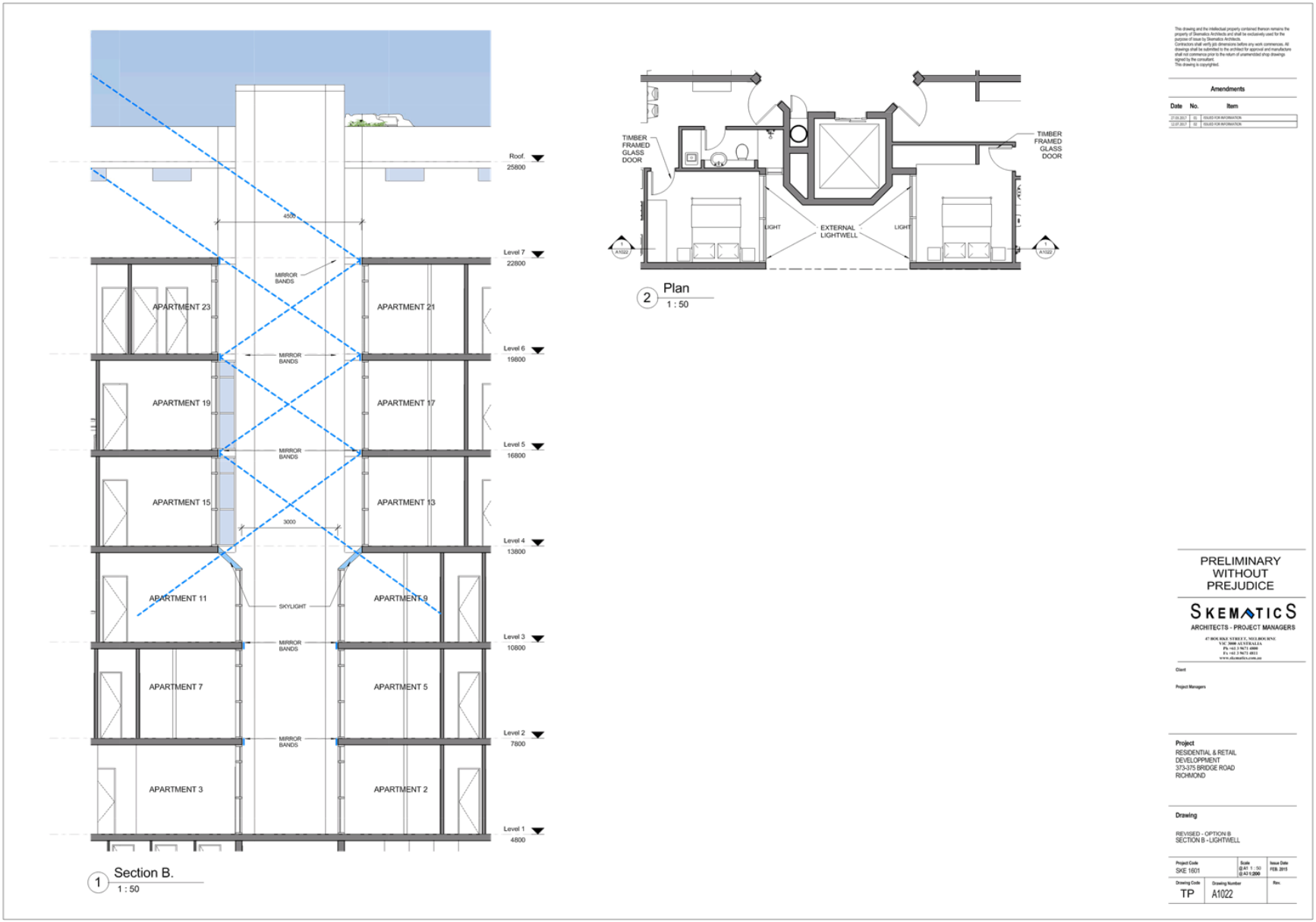
Project
RESIDENTIAL & RETAIL DEVELOPPMENT
373-375 BRIDGE ROAD
RICHMOND

Drawing
REVISED - OPTION B
GREEN WALL

Project Code	Scale	Issue Date
SKE 1601	@ A1 1 : 100 @ A3 1:200	FEB. 2015

Drawing Code	Drawing Number	Rev.
TP	A1020	1

Attachment 3 - PLN16/0924 - 373-375 Bridge Road Richmond - 'Without prejudice' revised plans for consideration from Skematics Architects



Attachment 4 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's engineering services unit

CITY OF YARRA

MEMO

To:	**Nikolas Muhllechner**	
From:	**Artemis Bacani**	
Date:	**8 December 2016**	
Subject:	**Application No:**	**PLN16/0924**
	Description:	**Construction of a Ten Storey Building – Reduction in the Car Parking Requirement and Waiver of the Loading and Unloading of Vehicles**
	Site Address:	**373-375 Bridge Road, Richmond**

I refer to the above Planning Application received on 3 November 2016 and the accompanying Traffic Impact report prepared by Ratio Consultants in relation to the proposed development at 373-375 Bridge Road, Richmond. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION
Proposed Development

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

Proposed Use	Quantity/Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	20	1 space per dwelling	20	0
Two-bedroom dwelling	15	1 space per dwelling	15	12
Residential visitors	35 Dwellings	1 space per 5 dwellings	7	0
Retail	127 m^2	4 spaces per 100 m^2 of leasable floor area	5	0
		Total	**47 Spaces**	**12 Spaces**

From the above table, the residential component would have a shortfall of 30 spaces, whereas the retail component would have a parking shortfall of five spaces.

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

Attachment 4 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's engineering services unit

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

- *Parking Demand for Dwellings*.
  Ratio Consultants have sourced residential car ownership data for Richmond from the 2011 Census that was conducted by the Australian Bureau of Statistics. One-bedroom dwellings have a car ownership of 0.84 cars per dwelling. For two-bedroom dwellings, the car ownership is 0.88 cars per dwelling. Applying the rates for car ownership to the subject site would result in a parking demand of 29 parking spaces. The ABS statistics suggest that there is a strong market for dwellings that do not contain any on-site parking. Although the proposed on-site parking provision falls below the statistical average for Richmond, the dwellings that do not have any on-site car parking would appeal to persons who do not own a motor vehicle and rely on more sustainable forms of the transport. Persons intending to reside in the new dwellings would be aware of whether there is access to on-site parking.

- *Residential Visitor Parking Demand*.
  Peak parking for residential visitors generally occurs on weekday evenings and at weekends. An empirical peak residential visitor parking rate of 0.12 spaces per dwelling has been often quoted in other traffic impact reports we have reviewed in the past. Applying this rate would result in a peak residential visitor parking demand of four spaces. During normal business hours, the visitor parking rate would be much less than the 0.12 spaces per dwelling. Off-peak daytime visitor parking would be around 30% of the peak residential visitor parking rate, which would result in a visitor parking demand of around one space.

  The applicant proposes to accommodate all residential visitor parking off-site, since the site will be containing mechanical car stackers in the site - not practical for use by residential visitors. For mixed use and multi-unit residential developments that are located along or near activity centres, we would normally encourage applicants to provide some residential visitor parking on-site. In this instance, the proposed car parking arrangement cannot practically allow for residential visitor parking to be accommodated on the property.

- *Parking Demand for Retail Use*.
  The parking generated by the retail use would primarily be short-stay customer car parking. The one space that has been allocated to the retail use would be used by staff. To determine the likely parking demand, a rate of 3.0 spaces per 100 square metres could be adopted (often quoted in traffic reports we previously assessed). Applying this rate would yield three spaces. The retail use would have an off-site parking demand of three spaces.

- *Availability of Public Transport in the Locality of the Land*.
  The site is within walking distance of trams services operating along Bridge Road and Church Street.

- *Multi-Purpose Trips within the Area*.
  Customers to the shop might combine their visit with other activities or business whilst in the area.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking*.
  Ratio consultants had commissioned on-street parking surveys of the surrounding area on Saturday 16 July 2016 from 8:00am to 5:00pm and on Tuesday 19 July 2016 from 7:00am to 11:00pm. The extent and duration of the survey was considered reasonable for this proposal. The survey encompassed an area of around 100 metres' radius.

Attachment 4 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's engineering services unit

An inventory of between 133 to 138 spaces was identified, with 143 to 145 spaces which could be used by the public. The peak parking occupancy on the Saturday occurred at 12:00pm, with 76 % of spaces occupied (leaving 32 spaces vacant). Outside the peak times, the availability of parking ranged from 36 to 75 vacant spaces. The Tuesday survey recorded a peak parking occupancy of 73 %, occurring at 11:00am. The surveys provide a good guide to the parking conditions in the immediate area.

In summary, the short-stay parking from the subject site could be accommodated on-street.

- *Car Parking Deficiency associated with Existing Land Use*.
  According to the Ratio Consultants, the current site contains approximately 250 square metres of retail floor area with three on-site car parking spaces. Under the provisions of Clause 52.06-5, the existing use would have had a car parking credit of 10 spaces. The majority of patron/customer parking would have been accommodated on-street.

Adequacy of Car Parking
From a traffic engineering perspective, the waiving of parking for the residential and retail uses of the site is considered appropriate in the context of the development and the surrounding area. The development's off-site parking demand is primarily short-stay parking which could be accommodated on-street. Employees of the retail component have access to public transport services.

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

TRAFFIC GENERATION
Residential Traffic
For the traffic generation of the development, Ratio consultants have conservatively adopted a rate of 4 trips per dwelling per day (for dwellings that have a parking space). The peak hour traffic would be 10 % of the daily residential traffic volume. The resulting traffic generation equates to 48 vehicle trips per day with five vehicle trips in each peak hour.

Development Traffic
The development would have a daily traffic volume of 48 vehicle trips per day and five vehicle trips per peak hour (an average of one vehicle trip every 12 minutes).

The distribution of arrivals and departures from the site during each peak hour for the dwellings would be 70 percent departures and 30 percent arrivals in the morning peak hour and 40 percent departures and 60 percent arrivals in the evening peak hour.

Ratio Consultants had undertaken turning movement counts at the junction of the north-south Right of Way and the east-west Right of Way, as well as at the junction of the Right of Way and Griffiths Street. The post development traffic volumes of the Right of Way would be four vehicle trips in the AM peak hour and 5 vehicle trips in the PM peak hour.

As part of Ratio's assessment of the probability of vehicle conflict along the Right of Way, Ratio has indicated that the potential for conflict between opposing vehicles is likely to occur once every 17.225 days during the AM peak hour and once every 12.211 days during the PM peak hour.

The assessment took into consideration a Right of Way length of approximately 42 metres. A check using Council's GIS indicates that the Right of Way is approximately 81 metres long, between Griffiths Street and Coppin Street. It is unclear at which points the measurements were taken in the Right of Way. Ratio should clarify the length of the Right of Way and show how the length of 42 metres was derived.

The Right of Way does not provide any areas for two on-coming vehicles to pass one another. The Australian/New Zealand Standard AS/NZS 2890.1:2004 provides guidance on the provision of vehicle passing areas on single lane roads or driveways. Generally, a single lane road or driveway

Attachment 4 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's engineering services unit

that experiences 30 or more vehicle trips in a peak hour should be provided with a vehicle passing area (a width of 5.5 metres). On long roads, passing opportunities should be provided every 30 metres along the length of road.

The volume of traffic generated by the site should not have a significant impact on the operation of the Right of Way and Griffiths Street or the surrounding road network.

DEVELOPMENT LAYOUT DESIGN

Item		Assessment
Access Arrangements	Right of Way	The Right of Way abutting the north side of the site has a width of approximately 3.15 metres. The swept path diagrams show satisfactory access for a B85 design vehicle.
	Headroom Clearance of Roller Door	Approximately 2.4 metres. Satisfies requirements of *Design standard 1 – Accessways* of Clause 52.06-8.
Mechanical Parking	Car Stacker System	The proposed automated car stacker, the Wohr Parklift 463, can accommodate car clearance heights of 1.95 metres for the three top parking levels, which would satisfy Design standard 4: Mechanical parking of clause 52.06-8.
	Individual Platforms	The single platform has dimensions of 2.4 metres by 5.3 metres and the double platform has dimensions of 4.8 metres by 5.3 metres and can accommodate vehicles up to the size of the B99 design vehicle.
Swept Path Diagrams	The swept path diagrams provided by Ratio demonstrate satisfactory access for a B85 design vehicle into and out of the stackers.	

Loading Provision
The Engineering Services unit has no objections to the waiver of the loading zone requirement for this development. The retail use would require vehicles such as vans and light trucks to transport goods. It is agreed that parking for these vehicles can be accommodated in the existing Loading Zone immediately west of the site in Bridge Road.

Capital Works Programme
A check of the Capital Works Programme for 2016/2017 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.

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

Civil Works – Bridge Road

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Bridge Road road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.
- Pedestrian access must be constructed to a level no steeper than 1 in 40 from the building line to the top of kerb.

Attachment 4 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's engineering services unit

Civil Works – Right of Way

- The construction works on the site could result in the transportation of heavy vehicles, plant and equipment to the site via the Right-of-Way. In addition, it is highly likely that underground services connections to the site would be made within the Right-of-Way. The pavement surface of the Right-of-Way will deteriorate after all construction and underground utility services for the site have been completed.

  Upon the completion of all building works and connections for underground utility services, the area of any damage and service trenches in relation to the development outside the Right-of-Way road frontage must be reconstructed full width to Council's satisfaction and at the Permit Holder's expense.

Public Lighting

- The developer must ensure that light projected from any existing, new or modified lights does not spill into the windows of any new dwellings or any existing nearby residences. Any light shielding that may be required shall be funded by the Permit Holder.

Preparation of Detailed Road Infrastructure Design Drawings

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

Construction Management Plan

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

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

Road Asset Protection

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

Impact of Assets on Proposed Development

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

Attachment 4 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's engineering services unit

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

NON-PLANNING ADVICE FOR THE APPLICANT

Legal Point of Discharge

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

Protection of Car Stacker Pit

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

The developer needs to ensure that the car stacker pit and any portions of the development at or below natural surface level have a level of protection to minimise the seepage of subterranean water (groundwater) or any rainfall run-off from penetrating the walls or floors of the site.

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

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



ESD in the Planning Permit Application Process

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

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

As detailed in Clause 22.17, all **large** planning permit applications with Yarra City Council are required to include a Sustainable Management Plan (SMP). This application is a 'large' planning application as it meets the category *Residential – 10 or more dwellings*.

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

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

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

Assessment Process:

The applicant's town planning drawings provide the basis for Council's ESD assessment. Through the provided drawings and the SMP, Council requires the applicant to demonstrate best practice.
The following comments are based on the review of the architectural drawings, prepared by *John Skematics Architects (received 12.10.2016)* and the accompanying SMP, prepared by *LID, issued 31.08.2016.*

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



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Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

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



Assessment Summary:

Responsible Planner:	Nik Muhllechner
ESD Advisor:	Euan Williamson
Date: 22.11.2016	Planning Application No: PLN16/0924
Subject Site:	373-375 Bridge Road Richmond, VIC
Site Area: Approx. 363m^2	Site Coverage: 100%
Project Description:	Ten storey mixed use development, 35 dwellings and ground floor shop.
Pre-application meeting(s):	No ESD involvement.

This application <u>does not meet</u> 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:
- A STORM report with a score 103% has been received that relies on a minimum of 220m^2 of roof connected to an 6,600 litre tank connected to toilets in dwellings with 30 bedrooms for flushing.
- Average NatHERS of 7 Stars in thermal energy efficiency, exceeding the minimum NCC requirements.
- Access to natural ventilation will be good, provided that bedroom windows have an operable window.
- Gas boosted 6 Star solar hot water system.
- A min 3.5 kW solar PV rooftop array to contribute to common area electricity consumption.
- Energy efficient heating/cooling and lighting systems.
- 38 bike parking spaces on the ground floor for residents, retail and visitors.
- Landscaping including a green wall will improve the ecological value of the site.
- Water efficient fixtures.

(2) Application ESD Deficiencies:
- Access to daylight will be low to those bedrooms on lower levels reliant on light courts. It is unlikely to meet Council's best practice standard for daylight. Demonstrate that access to daylight will meet Council's best practice standards through daylight modelling which includes neighbouring sites being developed to similar height and scale.
- Appears that a single waste chute has been provided. Recommend a dual chute or sorting chute system to ensure that recycling system at least as convenient as the general waste system.

(3) Outstanding Information:
- Clearly show window operability on plans to ensure that all habitable rooms have an operable window and access to natural ventilation.
- Most windows have reasonable shading through balcony overhangs and wingwalls. Please confirm that the top-level north facing windows have solar protection as they are not marked on the north elevation but cantilevered shading does appear on the roof plan. Please confirm that the top north facing dwelling(s) does has fixed eaves, or some other solar protection, to north facing glazing.
- Please note rainwater tank volume on the architectural drawings and note toilet connections.

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

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



(4) ESD Improvement Opportunities:
- Consider low-VOC paints, finishes and floor coverings as well as engineered timber products with no or low formaldehyde levels.

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

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

1. Indoor Environment Quality (IEQ)

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Natural Ventilation and Night Purging	Access to natural ventilation will be good provided that bedroom windows have an operable window.	Clearly show window operability on plans to ensure that all habitable rooms have an operable window and access to natural ventilation.	3
Daylight & Solar Access	Access to daylight will be low to those bedrooms on lower levels reliant on light courts. It is unlikely to meet Council's best practice standard for daylight.	Demonstrate that access to daylight will meet Council's best practice standards through daylight modelling which includes neighbouring sites being developed to similar height and scale.	3
External Views	External views from dwellings.	-	1
Hazardous Materials and VOC	All adhesives and sealants will be low VOC type.	Consider low-VOC paints, finishes and floor coverings as well as engineered timber products with no or low formaldehyde levels.	4
Thermal Comfort	Good thermal comfort is determined through a combination of good access to ventilation, balanced passive heat gains and high levels of insulation. The application proposes: - Access to natural ventilation - Reasonable exterior shading - Good thermal efficiency standards.	Please refer to section on, *NCC Energy Efficiency Requirements Exceeded* and *Effective Shading*	1

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 1. Indoor Environment Quality
Good Environmental Choice Australia Standards www.geca.org.au
Australian Green Procurement www.greenprocurement.org
Residential Flat Design Code www.planning.nsw.gov.au
Your Home www.yourhome.gov.au

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

2. Energy Efficiency

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
NCC Energy Efficiency Requirements Exceeded	Average NatHERS of 7 Stars, exceeding the minimum NCC requirement.	-	1
Hot Water System	Gas boosted 6 Star solar hot water system.	-	1
Peak Energy Demand	No specific information has been provided.	-	1
Effective Shading	Most north, east and west facing windows have reasonable shading through balcony overhangs and wingwalls. Please confirm that the top-level north facing windows have solar protection as they are not marked on the north elevation but shading does appear on the roof plan.	Please confirm that the top north facing dwelling also has fixed eaves, or some other solar protection, to north facing glazing.	3
Efficient HVAC system	Multi-split reverse cycle ACs within one star of the most efficient available for the suitable capacity at the time of construction.	-	1
Efficient Lighting	Energy efficient lighting including LED lighting and occupancy/daylight sensor controls, etc. to be at least 20% improvement on the minimum NCC standard.	-	1
Electricity Generation	A min 3.5 kW solar PV rooftop array to contribute to common area electricity consumption.	-	1
Other	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 2. Energy Efficiency
House Energy Rating www.makeyourhomegreen.vic.gov.au
Building Code Australia www.abcb.gov.au
Window Efficiency Rating Scheme (WERS) www.wers.net
Minimum Energy Performance Standards (MEPS) www.energyrating.gov.au
Energy Efficiency www.resourcesmart.vic.gov.au

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

3. Water Efficiency

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising Amenity Water Demand	The following WELS water efficiency standards have been specified: • Kitchen & bathroom taps: 5 Stars • Toilets: 4 Stars • Showerheads: 3 Star • Dishwashers/washing machines: 4 Star	-	1
Water for Toilet Flushing	Toilets in dwellings with 30 bedrooms will be connected to a 6,600 litre tank for flushing.	-	1
Water Meter	Separate metering for each dwelling.	-	1
Landscape Irrigation	Green wall irrigation and landscaping watered by rainwater.	-	1
Other	-	-	1

*** Council Assessment Ratings:**

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

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

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

4. Stormwater Management

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating	A STORM report with a score 103% has been received that relies on a minimum of 220m^2 of roof connected to an 6,600 litre tank connected to toilets in dwellings with 30 bedrooms for flushing.	Please note water tank volume on the architectural drawings and note toilet connections.	3
Discharge to Sewer	-	-	-
Stormwater Diversion	-	-	-
Stormwater Detention		-	-
Stormwater Treatment	-	-	-
Others	-	-	-

*** Council Assessment Ratings:**

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

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

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

5. Building Materials

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Reuse of Recycled Materials	Carpets and underlay's will have recycled content.	-	1
Embodied Energy of Concrete and Steel	Insitu concrete will have a minimum of 20-35% recycled content.	-	1
Sustainable Timber	All framing used onsite to be FSC or AFCS accredited. No un-sustainable tropical hardwoods will be used, in line with Green Star requirements	-	1
Design for Disassembly	No information has been provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	1
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 5. Building Materials
Building Materials, Technical Manuals www.yourhome.gov.au
Embodied Energy Technical Manual www.yourhome.gov.au
Good Environmental Choice Australia Standards www.geca.org.au
Forest Stewardship Council Certification Scheme www.fsc.org
Australian Green Procurement www.greenprocurement.org

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

6. Transport

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising the Provision of Car Parks	Basement & ground floor car stackers.	-	1
Bike Parking Spaces	38 bike parking spaces on the ground floor for residents, retail and visitors.	-	1
End of Trip Facilities	-	-	-
Car Share Facilities	No information has been provided.	-	1
Others		-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 6. Transport
Off-setting Car Emissions Options www.greenfleet.com.au
Sustainable Transport www.transport.vic.gov.au/doi/internet/icy.nsf
Car share options www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/
Bicycle Victoria www.bv.com.au

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

7. Waste Management

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Construction Waste Management	A 70% recycling rate target of construction and demolition waste has been set.	-	1
Operational Waste Management	Appears that a single waste chute has been provided.	Recommend a dual chute or sorting chute system to ensure that recycling system at least as convenient as the general waste system.	2
Storage Spaces for Recycling and Green Waste	Space for recycling and general waste has been provided.	Check that a comprehensive WMP ensures that the waste management provisions are sufficient.	3
Others	-	-	-

*** Council Assessment Ratings:**

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

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

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

8. Urban Ecology

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
On Site Topsoil Retention	There is no productive topsoil on this site.	-	NA
Maintaining / Enhancing Ecological Value	Landscaping including a green wall will improve the ecological value of the site.	-	1
Reclaiming Contamin. Land	No information has been provided.	-	NA
Balcony gardening	A tap and floor drain to each balcony to help facilitate gardening on balconies.	-	1

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 8. Urban Ecology
Department of Sustainability and Environment www.dse.vic.gov.au
Australian Research Centre for Urban Ecology www.arcue.botany.unimelb.edu.au
Greening Australia www.greeningaustralia.org.au
Green Roof Technical Manual www.yourhome.gov.au

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

9. Innovation

Objective:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Significant Enhancement to the Environmental Performance	-	-	-
Innovative Social Improvements	-	-	-
New Technology	-	-	-
New Design Approach	-	-	-
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 9. Innovation
Green Building Council Australia www.gbca.org.au
Victorian Eco Innovation lab www.ecoinnovationlab.com
Business Victoria www.business.vic.gov.au
Environment Design Guide www.environmentdesignguide.com.au

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

10. Construction and Building Management

Objective:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Building Tuning	No information has been provided.	Recommend comprehensive commissioning and tuning of all building services and regular monitoring and maintenance	1
Building Users Guide	A Building Users Guide detailing the sustainability features of the building will be developed and given to building users.	-	1
Contractor has Valid ISO14001 Accreditation	No information has been provided.	-	1
Construction Management Plan	No information has been provided.	Recommend that an Environmental Management Plan will be developed by the building contractor to monitor and control activities undertaken during construction.	1
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 10. Construction and Building Management
ASHRAE and CIBSE Commissioning handbooks
International Organization for standardization – ISO14001 – Environmental Management Systems
Keeping Our Stormwater Clean – A Builder's Guide www.melbournewater.com.au

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

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



Applicant Response Guidelines

Project Information:

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

Environmental Categories:

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

Objectives:

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

Issues:

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

Assessment Method Description:

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

Benchmarks Description:

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

How does the proposal comply with the benchmarks?

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

ESD Matters on Architectural Drawings:

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

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

CITY OF YARRA

MeMO

TO:	**Nik Mullechner**
cc:	
FROM:	**Euan Williamson, ESD Advisor**
DATE:	**03.03.2017**
FILE:	**373-375 Bridge Road, Richmond, VIC 3121**
SUBJECT:	**ESD Response – Daylight Analysis.**

Nik,

I have reviewed the updated architectural drawings by *Skematics*, and supporting Daylight Modelling from *LID Consulting* (updated 24.02.2017). In summary, although the proposed heliostats are an innovative response to daylight, in this instance they are compensating for the poor performance of a building design that could be re-designed, and therefore are not a satisfactory response to the provision of daylight to dwellings.

This is largely because the number of bedrooms that will fail to meet our best practice standard (~80% of them) is too large a percentage of the overall number of bedrooms, which demonstrates that the standard of the building is poor.

The *Sunbeam* heliostats do, however, appear to work and could be an acceptable design response in a different context, or different building design. If the heliostats were employed to deliver improved daylight to a much smaller percentage of dwellings, rather than 80% of them, then this response could be supported.

Unfortunately given the number of dwellings under consideration, that will be relying on an innovative technological solution, and the inherent risks of that, I recommend that the current proposal is not supported and that the proponent considers a full building re-design to better meet Council's ESD standards and daylight to dwellings.

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

Regards,

Euan Williamson
Environmental Sustainable Development Advisor
City of Yarra PO Box 168 Richmond 3121
T (03) 9205 5366 **F** (03) 8417 6666
E Euan.Williamson@yarracity.vic.gov.au
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Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

Muhllechner, Nikolas

From: Williamson, Euan <Euan.Williamson@yarracity.vic.gov.au>
Sent: Thursday, 27 July 2017 1:24 PM
To: Muhllechner, Nikolas
Subject: Re: PLN16/0924 - 373-375 Bridge Road Richmond - Daylight modelling

Nik,
Yes I think this is practical approach and will ensure the standards we want are embedded into the building design.

Sounds good.
Euan.

From: Muhllechner, Nikolas
Sent: Thursday, July 27, 2017 12:16:53 PM
To: Williamson, Euan
Subject: RE: PLN16/0924 - 373-375 Bridge Road Richmond - Daylight modelling

Hi Euan,

Further the below email and our conversation earlier this week in relation to the above application.

As discussed, I am comfortable that the daylight modelling provided previously for the living areas that shows compliance with BESS standards will still be achieved in the revised set of plans. If anything, the revised plans would improve daylight access to that shown in the modelling provided.

Also, as discussed, while the sustainable management plan has not been updated at this stage to reflect the revised plans, this can be readily achieved through a condition of planning permit if the application is supported. Likely wording of the condition would look like the following:

- Prior to the endorsement of plans, 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 LID Consulting and dated 31 August 2016, but modified to include or show...

If you could please confirm that you are comfortable with this approach, that would be much appreciated.

Let me know if you have any questions.

Thanks,

Nik

Nikolas Muhllechner
Principal Statutory Planner
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Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

CITY OF YARRA

Make sure you refer to our website for more information.

From: Williamson, Euan [mailto:Euan.Williamson@yarracity.vic.gov.au]
Sent: Tuesday, 25 July 2017 9:23 AM
To: Muhllechner, Nikolas
Subject: Re: PLN16/0924 - 373-375 Bridge Road Richmond - Daylight modelling

Nik,
I have reviewed the updated daylight 'Supporting Modelling' and and amended plans. In summary I am pleased with the progress that this project has made.

With the additional 4 bedrooms achieving some percentage of the floor area at 0.5% df the project appears to be reaching a acceptable level.

As there have been a number of changes to the project design, with some ESD features remaining and other removed, I would like to request that the applicant update an SMP with this additional 'Supporting Daylight' information for assessment, and a complete assessment of daylight to the current design.

I don't believe I have seen an assessment of the living area of this version of the plans, so in order to properly consider this application I really need to have one singe report covering all information relating to ESD including daylight.

If the rest of the standard of ESD in the building has not changed substantially, then it is likely to be an acceptable overall ESD performance.

If you or the applicant would like to discuss this further, please contact me.

Euan.

From: Muhllechner, Nikolas
Sent: Monday, July 24, 2017 5:30:23 PM
To: Williamson, Euan
Subject: RE: PLN16/0924 - 373-375 Bridge Road Richmond - Daylight modelling

Hey Euan,

Revised plans attached.

And the heliostats have been removed from these plans completely.

Let me know if you need any further info.

Cheers,

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

Nik

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Make sure you refer to our website for more information.

From: Williamson, Euan
Sent: Monday, 24 July 2017 5:19 PM
To: Muhllechner, Nikolas
Subject: Re: PLN16/0924 - 373-375 Bridge Road Richmond - Daylight modelling

Hi Nik,
I'm just going through the information now on the train.

The standard is not quite up to our standards as it currently standards for bedrooms. It's very close, but is just beneath where I'd like it to be.

I'm inclined to accept it as it has improved significantly, but I'd like to check a couple of things:

One question:
Are the heliostats removed from the design completely?

One request:
Can you please send me the pdf version of the plans (without prejudice) that you sent me the TRIM link to? (working remotely currently).

I'll compare it to the previous versions that I have and the older daylight assessment reports they completed.

Thanks!
Euan.

From: Muhllechner, Nikolas
Sent: Monday, July 24, 2017 10:51:41 AM
To: Williamson, Euan
Subject: FW: PLN16/0924 - 373-375 Bridge Road Richmond - Daylight modelling

Hi Euan,

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

I refer to the above application and the attached daylight modelling recently submitted by the applicant.

The daylight modelling assesses the four bedrooms on the third floor relying on the light court. This is because the proposal currently falls four bedrooms short of meeting the BESS requirement of 80 per cent of bedrooms achieving the minimum daylight standard.

The daylight modelling suggests that these four bedrooms still fail to achieve the minimum 90 per cent floor area standard. However, compared to the previous set of daylight modelling for these four bedrooms, the daylight access has improved considerably.

As you may recall, the daylight modelling was requested to assist in determining whether artificial means (e.g. sunbeamer product) would be required to supplement the daylight access to lower floor bedrooms.

Given the daylight access improvements gained in the revised plans and the overall high standard of ESD within the proposed development, your comments on the attached would be much appreciated.

Your previous advice is attached for your reference, as are the most recent set of revised plans (TRIM document).

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

Thanks heaps,

Nik

Nikolas Muhllechner

Principal Statutory Planner

City of Yarra PO Box 168 Richmond 3121
T (03) 9205 5456 **F** (03) 8417 6666
E Nikolas.Muhllechner@yarracity.vic.gov.au
W www.yarracity.vic.gov.au

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

Make sure you refer to our website for more information.

From: Robbie McKenzie [mailto:robbiem@ratio.com.au]
Sent: Friday, 21 July 2017 1:39 PM
To: Muhllechner, Nikolas
Cc: hani.akkawi@skematics.com.au
Subject: TRIM: RE: 373-375 Bridge Road, Richmond - plans for consideration (without prejudice)

Hi Nik

Please find attached the additional daylighting assessment of LID Consulting. The assessment now covers 80% of the bedroom yield as prescribed by BESS. In summary, more than 80% of bedrooms are compliant based on existing site conditions (as demonstrated in earlier correspondence), and 68.6% of bedrooms are compliant and 11.4% are non-compliant under a future development scenario. On balance, we consider the daylight levels of the (4no.) non-compliant bedrooms are acceptable, especially as 2 of these 4 bedrooms are second bedrooms only (Apartments 8 and 9). In the context of the site and the relatively minor degree of non-compliance against BESS, and noting BESS is an assessment tool that appears only as a reference document in local policy, we submit the proposal will produce acceptable amenity outcomes for future occupants. Furthermore, as you are aware please be reminded the living rooms of dwellings are fully compliant under both scenarios (existing and future).

Additionally, please see attached more information pertaining to the green wall that is proposed on the rear elevation, as was promised at the objector consult meeting. We maintain that a properly designed green wall (as proposed) is a suitable solution at the rear interface, and the finer points relating to the implementation and maintenance of this green wall can be further secured by permit conditions.

I trust you now have sufficient information to complete your report. Let me know if you have any further questions.

Lastly, I would appreciate if you can send me confirmation of the meeting date for IDAC before you take leave in August.

Regards

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

Robbie McKenzie

Senior Associate: Planning

ratio:

9 Clifton Street

Richmond VIC 3121

03 9429 3111

0421 666024

ratio.com.au

From: Robbie McKenzie
Sent: Monday, 17 July 2017 10:51 AM
To: 'Muhllechner, Nikolas' <Nikolas.Muhllechner@yarracity.vic.gov.au>
Cc: 'hani.akkawi@skematics.com.au' <hani.akkawi@skematics.com.au>
Subject: 373-375 Bridge Road, Richmond - plans for consideration (without prejudice)

Hi Nik

Further to our previous discussions as well as the objector meeting held last week, please find attached the final amended plans for your consideration. These plans are provided to Council on a 'without prejudice' basis.

In our view, the changes made since advertising (as highlighted in red outline on the attached drawing set) suitably address the various issues that have arisen, particularly in respect of built form and internal amenity. The reduced building height to 8 storeys combined with the additional setbacks of upper floors presents appropriately to Bridge Road and the residential zoning interface at the rear. The internal reconfiguration of apartments enhances the standard of functionality and amenity for future occupants.

The requested daylighting assessment is expected to be ready later this week – we are hoping to submit by COB Wednesday.

Attachment 5 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's ESD advisor

If you have any queries, please call or email. If you require hard copies of these plans (including A1 size) please let me know.

Regards

Robbie McKenzie

Senior Associate: Planning

ratio:

9 Clifton Street

Richmond VIC 3121

03 9429 3111

0421 666024

ratio.com.au

Attachment 6 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments on waste management plan from Council's city works branch

Muhllechner, Nikolas

From: Agostino, Joe <Joe.Agostino@yarracity.vic.gov.au>
Sent: Thursday, 10 November 2016 8:28 AM
To: Muhllechner, Nikolas; Valente, Enzo
Subject: RE: PLN16/0924 - 373-375 Bridge Road Richmond - Waste management plan

Hi Nik

The Waste Management Plan prepared by LID dated 12th Sep 2016 for 373 - 375 Bridge Road Richmond is satisfactory from the City Works Branch's perspective.

If you have any queries please give me a call.

Regards

Joe Agostino

-----Original Message-----
From: Muhllechner, Nikolas
Sent: Thursday, 3 November 2016 11:19 AM
To: Valente, Enzo; Agostino, Joe
Subject: PLN16/0924 - 373-375 Bridge Road Richmond - Waste management plan

Hi Enzo/Joe,

I refer to the above application for a planning permit recently received by Council.

The application proposes the construction of a ten storey building plus a roof top terrace containing a shop and 35 dwellings, a reduction in the car parking requirement and a waiver of the loading and unloading of vehicles requirement.

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

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

If comments could please be provided by 17 November 2016, that would be much appreciated.

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

Thanks,

Nik

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Attachment 7 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's open space planning and design branch

CITY OF YARRA

Memo

diverse
vibrant
exciting
inclusive

To: Nikolas Muhllechner

Cc: Carrie Lindsay

From: Kevin Ayrey

Date: 2 June 2017

Subject: PLN16/0924

Dear James,

Please find comments below in reference to the proposed development at 373-375 Bridge Road, Richmond, VIC 3121.

In general terms a planning permit requires the submission of a landscape plan containing the following information –

- All existing trees to be retained or removed including species, height and spread
- Proposed plant schedule with botanical name, common name, mature height, and spread, installation size, spacing's, locations and quantities;
- A legend containing key features, materials and construction details;
- Proposed levels including top wall and fence heights;
- Existing underground and overhead services to be detailed on the plans;
- Details of any raised planter beds including height and construction methods;
- Feasibility for including Water Sensitive Urban Design opportunities within the landscaping;
- Details of screening to Private Open Space areas facing internal courtyards.
- Information on irrigation and drainage systems

Further to this, proposals that show green walls, roofs or facades should also include the following –

Planter design details –

- Planter material and dimensions.
- Mulch layer – something that won't blow away.
- Growing media – suitable for roof top gardens
- Filter media
- Irrigation method
- Drainage system
- Root barrier / water proofing layer

Attachment 7 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments from Council's open space planning and design branch

Load bearing weights for the saturated bulk density of soil media should be confirmed by structural engineers. Further information on green walls, roofs and facades can be found in the 'Growing Green Guide' (for Melbourne) - http://www.growinggreenguide.org/technical-guide

The drawings supplied are schematic only. There is a list of suggested plant species provided which would be effective climbing plants, however it is not clear where deciduous or evergreen plants are proposed in relation to visual screening requirements, or what they are being planted into. It appears that the plants may be planted into the laneway subsurface – is this the case? and is this within the property boundary? The plants face north so would receive adequate sunlight to grow. In general terms the proposed facade should be feasible if designed correctly and maintained adequately.

A number of drawings show shrubs and/ or trees in planter boxes at different deck levels, but no information is provided about these. This should be included in the planting plan.

Yours sincerely,

Kevin Ayrey
LANDSCAPE ARCHITECT - OPEN SPACE PLANNING

Attachment 8 - PLN16/0924 - 373-375 Bridge Road Richmond - Urban design referral comments from David Lock Associates

DAVID LOCK ASSOCIATES
TOWN PLANNING & URBAN DESIGN

373-375 Bridge Road, RICHMOND

Urban Design Referral

Date	22/12/16
Council Reference	PLN16/0924
To	Nik Muhllechner
From	David Lock Associates

INTRODUCTION

In November 2016, City of Yarra requested that David Lock Associates undertake an urban design assessment of a proposed development at 373-375 Bridge Road, Richmond (the subject site). The proposal seeks approval to construct a ten (10) storey mixed use building consisting of ground floor retail shop and nine (9) storeys of residential accommodation above.

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

- The relevant provisions of the Yarra Planning Scheme and reference documents,
- The provisions of the Richmond Town Hall Precinct Urban Design Framework (July 2007);
- The physical context of the subject site as well as the wider area (confirmed via site inspection 15/12/16);
- The architectural plans prepared by Skematics (dated 24/11/16 [Revision 9]);
- The Response to Request for Further Information prepared by Ratio (dated 30/11/16); and
- The recent planning approval for 619-623 Bridge Road, Richmond (Council reference PLN15/0644).

CONTEXT

The site is located on the northern side of Bridge Road, between Griffiths Street and Coppin Street, and approximately 350m west of Church Street. The site is deep and regular in shape with an overall area of approximately 360sqm. It has a frontage to Bridge Road of approximately 11.8m and abuts a lane to the north.

The site is zoned Commercial 1 (C1Z) and located within an activity centre (Bridge Road Major Activity Centre). It is well serviced by public transport, with tram routes 48 and 75 as well as a nightrider bus all running along Bridge Road (directly in front of the site). The site has excellent access to employment, services and public amenity.

The site adjoins a single storey commercial building to the east and a two storey commercial building to the west. These properties are also commercially zoned and are not subject to any overlay. To the north, beyond a 3.5m wide lane is a two storey dwelling in the General Residential Zone (GRZ2).

The Bridge Road Major Activity Centre corridor extends all the way from Hoddle Street to the west to the Yarra River to the east. The character of this activity centre varies across three sections of Bridge Road. The subject site is located in the centre of the activity centre denoted by the Town Hall between Church Street and Burnley Street, which is generally characterised by 1-3 storey

commercial buildings. Of note, the southern side of Bridge Road features a finer grain pattern and is affected by HO310. In contrast, the properties north of Bridge Road are greater in width and not affected by a heritage overlay.

The site's location in a major activity centre and its excellent access to the PPTN and services means that it enjoys strong policy support for urban consolidation. Clauses 11 and 16 promote increased residential density close to jobs and services, including public transport. (In Plan Melbourne MACs are Metropolitan Activity Centre).

The MSS confirms the suitability of the site for urban consolidation. Clause 21.08 places the site in the Bridge Road Major Activity Centre. The related strategies seek to maintain and strengthen the preferred character of the area and reinforce the continuity of built form along Bridge Road, East of Church Street. Clause 21.05-2 specifies a maximum building height for activity centres of five to six storeys that can be exceeded provided a development achieves specific benefits, such as: significant upper levels setbacks, architectural design excellence, ESD, public realm contribution or affordable housing.

Although a new built form character is sought, Clauses 15 and 21.05 require development to have regard to local character. Clause 22.10 seeks to ensure that new development responds to its context, respects the scale and form of surrounding developments and limits amenity impacts on adjoining residential land. The property north of the subject site is subject to a mandatory maximum building height of 9m (GRZ2).

The site sits just outside of the Richmond Town Hall Precinct. The Urban Design Framework for this Precinct (adopted by Council in July 2007) encourages infill development in this section of Bridge Road. It also seeks to protect historic streetscapes and views of important landmarks. However, this document is not a Reference Document in the Planning Scheme.

In summary, there is clear strategic support for intensification in this part of the MAC, at both State and local levels. However, new development should be designed to avoid unreasonable impacts on surrounding properties, and have regard to the existing context and built form pattern.

SITE PLANNING

Street frontage

At Ground level, the proposed development will provide an active frontage to Bridge Road in the form of a highly glazed retail tenancy and residential entry. The footpath in front will be protected by a series of overlapping awnings. This is consistent with Clause 21.08-9 which encourages buildings to maintain a hard edge to the street and Clause 22.10 that seeks to create attractive interfaces with the public realm. Level 1 and above are proposed to be used for residential accommodation, which will provide passive surveillance outside business hours.

This responds to the design principles set out in Clause 15.01, and Objectives 1.6 and 3.3 of the Activity Centre Design Guidelines, all of which seek to enhance the visual and social experience of pedestrians in the street.

Attachment 8 - PLN16/0924 - 373-375 Bridge Road Richmond - Urban design referral comments from David Lock Associates

Street Setbacks

The proposed development responds to its commercial location within the Bridge Road Major Activity Centre by building sheer to Bridge Road at Ground Floor up to Level 2. This will maintain the 'hard-edge' of the existing built form in Bridge Road.

Side and Rear Setbacks

The subject site is relatively narrow (11.8m wide approx.), which is characteristic of the width of many allotments on the northern side of this section of Bridge Road. The proposal responds to this constraint by primarily orienting all proposed dwellings northward and southward, and proposing to partially build on the side boundaries up to Level 5. This is an appropriate design response given its activity centre location. This is discussed in further detail in the 'Equitable Development' section of this referral.

Vehicle access and parking

Vehicular access is proposed to be taken from the lane at the rear of the property. This will avoid disrupting the Bridge Road pedestrian environment and minimise the visual impact of parking on the public realm in accordance with the Activity Centre Design Guidelines.

Arrangement of uses

Residential accommodation is proposed to be located at upper levels, where it can benefit from greater access to views, sunlight and daylight, and be removed from the environmental impacts of the street and rear lane. Commercial use is proposed at Ground Floor where it will benefit from exposure to and activate the adjoining public realm.

Separate access is proposed to the residential accommodation and commercial use. This is consistent with Design Suggestion 7.3.2 of the Activity Centre Design Guidelines.

BUILT FORM AND MASSING

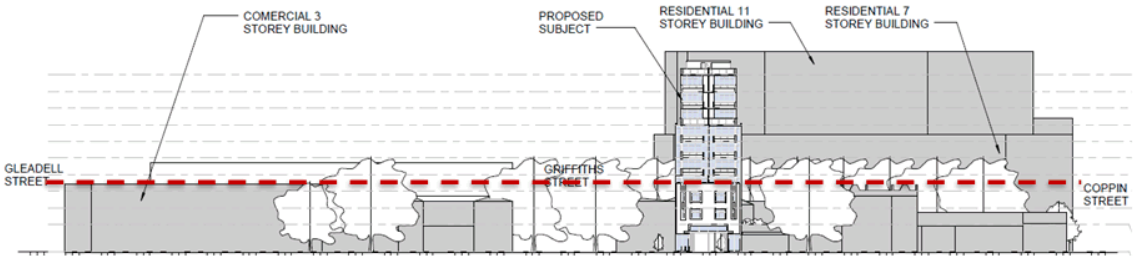
Preferred Future Character

This section of Bridge Road remains generally intact in terms of built form. The emerging character in the vicinity of the site includes an eight storey building at 174 - 176 Burnley Street (noting that this site is located approximately 10m north of Bridge Road) and a 7 storey apartment building at 571 Bridge Road. Further, a recent proposal at 619-623 Bridge Road has also been approved for a 7 storey residential development.

The proposal is 10 storeys (31.8m) in height. It is composed of 3 elements: a podium, middle section and upper form. As mentioned above, the proposal incorporates a three storey street wall to Bridge Road of 11.9m (approx.). The proposed street wall height is at the upper end of the range of parapet heights of buildings in the vicinity of the subject site. However, this is an appropriate design response given the absence of a consistent street wall pattern north of Bridge Road. It also reflects the more consistent pattern on the south side.

Levels 3 to 6 form the middle section of the proposal. These levels are set back 1.9m from the lot boundary with balconies extending close or on the boundary. This is considered insufficient to distinguish the upper form from the street wall.

Attachment 8 - PLN16/0924 - 373-375 Bridge Road Richmond - Urban design referral comments from David Lock Associates



Bridge Road streetscape elevation (extract from A1013)

It is recommended that above the street wall, the building be set back 5m from Bridge Road to ensure a clear distinction between the street wall and the upper form. (Balconies can encroach within this setback provided they remain discontinuous and lightweight).

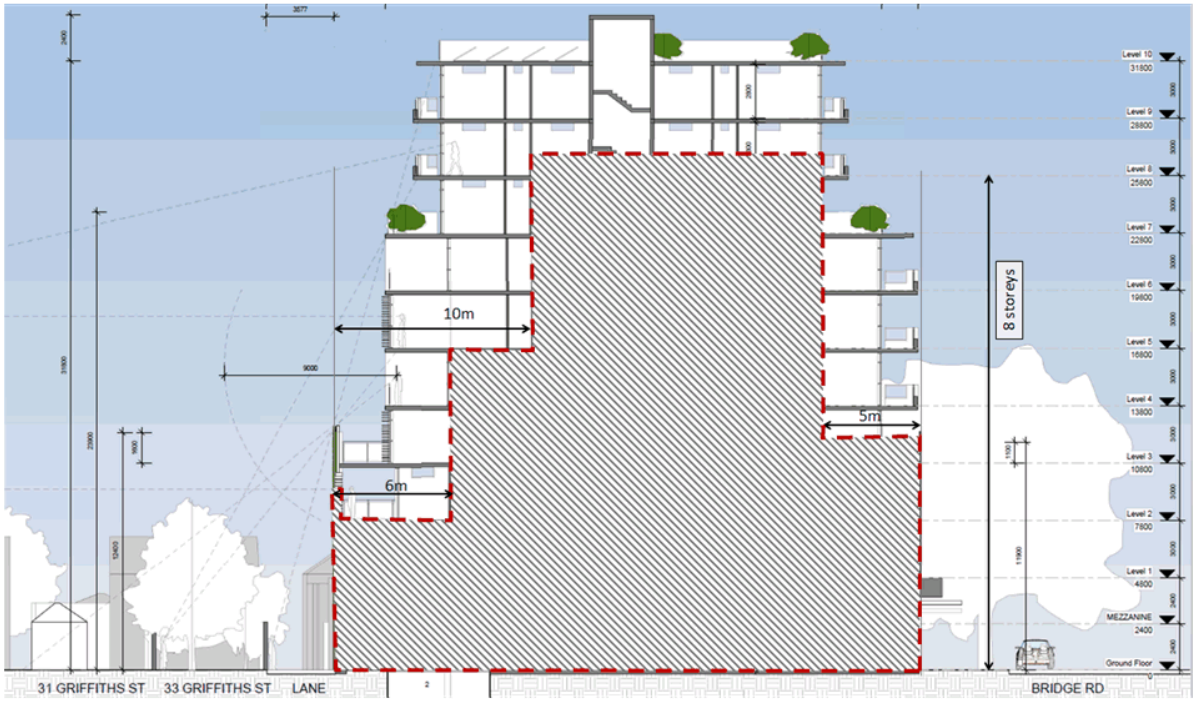
The 'upper form' comprises another three levels and a communal roof top terrace which are set back 5m from the southern boundary with balconies protruding within this setback.

The proposal exceeds the 5-6 storey scale envisaged by Clause 21.05-2 and fails to meet the criteria set in the MSS to go beyond the preferred maximum height. It is also considered to have an unreasonable visual impact on the residential property to the north (see below). However, given the width of this part of Bridge Road, it is considered that it can sustain a scale of 8 storeys, with appropriate setbacks.

Therefore, it is recommended that the proposal be reduced to a maximum height of 8 storeys. (It is also noted that the recommended increased front and rear setbacks would result in a floor area above 8 levels that is likely to have limited viability).

The diagram overleaf illustrates the proposed height and setback recommendations.

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Recommended increased front and rear setbacks, and reduced height

Off-site Amenity Impacts

Clause 34.01-8 and 22.10 of the Yarra Planning Scheme seek to protect the residential amenity of properties in abuttal to commercial areas, although this should be tempered with reasonable amenity expectations for residential properties at a commercial/ Activity Centre interface.

It is noted that the proposal is located south (across a lane) of the rear POS of 33 Griffiths Street which faces east. This property, located in the GRZ, is likely to remain in its current condition, and therefore particular consideration needs to be given to its visual amenity at this interface. The proposal is built to the northern boundary up to Level 3 and set back approximately 2.6m at upper levels. It is considered that the proposed rear setbacks are insufficient to protect the visual amenity of the adjoining residential property. It is recommended that levels 2, 3 and 4 be set back approximately 6m and the levels above approximately 10m from the rear boundary (balconies can encroach within these setbacks). These increased rear setbacks will reduce the visual impact of the proposal on the neighbouring residential property to an acceptable level.

The recommended setbacks are likely to reduce the need for screening which currently contributes to the visual impact of the proposal on the adjoining residential property. An alternative arrangement of rear setbacks that maintains the same sky view would also be acceptable provided the steps create an elegant composition.

The proposal will not cast additional shadow given its location south of the adjoining property.

Equitable Development

The proposed development abuts commercially zoned properties to the east and west, which are of similar dimensions to the subject site and also within the activity centre where intensive

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development is promoted. They are currently occupied by a single storey building at 377 Bridge Road and a double Storey building at 369 Bridge Road.

Therefore, it can reasonably be expected that these properties will be redeveloped in the future in accordance with Clause 21.05-2.

The proposal has been designed to allow for the equitable development of the adjoining properties to the east and west by orienting apartments to the north and south at all levels. The proposal is built hard to the side boundaries from Ground Level to Level 6 with the exception of two light courts on each side with a dimension of 2m x 3m. The building is also setback 1m from the side boundaries at each end to provide light to the 'back'. Above Level 6, the proposal is set back 1m from the eastern and western boundaries. The proposed blank walls on the side boundaries will facilitate the efficient redevelopment of the adjoining properties by allowing future development to be built to the boundary and mirror the proposed light wells. Further, the property to the west can capitalise on its corner location to face toward the south and west.

It is recommended that Council seek daylight analysis from the Applicant to demonstrate that all proposed light courts are of a dimension that will provide for adequate daylight in the event that these are not mirrored by future development of abutting sites.

DETAILED DESIGN

Internal Amenity

It is noted that a number of north-facing balconies and living room windows (Levels 1 to 6) are proposed to be screened with full height timber louvre screens as a response to the sensitive residential conditions of this interface. However, a number of these are also 'capped' by the balcony/terrace of the level above, resulting in limited apertures from which future residents will have access to outlook and daylight. Consideration should be given to the use of angled shelves that preclude downward views rather than full height screening, which will allow for an enhanced outlook and internal amenity outcome whilst preventing unreasonable overlooking of 33 Griffiths Street. The recommended increased rear setbacks are also likely to reduce the need for screening.

The Applicant should be requested to provide a daylight assessment. It is noted that the provision for daylight for bedrooms facing north and south would not achieve the proposed minimum standards in the Better Apartments Designs Standards. However, increased front and rear setbacks as recommended above are likely to result in fewer bedrooms with compromised amenity.

All balconies are of an adequate size and dimension for reasonable internal amenity outcomes, acknowledging that the proposed location of condenser units will reduce the usability of these spaces slightly. It will be important to ensure that the dimension and usability of proposed balconies and terraces is retained after achievement of the recommended setbacks.

Materiality and Architecture

The proposal adopts a contemporary architectural style that will contribute to the eclectic architectural character of north of Bridge Road. The proposed metal 'claustra' will strongly frame the street wall, create good definition of the street and provide visual interest. The proposal incorporates a mix of finishes that will complement those found in Bridge Road.

The architecture of the proposal is well resolved, and the materials identified in TPA1016 are supported. It is considered that the deletion of the top two levels will result in a more balanced composition with a single level 'cap'. The use of textured precast concrete finish to boundary walls will assist in articulating these until such time as neighbouring properties are developed.

Attachment 8 - PLN16/0924 - 373-375 Bridge Road Richmond - Urban design referral comments from David Lock Associates

DAVID LOCK ASSOCIATES
TOWN PLANNING & URBAN DESIGN

SUMMARY

There are many attributes of the subject site that position it as a candidate for higher density mixed use infill, including its location within the Bridge Road Major Activity Centre and proximity to transport and services. This is an outcome that is specifically envisioned and encouraged by the MSS and local policy. However, from an urban design perspective, the proposal is too tall and fails to respond to the preferred future character for activity centres as envisaged by Clause 21.05-2 and to its existing context. It will also unreasonably affect the amenity of its residential neighbour. Therefore, a number of design changes are recommended:

- **Reduce overall height of the proposal to eight storeys by deleting levels 8 and 9;**
- **Setback the building 5m from the southern boundary above the street wall (balconies can encroach within this setback);**
- **Increase rear setbacks to 6m from Level 2 - 4 and 10m above (balconies can encroach with these setbacks) (or an alternative arrangement of rear setbacks that achieves the same sky view from 33 Griffiths Street provided the steps create an elegant composition);**
- **Request provision of a daylight assessment; and**
- **Reduce screening of north-facing apartments up to and including level 6.**

Please do not hesitate to contact Jessica Guirand on (03) 9682 8568 should you wish to discuss any aspect of the above further.

DAVID LOCK ASSOCIATES

Attachment 9 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments on acoustic report from SLR Consulting Australia

30 March 2017

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City of Yarra
PO Box 168
Richmond VIC 3121

Attention: Nikolas Muhllechner

Dear Nikolas

373-375 Bridge Road, Richmond
Planning Assessment Acoustical Review
PLN 16/0924

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the mixed use development proposed for 373-375 Bridge Road, Richmond.

Details of the report are as follows:

- Title: 373-375 Bridge Road, Richmond, Proposed Apartment Building, Preliminary Site Noise Impact Consideration
- Reference: 19017-1
- Date: 23 February 2017
- Prepared by: Acoustic Consulting Australia (ACA)

The subject development is an 8 level mixed use building, proposed to be constructed at 373-375 Bridge Road, Richmond. A planning permit for the site has not been issued.

The acoustic report has been prepared to provide a preliminary assessment of noise impacts to and from the subject development, and ACA note that a detailed planning noise assessment will be required.

1 Road Traffic Noise

1.1 Criteria

Since the release of the *Better Apartments Design Standards* (BADS), 2017 it has been practice in the City of Yarra to assess road traffic noise to the design levels provided in that document. The design levels are:

- 40 dB LAeq,16 h in living areas, and
- 35 dB Laeq,8 h in bedroom

The design levels for living areas should also be met in bedrooms during the day period.

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In their preliminary acoustic report ACA propose to meet the internal noise levels of 42 dB L_{Aeq} in living rooms and 35 dB L_{Aeq} in bedrooms. ACA do not indicate whether the proposed levels are not to be exceeded at any time, or whether they are to be met by the day and night average levels of traffic noise. Without this information it is not possible to determine the proposed targets fall short of, or exceed the BADs design levels.

It is recommended that the BADs targets be adopted as a minimum in the final planning report for the project.

1.2 Traffic Noise Measurements

Indicative measurements of road traffic noise were conducted by ACA and results are reported in Section 2.1. The results indicate that traffic noise impacts to the subject site are significant (70-72 dB L_{Aeq}). Full details of the measurements (time, place, duration) are not provided in the report. The full assessment, which is proposed by ACA to be conducted at a later date, should include this information, and ideally provide results for the day and night average levels ($L_{Aeq,16h}$ and $L_{Aeq,8h}$). If long term noise logging cannot be conducted at this site, sufficient attended measurements should be conducted to enable the long term average levels to be conservatively estimated.

2 Tram Noise

2.1 Criteria

Tram noise is proposed to be assessed to indoor maximum targets of 45 dBA in bedrooms and 50 dBA in living rooms. Table 3 of the acoustic report expresses these levels as average 'L_{Aeq}' levels, however this may be a mistake because the discussion of design goals for tram noise refers to L_{Amax} levels only. It is also possible that tram noise is proposed to be assessed as short term L_{Aeq} levels. This should be clarified by the consultant.

Design targets of 50 dB L_{Amax} in bedrooms and 60 dB L_{Amax} in living rooms are generally adopted on City of Yarra projects.

2.2 Traffic Noise Measurements

Tram passbys were measured on Bridge Road and the resultant levels ranged from 75 dBA to 78 dBA. An acoustical descriptor is not provided, and if the maximum levels are quantified as short term Leq levels, this should be clarified.

Full details of the measurements are not provided in the report (number of passbys, time of day, etc.). This information should be provided in the full assessment. We would also recommend at least 20 trams to be measured if the 10th percentile level was adopted as a design target.

3 Façade Upgrade Advice

Preliminary façade upgrade advice is provided in the report for controlling noise from trams and trains. This information will need to be revised following more extensive measurements of road and tram noise, and for this reason a full review of the proposed upgrades is not provided here.

However, on a general level, it is noted that the advice is sufficiently detailed and includes recommendations for all façade elements (walls, window seals, ventilation pathways and the like).

Attachment 9 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments on acoustic report from SLR Consulting Australia

4 Other Noise Impacts

The report does not include consideration of other potential noise impacts to the subject development. There is a large air conditioning unit on the roof of 371 Bridge Road, which could impact occupants of the subject development. This equipment should be assessed to SEPP N-1 and, if an exceedance is identified, advice for façade upgrades should be provided to control noise to inside the apartments or, preferably, negotiations with the adjacent business to address the noise.

The City of Yarra generally allow indoor targets to be adopted for mechanical plant where noise to balconies is not an issue, and where other options for noise management are limited.

The façade upgrades (if required), should be designed to ensure that:

- SEPP N-1 indoor noise limits are met (assuming windows are closed), and
- The levels of noise from plant do not exceed 30 dB L_{Aeq} in bedrooms at night or 35 dB L_{Aeq} in habitable rooms at any time.

5 Noise from the Subject Development

5.1 Car Stacker Noise

The development is proposed to include a four level, three car wide, car stacker accessed from the rear lane (12 cars in total). There are existing dwellings to the north of the lane and these will be exposed to noise from the carpark entrance and car stacker. Additionally, some apartments within the development are potentially exposed to noise from the car stacker (e.g. apartment 3 on Level 1).

ACA have identified the car stacker as an acoustic challenge on this project and provide preliminary advice for façade upgrade treatments to control noise from the equipment in Section 6.0 of the report. Car stacker noise is also proposed to be assessed to SEPP N-1 (this advice is provided in Section 5.2 of the report). Additionally, car stacker and carpark gate noise should comply with the following, as a minimum:

- Sleep disturbance/amenity targets no greater than 40 dB L_{Amax} in bedrooms and 45 dB L_{Amax} in living rooms of proposed apartments.
- Sleep disturbance/amenity targets no greater than 60-65 dB L_{Amax} outside rooms of habitable windows in existing residences.

5.2 Mechanical Plant Noise

Noise limits for mechanical plant associated with the use are provided in Section 5.0 of the acoustic report. Preliminary SEPP N-1 noise limits based on land use zoning are provided in the report, and these are considered sufficient for the planning phase.

6 Permit Conditions

It is recommended that the following permit conditions or similar, are adopted for the project:

- Road traffic noise is to be assessed to the *Better Apartment Design Standards*, 2016 level of
  - 40 dB LAeq,16 h in living areas, and
  - 35 dB Laeq,8 h in bedroom

  The above levels are to be met in completed but unfurnished rooms. The design levels for living areas should also be met in bedrooms during the day period.
- Tram noise is to be assessed to design targets no greater than
  - 60 dB L_{Amax} in living areas, and

Attachment 9 - PLN16/0924 - 373-375 Bridge Road Richmond - Referral comments on acoustic report from SLR Consulting Australia

  - 50 dB L_{Amax} in bedrooms
- Noise impacts from surrounding commercial premises are to be assessed and façade upgrades (if required), should be designed to ensure that:
  - SEPP N-1 indoor noise limits are met (assuming windows are closed), and
  - The levels of noise from plant do not exceed 30 dB L_{Aeq} in bedrooms at night or 35 dB L_{Aeq} in habitable rooms at any time.
- The carpark gate and car stacker is to be designed to comply with:
  - SEPP N-1 at existing and proposed dwellings, taking into consideration the likely frequency of use, the duration of the noise and any character penalties that may apply for impulse and tonality.
  - Sleep disturbance targets no greater than 40 dB L_{Amax} in bedrooms and 45 dB L_{Amax} in living rooms of proposed apartments from both airborne and structureborne noise.
  - Sleep disturbance targets no greater than 60-65 dB L_{Amax} outside rooms of habitable windows in existing residences.
- Mechanical plant associated with the development is to comply with all relevant legislation and guidelines.

7 SLR Summary

A preliminary acoustic report has been prepared for 373-375 Bridge Road Richmond. The report addresses most noise issues to and from the subject development however a more detailed assessment of impacts will be required. Suggested planning permit conditions for the development have been included in **Section 6** of this review.

Yours faithfully,

Checked by: JA

Dianne Williams
Associate - Acoustics

1.4 7 Peel Street, Collingwood - PLN17/0188 - Sale and consumption of liquor (on premises licence), and a reduction of the statutory car parking requirement associated with a cafe/tavern (no permit required for uses)

Executive Summary

Purpose

1. This report provides Council with an assessment of an application at 7 Peel Street, Collingwood, sale and consumption of liquor (on premises licence), and a reduction of the statutory car parking requirement associated with a café/tavern. The report recommends approval of the application subject to a number of conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) clause 17 – Economic development;
   (b) clause 18 – Transport;
   (c) clause 22.05 – Interface uses policy;
   (d) clause 22.09 – Licensed premises policy;
   (e) clause 52.06 – Car parking; and
   (f) clause 52.27 – Licensed premises.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic Context;
   (b) Sale and consumption of liquor;
   (c) Car parking and traffic; and
   (d) Objector concerns.

Objector Concerns

4. Two objections were received to the application, these can be summarised as:
   (a) Anti-social behaviour (Drinking on footpath/park, noise and obstructing footpath);
   (b) Accumulation of Liquor Licences in area;
   (c) Traffic and parking.

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: **Michelle King**
TITLE: **Senior Statutory Planner**
TEL: **9205 5333**

1.4 7 Peel Street, Collingwood - PLN17/0188 - Sale and consumption of liquor (on premises licence), and a reduction of the statutory car parking requirement associated with a cafe/tavern (no permit required for uses)

Trim Record Number: D17/100710
Responsible Officer: Coordinator Statutory Planning

Proposal:	Sale and consumption of liquor (on premises licence), and a reduction of the statutory car parking requirement associated with a café/tavern (no permit required for uses)
Existing use:	The Plug and Nickel Café
Applicant:	ACP Group Pty Ltd
Zoning / Overlays:	Commercial 1 Zone/Heritage Overlay (Schedule 318)
Date of Application:	9 March 2017
Application Number:	PLN17/0188

Planning History

1. Planning Permit 89/110 was issued on 24 July 1989 to *refurbish the existing building and convert to office usage with associated car parking*.

2. Planning Permit Application 90/280 for *an extension to existing office* refused on 27 July 1992.

3. Planning Permit 97/1275 was issued on 14 November 1997 *for the purpose of constructing three (3) units in accordance with the attached endorsed plans.*

4. Planning Permit PL05/0361 was issued on 10 July 2006 for the *partial waiver of car parking associated with the change of use at the ground floor level with the introduction of two retail tenancies and buildings and works to the existing building, including partial demolition and the construction of an additional level for the purpose of two dwellings*. This permit has not been acted upon.

5. Planning Permit PL06/0561 was issued on 29 September 2006 for *Development of the land through the construction and display of two advertising sign.*

6. Planning Permit PLN15/0798 was issued on 12 February 2016 for *Part demolition, buildings and works (façade) and construction and display of business identification signage.*

7. Planning Permit Application PLN16/0775 for a Liquor Licence lapsed on 15 November 2016.

Background

8. The application was received by Council on 9 March 2017. Following the submission of further information, the application was advertised and two (2) objections were received.

9. The application initially included the existing 17.5m^2 room used as a hairdresser. Pursuant to clause 34.01-1 of the Commercial 1 Zone, the use of the land for a 'hairdresser' is a section 1, permit not required use. In accordance with clause 52.06 (car parking) the use does not generate a requirement to provide car parking on site due to the small floor area.

10. In accordance with the above it was determined the use of the land for a hairdresser does not require planning approval and therefore has been removed from the permit application.

11. The application was called in by Cr Jolly on 4 July 2017 to be decided at an Internal Development Approval Committee **(IDAC)**.

Existing Conditions

Subject Site

12. The subject site is located on the south-west corner of Peel and Little Oxford Streets, Collingwood. The subject site is part of a larger site at No. 5 – 7 Peel Street that has a frontage of 13.13 metres to Peel Street and 32.61 metres to Little Oxford Street, with a total site area of 442 sqm (approx.).

13. No. 5 – 7 Peel Street is currently occupied by a two storey Victorian-era building built to the north, east and west boundaries toward Peel Street and a later three storey addition attached at the rear with car parking provided at ground floor. The Victorian-era building contains retail tenancies on ground floor and office on the first floor, the building addition to the rear contains residential uses.

14. The Plug and Nickel Café is located at the corner of Peel and Little Oxford Streets, comprising 88m^2 of the ground floor area. Approximately 17.5m^2 of this area is sublet to a hairdressers, Ginger Hair (to the south of the café). The main access to the café is from an entrance in the building splay at the corner of Peel and Little Oxford Streets. Access to the Hairdresser, and also a secondary access to the café, is from Little Oxford Street.

Surrounding Land

15. The subject site is located within the Smith Street Activity Centre, which contains a large number of established commercial buildings, where a range of restaurants, bars, taverns and other entertainment venues operate. The commercial nature of the precinct extends into Peel Street to the east, with a mix of commercial and residential uses.

16. The subject site has good access to public transport with tram and bus services available along Smith, Johnston and Victoria Streets. On-street parking in the immediate area is generally 2P ticketed, parking along Peel Street is unrestricted after 5.30pm on weekdays and 12.30pm on Saturdays.

17. The immediate surrounds are as follows, and are shown in detail on the submitted site context plan (Attachment 6):

North

18. To the north-east of the site, at the intersection of Peel and Little Oxford Streets is a two storey commercial premises that is situated within the grounds of the Peel Street Park which also fronts onto Peel Street and Oxford Street to the east. Across Oxford Street to the east at No. 18-22 Peel Street is a recently constructed mixed use development compromising commercial uses on the ground floor with apartments above.

19. Directly opposite the site across Peel Street, is a triple storey building (No. 8 – 10 Peel Street). This building is currently used as a place of assembly for an adult entertainment club, operating generally between midday and 6am. This building is located within the Mixed Use Zone.

20. To the west of this building is No. 6 Peel Street containing a double storey Victorian-era dwelling. No. 2-4 Peel Street contains a double storey Victorian-era commercial premises where an art gallery currently operates out of the ground floor. These buildings are located in the Mixed Use Zone between the place of assembly at No. 8-10 Peel Street and the Grace Darling Hotel located at 114 Smith Street.

21. The Grace Darling Hotel is within the Commercial 1 Zone with a frontage to both Smith and Peel Streets. The Hotel currently operates under a General Liquor Licence and is licensed to trade between 7am and 1am on all days but Sundays, where the use is licenced to operate between 10am and 11pm. There are also restrictions on Good Friday and Anzac Day.

East

22. The land on the opposite side of Little Oxford Street, No 9-11 Peel Street, contains a two-storey Victorian-era building, located within the Mixed Use Zone. The building is presently used as a 90 seat licensed restaurant (Lazer Pig) with hours operating until 11pm Sunday to Wednesday, 12 midnight on Thursdays and 1am Friday to Saturday. An amendment to this application is currently before Council to increase the patron numbers and area of red line. No decision has been made at the time of writing this report.

23. To the east of the restaurant is a row of three single fronted Victorian-era dwellings at No. 13, 15 and 17 Peel Street. All three dwellings have high front fencing, approximately 1.8 metres in height, with varying degrees of permeability. No. 13 Peel Street appears to be the only dwelling out of the three that has been improved by a second storey addition. A wholesale jewellery retailer is located to the east of these residences in a two storey commercial building, at No. 19 Peel Street, with a frontage to both Peel and Oxford Streets.

South

24. To the direct south of the site are three, three-storey townhouses that are associated with the larger overall site, No. 5-7 Peel Street. To the south of the townhouses is a three storey mixed use building at No. 25 Little Oxford Street, containing a commercial/office use at ground floor and two apartments above. These residences are all located within the Commercial 1 Zone.

25. Opposite these developments on the eastern side of Little Oxford Street and western side of Oxford Street, is a double storey commercial development at No. 65-71 Oxford Street.

26. The land further to the south on the western side of Little Oxford Street is currently undergoing a high degree of change. The car park located at No. 23 Little Oxford Street and the Kaps Institute of Management building located at No. 17-21 Little Oxford Street have recently received approvals for the construction of six storey mixed use buildings.

West

27. A retail premises used for a bicycle shop (Tokyo Bike), is located in the larger overall site of No. 5-7 Peel Street. To the west of this, is a commercially zoned site at No. 1 Peel Street containing a four storey building used for residential purposes (fifteen apartments). The ground floor of this building does not provide an active frontage to Peel Street with a blank wall built to the Peel Street boundary, with the exception of a red door for pedestrian access to the car parking area and dwellings. The building is also built to the common boundary with No.5-7 Peel Street. Car parking is contained on the ground floor and accessed from a right of way connecting to Peel Street. The dwellings are oriented to face a right the way to the west of the property on the floors above the car park, facing the rear of several commercially zoned retail buildings along Smith Street.

Licensed Premises

28. There are a number of existing licensed premises in the area, particularly along Smith Street. The following licensed premises are located along Peel Street:
    (a) No. 114 Smith Street, the Grace Darling Hotel (300 patron capacity). Trading until 1am Monday – Saturday and 11pm on Sundays. Located in the Commercial 1 Zone approximately 30 metres north-west of the site.

(b) No. 9-11 Peel Street, Lazer Pig Restaurant (90 patron capacity). Trading until 1am Friday and Saturday, 12pm on Thursdays and 11pm every other day. Located in the Mixed Use Zone, approximately 10 metres to the east of the site.

(c) No. 106 Cambridge Street, Akasrio Restaurant (20 patron capacity). Trading until 4pm Sunday and Tuesday, 10pm on Wednesday and Thursday and 11pm Friday and Saturday. Located in the Mixed Use Zone, approximately 140 metres to the north-east of the site.

(d) No. 113 Wellington Street, The Peel Hotel (540 patron capacity). Trading 24 hours a day. Located in the Mixed Use Zone, approximately 180 metres to the north-east of the site.



Figure 1: Site and surrounds

The Proposal

29. The proposal can be summarised as follows;

Internal layout

(a) The Plug and Nickel Café (70.5m^2) and Ginger Hair hairdresser (17.5m^2) are located in the north eastern tenancy of the building.

(b) The red line plan for the liquor licence shows that liquor will be served within the internal area of the food and drinks premises (including service areas and toilets) and does not include the room sublet to the hairdresser.

Sale and consumption of liquor

(c) The site will continue operation as a food and drinks premises (café) during the day and change to a bar/tavern during the evening, with a maximum of 15 patrons and 3 staff.

(d) The proposed bar/tavern use during the evening is proposed to be an intimate space that serves a small range of high quality alcoholic beverages including craft beer, whisky and coffee based cocktails.

(e) The proposed hours for the sale and consumption of liquor are;
(i) Sunday to Wednesday 11am to 11pm;

(ii) Thursday to Saturday 11am to 1am.

(f) An 'on-premises' licence is being sought, with this licence authorising the supply of liquor for consumption on the licensed premises.

(g) Only background music will be played, no live or amplified music is proposed.

(h) Waste will continue to be collected by a private waste contractor. Bins will be stored in the internal car parking area, while this is shown to be in the tenancies car park it is considered a reasonable location considering the type and volume of waste expected to be generated by the use and convenient location near access to the tenancy.

Car parking/bicycle parking

(i) One on-site car parking space and bicycle space will be maintained within the internal car parking area.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

30. Pursuant to clause 34.01-1 of the Yarra Planning Scheme [**the Scheme**] the use of the site as a 'tavern' and a 'café' is a section 1, permit not required use (nested within 'retail premises').

Overlays

Heritage Overlay – Schedule 318

31. The application does not propose any buildings and works and therefore the provisions of this overlay are not triggered.

Particular Provisions

Clause 52.06 – Car parking

32. Pursuant to clause 52.06-2, before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority. Where the required number of car parking spaces is not provided, clause 52.06-3 allows a planning permit to be granted to reduce the requirement (including a reduction to zero).

33. The use of the land for a café generates the requirement for the provision of 3 spaces, whilst the tavern use generates the requirement for the provision of 6 spaces, as the below table demonstrates:

Use	Car parking measure	Statutory Requirement
Tavern	0.4 to each patron permitted	6
Food and Drinks Premises (Café)	4 to each 100 square metres of leasable floor area	3

34. Therefore, as the subject site is to be used as both a café and a tavern, the higher and more restrictive rate, associated with the tavern, will be adopted in the assessment of this application, in accordance with the below table:

Use	Car parking measure	Statutory Requirement	On-site Provision	Reduction requested
Tavern	0.4 to each patron permitted	6	1	5

35. Having regard to the above and with 1 on-site car parking space provided, a planning permit is required for the reduction of 5 spaces associated with the use of the land as a 'tavern'.

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 (relevantly):

(a) A licence is required under the Liquor Control Reform Act 1998.

38. 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 65 – Decision Guidelines

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

State Planning Policy Framework (SPPF)

Clause 11.03-1 (Activity centre network)

40. 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)

41. 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)

42. The objective of this clause is:

    (a) To create a city structure that drives productivity, attracts investment, supports innovation and creates jobs.

43. 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.

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

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

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

    Clause 17 – Economic development

    Clause 17.01-1 – (Business)

46. 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*'.

47. A strategy of this clause includes:

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

    Clause 18 – Transport

    Clause 18.01-2 – (Transport system)

48. A strategy of this clause includes:

    (a) Plan or regulate new uses or development of land near an existing or proposed transport route to avoid detriment to, and where possible enhance the service, safety and amenity desirable for that transport route in the short and long terms.

    <u>Local Planning Policy Framework (LPPF)</u>

    Clause 21.03 – Vision

49. 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

50. The site is located within the Smith 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.*

(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

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

Clause 21.08-5 Neighbourhoods (Collingwood)

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

(a) The Smith Street major activity centre serves multiple roles for local residents whilst attracting visitors from a larger catchment. It is a classic main road strip generally consisting of buildings of two to four storeys interspersed with the occasional building of up to 6 storeys. The subdivision pattern is consistent, and the pattern of the streetscape is generally fine grain. Unlike many other Victorian shopping strips the street is also characterised by the variance in profile and design of buildings. It has a high proportion of individually significant heritage buildings, supported by contributory buildings from the Victorian-era and Edwardian-eras.

(b) The Activity centre has developed a strong factory outlet focus including a sports retail focus, at the north of the centre between Johnston Street and Alexandra Parade. Between Johnston Street and Gertrude Street the centre provides much of the convenience retailing for the surrounding neighbourhoods. The area also hosts a variety of restaurants and cafes.

53. Within Figure 13 of Clause 21.08-5, the subject site is identified as being within the Smith Street Major Activity Centre. Figure 14 of Clause 21.08-5, shows No. 7 Peel Street as being within a non-residential built form character area where the objective is to improve the interface of development with the street.

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

54. 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.

55. 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

56. 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.

57. 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.*

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

    Other Relevant Documents

    Smith Street Structure Plan [SSSP]

59. In November 2008, Council adopted the *Smith Street Structure Plan* Specific to the subject site, the SSSP aims to maintain the mix of uses in the area, whilst embracing opportunities for new housing and protecting residential amenity. In the SSSP, the subject site is shown as being part of the Smith Street Shopping Strip.

    Amendment C140

60. In 2011, Council prepared Amendment C140 to implement some of the objectives of the Smith Street Structure Plan. The Amendment proposed to update the MSS to reference the Smith Street Structure Plan at clause 21.08 (Neighbourhoods) and include it as a reference document at clause 21.11. A new schedule to the Design and Development Overlay (DDO14) was to apply to the Smith Street Activity Area, effectively implementing the built form vision, objectives and strategies of the Smith Street Structure Plan. The Smith Street Structure Plan was the sole strategic basis for Amendment C140.

61. An independent planning panel, appointed by the Minister for Planning **[Minister]** considered the amendment in June 2012 and recommended that it be abandoned.

62. In light of the above, Council at its Meeting on 17 September 2013, resolved to abandon Amendment C140 (the planning scheme changes), though the SSSP remains an adopted Council position. The document guides development and therefore is not directly applicable to this application.

    Amendment C209

63. Amendment C209 proposes changes to the Licensed Premises Policy contained within clause 22.09 of Council's Local Planning Policy. The proposed changes are intended to improve the way licensed venues are managed in the City of Yarra and make various changes to the current content of the policy.

64. Relevant to this application the policy:
    (a) Encourages licensed premises with a capacity of 200 persons or more to be located in Core Entertainment Precincts (applicable to properties front and within access from the main streets listed below) including Smith Street.
    (b) Licensed premises be located such that there are appropriate opportunities to manage or buffer potential amenity impacts provide a high level of public safety and not result in unreasonable cumulative impacts.
    (c) Appropriate hours for deliveries and the collection of waste have been outlined to accord with Council's Local Law.
    (d) Policy regarding cumulative impacts is now provided.

65. The policy has recently been heard before a planning panel in April of this year. The panel report has been publically released and Council will soon determine whether to adopt (with or without changes) or abandon the amendment. If adopted, the amendment would then be submitted to the Minister for Planning for review and final approval.

Advertising

66. The application was advertised in accordance with Section 52 of the *Planning and Environment Act* 1987 [**the Act**] by way of 53 letters sent to the surrounding property owners/occupiers and by two signs (one to each of the frontages to Peel and Little Oxford Streets).

67. Two objections were received to the application, these can be summarised as:
    (a) Anti-social behaviour (Drinking on footpath/park, noise and obstructing footpath);
    (b) Accumulation of Liquor Licences in area;
    (c) Traffic and parking.

Referrals

External Referrals

(a) None

Internal Referrals

(b) Community Amenity Unit;
(a) Social Planning Unit;
(b) Engineering Unit.

68. Referral comments are attachments to this report.

OFFICER ASSESSMENT

69. In assessing this application, the primary planning considerations are:
    (a) Strategic context
    (b) Sale and consumption of liquor;
    (c) Car parking and traffic; and
    (d) Objector concerns.

Strategic Context

70. The location of a licenced café and bar/tavern is considered to have strategic support given state and local planning policies encourage the concentration of commercial and entertainment uses in Activity Centres, such as Smith Street, which are well connected to public transport (clauses 11.03-1, 11.03-2 and 21.04-2).

71. The Commercial 1 Zoning of the land includes the purpose to *create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses*.

72. The establishment of a tavern use on the site in the evening and continued use of the site as a café during the day, with the serving of alcohol, provides activation of the shop frontage both day and night to aid in the ongoing implementation of this purpose.

73. The use will contribute to the continued vibrancy and growth of the surrounding precinct as encouraged by the policies outlined above. Significantly, the use of land within the Commercial 1 Zone as a 'tavern,' and the existing use as a 'café,' does not trigger the need for a planning permit. This indicates strong strategic support for the application in its proposed location and accords with planning policy contained at clause 22.09-3.1 which discourages licenced premises within residential or mixed use zones.

Sale and consumption of liquor

74. To evaluate the appropriateness of the hotel in terms of the sale and consumption of liquor, clause 22.09 (Licensed Premises Policy) and clause 52.27 (Licensed Premises) contain the relevant policy guidelines.

Clause 22.09-3.1 – Location and access

75. The site is located within the Smith Street Activity Centre; a consolidated urban neighbourhood with good access to services, infrastructure and public transport. The site is 55m to the east of Smith Street and within proximity to Gertrude Street, Johnston Street and the major thoroughfares of Victoria Parade and Hoddle Street.

76. There are a number of licensed premises within the immediate area, including the Grace Darling Hotel, Lazer Pig Restaurant, Akasiro Restaurant and the Peel Hotel. A number of these venues cater to a large amount of patrons, particularly the Grace Darling Hotel (300 patrons) and the Peel Hotel (540 patrons) which effectively "bookend" Peel Street. The Grace Darling Hotel is located towards the western end, on the corner of Smith and Peel Streets while the Peel Hotel is located towards the eastern end, on the corner of Wellington and Peel Streets.

77. The site has a direct interface with the Mixed Use Zone (MUZ) to the north, north-east and east. It is important to note the purpose of the Mixed Use Zone, which seeks to encourage *a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality* and is not solely for residential use.

78. The current uses directly opposite the subject site within the MUZ are not sensitive. As previously identified on the other three corners of Peel and Little Oxford Streets is a place of assembly, a commercial premises situated within a park and the Lazer Pig restaurant. This combined with the 'as-of-right' use of the food and drink premises (café and tavern) within the zone, lends further support to the establishment of the proposal in this location.

79. The entrance to the premises will continue to be from the corner of Peel and Little Oxford Streets. With regard to the maximum number of patrons, fifteen, it is considered that management of potential amenity impacts such as ingress by queuing, egress of those who have consumed alcohol and anti-social behaviour would be minimal, and achievable.

80. The proposed use is not out of keeping with surrounding uses in the area. It is acknowledged that there is a strong presence of late night premises within the immediate surrounds, including the Lazer Pig restaurant to the east and to the north-west of the site is the Grace Darling Hotel. Both uses operate until 1am over the weekend period. The Peel Hotel located at the eastern end of Peel Street is licensed to operate at all hours.

81. The public realm in this part of Peel Street has been designed for a higher level of public use in both the commercially zoned and mixed use zoned land toward the Smith Street end. Wider footpaths to allow for outdoor seating, street lighting, street furniture and a public toilet are all within 50 metres of the premises. Additionally, a park is located diagonally across the road.

82. The aim of the proposal is for the café use to turn into to a bar/tavern use in the evening, to have an intimate space serving a small range of high quality alcoholic drinks, including craft beer, whisky & coffee based cocktails.

83. It is considered that the tenancy, whilst not located on Smith Street but within proximity to it, lends itself to this type of use with later closing hours. Smaller tenancies such as this which allow for a small and intimate bar/tavern are not common along Smith Street. They also typically have fewer adverse amenity impacts.

84. The uses located in the surrounding MUZ do not contribute to a highly intact residential area as previously outlined in the site surrounds section. It is also worth noting that due to the Commercial 1 Zoning of the property there are a number of uses that could located in the premises and not require planning approval or restrictions on operating hours, such as a restaurant or place of assembly use.

85. Given the small size of the premises, minimal patrons and the type of venue proposed, it is highly unlikely that patrons will be required to queue for entry. The distance of the venue's entrance from the residential dwellings (23 metres to the residence at No. 6 Peel Street and 25 metres to those to the east of the Lazer Pig restaurant) will limit any impacts, such as noise and anti-social behaviour.

86. It is noted that No. 1 Peel Street and the dwellings within the larger site of No. 5-7 Peel Street are within a closer range of the café/tavern. Built in a Commercial 1 Zone, these dwellings have been built and designed with the zoning in mind, limiting the interface the dwellings have with the purpose built commercial buildings.

87. Council's Social Planning Unit have reviewed the proposal and raised no issues with the location of the subject site in regards to the surrounding Mixed Use context.

88. It is considered that the sale and consumption of liquor associated with the café/tavern is appropriate, based on the factors outlined above.

Clause 22.09-3.3 – Patron Numbers

89. A maximum of 15 patrons is proposed. A Patron Capacity Report was submitted, with this report confirming that the floor area of the premises and the facilities provided are sufficient to cater for the number of patrons proposed.

90. Council's Community Amenity Unit raised no concern with the proposed liquor licence due to the low patron numbers and use of background music only. It is noted that a café operates out of the premises at present and no complaints have been received to date.

91. Council's Social Planning Unit commented that given the proposal would only provide for 15 patrons, the risk of onsite or offsite amenity impacts and negative cumulative impacts on the area are significantly reduced.

92. The Social Planning Unit recommended that the applicant consider providing food during the proposed licensed hours. The applicant has confirmed that while no kitchen is located on site, a food offering will be available. This will most likely be small platter style dishes such as cheese and meat platters.

93. Given the maximum number of patrons is limited in nature it is considered that the number of patrons will be manageable on site and not adversely affect the amenity of the surrounding area.

Clause 22.09-3.4 – Noise

94. Council's Social Planning Unit raised concerns with an on-premises licence type which allows the venue to play recorded music or have live music at levels higher than background level outside of ordinary trading hours, due to the interface of the site with the Mixed Use Zone.

95. It is noted the applicant's proposed to have music at background level only, this can form a condition of permit to remove any ambiguity from the type and level of music allowed on site.

96. No acoustic report was required as part of the application and is not considered necessary given background and non-amplified music is proposed, the venue is fully enclosed without any outdoor seating or smoking areas. There are no direct residential abuttals as retail uses separate the café/tavern from nearby residences.

97. As required by Clause 34.01-2 (Use of land) of the Commercial 1 Zone the following condition can be included on any permit issued:

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.

98. This condition is a mechanism to ensure the ongoing amenity of the surrounding area is protected. If verified amenity issues around noise occur then corrective works can be required by the responsible authority to ensure they are resolved and amenity restored.

99. It can also form conditions of permit that the use complies with the requirements of the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2) and State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

100. With the above conditions in mind it is considered that the sale and consumption of liquor associated with the café/tavern provides an adequate response to the surrounding amenity within the expectations for a Commercial 1 Zone and MUZ, in both an Activity Centre and interface zone.

Clause 22.09-3.5 – Car Parking

101. Car parking will be discussed in the car parking assessment under clause 52.06 of the Scheme.

Clause 22.09-3.6 – Noise and Amenity Action Plan

102. Clause 22.09-3.6 notes that all licenced premises should comply with a detailed NAAP; accordingly one was submitted as part of this application and contains details outlining procedures to be followed in the daily operation of the premises.

103. The NAAP provides further details regarding responsible serving of alcohol within the premises, security arrangements, waste collection and complaint procedures. The NAAP can be endorsed as part of any permit issued and adherence with the plan will be required at all times.

104. The submitted NAAP identifies that the primary entrance to the venue will continue to be from the door on the corner of Peel and Little Oxford Streets, facing north east and that staff will encourage patrons to respect the amenity of the area when leaving. Further to this point it can form a condition of permit that a sign be erected at the exit of the venue to advise patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

105. The NAAP identifies that deliveries will occur during business hours and on weekdays, similar to existing conditions concerning the café. Waste will be removed by a private contractor, and stored in the car parking area in accordance with current arrangements. Standard conditions regarding the hours for waste collection and deliveries can be included to ensure the operation of the site aligns with Council's General Local Law.

106. A person in management will always be on the premises to respond to any complaints received. Access to the premises during operating hours to any member of Victoria Police or an Authorised Officer of the Responsible Authority or an officer of Liquor Licensing Victoria, to carry out investigations, will be permitted.

107. The proposal also responds to the policy contained within the proposed amendment to clause 22.09. Whilst not proposing a capacity of more than 200 persons, the use is appropriately located within pedestrian access from Smith Street. The site, abutting the mixed use zone, is appropriately located opposite commercial uses within this zone to buffer potential amenity impacts.

108. Council's Social Planning Unit and Community Amenity Unit did not raise concerns with the location of the licensed café and tavern in regards to the Mixed Use surrounds.

109. Based on the measures provided, it is not anticipated that the proposed venue will result in unreasonable detriment to the amenity of nearby residential properties (existing and future) and the objectives of Clause 22.05 – Interface Uses Policy are met.

Cumulative impact

110. An assessment criteria contained at clause 52.27 not covered above is the cumulative impact of existing licensed premises and the proposed licensed premises on the amenity of the surrounding area. It is acknowledged that the mix of licensed premises in an area can influence potential cumulative impacts.

111. These cumulative impacts can be both positive and negative. For instance, areas with a range of licensed venues (small bars, large hotels, and restaurants) can create vibrant commercial areas with fewer impacts, whereas areas with many large scale bars and nightclubs within proximity of each other could potentially result in more negative impacts to the immediate neighbourhood accumulatively.

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

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

Type of Premise	**Risk Factor**
Café / Restaurant	0
Bar / Restaurant / Café	1
Bar	3
Hotel / Tavern	3
Night Club	3
Place of Assembly	2
Size of Premise	**Risk Factor**
0 – 49 patrons	0
50 – 99 patrons	1
100 – 199 patrons	2
200+	3
Closing hours	**Risk factor**
11pm	0
12am	1
1am	2
2am	3
3am	3
After 3am	4

114. Applying the matrix of risk, a reasonable consideration would suggest a score of 1-3 would be no risk, higher than 3 would be a potential risk. In this instance the venue achieves a maximum score of 5 (with a score of 3 on Sundays to Wednesdays), thus would be a venue of potential risk Thursday to Saturday and as such, a cumulative impact assessment is warranted.

115. Practice Note 61 – Licensed premises: Assessing cumulative impact was released by the former Department of Planning and Community Development (DPCD) in March 2011, and provides a framework for assessing cumulative impact. The Practice Note outlines the following matters to be considered when assessing the cumulative impact of licensed premises:
    (a) Planning policy context
    (b) Surrounding land use mix and amenity
    (c) The mix of licensed premises
    (d) Transport and dispersal
    (e) Impact mitigation

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

The mix of licensed premises

117. When assessing the mix of licensed premises Practice Note 61 provides some guidance as to what is to be achieved. The practice note states that *the mix of licenced premises in an area can influence potential cumulative impacts. For example, an area with a mix of restaurants, cinemas and small bars may have fewer impacts than an area with primarily large bars and nightclubs.*

118. A survey of licenced premises within a 500m radius of the subject site revealed that there were 108 licenced premises. Of these, 55 are licensed to operate past 11pm (typically on the weekend), and would therefore be considered to have potential for causing negative impacts.

119. Further analysis determined that out of these 55 licenced premises, only six provide a space for fewer than 49 patrons (a low risk category). These six licensed premises are all associated with an existing restaurant use with the exception of Bill's Bar, located at 106 Smith Street, Collingwood (19 patrons).

120. The introduction of a smaller scale licensed café and bar/tavern use within an area where large venues with a capacity of over 100 patrons dominates after 11pm will offer variation in night time venues. This is considered to be a positive cumulative impact, where small groups or couples can congregate at a smaller venue away from the larger busy venues.

121. The option to disperse to a larger venue with later closing hours is then available to users of the bar/tavern. These venues are located predominately in Smith Street with two in Wellington Street (The Peel Hotel and Wet on Wellington) and one in Gipps Street (Le Bon Ton).

122. As previously identified Council's Social Planning Unit have commented that due to the proposal being for only fifteen patrons, this would significantly reduce the risk of having a negative cumulative impact on the area.

123. Council's Community Amenity Unit supported this view, raising no issue with an additional licensed premises in the area with regard to the number of patrons proposed.

124. For the above reasons it is considered that the proposal will not detrimentally contribute to a cumulative impact as a result of the liquor licence.

Transport and dispersal

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

126. As previously outlined, the licensed premises which operate beyond 1am are predominately located along the Smith Street spine. This ensures that if any movement between nearby licensed venues occurs, it is unlikely that patrons will need to walk through residential areas. Peel Street will be the main thoroughfare for patron movements and dispersals, to either other venues or to public transport/taxis/ride share along Smith Street. While pedestrian movements will occur past dwelling uses along Peel Street, as previously identified in the site surrounds section, these dwellings are located in an Activity Centre with Commercial 1 Zoning.

127. It is noted that the Lazer Pig restaurant opposite the subject site to the east also concludes it's liquor licence at 1AM Friday and Saturday, and midnight on Thursdays. It is considered that due to the limited number of fifteen patrons proposed at the subject premises the similar closing times aligning will not cause adverse amenity impacts and will integrate well with closing times expected of venues in the Activity Centre and in proximity to residences.

In addition, the dispersal of patrons from the venue is likely to be staggered, with patrons coming and going at various times throughout the day, evening and night.

128. Given there is only one main entry/exit for patrons from the venue onto Peel Street, people are likely to disperse toward Smith Street to access public transport and taxis or other licensed venues within the area. There is no need for patrons to pass through the commercial and mixed use area to the north and south, or to the mixed use area to the east, in order to access these services.

129. Based on the location of the subject site within an activity centre, the relatively low level of this type of small scale licensed café and bar/tavern within proximity, the nature of the venue and the likely dispersal routes to be used, it is not considered that the new establishment will create unreasonable additional impacts within the surrounding area.

Impact mitigation

130. To ensure a venue is managed appropriately, Council's local policy at clause 22.09 requires submission of a NAAP which outlines management procedures aimed at ensuring good patron management. The NAAP has been discussed earlier within this assessment. This document outlines the specific management procedures to be followed at all times, and includes details relating to staffing, responsible service of alcohol and complaint management procedures.

131. The NAAP is considered to be satisfactory in mitigating negative cumulative impacts associated with the venue. To ensure the venue is managed in accordance with these specifications, the NAAP can be endorsed by way of planning permit condition, on any permit issued.

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

<u>Car parking and traffic</u>

133. The use of the site as a food and drinks premises (café during the day, tavern during the evening) generates varying statutory car parking requirements. For the café, 3 car parking spaces are required to be provided, for a tavern this is increased to 6. The higher and more restrictive rate, associated with the tavern, has been adopted in the assessment of this application. With 1 on site car parking space provided, a reduction of 5 spaces is therefore required.

134. In assessing a car parking reduction, the Responsible Authority must have regard to a number of factors outlined at clause 52.06-7 of the Scheme. These relate to the associated car parking demand that the use may generate and the likelihood of multi-purpose trips within the locality which may incorporate the proposed use and the availability and proximity of alternative transport options. These are discussed throughout the assessment below.

Car parking demand and availability and the likelihood of multi-purpose trips within the locality which may incorporate the proposed use

135. During the day, the venue will operate as per the existing conditions as a café for 15 patrons. Whilst planning approval for the car parking reduction of two spaces associated with the café has not been sought, it is understood the café has been in operation for some time, thus there will no discernible change in car parking demand.

136. The site is located in an existing heritage building and cannot reasonably provide additional on-site car parking. Any other use occupying the premises will have the same issue and it is considered the one car parking space allotted to the premises is typical of a commercial precinct.

137. With regard to parking availability in the evenings when the site will be used for a bar/tavern, Council's Engineering Services Unit confirmed that it would be highly likely that the premises would attract visitors already in the area engaged in other activities and business. Smith Street is an established Activity Centre where a range of restaurants, bars, taverns and other entertainment venues operate.

138. The premises is relatively small and is not likely to be a key trip generator, gaining patrons through walk-up trade who are already within the Activity Centre or from the surrounding residential areas.

139. This increases the likelihood of multi-purpose trips within the locality during these periods, and thereby reduces car parking demand within the surrounding streets for the sole purpose of trips to the subject site.

140. The Engineering Unit also confirmed that based on empirical data collected over time in the area, typically licensed taverns would generate a demand for 0.10 to 0.20 spaces per patron. If the conservative rate of 0.20 spaces per patron is adopted, an empirical rate of three spaces would be generated, less the one on site car parking space provided, the use would generate the need for two spaces.

141. The streets surrounding the site contain time restricted parking controls which ensure that parking turns over frequently. It is considered that patrons choosing to drive to the site should be able to find a short-term on-street space in the surrounding street network.

142. Recent car parking surveys in the immediate surrounds (400 metre radius of the site) on a Saturday evening in April (between 7pm and 10pm) was undertaken for the premises at 9-11 Peel Street. This survey revealed that out of an inventory of 573 spaces, 79 to 191 vacant spaces were available. This data demonstrates that there is adequate short stay car parking available within the immediate vicinity to absorb the reduction of car parking sought.

143. Given that the site is located in an area with a clear presence of retail trade, it is considered that the proposal will not result in an adverse effect on existing on-street parking conditions in the area. It is typical of such small scale, local uses to not provide dedicated on-site parking.

144. Based on these figures, it is considered that the increased parking demand would not have an adverse impact on parking conditions within the surrounding area. Furthermore, objective 32 of clause 21.06-3 aims to reduce reliance on the private motor vehicle. The proposed use is considered to support this strategy by not providing the required number of car parking spaces on site and locating the venue in an area that will attract existing employees and visitors and is close to public transport, thereby limiting pressure on existing parking resources.

The availability and proximity of alternative transport options

145. The area is well served by public transport, having excellent access to the Principal Public Transport Network (PPTN) through the tram and bus network, as well as the Collingwood Train Station, 1 kilometre or a 12 minute walk, to the east.

146. In proximity to the subject site is various bus services along Johnston Street and Victoria Parade, a 750/9 minute or 500m/7 minute walk respectively. Within a 500 metre radius there are several tram routes that provide connections to the city, northern suburbs, south eastern suburbs and eastern suburbs.

The closest tram stop to the site is only 60 metres away on the Corner of Smith and Peel Street which provides access to the city, and other tram and bus routes.

147. As previously outlined empirical data demonstrates that a tavern/licenced cafe use does not generate the requirement for a lot of car parking due to the nature of the use, where alcohol will be consumed. Alternative transport options are an attractive alternative due to drink driving laws enforced by Victoria Police.

148. Given the site's location within an Activity Centre it is also considered that taxis and Uber services would be readily available in the area. A dedicated Taxi Zone is located within walking distance from the site, 100 metres, on Smith Street in front of No. 126 Smith Street.

149. The proposed use is not required to provide bicycle parking in accordance with the Scheme. It is noted that one space is proposed to be provided on site, presumably for use by the staff as it will be located within a private car parking area. There are bicycle hoops located at the Corner of Peel and Smith Streets and a high level of bicycle infrastructure provided in the area (such as bicycle lanes, etc.)

150. Given the location of the subject site, alternative transport options are an attractive means of transport.

Objector Concerns

Anti-social behaviour (Drinking on footpath/park, noise and obstructing footpath);

151. The issue of anti-social behaviour has been discussed in paragraphs 89 to 100, 102 to 109 and 132 of this report.

Accumulation of Liquor Licences in area;

152. Accumulative impacts have been discussed in paragraphs 110 to 132 of this report.

Traffic and parking.

153. Car parking and traffic has been addressed and discussed within paragraphs 133 and 150 of this report.

Conclusion

154. 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 a Notice of Decision to Grant Planning Permit PLN17/0188 be issued for sale and consumption of liquor (on premises licence), and a reduction of the statutory car parking requirement associated with a café and tavern (no permit required for uses) at 7 Peel Street, Collingwood, in accordance with the decision plans and subject to the following conditions:

1. 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.

2. No more than 15 patrons are permitted on the land at any time liquor is being sold or consumed.

3. 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 to Wednesday– 11am to 11pm; and
   (b) Thursday to Saturday – 11am to 1am (the following day).

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

5. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

6. 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.

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

8. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

9. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level only.

10. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.

11. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.

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

13. 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.

14. The car parking space and bicycle rack as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

15. This permit will expire if the sale and consumption of liquor is not commenced within two years from the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

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

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

CONTACT OFFICER: **Michelle King**
TITLE: **Senior Statutory Planner**
TEL: **9205 5333**

Attachments

1 PLN17/0188 - 7 Peel Street, Collingwood - Site plan
2 PLN17/0188 - 7 Peel Street Collingwood - Engineering comments
3 PLN17/0188 - 7 Peel Street Collingwood - Community Amenity Unit referral
4 PLN17/0188 - 7 Peel Street Collingwood - Social Planning Comments
5 PLN17/0188 - 7 Peel Street Collingwood - Noise and Amenity Action Plan
6 PLN17/0188 - 7 Peel Street, Collingwood - Plans

Attachment 1 - PLN17/0188 - 7 Peel Street, Collingwood - Site plan

ATTACHMENT 1

SUBJECT LAND: 7 Peel Street, Collingwood





North

Subject Site

Attachment 2 - PLN17/0188 - 7 Peel Street Collingwood - Engineering comments

CITY OF YaRRA

MEMO

To:	**Michelle King**	
From:	**Artemis Bacani**	
Date:	**24 July 2017**	
Subject:	**Application No:**	**PLN17/0188**
	Description:	**Tavern - Reduction in the Car Parking Requirement**
	Site Address:	**7 Peel Street, Collingwood**

I refer to the above application received on 24 July 2017 in relation to the proposed development at 7 Peel Street, Collingwood. Council's Engineering Services unit provides the following information:

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Tavern	15	0.4 spaces to each patron permitted	6	1

A reduction of five spaces in the car parking requirement is sought.

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

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

- *Parking Demand Associated with the Tavern*.
  In a previous Town Planning application for 95-105 Victoria Street & 277 Brunswick Street (PLN15/0712), TTM Consulting had undertaken a number of travel mode surveys of licensed venues, including the Corner Hotel in Richmond. The proportion of patrons surveyed where travel to a venue as a driver ranged from 11% to 20%. These figures are fairly consistent with other travel mode surveys we have reviewed in the past for tavern/licensed venue applications. By comparison, an empirical case study conducted by another consultant for The Precinct Hotel in Richmond had a parking generation in the order of 0.16 spaces per patron or 16% of patrons arrived to the venue as a driver. It is agreed that typically taverns and licensed venues would generate 0.10 to 0.20 spaces per patron. Adopting the more conservative rate of 0.20 spaces per patron for the proposed tavern would equate to three spaces (on the assumption that the venue was operating at full capacity of 15 patrons).

  The streets surrounding the site are covered with time based parking restrictions (1/4P, 1P, 2P, and 2P (Paid)).

Attachment 2 - PLN17/0188 - 7 Peel Street Collingwood - Engineering comments

Given the area's coverage of short-stay parking spaces, patrons who choose to drive to the site should be able to find an on-street parking space in the surrounding streets.

In addition, some businesses in the area are unlikely to be operating after 5pm. This would free-up some of the on-street spaces in the area and allow customers and patrons to find an on-street parking space near the site.

- *Multi-purpose Trips to the Area*.
  The tavern is positioned near the Smith Street and Gertrude Street Activity Centres. It is highly likely that patrons to the tavern would already have parked in the area and be engaged in other activities or business.

- *Availability of Public Transport in the Locality of the Land*.
  The site is within walking distance of tram services operating along Gertrude Street-Smith Street and Victoria Parade. Bus services obtained from Victoria Parade are within walking distance of the site.

- *Convenience of Pedestrian and Cyclist Access*.
  The catchment area surrounding the site includes residential properties and local businesses that would provide a source of local patrons. The site has excellent exposure to high pedestrian numbers and much of the tavern's source of patrons would be pedestrians. The site also has good connectivity to the on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- *Availability of Car Parking*.
  In a previous application for 9-11 Peel Street (PLN10/1003.01), Apex Engineers had carried out on-street parking surveys of all public parking within a 400 metre radius of the site on Saturday 8 April 2017 between 7pm and 10pm.

  An inventory of 573 spaces was identified. The availability of parking ranged from 79 to 191 vacant spaces.

  In summary, the short-stay parking from the subject site could be accommodated on-street.

- *Practicality of Providing Car Parking on the Site*.
  The footprint of the site cannot practically accommodate on-site car parking. Generally, patrons to shop-front type businesses would be inclined to park on-street or somewhere off-site.

- *Other Relevant Considerations*
  The stringent enforcement of drink-driving laws would be a disincentive for patrons to drive to the tavern, particularly if they intend to consume alcohol. Patrons would be inclined to travel to and from the site by public transport, taxis and private driver services.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of five car spaces associated with the tavern is considered appropriate in the context of the site and the surrounding area. The operation of this tavern would not be dissimilar to that of several small scale shop-front businesses that are already operating (and without on-site car parking).

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

Attachment 2 - PLN17/0188 - 7 Peel Street Collingwood - Engineering comments

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 3 - PLN17/0188 - 7 Peel Street Collingwood - Community Amenity Unit referral

TO:	**Michelle King**
cc:	
FROM:	**Steve Alexander**
DATE:	**22/06/2017**
APPLICATION:	**PLN17/0188**
SUBJECT:	**Amenity Enforcement Referral – 7 Peel St Collingwood VIC 3066**

Dear Michelle,

Thank you for your referral PLN17/0188 dated 21 June 2017. This has been referred to me for consideration and reply.

Planning Enforcement has not received any complaints in relation to the above mentioned address.

Given the patron numbers being 15 and that only low level background music will be played, the Compliance branch does not have any concern with the proposed sale and consumption of liquor between Sunday to Wednesday 11am to 11pm and Thursday to Saturday 11am to 1am.

Should you wish to discuss the application further, please feel free to contact me on 9205-5166.

Regards,

Steve Alexander
Acting Manager - Compliance

Attachment 4 - PLN17/0188 - 7 Peel Street Collingwood - Social Planning Comments

CITY OF YaRRA

MeMO

TO:	Michelle King, Senior Statutory Planner
FROM:	Erika Russell, Senior Planner (Community Health and Safety)
DATE:	31 July 2017
ADDRESS:	7 Peel Street, Collingwood
APPLICATION NO:	PLN17/0188
DESCRIPTION:	SALE AND CONSUMPTION OF LIQUOR (ON PREMISES LICENCE) (SUNDAY-WEDNESDAY 11AM-11PM, THURSDAY-SATURDAY 11AM-1AM, 15 PATRONS), AND A REDUCTION IN THE STATUTORY CAR PARKING REQUIREMENT ASSOCIATED WITH A TAVERN (NO PERMIT REQUIRED FOR USE)

Social Policy and Research has been requested to make comments on the proposal. In particular comments have been sought on:

- The proposed sale and consumption of alcohol (on site) associated with a 'tavern' use.
- Operating hours until 1am Thursday-Saturday with a maximum of 15 patrons.
- Any foreseeable negative cumulative impacts as a result of this liquor licence.

PROPOSAL

Key aspects of the site and proposal include:

- The site is located within a Commercial 1 Zone and is surrounded by a mix of residential and commercial uses. The site is immediately adjacent to the Mixed Use Zone and a licensed venue which currently operates as a restaurant at ground floor with a maximum of 90 patrons with use hours of Sunday - Wednesday 8am to 11pm, Thursday 8am to midnight, Friday and Saturday 8am to 1am. There is a current planning application to increase the number of patrons permitted. There are several other licenced premises within close proximity of the site.
- An on premises licence is proposed with hours of up to 1am Thursday-Saturday with a maximum of 15 patrons. It is noted that food is prepared off site and that there are a small number of seats shown on the floor plan.

COMMENTS / RECOMMENDATIONS

- The site is located within close proximity to the Smith Street Activity Centre.
- An on-premises licence type is a higher risk licence type compared to a restaurant and café licence type which has a specific seating ratio requirement (75% of maximum patrons) and also a condition that the predominant activity carried out on the premises must be the

preparation and serving of meals to be consumed on the licensed premises. Venues that serve meals are shown to be less at risk of excessive alcohol consumption.

- The application states that the aim is to have an intimate space serving a small range of high quality alcoholic drinks such as craft beer, whisky & coffee based cocktails. The applicant should also consider providing food for the proposed licensed hours.
- Only 15 patrons are proposed, and this significantly reduces the risk of the proposal having any onsite or offsite amenity impacts, or having a negative cumulative impact on the area.
- Of note, an on-premises licence type allows the venue to play recorded music or have live music at levels higher than background level outside of ordinary trading hours (this is not permitted under a Restaurant and café licence). Giving the interface of the site, careful consideration should be given to music related amenity impacts and conditions to reduce such impacts.

Attachment 5 - PLN17/0188 - 7 Peel Street Collingwood - Noise and Amenity Action Plan

NOISE & AMENITY ACTION PLAN

Preamble

This Noise & Amenity Action Plan (NAAP) has been prepared in conjunction with a planning application for a licensed premises.

This report is prepared in accordance with Clause 22.09 Licensed Premises contained in the Yarra Planning Scheme.

Existing Licensed Premises in the Locality

Plug Nickel is located at 7 Peel St, Collingwood, approximately 100 m from the busy Smith Street entertainment precinct where there are numerous licensed premises. the closest being the Grace Darling Hotel situated on the corner of Smith St & Peel St.

Directly opposite Plug Nickel is Laser Pig Bar & Restaurant.

The Peel Hotel is located at the intersection of Peel St & Wellington St.

Venue Operations & Management Procedures

The operators of this premises are experienced within the hospitality industry & have 4 other venues within the City of Yarra. The operators have a long history of responsible venue management & fully understand the importance of minimising any impacts on the amenity of the nearby residential & commercial areas.

Identified Potential Noise Sources

- Patron noise
- Music
- Deliveries
- Rubbish Collection

Measures

Patron noise - Patrons will enter & exit the venue via the front of the premises on Peel St only & will not impact on the amenity of the area. Staff will always encourage patrons to respect the amenity of the area when exiting. The maximum patronage is only 15 persons which will not impact on an already vibrant entertainment area.

Music - Music will only be played an low level background level & will not impact in any way on the amenity of the area

Deliveries

All deliveries will occur during during business hours & on weekdays. This is already occurring with the cafe & their have not been any issues.

Rubbish

Waste removal is already managed by a private waste collection company. The bins are located in the internal carpark area. Any waste generated at night, in particular bottles, will be stored inside in bags until the following day when they would placed in the bins so not to disturb neighbours.

Attachment 5 - PLN17/0188 - 7 Peel Street Collingwood - Noise and Amenity Action Plan

Complaint Management

The Manager or an Assistant Manager will always be on site & will respond to any complaints received.

Entry to the premises will be made freely available during all operating hours, to a member of the Victoria Police, an Authorised Officer of the Responsible Authority or an officer of Liquor Licensing Victoria, to carry out any investigation associated with the sale or consumption of alcohol on site.

The Managers will be responsible for ensuring that to the best of their ability that there is no disturbance occurs or emanates from the land which would be likely to cause a nuisance to adjoining occupiers or cause detriment to the amenity of the neighbourhood.

Staffing

- The maximum staffing level for this premises is 3 persons during any shift. All staff would be involved in standard food & beverage service & cleaning.
- All staff will have a current responsible serving of alcohol certificate & will receive regular training in this area.
- There will not be DJ's or Crowd Controllers

Hours of Operation

Sunday to Wednesday 11am to 11pm
Thursday to Saturday 11am to 1 am

Lighting

- There is no exterior lighting apart from the approved lightbox signage. There are no security lights & only low level mood lighting inside.

Implementation & Monitoring

The Noise & Amenity Action Plan will come into effect upon the commencement of use of the venue under the issue of a Planning Permit & the endorsement of all necessary plans & documents required by the Planning Permit to the satisfaction of the Responsible Authority.

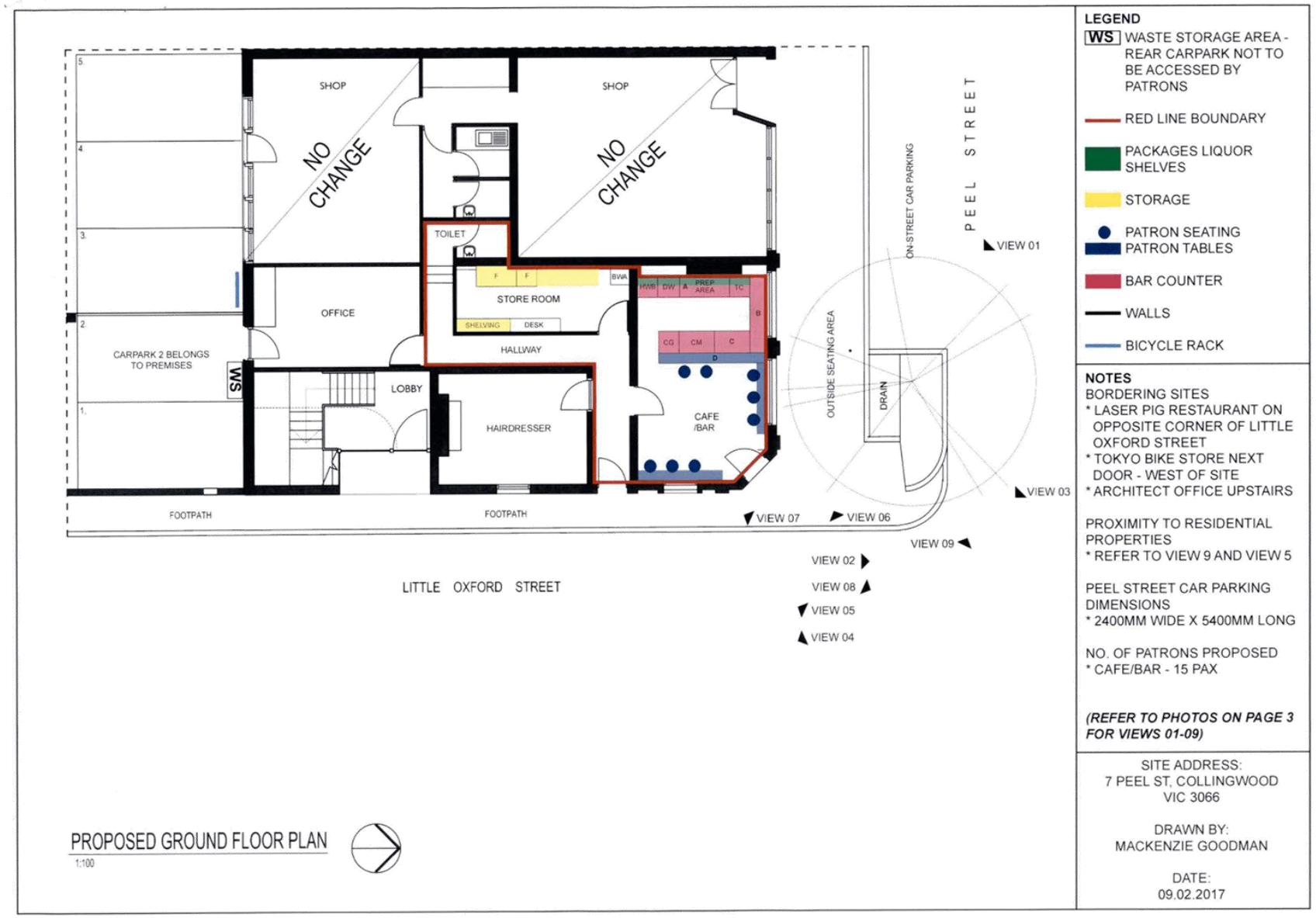
The information set out in this document compliments, & does not seek to alter existing or future conditions or any requirements set out in individual planning permits relating to the subject site. This document is to be read as subordinate to any planning permits and/or conditions affecting the site.

The Noise & Amenity Action Plan can be amended as necessary, subject to the satisfaction of the Responsible Authority, to ensure that off site amenity implications in relation to noise & amenity at the venue are addressed in terms of its ongoing operation

Attachment 6 - PLN17/0188 - 7 Peel Street, Collingwood - Plans



Attachment 6 - PLN17/0188 - 7 Peel Street, Collingwood - Plans



1.5 Rear 26 - 56 Queens Parade, Fitzroy North - PLN16/0732 - Development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site (being the larger Queens Parade site).

Executive Summary

Purpose

1. This report provides an assessment of the above planning application, which seeks the development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site (being the larger Queens Parade site).

2. More specifically, to consider the substituted plans from the applicant in light of the recent approval of Design and Development Overlay – Schedule 16 and to formalise Council's position on these plans prior to the commencement of the forthcoming VCAT hearing scheduled to commence on 4 September 2017.

Key Planning Considerations

3. Key planning considerations include:
   (a) Clause 32.04 – Mixed Use Zone
   (b) Clause 43.01 – Heritage Overlay
   (c) Clause 45.03 – Environmental Audit Overlay
   (d) Clause 43.02 – Design and Development Overlay – Schedule 16
   (e) Clause 52.06 – Car parking
   (f) Clause 52.34 – Bicycle facilities
   (g) Clause 55 – Two or more dwellings on a lot and residential buildings
   (h) Clause 15.01-1 – Urban Design
   (i) Clause 15.01-2 – Urban design principles
   (j) Clause 15.01-4 – Design for safety
   (k) Clause 15.01-5 – Cultural identity and neighbourhood character
   (l) Clause 15.02-1 – Energy and resource efficiency
   (m) Clause 15.03-1 – Heritage conservation
   (n) Clause 16.01-1 – Integrated housing
   (o) Clause 18.02-1 – Sustainable personal transport
   (p) Clause 18.02-5 – Car parking
   (q) Clause 21.05-1 – Heritage
   (r) Clause 21.05-2 – Urban design
   (s) Clause 21.05-4 – Public environment
   (t) Clause 21.06 – Transport
   (u) Clause 21.08-8 – North Fitzroy
   (v) Clause 22.02 – Development guidelines for sites subject to the heritage overlay
   (w) Clause 22.07 – Development abutting laneways
   (x) Clause 22.16 – Stormwater management (water sensitive urban design)
   (y) Clause 22.17 – Environmentally sustainable development

Key Planning Issues

4. The key issues for Council in considering the proposal relate to:
   (a) strategic policy;
   (b) heritage;
   (c) ResCode (clause 55), incorporating clauses 22.05, 22.16 and 22.17;
   (d) traffic and car parking;
   (e) bicycle parking;

(f) waste management;
(g) Objector concerns; and
(h) compliance with proposed DDO.

Objector Concerns

5. A total of 24 objections were received on the following grounds:
   (a) neighbourhood character and impact on heritage;
   (b) excessive height and overdevelopment;
   (c) off-site amenity (visual bulk, overshadowing, noise, overlooking, daylight and airflow);
   (d) poor ESD outcome;
   (e) shadowing of the laneway;
   (f) safety concerns (shared pedestrian/vehicular access along the lane, emergency vehicle access and impact on cyclists);
   (g) impacts during construction phase;
   (h) insufficient car parking;
   (i) unreasonable traffic impacts;
   (j) materials have not been specified; and
   (k) insufficient landscaping detail.

6. 9 objectors have lodged statements of grounds with VCAT and are parties to the VCAT proceedings.

Conclusion

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

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

1.5 Rear 26 - 56 Queens Parade, Fitzroy North - PLN16/0732 - Development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site (being the larger Queens Parade site).

Trim Record Number: D17/105278
Responsible Officer: Manager Statutory Planning

Proposal:	Development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site (being the larger Queens Parade site).
Existing use:	Vacant
Applicant:	Gurner 26-56 Queens Parade Pty Ltd
Zoning / Overlays:	Mixed Use Zone, Heritage Overlay (Schedule 327), Heritage Overlay, Design and Development Overlay (Schedule 16)
Date of Application:	27 July 2017
Application Number:	PLN16/0732

Background

1. On 25 January 2017, Council was informed that a Section 79 'failure to determine' appeal had been lodged with the Victorian Civil and Administrative Tribunal [**VCAT**].

2. On 3 February 2017, a practice day was held at VCAT to consider if this application should be heard at the same time as the Section 79 review for the main site (PLN16/0434). All parties consented and VCAT agreed to join both hearings (PLN16/0732 and PLN16/0434), with the hearing commencing on 3 April 2017 for 7 days. No compulsory conference was scheduled.

3. On 21 February 2017, the Applicant circulated substituted plans, deleting 1 level from the proposed townhouses, reducing the scale from 4 to 3 storeys, with associated internal re-configurations.

4. On 15 March 2017 at its Internal Development Approval's Committee [**IDAC**] meeting, IDAC determined that:

   …if it were in a position to determine the application, Council would issue a Refusal to Grant a Permit (PLN16/0732) for the development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site at Rear 26-52 Queens Parade, Fitzroy North on the following grounds:
   1. *The building height does not respect the character of the area.*
   2. *The site coverage, permeability and setbacks do not respect the existing or preferred neighbourhood character and does not respond to the features of the site.*
   3. *The proposal does not provide sufficient car parking.*
   4. *The proposal does not provide for pedestrian safety.*

5. On 28 March 2017, amendment C229 was gazetted, applying the Design and Development Overlay (Schedule 16) to the western end of Queens Parade (including the subject site). Parties called for a Practice day on 31 March 2017 and Deputy President Gibson agreed to vacate the hearing to allow the Permit Applicant to address the new controls applying to the site. The hearing is now scheduled to commence on 4 September 2017 for 10 days.

6. On 25 July 2017, Council received formally substituted VCAT plans from the Applicant. This report provides an assessment of these plans and makes a recommendation for Council's position at the upcoming VCAT hearing.

7. It is noted, that the substituted plans do not make any identifiable changes compared to the already considered set of plans. This report will therefore focus on the policy changes since the previous position was established at IDAC on 15 March 2017, being the introduction of the DDO16 and what effect this has to Council's assessment of the plans.

Planning History

8. The site was re-zoned from the Business 3 Zone to the Mixed Use Zone on 13 November 2003 following amendment C20 to the Yarra Planning Scheme. The amendment was a Section 96A amendment process, with a concurrent planning permit application (PL02/0239) for 26-56 Queens Parade. The re-zoning however, affected 8-72 Queens Parade and 460-500 Brunswick Street.

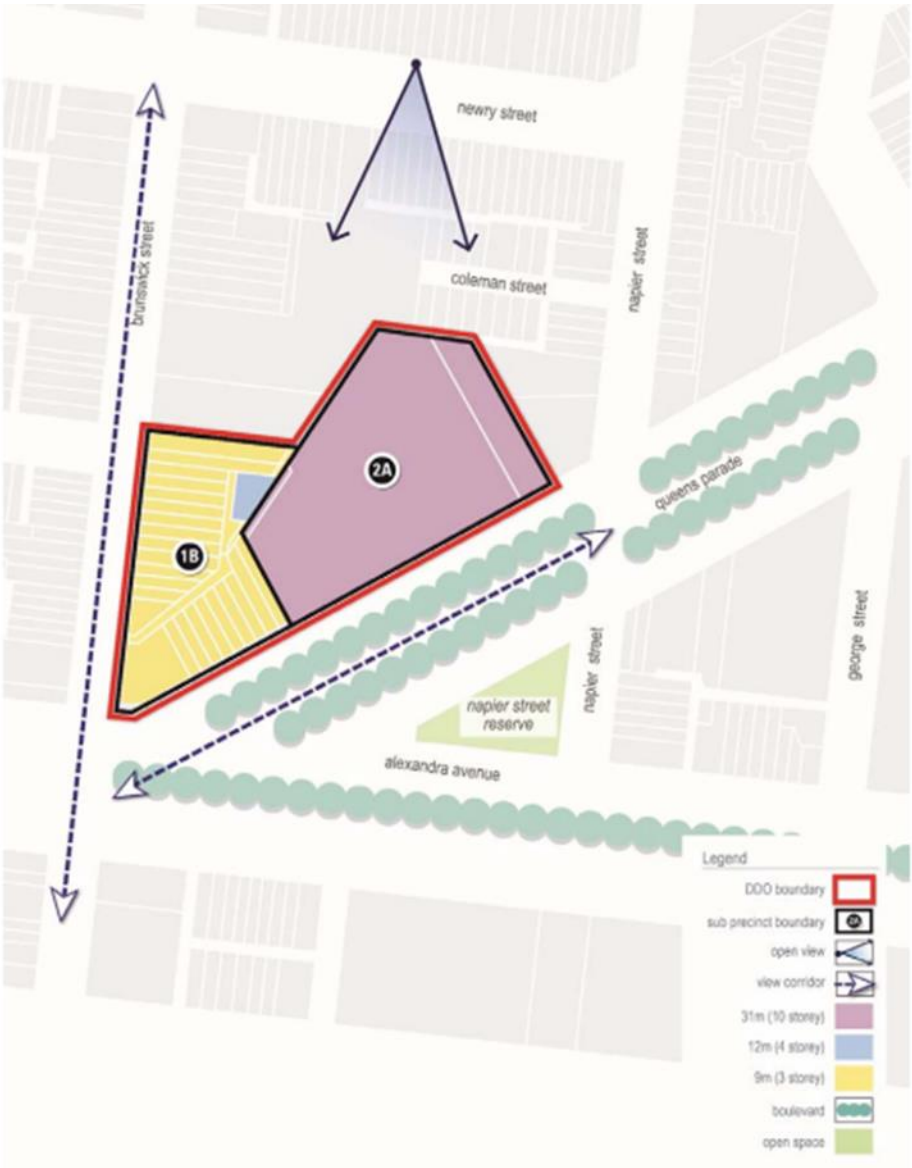
9. The panel report for the re-zoning of the land recommended that no development occur on the rear parcel (now subject to this application).

10. More recently, a special Council Meeting was held on 14 November 2016. Council discussed developments currently proposed along Queens Parade with Council resolving:

    1. That Council note:
    - *(a) several public meetings held regarding 26-56 Queens Parade, Fitzroy North including a public meeting conv ened by the community on 2 November 2016, attended by some 400 community members with resolutions from this meeting on 26-56 Queens Parade and other planning applications in the precinct including a request for an amendment to the planning scheme to create a Design and Development Overlay for the area of North Fitzroy and Clifton Hill (attached as Attachment One); and*
    - *(b) the current planning application for a high density residential development for 26-56 Queens Parade, Fitzroy North of up to 16 storeys and its recent referral by the applicant to the Victorian Civil and Administrative Tribunal (VCAT);*

    2. That Council seek a report to be presented to the 22 November 2016 Council meeting providing advice on:
    - *(a) the process of the above planning application and steps leading to a full hearing of this application before VCAT, scheduled in April 2017;*
    - *(b) the likely costs involved in advocacy for Council at VCAT;*
    - *(c) the request for a planning scheme amendment for the precinct, and site, and the basis and requirements for any such amendment;*
    - *(d) the steps, options and timing for such amendment; and*
    - *(e) any other pertinent aspects to inform Council on this matter.*

11. At a Council Meeting on 7 February 2017, Council considered officer's recommended draft DDO guidelines for the western section of Queens Parade. The proposed DDO controls were guided by the Queens Parade, Clifton Hill Built Form Review, dated February 2017 and prepared by Hansen Partnership. The DDO would affect the following area:



12. The Council officer recommendation was that the mandatory maximum overall building height for the main site at 26-56 Queens Parade not exceed 31m or 10 storeys and for the subject site (rear site), 12m or 4 storeys.

13. Along with a number of design and setback changes for the main site, Council resolved that the DDO should pursue mandatory maximum heights of 8 storeys for the main site and 2 storeys for the rear site (subject site).

14. Council resolved (in part) to:

(e) request that the Minister for Planning urgently introduce the draft interim Design and Development Overlay by way of a Ministerial Amendment under Section 20 (4) of the Planning and Environment Act 1987 to provide the required design guidance in the Yarra Planning Scheme for precinct at the western end of Queens Parade, including the site at 26-56 Queens Parade while a full Planning Scheme Amendment to introduce a permanent DDO for the same precinct and other parts of Queens Parade is advanced through the normal amendment process following completion of the Stage 3 work; and

15. On 28 March 2017, amendment C229 was gazetted, applying the Design and Development Overlay (Schedule 16) to the western end of Queens Parade (including the subject site). The approved heights as relevant to the subject site and its immediate surrounds can be generally described as 10 storeys on the main site and 3 storeys on the rear site.

Existing Conditions

Subject Site

16. Details of the subject site have not changed considerably since the previous IDAC report:

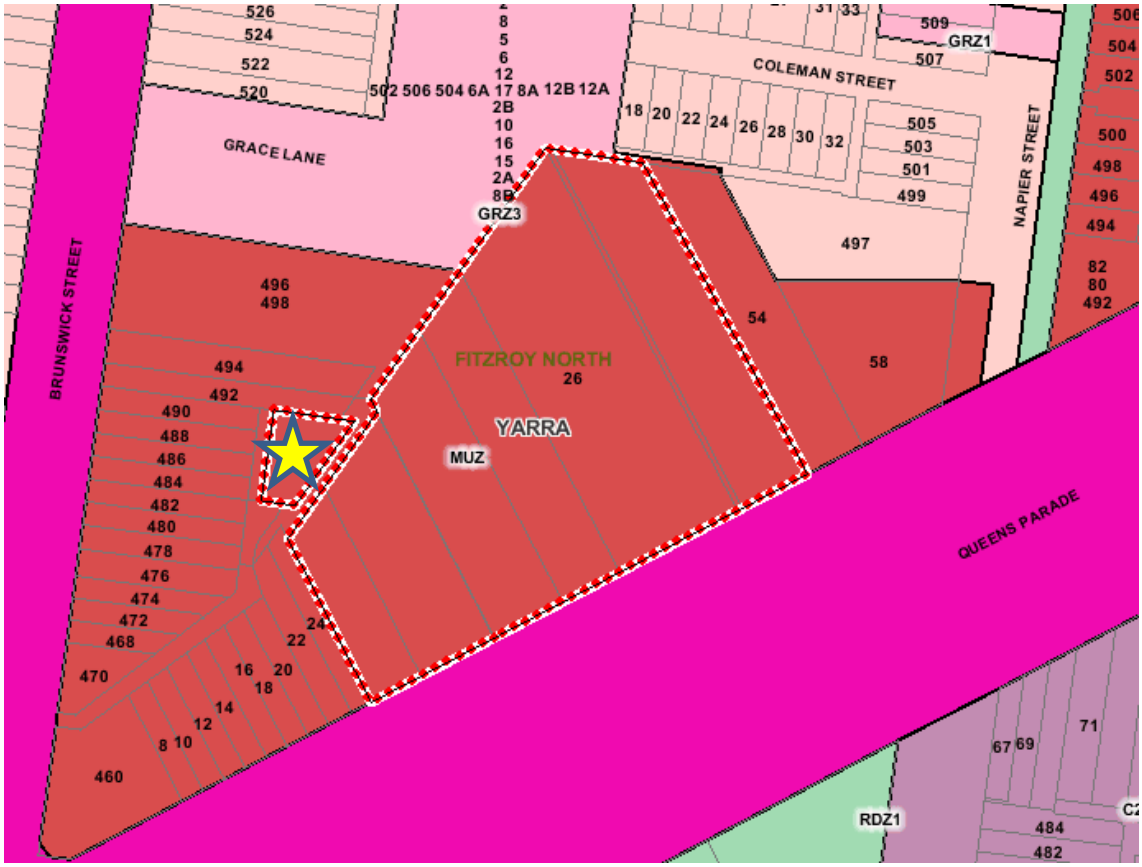
Subject Site

The subject site is located at the rear of 26-56 Queens Parade, an approximately 248m² irregular shaped lot accessed via a lane that extends from Brunswick Street to the west.

The site has a western boundary of 20.3m, a northern boundary of 17.8m, an eastern boundary of 22.8m and a southern boundary of 7.3m.

The site is current vacant and undeveloped.

The site is located within a Mixed Use Zone and is within walking distance of the Brunswick Street AC (149m).



Zoning map

Subject site

Restrictive Covenants

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

<u>Surrounding Land</u>

South

To the south of the subject site, across the laneway, is a 8,028m² site located on the north side of Queens Parade, approximately 78m east of Brunswick Street and 33m west of Napier Street. The shape is an unusually shaped lot, with 1 main road frontage and 2 separate laneway frontages.

The site has a frontage of 119m to Queens Parade, a western boundary length of 39.2m, a north-west boundary length of 33.6m, leading to an adjoining north-west boundary length of 65.8m. The north-east boundary length is 37.5m and the east boundary length is 65.8m. The site has an overall area of approximately 8,028m².

The site is developed with a series of buildings:

(a) Queens parade, western end – the most distinctive part of the site, being a row of 2 storey buildings with art deco style parapets. The façades have been painted pink with navy highlights. This row extends for a length of approximately 74m and extends the depth of the site, save for a triangular section in the northern end, generally behind the Grace Lane properties;

(b) Queens Parade, eastern end – a single storey warehouse style building, presenting a frontage of approximately 13.6m to Queens Parade and extending for the length of the eastern boundary (terminating at the laneway at the rear of the site;

Between both Queens Parade building segments is an open air carpark, presenting a frontage of approximately 31m to Queens Parade.

Council formed a position of refusal for a development of this site in December 2016. The applicant was seeking approval for the part demolition and development of the land for a maximum 16 storey building, plus 2 basement levels, accommodating 476 dwellings (no permit required for dwelling use), use of part of the land for food and drinks premises (cafés), use of part of the land (food and drink premises [cafés]) for the sale and consumption of liquor, reduction in the car parking requirements, waiver of the loading bay requirements and alteration of access to a Road Zone (PLN16/0434). The position of refusal is based on the following grounds:

(a) *The proposed height, scale and massing does not respond to the existing or preferred character of the area and will dominate the surrounding area.*
(b) *The proposal will result in an unacceptable on-site amenity impact including natural daylight and ventilation.*
(c) *The side setbacks and building will not achieve equitable development for adjoining and adjacent sites.*
(d) *The proposed waste management plan is inadequate for the site.*

Also to the south of the subject site, but further west of this larger site, is a row of 9, single and double storey Victorian era terraces. The 4 closest to the subject site are double storey. These properties all enjoy rear access to the lane, accessed via Brunswick Street. These dwellings include rear private open space areas, along with a first floor rear deck at the eastern end of the row.

Further west of these properties, at the corner of Queens Parade and Brunswick Street, is a 2 storey Victorian era building used as a medical centre. This medical centre includes car parking adjacent to the single storey Victorian era terraces on Queens Parade.

West

To the west of the subject site, across the laneway, is a row of primarily single storey dwellings fronting Brunswick Street. These properties also enjoy rear access and utilise the rear laneway which leads to Brunswick Street. These dwellings include rear private open space areas and habitable room windows.

North

To the north of the subject site is the side of a property fronting Brunswick Street to the west. This property presents a segment of private open space and a shed to the immediate north of the subject site.

Further north is another single storey dwelling with a rear private open space area.

Further north again is a recently constructed 6 storey apartment building that fronts Brunswick Street.

The site is well located in terms of bicycle access and public transport:

(a) *2 bus routes along Queens Parade; and*
(b) *2 tram routes along Brunswick Street.*

The Proposal

17. The application is for the development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site (being the larger Queens Parade site). More specifically:

Built form and massing

(a) construction of 4, 3 storey dwellings;
(b) ground level – the dwellings would be constructed to the northern boundary and mostly constructed to the south and east boundaries, with a minimum 1m western setback. The walls on the southern boundary would extend for a length of 6.3m, 14.6m along the eastern boundary and 17.7m along the northern boundary;
(c) first floor – the dwellings would be partially constructed to the south, east and north boundaries. The walls on the southern boundary would extend for a length of 4m, a total of 8.4m along the eastern boundary and 9m along the northern boundary;
(d) second floor – the dwellings would again, continue to be partially constructed to the south, east and north boundaries. Additional western boundary setbacks would be offered at this floor, to a minimum 3.2m, increasing to 6.2m. The walls on the southern boundary would extend for a length of 4.1m, 8.4m at the eastern boundary and 9m along the northern boundary;
(e) heights – the development would introduce a maximum 9.2m high wall on the north, east and south boundaries (maximum overall height);

Layout

(f) the 4 dwellings would be of the following configuration:
    (i) 2BR plus study – 1;
    (ii) 3BR plus study – 1; and
    (iii) 3BR – 2.
(g) the dwellings would be accessed via the eastern lane;
(h) although not part of this application, the application for the main site (PLN16/0434) proposes to introduce a pedestrian access point through 26-56 Queens Parade to these townhouses;
(i) at the ground level, the dwellings would contain bedrooms, studies and amenities, along with 4m²-5m² west boundary courtyards. The first floor would contain living/dining/kitchen areas, along with 12m² terraces for each dwelling. The second floor would contain additional bedrooms and amenities. The northernmost dwelling would contain a green roof at this level;
(j) the proposal is seeking a site coverage of approximately 87%;

Colours, materials and landscaping

(k) the original plans included a mixture of off white render, off white bricks, clear class balustrades, white aluminum composite panels, clear glazing, dark coloured glazing and perforated metal (natural finish) privacy screens. The substituted plans do not include a material key or schedule of colours and materials. Should a permit issue, this should be addressed by way of a permit condition;

Environmentally sustainable development [**ESD**] features

An updated SMP was not provided with the substituted plans. However, the original application made the following commitments:
(a) NatHERS rating of at least 6 stars;
(b) provision of 4 x 2,000L rainwater tanks;

Car parking and waste

18. An updated planning or traffic report was not provided with the substituted plans. However, the original application made the following commitments:
    (a) 6 car parking spaces would be provided on the 'main site' at 26-56 Queens Parade in the proposed development (Planning permit application PLN16/0434, currently before VCAT); and
    (b) waste storage and collection would be located and occur again on the main site (planning permit application PLN16/0434, again, currently before VCAT).

Planning Scheme Provisions

Zoning

*Mixed Use Zone **[MUZ]***

19. The purpose of the MUZ includes (as relevant):
    (a) *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality*;
    (b) *To provide for housing at higher densities*;
    (c) *To encourage development that responds to the existing or preferred neighbourhood character of the area*; and
    (d) *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

20. Under clause 32.04-2 of the Scheme, a permit is not required to use the site for dwellings.

21. A permit is required under clause 32.04-6 of the Yarra Planning Scheme [**the Scheme**] to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

Overlays

Heritage Overlay (HO327)

22. The relevant purpose of the HO is:
    (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
    (b) *To conserve and enhance heritage places of natural or cultural significance.*
    (c) *To conserve and enhance those elements which contribute to the significance of heritage places.*
    (d) *To ensure that development does not adversely affect the significance of heritage places.*

23. A planning permit is required to demolish or remove a building and to construct a building or construct or carry out works.

24. Decision guidelines at clause 43.01-4 of the Scheme include (as relevant):

    (a) *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
    (b) *Any applicable statement of significance, heritage study and any applicable conservation policy.*
    (c) *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
    (d) *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.*

(e) *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
(f) *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

Environmental Audit Overlay

25. The purpose of this overlay is:
(a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
(b) *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

26. Clause 45.03-1 states it is a requirement that:
(a) *Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:*
(i) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
(ii) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

27. With dwellings proposed, this requirement will be addressed by way of a notation.

Design and Development Overlay – Schedule 16 – Queens Parade (West)

28. Under clause 43.02-1 of the Scheme, a permit is required to construct a building or construct or carry out works. Schedule 16 sets out specific policy guidance for this site, which is included in Precinct 1B.

Design objectives
The design objectives for Precinct 1B: Brunswick Street Precinct includes:
- *To encourage low rise additions behind the front sections of the terraced houses of Brunswick Street and Queens Parade that respects the prevailing streetscape character and subdivision grain.*
- *To retain and conserve the heritage values of this low scale Victorian residential area including the front sections of the terraced houses, street setbacks and subdivision pattern.*
- *To retain the visual prominence of the individually significant corner building that forms the southern gateway to Queens Parade and to Fitzroy North more broadly.*
- *To facilitate the appropriate low rise infill of the site located to the rear of residential properties fronting Brunswick Street.*
- *To ensure future vehicle access and services are provided off a rear laneway, where possible.*
- *To ensure upper level elevations that are exposed to the public domain are high quality, visually recessive and do not diminish the appreciation of the heritage building.*

29. The specific controls applying to the site are found at clause 2.0, which specifies both mandatory and discretionary requirements.

Table 1 – Precinct 1B building heights & setbacks

Built Form	Mandatory Control	Discretionary Control	Built Form Outcome
Building Height	▪ Maximum 9m (3 storeys) for properties fronting Brunswick Street & Queens Parade ▪ Maximum 9m (3 storeys) for rear laneway site known as Lot 1 on Title Plan TP806921.		Development that respects the heritage and streetscape value of the precinct.
Façade Height	▪ Retain existing heritage façade. ▪ Development on 460 Brunswick Street adjoining the individually significant corner building must not exceed the parapet height of that building.		Development that: ▪ Reinforces the heritage values of the precinct; ▪ Respects the scale of the existing heritage buildings; ▪ Maintains the existing heritage buildings as the dominant feature in the streetscape; and ▪ Limits amenity impacts of building bulk, overlooking and overshadowing on existing residential properties.
Front Setback from boundary of Brunswick Street/Queens Parade		▪ Development on 460 Brunswick Street adjoining the individually significant corner building should match the setback of that building. ▪ Retain existing front setback.	
Upper Level Setback from front of building		Minimum of 8m setback behind the heritage façade/ new streetwall	
Setback(s) from side boundary		▪ ResCode Standard B17	
Setback(s) from rear boundary		▪ ResCode Standard B17	

30. Decision guidelines at section 4 of the DDO16 include:

Before deciding on an application, the Responsible Authority must consider the following:

- *Whether the design objectives in Section 1.0 and the built form outcomes in Tables 1, 2 and 3 of this Schedule are achieved.*
- *Whether the design requirements for specific areas in Tables 1 and 2 of this Schedule are achieved.*
- *The Queens Parade, Clifton Hill Built Form Review – February, 2017.*
- *The architectural quality of the proposal, including the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.*
- *The profile and impact of redevelopment along Queens Parade and from Newry Street, Coleman Street and the Edinburgh Gardens.*
- *The design response at the interface with existing low-scale residential properties.*
- *Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.*
- *How the proposal responds to the presence of heritage buildings either on, or in close proximity to the development.*
- *The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.*
- *How any proposed buildings and works will impact on solar access to Queens Parade and the Napier Street Reserve.*
- *The suitability of vehicle access and egress arrangements and the location, layout and appearance of areas set aside for car parking.*
- *The extent to which ESD measures are incorporated into the development.*

Particular Provisions

Clause 52.06 – Car parking

31. The purpose of this provision (amongst others) is to ensure the provision of an appropriate number of car spaces are provided having regard to the activities on the land and the nature of the locality. This provision recommends car parking rates at clause 52.06-5. Under clause 52.06-3, a permit may be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 (noting there is no relevant Parking Overlay).

32. The application generates a parking requirement for 7 spaces (1 for the 2BR dwelling and 2 for each of the 3 x 3BR dwellings [6]). It is noted that the studies have not been treated as bedrooms due to their size and configuration, making them unlikely to be converted to bedrooms.

33. The substituted plans have increased the car parking provision on the main site from 6 to 7 (currently before VCAT – PLN16/0434). A planning permit is required under clause 52.06-3 of the Scheme to:
    (a) provide 7 car parking spaces on another site.

34. Clause 52.06-6 of the Scheme outlines a range of decision guidelines and clause 52.06-8 outlines a range of design standards. The relevant of these will be addressed in the assessment.

Clause 52.34 – Bicycle facilities

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

36. This application has a requirement to provide 1 bicycle parking space.

37. This is not shown on the plans, however the Applicant has not applied to waive this requirement.

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

38. The purpose of this provision is:
    (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
    (b) *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*
    (c) *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
    (d) *To encourage residential development that is responsive to the site and the neighbourhood.*

39. An assessment against ResCode (clause 55) was outlined in the IDAC report of 15 March 2017 as no changes have been to the plans this assessment stands.

General Provisions

Clause 65 – Decision Guidelines

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

State Planning Policy Framework (SPPF)

The following SPPF provisions of the Scheme are relevant:

Clause 11.04-2 – Housing choice and affordability

41. The relevant objective of this clause is '*To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services*'. The relevant strategy is to '*Reduce the cost of living by increasing housing supply near services and public transport*'.

Clause 11.04-4 – Liveable communities and neighbourhoods

42. 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'. The relevant strategies are to:
    (a) *Create a city of 20-minute neighbourhoods.*
    (b) *Protect Melbourne and its suburbs from inappropriate development.*
    (c) *Create neighbourhoods that support safe communities and healthy lifestyles.*
    (d) *Achieve and promote design excellence.*

Clause 11.04-5 – Environment and water

43. The objective of this clause is '*To protect natural assets and better plan our water, energy and waste management systems to create a sustainable city*'.

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

44. The objective of this clause is '*To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely*'.

Clause 13.04-1 – Noise abatement

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

Clause 15.01-1 – Urban Design

46. 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

47. The objective of this clause is '*To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'*. The strategy of this clause is to apply 11 design strategies. Planning must also consider (as relevant) the 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.

Clause 15.01-4 – Design for safety

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

Clause 15.01-5 – Cultural identity and neighbourhood character

49. 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

50. 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

51. The objective of this clause is '*To ensure the conservation of places of heritage significance*'.

Clause 16.01-1 – Integrated housing

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

Clause 16.01-2 – Location of residential development

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

Clause 16.01-4 – Housing diversity

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

Clause 16.01-5 – Housing affordability

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

Clause 18.01-1 – Land use and transport planning

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

Clause 18.02-1 – Sustainable personal transport

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

Clause 18.02-5 – Car parking

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

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

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

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

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

Clause 21.04-1 – Accommodation and housing

60. The following is offered in this clause:

    (a) *Yarra is experiencing consistent residential growth. The Metropolitan Strategy, Melbourne 2030, identifies that this trend will continue.*

(b) *Yarra will continue to accommodate its share of the housing growth of the inner Melbourne Metropolitan region (comprising the Cities of Melbourne, Port Phillip, Stonnington and Yarra). However, in order to protect valued character, and particularly its heritage places, the majority of new development will be accommodated on strategic redevelopment sites. These sites are generally located in, abutting, or close to activity centres, or in locations that offer good access to services and transport as required under Melbourne 2030. Other areas such as those in Mixed Use or Business zones will accommodate some population growth, while most established Residential 1 zones are stable and will experience minimal change.*

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

Clause 21.04-2 – Activity Centres

62. The site is approximately 149m to the north-east of the Brunswick Street Activity Centre [**AC**].

63. 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.*
    (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 21.05-1 – Heritage

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

    (a) *Objective 14 To protect and enhance Yarra's heritage places.*
        (i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
        (ii) *Strategy 14.2 Support the restoration of heritage places.*
        (iii) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
        (iv) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
        (v) *Strategy 14.5 Protect the significant landscape and heritage within streets, parks, gardens, waterways or other open spaces.*
        (vi) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas. 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

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

    (a) Objective 16 To reinforce the existing urban framework of Yarra.

(i) *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*

(b) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
   (i) *Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*

(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.*

(d) *Objective 22 To encourage the provision of universal access in new development.*
   (i) *Strategy 22.1 Encourage applicants to take into account the access needs of all people in the design of new buildings.*

Clause 21.05-4 – Public environment

66. 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 28.8 Encourage public art in new development.*

Clause 21.06 – Transport

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

Clause 21.08-8 – North Fitzroy

68. The following relevant commentary is offered in this clause:

   (a) *North Fitzroy is known for the beautiful Edinburgh Gardens which combine open space, sportsgrounds, barbecue area, gardens with long-established European elm trees, skate bowl, tennis and basketball courts, bandstand, bowling greens and bocce links, remnants of the old Melbourne rail loop, and a heritage listed grandstand. The neighbourhood is largely residential.*
   (b) *The northern part of North Fitzroy has a low density residential character consisting of late Victorian and early Edwardian double fronted dwellings. Further south dwellings are more likely to be single fronted and one or two storeys.*

Relevant Local Policies

Clause 22.02 – Development guidelines for sites subject to the heritage overlay

69. This policy applies to all land within a Heritage Overlay.

70. The relevant objectives of this clause are:
   (a) *To conserve Yarra's natural and cultural heritage.*
   (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
   (c) *To retain significant view lines to, and vistas of, heritage places.*
   (d) *To preserve the scale and pattern of streetscapes in heritage places.*

(e) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*
(f) *To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.*
(g) *To ensure that additions and new works to a heritage place respect the significance of the place.*
(h) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

71. Under clause 22.02-5.7. of the Scheme, the following is offered in relation to new development, alterations and additions:

(a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
    (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
    (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
    (iii) *Be visually recessive and not dominate the heritage place.*
    (iv) *Be distinguishable from the original historic fabric.*
    (v) *Not remove, cover, damage or change original historic fabric.*
    (vi) *Not obscure views of principle façades.*
    (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
(b) *Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.*
(c) *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*
(d) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

72. Clause 22.02-5.7.2 of the Scheme offers more specific requirements (as relevant):

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

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

Clause 22.07 – Development abutting laneways

73. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal. The objectives of this clause are:
(a) *To provide an environment which has a feeling of safety for users of the laneway.*
(b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*

(c) *To ensure that where development is accessed off a laneway, all services can be provided to the development.*
(d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.12 – Public open space contribution

74. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision. The relevant objectives of this clause are:
(a) *To implement the Yarra Open Space Strategy.*
(b) *To identify when and where land contributions for public open space are preferred over cash contributions.*
(c) *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*

75. The site is located in an area where land in lieu of cash is the preferred method of contribution. However, as the site is only 248m², the site does not meet the selection criteria in that the land to be contributed should be approximately 300m². Should the site be subdivided, a cash contribution would be required.

Clause 22.16 – Stormwater management (water sensitive urban design)

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

Clause 22.17 – Environmentally sustainable development

77. The most relevant objective of this clause is '…that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation'.

78. This policy includes 7 categories in which to assess ESD outcomes. An application of this scale requires the Applicant to submit a Sustainable Management Plan, prepared by a suitably qualified expert. This Applicant has done this.

Advertising

79. The original application plans were advertised by way of 133 letters sent to surrounding property owners and occupiers. A total of 24 objections were received on the following grounds:
(a) neighbourhood character and impact on heritage;
(b) excessive height and overdevelopment;
(c) off-site amenity (visual bulk, overshadowing, noise, overlooking, daylight and airflow);
(d) poor ESD outcome;
(e) shadowing of the laneway;
(f) safety concerns (shared pedestrian/vehicular access along the lane, emergency vehicle access and impact on cyclists);
(g) impacts during construction phase;
(h) insufficient car parking;
(i) unreasonable traffic impacts;
(j) materials have not been specified; and

(k) insufficient landscaping detail.

80. A consultation meeting was held on 15 November 2016 with the Applicant, Objectors and Council Officer's in attendance. Much of the focus was on the interface with this proposal with the adjacent dwellings, the laneway and the proposed development at 25-56 Queens Parade (the 'main site'). At the conclusion of the meeting, the Applicant agreed to engage a building surveyor to assess the safety aspects of access being via a lane (primarily focused on emergency service access).

81. This information was provided to Council on 6 February 2017, with the MFB confirming they had no issue with access to the rear site with regard to emergency access.

82. 9 Objectors have lodged statements of grounds to become party to the VCAT proceedings.

Referrals

External Referrals

83. Having regard to the relevant planning controls and the nature of the application, there are no external Referral Authorities.

Internal Referrals

84. The application was originally referred internally to the following:
(a) Urban Design Unit;
(b) Engineering Services Unit;
(c) ESD Advisor; and
(d) Heritage Advisor.

85. The first set of substituted plans were referred to the above. While re-referrals were undertaken to all of the above as part of the main site assessment (for the sake of completeness), as the rear site proposal has not changed, referral comments for this application are not necessary.

OFFICER ASSESSMENT

86. The primary considerations for this application are as follows:
(a) strategic policy;
(b) heritage;
(c) ResCode (clause 55), incorporating clauses 22.05, 22.16 and 22.17;
(d) traffic and car parking;
(e) bicycle parking;
(f) waste management;
(g) Objector concerns; and
(h) compliance with proposed DDO.

87. A full assessment against the application was offered in the 15 March 2017 IDAC report which forms an attachment to this report. As the proposal has not been altered (albeit plans have been substituted), a full assessment will not be repeated.

88. The 15 March 2017 IDAC report included an assessment against the draft DDO, it is appropriate to undertake another review as notably, the draft DDO called for a 2 storey mandatory height limit on the site and the gazetted DDO imposes a mandatory maximum 9m or 3 storey height limit.

Table 1 – Precinct 1B building heights & setbacks

Built Form	Mandatory Control	Discretionary Control	Built Form Outcome
Building Height	▪ Maximum 9m (3 storeys) for properties fronting Brunswick Street & Queens Parade ▪ Maximum 9m (3 storeys) for rear laneway site known as Lot 1 on Title Plan TP806921.		Development that respects the heritage and streetscape value of the precinct.

Built Form	Mandatory Control	Discretionary Control	Built Form Outcome
	of that building.		existing residential properties.
Front Setback from boundary of Brunswick Street/Queens Parade		▪ Development on 460 Brunswick Street adjoining the individually significant corner building should match the setback of that building. ▪ Retain existing front setback.	
Upper Level Setback from front of building		Minimum of 8m setback behind the heritage façade/ new streetwall	
Setback(s) from side boundary		▪ ResCode Standard B17	
Setback(s) from rear boundary		▪ ResCode Standard B17	

Section 4 – Decision guidelines

(a) *Whether the design objectives in Section 1.0 and the built form outcomes in Tables 1, 2 and 3 of this Schedule are achieved.*
(b) *Whether the design requirements for specific areas in Tables 1 and 2 of this Schedule are achieved.*
(c) *The Queens Parade, Clifton Hill Built Form Review – February, 2017.*
(d) *The architectural quality of the proposal, including the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.*
(e) *The design response at the interface with existing low-scale residential properties.*

(f) *Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.*
(g) *How the proposal responds to the presence of heritage buildings either on, or in close proximity to the development.*
(h) *The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.*
(i) *The extent to which ESD measures are incorporated into the development.*

Building height - Mandatory

89. The mandatory height for the site within the DDO16 is 9m (3 storeys). The substituted plans show an overall height of 9.157m, which is 157mm higher than the mandatory height control now applying to this site. When previously considered at IDAC, the proposal was a full storey above the draft DDO mandatory maximum height control of two storey.

90. Now at only 157mm above the mandatory maximum height control, the proposal is in keeping with the character and preferred future character of the area as outlined in the Planning Scheme. A condition should be imposed on any permit issued reducing the height to a maximum 9m.

91. The change in planning policy is therefore considered to further support the 3 storey height proposed, albeit a condition would be required to reduce the height by 157mm to comply with the mandatory maximum height control in the DDO16.

Building setbacks - Discretionary

92. When re-assessing the proposal against the DDO16 that now applies, the proposed setbacks are considered to be acceptable for the following reasons:
(a) the site is bordered by laneways to the west, south and east, mitigating unreasonable off-site amenity impacts;
(b) the site is located 'behind' Brunswick Street and Queens Parade properties, limiting views to the proposal;
(c) while the proposal does not comply with the side and rear boundary setback requirements along the northern boundary, a condition could be imposed to setback level 2 a minimum of 1.3m from the northern boundary, where it does not adjoin a boundary wall to the north. See previous IDAC assessment where the impact of the Standard B17 ResCode variation was assessed:

> 166. Considering the height and length variation along the northern boundary, the development would generally abut a shed to the north. At the ground floor, the development would abut the full length of the POS area to the north, however the wall would be a height of 3.4m. At the first and second floor, the development would be 1.3m longer than the abutting shed. Whilst the development is to the south of the adjacent private open space area, the variation from this standard is only supported at level 1. It is considered that a 3 storey wall in this location on the northern boundary would unreasonably impact the amenity of the dwelling to the north by virtue of visual bulk. A condition should therefore be imposed on any permit requiring the level 2, northern boundary wall to be setback at least 1m where it does not abut a boundary wall to the north. It is not considered that full B17 side and rear setback compliance is required in this location (4.3m) and given the orientation of the wall, however a 1.3m setback would align with the adjacent green roof and inset of level 1 below. The zoning of the land (MUZ) also supports higher residential densities, further supporting the variation from this ResCode standard, albeit not as far to say that a 3 storey boundary wall is acceptable opposite private open space within a MUZ.

93. Subject to the condition recommended above, the proposed setbacks would not unreasonably impact the character or amenity of the area.

Car paring and access

94. On 15 March 2017 at its Internal Development Approval's Committee [**IDAC**] meeting, IDAC determined that:

…if it were in a position to determine the application, Council would issue a Refusal to Grant a Permit (PLN16/0732) for the development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site at Rear 26-52 Queens Parade, Fitzroy North on the following grounds:

1. *The building height does not respect the character of the area.*
2. *The site coverage, permeability and setbacks do not respect the existing or preferred neighbourhood character and does not respond to the features of the site.*
3. *The proposal does not provide sufficient car parking.*
4. *The proposal does not provide for pedestrian safety.*

95. In light of the substituted plans for the main site, ground 4 should also be reconsidered. The pedestrian link through the main site has been improved or further delineated as follows:

Original plans



Substituted plans



96. The substituted plans for the main site have offered a clear, 6.6m wide path connecting the larger site to the rear site. This could encourage residents to transverse the main site as opposed to using the laneway from Brunswick Street to access their dwellings. Officers have formed the view that this would achieve an improved, safe pedestrian entry for townhouse residents and that ground 4 should no longer be pursued.

97. Ground 3 was that '*The proposal does not provide sufficient car parking*'. The substituted plans now provide all required car parking for the townhouse development on the main site. A permit is required to provide parking on another site, however as the pedestrian link from the main site to this rear site has been significantly widened, landscaped and generally improved, this is considered to be a suitable arrangement for the townhouse residents to access their car parks. Officer's submit that this ground should no longer be pursued.

Options

98. In light of the above assessment, 3 of the 4 grounds of refusal determined by Council have now been addressed.

99. The options before Council are to either support the substituted plans subject to a number of conditions or maintain its position of refusal however 3 of the 4 ground would need to be revoked, leaving on ground 3 which reads:

    '*The site coverage, permeability and setbacks do not respect the existing or preferred neighbourhood character and does not respond to the features of the site.'*

Conclusion

100. Based on the above report, it is the officer's recommendation that the proposal has addressed most of the position refusal grounds previously determined at the 15 March 2017 IDAC. In light of the gazettal of the DDO16, Council must reconsider the application and based on a number of conditions, should offer conditional support of the townhouse proposal.

101. Based on the above information and the new DDO16 control, officers recommend conditional support for the application be provided subject to a height reduction to accord with the mandatory heights and setbacks to align with amenity impacts.

RECOMMENDATION

1. That having considered all objections and relevant planning policies, the Committee resolves to inform VCAT that had it been in a position, it would have issued a Notice of Decision to Grant a Permit (PLN16/0732) for the rear of 26-52 Queens Parade, Fitzroy North VIC 3068 for the development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site (being 26-56 Queens Parade) in accordance with the VCAT substituted plans (received by Council 25 July 2017) and subject to the following conditions:

   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 (received by Council 25 July 2017) but modified to show:
   (a) a maximum overall building height of 9m.
   (b) the level 2, northern boundary wall to be setback at least 1.3m where it does not abut a boundary wall to the north;
   (c) fences/gates adjacent to the dwelling entrances a maximum height of 1.5m and minimum transparency of 50%;
   (d) the location of letter boxes and street numbering;
   (e) lighting to dwelling entrances;
   (f) external, operable, vertical screens to the north and west facing windows;
   (g) details of the screens between courtyards/terraces and to habitable room windows, confirming:
      (i) a minimum height of 1.7m;
      (ii) a maximum permeability of 25%; and
      (iii) that they are fixed.
   (h) larger east facing windows to dwellings 2-4;
   (i) an additional window to the ground floor, eastern elevation of dwelling 1;
   (j) a minimum 6m³ store for each dwelling;
   (k) a schedule of colours and materials, including samples (where relevant);
   (l) bicycle parking as per clause 52.34 of the Yarra Planning Scheme;
   (m) bicycle parking must meet the design requirements at clause 52.34-4 of the Yarra Planning Scheme; and
   (n) items as per the Sustainable Design Assessment, where relevant to show on the plans

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Development must not commence until the development at 26-56 Queens Parade, Fitzroy North (PLN16/0434) commences; alternatively if not permit is granted, this planning permit becomes void.

4. The development must not be occupied until the car parking spaces, bicycle parking spaces, waste storage area and pedestrian link from Queens Parade (for use of this development) are constructed and ready for use at 26-56 Queens Parade, Fitzroy North (PLN16/0434).

5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

7. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

8. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by WGE and dated 9 September 2016, but modified to reflect the decision plans.

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

10. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the laneways adjoining the site (extending from Brunswick Street and the entrances of the dwellings). When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
    (a) a lighting scheme designed for the laneways and within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
    (b) the control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997," Control of the obtrusive effects of outdoor lighting";
    (c) the locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
    (d) lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
    (e) a maintenance regime for the lighting scheme within the curtilage of the property.
    (f) the use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

11. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

12. 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;
        (ii) dust;
        (iii) stormwater contamination from run-off and wash-waters;
        (iv) sediment from the land on roads;
        (v) washing of concrete trucks and other vehicles and machinery; and
        (vi) 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; and
(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.

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

14. 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.

15. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.

17. Prior to the commencement of the development, the developer must prepare and submit detailed design drawings of all road infrastructure works and drainage works associated with this development (outlined in condition 18) for assessment and endorsement to the satisfaction of the Responsible Authority.

18. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be carried out, to the satisfaction of the Responsible Authority:

    (a) reconstruction of the segment of laneway to the east of the site in pitched bluestone. The cost of these works must be borne by the Permit Holder; and

(b) reconstruction of the segment of laneway linking the southern end of the site to Brunswick Street, as per existing conditions. Half (50%) of the cost of these works must be borne by the Permit Holder (with the remaining half to be borne by the Responsible Authority).

19. This permit will expire if:
    (a) the development is not commenced within two years of the date of this permit; or
    (b) the development is not completed within four years of the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

NOTES:

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

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.

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

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

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

Or:

2. Should Council wish to maintain a position of refusal the only outstanding ground is:

    1. The site coverage and permeability do not respect the existing or preferred neighbourhood character and does not respond to the features of the site.

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

Attachments
1 VCAT Substituted Plans
2 IDAC Application & Attachments 15 March 2017
3 IDAC Minutes 15 March 2017

Attachment 1 - VCAT Substituted Plans

REAR 26-56 QUEENS PARADE

FITZROY NORTH Melbourne, VIC 3068

ARCHITECTURAL DRAWINGS

B000	DRAWING LIST	NTS
B010	SITE PLAN AND ROOF PLAN	1:400
B011	SURVEY PLAN AND EXISTING PLAN	1:400
B100	GROUND FLOOR LEVEL	1:200
B101	LEVEL 01	1:200
B102	LEVEL 02	1:200
B103	ROOF PLAN	1:200
B200	WEST ELEVATION	1:200
B201	EAST ELEVATION	1:200
B202	NORTH ELEVATION	1:200
B203	SOUTH ELEVATION	1:200
B204	EXISTING EAST AND WEST ELEVATIONS	1:200
B205	EXISTING NORTH AND SOUTH ELEVATIONS	1:200
B300	SECTION A, B	1:200
B301	SECTION C, D	1:200
B302	SECTION E, F	1:200
B550	SHADOW DIAGRAM 22 SEPT - 9am	NTS
B551	SHADOW DIAGRAM 22 SEPT - 9.30am	NTS
B552	SHADOW DIAGRAM 22 SEPT - 10am	NTS
B553	SHADOW DIAGRAM 22 SEPT - 11am	NTS
B554	SHADOW DIAGRAM 22 SEPT - 12pm	NTS
B555	SHADOW DIAGRAM 22 SEPT - 1pm	NTS
B556	SHADOW DIAGRAM 22 SEPT - 2pm	NTS
B557	SHADOW DIAGRAM 22 SEPT - 3pm	NTS

NOTE:

DO NOT SCALE FROM DRAWINGS.
VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.
COPYING OR THE REPRODUCTION OF THIS DRAWING IS STRICTLY PROHIBITED WITHOUT THE CONSENT OF THE CLIENT AND KOICHI TAKADA ARCHITECTS.

NO.	REVISION	BY	CHK	DATE
A	FOR CLIENT REVIEW	KP	SM	08/06/16
B	FOR CLIENT REVIEW	KP	SM	09/06/16
C	FOR CLIENT REVIEW	KP	SM	13/06/16
D	FOR CLIENT REVIEW	KP	SM	24/06/16
E	FOR TOWN PLANNING SUBMISSION	KP	SM	28/06/16
F	FOR TOWN PLANNING SUBMISSION	KP	SM	30/06/16
G	FOR TOWN PLANNING - COUNCIL RFI 01	KP	SM	06/07/16
H	FOR CLIENT REVIEW	KP	SM	07/07/17
I	PRELIMINARY FOR REVIEW	TL	KP	10/07/17
J	VCAT SUBMISSION	TL	KP	06/10/17
K	FOR VCAT SUBMISSION – REVISED	TL	KP	13/10/17
L	FOR VCAT SUBMISSION – FINALISED	MS	SM	21/07/17

CLOUD LEGEND: REVISION ON HOLD

LEGEND

RWT 2000L PS — RAINWATER TANK 2000L

EXTERNAL HORIZONTAL PRIVACY SCREENING TO PREVENT OVERLOOKING

NOTES

STATUS

APPROVAL

KEY PLAN

0 5m

CONSULTANTS

CLIENT

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ARCHITECT

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PROJECT

REAR 26-56 QUEENS PARADE
FITZROY NORTH, VIC 3068

PROJ NO.

16328

DWG TITLE

DRAWING LIST

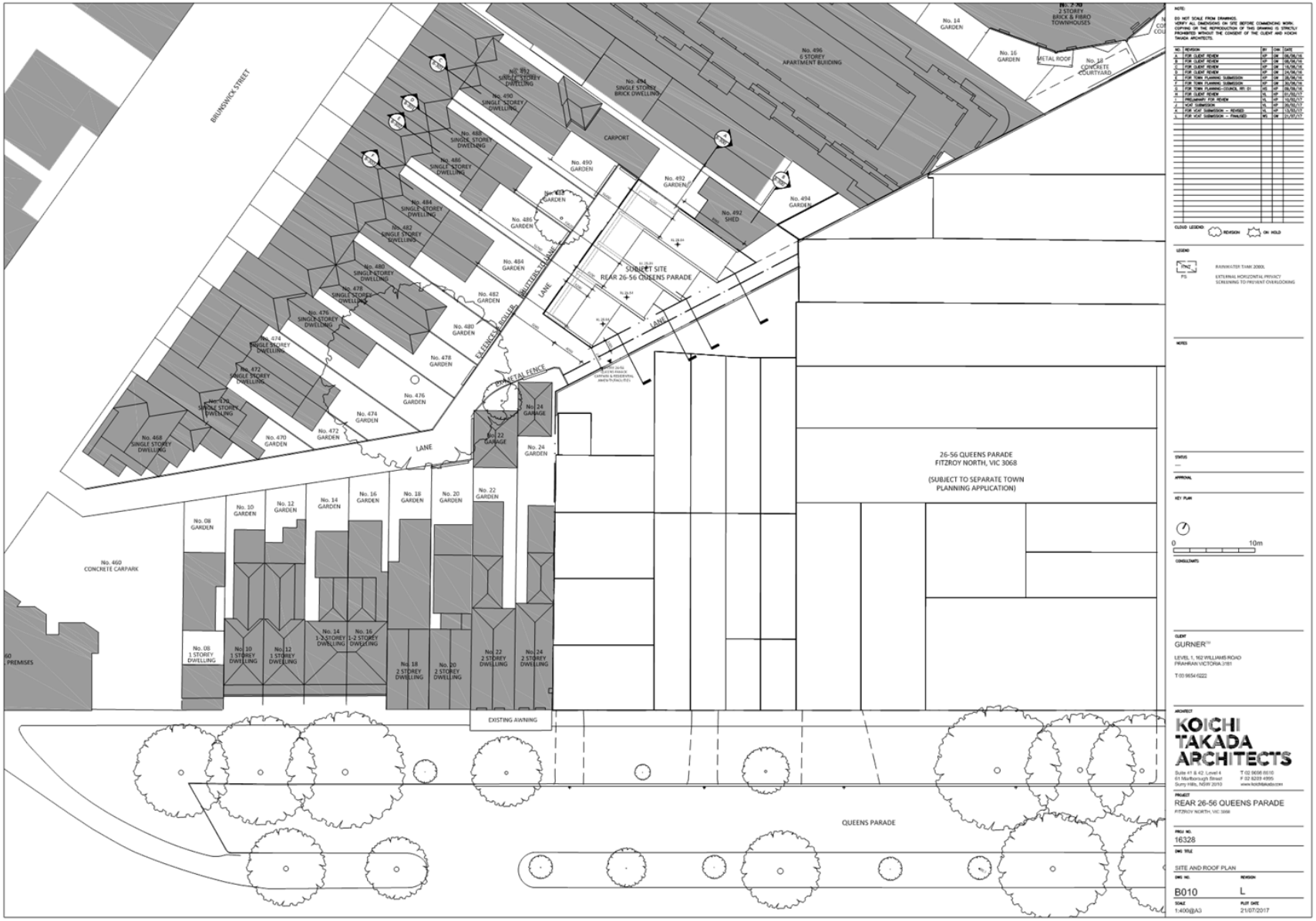
DWG NO. B000

REVISION L

SCALE 1:200 @ A3

PLOT DATE 21/07/2017

Attachment 1 - VCAT Substituted Plans



Attachment 1 - VCAT Substituted Plans



Attachment 1 - VCAT Substituted Plans



Attachment 1 - VCAT Substituted Plans



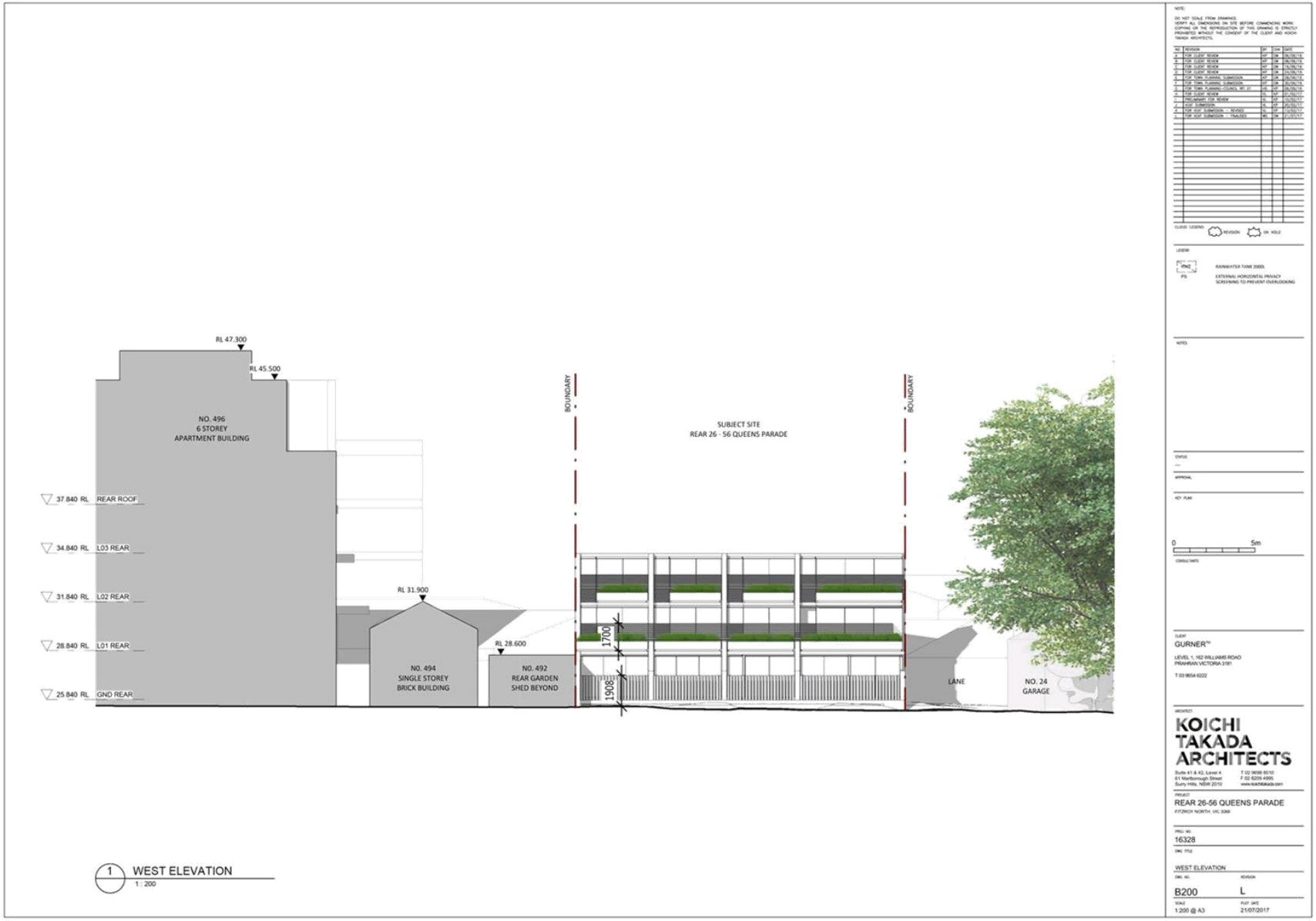
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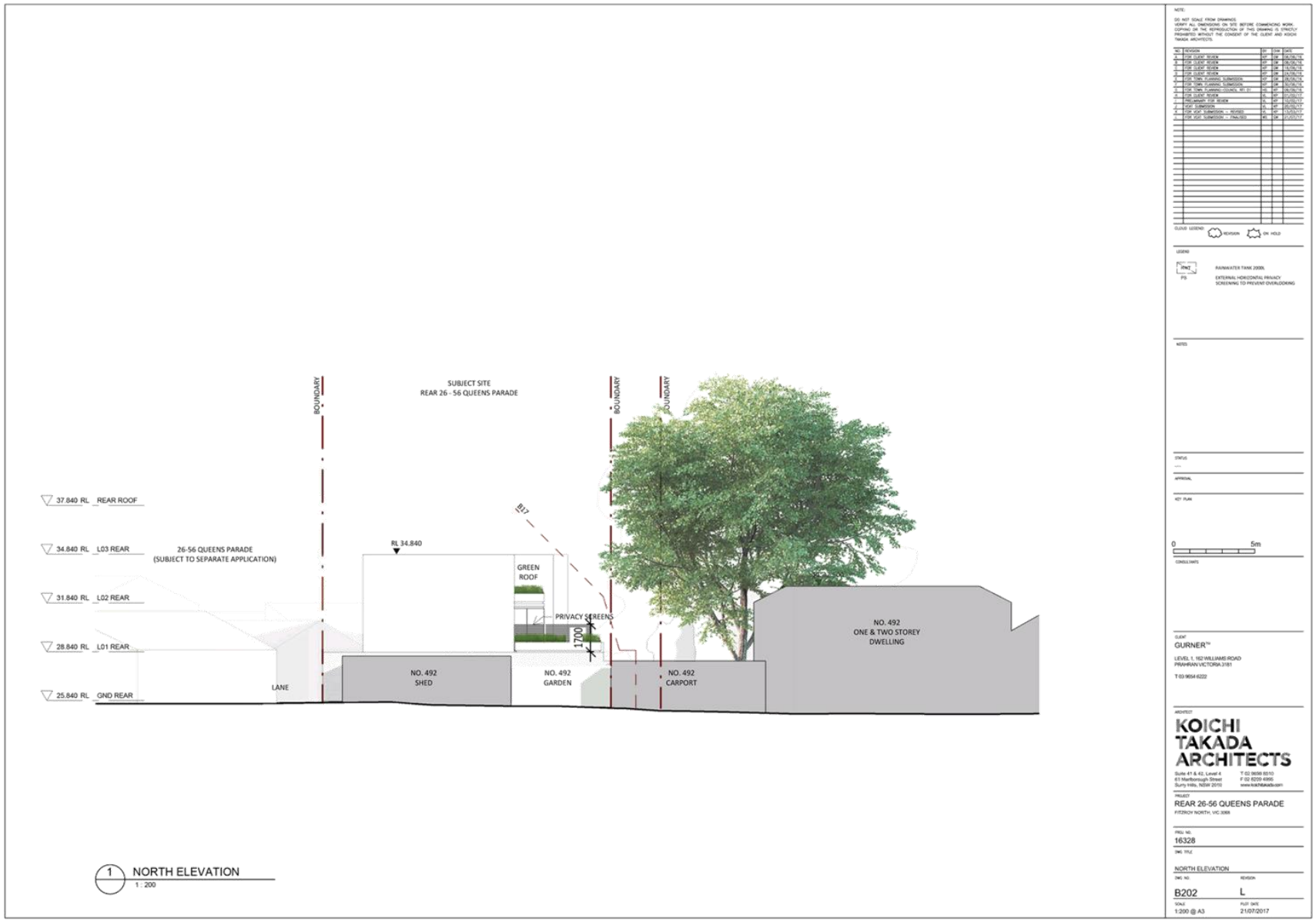
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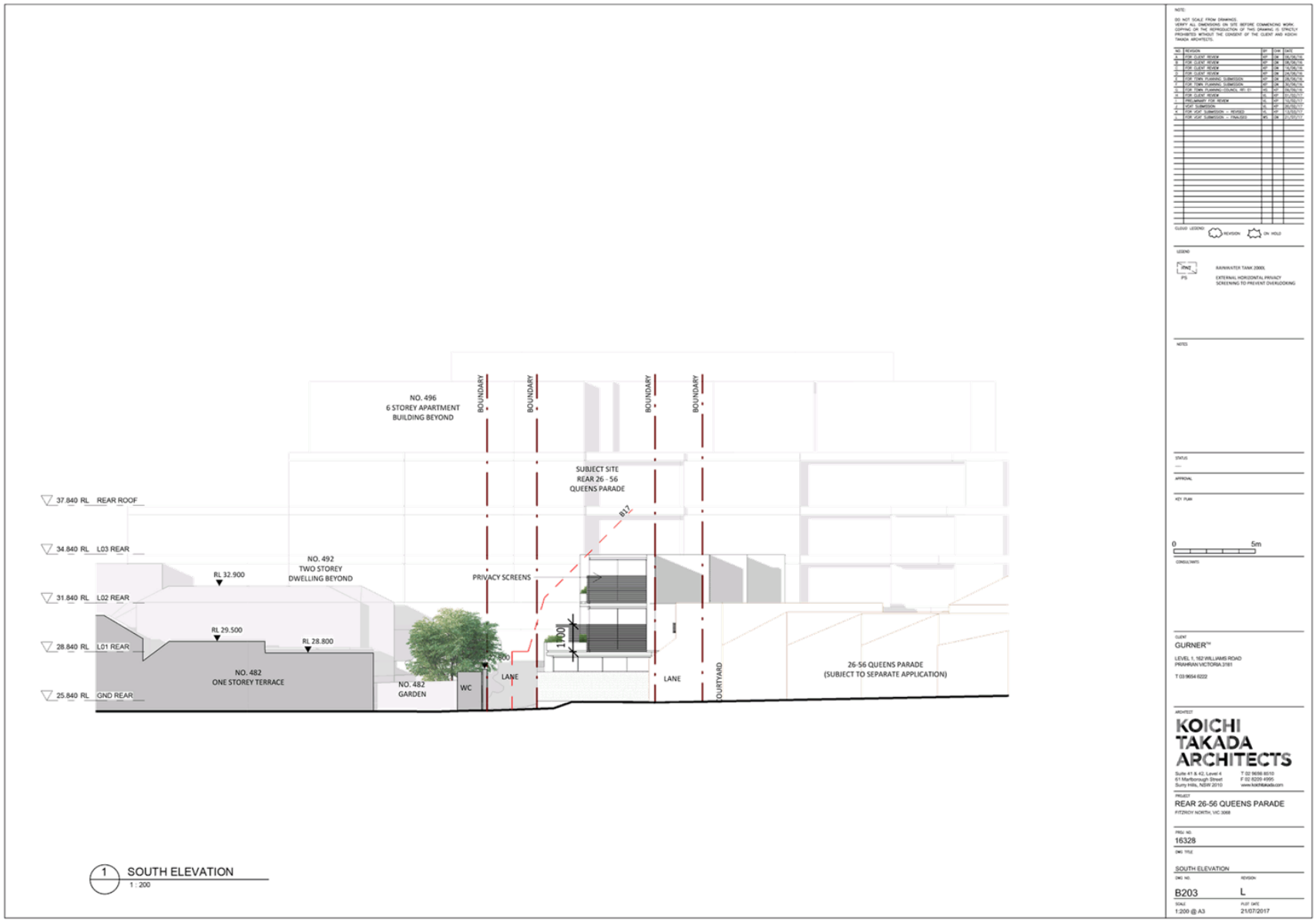
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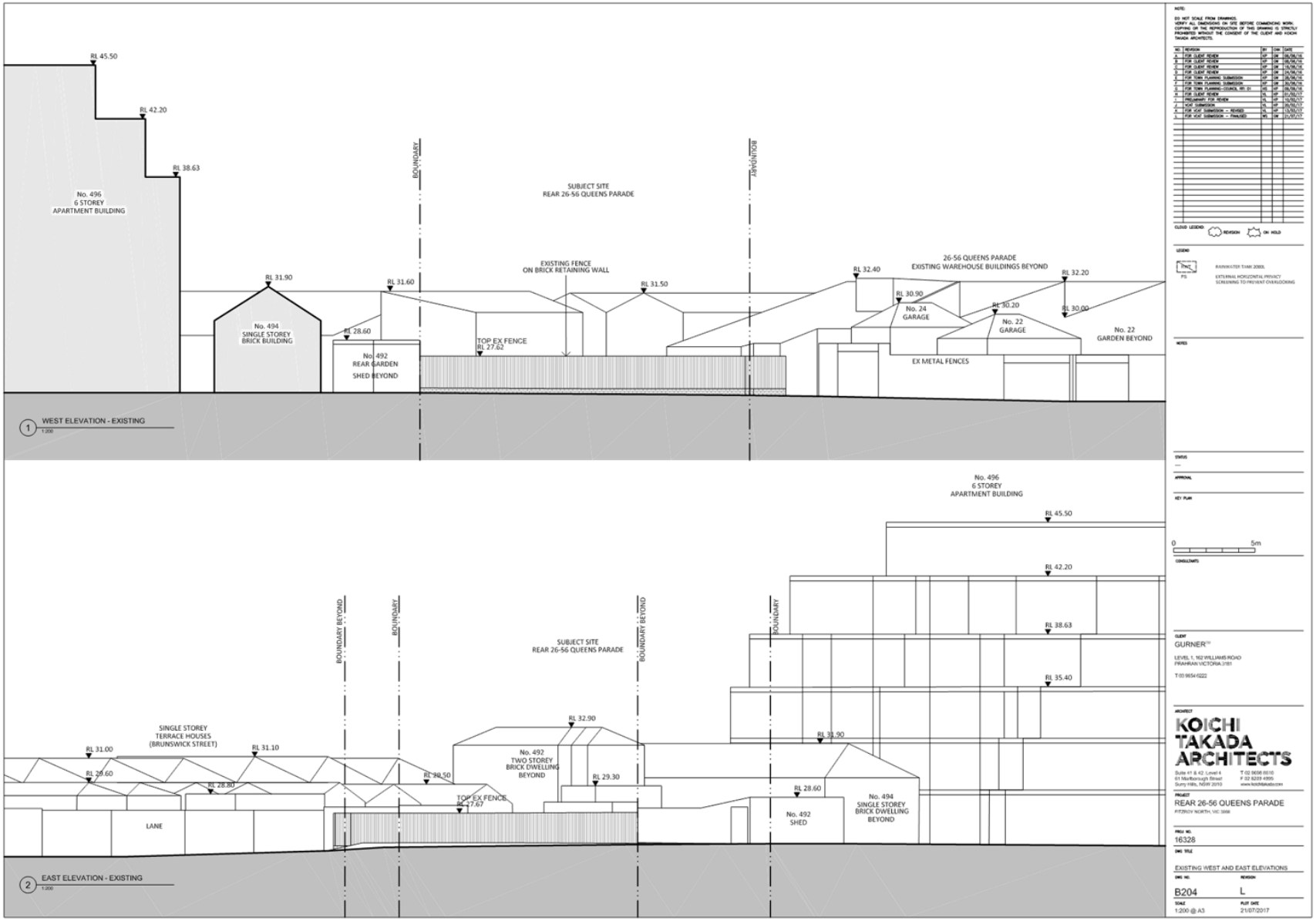
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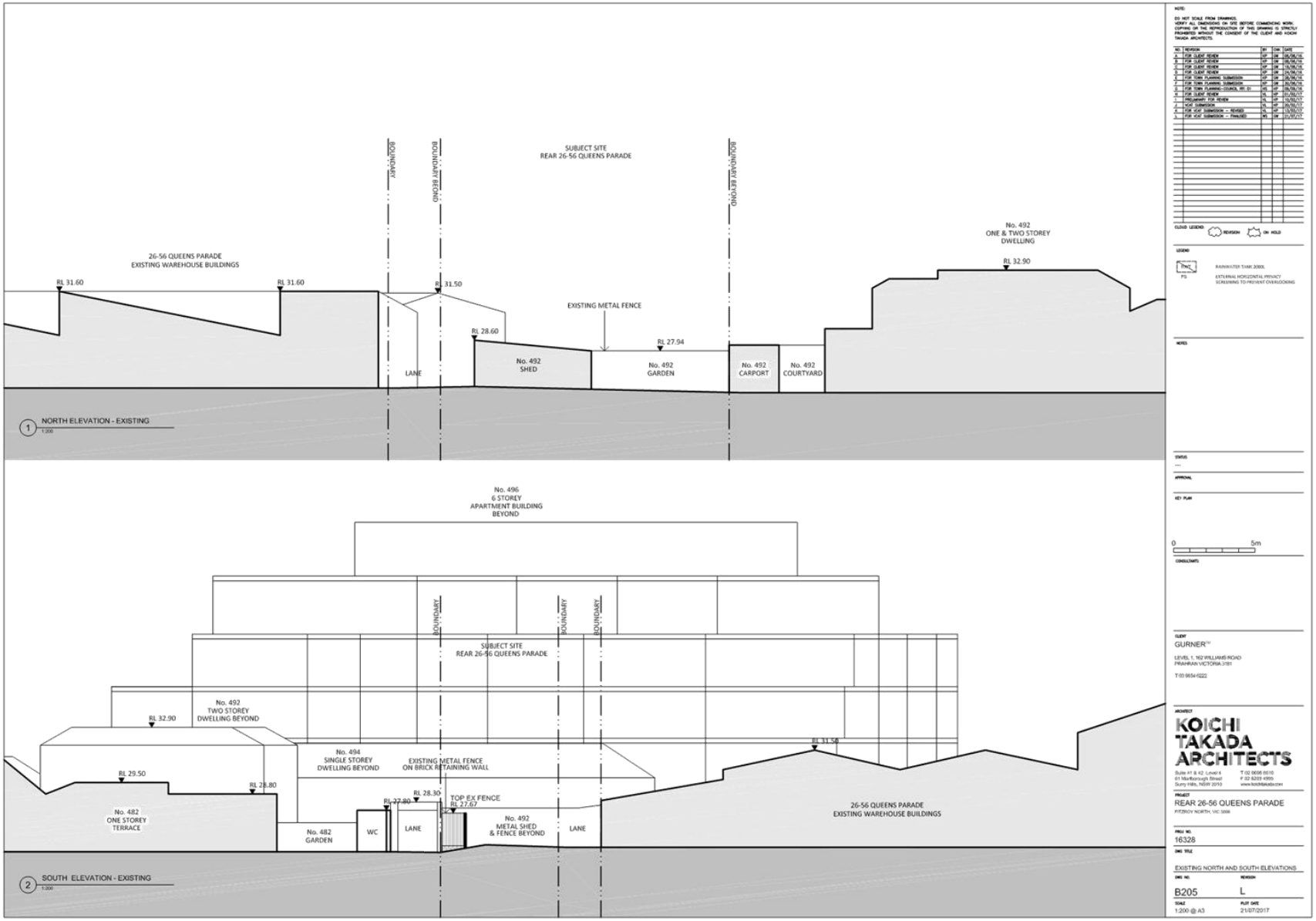
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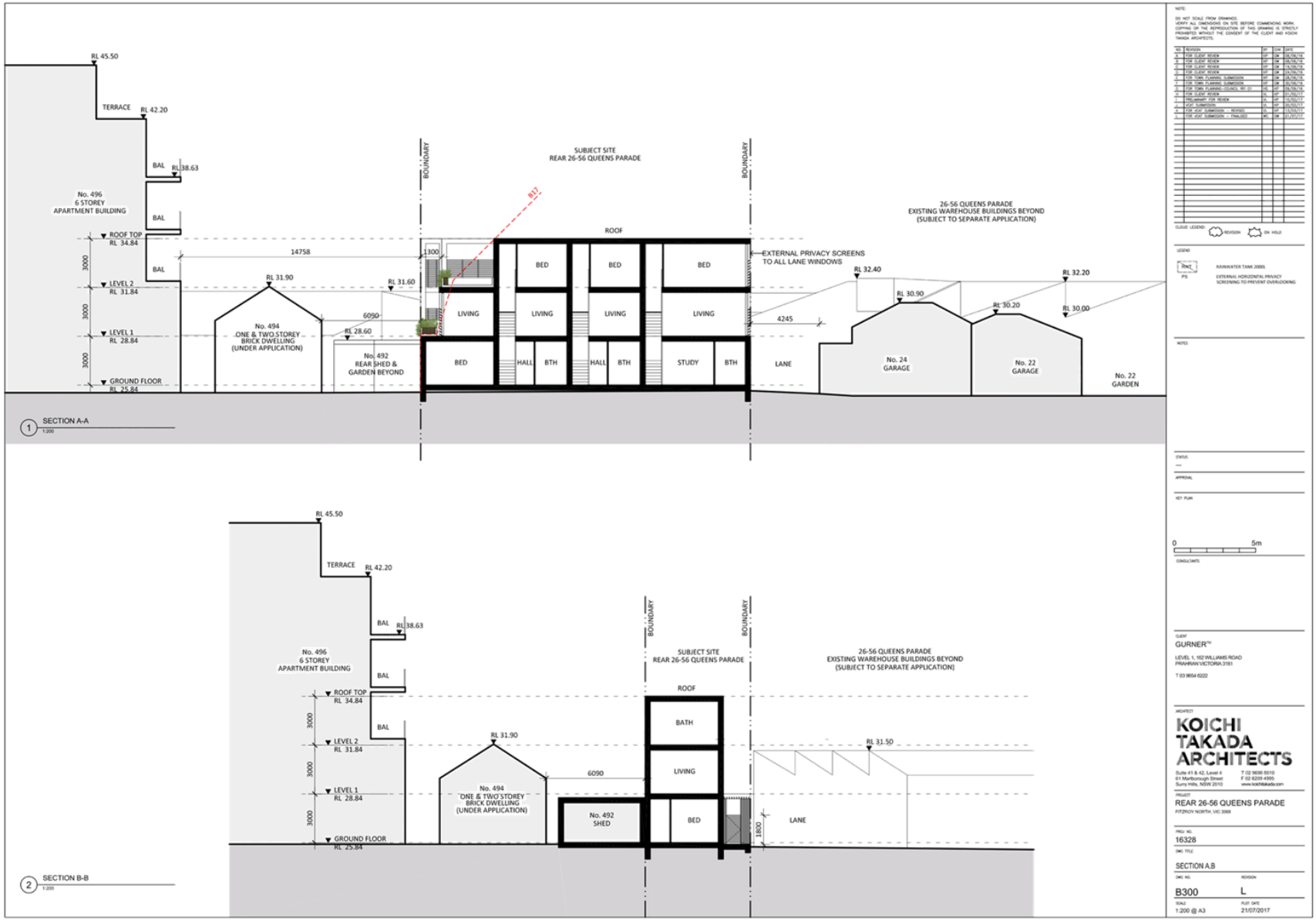
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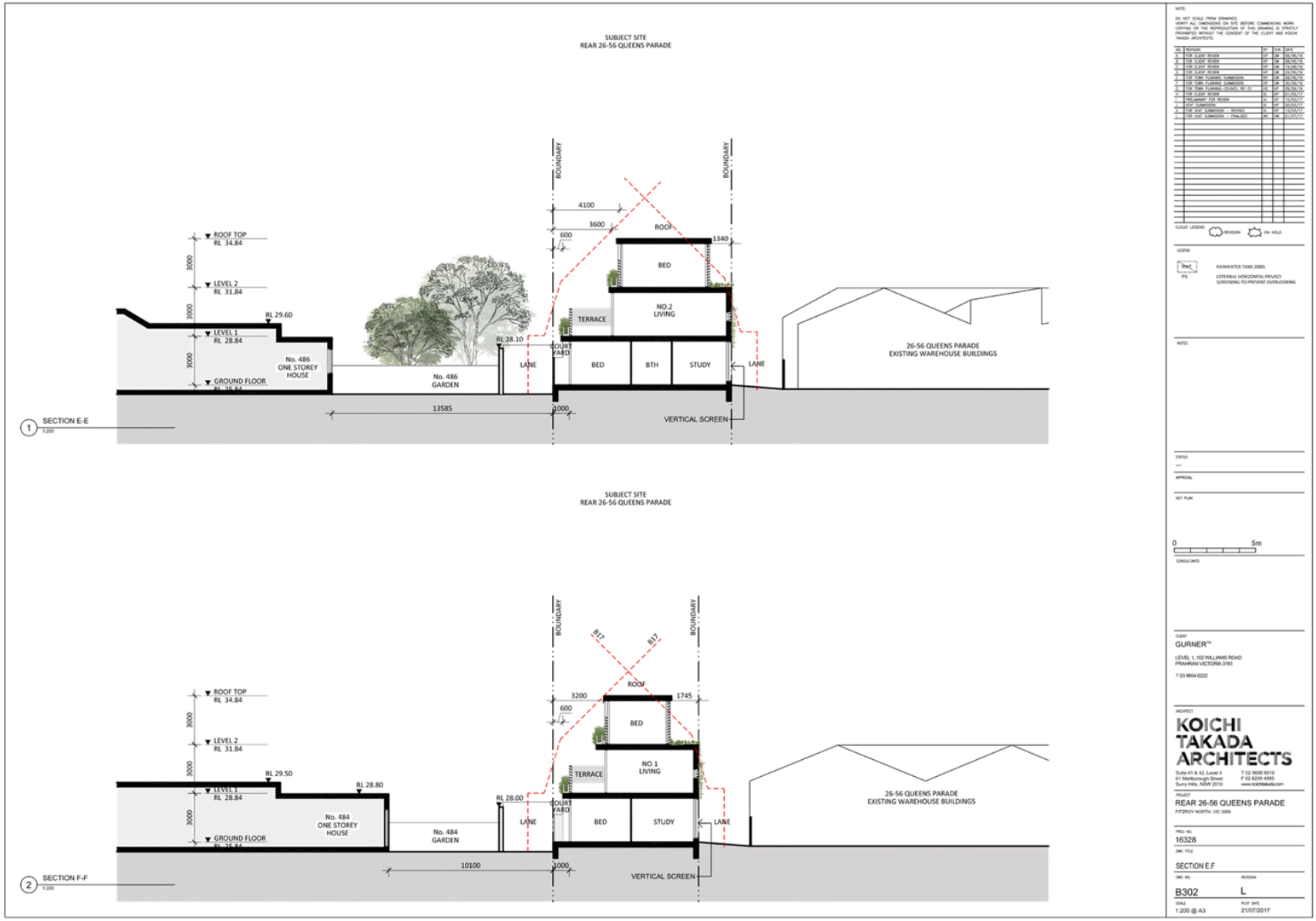
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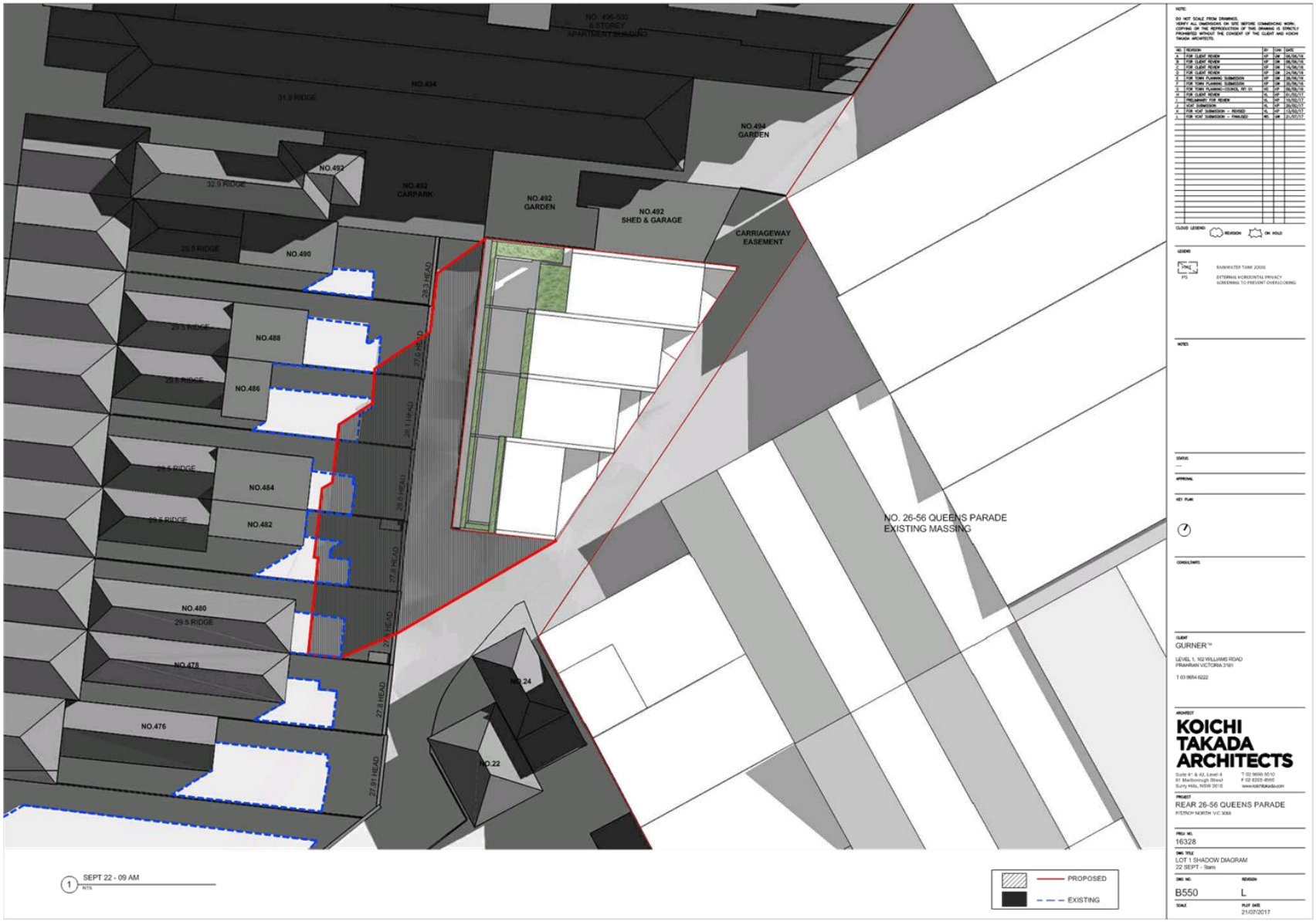
Attachment 1 - VCAT Substituted Plans



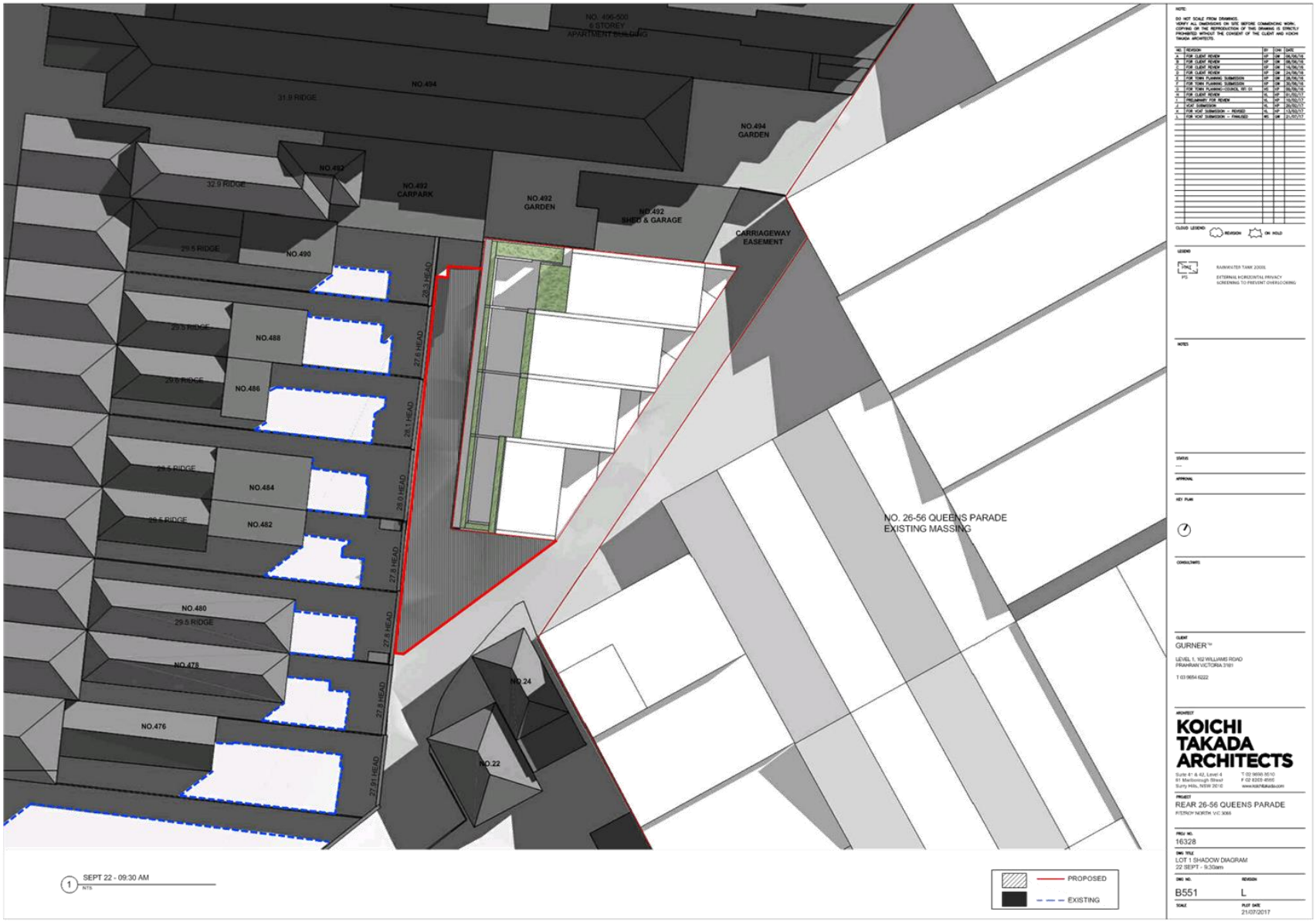
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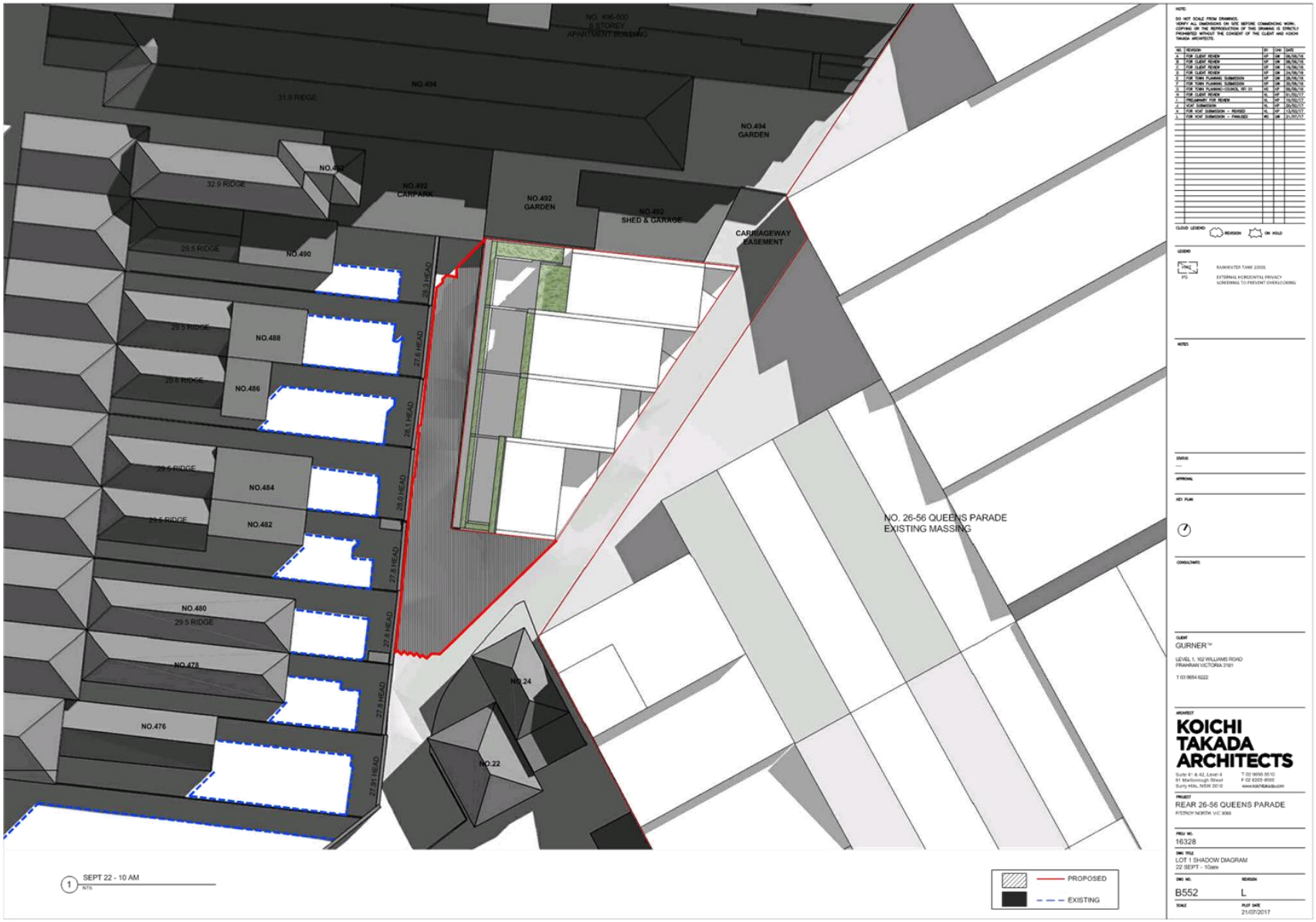
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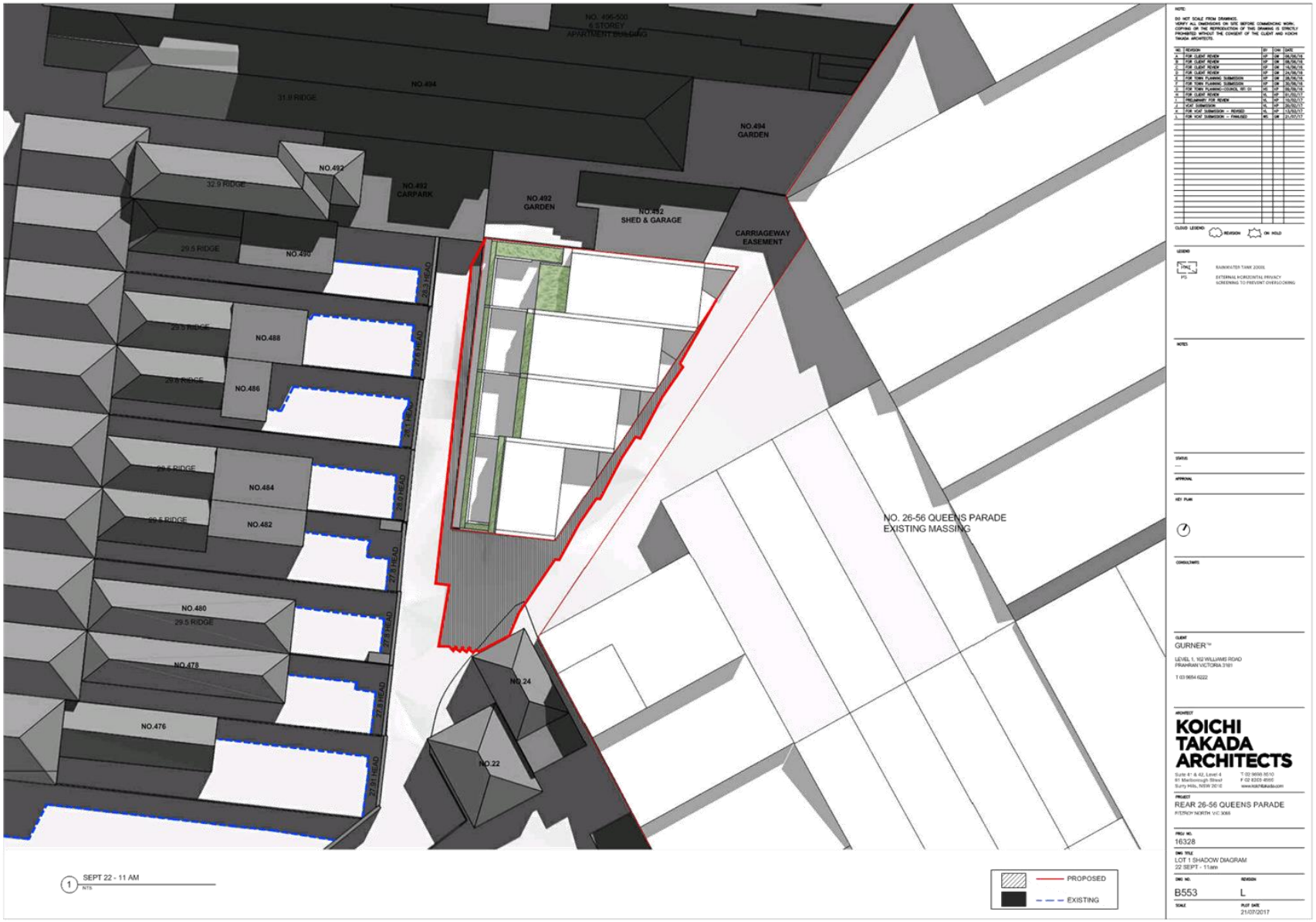
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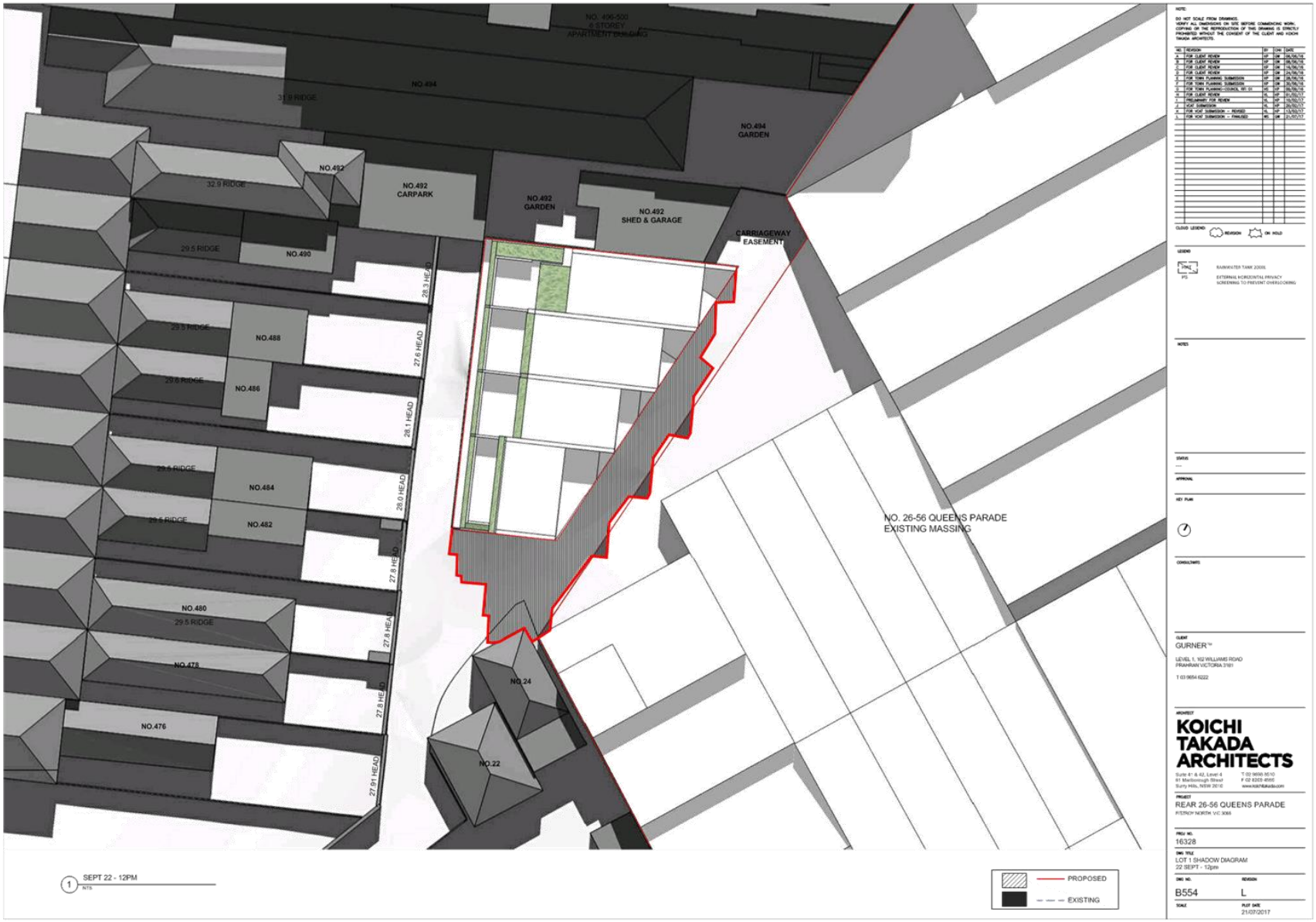
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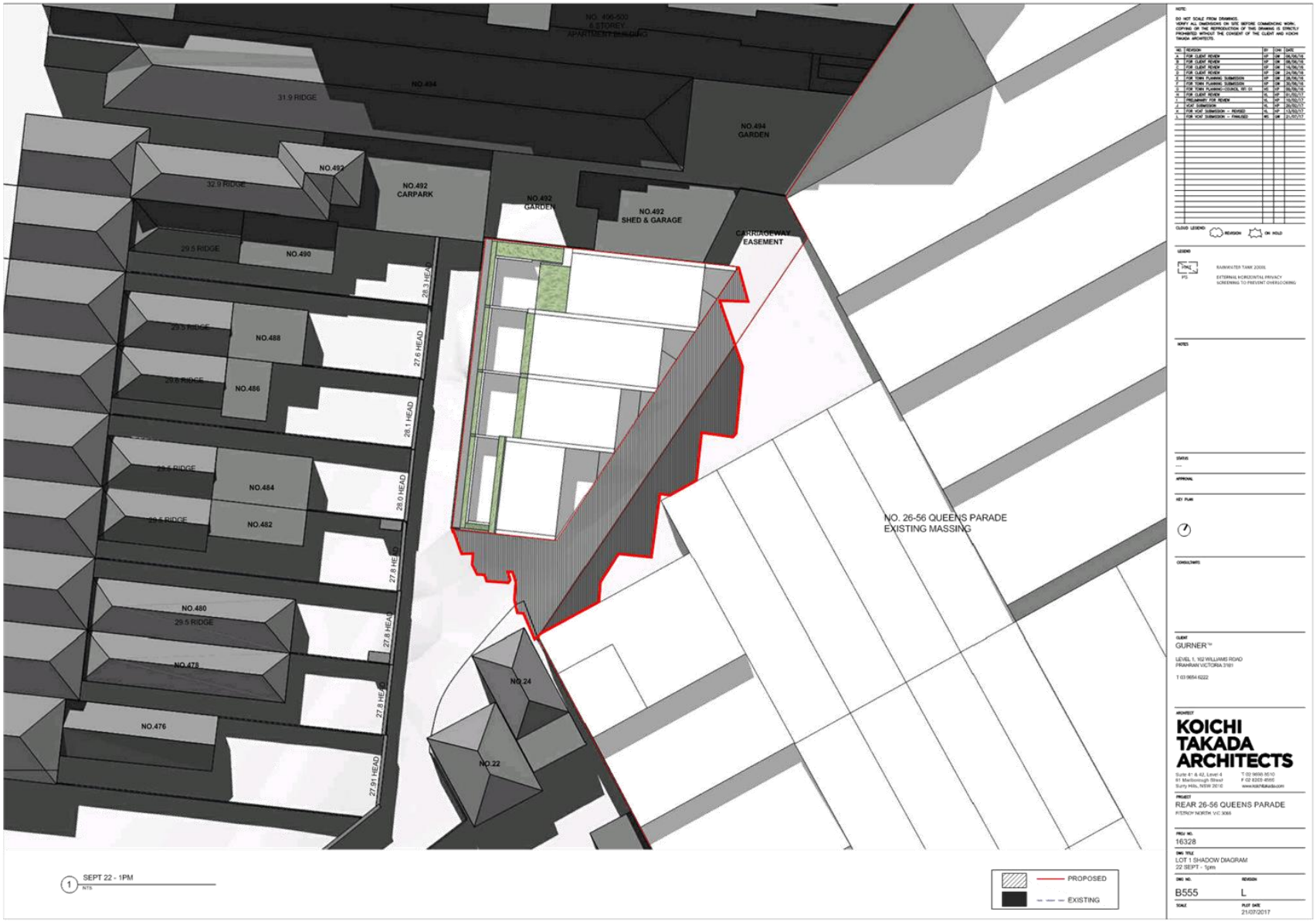
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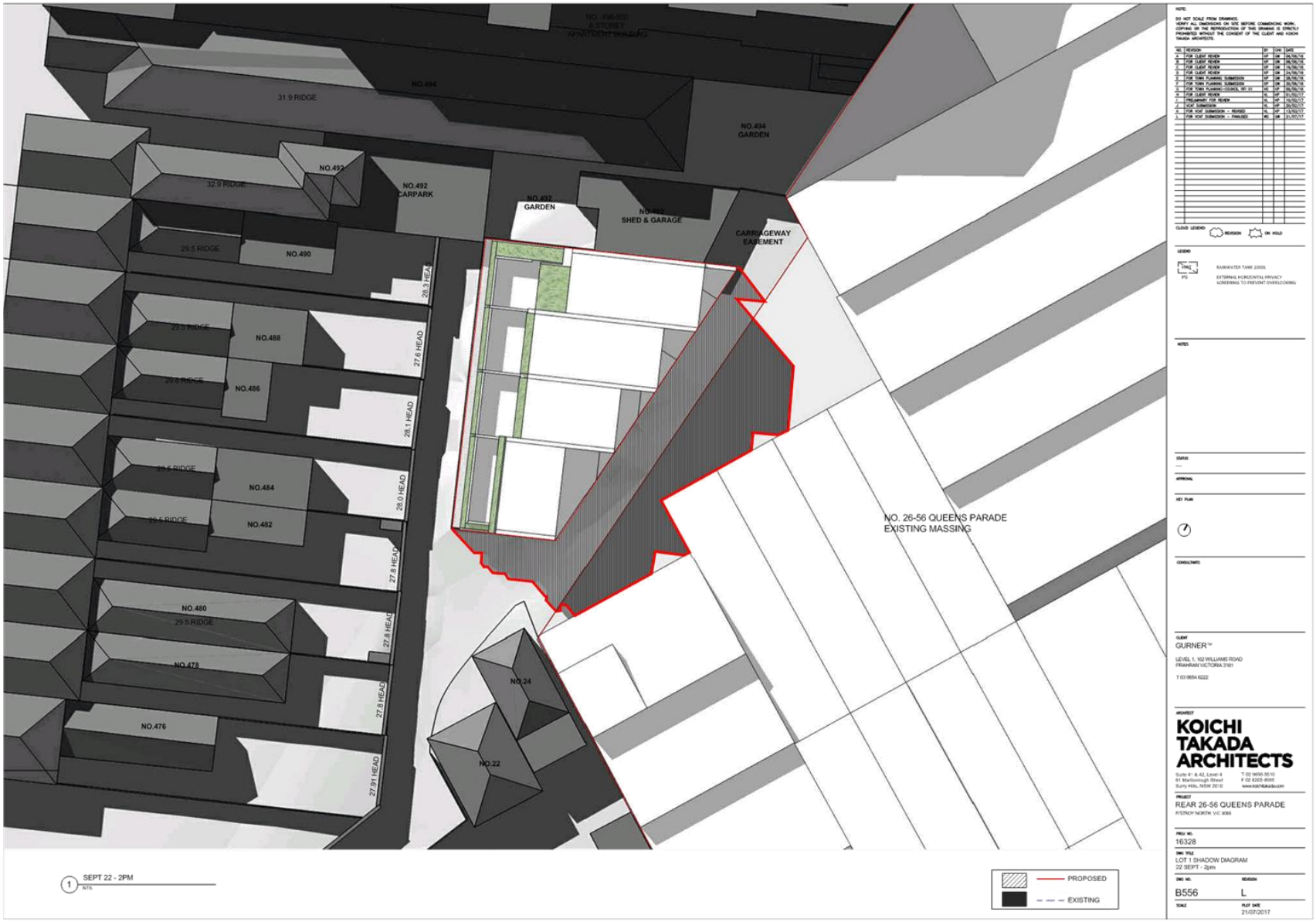
Attachment 1 - VCAT Substituted Plans



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DEVELOPMENT SUMMARY - VCAT SUBMISSION

SITE AREA: 253 m2
SITE COVERAGE 222 m2 (excludes courtyards)

	LEVEL	GBA - RESI	GFA - RESI	TOTAL GFA	EFFICIENCY NSA/GFA
BUILDING	GROUND	253	222	222	100%
	LEVEL 1	231	184	184	100%
	LEVEL 2	191	112	112	100%
	ROOF	146	0	0	100%
	TOTALS	821	518	518	100%

APARTMENT MIX		
2BED/2BTH+S 75-85m²	3BED/2BTH	SUB-TOTAL
1	3	4
		0
		0
		0
		0
1	3	4

CARPARK	2BED/2BTH+S	3BED/2BTH+S	SUB-TOTAL
AVERAGE RATE	1.0	2	
NO.	1	6	7

*Carparking accommodated in the basement of adjacent site 26-56 Queens Parade, under separate application

Notes:

1. This scheme and schedule have been prepared for planning permission purposes only.
2. The design has been prepared with limit structural and services advice and coordination.
3. Changes to the layouts and associated figures will be made during the design development.

Definitions:

1. NSA Apartment areas have been measured according to the Property Council of Australia method of measurement.
2. GFA has been measured to the external face of the external walls, including areas for vertical circulation, lift, stair and plant rooms and EXCLUDING voids.
4. GBA has been measured to the external face of all built areas, including balconies, roof terraces, and slab extensions accomodating planter boxes and privacy screens. GBA excludes non-trafficable green roofs.

3. Basement GFA has betwen measured to the external face of all shoring walls, including services, plant rooms, vertical circulation, and lifts.

PLN16/0732 - Rear 26-54 Queens Parade, Fitzroy North - Development of the land for the construction of 4, 3-storey townhouses with a reduction in the car parking requirements and provision of parking on another site

Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN16/0712 at (rear) of 26-54 Queens Parade, Fitzroy North and recommends Council adopt a position of support at the upcoming VCAT hearing, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) clause 32.04 – Mixed Use Zone;
   (b) clause 43.01 – Heritage Overlay;
   (c) Clause 52.06 – Car parking;
   (d) Clause 52.34 – Bicycle facilities;
   (e) Clause 15.01-1 – Urban Design;
   (f) Clause 15.01-2 – Urban design principles;
   (g) Clause 15.01-4 – Design for safety;
   (h) Clause 15.01-5 – Cultural identity and neighbourhood character;
   (i) Clause 15.02-1 – Energy and resource efficiency;
   (j) Clause 15.03-1 – Heritage conservation;
   (k) Clause 16.01-1 – Integrated housing;
   (l) Clause 16.01-2 – Location of residential development;
   (m) Clause 16.01-4 – Housing diversity;
   (n) Clause 16.01-5 – Housing affordability;
   (o) Clause 18.01-1 – Land use and transport planning;
   (p) Clause 18.02-1 – Sustainable personal transport;
   (q) Clause 18.02-5 – Car parking;
   (r) Clause 21.04-1 – Accommodation and housing;
   (s) Clause 21.04-2 – Activity Centres;
   (t) Clause 21.05-1 – Heritage;
   (u) Clause 21.05-2 – Urban design;
   (v) Clause 21.05-4 – Public environment;
   (w) Clause 21.06 – Transport;
   (x) Clause 21.08-8 – North Fitzroy;
   (y) Clause 22.02 – Development guidelines for sites subject to the heritage overlay;
   (z) Clause 22.07 – Development abutting laneways;
   (aa) Clause 22.12 – Public open space contribution;
   (bb) Clause 22.16 – Stormwater management (water sensitive urban design); and
   (cc) Clause 22.17 – Environmentally sustainable development.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) strategic policy;
   (b) heritage;
   (c) ResCode (clause 55), incorporating clauses 22.05, 22.16 and 22.17;
   (d) traffic and car parking;
   (e) bicycle parking;
   (f) waste management;
   (g) Objector concerns; and
   (h) compliance with proposed DDO.

Objector Concerns

4. 24 objections were received to the original application plans, these can be summarised as:
   (a) neighbourhood character and impact on heritage;
   (b) excessive height and overdevelopment;
   (c) off-site amenity (visual bulk, overshadowing, noise, overlooking, daylight and airflow);
   (d) poor ESD outcome;
   (e) shadowing of the laneway;
   (f) safety concerns (shared pedestrian/vehicular access along the lane, emergency vehicle access and impact on cyclists);
   (g) impacts during construction phase;
   (h) insufficient car parking;
   (i) unreasonable traffic impacts;
   (j) materials have not been specified; and
   (k) insufficient landscaping detail.

Conclusion

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

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

PLN16/0732 - Rear 26-54 Queens Parade, Fitzroy North - Development of the land for the construction of 4, 3-storey townhouses with a reduction in the car parking requirements and provision of parking on another site

Trim Record Number: D17/25215
Responsible Officer: Manager Statutory Planning

Proposal:	Development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site
Existing use:	Vacant
Applicant:	Gurner 26-56 Queens Parade Pty Ltd
Zoning / Overlays:	Mixed Use Zone, Heritage Overlay, Environmental Audit Overlay
Date of Application:	26/7/2016
Application Number:	PLN16/0732

Planning History

1. The site was re-zoned from the Business 3 Zone to the Mixed Use Zone on 13 November 2003 following amendment C20 to the Yarra Planning Scheme. The amendment was a Section 96A amendment process, with a concurrent planning permit application (PL02/0239) for 26-56 Queens Parade. The re-zoning however, affected 8-72 Queens Parade and 460-500 Brunswick Street.

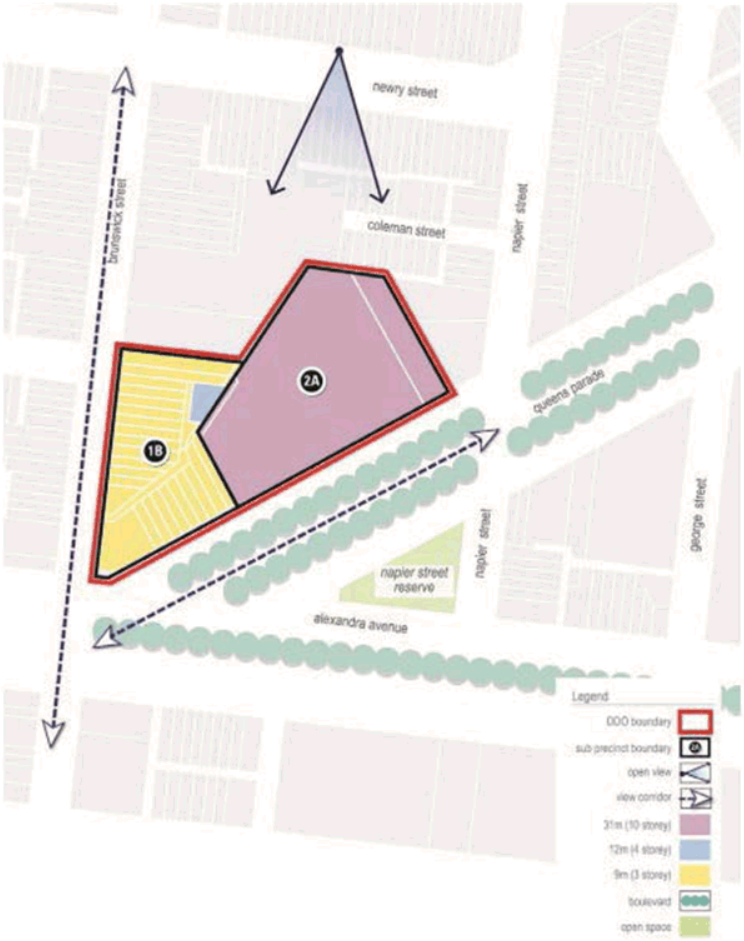
2. The panel report for the re-zoning of the land recommended that no development occur on the rear parcel (now subject to this application).

3. More recently, a special Council Meeting was held on 14 November 2016. Council discussed developments currently proposed along Queens Parade. Council resolved:

    1. *That Council note:*
        - (a) *several public meetings held regarding 26-56 Queens Parade, Fitzroy North including a public meeting convened by the community on 2 November 2016, attended by some 400 community members with resolutions from this meeting on 26-56 Queens Parade and other planning applications in the precinct including a request for an amendment to the planning scheme to create a Design and Development Overlay for the area of North Fitzroy and Clifton Hill (attached as Attachment One); and*
        - (b) *the current planning application for a high density residential development for 26-56 Queens Parade, Fitzroy North of up to 16 storeys and its recent referral by the applicant to the Victorian Civil and Administrative Tribunal (VCAT);*

    2. *That Council seek a report to be presented to the 22 November 2016 Council meeting providing advice on:*
        - (a) *the process of the above planning application and steps leading to a full hearing of this application before VCAT, scheduled in April 2017;*
        - (b) *the likely costs involved in advocacy for Council at VCAT;*
        - (c) *the request for a planning scheme amendment for the precinct, and site, and the basis and requirements for any such amendment;*
        - (d) *the steps, options and timing for such amendment; and*
        - (e) *any other pertinent aspects to inform Council on this matter.*

4. At a Council Meeting on 7 February 2017, Council considered officer's recommended draft DDO guidelines for the western section of Queens Parade. The DDO guidelines were guided by the Queens Parade, Clifton Hill Built Form Review, dated February 2017 and prepared by Hansen Partnership. The DDO would affect the following area:



5. The Council officer recommendation was that the mandatory maximum overall building height for the main site at 26-56 Queens Parade not exceed 31m or 10 storeys and for the subject site (rear site), 12m or 4 storeys.

6. Along with a number of design and setback changes for the main site, Council resolved that the DDO should pursue mandatory maximum heights of 8 storeys for the main site and 2 storeys for the rear site (subject site).

7. Council resolved (in part) to:

(e) request that the Minister for Planning urgently introduce the draft interim Design and Development Overlay by way of a Ministerial Amendment under Section 20 (4) of the Planning and Environment Act 1987 to provide the required design guidance in the Yarra Planning Scheme for precinct at the western end of Queens Parade, including the site at 26-56 Queens Parade while a full Planning Scheme Amendment to introduce a permanent DDO for the same precinct and other parts of Queens Parade is advanced through the normal amendment process following completion of the Stage 3 work; and

8. At the time of writing, no correspondence has been received in relation to Council's request for interim controls.

Background

9. On 25 January 2017, Council was informed that a Section 79 'failure to determine' appeal had been lodged with the Victorian Civil and Administrative Tribunal [**VCAT**].

10. On 3 February 2017, a practice day was held at VCAT to consider if this application should be heard at the same time as the Section 79 review for the main site (PLN6/0434). All parties consented and VCAT agreed to join both hearings (PLN16/0732 and PLN16/0434), with the hearing commencing on 3 April 2017 for 7 days. No compulsory conference was scheduled.

11. On 21 February 2017, the Applicant circulated substituted plans. These plans will form the basis of the assessment and will be considered at the upcoming VCAT hearing. The plans essentially delete 1 level from the townhouses, reducing the scale from 4 to 3 storeys, with associated internal re-configurations.

Existing Conditions

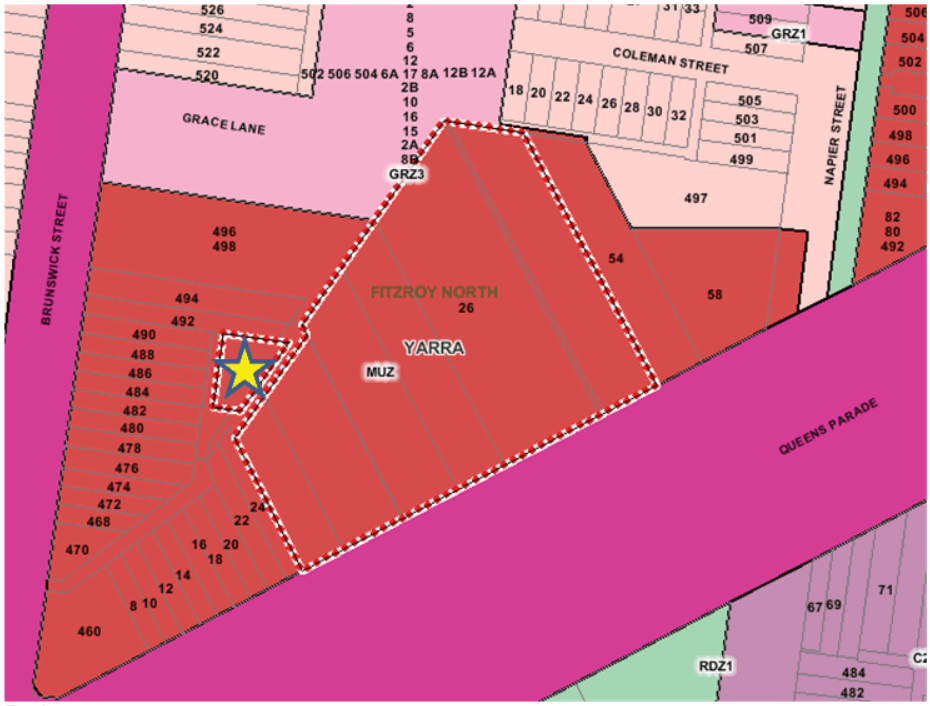
Subject Site

12. The subject site is located at the rear of 26-56 Queens Parade, an approximately 248m² irregular shaped lot accessed via a lane that extends from Brunswick Street to the west.

13. The site has a western boundary of 20.3m, a northern boundary of 17.8m, an eastern boundary of 22.8m and a southern boundary of 7.3m.

14. The site is current vacant and undeveloped.

15. The site is located within a Mixed Use Zone and is within walking distance of the Brunswick Street AC (149m).



Zoning map

Subject site

Restrictive Covenants

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

Surrounding Land

South

17. To the south of the subject site, across the laneway, is a 8,028m² site located on the north side of Queens Parade, approximately 78m east of Brunswick Street and 33m west of Napier Street. The shape is an unusually shaped lot, with 1 main road frontage and 2 separate laneway frontages.

18. The site has a frontage of 119m to Queens Parade, a western boundary length of 39.2m, a north-west boundary length of 33.6m, leading to an adjoining north-west boundary length of 65.8m. The north-east boundary length is 37.5m and the east boundary length is 65.8m. The site has an overall area of approximately 8,028m².

19. The site is developed with a series of buildings:
    (a) Queens parade, western end – the most distinctive part of the site, being a row of 2 storey buildings with art deco style parapets. The façades have been painted pink with navy highlights. This row extends for a length of approximately 74m and extends the depth of the site, save for a triangular section in the northern end, generally behind the Grace Lane properties;
    (b) Queens Parade, eastern end – a single storey warehouse style building, presenting a frontage of approximately 13.6m to Queens Parade and extending for the length of the eastern boundary (terminating at the laneway at the rear of the site;

20. Between both Queens Parade building segments is an open air carpark, presenting a frontage of approximately 31m to Queens Parade.

21. Council formed a position of refusal for a development of this site in December 2016. The applicant was seeking approval for the part demolition and development of the land for a maximum 16 storey building, plus 2 basement levels, accommodating 476 dwellings (no permit required for dwelling use), use of part of the land for food and drinks premises (cafés), use of part of the land (food and drink premises [cafés]) for the sale and consumption of liquor, reduction in the car parking requirements, waiver of the loading bay requirements and alteration of access to a Road Zone (PLN16/0434). The position of refusal is based on the following grounds:
    (a) *The proposed height, scale and massing does not respond to the existing or preferred character of the area and will dominate the surrounding area.*
    (b) *The proposal will result in an unacceptable on-site amenity impact including natural daylight and ventilation.*
    (c) *The side setbacks and building will not achieve equitable development for adjoining and adjacent sites.*
    (d) *The proposed waste management plan is inadequate for the site.*

22. Also to the south of the subject site, but further west of this larger site, is a row of 9, single and double storey Victorian era terraces. The 4 closest to the subject site are double storey. These properties all enjoy rear access to the lane, accessed via Brunswick Street. These dwellings include rear private open space areas, along with a first floor rear deck at the eastern end of the row.

23. Further west of these properties, at the corner of Queens Parade and Brunswick Street, is a 2 storey Victorian era building used as a medical centre. This medical centre includes car parking adjacent to the single storey Victorian era terraces on Queens Parade.

    West

24. To the west of the subject site, across the laneway, is a row of primarily single storey dwellings fronting Brunswick Street. These properties also enjoy rear access and utilise the rear laneway which leads to Brunswick Street. These dwellings include rear private open space areas and habitable room windows.

    North

25. To the north of the subject site is the side of a property fronting Brunswick Street to the west. This property presents a segment of private open space and a shed to the immediate north of the subject site.

26. Further north is another single storey dwelling with a rear private open space area.

27. Further north again is a recently constructed 6 storey apartment building that fronts Brunswick Street.

28. The site is well located in terms of bicycle access and public transport:
    (a) 2 bus routes along Queens Parade; and
    (b) 2 tram routes along Brunswick Street.

The Proposal

29. The application is for the development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site (being the larger Queens Parade site). More specifically:

Built form and massing

(a) construction of 4, 3 storey dwellings;
(b) ground level – the dwellings would be constructed to the northern boundary and mostly constructed to the south and east boundaries, with a minimum 1m western setback. The walls on the southern boundary would extend for a length of 6.3m, 14.6m along the eastern boundary and 17.7m along the northern boundary;
(c) first floor – the dwellings would be partially constructed to the south, east and north boundaries. The walls on the southern boundary would extend for a length of 4m, a total of 8.4m along the eastern boundary and 9m along the northern boundary;
(d) second floor – the dwellings would again, continue to be partially constructed to the south, east and north boundaries. Additional western boundary setbacks would be offered at this floor, to a minimum 3.2m, increasing to 6.2m. The walls on the southern boundary would extend for a length of 4.1m, 8.4m at the eastern boundary and 9m along the northern boundary;
(e) heights – the development would introduce a maximum 9.2m high wall on the north, east and south boundaries (maximum overall height);

Layout

(f) the 4 dwellings would be of the following configuration:
    (i) 2BR plus study – 1;
    (ii) 3BR plus study – 1; and
    (iii) 3BR – 2.
(g) the dwellings would be accessed via the eastern lane;
(h) although not part of this application, the application for the main site (PLN16/0434) proposes to introduce another pedestrian access point through 26-56 Queens Parade to these townhouses;
(i) at the ground level, the dwellings would contain bedrooms, studies and amenities, along with 4m²-5m² west boundary courtyards. The first floor would contain living/dining/kitchen areas, along with 12m² terraces for each dwelling. The second floor would contain additional bedrooms and amenities. The northernmost dwelling would contain a green roof at this level;
(j) the proposal is seeking a site coverage of approximately 87%;

Colours, materials and landscaping

(k) the original plans included a mixture of off white render, off white bricks, clear class balustrades, white aluminum composite panels, clear glazing, dark coloured glazing and perforated metal (natural finish) privacy screens. The substituted plans do not include a material key or schedule of colours and materials. Should a permit issue, this should be addressed by way of a permit condition;

Environmentally sustainable development [**ESD**] features

(l) NatHERS rating of at least 6 stars;
(m) provision of 4 x 2,000L rainwater tanks;

Car parking and waste

(n) 6 car parking spaces would be provided on the 'main site' at 26-56 Queens Parade in the proposed development (Planning permit application PLN16/0434, currently before VCAT); and
(o) waste storage and collection would be located and occur again on the main site (planning permit application PLN16/0434, again, currently before VCAT).

Planning Scheme Provisions

Zoning

*Mixed Use Zone [**MUZ**]*

30. The purpose of the MUZ includes (as relevant):
    (a) *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality*;
    (b) *To provide for housing at higher densities*;
    (c) *To encourage development that responds to the existing or preferred neighbourhood character of the area*; and
    (d) *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

31. Under clause 32.04-2 of the Scheme, a permit is not required to use the site for dwellings.

32. A permit is required under clause 32.04-6 of the Yarra Planning Scheme [**the Scheme**] to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

Overlays

Heritage Overlay (HO327)

33. The relevant purpose of the HO is:
    (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
    (b) *To conserve and enhance heritage places of natural or cultural significance.*
    (c) *To conserve and enhance those elements which contribute to the significance of heritage places.*
    (d) *To ensure that development does not adversely affect the significance of heritage places.*

34. A planning permit is required to demolish or remove a building and to construct a building or construct or carry out works.

35. Decision guidelines at clause 43.01-4 of the Scheme include (as relevant):
    (a) *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
    (b) *Any applicable statement of significance, heritage study and any applicable conservation policy.*
    (c) *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
    (d) *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.*
    (e) *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
    (f) *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

Environmental Audit Overlay

36. The purpose of this overlay is:
    (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
    (b) *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

37. Clause 45.03-1 states it is a requirement that:
    (a) *Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:*
        (i) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
        (ii) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

38. With dwellings proposed, this requirement will be addressed by way of a notation.

Particular Provisions

Clause 52.06 – Car parking

39. The purpose of this provision (amongst others) is to ensure the provision of an appropriate number of car spaces are provided having regard to the activities on the land and the nature of the locality. This provision recommends car parking rates at clause 52.06-5. Under clause 52.06-3, a permit may be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 (noting there is no relevant Parking Overlay).

40. The application generates a parking requirement for 7 spaces (1 for the 2BR dwelling and 2 for each of the 3 x 3BR dwellings [6]). It is noted that the studies have not been treated as bedrooms due to their size and configuration, making them unlikely to be converted to bedrooms.

41. Six car parking spaces would be provided within the development at the main site at 26-56 Queens Parade (currently before VCAT – PLN16/0434). A planning permit is required under clause 52.06-3 of the Scheme to:
    (a) reduce (including reduce to zero) the number of car parking spaces required under clause 52.06-5; and
    (b) to provide 6 car parking spaces on another site.

42. Clause 52.06-6 of the Scheme outlines a range of decision guidelines and clause 52.06-8 outlines a range of design standards. The relevant of these will be addressed in the assessment.

Clause 52.34 – Bicycle facilities

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

44. This application has a requirement to provide 1 bicycle parking space.

45. This is not shown on the plans, however the Applicant has not applied to waive this requirement.

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

46. The purpose of this provision is:
    (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
    (b) *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*

(c) *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
(d) *To encourage residential development that is responsive to the site and the neighbourhood.*

47. An assessment against ResCode (clause 55) will be offered in this assessment.

General Provisions

Clause 65 – Decision Guidelines

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

State Planning Policy Framework (SPPF)

The following SPPF provisions of the Scheme are relevant:

Clause 11.04-2 – Housing choice and affordability

49. The relevant objective of this clause is '*To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services*'. The relevant strategy is to '*Reduce the cost of living by increasing housing supply near services and public transport*'.

Clause 11.04-4 – Liveable communities and neighbourhoods

50. 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'. The relevant strategies are to:
(a) *Create a city of 20-minute neighbourhoods.*
(b) *Protect Melbourne and its suburbs from inappropriate development.*
(c) *Create neighbourhoods that support safe communities and healthy lifestyles.*
(d) *Achieve and promote design excellence.*

Clause 11.04-5 – Environment and water

51. The objective of this clause is '*To protect natural assets and better plan our water, energy and waste management systems to create a sustainable city*'.

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

52. The objective of this clause is '*To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely*'.

Clause 13.04-1 – Noise abatement

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

Clause 15.01-1 – Urban Design

54. 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

55. The objective of this clause is '*To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'.* The strategy of this clause is to apply 11 design strategies. Planning must also consider (as relevant) the 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.

Clause 15.01-4 – Design for safety

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

Clause 15.01-5 – Cultural identity and neighbourhood character

57. 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

58. 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

59. The objective of this clause is '*To ensure the conservation of places of heritage significance*'.

Clause 16.01-1 – Integrated housing

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

Clause 16.01-2 – Location of residential development

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

Clause 16.01-4 – Housing diversity

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

Clause 16.01-5 – Housing affordability

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

Clause 18.01-1 – Land use and transport planning

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

Clause 18.02-1 – Sustainable personal transport

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

Clause 18.02-5 – Car parking

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

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

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

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

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

Clause 21.04-1 – Accommodation and housing

68. The following is offered in this clause:

    (a) *Yarra is experiencing consistent residential growth. The Metropolitan Strategy, Melbourne 2030, identifies that this trend will continue.*
    (b) *Yarra will continue to accommodate its share of the housing growth of the inner Melbourne Metropolitan region (comprising the Cities of Melbourne, Port Phillip, Stonnington and Yarra). However, in order to protect valued character, and particularly its heritage places, the majority of new development will be accommodated on strategic redevelopment sites. These sites are generally located in, abutting, or close to activity centres, or in locations that offer good access to services and transport as required under Melbourne 2030. Other areas such as those in Mixed Use or Business zones will accommodate some population growth, while most established Residential 1 zones are stable and will experience minimal change.*

69. The relevant objectives and standards of this clause are:
    (a) *Objective 1 To accommodate forecast increases in population.*

(i) *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08.*
(ii) *Strategy 1.3 Support residual population increases in established neighbourhoods.*

(b) *Objective 2 To retain a diverse population and household structure.*
(c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*
(i) *Strategy 3.1 Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.*

Clause 21.04-2 – Activity Centres

70. The site is approximately 149m to the north-east of the Brunswick Street Activity Centre [**AC**].

71. 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.*
(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 21.05-1 – Heritage

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

(a) *Objective 14 To protect and enhance Yarra's heritage places.*
(i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
(ii) *Strategy 14.2 Support the restoration of heritage places.*
(iii) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
(iv) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
(v) *Strategy 14.5 Protect the significant landscape and heritage within streets, parks, gardens, waterways or other open spaces.*
(vi) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas. 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

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

(a) Objective 16 To reinforce the existing urban framework of Yarra.
(i) *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
(b) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
(i) *Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*
(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.*

(d) *Objective 22 To encourage the provision of universal access in new development.*

(i) *Strategy 22.1 Encourage applicants to take into account the access needs of all people in the design of new buildings.*

Clause 21.05-4 – Public environment

74. 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 28.8 Encourage public art in new development.*

Clause 21.06 – Transport

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

Clause 21.08-8 – North Fitzroy

76. The following relevant commentary is offered in this clause:

    (a) *North Fitzroy is known for the beautiful Edinburgh Gardens which combine open space, sportsgrounds, barbecue area, gardens with long-established European elm trees, skate bowl, tennis and basketball courts, bandstand, bowling greens and bocce links, remnants of the old Melbourne rail loop, and a heritage listed grandstand. The neighbourhood is largely residential.*
    (b) *The northern part of North Fitzroy has a low density residential character consisting of late Victorian and early Edwardian double fronted dwellings. Further south dwellings are more likely to be single fronted and one or two storeys.*

Relevant Local Policies

Clause 22.02 – Development guidelines for sites subject to the heritage overlay

77. This policy applies to all land within a Heritage Overlay.

78. The relevant objectives of this clause are:
    (a) *To conserve Yarra's natural and cultural heritage.*
    (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
    (c) *To retain significant view lines to, and vistas of, heritage places.*
    (d) *To preserve the scale and pattern of streetscapes in heritage places.*
    (e) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*
    (f) *To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.*
    (g) *To ensure that additions and new works to a heritage place respect the significance of the place.*
    (h) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

79. Under clause 22.02-5.7. of the Scheme, the following is offered in relation to new development, alterations and additions:

(a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
  (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
  (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
  (iii) *Be visually recessive and not dominate the heritage place.*
  (iv) *Be distinguishable from the original historic fabric.*
  (v) *Not remove, cover, damage or change original historic fabric.*
  (vi) *Not obscure views of principle façades.*
  (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*

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

(c) *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*

(d) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

80. Clause 22.02-5.7.2 of the Scheme offers more specific requirements (as relevant):

Corner Sites and Sites with Dual Frontages

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

(b) *Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection*

Ancillaries and Services

(c) *Encourage ancillaries or services in new development to be concealed or incorporated into the design of the building.*

(d) *Encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.*

Clause 22.07 – Development abutting laneways

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

Clause 22.12 – Public open space contribution

82. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision. The relevant objectives of this clause are:
(a) *To implement the Yarra Open Space Strategy.*
(b) *To identify when and where land contributions for public open space are preferred over cash contributions.*

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

83. The site is located in an area where land in lieu of cash is the preferred method of contribution. However, as the site is only 248m², the site does not meet the selection criteria in that the land to be contributed should be approximately 300m². Should the site be subdivided, a cash contribution would be required.

Clause 22.16 – Stormwater management (water sensitive urban design)

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

Clause 22.17 – Environmentally sustainable development

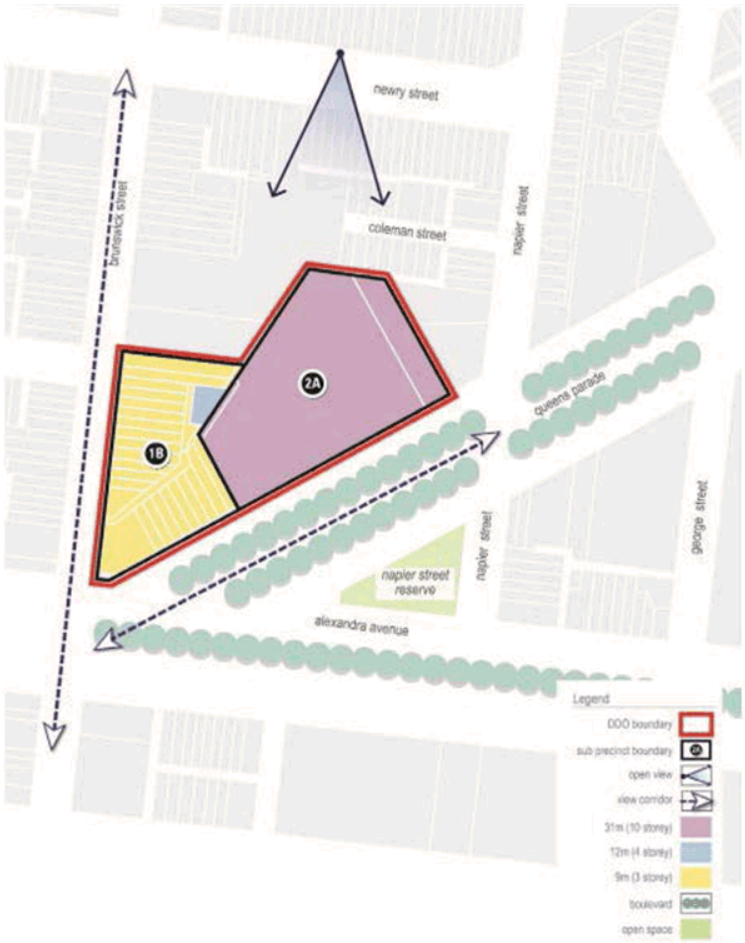
85. The most relevant objective of this clause is '…that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation'.

86. This policy includes 7 categories in which to assess ESD outcomes. An application of this scale requires the Applicant to submit a Sustainable Management Plan, prepared by a suitably qualified expert. This Applicant has done this.

Other documents

Amendment C229

87. As previously identified, at a Council Meeting on 7 February 2017, Council considered officer's recommended draft DDO guidelines for the western section of Queens Parade. The DDO guidelines were guided by the Queens Parade, Clifton Hill Built Form Review, dated February 2017 and prepared by Hansen Partnership. The DDO would affect the following area:



88. Along with a number of design and setback changes for the main site, Council resolved that the DDO should pursue mandatory maximum heights of 8 storeys for the main site and 2 storeys for the rear site (subject site).

89. Council resolved (in part) to:

    (e) request that the Minister for Planning urgently introduce the draft interim Design and Development Overlay by way of a Ministerial Amendment under Section 20 (4) of the Planning and Environment Act 1987 to provide the required design guidance in the Yarra Planning Scheme for precinct at the western end of Queens Parade, including the site at 26-56 Queens Parade while a full Planning Scheme Amendment to introduce a permanent DDO for the same precinct and other parts of Queens Parade is advanced through the normal amendment process following completion of the Stage 3 work; and

Advertising

90. The original application plans were advertised by way of 133 letters sent to surrounding property owners and occupiers. A total of 24 objections were received on the following grounds:
    (a) neighbourhood character and impact on heritage;
    (b) excessive height and overdevelopment;
    (c) off-site amenity (visual bulk, overshadowing, noise, overlooking, daylight and airflow);

(d) poor ESD outcome;
(e) shadowing of the laneway;
(f) safety concerns (shared pedestrian/vehicular access along the lane, emergency vehicle access and impact on cyclists);
(g) impacts during construction phase;
(h) insufficient car parking;
(i) unreasonable traffic impacts;
(j) materials have not been specified; and
(k) insufficient landscaping detail.

91. A consultation meeting was held on 15 November 2016 with the Applicant, Objectors and Council Officer's in attendance. Much of the focus was on the interface with this proposal with the adjacent dwellings, the laneway and the proposed development at 25-56 Queens Parade (the 'main site'). At the conclusion of the meeting, the Applicant agreed to engage a building surveyor to assess the safety aspects of access being via a lane (primarily focused on emergency service access).

92. This information was provided to Council on 6 February 2017, with the MFB confirming they had no issue with access to the rear site with regard to emergency access.

Referrals

93. Having regard to the relevant planning controls and the nature of the application, there are no external Referral Authorities.

94. The application was referred internally to the following:
(a) Urban Design Unit;
(b) Engineering Services Unit;
(c) ESD Advisor; and
(d) Heritage Advisor.

95. The substituted plans were also referred to the above. Both sets of advice have been included as attachments to this report.

Assessment

96. The primary considerations for this application are as follows:
(a) strategic policy;
(b) heritage;
(c) ResCode (clause 55), incorporating clauses 22.05, 22.16 and 22.17;
(d) traffic and car parking;
(e) bicycle parking;
(f) waste management;
(g) Objector concerns; and
(h) compliance with proposed DDO.

Strategic policy

97. State and Local Planning Policy direct development close to ACs and well serviced by public transport and infrastructure. Further, the MUZ of the land aims '*To provide for housing at higher densities*' and '*To encourage development that responds to the existing or preferred neighbourhood character of the area*'.

98. As was indicated in the assessment of the development on the 'main site' fronting Queens Parade (planning permit application PLN16/0434), the Yarra Planning Scheme lacks guidance in this regard, in particular on sites in the MUZ (and identified as being a SRS in that instance, although that is not the case for this site given its size).

99. Whilst there is State Policy support for higher residential densities in appropriate locations, there are a number of policy and physical factors that must be considered in this instance. These include the primarily single storey building stock surrounding the site to the west, north and south, the large proposed development site to the south-east and the laneway access that constrains the subject site. The heritage context of the wider area must also be considered.

100. Whilst the 7 February 2017 Council resolution seeking permission from the Planning Minister for interim controls has been outlined in the background section of this report, this resolution has no statutory weight in this planning assessment, unless the Minister determines to approve the interim controls. A brief assessment against this potential controls is found later in this report.

101. Environmentally sustainable design [**ESD**] guidance is offered at clauses 11.04-5, 15.02-1 and 22.16 of the Scheme, encouraging development that reduces energy consumption and minimises storm water runoff. An ESD assessment is offered later in this report.

102. Car parking policy is offered at clauses 18 and 21.06 of the Scheme, with state and local policy encouraging sustainable transport modes such as walking, public transport and cycling. A detailed car parking and traffic assessment is offered later in this report.

Heritage

103. The purpose of the Heritage Overlay includes:
    (a) *To conserve and enhance those elements which contribute to the significance of heritage places.*
    (b) *To ensure that development does not adversely affect the significance of heritage places.*

104. The site is not developed so 'demolition' is not a relevant consideration. This application is therefore concerned with whether the proposed development would adversely affect the significance of the North Fitzroy Heritage Precinct.

105. Local policy at clause 22.02-5.7.1 includes policy guidance that assumes a development site has a main street exposure with adjacent façades to be considered. However, the context of this site is unique, fronting only the laneway with the rear of heritage properties presenting towards the site.

106. The view line requirements of the Scheme (clause 22.02-5.7.1, figure 2) and much of the policy guidance are therefore not relevant to this assessment.

107. Much of the local heritage policy relates to siting new built form to the rear of heritage fabric, for which this application naturally does due to the location of the site.

108. This application was referred to Council's Heritage Advisor, and it was noted that as the site is positioned behind other sites and only accessed via a laneway, any development (within reason, having regard to height) would not contribute to or detract from the heritage character of the area. The 3-storey townhouses would therefore not unreasonably impact the heritage significance of the North Fitzroy Heritage Precinct.

109. Council's Heritage Advisor also commented on the laneway surfaces around the site. It is likely that the western segment and portion linking from Brunswick Street were pitched bluestone. It is likely that the eastern branch was pitched in bluestone too. This eastern branch has been addressed in the main site assessment, with a recommendation that should a permit issue, this segment be reconstructed required prior to occupation. As access would be provided to this development from the laneway linking to Brunswick Street, the remainder of the lane, linking from the site to Brunswick Street should be reconstructed.

This should be required by way of a permit condition.

110. Based on the above assessment, the proposal would not adversely affect the heritage significance of the North Fitzroy Heritage Precinct.

ResCode (clause 55), incorporating clauses 22.05, 22.16 and 22.17

111. This section will incorporate clauses 22.05, 22.16 and 22.17, framed around clause 55 (ResCode).

Standard B1 – Neighbourhood Character Objectives

112. As has been outlined in the previous heritage assessment, the construction of a 3-storey building in this location (with no primary street frontage) would not unreasonably impact the character of the area. The objective of this standard is met.

Standard B2 – Residential Policy Objectives

113. The construction of 4 dwellings on the lot is supported by state and local policies in this location given the site's proximity to the Brunswick Street Activity Centre and proximity to services, amenities and public transport options. The objective of this standard is met.

Standard B3 – Dwelling Diversity Objectives

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

Standard B4 – Infrastructure Objectives

115. The site is well located to take advantage of existing utility services and infrastructure. Further, the construction of 4 dwellings on the lot would not unreasonably overload the capacity of utility services and infrastructure. The objective of this standard is met.

Standard B5 – Integration with the Street Objective

116. The standard states that it is an objective '*To integrate the layout of development with the street*'. The standard continues to state that '*Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility*'.

117. This is a difficult given the site is only accessed via a laneway. However, the subdivision of the land has already occurred and it would not support '*…the fair, orderly, economic and sustainable use, and development of land*' if no development was permitted to occur on this site (Section 1(a) of the *Planning and Environment Act* 1987).

118. The dwelling entrances are well located and positioned across the site. However, in this instance, the fences adjacent to dwelling entrances would be approximately 1.9m high and would not encourage passive surveillance or promote the positive integration with the lane. This could be addressed by way of a permit condition however, reducing the fence/gate heights adjacent to dwelling entrances to 1.5m (standard front fence requirement as per clause 55.06-2 of the Scheme) with a minimum permeability of 50%. This should be imposed by way of a permit condition, should a permit issue.

119. Council's Urban Design Unit suggested that the southern interface of the development (dwelling 1) should be improved to activate the lane. However, the proposal already includes southern balconies on level 1 to activate this section of the lane and is considered acceptable.

120. Council's urban Design Unit also suggested that the laneway abutting the site should be converted to community space. However, the dwelling to the north of the subject site uses this stretch of lane for vehicular access to a garage.

Standard B6 – Street Setback Objective

121. N/A – The proposal is not adjacent to a street, rather adjoins laneways. The hard edge form of the proposal (along the south, east and northern boundaries) is supported from a neighbourhood character perspective as there are no adjacent dwellings to establish clear cues for setbacks. Rather, setbacks have been offered across the development (primarily from the western boundary) to mitigate off-site amenity impacts (assessed throughout this report).

Standard B7 – Building Height Objective

122. This standard states that buildings should not exceed a height of 9m (albeit exemptions are listed at clause 55.03-2 in circumstances where there is a specified fall to the land) and that the objective is '*To ensure that the height of buildings respects the existing or preferred neighbourhood character*'.

123. It is important to review the purpose of the MUZ and consider the distinction between this zone and other residential zones. These residential zones were introduced by Council in April 2015.

124. Mixed Use Zone:
    (a) purpose includes:
        (i) *To provide for housing at higher densities.*
        (ii) *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
    (b) no mandatory maximum building height specified in the zone or schedule.

125. Neighbourhood Residential Zone:
    (a) purpose includes:
        (i) *To recognise areas of predominantly single and double storey residential development.*
        (ii) *To limit opportunities for increased residential development.*
        (iii) *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics*
    (b) 8m mandatory maximum building height specified in the zone.

126. General Residential Zone:
    (a) purpose includes:
        (i) *To encourage development that respects the neighbourhood character of the area.*
        (ii) *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
    (b) Schedule 1 – mandatory maximum 10.5m building height;
    (c) Schedule 2 – mandatory maximum 9m building height;
    (d) Schedule 3 – no maximum building height specified; and
    (e) Schedule 4 - mandatory maximum 11.5m building height.

127. It is therefore clear that in relation to building heights and preferred neighbourhood character, the NRZ is the most restrictive, followed by the GRZ and that the MUZ is the least restrictive of the residential zones.

128. Consideration of appropriate building heights in the MUZ therefore rests on neighbourhood character and off-site amenity outcomes. This is as opposed to mandatory height controls as imposed in the GRZ (excluding GRZ3) and the NRZ to preserve single and double storey building stock characteristics.

129. The proposal would be a maximum height of 9.2m. Whilst the MUZ does not specify preferred or mandatory maximum heights, Standard B7 states that the maximum building height should not exceed 9m.

130. Considering the relevant decision guidelines, the proposed 9.2m height (or 200mm variation from the ResCode Standard) is supported as the proposal has responded to the sensitive interface to the west (the rear of dwellings fronting Brunswick Street), and afforded 1m to 6.2m western boundary setbacks, ensuring that the proposed 3 storey height would not unreasonably overwhelm or dominate these dwellings. Considering the impact on the dwelling to the north, the proposal also also afforded a 1m-1.3m setback at level 1, with a green roof introduced adjacent to the private open space area/garden to provide a transition to this space. This will be discussed in greater detail later in this assessment.

131. There are also limited vantage points in which public views to this development would be afforded. As the development is positioned along laneways, the 3-storey height would have limited appreciation from the public realm.

132. The objective of this standard is met

Standard B8 – Site Coverage Objective

133. This Standard states that site coverage should not exceed 60%. The proposal would result in a site coverage of 87%.

134. Considering the Standard B8 decision guidelines, the proposed site coverage would not unreasonably impact the amenity of nearby dwellings as:
    (a) the site is separated from sites to the west and south by way of a laneway and adjoins a shed to the north; and
    (b) the design response has afforded setbacks from the western boundary (ranging from 1m to 6.2m, ensuring the proposal would not result in unreasonable visual bulk when viewed from the dwellings to the west – presenting the closest private open space areas to the subject site).

135. It is also noted that the site is currently impervious (concreted), resulting in this proposal improving existing site permeability.

136. The proposed site coverage is considered to respond to the character of the area and responds to the features of the site.

Standard B9 – Permeability Objective

137. This Standard states that a site should be covered by at least 20% permeable surfaces. The proposal incorporates pavers for 20% of the site, supporting permeability generally as per this standard (albeit the pavers themselves are impervious, the gaps would support some infiltration).

138. Clause 22.16 is also applicable in this instance and is relevant when assessing permeability. The Applicant submitted a STORM report, demonstrating that with an 8000L rainwater tank (or 4 x 2,000L tanks), the application would achieve a 120% STORM rating.

139. Subject to a condition to this effect, the objective of this Standard is met.

Standard B10 – Energy Efficiency Objectives

140. Along with this Standard, clause 22.17 of the Scheme is applicable.

141. The Applicant has committed to the following:
   (a) NatHERS rating of at least 6 stars; and
   (b) provision of 4 x 2,000L rainwater tanks with a STORM rating of 120%;
   (c) energy efficient heating and cooling; and
   (d) water efficient appliances and fixtures.

142. However, Council's ESD Advisor has identified the following deficiencies:
   (a) *There is large amount of exposed north-west facing glazing that will suffer from high levels of summer solar gain and unwanted glare. Strongly recommend that all glazing exposed summer sun angles be protected by some external adjustable awnings, louvers, shutters or similar that can provide shade from summer sun angles.*

143. The above should be addressed by way of a permit condition, should a permit issue, to reduce reliance on cooling in summer.

144. Further, the Applicant has committed to permanent indoor clothes lines for its BESS score. A condition should require all commitments of the SDA to be shown on the plans, where relevant.

145. Council's ESD Advisor also suggested that the Applicant consider improving the NatHERS commitment, include a solar PV array for on-site consumption and consider including a gas boosted solar hot water system. However, considering the scale of the proposal, this is considered onerous and should not be required by way of permit conditions.

146. Subject to the conditions contained in this report, the proposal would achieve a reasonable level of energy efficiency.

Standard B11 – Open Space Objective

147. N/A – The proposal does not include or adjoin any public or communal open space.

Standard B12 – Safety Objective

148. The development ensures that both dwelling entries would be visible via the adjacent laneways. The entries are recessed to offer a pedestrian refuge, without being unreasonably deep to create an unsafe enclave. Should a permit issue, a condition should ensure that lighting is provided to dwellings entries.

149. Council's Urban Design Unit suggested the laneway at the east of the site be converted to community space, if not used by vehicles. However, the dwelling to the immediate north of the subject site uses this section of laneway to access their shed. Nevertheless, only a limited number of garages use the laneways that abut the site, therefore not bringing rise to unreasonable pedestrian safety concerns.

150. However, it is agreed (as per the urban design advice) that the east facing rooms in dwellings 2-4 should be enlarged to both improve internal amenity and perceived passive surveillance within the lane. Further, a condition should require the addition of another window in the ground floor, eastern elevation of dwelling 1 to encourage passive surveillance of the lane.

151. Finally in relation to safety, VCAT decisions have suggested that this is not a valid planning consideration (Ciullo v Yarra CC [2016] VCAT 912 (2 June 2016) and PS Corporation (Aust) Pty Ltd v Moonee Valley CC (Correction) [2016] VCAT 1756 (21 October 2016). In the case of Ciullo v Yarra CC:

Access by emergency services

23. *While I appreciate the concern of objectors to ensure that there is safe access to the site by emergency services vehicles such as the fire brigade, with respect, I regard these concerns as overstated and unproven in the planning process.*

24. *I also note that there are more direct processes by which this issue can be considered. In any event, even if I was to seek to apply the guidelines referred to by objectors (which sit outside the planning scheme and are administered by a specialist authority), there is a process by which consent could be given by the relevant authority even if the preferred parameters were not met.*

25. *In these circumstances, I do not regard this allegation as a reliable reason to refuse to grant a planning process in the absence of a clear indication from the relevant authorities that the site is not accessible to fire fighting apparatus, especially when the site is within an existing urban area, is accessed via a 3 metre bluestone surfaced laneway, is proximate to nearby formed roads and does not exhibit any greater than average susceptibility[5].*

152. Nevertheless, the Applicant provided a letter from the MFB, confirming that they raise no issue with dwellings being located on the laneway in terms of emergency access.

Standard B13 – Landscaping Objectives

153. The character of the area is of limited landscaping with small front gardens, if any. However, the immediate interface is the rear of sites with timber fences and metal roller doors. The proposed layout is supported, with ground level courtyards being offered at the western interface to address massing issues and offer a ground level are of open space, as opposed to responding to the landscape character of the area. The objective of this Standard is met.

Standard B14 – Access Objective

154. N/A – There are no crossovers proposed.

Standard B15 – Parking Location Objectives

155. N/A – There is no parking proposed on this site.

Standard B17 – Side and Rear Setbacks Objective

Wall	Height	Setback	Standard B17 prescribed setback	Complies
Ground floor west	4m	1m	1.12m	No – 120mm variation
First floor west – terrace	5.1m	Minimum 3.2m	1.45m	Yes
First and second floor west	9.1m	Minimum 3.2m	4.19m	No – 990mm variation
First and second floor north	7m	Minimum 1m	2.09m	No – 1.09m variation
Ground to second floor east	9.1m	200mm to 2.4m	4.19m	No – 1.79m to 3.99m variations

156. The ground floor, western variation is only 120mm. Further, the first and second floor variations are less than 1m, being 990mm. Even though there are areas of private open space adjacent to this wall segment, they are separated by a 2.9m wide lane. When considered with the proposed setbacks, this offers a sufficient buffer or separation to ensure that these variations would not unreasonably impact the amenity of the adjacent dwellings.

157. The north-west corner of the proposal would be setback 1m from the north boundary and extend to 2 storeys (plus a green roof). The adjacent site presents part of a garage wall and part of a hardstand/playground area to the site. It is identified that a second garage/carport is located to the west of this playground area, with shade sails over another private open space area further west at the rear of the dwelling.



Source: Google maps

158. The proposal would be constructed to the northern boundary at the ground level, setback 1m-1.3m at the first floor and eroded with a green roof at level 2. This Standard states that the first and second floor (green roof) segment should be setback a further 1.09m from the north boundary. However, the variation from this standard is supported as:
    (a) due to the orientation of the lot, the variation would not result in additional overshadowing of the adjacent open space area;
    (b) walls on boundaries are common in this area, with this built form typology creating established amenity expectations; and
    (c) the dwelling is afforded another private open space area directly to the rear (east) of the existing dwelling (further west of the proposed townhouses).

159. For the above reasons, the 1.09m side and rear setback variation would not unreasonably impact the amenity of the dwelling to the north.

160. Finally, four triangular shaped segments are provided along the eastern boundary. The variations sought for these walls range from 1.79m to 3.99m. However, as this section of wall is adjacent to a 3m wide laneway and the large potential future development site at 26-56 Queens Parade, the variation from this standard would not unreasonably impact the amenity of adjacent dwellings or the development potential of the adjacent site.

161. The objective of this standard is met.

Standard B18 – Walls on Boundaries Objective

162. This standard states that a new wall constructed on or within 200mm of a side or rear boundary should not exceed an average height of 3.2m or maximum height of 3.6m.

163. According to this standard, the total length of walls on the boundaries of this lot should not exceed:
(a) 10m – south
(b) 13m – east
(c) 11.8m – north
(d) 12.4m – west

Wall	Height (maximum)	Wall length on or within 200mm of the boundary	Wall height complies?	Wall length complies?
North	9.2m	17.7m	No	No
East	9.2m	15.4m	No	No
South	9.2m	6.3m	No	Yes

164. For all except the south boundary wall length, the wall height and length along the north, east and western boundaries does not comply with this standard.

165. The east and west boundary variations are supported as they abut 2.9m – 3m wide laneways. The variations would therefore not unreasonably impact the amenity of the dwellings to the west or the development potential of the site to the east.

166. Considering the height and length variation along the northern boundary, the development would generally abut a shed to the north. At the ground floor, the development would abut the full length of the POS area to the north, however the wall would be a height of 3.4m. At the first and second floor, the development would be 1.3m longer than the abutting shed. Whilst the development is to the south of the adjacent private open space area, the variation from this standard is only supported at level 1. It is considered that a 3 storey wall in this location on the northern boundary would unreasonably impact the amenity of the dwelling to the north by virtue of visual bulk. A condition should therefore be imposed on any permit requiring the level 2, northern boundary wall to be setback at least 1m where it does not abut a boundary wall to the north. It is not considered that full B17 side and rear setback compliance is required in this location (4.3m) and given the orientation of the wall, however a 1.3m setback would align with the adjacent green roof and inset of level 1 below. The zoning of the land (MUZ) also supports higher residential densities, further supporting the variation from this ResCode standard, albeit not as far to say that a 3 storey boundary wall is acceptable opposite private open space within a MUZ.

167. The objective of this standard is met.

Standard B19 – Daylight to Existing Windows objective

168. N/A – The development is not within close proximity to any habitable room windows.

Standard B20 – North-facing Windows Objective

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

Standard B21 – Overshadowing Open Space Objective

170. Reviewing the shadow diagrams provided by the Applicant, the proposal would only increase overshadowing of the private open space areas to the west until 9.30am at the September Equinox. The objective of this standard is met.

Standard B22 – Overlooking Objective

171. The plans have not addressed overlooking as per this standard. Whilst some screens have been provided, no detail has been given, further, the balconies/roof terraces have not been treated. This can be addressed by way of a permit condition, ensuring the objective of this standard is met.

Standard B23 – Internal Views Objective

172. The plans do not confirm the location or level of transparency for the screens provided between courtyards/terraces. This should be addressed by way of a permit condition, should a permit issue.

Standard B24 – Noise Impacts Objective

173. Having regard to the context, the proposal does not bring rise to noise concerns. The objective of this standard is met.

Standard B25 – Accessibility Objective

174. The entry to 3 of the 4 dwellings would be easily accessible to people of limited mobility (1 entrance would be accessed via stairs). The objective of this Standard is met.

Standard B26 – Dwelling Entry Objective

Whilst the dwelling entries would be visible from the laneway, they would be gated with 1.9m high fences/gates.

175. As has already been suggested, should a permit issue, a condition should require these fences/gates to be a maximum 1.5m high and 50% transparent. Further, the plans should include the location of letter boxes and street numbering to further identify the entries. These items should be addressed by way of permit conditions, should a permit issue. Subject to conditions to this effect, the objective of this standard is met.

Standard B27 – Daylight to new Windows Objective

176. All of the new windows are open clear to the sky for a minimum area of 3m² and dimension of 1m (including the adjacent laneways). The objective of this standard is met.

Standard B28 – Private Open Space Objective

177. Each dwelling would be provided with ground floor courtyards, level 1-2 balconies and level 3 roof terraces. This provides for the reasonable recreation and service needs of residents. The objective of this Standard is met.

Standard B29 – Solar Access to Open Space Objective

178. With a range of open space areas, including roof decks, the open space areas would receive adequate daylight. The objective of this standard is met.

Standard B30 – Storage Objective

179. The plans do not detail storage for the dwellings. This should be addressed by way of a permit condition, ensuring a minimum 6m³ store is provided for each dwelling. It is not considered necessary that this space is externally accessible in this instance, as residents would not need to store gardening supplies, for example. Subject to a condition to this effect, the objective of this standard is met.

Standard B31 – Design Detail Objective

180. The design of dwellings is simple, with the contemporary window proportions and a mixture of brick and metal finishes. Given the dwellings are located within a laneway, there is no immediate streetscape character to respond to. The approach selected, a simple, modern design, is therefore considered to be acceptable. The objective of this standard is met.

Standard B32 – Front Fence Objective

181. N/A – A planning permit is not required under the MUZ for the front fences (heritage permit trigger only).

Standard B33 – Common Property Objectives

182. N/A – There is no identifiable common property.

Standard B34 – Site Services Objective

183. Conditions should require the detail and location of mail boxes and metres. Subject to a condition to this effect, the objective of this standard is met.

Traffic and car parking

184. The relevant decision guidelines at Clause 52.06 will be used to guide this assessment.

Car park layout and access

185. The application is seeking permission under clause 52.06-3 to reduce the car parking requirement by 1 space (from 7 to 6) and provide all of the car parking spaces required under clause 52.06-5 on another site (26-56 Queens Parade).

186. Considering the clause 52.06-6 decision guidelines, the 1 space car parking reduction is supported based on the following:
    (a) the site is well serviced by public transport and can be easily accessed with walking and cycling options; and
    (b) ABS data suggests that three-bedroom flat style dwellings in Fitzroy North have an average car ownership of 1.5 spaces per dwelling. With 6 spaces being provided for 4 dwellings, the proposal matches the ABS anticipated rates.

187. The provision of 6 spaces on the main site for the townhouses is generally supported, provided permit conditions are imposed on any permit issued:
    (a) to ensure that the development does not commence until the development at the main site commences; and
    (b) to ensure that the development is not occupied until the car parking spaces on the main site have been constructed and are ready for use; and
    (c) whilst Council's Engineers suggest that residents parking in the main site would be more likely to walk along Queens Parade and down the laneway than through the main development, a clear, accessible link must be provided through the development at the main site for residents of this development to access the car park.

Traffic

188. A detailed traffic assessment has been undertaken in the officer report for PLN16/0434.

Council's Engineering Services Unit and external traffic advice (Cardno) supported the proposed 438 car parking spaces as originally sought for application PLN16/0434. With 341 car parking spaces now proposed (6 of which would be for the townhouses currently being assessed), the traffic generated by the proposal would be almost ¾ of the original proposal. The original Engineering assessment is therefore maintained, being that '*The traffic generated by the development can be dispersed into the surrounding road network without adversely compromising its operation or safety*'.

189. Engineering conditions have also been recommended in relation to the following, which are considered appropriate given the nature of the application and the access via the ROW:
    (a) reinstatement of any damaged Council infrastructure;
    (b) upon the completion of all building works and connections for underground utility services, the section of Right of Way in between the subject site and 26-56 Queens Parade must be fully constructed to Council's satisfaction and at the Permit Holder's cost;
    (c) the Permit Holder is to make a development contribution of 50 per cent of the cost of reconstructing the bluestone Right of Way from the development to St Georges Road. Council will program the works on the Capital Works Program and pay the balance of the works;
    (d) public lighting requirements, including lights do not unreasonably spill into nearby windows; and
    (e) requirement for a construction management plan (including a temporary lighting plan, if any existing public lighting requires temporary disconnection).

190. Subject to the conditions outlined in this report, the proposed car parking layout, access and traffic impacts would not detrimentally impact the area.

Bicycle parking

191. Council's Urban Design Unit suggested that bicycle parking be provided on-site.

192. Clause 52.34 requires 1 resident bicycle parking space. This requirement should be imposed by way of a permit condition, should a permit issue. Along with condition relating to bicycle parking design as per clause 52.34-4 of the Scheme.

Waste management

193. Waste storage and collection would be via the main site (26-56 Queens Parade). Whilst Council's Services Contracts Unit raised concern with this link (raised in the main site assessment), a condition should be imposed on any permit issued giving it no force or effect unless the development at the main site has commenced. A condition should also state that this development must not be occupied until the adjacent development has been completed, ensuring the waste storage area is ready.

Objector concerns

194. The majority of objector concerns have been considered throughout this report. Alternatively, an assessment/response is provided below.

neighbourhood character and impact on heritage;

195. Addressed at paragraphs 100 to 107 and 109.

excessive height and overdevelopment;

196. Addressed at paragraphs 119 to 129.

off-site amenity (visual bulk, overshadowing, noise, overlooking, daylight and airflow);

197. Addressed at paragraphs 152 to 165. Airflow was not specifically addressed, however as the proposal is bordered by minimum 3m wide lanes, the proposal does not bring rise to airflow concerns.

poor ESD outcome;

198. Addressed at paragraphs 136 to 142.

shadowing of the laneway;

199. Overshadowing of private open space is considered under ResCode. Whilst shadowing of footpaths is a relevant planning consideration, shadowing of a laneway is not considered to be unreasonable.

safety concerns (shared pedestrian/vehicular access along the lane, emergency vehicle access and impact on cyclists);

200. Addressed at paragraphs 144 to 148.

impacts during construction phase;

201. Should a permit issue, a construction management plan should be required by way of a permit condition to mitigate construction impacts.

insufficient car parking;

202. Addressed at paragraphs 179 to 181.

unreasonable traffic impacts;

203. Addressed at paragraphs 182 to 184.

materials have not been specified; and

204. Whilst materials have not been specified, this can be addressed by way of a permit condition, as has been recommended in this report.

insufficient landscaping detail.

205. Given the character of the area and the location of the site (with no primary street frontage) the level of landscaping and detailing provided is acceptable and context appropriate.

Compliance with proposed DDO

206. Whilst the proposed DDO is not a seriously entertained policy and is therefore given no weight in this planning assessment. However, it is considered to be prudent to assess the application against the proposed DDO nevertheless.

207. The site is within Precinct 1B of the proposed DDO (Brunswick Street Precinct). Relevant policy includes (including Council resolution changes/additions), as relevant:

Design Objectives
(a) *To encourage low rise additions behind the front sections of the terraced houses of Brunswick Street and Queens Parade that respects the prevailing streetscape character and subdivision grain.*

(b) *To facilitate the appropriate low rise infill of the site located to the rear of residential properties fronting Brunswick Street.*

Buildings and works

(c) *mandatory maximum 2 storeys. Built form outcome to be achieved 'Development that respects the heritage and streetscape value of the precinct';*
(d) *setback from side and rear boundaries – Standard B17 (discretionary control);*

Table 3 – General Design Requirements

(e) building facades - '*The articulation of new building facades should incorporate vertical articulation to reinforce the prevailing fine grain pattern of subdivision and buildings in the area*' and '*Façade design treatments and the articulation of new buildings should not compete with or mock replicate the detailing of heritage buildings*';

Decision guidelines

(f) *Whether the design objectives in Section 1.0 and the built form outcomes in Tables 1, 2 and 3 of this Schedule are achieved.*
(g) *Whether the design requirements for specific areas in Tables 1 and 2 of this Schedule are achieved.*
(h) *The Queens Parade, Clifton Hill Built Form Review – February, 2017.*
(i) *The architectural quality of the proposal, including the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.*
(j) *The profile and impact of redevelopment along Queens Parade and from Newry Street and the Edinburgh Gardens.*
(k) *The design response at the interface with existing low-scale residential properties.*
(l) *Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.*
(m) *How the proposal responds to the presence of heritage buildings either on, or in close proximity to the development.*
(n) *The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.*
(o) *The extent to which ESD measures are incorporated into the development.*

The application is 1 storey above the proposed mandatory maximum 2 storey height control. However, this assessment has already outlined how the proposed height is supported from a neighbourhood character, heritage and off-site amenity perspective. As the DDO is not part of the Scheme, a permit can still be granted above the proposed mandatory maximum 2 storey height control. In terms of current planning policy and the heritage and character assessment contained in this report, the proposed 3 storey height is supported.

As the land is positioned behind lots with primary street frontages on Brunswick Street and Queens Parade, the site does not have a primary street frontage. However, subject to the conditions contained in this report, the proposal has been designed within its context and would not dominate the surrounding heritage stock or 1-2 storey dwellings.

Further, the proposal includes satisfactory ESD measures, as has been addressed in this report.

Whilst the proposal is 1 storey higher than the proposed mandatory maximum height control, it is considered to meet all other policy elements and design guidelines of the proposed DDO.

Conclusion

208. Based on the above report, the proposal complies with the relevant Scheme provisions and planning policy and is therefore supported.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to inform VCAT that had it been in a position, it would have issued a Notice of Decision to Grant a Permit (PLN16/0732) for 26-52 Queens Parade, Fitzroy North VIC 3068 for the in accordance with the decision plans (received by Council 21 February 2017) subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (received by Council 21 February 2017) but modified to show:

   (a) the level 2, northern boundary wall to be setback at least 1.3m where it does not abut a boundary wall to the north;
   (b) fences/gates adjacent to the dwelling entrances a maximum height of 1.5m and minimum transparency of 50%;
   (c) the location of letter boxes and street numbering;
   (d) lighting to dwelling entrances;
   (e) external, operable, vertical screens to the north and west facing windows;
   (f) details of the screens between courtyards/terraces and to habitable room windows, confirming:
      (i) a minimum height of 1.7m;
      (ii) a maximum permeability of 25%; and
      (iii) that they are fixed.
   (g) larger east facing windows to dwellings 2-4;
   (h) an additional window to the ground floor, eastern elevation of dwelling 1;
   (i) a minimum 6m³ store for each dwelling;
   (j) a schedule of colours and materials, including samples (where relevant);
   (k) bicycle parking as per clause 52.34 of the Yarra Planning Scheme;
   (l) bicycle parking must meet the design requirements at clause 52.34-4 of the Yarra Planning Scheme; and
   (m) items as per the Sustainable Design Assessment, where relevant to show on the plans.

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Development must not commence until the development at 26-56 Queens Parade, Fitzroy North (PLN16/0434) commences.

4. The development must not be occupied until the car parking spaces, waste storage area and pedestrian link from Queens Parade (for use of this development) are constructed and ready for use at 26-56 Queens Parade, Fitzroy North (PLN16/0434).

5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

7. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

8. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by WGE and dated 9 September 2016, but modified to reflect the decision plans.

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

10. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the laneways adjoining the site (extending from Brunswick Street and the entrances of the dwellings). When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
    (a) a lighting scheme designed for the laneways and within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
    (b) the control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997," Control of the obtrusive effects of outdoor lighting";
    (c) the locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
    (d) lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
    (e) a maintenance regime for the lighting scheme within the curtilage of the property.
    (f) the use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

11. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

12. 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; and
(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.

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

14. 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.

15. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  (a) at the permit holder's cost; and
  (b) to the satisfaction of the Responsible Authority.

17. Prior to the commencement of the development, the developer must prepare and submit detailed design drawings of all road infrastructure works and drainage works associated with this development (outlined in condition 18) for assessment and endorsement to the satisfaction of the Responsible Authority.

18. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be carried out, to the satisfaction of the Responsible Authority:
  (a) reconstruction of the segment of laneway to the east of the site in pitched bluestone. The cost of these works must be borne by the Permit Holder; and
  (b) reconstruction of the segment of laneway linking the southern end of the site to Brunswick Street, as per existing conditions. Half (50%) of the cost of these works must be borne by the Permit Holder (with the remaining half to be borne by the Responsible Authority).

19. This permit will expire if:
    (a) the development is not commenced within two years of the date of this permit; or
    (b) the development is not completed within four years of the date of this permit.
    The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

NOTES:

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

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.

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

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

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

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

Attachments
1. PLN16/0732 - 26 - 52 Queens Parade Fitzroy North - SUBSITUTED PLANS -Development Summary
2. PLN16/0732 - 26 - 52 Queens Parade Fitzroy North - SUBSITUTED PLANS -Amended Plans
3. PLN16/0732 - Rear 26 - 56 Queens Parade Fitzroy North - Engineering comments on Substituted Plans
4. PLN16/0732 - 26 - 52 Queens Parade Fitzroy North - Heritage advice on substituted plans
5. PLN16/0732 - 26 - 52 Queens Parade Fitzroy North - Urban Design comments on revised plans
6. PLN16/0732-02: PLN16/0732 - 26 - 52 Queens Parade Fitzroy North - ESD advice on subsituted plans

Attachment 2 - IDAC Application & Attachments 15 March 2017

Attachment 1 - PLN16/0732 - 26 - 52 Queens Parade Fitzroy North - SUBSITUTED PLANS -Development Summary

26-56 QUEENS PARADE,
FITZROY NORTH

VCAT SUBMISSION
DATE:20/02/17
DEVELOPMENT SUMMARY - REV.J (LOT 1)

KOICHI TAKADA ARCHITECTS

DEVELOPMENT SUMMARY - VCAT SUBMISSION

SITE AREA: 253 m2
SITE COVERAGE 222 m2 (excludes courtyards)

	LEVEL	APARTMENT MIX		
		2BED/2BTH+S 75-85m²	3BED/2BTH	SUB-TOTAL
BUILDING	GROUND	1	3	4
	LEVEL 1			0
	LEVEL 2			0
	ROOF			0
				0
	TOTALS	1	3	4

CARPARK	2BED/2BTH+S	3BED/2BTH+S	SUB-TOTAL
AVERAGE RATE	1.0	1.5	
NO.	1	5	6

*Carparking accommodated in the basement of adjacent site 26-56 Queens Parade, under separate application

Notes:

1. This scheme and schedule have been prepared for planning permission purposes only.
2. The design has been prepared with limit structural and services advice and coordination.
3. Changes to the layouts and associated figures will be made during the design development.

Definitions:

1. NSA Apartment areas have been measured according to the Property Council of Australia method of measurement.
2. GFA has been measured to the external face of the external walls, including areas for vertical circulation, lift, stair and plant rooms and EXCLUDING voids.
4. GBA has been measured to the external face of all built areas, including balconies, roof terraces, and slab extensions accomodating planter boxes and privacy screens. GBA excludes non-trafficable green roofs.
3. Basement GFA has betwen measured to the external face of all shoring walls, including services, plant rooms, vertical circulation, and lifts.

Attachment 2 - IDAC Application & Attachments 15 March 2017

Attachment 2 - PLN16/0732 - 26 - 52 Queens Parade Fitzroy North - SUBSITUTED PLANS -Amended Plans



REAR 26-56 QUEENS PARADE

FITZROY NORTH Melbourne, VIC 3068

ARCHITECTURAL DRAWINGS

B000	DRAWING LIST	NTS
B010	SITE PLAN AND ROOF PLAN	1:400
B011	SURVEY PLAN AND EXISTING PLAN	1:400
B100	GROUND FLOOR LEVEL	1:200
B101	LEVEL 01	1:200
B102	LEVEL 02	1:200
B103	ROOF PLAN	1:200
B200	WEST ELEVATION	1:200
B201	EAST ELEVATION	1:200
B202	NORTH ELEVATION	1:200
B203	SOUTH ELEVATION	1:200
B204	EXISTING EAST AND WEST ELEVATIONS	1:200
B205	EXISTING NORTH AND SOUTH ELEVATIONS	1:200
B300	SECTION A, B	1:200
B301	SECTION C, D	1:200
B302	SECTION E, F	1:200
B550	SHADOW DIAGRAM 22 SEPT - 9am	NTS
B551	SHADOW DIAGRAM 22 SEPT - 9.30am	NTS
B552	SHADOW DIAGRAM 22 SEPT - 10am	NTS
B553	SHADOW DIAGRAM 22 SEPT - 11am	NTS
B554	SHADOW DIAGRAM 22 SEPT - 12pm	NTS
B555	SHADOW DIAGRAM 22 SEPT - 1pm	NTS
B556	SHADOW DIAGRAM 22 SEPT - 2pm	NTS
B557	SHADOW DIAGRAM 22 SEPT - 3pm	NTS

KOICHI TAKADA ARCHITECTS

REAR 26-56 QUEENS PARADE

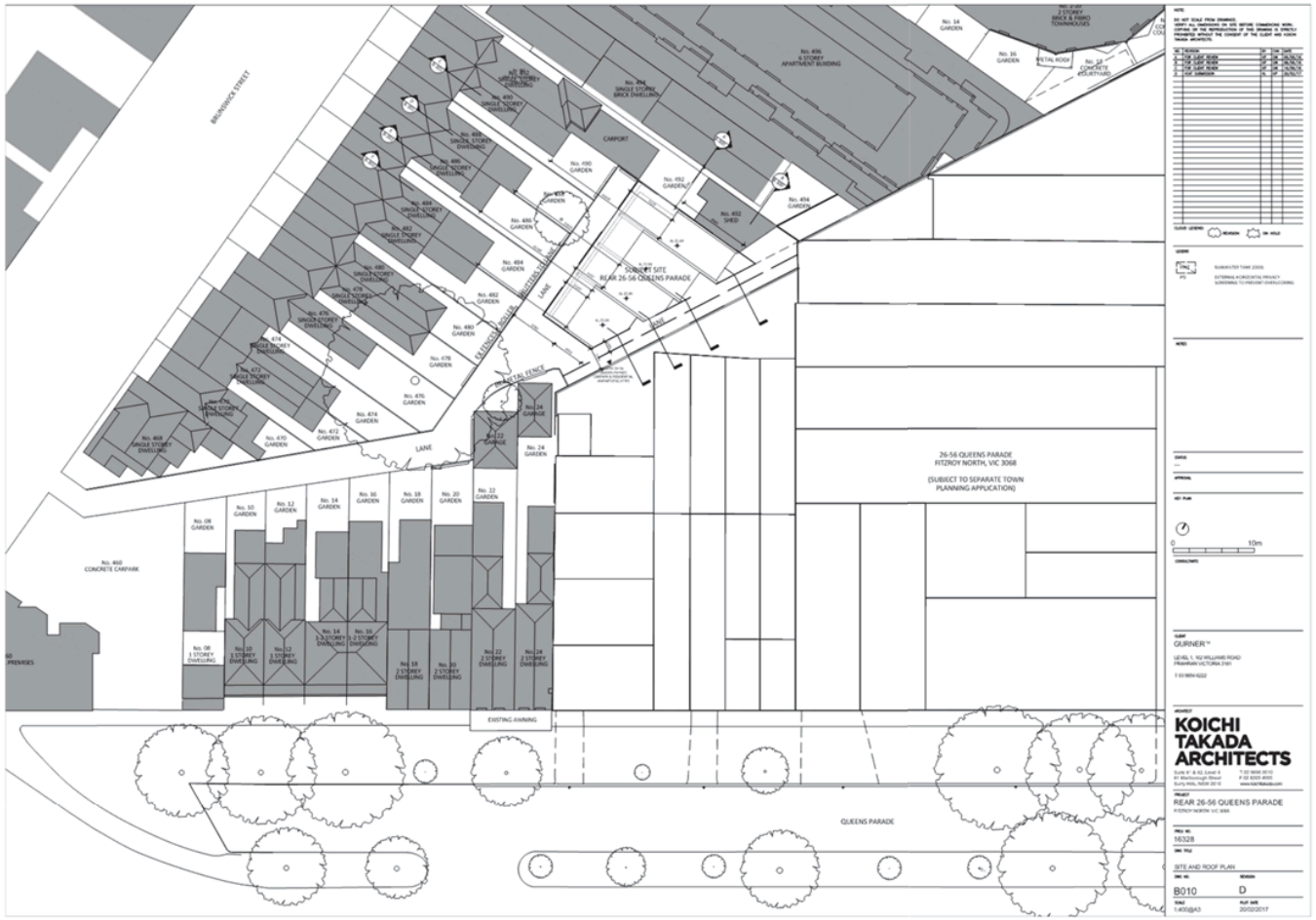
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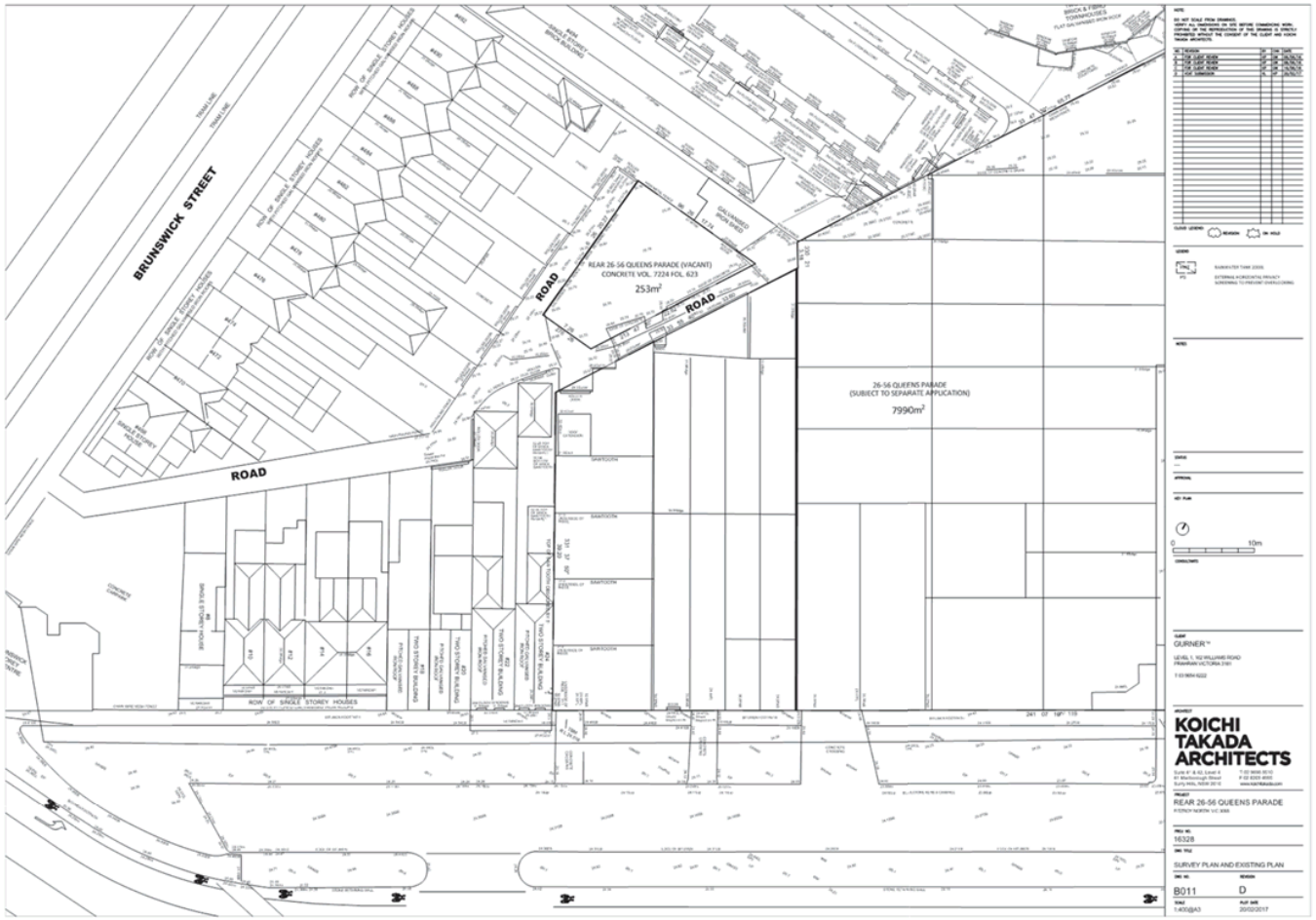
Attachment 2 - IDAC Application & Attachments 15 March 2017

Attachment 2 - PLN16/0732 - 26 - 52 Queens Parade Fitzroy North - SUBSITUTED PLANS -Amended Plans



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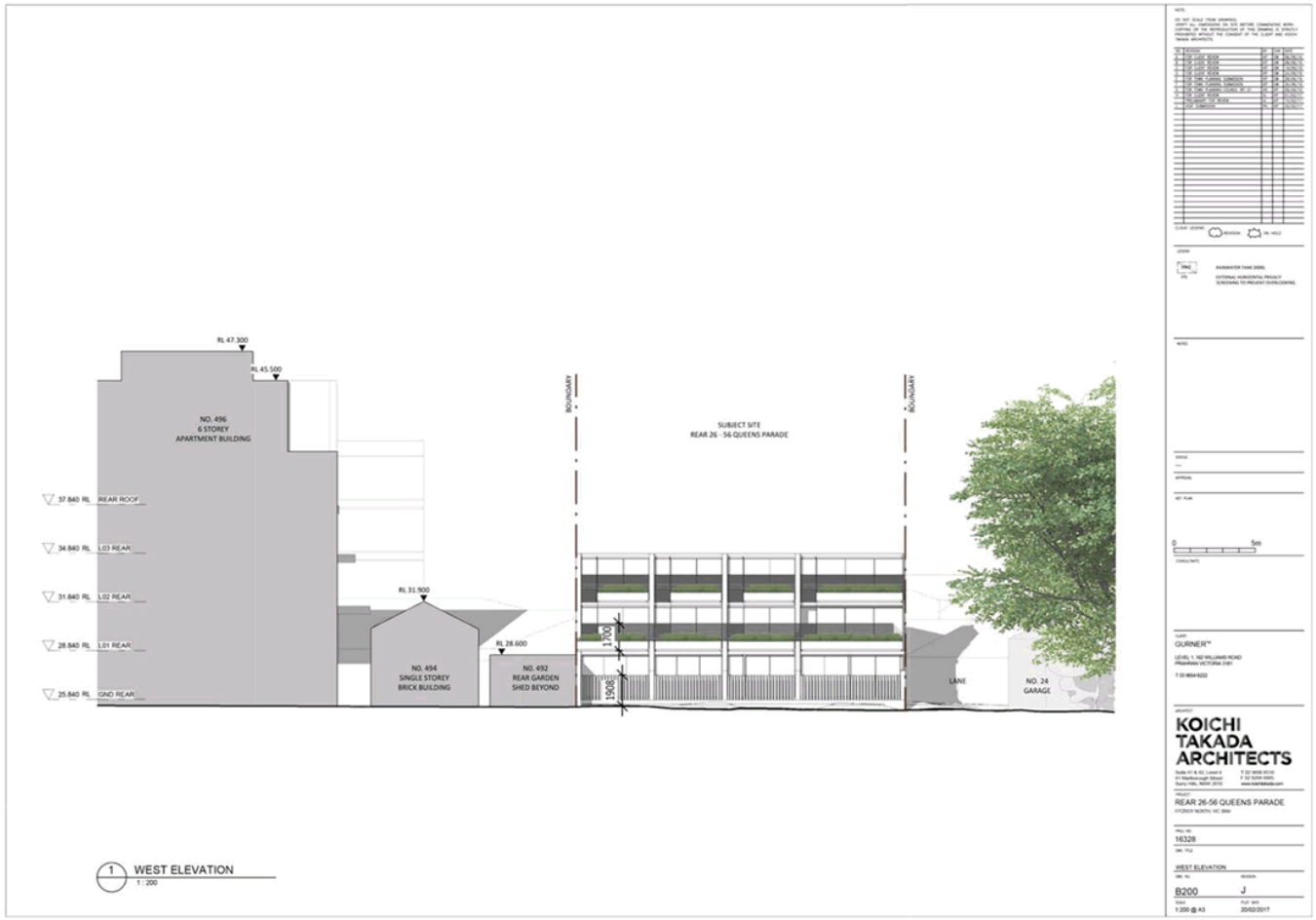
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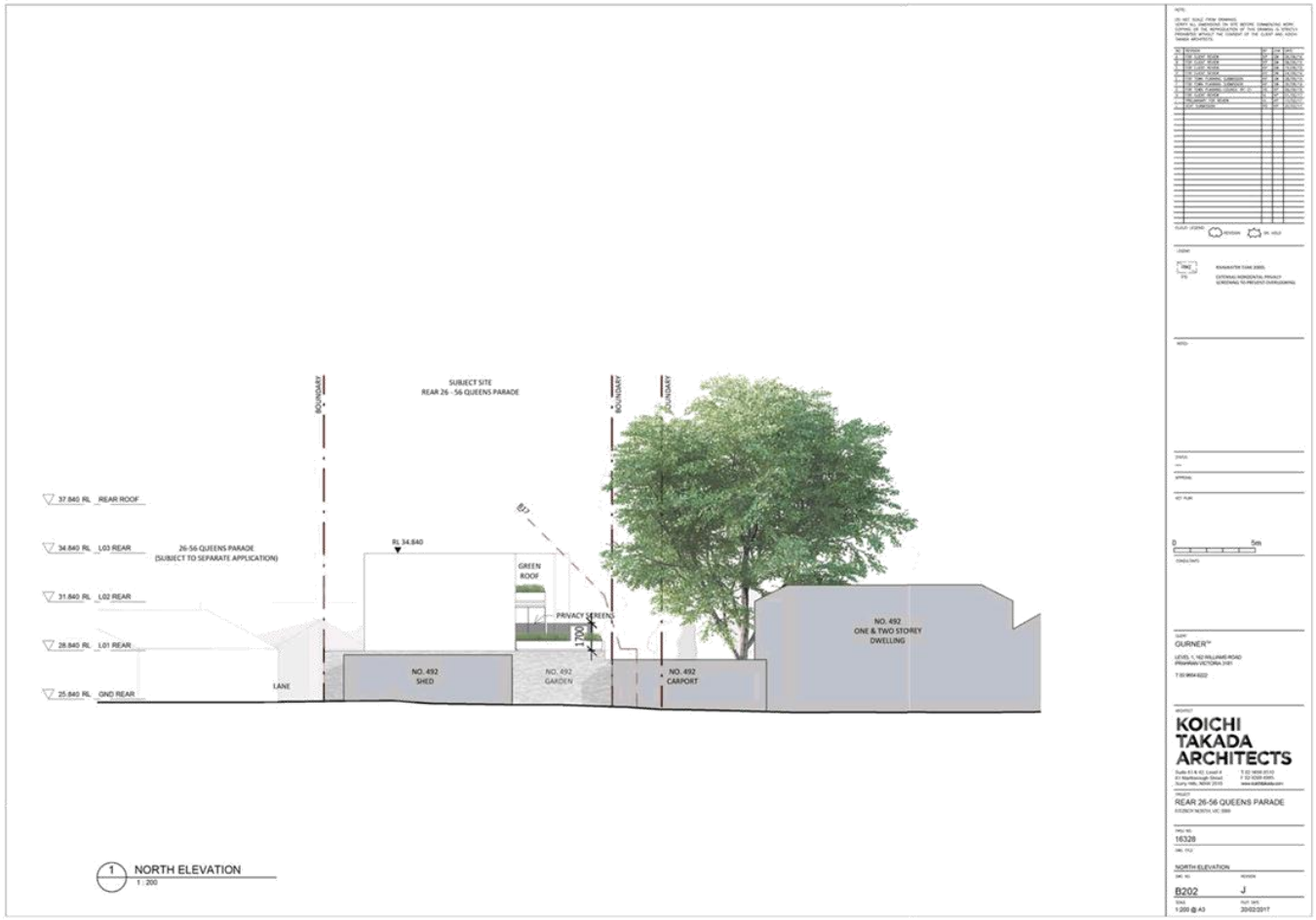
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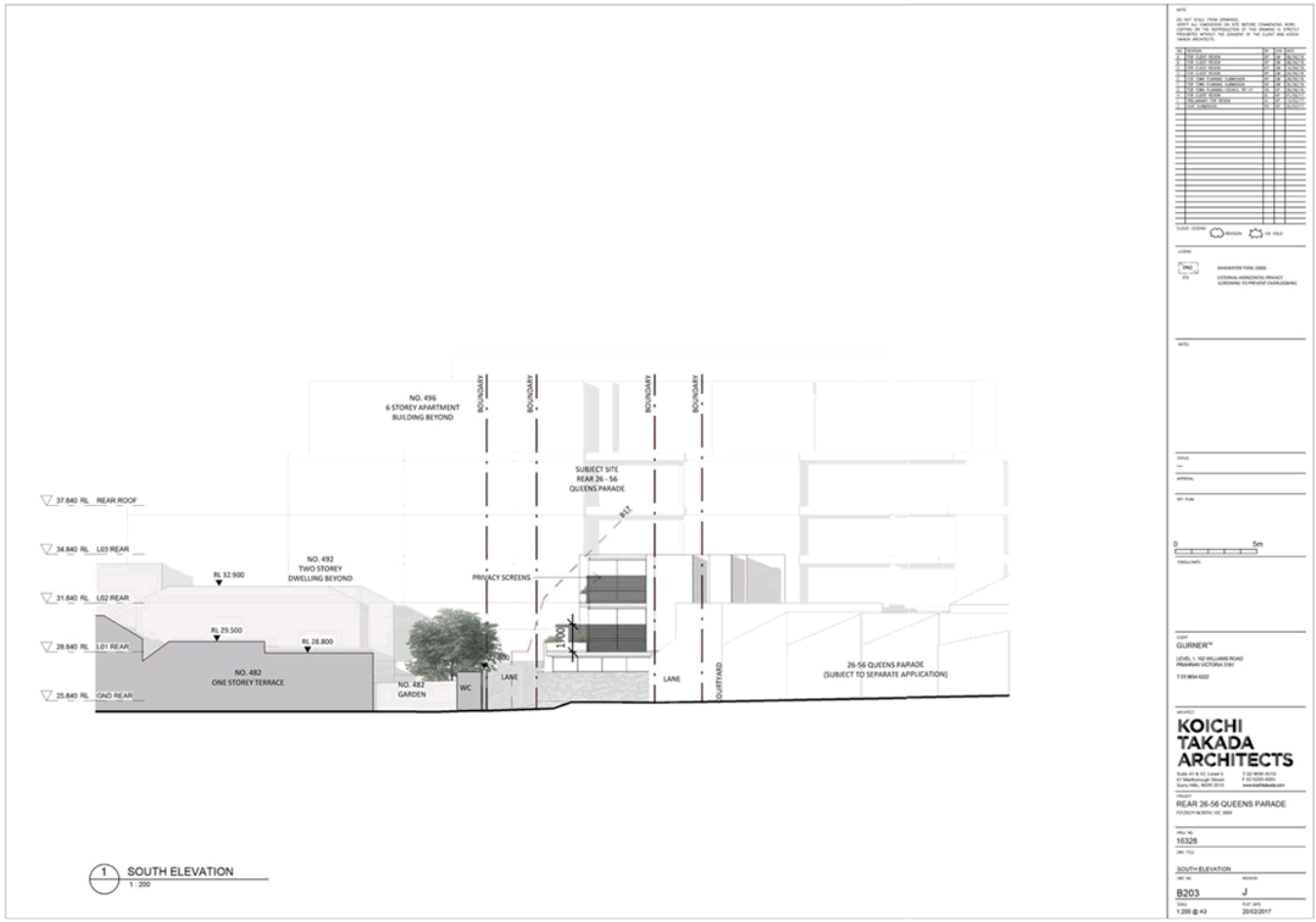
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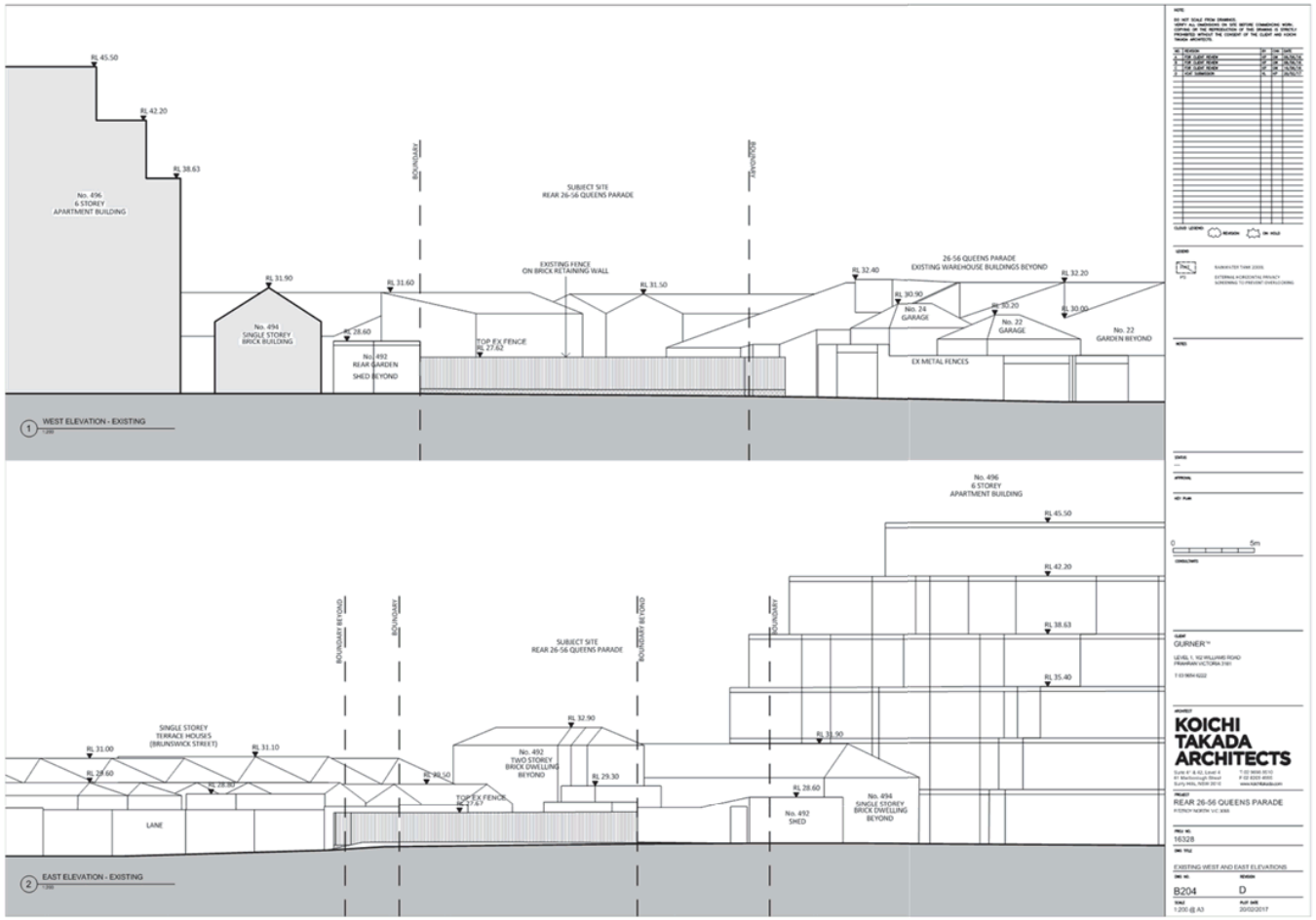
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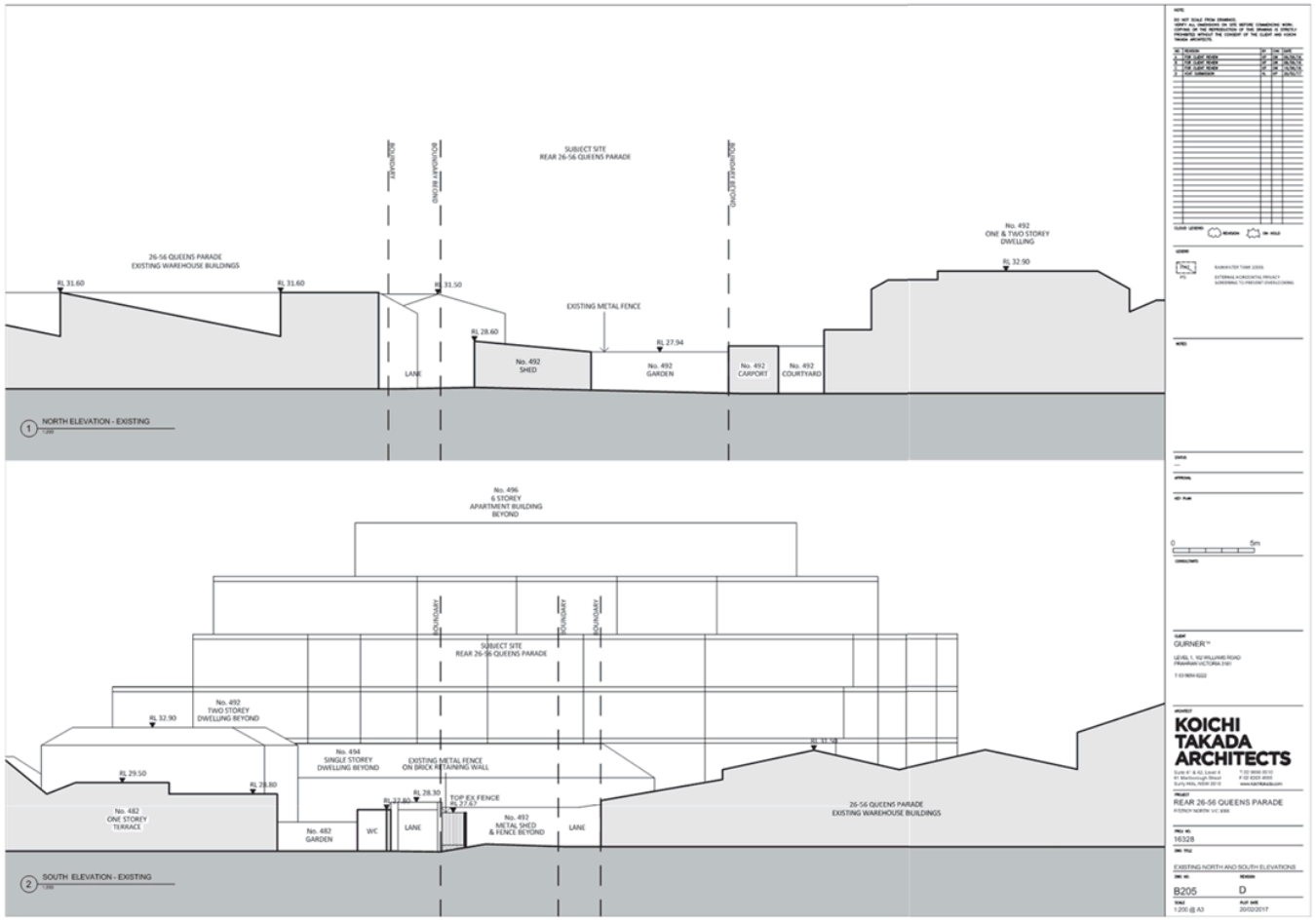
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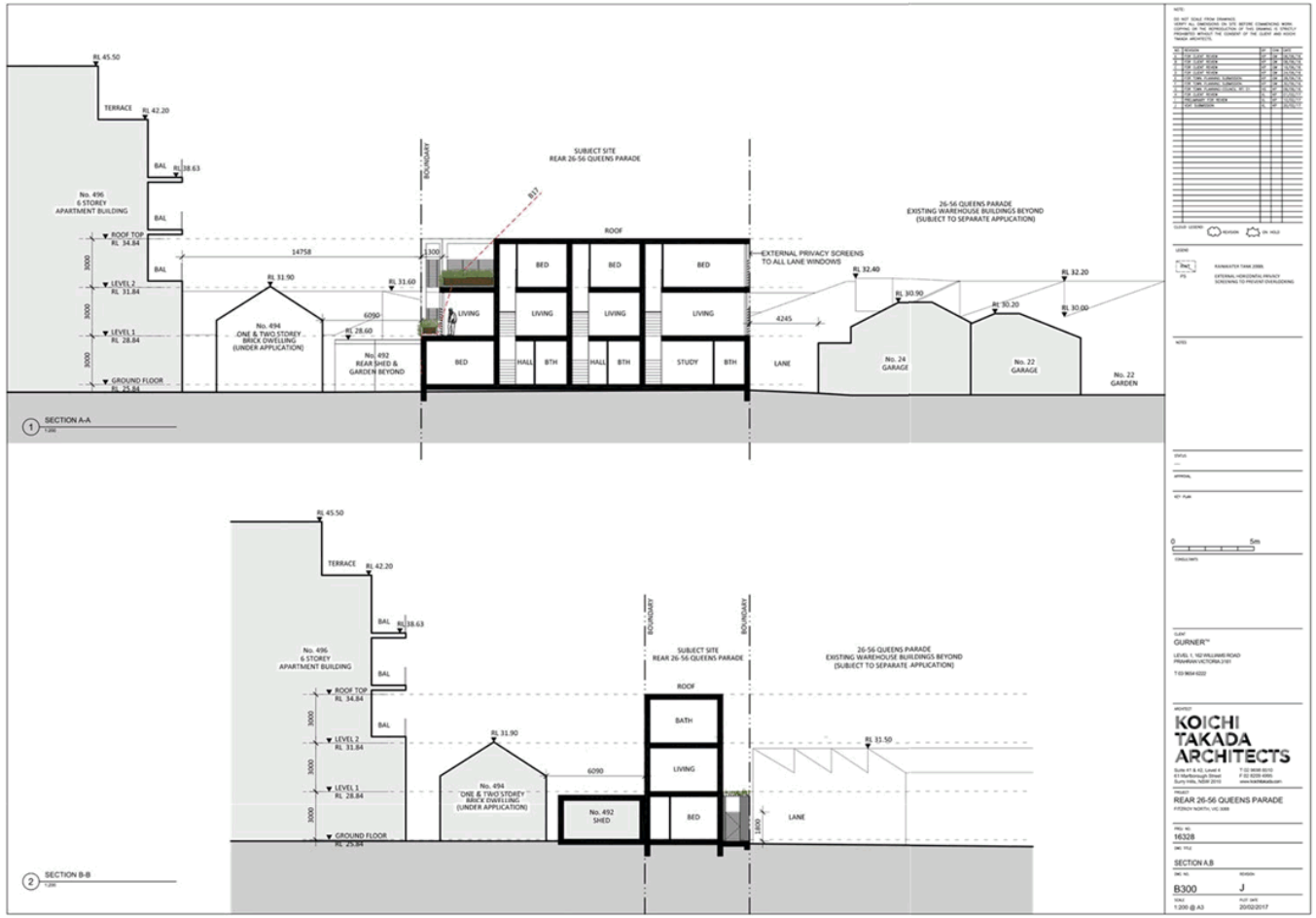
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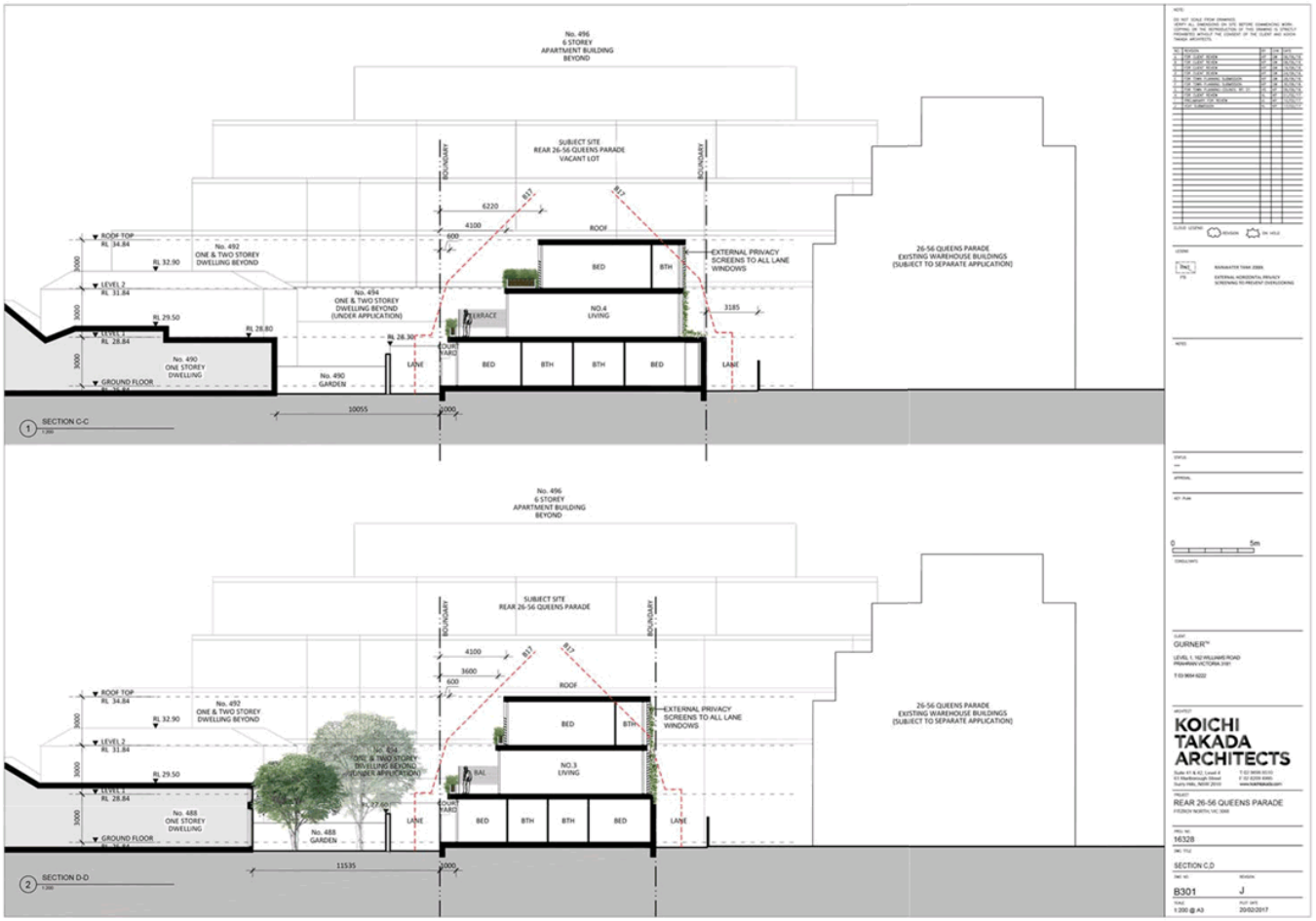
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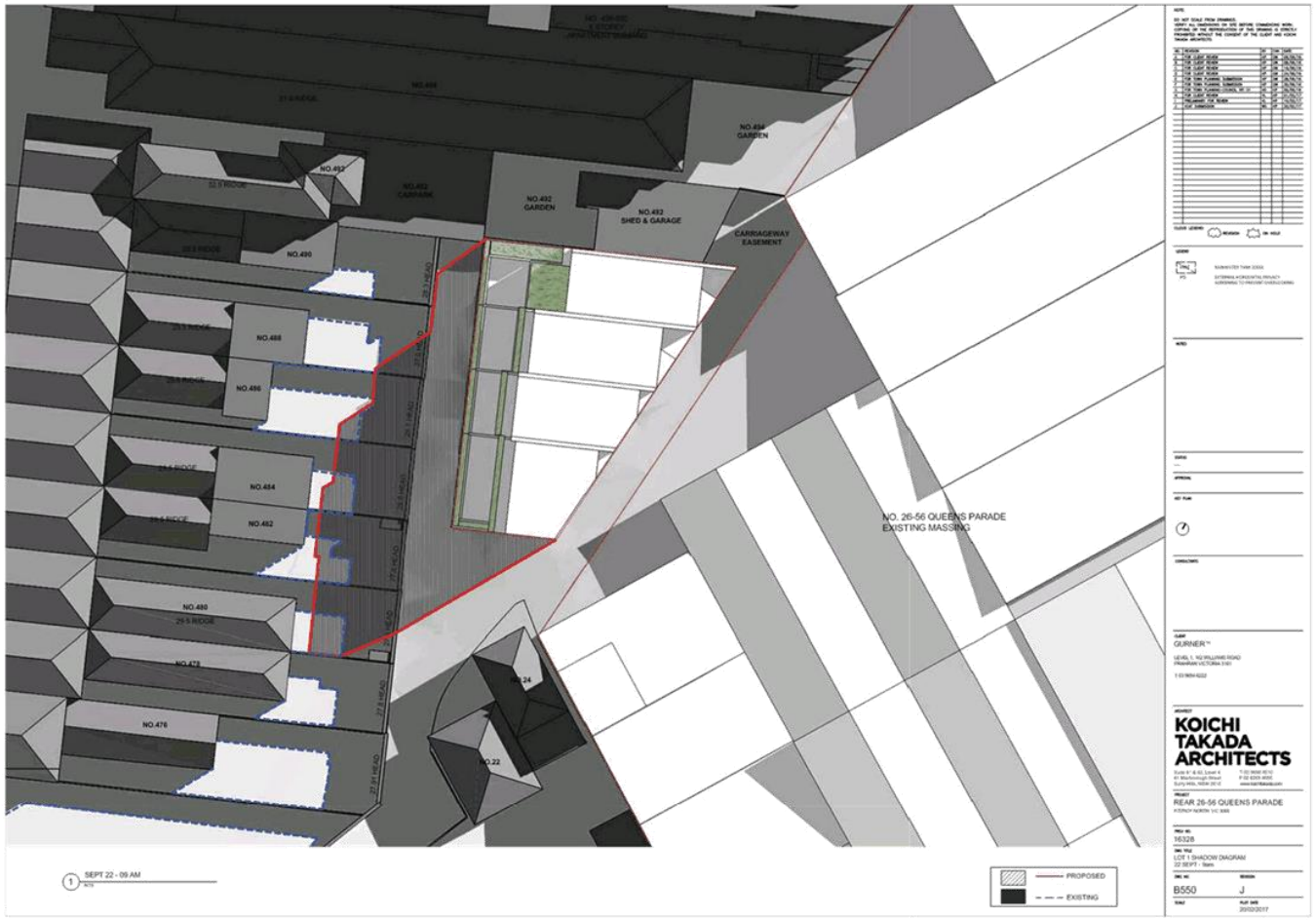
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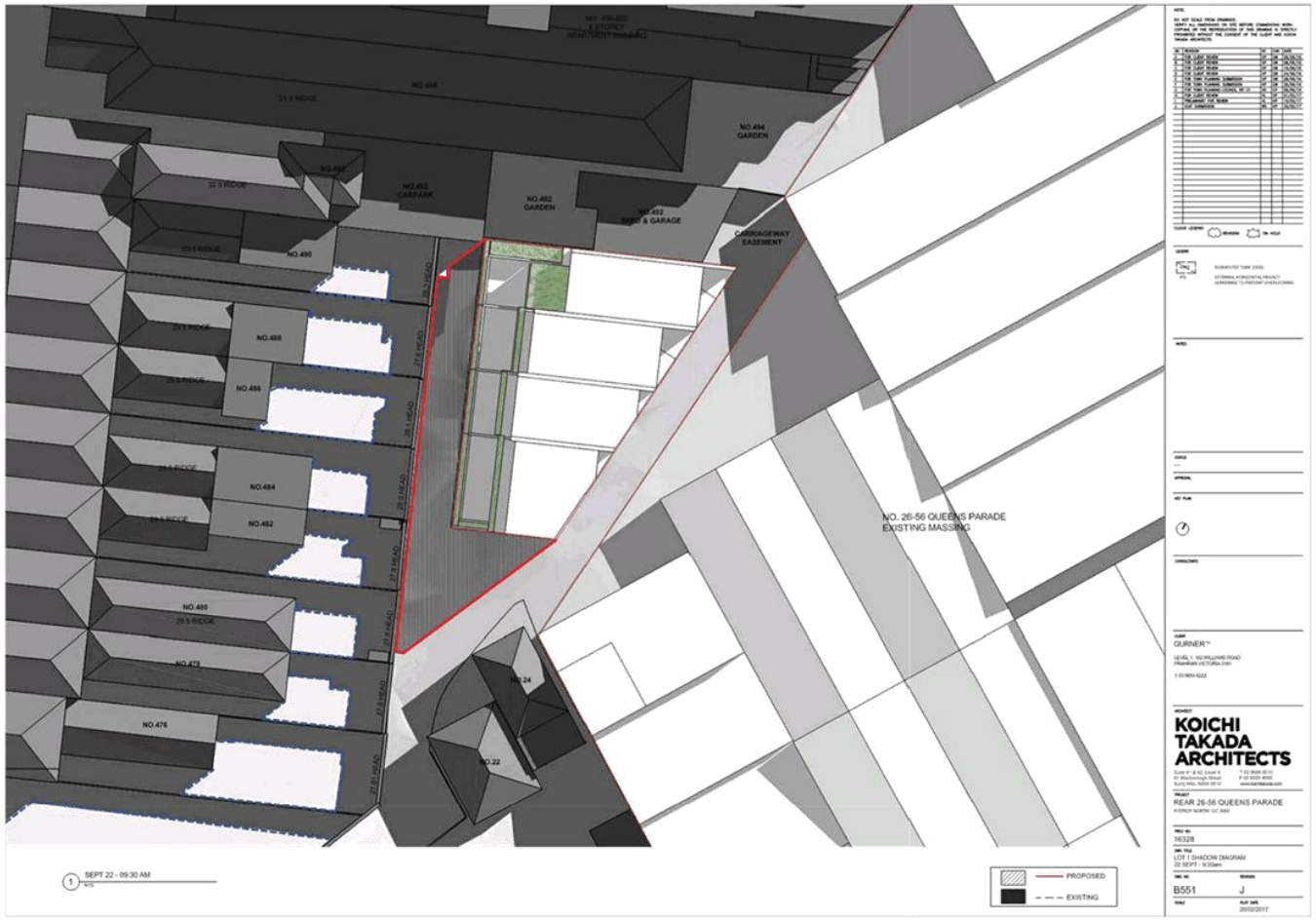
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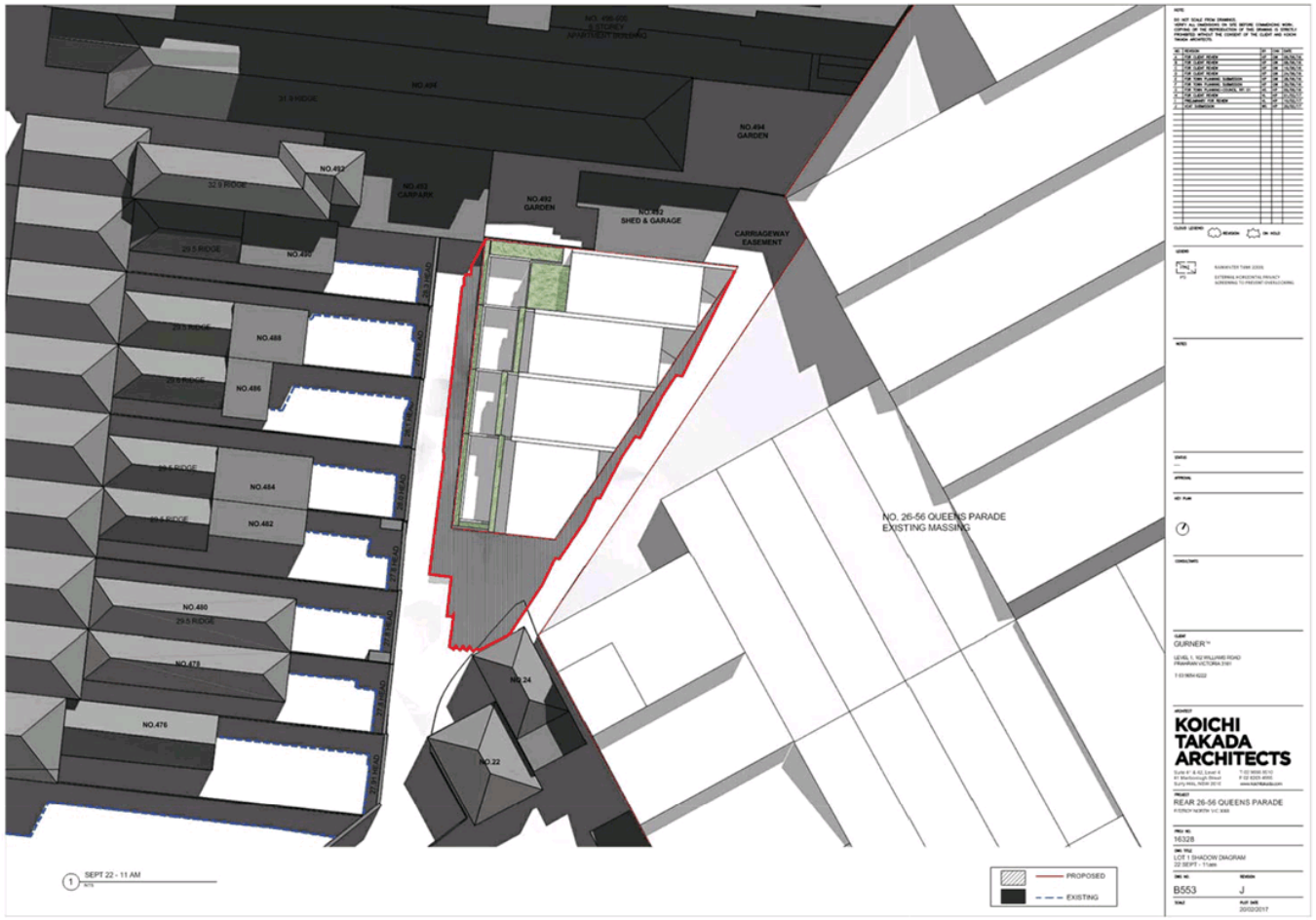
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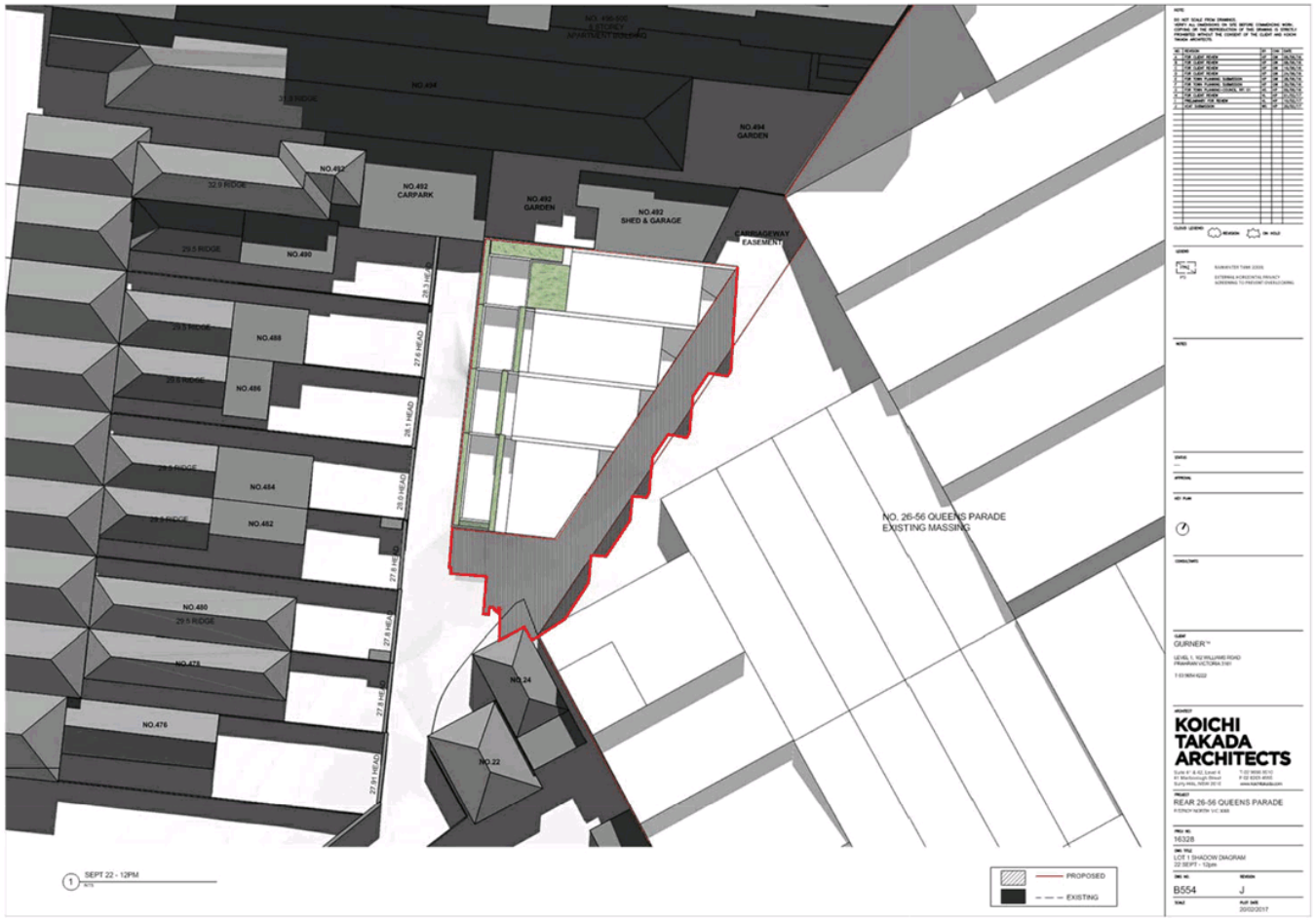
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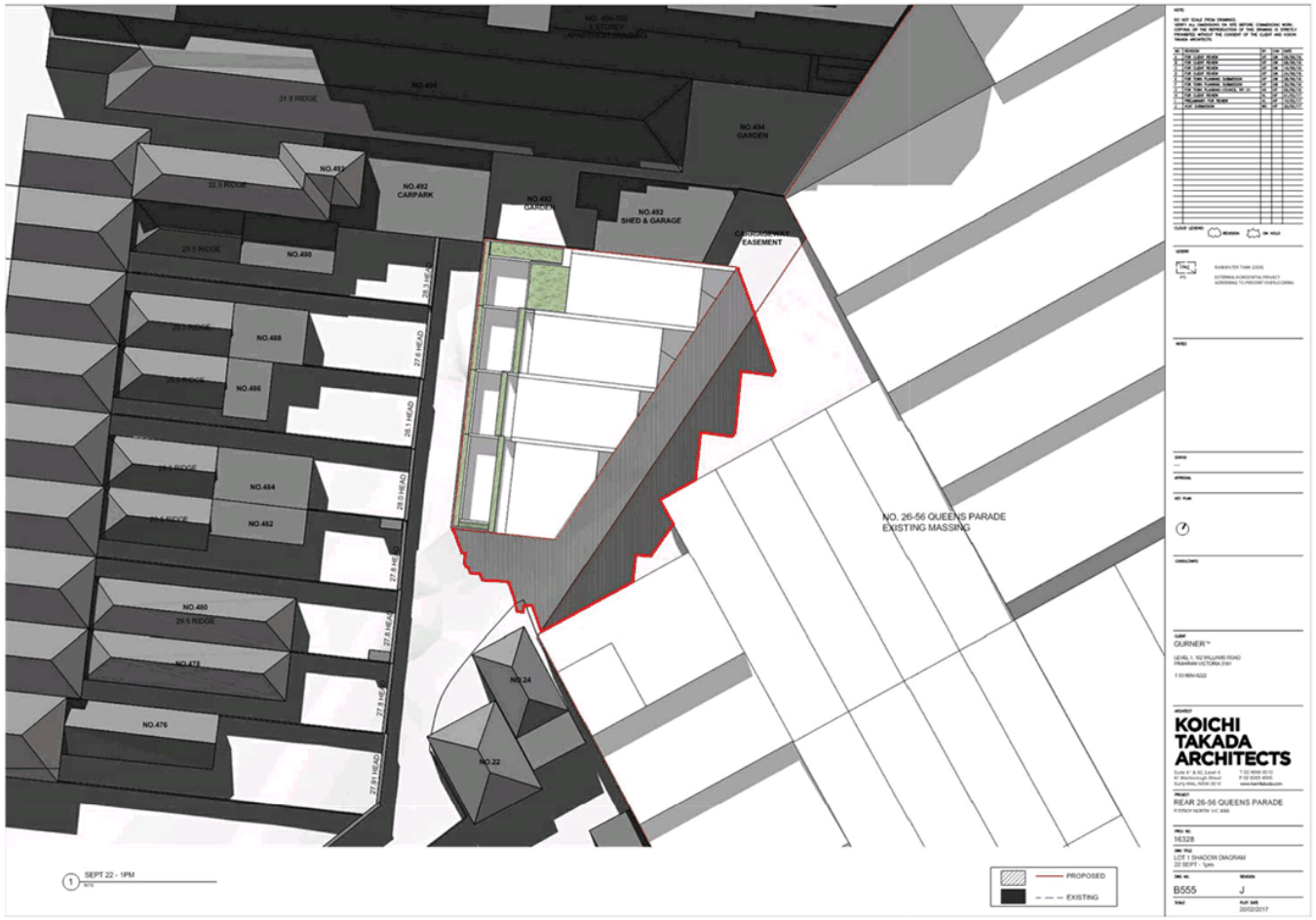
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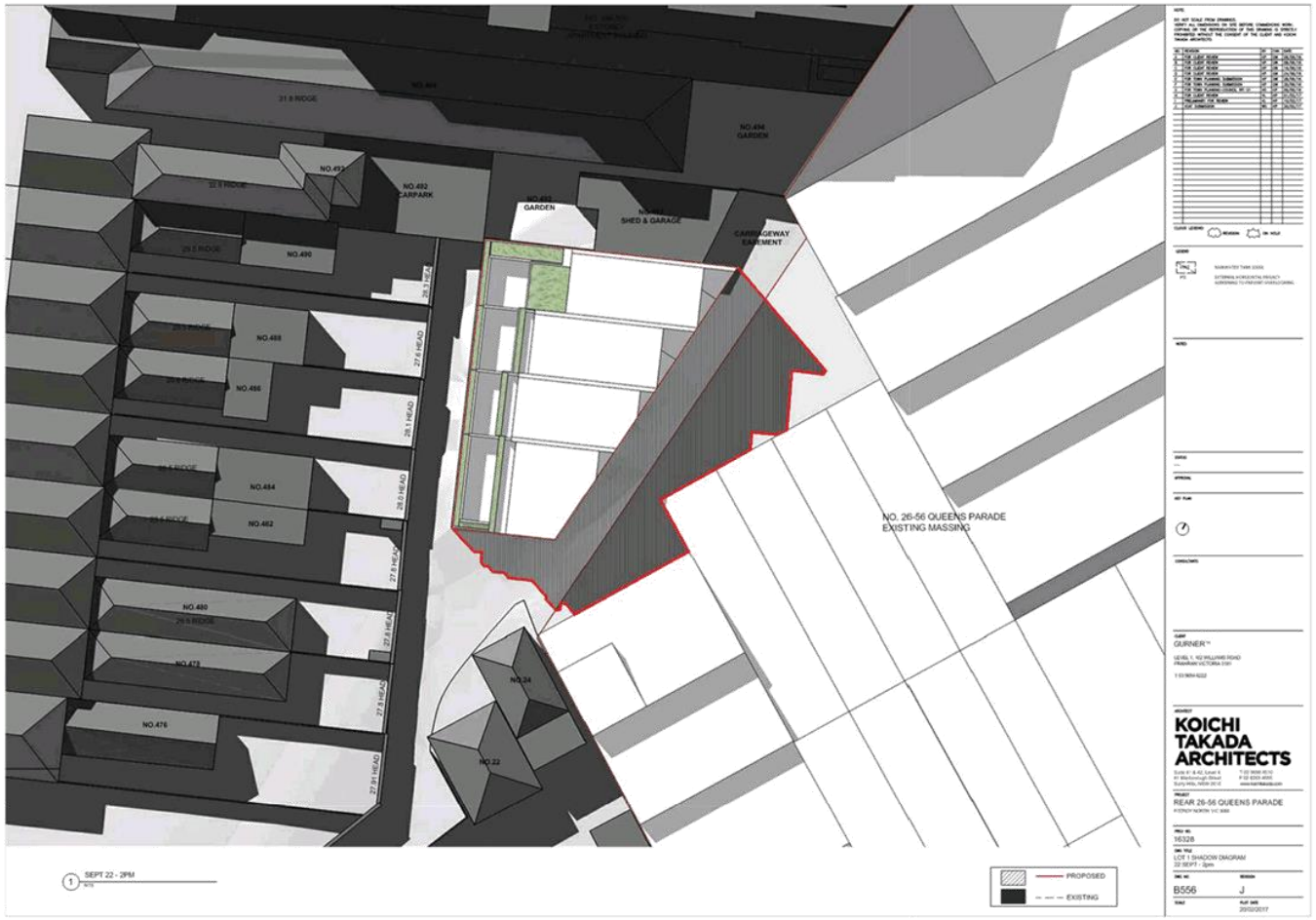
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Attachment 2 - PLN16/0732 - 26 - 52 Queens Parade Fitzroy North - SUBSITUTED PLANS -Amended Plans



Attachment 2 - IDAC Application & Attachments 15 March 2017

Attachment 3 - PLN16/0732 - Rear 26 - 56 Queens Parade Fitzroy North - Engineering comments on Substituted Plans

CITY OF YaRRA

MEMO

To:	**Sarah Thomas**	
From:	**Mark Pisani**	
Date:	**23 February 2017**	
Subject:	**Application No:**	**PLN16/0732**
	Description:	**Substituted Drawings**
	Site Address:	**Rear 26-56 Queens Parade, Fitzroy North**

I refer to the substituted drawings received on 21 February 2017 in relation to the proposed development at Rear 26-56 Queens Parade, Fitzroy North. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION
Proposed Development
According to the information provided by the applicant, the revised proposal's parking requirements are as follows:

Proposed Use	Quantity /Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Two-bedroom dwelling plus Study	1	1 space per dwelling*	1	1
Three-bedroom dwelling	3	2 spaces per dwelling	6	5
		Total	**7 Spaces**	**6 Spaces**

* The one-bedroom plus study dwelling has been treated the same as regular one-bedroom dwelling due to the small size of the study which is unlikely to be used as an additional bedroom.

Six on-site spaces would be provided for the four townhouse dwellings in the car park at 26-56 Queens Parade. One of the three bedroom dwellings would be allocated one space.

Parking Demand for Three-Bedroom Dwellings
The three-bedroom dwellings have an on-site parking provision of 1.5 spaces per dwelling. The original Traffix Group report dated 9 September 2016 indicated that three-bedroom flat type dwellings in Fitzroy North have an average car ownership of 1.5 vehicles per dwelling, based on data obtained from the 2011 Census conducted by the Australian Bureau of Statistics. The on-site car parking provision is consistent with the statistical average for car ownership of three-bedroom flat type dwellings in Fitzroy North.

Engineering Services has no objection to the reduction of one resident space for this development.

PEDESTRIAN ACCESS
According to Traffix Group report, it is proposed that the development's principal pedestrian access would be via parent site of 26-56 Queens Parade. The pedestrian access plan in the report

indicates that from the subject site persons walking to and from Queens Parade via the parent site would travel approximately 90 metres.
The Right of Way linking the site from Brunswick Street would provide a more expedient way of accessing the street network (approximately 35 metres). Although the applicant is encouraging access via the parent site, pedestrians could be inclined to use the Right of Way, as it is a Public Highway.

IMPACT ON ROAD INFRASTRUCUTRE
Building Works and Impact on Council Road Assets
The construction of the new building, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site.

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

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

Civil Works

- Upon the completion of all building works and connections for underground utility services, the section of Right of Way in between the subject site and 26-56 Queens Parade must be fully constructed to Council's satisfaction and at the Permit Holder's cost.
- The Permit Holder is to make a development contribution of 50 per cent of the cost of reconstructing the bluestone Right of Way from the development to St Georges Road. Council will program the works on the Capital Works Program and pay the balance of the works.

Public Lighting

- Lighting for pedestrian access at the property's Cambridge Street frontage must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 *Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements*. The lighting levels of all existing public lights near the site must be measured and checked against the AS/NZS 1158.3.1:2005 to determine whether new or upgraded public lights are required. The supply and installation of any additional or upgraded lighting, poles or other fixtures shall be funded by the Permit Holder and to the satisfaction of the Responsible Authority.
- The developer must ensure that lighting from any existing or new lights does not spill into the windows of any new residences or any existing nearby residences. Any light shielding that may be required shall be funded by the Permit Holder.

Construction Management Plan

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

Attachment 3 - PLN16/0732 - Rear 26 - 56 Queens Parade Fitzroy North - Engineering comments on Substituted Plans

- Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.
- A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.

Road Asset Protection

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

Impact of Assets on Proposed Development

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

NON-PLANNING ADVICE FOR THE APPLICANT

Legal Point of Discharge

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

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 4 - PLN16/0732 - 26 - 52 Queens Parade Fitzroy North - Heritage advice on substituted plans

City of Yarra

Heritage Advice – Rear site – Supplementary Advice

Application No.: PLN16/0732

Address of Property: Rear 26 – 56 Queens Parade, Fitzroy North

Planner: Sarah Thomas

Yarra Planning Scheme References: Clauses 43.01, 22.02, 21.05.

Heritage Overlay No. HO 327 **Precinct:** North Fitzroy

Level of significance:

The rear No. 26 - 52 Queens Parade, North Fitzroy, is vacant land behind the K G Luke Pty Ltd electro-plate manufacturers factory, for which a separate application has been submitted for the redevelopment of the which fronts Queens Parade. (PLN16/0434)

Proposal

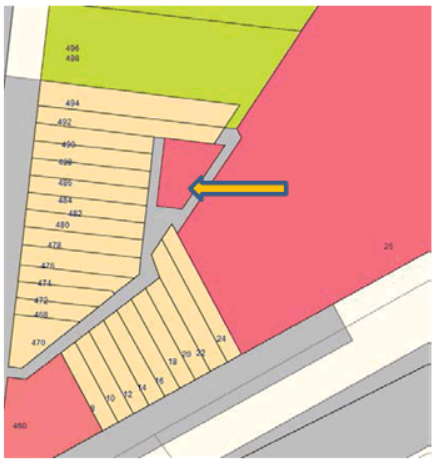
Construction of four triple-storey townhouses.

Drawing Numbers

24 pages of drawings prepared by Koichi Takada, Rev. D and J, dated 20/02/2017 with no Council date stamp.

Context Description

The site has no visible frontage to any street. It abuts a lane and backyards of properties fronting Brunswick Street and Queens Parade.



Council's GIS showing the site arrowed.

Assessment of Proposed Works

Attachment 2 - IDAC Application & Attachments 15 March 2017

Attachment 4 - PLN16/0732 - 26 - 52 Queens Parade Fitzroy North - Heritage advice on substituted plans

I provided heritage advice on 13 November, 2017 in relation to a four-storey proposal. This advice only addresses the salient points of the amended proposal and does not necessarily repeat previous information as the two pieces of advice are intended to be read in conjunction.

Built form (height/setbacks)

I note that one level and the rooftop terraces have been deleted which is acceptable although not necessary from a heritage perspective. One dwelling has a green roof at the Third floor which is also acceptable.

Colours and materials

The principal concern is that despite this being an issue with the original application, there is still no materials and colours schedule provided. The elevations do not appear to have changed from the original application, although I do not have those drawings to hand, and my previous conclusion from the elevations remains that they appear to be mainly clear glass, metal and concrete plus vegetated elements.

I expressed a concern previously about perforated metal screens but I cannot see anything on these drawings which resembles this. My advice was, and is, that because of the seclusion of the site from the heritage precinct proper this is not such of an issue as it would be in a typical heritage streetscape. However, perforated metal screens are hard to maintain in a pristine condition and another materials might be considered.

Louvred external privacy screens to all the lane windows are acceptable because the site is secluded from the heritage precinct proper and such screens in this location will have no impact on any heritage values.

Recommendation / Comments:

Approved subject to provision of a colours and materials schedule and clarification as to whether perforated metals screens or some other material is to be used.

Signed:



Robyn Riddett

Director – Anthemion Consultancies

Date: 21 February, 2017

Attachment 2 - IDAC Application & Attachments 15 March 2017

Attachment 5 - PLN16/0732 - 26 - 52 Queens Parade Fitzroy North - Urban Design comments on revised plans

CITY OF YARRA

MeMO

TO:	Sarah Thomas (Statutory Planning)
FROM:	Hayley McNicol (Urban Design)
DATE:	2 March 2017
SUBJECT:	Rear of 26-56 Queens Parade, Fitzroy North
APPLICATION NO:	PLN16/0732
DESCRIPTION:	Development of the land for four town houses of three storeys in height

COMMENTS SUMMARY

Urban Design comments have been sought on revised plans for the above site (Drawing Numbers: B100-B103 and B200-203 (Rev J).

In summary, the application is supported in principle provided that the following issues are addressed, which can be dealt with by condition:

- The ground floor interface should be improved to provide an active frontage and greater surveillance of the laneway. This is particularly important for the southern edge of Dwelling 1, which would be the first view of the development coming up the laneway from Brunswick Street.
- As the laneway would be used by occupants of the new development to access Brunswick Street by foot or bicycle, it is recommended that improvements are made to the laneway to improve access for pedestrians. This includes a potential opportunity to create a community space along the stretch of laneway alongside the front of the townhouses and in front of the rear entrance to the main adjacent development site at 26-52 Queens Parade (if no vehicle access is required).
- Cycle parking should be provided within the site to ensure convenient access to cycle parking for the future occupants.

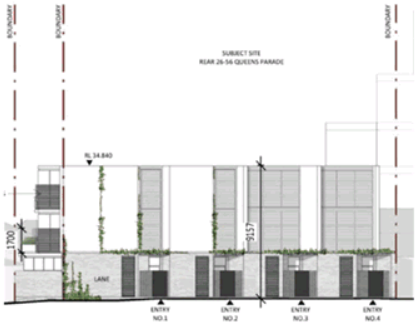
Attachment 5 - PLN16/0732 - 26 - 52 Queens Parade Fitzroy North - Urban Design comments on revised plans

Proposal

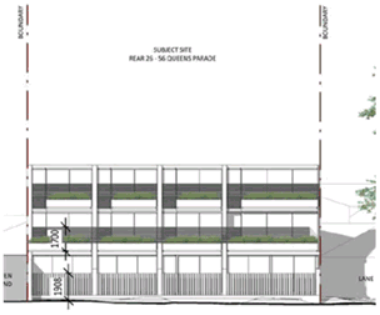
It is proposed to demolish the existing buildings on site and construct four new residential townhouses, of three storeys in height. The development would be primarily accessed from the laneway leading to Brunswick Street by foot, and provides access to the back of the proposed new development at 26-56 Queens Parade for car parking which would be entered and exited from Queens Parade at the front.



Ground floor layout plan



Front (east) elevation



Rear (west) elevation

Attachment 5 - PLN16/0732 - 26 - 52 Queens Parade Fitzroy North - Urban Design comments on revised plans

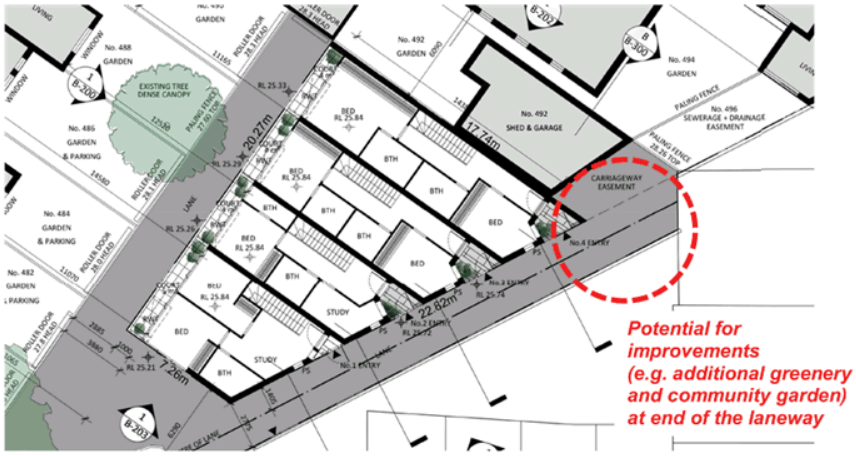
Urban Design feedback

- **Access to the development**

The objectives of the 'Development Abutting Laneways' policy at Clause 22.07 include *"to provide an environment which has a feeling of safety for users of the laneway"* and *"to ensure that development along a laneway is provided with safe pedestrian and vehicular access"*.

The development is configured so that the individual entrances of the buildings are accessed from the laneway to the rear of 26-52 Queens Parade which leads to Brunswick Street. Although the applicant intends for residents to access the townhouses via the main site, realistically residents would be highly likely to use the laneway by foot or bicycle, as the laneway provides a more direct and shorter route, with clear links to the Brunswick Street tram stops and towards the CBD. The surface of the laneway is currently very uneven and accessibility is poor, with no laneway lighting, therefore given its expected increased use, there is a clear need for the laneway to be upgraded to improve pedestrian access and safety.

The northern end of the laneway comprises an odd-shaped space, between the townhouses and the rear entrance of the main development site at 26-52 Queens Parade. If no vehicle access is required to this space (or indeed to the laneway along the front entrances of the proposed townhouses), there is an opportunity to create a small community space (such as a community garden), to activate this space and provide additional greenery.



Opportunities for improving end of laneway

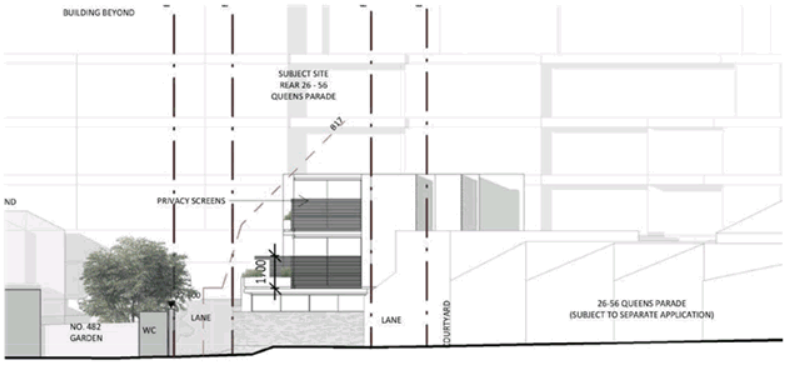
We therefore recommend that the applicant develops a design for the laneway responding to the above issues and opportunities.

The development does not show any provision of cycle parking for the townhouses within the site. It is recommended that cycle parking is provided on the site as cyclists will likely use the most direct route to and from the site, via the laneway leading to Brunswick Street (rather than through the main development site).

- **Building layout and interface**

Clause 22.10-3.4 of the 'Built Form and Design Policy' seeks (amongst other things) *"to ensure ground level façade and boundary treatments interface positively with the street and public domain treatments interface positively with the street and public domain"* and *"to ensure that new development enhances public safety and the pedestrian experience"*.

The development provides limited ground floor windows and high fencing in front of the entrances which results in a poor interface with the laneway. To provide more passive surveillance and improve the amenity of the laneway, it is recommended that some windows are provided at the ground floor, and the fencing at the entrances is reduced in height to give the entrances a greater prominence on the laneway. In particular, the entrance to Dwelling 1 should be more engaging and active as this is the first view of the development when travelling up the laneway (see image below).



West elevation (first view of property from laneway approach)

- **Built form and massing**

Considering the laneway context and the scale of buildings in the wider area (for example the six story building towards the north), it is felt that the bulk and massing is acceptable in this case.

- **Façade design and materials/colours**

The design of the façade is considered to be appropriate, provided some changes are made to improve the entrances and ground floor interface, as discussed above. The proposed materials and colours are generally acceptable.

Attachment 2 - IDAC Application & Attachments 15 March 2017

Attachment 6 - PLN16/0732-02: PLN16/0732 - 26 - 52 Queens Parade Fitzroy North - ESD advice on subsituted plans

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



Assessment Summary:

Responsible Planner:	Sarah Thomas
ESD Advisor:	Euan Williamson
Date: 02.03.2017	Planning Application No: PLN16/0732
Subject Site:	Rear 26-56 Queens Parade, North Fitzroy, VIC, 3068
Site Area: Approx. 253m^2	Site Coverage: 100%
Project Description:	Four triple storey townhouses
Pre-application meeting(s):	No ESD involvement.

This application nearly 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:
- A STORM rating of 120% has been received which relies on; a minimum of 149m^2 of roof connected to 8,000 litres of storage tank(s) and connected to all toilets onsite for flushing.
- Average 6 Star NatHERS ratings for thermal energy efficiency.
- Energy efficient heating and cooling.
- Water efficient appliances and fixtures.

(2) Application ESD Deficiencies:
- There is large amount of exposed north-west facing glazing that will suffer from high levels of summer solar gain and unwanted glare. Strongly recommend that all glazing exposed summer sun angles be protected by some external adjustable awnings, louvers, shutters or similar that can provide shade from summer sun angles.

(3) Outstanding Information:
- The BESS Energy score is reliant on each dwelling having a permanent indoor clothes line, but it is not marked on the architectural drawings. Please show on plans.

(4) ESD Improvement Opportunities:
- Consider improving the average NatHERS rating for thermal energy efficiency.
- Consider a solar PV array to contribute to onsite electricity consumption.
- Consider gas boosted solar hot water in addition to solar PV arrays for each townhouse.

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

Attachment 3 - IDAC Minutes 15 March 2017

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor McEvoy **Seconded:** Councillor Jolly

That IDAC resolve that if it were in a position to determine the application, Council would issue a Refusal to Grant a Permit (PLN16/0732) for the development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site at Rear 26-52 Queens Parade, Fitzroy North on the following grounds:

1. The building height does not respect the character of the area.
2. The site coverage, permeability and setbacks do not respect the existing or preferred neighbourhood character and does not respond to the features of the site.
3. The proposal does not provide sufficient car parking.
4. The proposal does not provide for pedestrian safety.

CARRIED UNANIMOUSLY

1.6 PLN16/0434 - 26-56 Queens Parade, Fitzroy North - Development of the land for the construction of a 10 storey building, plus 2 basement levels, to be used as dwellings (no permit required for dwelling use), use of part of the site as a café, food and drinks premises, shop and use of part of the land for the sale and consumption of liquor (in association with the food and drinks premises and café), reduction in the car parking requirements, reduction of the loading bay requirements and alteration of access to a Road Zone

Executive Summary

Purpose

1. This report provides an assessment of the VCAT substituted plans for Planning Permit Application PLN16/0434 affecting land at 26-56 Queens Parade, Fitzroy North and recommends a position of support at the upcoming VCAT hearing.

Key Planning Considerations

2. Key planning considerations include:
   (a) Mixed Use Zone;
   (b) Road Zone, Category 1;
   (c) Design and Development Overlay, Schedule 16;
   (d) Heritage Overlay, Schedule HO327;
   (e) Special Building Overlay;
   (f) Environmental Audit Overlay;
   (g) Clause 52.06 – Car Parking;
   (h) Clause 52.07 – Loading and Unloading of Vehicles;
   (i) Clause 52.27 – Licensed Premises;
   (j) Clause 52.29 – Land adjacent to a road zone, category 1, or a public acquisition overlay road a category 1 road; and
   (k) Clause 52.34 – Bicycle facilities.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) strategic policy;
   (b) use of the land for the sale and consumption of liquor;
   (c) built form;
   (d) on-site amenity;
   (e) off-site amenity/equitable development;
   (f) environmental sustainability;
   (g) traffic and car parking (including alteration to access to a road in a Road Zone);
   (h) bicycle parking;
   (i) loading bay reduction;
   (j) waste management;
   (k) Objector concerns;
   (l) Special Building Overlay;
   (m) Referral Authorities; and
   (n) other matters.

Objector Concerns

4. A total of 480 objections were received to the application, these can be summarised as:
   (a) overdevelopment;
   (b) density of apartments is too high;
   (c) this would create an unreasonable precedent;
   (d) non-compliance with the Yarra Planning Scheme and the Mixed Use Zone;

(e) height (this would be similar to the Housing Commission flat construction)
(f) upper level setbacks are inadequate
(g) design detail does not complement the area (including use of materials and fine grain subdivision) and the building would not age well
(h) this is just for the developer to make a profit;
(i) poor quality design (services, BBQs, AC units and clothes lines will be visible on balconies)
(j) this will destroy the 'community';
(k) use of landscaping is 'laughable' and no maintenance details are provided;
(l) impact on heritage (subject site, nearby 1 and 2 storey terraces, Queens Parade, Coleman Street and Napier Street);
(m) proposed facadism and impact on heritage of the site;
(n) neighbourhood character (other apartment buildings in the area are 3-6 storeys, looks like 'Docklands');
(o) insufficient dwelling diversity (too many 1 and 2 bedroom dwellings, not enough 'family' homes and there will be too many singles);
(p) apartments are too small;
(q) the draft Better Apartment Guide should be considered;
(r) impact on the Edinburgh Gardens;
(s) off-site amenity (daylight, noise [people, parties/people on balconies, cars, communal areas, licenced premises], light pollution, overlooking/privacy, overshadowing [private open space areas and the public realm], visual bulk, obstruct sky and city views, wind tunnel);
(t) poor on-site amenity (long internal corridors, poor sun shading, poor apartment layouts);
(u) there will be more robberies;
(v) construction could impact Fitzroy Gasworks underground contamination plume;
(w) insufficient car parking (the area is already constrained, difficult for guests/visitors to park);
(x) impact on cyclist and pedestrian safety (including the Napier St/Queens Pde bicycle crossing);
(y) traffic impacts;
(z) impact on views from Edinburgh Gardens, Bill Peterson Oval and Brunswick Street oval to the city;
(aa) the development would achieve a poor ESD standard;
(bb) asbestos;
(cc) footprint/site coverage is too high, needs more open space around it;
(dd) structural impact on nearby dwellings;
(ee) increased pressure on infrastructure (including public transport, phone, internet, gyms, pools, libraries, GPs and schools);
(ff) commercial (including licenced) venues should not be approved away from main streets (including Brunswick and Smith Streets);
(gg) construction impacts (noise, traffic, dust and pollution);
(hh) it will upset the dogs in the area;
(ii) no concern for health, safety or DDA;
(jj) property devaluation;
(kk) rear lane should not be used to access Brunswick Street front the site;
(ll) social housing should be included; and
(mm) perspectives have not been provided from the north or Edinburgh Gardens.

Conclusion

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

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

1.6 PLN16/0434 - 26-56 Queens Parade, Fitzroy North - Development of the land for the construction of a 10 storey building, plus 2 basement levels, to be used as dwellings (no permit required for dwelling use), use of part of the site as a café, food and drinks premises, shop and use of part of the land for the sale and consumption of liquor (in association with the food and drinks premises and café), reduction in the car parking requirements, reduction of the loading bay requirements and alteration of access to a Road Zone

Trim Record Number: D17/105802
Responsible Officer: Manager Statutory Planning

Proposal:	Development of the land for the construction of a 10 storey building, plus 2 basement levels, to be used as dwellings (no permit required for dwelling use), use of part of the site as a café, food and drinks premises, shop and use of part of the land for the sale and consumption of liquor (in association with the food and drinks premises and café), reduction in the car parking requirements, reduction of the loading bay requirements and alteration of access to a Road Zone
Existing use:	Warehouse/factory
Applicant:	Gurner 26-56 Queens Parade Pty Ltd
Zoning / Overlays:	Environmental Audit Overlay Part Heritage Overlay (HO327 – North Fitzroy Precinct) Design and Development Overlay (DDO16 – Queens Parade [west]
Date of Application:	18 May 2016
Application Number:	PLN16/0434

Planning History

1. The site was re-zoned from Business 3 to Mixed Use on 13 November 2003 following amendment C20 to the Yarra Planning Scheme. The amendment was a Section 96A amendment process, with a concurrent planning permit application (PL02/0239) for 26-56 Queens Parade. The re-zoning however, affected a larger area known as 8-72 Queens Parade and 460-500 Brunswick Street.

2. Planning permit application PL02/0239 approved the construction of a 2-5 storey residential development, containing 172 dwellings and 211 car parking spaces. This permit was approved on 19 November 2003. Following 4 extensions of time, this permit expired on 19 November 2009.

3. On 17 June 2009, Planning Permit PL09/0019 was issued for the use of the site as an education centre (tertiary institution).

4. More recently, a special Council Meeting was held on 14 November 2016. Council discussed developments currently proposed along Queens Parade with Council resolving:

    1. That Council note:
    (a) several public meetings held regarding 26-56 Queens Parade, Fitzroy North including a public meeting conv ened by the community on 2 November 2016, attended by some 400 community members with resolutions from this meeting on 26-56 Queens Parade and other planning applications in the precinct including a request for an amendment to the planning scheme to create a Design and Development Overlay for the area of North Fitzroy and Clifton Hill,
    (attached as Attachment One); and

(b) the current planning application for a high density residential development for 26- 56 Queens Parade, Fitzroy North of up to 16 storeys and its recent referral by the applicant to the Victorian Civil and Administrative Tribunal (VCAT);

2. That Council seek a report to be presented to the 22 November 2016 Council meeting providing advice on:
(a) the process of the above planning application and steps leading to a full hearing of this application before VCAT, scheduled in April 2017;
(b) the likely costs involved in advocacy for Council at VCAT;
(c) the request for a planning scheme amendment for the precinct, and site, and the basis and requirements for any such amendment;
(d) the steps, options and timing for such amendment; and
(e) any other pertinent aspects to inform Council on this matter.

5. At a Council Meeting on 7 February 2017, Council considered officer's recommended draft DDO guidelines for the western section of Queens Parade. The proposed DDO controls were guided by the Queens Parade, Clifton Hill Built Form Review, dated February 2017 and prepared by Hansen Partnership. The DDO would affect the following area:



6. The Council officer recommendation was that the mandatory maximum overall building height for the subject site not exceed 31m or 10 storeys and for the rear site 12m or 4 storeys.

7. Along with a number of design and setback changes for the main site, Council resolved that the DDO should pursue mandatory maximum heights of 8 storeys for the main site and 2 storeys for the rear site (subject site).

8. Council resolved (in part) to:

   (e) request that the Minister for Planning urgently introduce the draft interim Design and Development Overlay by way of a Ministerial Amendment under Section 20 (4) of the Planning and Environment Act 1987 to provide the required design guidance in the Yarra Planning Scheme for precinct at the western end of Queens Parade, including the site at 26-56 Queens Parade while a full Planning Scheme Amendment to introduce a permanent DDO for the same precinct and other parts of Queens Parade is advanced through the normal amendment process following completion of the Stage 3 work; and

9. On 28 March 2017, amendment C229 was gazetted, applying the Design and Development Overlay (Schedule 16) to the western end of Queens Parade (including the subject site). The approved heights as relevant to the subject site and its immediate surrounds can be generally described as 10 storeys on the main site and 3 storeys on the rear site.

Background

10. Council was informed on 11 October 2016 that a Section 79 'Failure to determine' appeal had been lodged by the Applicant with VCAT.

11. On 20 December 2016, Council formed a position on the application at its Development Assessment Panel meeting, where it resolved that Council inform VCAT that had it been in a position, it would have issued a Notice of Decision to Refuse to Grant a Permit (PLN16/0434) for 26-56 Queens Parade, Fitzroy North VIC 3068 for the part demolition and development of the land for a maximum 16 storey building, plus 2 basement levels, accommodating 476 dwellings (no permit required for dwelling use), use of part of the land for food and drinks premises (cafés), use of part of the land (food and drink premises [cafés]) for the sale and consumption of liquor, reduction in the car parking requirements, waiver of the loading bay requirements and alteration of access to a Road Zone in accordance with the advertised plans (received by Council 15 July 2016) on the following grounds:

   1. The proposed height, scale and massing does not respond to the existing or preferred character of the area and will dominate the surrounding area.
   2. The proposal will result in an unacceptable on-site amenity impact including natural daylight and ventilation.
   3. The side setbacks and building will not achieve equitable development for adjoining and adjacent sites.
   4. The proposed waste management plan is inadequate for the site.

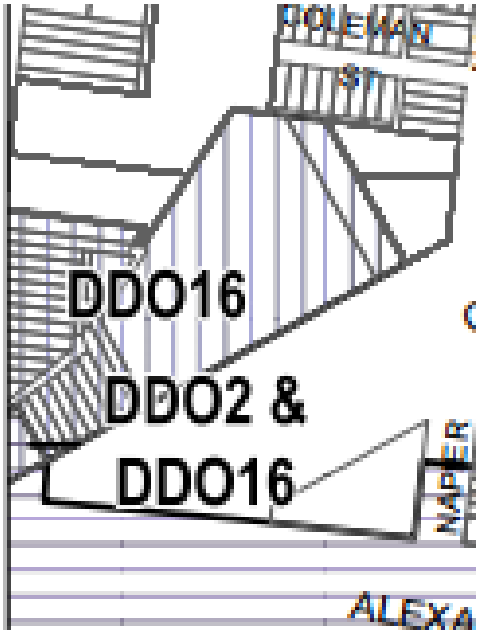
12. A practice day hearing was held at VCAT on 11 November, dealing with procedural matters. At the practice day, the scheduled compulsory conference was vacated and the hearing was confirmed as being 7 days, commencing 3 April 2017.

13. Of the 480 objectors, 98 have joined as party to the appeal.

14. On 3 February 2017, a practice day was held at VCAT to consider if this application should be heard at the same time as the Section 79 review for the main site (PLN16/0434). All parties consented and VCAT agreed to join both hearings (PLN16/0732 and PLN16/0434), with the hearing commencing on 3 April 2017 for 7 days. No compulsory conference was scheduled.

15. On 14 March 2017, Council considered the substituted VCAT plans the applicant had circulated. Council continued to form a position of refusal as per the same grounds.

16. As outlined earlier, on 28 March 2017, the Minister for Planning Gazetted an amended to the Yarra Planning Scheme introducing Schedule 16 to the Design and Development Overlay. The Overlay affects the subject site, along with the site to the rear and the dwellings to the west along Queens Parade and Brunswick Street.



17. Due to this amendment, VCAT adjourned the hearing that was scheduled for 3 April and set aside 10 days, commencing 4 September 2017. The Applicant was provided with 6 weeks before the hearing to circulate substituted plans. This report assesses these plans, which were received by Council on 25 July 2017. The proposal section of this report outlines the changes between the previous and current set of plans.

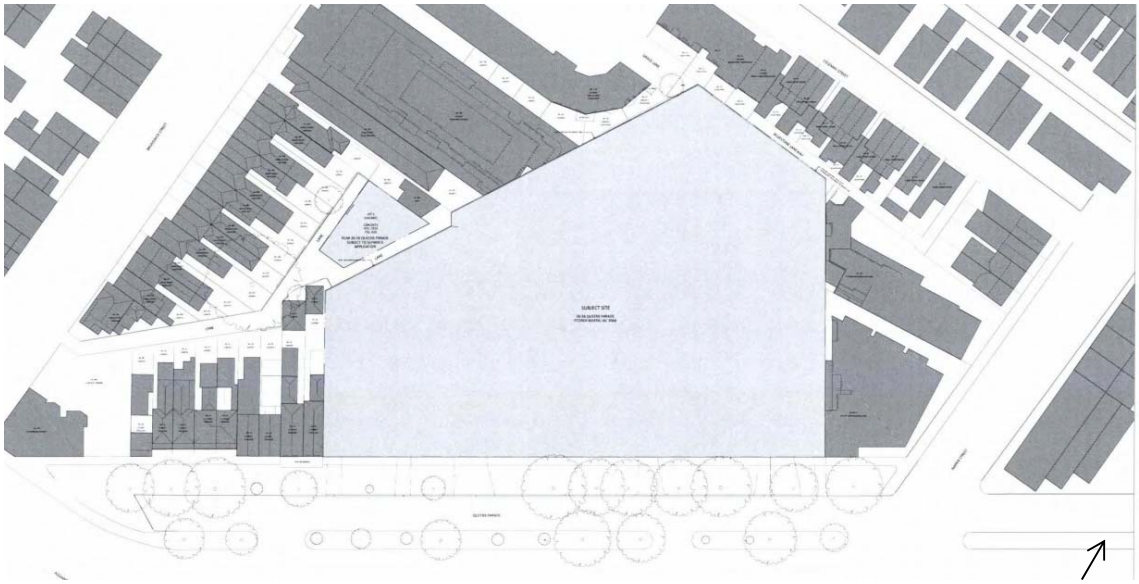
18. Council is also considering concurrently the application for the construction of 4 x 3-storey townhouses, being PLN16/0732 at the rear of 26-56 Queens Parade, Fitzroy North.

Existing Conditions

Subject Site

19. The original officer report description of the subject site remains relevant:

The subject site is located on the north side of Queens Parade, approximately 78m east of Brunswick Street and 33m west of Napier Street. The site is an unusually shaped lot, with 1 main road frontage and 2 separate laneway frontages.



Extract of application plans (TPA010). N

The site is comprised of 8 titles:

- *Volume 5562 Folio 300;*
- *Volume 7224 Folio 622;*
- *Volume 6157 Folio 317;*
- *Volume 6157 Folio 316;*
- *Volume 2637 Folio 268;*
- *Volume 2776 Folio 162;*
- *Volume 5978 Folio 502; and*
- *Volume 5978 Folio 503.*

The site has a frontage of 119m to Queens Parade, a western boundary length of 39.2m, a north-west boundary length of 33.6m, leading to an adjoining north-west boundary length of 65.8m. The north-east boundary length is 37.5m and the east boundary length is 65.8m. All lengths are approximate. Should a permit issue, a condition should require all title boundaries to be shown on the floor plans as per the certificates of title. The site has an overall area of approximately 8,028m².

The site is developed with a series of buildings:

(a) Queens parade, western end – the most distinctive part of the site, being a row of 2 storey buildings with art deco style parapets. The façades have been painted pink with navy highlights. This row extends for a length of approximately 74m and extends the depth of the site, save for a triangular section in the northern end, generally behind the Grace Lane properties;

(b) Queens Parade, eastern end – a single storey warehouse style building, presenting a frontage of approximately 13.6m to Queens Parade and extending for the length of the eastern boundary (terminating at the laneway at the rear of the site;

Between both Queens Parade building segments is an open air carpark, presenting a frontage of approximately 31m to Queens Parade.



Subject site – Aerial extract from Google maps.

Restrictive Covenants

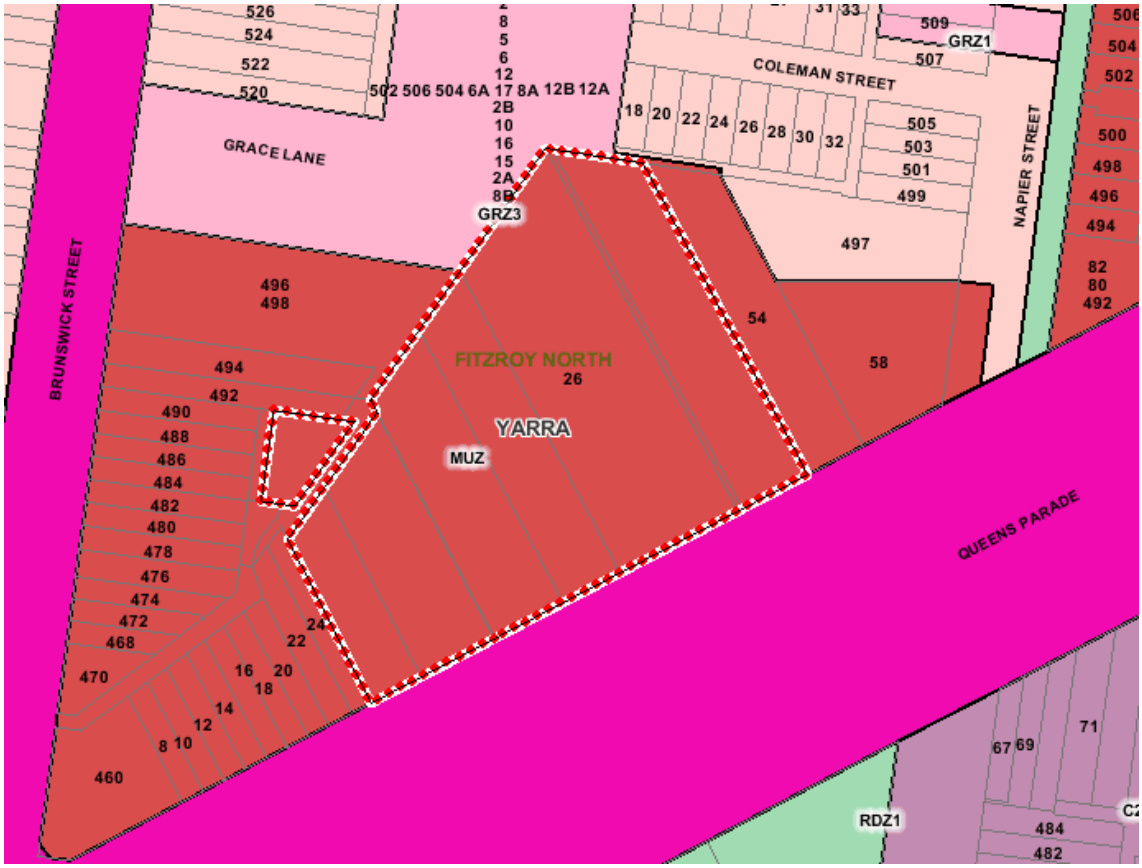
20. The original officer report remains relevant:

> *There are no restrictive covenants shown on the certificates of title provided with the application.*
>
> *A number of easements affect the site (including roads/carriageway, party wall, drainage, water supply, light and air easements). The Applicant has not applied to remove these easements, so a notation alerting any Permit Holder to these easements should be imposed on any permit issued. (It is likely that a separate application would later be made to remove these easements under Clause 52.02 of the Yarra Planning Scheme [**the Scheme**] at the subdivision stage, should a permit issue.*

Surrounding Land

21. The surrounding land description from the original officer report remains relevant:

> *The subject site is located within a Mixed Use Zone and is within walking distance of the Brunswick Street AC (123m).*



Zoning map

To the west of the subject site is a row of 9, single and double storey Victorian era terraces. The 4 closest to the subject site are double storey .These properties all enjoy access to the lane at the rear of the site, accessed via Brunswick Street. These dwellings include rear private open space areas, along with a first floor rear deck at the adjoining property to the immediate west.

Further west of these properties, at the corner of Queens Parade and Brunswick Street, is a 2 storey Victorian era building used as a medical centre. This medical centre includes car parking adjacent to the single storey Victorian era terraces on Queens Parade.

To the north-west of the subject site (western end), across the laneway, is a generally triangular portion of land also held by the permit applicant for this application. This parcel is also subject to a planning permit application (PLN16/0732) for 4, 4 storey townhouses. The parking for the proposed townhouses is proposed to be within this application. A decision has not yet been made on the townhouse application.

Further north-west of this triangular parcel are the rear of primarily single storey dwellings fronting Brunswick Street. These properties also enjoy rear access and utilise the rear laneway which leads to Brunswick Street. These dwellings include rear private open space areas and habitable room windows orientated towards the subject site.

To the north-west of the subject site (central segment, directly abutting the subject site) is a single storey dwelling fronting Brunswick Street and a recently constructed 6 storey apartment building that fronts Brunswick Street. These dwellings present private open space, balconies and habitable room windows towards the subject site. The apartment building also includes a triangular light court (with associated habitable room windows) on the shared boundary.

To the north-west of the subject site (eastern segment) is the rear of 2 storey townhouses that front Grace Lane further north. These dwellings present ground level private open space areas towards the subject site, along with habitable room windows beyond at a minimum distance of approximately 3m.

To the north-east of the subject site (western end) are 3, 2 storey dwellings with rear private open space areas that have a direct abuttal with the subject site. The rear private open space areas have a minimum depth of approximately 4m, with habitable room windows beyond.

To the north-east of the subject site (eastern end) are the rear of primarily single storey dwellings that face Coleman Street. These dwellings include rear private open space areas and habitable room windows, which are separated from the subject site by an approximately 2.7m wide laneway.

To the east of the subject site is the rear of 2 apartment buildings that present frontages to Napier Street and Queens Parade. The buildings are a maximum height of 3 (northernmost) and 5 (southernmost) storeys. These buildings are partially built to the shared boundary, with minimum 1.5m deep courtyards and adjacent habitable room windows presenting towards the subject site.

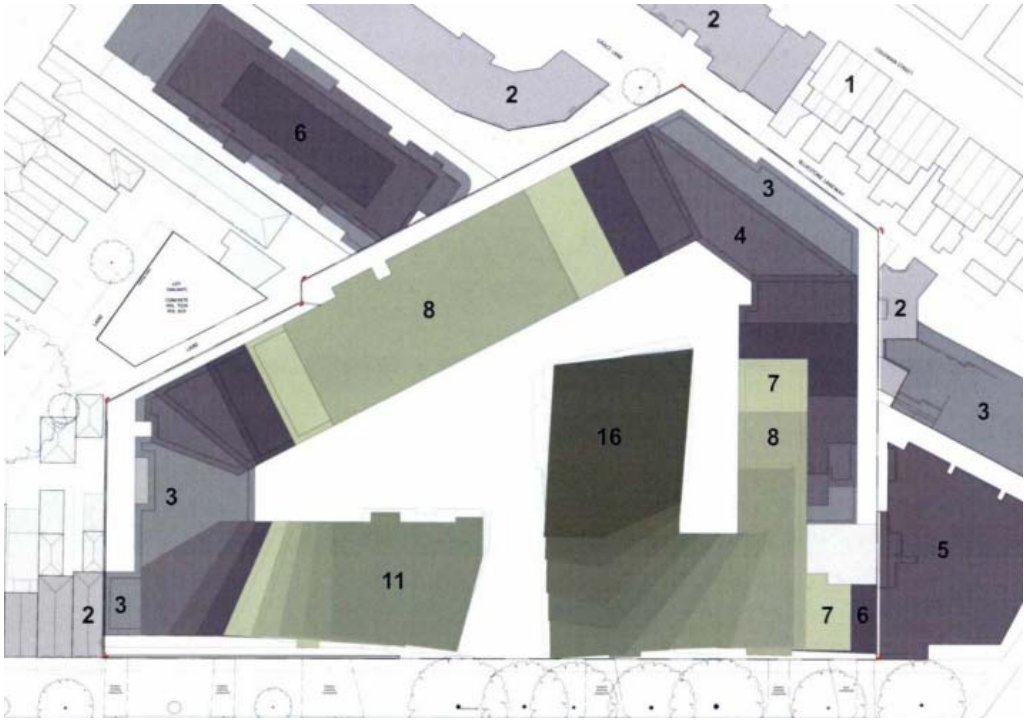
The site is well located in terms of bicycle access and public transport:

- *2 bus routes along Queens Parade; and*
- *2 tram routes along Brunswick Street.*

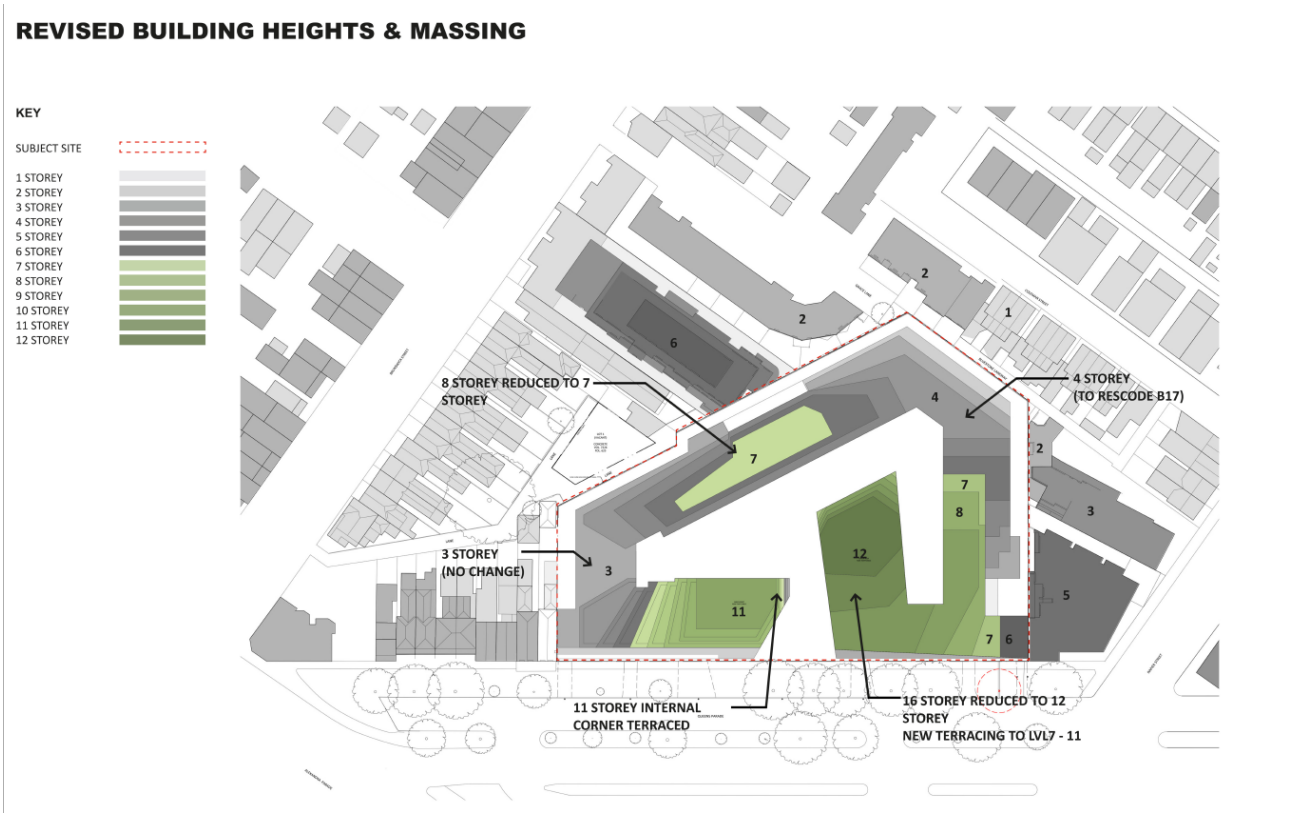
The Proposal

22. The application is for the development of the land for the construction of a 10 storey building, plus 2 basement levels, to be used as dwellings (no permit required for dwelling use), use of part of the site as a café, food and drinks premises, shop and use of part of the land for the sale and consumption of liquor (in association with the food and drinks premises and café), reduction in the car parking requirements, reduction of the loading bay requirements and alteration of access to a Road Zone.

23. The proposal has been amended 2 times since it was originally advertised:



Original heights/massing – extract from Application plans (page 45, Town Planning Submission, Design Report, Koichi Takada Architects)



Revised heights/massing – extract from Applicant's substituted plans (plan A002A, Koichi Takada Architects, dated 20/02/17)



Current proposal (VCAT substituted plans – Cox Architecture – received by Council 25 July 2017)

24. Comparison between the previous set of VCAT plans and current VCAT substituted plans:
    (a) reduction in height from 12 to 10 storeys (from a maximum overall height of 37.4m to 30m);

(b) reduction in the number of dwellings from 341 dwellings to 295 (95 x 1BR, 136 x 2BR, 49 x 3BR,15 x 4BR including townhouses);
(c) reduction in the number of car parking spaces from 341 car parking spaces to 328;
(d) 381 bicycle parking spaces would continue to be provided;
(e) storage cages reduced from 345 to 299;
(f) modified layout from a staggered, rectilinear design to a curved podium/tower form; and
(g) materials have been modified from primarily a brick podium with glazing above to a brick podium, with glazing at the upper levels, accentuated with white powder coated planter boxes and natural timber louvres.

25. More specifically, the current application entails:

Demolition

(a) demolition of all buildings, structures and fences, save for a 45m segment of the Queens Parade, 2 storey façade and the adjacent west boundary wall (including the retention of the sawtooth profile above);

Built form and massing

(b) construction of a 10 storey building, plus 2 basements;
(c) the development would present a 3 storey podium to Queens Parade (maximum height of approximately 9.9m) including retention of the heritage façade of the existing building. Above the podium, 4 towers emerge (3 along the southern end of the site and one positioned in the northern end of the site). The minimum tower setbacks vary from Queens Parade from 1.9m to 8.1m across levels 3 to 9;
(d) the podium would continue to present a 3 storey form to the west, north-west, north-east and eastern boundaries. Setbacks across the ground floor to level 2 vary from zero to 12.7m. As the tower forms emerge at level 3, the setbacks from these boundaries increase, ranging from 3.1m to 30m. A detailed side and rear setback table and Standard B17 assessment is offered in the assessment section of this report;
(e) the maximum overall height of the development would be 30m;
(f) for the purpose of this report, the 3 towers above the ‘Queens Parade’ will be referred to as Towers A, B and C (from west to east) and the northern towner will be referred to as tower D;



Layout

(g) the development would contain 295 dwellings:
  (i) 1BR – 95;
  (ii) 2BR – 136;
  (iii) 3BR – 49; and
  (iv) 4BR – 15.

(h) 328 car parking spaces:
  (i) 7 allocated to the rear site townhouse development;
  (ii) 305 to the dwellings in this development;
  (iii) 9 visitors; and
  (iv) 7 to the commercial tenancies.

(i) 381 bicycle parking spaces;

(j) 299 stores (214 x 3m³ and 67 x 6m³) across both basement levels;

(k) provision of a loading bay within basement 1 (eastern end), at a width of 4m and length of 9m;

(l) a 201m² shop (deli) to the east of the Queens Parade pedestrian entry;

(m) a 188m² restaurant in the central segment of the Queens Parade frontage;

(n) a 99m² café to the west of the Queens Parade pedestrian entry;

(o) pedestrian entries would be provided via:
  (i) the main central opening (33m wide) along Queens Parade;
  (ii) a separate residential entry at the eastern end of the Queens Parade frontage; and
  (iii) via the north-west lane which extends to Brunswick Street.

(p) vehicular entry would be provided via the eastern end of the Queens Parade frontage. A 6.8m wide vehicle crossing would provide two way vehicle access into the 2 basement levels;

Uses

(q) there are communal amenities and open space areas within the ground level of the development and communal terraces at level 3 and level 9 (including a pool and terraced areas);
(r) additional information has not been provided in relation to the uses. It appears that the shop/café originally proposed is now a shop (deli). While a food and drinks premises (café) remains, a restaurant has been added as part of the substituted plan set. Officers are concerned that details of the section 2 land uses (restaurant and deli [shop]) have not been provided for a detailed assessment or as part of the substituted plan process. This is also the case for the sale and consumption of liquor. While included in the 'proposal' section of the substituted plan paperwork, the only use it would be in association with that has been advertised is the food and drinks premises (café). Due to this procedural issue and given the lack of supporting information, for the purpose of this report, the following assumptions will be made and will be conditioned as part of this recommendation:
   (a) the leasable floor area of the deli (shop) must not exceed 150m² (making it an as-of-right use in the zone);
   (b) the restaurant must be a food and drinks premise (café) and the total leasable floor area of the food and drinks premises (cafés) on the site must not exceed 150m²;
   (c) the café must be shown on the plans as a 'food and drinks premises (café)';
   (d) the sale and consumption of liquor must only be in accordance with the westernmost food and drinks premises (café); and
   (e) in relation to operating details of the westernmost food and drinks premises (café) (to be licensed):
      i. maximum of 50 patrons at any one time;
      ii. the café would operate from 7am to 5pm, seven days;
      iii. the premises would be licenced with:
         - Sale of liquor for consumption on the premises: Monday – Sunday 12noon to 5pm

Colours, materials and landscaping

(s) the materials include a brick podium, with glazing at the upper levels, accentuated with white powder coated planter boxes and natural timber louvres;
(t) a modified landscape plan has not been provided, however landscaping would be provided within the communal areas at the ground level and levels 3 and 9;

Environmentally sustainable development [**ESD**] features

(u) the substituted plans did not include a new Sustainable Management Plan [**SMP**]. The original ESD commitments will therefore be assumed:
   (i) an average 6.5 Star NatHERS thermal energy rating; and
   (ii) a MUSIC model demonstrating best practice will be achieved.

Planning Scheme Provisions

Zoning

*Mixed Use Zone [**MUZ**]*

26. The purpose of the MUZ includes (as relevant):
   (a) *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality*;
   (b) *To provide for housing at higher densities*;
   (c) *To encourage development that responds to the existing or preferred neighbourhood character of the area*; and

(d) *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

27. Under clause 32.04-2 of the Scheme, a permit is not required to use the site for dwellings. A permit is required to use part of the site as a shop (the deli is 201m² or more than 150m²).

28. A restaurant and a food and drinks premises (café). However, due to a lack of supporting information for the restaurant and shop (deli) uses, this report recommends that neither are licensed and that the total floor area of each use be reduced to no more than 150m² in area to make them section 1, permit not required uses. Insufficient information has been provided and insufficient notice has been given of these elements should they be section 2, permit required uses.

29. A permit is required under clause 32.04-6 of the Yarra Planning Scheme [**the Scheme**] to construct two or more dwellings on a lot. Clause 32.04-13 states that for a development of five or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004) is a relevant decision guideline.

30. A permit is required under clause 32.04-8 of the Scheme to construct a building or construct or carry out works for a use in section 2 of clause 32.04-2.

Road Zone, Category 1

31. Queens Parade is a declared Road Zone, Category 1.

32. The purpose of this zone is:
    (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies*;
    (b) *To identify significant existing roads*; and
    (c) *To identify land which has been acquired for a significant proposed road.*

33. Whilst a permit is not required for buildings or works or land use under this clause, a permit is required under clause 52.29 of the Scheme to create and alter access to a Road Zone, Category 1.

Overlays

Design and Development Overlay (Schedule 16 – Queens Parade [west])

34. Under clause 43.02-2 of the Scheme, a permit is required to construct a building or construct or carry out works. Schedule 16 states that '*a permit cannot be granted to exceed the 'mandatory control' listed within Tables 1 and 2*'. A detailed assessment against the controls that apply to this precinct (Table 2 of DDO16) is offered in the built form assessment of this report.

35. The subject site is in Precinct 2A: Boulevard Precinct. The design objectives under Schedule 16 of the DDO include:
    (a) *To ensure the redevelopment of the land accommodating the former 'K.G. Luke Pty Ltd Electro Plate Manufacturers' factory contributes positively to the urban character of Fitzroy North.*
    (b) *To retain, enhance and incorporate the existing heritage facade into the redevelopment of the site and to create a consistent parapet height along the streetscape.*
    (c) *To ensure new development does not diminish, or detract from the heritage values of the boulevard streetscape, the heritage street wall and the heritage trees along Queens Parade.*

(d) *To moderate the prominence of development above the street wall with respect to mid and long range panoramic and streetscape views and the Yarra skyline from the Edinburgh Gardens (HO213) and Newry Street (HO327- Fitzroy North Precinct).*
(e) *To ensure heritage buildings retain their three-dimensional form as viewed from the public realm to avoid 'facadism'.*
(f) *To ensure an appropriate transition in building scale across the site having regard to the existing and preferred built form to the east, north and west.*
(g) *To recognise the low scale, fine grain format of existing surrounding development.*
(h) *To avoid repetitive stepped built form at upper levels of development.*
(i) *To ensure development appropriately considers the amenity impacts on neighbouring development and achieves a high standard of internal amenity within the development.*
(j) *To encourage the development above the street wall to be designed as a series of separate development parts with building separation to enable views to the sky*
(k) *To encourage permeability within and through the site.*
(l) *To ensure adequate solar access is provided to the Queens Parade boulevard and the adjoining Napier Street Reserve.*

36. The specific controls applying to the site are found at section 2 of Schedule 16, which specifies both mandatory and discretionary requirements:

Table 1 – Precinct 1B building heights & setbacks

Built Form	Mandatory Control	Discretionary Control	Built Form Outcome
Building Height	▪ Maximum 9m (3 storeys) for properties fronting Brunswick Street & Queens Parade ▪ Maximum 9m (3 storeys) for rear laneway site known as Lot 1 on Title Plan TP806921.		Development that respects the heritage and streetscape value of the precinct.
Façade Height	▪ Retain existing heritage façade. ▪ Development on 460 Brunswick Street adjoining the individually significant corner building must not exceed the parapet height		Development that: ▪ Reinforces the heritage values of the precinct; ▪ Respects the scale of the existing heritage buildings; ▪ Maintains the existing heritage buildings as the dominant feature in the streetscape; and ▪ Limits amenity impacts of building bulk, overlooking and overshadowing on

Built Form	Mandatory Control	Discretionary Control	Built Form Outcome
	of that building.		existing residential properties.
Front Setback from boundary of Brunswick Street/Queens Parade		▪ Development on 460 Brunswick Street adjoining the individually significant corner building should match the setback of that building. ▪ Retain existing front setback.	
Upper Level Setback from front of building		Minimum of 8m setback behind the heritage façade/ new streetwall	
Setback(s) from side boundary		▪ ResCode Standard B17	
Setback(s) from rear boundary		▪ ResCode Standard B17	

Table 2 – Precinct 2A building heights & setbacks

Built Form	Mandatory Control	Discretionary Control	Built Form Outcome
Building Height	▪ Maximum 31m (10 storeys).		Development that: ▪ Respects the scale of existing heritage buildings, both on and adjoining the site; ▪ Ensures projections above the street wall are not dominant in the skyline when viewed from Newry Street, Coleman Street and the Edinburgh Gardens; ▪ Ensures adequate solar access is provided to the Queens Parade boulevard and the adjoining Napier Street Reserve at the equinox (09.00-15.00); and ▪ Maintains the visual dominance of the heritage boulevard trees on Queens Parade over the built form.
Façade Height	▪ Retain existing heritage façade; or ▪ Where no	▪ The street wall of development adjoining the individually significant building should	Development that: ▪ Incorporates the existing heritage street wall into the redevelopment of the site and establishes a

Built Form	Mandatory Control	Discretionary Control	Built Form Outcome
	heritage façade exists a maximum 10m (3 storeys).	be below the parapet height of the heritage building.	consistent street wall height along the streetscape; ▪ Ensures through a combination of height, massing and materials, the decorative parapet of the individually significant heritage building remains prominent along the street wall; ▪ Ensures the primacy of the landscape boulevard within the Queens Parade viewshed; and ▪ Does not detract from the heritage values of the boulevard streetscape, the heritage street wall and the heritage trees along Queens Parade.
Front Setback from boundary of Queens Parade		0m up to maximum 10m (3 storeys).	
Upper Level Setback from front of building		Above existing heritage façade: ▪ Minimum of 8m setback from 10m (3 storeys) to 16m (5 storeys) ▪ Minimum of 11m setback from 16m (5 storeys). Above new street wall (where no existing heritage façade): ▪ Minimum of 5m setback from 10m (3 storeys) to 16m (5 storeys ▪ Minimum of 8m setback from 16m (5 storeys).	
Setback(s) from rear boundaries – North & North West adjacent to NRZ & GRZ		▪ ResCode Standard B17 measured from the rear boundary of adjoining properties up to 10m (3storeys). ▪ Setback within a 45 degree angle line measured from 10m (3 storeys) up to 25m (8 storey).	Development that: ▪ Delivers an appropriate transition in scale of development from the surrounding lower scale heritage residential built form; ▪ Delivers an appropriate interface arrangement to neighbouring properties and minimises visual bulk and mass when viewed from neighbouring properties; ▪ Limits amenity impacts of building bulk, overlooking and overshadowing on existing residential properties; ▪ Avoids repetitive stepped form within the 45 degree profile; and ▪ Ensures the projections above the street wall are
Setback(s) from side boundary – East adjacent to NRZ		▪ 0m setback to match party wall of existing adjoining development up to 10 metres (3 storeys). ▪ Setback within a 45 degree angle line measured from 10m (3	

Built Form	Mandatory Control	Discretionary Control	Built Form Outcome
		storeys) up to 25m (8 storey).	not dominant in the skyline when viewed from Newry Street.
Setback(s) from side boundary – East adjacent to MUZ		▪ 0m setback to match party wall of existing adjoining development or 10m (3 storeys) where no party wall exists. ▪ Minimum of 9m setback from the windows/ balconies of adjoining apartments up to 16m (5 storeys). ▪ Minimum of 15m setback above 16m (5 storeys).	Development that: ▪ Delivers an appropriate interface arrangement and minimise visual bulk and mass when viewed from neighbouring properties; ▪ Delivers an appropriate transition in scale of development to the existing apartments on Napier Street; and ▪ Limits amenity impacts of building bulk, overlooking and overshadowing on existing residential properties.
Setback(s) from side/ rear boundaries – West & North West adjacent to MUZ		▪ 0m setback to match party wall of existing adjoining development to the west or 10m (3 storeys) where no party wall exists. ▪ Setback within a 45 degree angle line measured from 10m (3 storeys).	Development that ▪ Delivers an appropriate interface arrangement and minimise visual bulk and mass when viewed from neighbouring properties ▪ Delivers an appropriate transition in scale of development to the existing apartments and the lower scale heritage residential built form in Brunswick Street; ▪ Avoids repetitive stepped form within the 45 degree profile; and ▪ Limits amenity impacts of building bulk, overlooking and overshadowing on existing residential properties.

Table 3 – General Design Requirements

Design Element	Requirement	Built Form Outcome
Building facades and street frontages	The articulation of new building facades should incorporate vertical articulation to reinforce the prevailing fine grain pattern of subdivision and buildings in the area. Façade design treatments and the articulation of new buildings should respect the detailing of heritage buildings.	Development that: ▪ Recognises the fine grain built form character of heritage streetscapes and minimises the dominance of wide building frontages; and ▪ Delivers high quality façade and architectural

Design Element	Requirement	Built Form Outcome
		detailing that respects the heritage qualities of Queens Parade and Brunswick Street.
Upper Level Development (above the street wall/3 storeys)	Any part of a building above a non heritage street wall height should use materials at the upper levels of the building that are recessive in finish and colour. Development that is visible above or behind the street wall should be designed so that side walls are articulated and read as part of the overall building design. Any part of a building above a heritage facade should: ▪ use visually lightweight materials that are recessive and sympathetic to the heritage facades; ▪ incorporate fenestration patterns and solid to void ratios that respect heritage facades; and ▪ avoid highly articulated facades with recessed and projecting elements.	Development that: ▪ Maintains the dominance of the heritage street wall in the streetscape and the vista along Queens Parade; ▪ Ensures upper level development is visually recessive; and ▪ Ensures upper level development does not detract from the heritage streetscape.
Building Separation	The upper levels of new buildings on sites with frontages wider than 80 metres should provide visual separation and views to the sky between buildings.	Development that: ▪ Avoids continuous built form at upper levels; and ▪ Minimises the visual dominance of upper levels on the streetscape.

Note: Nominated storeys within Tables 1, 2 & 3 are based on an assumption of 4m floor to ceiling height for a ground level commercial use and 3m floor to ceiling height for residential use above.

37. Section 4 of the DDO16 outlines decision guidelines:
    (a) *Whether the design objectives in Section 1.0 and the built form outcomes in Tables 1, 2 and 3 of this Schedule are achieved.*
    (b) *Whether the design requirements for specific areas in Tables 1 and 2 of this Schedule are achieved.*
    (c) *The Queens Parade, Clifton Hill Built Form Review – February, 2017.*
    (d) *The architectural quality of the proposal, including the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.*
    (e) *The profile and impact of redevelopment along Queens Parade and from Newry Street, Coleman Street and the Edinburgh Gardens.*
    (f) *The design response at the interface with existing low-scale residential properties.*
    (g) *Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.*
    (h) *How the proposal responds to the presence of heritage buildings either on, or in close proximity to the development.*
    (i) *The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.*
    (j) *How any proposed buildings and works will impact on solar access to Queens Parade and the Napier Street Reserve.*
    (k) *The suitability of vehicle access and egress arrangements and the location, layout and appearance of areas set aside for car parking.*
    (l) *The extent to which ESD measures are incorporated into the development.*

38. The DDO16 will expire after 30 March 2019.

Part Heritage Overlay (HO327)



39. The portion of the site at 26-56 Queens Parade can be seen above as being affected by HO327. The overlay inaccurately reflects the location of the heritage buildings on the site with a portion of the building not included in the Heritage Overlay. This mapping error has been identified and provided to our Strategic Planning Department to correct.

40. The relevant purpose of the HO is:
    (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
    (b) *To conserve and enhance heritage places of natural or cultural significance.*
    (c) *To conserve and enhance those elements which contribute to the significance of heritage places.*
    (d) *To ensure that development does not adversely affect the significance of heritage places.*
    (e) *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

41. A planning permit is required to demolish or remove a building and to construct a building or construct or carry out works.

42. Decision guidelines at clause 43.01-4 of the Scheme include (as relevant):
    (a) *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
    (b) *Any applicable statement of significance, heritage study and any applicable conservation policy.*
    (c) *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
    (d) *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.*
    (e) *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
    (f) *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

Environmental Audit Overlay

43. The purpose of this overlay is:
    (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
    (b) *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

44. Clause 45.03-1 states it is a requirement that:
    Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
    (a) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
    (b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

45. With dwellings proposed, this requirement will be addressed by way of a notation on any permit issued.

Particular Provisions

Clause 52.06 – Car parking

46. The purpose of this provision (amongst others) is to ensure the provision of an appropriate number of car spaces are provided having regard to the activities on the land and the nature of the locality. This provision recommends car parking rates at clause 52.06-5. Under clause 52.06-3, a permit may be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 (noting there is no relevant Parking Overlay).

Use	Number / Area	Clause 52.06 car parking rate	Requirement	Total Requirement	Provision	Reduction sought
Dwelling – 1BR	95	1 space to each 1 or 2 bedroom dwelling	95	359	305	54
Dwelling – 2BR	136	1 space to each 1 or 2 bedroom dwelling	136			
Dwelling – 3BR	49	2 spaces to each 3+ bedroom dwelling	98			
Dwelling – 4BR	15	2 spaces to each 3+ bedroom dwelling	30			
Dwelling – Visitor	295	1 space to each 5 dwellings for developments of 5 of more dwellings	59	59	9	50
Food and drinks	150m²	4 spaces to each 100m²	6	12	7	5

premises (café)		of leasable floor area				
Shop (deli) (to be assessed with a maximum floor area of 150m² as per the 'proposal' section)	150m²	4 spaces to each 100m²	6			
Rear townhouse development not on subject site					7	
TOTAL				**436**	**328**	**108**

47. A permit is therefore required for the 108 space car parking reduction.

48. Clause 52.06-6 of the Scheme outlines a range of decision guidelines and clause 52.06-8 outlines a range of design standards. The relevant of these will be addressed in the assessment.

Clause 52.07 – Loading and unloading of vehicles

49. The purpose of this provision is '*To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety*'.

50. No building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:
    (a) *Space is provided on the land for loading and unloading vehicles as specified in the table below.*

FLOOR AREA OF BUILDING	MINIMUM LOADING BAY DIMENSIONS	
2,600 sq m or less in single occupation	Area	27.4 sq m
	Length	7.6 m
	Width	3.6 m
	Height clearance	4.0 m
For every additional 1,800 sq m or part	Additional 18 sq m	

    (b) *The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.*
    (c) *The road that provides access to the loading bay is at least 3.6 metres wide.*

51. A permit may be granted to reduce or waive these requirements if either:
    (a) *The land area is insufficient.*
    (b) *Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.*

52. While there is a loading bay exceeding these dimensions provided in basement 1, the height clearance to the basement is less than 4m (approximately 3.5m). A permit is therefore required to reduce this requirement.

Clause 52.27 – Licensed Premises

53. A permit is required under this clause as a license is required under the *Liquor Control Reform Act* 1998.

54. Decision guidelines 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 impact of the number of patrons on the amenity of the surrounding area.*
    (e) *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

Clause 52.29 – Land adjacent to a road zone, category 1, or a public acquisition overlay road a category 1 road

55. The relevant purpose of this provision is '*To ensure appropriate access to identified roads*'.

56. A permit is required to create or alter access to a road in a Road Zone, Category 1 (in this instance, the crossover to Queens Parade). An application must be referred to VicRoads under Section 55 of the Act.

57. Decision guidelines include:
    (a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
    (b) *The views of the relevant road authority.*
    (c) *The effect of the proposal on the operation of the road and on public safety.*
    (d) *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.*

Clause 52.34 – Bicycle facilities

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

Use	Number / Area	Clause 52.34 bicycle parking rate	Requirement	Provision	Reduction sought
Dwelling - Resident		In developments of 4 or more storeys, 1 to each 5 dwellings	72	319	N/A (247 above statutory minimum requirement)
Dwelling – Visitor		In developments of 4 or more storeys, 1 to each 10 dwellings	36	58	N/A
Food and drinks		1 to each 300m² of	0		

premises (cafe) - Employee		leasable floor area			
Food and drinks premises (café) - Shopper		1 to each 500m² of leasable floor area	0		
Shop - Employee		1 to each 600m² of leasable floor area if the leasable floor area exceeds 1000m²	0		
Shop – shopper		1 to each 500m² of leasable floor area if the leasable floor area exceeds 1000m²	0		
Restaurant – patron	N/A due to conditions modifying this use to a cafe				
Restaurant – staff	N/A due to conditions modifying this use to a cafe				
TOTAL					**N/A no reduction sought**

59. No reduction is sought under this provision.

60. A bicycle space for a visitor, shopper or student must be provided at a bicycle rail.

61. The plans also detail 4 bicycle parking spaces for the rear townhouse development.

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

62. The purpose of this clause is '*To ensure that an urban context report is prepared before a residential development of five or more storeys is designed and that the design responds to the existing urban context and preferred future development of the area*'.

63. The application was provided with an urban context report and design response in accordance with this provision.

Clause 58 – Apartment Developments

64. These provisions apply to an application to construct an apartment development within the CDZ (amongst others). However, clause 37.02-4 of the Scheme introduces transitional provisions in that (as relevant):

Clause 58 does not apply to:

- *An application for a planning permit lodged before the approval date of Amendment VC136.*

65. These provisions therefore do not apply to this application.

General Provisions

Clause 65 – Decision Guidelines

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

State Planning Policy Framework (SPPF)

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

Clause 11.01-1 – Settlement networks

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

Clause 11.04-1 – Open space planning

69. The objective of this clause is 'To assist creation of a diverse and integrated network of public open space commensurate with the needs of the community'.

Clause 11.06-1 – Jobs and investment

70. The objective of this clause is 'To create a city structure that drives productivity, attracts investment, supports innovation and creates jobs'.

Clause 11.06-2 – Housing choice

71. The objective of this clause is '*To provide housing choice close to jobs and services*'. With a relevant strategy being to:

Facilitate diverse housing that offers choice and meets changing household needs through:

- *provision of a greater mix of housing types.*
- *adaptable internal dwelling design.*
- *universal design.*

Clause 11.06-3 – Integrated transport

72. The objective of this clause is '*To provide an integrated transport system connecting people to jobs and services, and goods to market*'. With a relevant strategy being to '*Provide for increased density of development, particularly around transport nodes, to support the viability of services*'.

Clause 11.06-4 – Place and identity

73. The objective of this clause is 'To create a distinctive and liveable city with quality design and amenity'. With the relevant strategies being:
    (a) *Improve the design quality of public spaces and the interfaces between private development and the public domain.*
    (b) *Support the creation of memorable, well-designed places that are distinctive and liveable. Integrate place making practices into road space management.*
    (c) *Provide spaces and facilities that encourage and support the growth and development of Melbourne's cultural precincts and creative industries.*
    (d) *Create innovative tourism experiences and encourage investment that meets demand and supports growth in the tourism.*
    (e) *Promote urban design excellence in the built environment and create places that:*
        (i) *are accessible, safe and diverse*
        (ii) *are enjoyable, engaging and comfortable to be in and move around*
        (iii) *accommodate people of all abilities, ages and cultures*
        (iv) *celebrate of the city's social, cultural and natural heritage.*
        (v) *Recognise the value of heritage by carefully managing the ongoing processes of growth and change in the urban environment.*
        (vi) *Respect and protect Melbourne's Aboriginal cultural heritage.*
        (vii) *Support the regeneration of heritage assets through adaptive re-use.*

Clause 11.06-5 – Neighbourhoods

74. The objective of this clause is 'To create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs'. With the relevant strategies being:
    (a) *Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip of their home.*
    (b) *Create mixed-use neighbourhoods at varying densities that offer more choice in housing, create opportunities for local businesses and jobs and deliver better access to services and facilities.*

Clause 11.06-6 – Sustainability and resilience

75. The objective of this clause is 'To create a more sustainable and resilient city that manages its land, biodiversity, water, energy and waste resources in a more integrated way'. With the relevant strategies being:
    (a) *Improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades.*
    (b) *Facilitate the uptake of renewable energy technologies on a site-by-site and neighbourhood level, including through the consideration of renewable energy opportunities during the master planning of new communities and in green wedge and peri-urban areas.*
    (c) *Require climate change risks to be considered in the siting, design and construction of major infrastructure projects so that they withstand natural hazard risks.*
    (d) *Reduce pressure on water supplies by ensuring development makes the best use of all water sources, including stormwater, rainwater, recycled water and drinking water. Improve alignment between urban water management and planning by adopting an integrated water management approach.*
    (e) *Protect and enhance the health of urban waterways by ensuring new urban development minimises the impact of stormwater.*

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

76. The objective of this clause is 'To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely'.

Clause 13.04-1 – Noise abatement

77. The objective of this clause is ‘To assist the control of noise effects on sensitive land uses’.

Clause 15.01-1 – Urban Design

78. 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

79. The objective of this clause is ‘To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties’. The strategy of this clause is to apply 11 design strategies. Planning must also consider (as relevant) the 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.

Clause 15.01-4 – Design for safety

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

Clause 15.01-5 – Cultural identity and neighbourhood character

81. 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

82. 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

83. The objective of this clause is ‘To ensure the conservation of places of heritage significance’.

Clause 16.01-1 – Integrated housing

84. The objective of this clause is ‘To promote a housing market that meets community needs’.

Clause 16.01-2 – Location of residential development

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

Clause 16.01-3 – Housing opportunity areas

86. The objective of this clause is ‘To identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne’.

Clause 16.01-4 – Housing diversity

87. The objective of this clause is ‘To provide for a range of housing types to meet increasingly diverse needs’.

Clause 16.01-5 – Housing affordability

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

Clause 17.01-1 – Business

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

Clause 18.01-1 – Land use and transport planning

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

Clause 18.02-1 – Sustainable personal transport

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

Clause 18.02-2 – Cycling

92. The objective of this clause is 'To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel'.

Clause 18.02-5 – Car parking

93. It is an objective '*To ensure an adequate supply of car parking that is appropriately designed and located*'. This clause includes the following relevant strategies to achieve this objective:
    (a) *Encourage the efficient provision of car parking through the consolidation of car parking facilities.*
    (b) *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.*
    (c) *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.*
    (d) *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

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

Land Use

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

Transport

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

Clause 21.04-1 – Accommodation and housing

95. The following is offered in this clause:
    (a) *Yarra is experiencing consistent residential growth. The Metropolitan Strategy, Melbourne 2030, identifies that this trend will continue.*
    (b) *Yarra will continue to accommodate its share of the housing growth of the inner Melbourne Metropolitan region (comprising the Cities of Melbourne, Port Phillip, Stonnington and Yarra). However, in order to protect valued character, and particularly its heritage places, the majority of new development will be accommodated on strategic redevelopment sites. These sites are generally located in, abutting, or close to activity centres, or in locations that offer good access to services and transport as required under Melbourne 2030. Other areas such as those in Mixed Use or Business zones will accommodate some population growth, while most established Residential 1 zones are stable and will experience minimal change.*

96. The relevant objectives and standards of this clause are:
    (a) *Objective 1 To accommodate forecast increases in population.*
        (i) *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08.*
        (ii) *Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.*
        (iii) *Strategy 1.3 Support residual population increases in established neighbourhoods.*
    (b) *Objective 2 To retain a diverse population and household structure.*
    (c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*
        (i) *Strategy 3.1 Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.*
        (ii) *Strategy 3.2 Apply the Interface Uses policy at clause 22.05.*

Clause 21.04-2 – Activity Centres

97. The site is approximately 123m to the north-east of the Brunswick Street Activity Centre [**AC**].

98. 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.*
    (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

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

Clause 21.05-1 – Heritage

100. The relevant objectives and strategies of this clause are:
    (a) *Objective 14 To protect and enhance Yarra's heritage places.*
        (i) Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.
        (ii) Strategy 14.2 Support the restoration of heritage places.
        (iii) Strategy 14.3 Protect the heritage skyline of heritage precincts.
        (iv) Strategy 14.4 Protect the subdivision pattern within heritage places.
        (v) Strategy 14.5 Protect the significant landscape and heritage within streets, parks, gardens, waterways or other open spaces.
        (vi) Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas. 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

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

    (a) *Objective 16 To reinforce the existing urban framework of Yarra.*
        (i) *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
    (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
        (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
            - *Significant upper level setbacks*
            - *Architectural design excellence*
            - *Best practice environmental sustainability objectives in design and construction*
            - *High quality restoration and adaptive re-use of heritage buildings*
            - *Positive contribution to the enhancement of the public domain*
            - *Provision of affordable housing.*
    (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
        (i) *Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*
    (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
        (i) *Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
        (ii) *Strategy 20.2 Require development of Strategic Redevelopment Sites to take into account the opportunities for development on adjoining land.*
        (iii) *Strategy 20.4 Apply the Built Form and Design policy at clause 22.10.*
    (e) *Objective 22 To encourage the provision of universal access in new development.*
        (i) *Strategy 22.1 Encourage applicants to take into account the access needs of all people in the design of new buildings.*

Clause 21.05-3 – Built form character

102. New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity. Four Structural elements and thirteen built form character types have been identified for areas that are not covered by the Heritage Overlay. The subject site is within a 'Main Road' area. The relevant objectives of this clause are:

    General Objective

(a) *Objective 23 To maintain and strengthen the identified character of each type of identified built form within Yarra.*

Transport corridors

(b) *Transport corridors offer a window into the City of Yarra seen by thousands of people every day. In Yarra many main roads double as centres of community and commercial activity, and are part of local community identity. In categorising main roads from a built form perspective it is logical to differentiate them by built form character, rather than traffic function.*

(c) *Objective 26 To improve the built form character of transport corridors.*
   (i) *Strategy 26.1 Reinforce the scale and formality of the landscape along boulevards.*
   (ii) *Strategy 26.2 Maintain the dominance of the avenue trees over built form along boulevards.*

Clause 21.05-4 – Public environment

103. 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 28.8 Encourage public art in new development.*

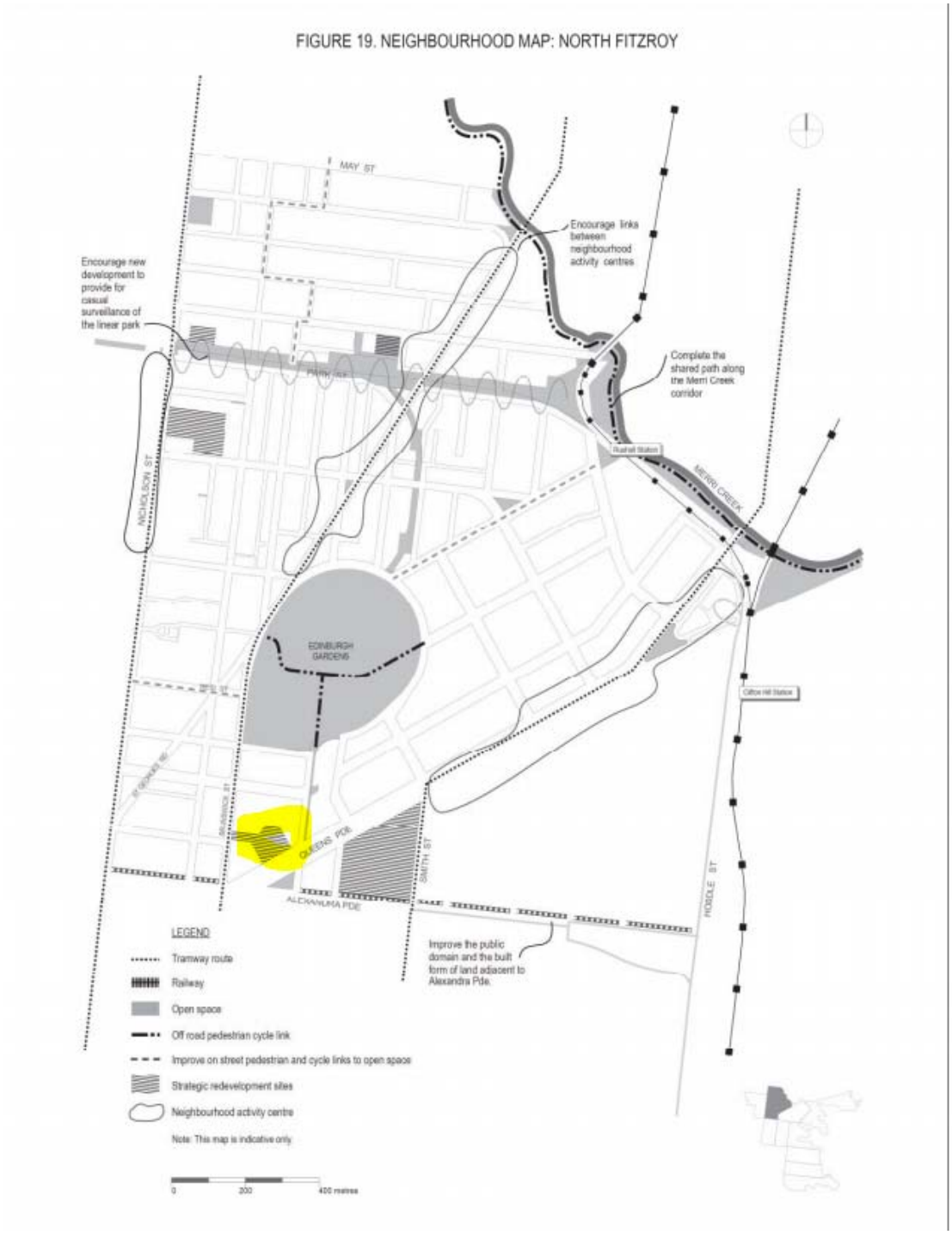
Clause 21.06 – Transport

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

Clause 21.08-8 – North Fitzroy

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

106. The site is identified as a strategic redevelopment site on page 29:



107. Of these identified sites, the policy also has an aim of:
    (a) Encouraging the redevelopment of the following sites in a way that contributes positively to the urban fabric and public domain of Yarra, and where subject to the Heritage Overlay, protects the heritage of the site and of the area:

Relevant Local Policies

Clause 22.02 – Development guidelines for sites subject to the heritage overlay

108. This policy applies to all land within a Heritage Overlay (north-west segment of the site in this instance).

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.*
(e) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*
(f) *To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.*
(g) *To ensure that additions and new works to a heritage place respect the significance of the place.*
(h) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

110. In relation to part demolition, the following is offered at clause 22.02-5.1 of the Scheme:
(a) *Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.*
(b) *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.*

111. Under clause 22.02-5.7. of the Scheme, the following is offered in relation to new development, alterations and additions:

(a) Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:
(i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
(ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
(iii) *Be visually recessive and not dominate the heritage place.*
(iv) *Be distinguishable from the original historic fabric.*
(v) *Not remove, cover, damage or change original historic fabric.*
(vi) *Not obscure views of principle façades.*
(vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
(b) Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.
(c) Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.
(d) Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.

112. Clause 22.02-5.7.2 of the Scheme offers more specific requirements (as relevant):

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

Industrial, Commercial and Retail Heritage Place or Contributory Elements

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

Ancillaries and Services

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

Clause 22.05 – Interface uses policy

113. This policy applies to applications for use or development within Business Zones (albeit now 'commercial zones' amongst others). The relevant objectives of this clause are:
    (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*
    (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

114. At clause 22.05-3 it is policy that:
    (a) *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*
    (b) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

Clause 22.07 – Development abutting laneways

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

Clause 22.09 – Licenced premises

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

Clause 22.10 – Built form and design policy

117. The policy applies to all new development not included in a Heritage Overlay (noting that the eastern section of the site is not within a Heritage Overlay). Clause 22.10-3.1 does not apply to residential development. The objectives of this clause are:
    (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
    (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
    (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
    (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
    (e) *Create a positive interface between the private domain and public spaces.*
    (f) *Encourage environmentally sustainable development.*

Clause 22.12 – Public open space contribution

118. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision. The relevant objectives of this clause are:
    (a) *To implement the Yarra Open Space Strategy.*
    (b) *To identify when and where land contributions for public open space are preferred over cash contributions.*
    (c) *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*

119. The site is located in an area where cash in lieu of land is the preferred method of contribution. Should the site be subdivided, a cash contribution would be required.

Clause 22.16 – Stormwater management (water sensitive urban design)

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

Clause 22.17 – Environmentally sustainable development

121. The most relevant objective of this clause is '…that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation'.

122. This policy includes 7 categories in which to assess ESD outcomes. An application of this scale requires the Applicant to submit a Sustainable Management Plan, prepared by a suitably qualified expert. This Applicant has done this.

Advertising

123. The application was originally advertised by way of 914 letters sent to surrounding property owners and occupiers and by way of 2 signs on the Queens Parade frontage of the site. A total of 480 objections were received on the following grounds:
    (a) overdevelopment;
    (b) density of apartments is too high;
    (c) this would create an unreasonable precedent;

(d) non-compliance with the Yarra Planning Scheme and the Mixed Use Zone;
(e) height (this would be similar to the Housing Commission flat construction)
(f) upper level setbacks are inadequate
(g) design detail does not complement the area (including use of materials and fine grain subdivision) and the building would not age well
(h) this is just for the developer to make a profit;
(i) poor quality design (services, BBQs, AC units and clothes lines will be visible on balconies)
(j) this will destroy the 'community';
(k) use of landscaping is 'laughable' and no maintenance details are provided;
(l) impact on heritage (subject site, nearby 1 and 2 storey terraces, Queens Parade, Coleman Street and Napier Street);
(m) proposed facadism and impact on heritage of the site;
(n) neighbourhood character (other apartment buildings in the area are 3-6 storeys, looks like 'Docklands');
(o) insufficient dwelling diversity (too many 1 and 2 bedroom dwellings, not enough 'family' homes and there will be too many singles);
(p) apartments are too small;
(q) the draft Better Apartment Guide should be considered;
(r) impact on the Edinburgh Gardens;
(s) off-site amenity (daylight, noise [people, parties/people on balconies, cars, communal areas, licenced premises], light pollution, overlooking/privacy, overshadowing [private open space areas and the public realm], visual bulk, obstruct sky and city views, wind tunnel);
(t) poor on-site amenity (long internal corridors, poor sun shading, poor apartment layouts);
(u) there will be more robberies;
(v) construction could impact Fitzroy Gasworks underground contamination plume;
(w) insufficient car parking (the area is already constrained, difficult for guests/visitors to park);
(x) impact on cyclist and pedestrian safety (including the Napier St/Queens Pde bicycle crossing);
(y) traffic impacts;
(z) impact on views from Edinburgh Gardens, Bill Peterson Oval and Brunswick Street oval to the city;
(aa) the development would achieve a poor ESD standard;
(bb) asbestos;
(cc) footprint/site coverage is too high, needs more open space around it;
(dd) structural impact on nearby dwellings;
(ee) increased pressure on infrastructure (including public transport, phone, internet, gyms, pools, libraries, GPs and schools);
(ff) commercial (including licenced) venues should not be approved away from main streets (including Brunswick and Smith Streets);
(gg) construction impacts (noise, traffic, dust and pollution);
(hh) it will upset the dogs in the area;
(ii) no concern for health, safety or DDA;
(jj) property devaluation;
(kk) rear lane should not be used to access Brunswick Street front the site;
(ll) social housing should be included; and
(mm) perspectives have not been provided from the north or Edinburgh Gardens.

124. Of these objectors, 97 have joined as party to the upcoming VCAT appeal.

Referrals

Original plans

125. The application was required to be referred to PTV (clause 52.36 of the Scheme) under Section 55 of the *Planning and Environment Act* 1987 [**the Act**].

126. The application was also referred to the following:
    (a) Urban Design Consultant (Hansen)
    (b) Council's Urban Design Unit
    (c) Council's Heritage Advisor
    (d) External Acoustic Consultant (SLR)
    (e) Council's Engineering Services Unit
    (f) External Traffic Consultant (Traffix Group)
    (g) Council's ESD Advisor
    (h) Council's Strategic Transport Unit
    (i) Council's Services Contracts Unit
    (j) Wind Consultant (MEL Consultants)
    (k) Council's Open Space Unit
    (l) Council's Community Amenity Unit

127. These referrals relate to the previous 12 storey application and attached for information purposes.

128. Due to the extent of changes sought through the substituted plans, the following referrals were undertaken:
    (a) External Urban Design Advisor;
    (b) Council's Urban Design Unit;
    (c) Council's Heritage Advisor;
    (d) Council's Engineering Services Unit;
    (e) Council's ESD Advisor;
    (f) Council's Strategic Transport Unit;
    (g) Council's Services Contracts Unit; and
    (h) Council's Open Space Unit.

129. Their advice is contained as appendices to this report.

Assessment

130. The primary considerations for this application are as follows:
    (o) strategic policy;
    (p) use of the land for the sale and consumption of liquor;
    (q) built form;
    (r) on-site amenity;
    (s) off-site amenity/equitable development;
    (t) environmental sustainability;
    (u) traffic and car parking (including alteration to access to a road in a Road Zone);
    (v) bicycle parking;
    (w) loading bay reduction;
    (x) waste management;
    (y) Objector concerns;
    (z) Special Building Overlay;
    (aa) Referral Authorities; and
    (bb) other matters.

Strategic policy

131. State and Local Planning Policy direct development towards SRSs, close to ACs and well serviced by public transport and infrastructure. The site 'ticks' many of these boxes. Further, the Mixed Use Zoning of the land aims '*To provide for housing at higher densities*' and '*To encourage development that responds to the existing or preferred neighbourhood character of the area*'.

132. When the original application was considered, the Yarra Planning Scheme lacked guidance in this regard, in particular on sites in the MUZ and identified as being a SRS. The Scheme does not give guidance on the preferred neighbouhood character. In particular, clause 21.05-2 (Strategy 17.2) of the Scheme is that:

    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:
    (a) *Significant upper level setbacks*
    (b) *Architectural design excellence*
    (c) *Best practice environmental sustainability objectives in design and construction*
    (d) *High quality restoration and adaptive re-use of heritage buildings*
    (e) *Positive contribution to the enhancement of the public domain*
    (f) *Provision of affordable housing.*

133. However, the DDO16 now applies to the western end of Queens Parade and offers a built form, height, setback and design detailing vision for the area. This report will outline that subject to the conditions contained in this report, the proposal respects both the preferred and existing character of the area.

134. Whilst there is policy support for higher residential densities, there are a number of policy and physical factors that constrain development on this site. They include the Heritage Overlay (surrounding heritage building stock and buildings on the subject site) and the primarily 1-2 storey dwellings to the immediate west and north of the site (noting there are also 4-6 storey apartment buildings to the north-west and east).

135. Environmentally sustainable design [**ESD**] guidance is offered at clauses 11.04-5, 15.02-1 and 22.16 of the Scheme, encouraging development that reduces energy consumption and minimises storm water runoff. An ESD assessment is offered later in this report.

136. Car parking policy is offered at clauses 18 and 21.06 of the Scheme, with state and local policy encouraging sustainable transport modes such as walking, public transport and cycling. A detailed car parking and traffic assessment is offered later in this report.

Strategic Policy Summary

137. Subject to the conditions contained in this report, the proposal is considered to respond accordingly to the relevant strategic policies applicable to the site and on-balance provide an acceptable outcome for the site.

<u>Use of the land for the sale and consumption of liquor</u>

138. Due to the procedural issues already outlined and in the absence of supporting information from the Applicant, only the westernmost food and drinks premises (café) has been considered as being licensed.

139. Clauses 22.09 and 52.27 are the most relevant to assess this element of the application. Having regard to these policies:
    (a) the tenancy is reasonably small, catering for 50 patrons;
    (b) whilst local policy at clause 22.09 does not generally support new licensed premises in residential or mixed use zones, the size of the site offers a reasonable distance from nearby existing dwellings. The site is over 8,028m², with the proposed licensed venues being over 32m from existing dwellings. Any tenants of this building would be aware of the licensed venues on the site;

(c) whilst clause 22.09 discourages new licensed premises in the MUZ, it is still contemplated by policy, which states that licensed premises within residential or MUZ or within 30m of a residential area not trade beyond 11pm any night, unless the Responsible Authority is satisfied that the use will not adversely affect the amenity of the area. Even though the proposal is over 30m from the nearest existing dwelling, the proposal does not seek the sale or consumption of liquor past 11pm;
(d) it is also likely that patrons would be residents of the subject site or the nearby area, and would be unlikely to filter into surrounding streets to access car parking;
(e) given the tenancy is over 139m from the closest licensed venue (a café on Brunswick Street), the proposal does not bring rise to cumulative impact concerns. Further, with the sale of liquor to be no earlier than 10am, the application does not bring rise to concerns of post-loading (continuing to drink after other licensed premises have closed);
(f) the tenancy would be open during the day to provide an active frontage;
(g) the venue type does not bring rise to queuing, mass exiting upon closure or antisocial behavior concerns. Patrons would be seated with food served, mitigating anti-social behavior commonly associated with alcohol consumed in more vertical drinking type venues with limited food;
(h) being the primary residential entry, there would be an opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises;
(i) there are no toilets proposed, however this could be addressed by way of a permit condition, should a permit issue;
(j) being a café and food and drinks premises (café), it is considered adequate that patrons would smoke on the footpath, if at all when they ate (as opposed to a higher demand for smoking areas associated with primarily drinking venues where patrons typically stay for a longer period of time);
(k) the Applicant provided an acoustic report. It recommended maximum music noise limits to protect the amenity of the proposed dwellings. Council's Acoustic advice also recommended an amended acoustic report. Should a permit issue, voice noise from the commercial tenancies and communal areas within the development. This is not considered to be fatal to this assessment; and
(l) the Applicant has not yet provided a Noise and Amenity Action Plan [**NAAP**] as required by Clause 22.09-4.3 of the Scheme. However, the application was referred to Council's Community Amenity Unit, which noted that the tenancies would pose a 'low amenity risk'. Should a permit issue, a NAAP should be required by way of a permit condition.

140. In addition to the above comment on the acoustic report, the Acoustic peer review was generally supportive of the application with regard to the commercial tenancy, however it was identified that:
(a) maximum music noise levels should be provided to ensure compliance with SEPP N-2. Music noise monitor should also be installed to ensure that these levels are not exceeded;
(b) voice noise from patrons to the proposed dwellings has not been assessed to indoor targets. Council's Acoustic advisors recommend indoor design targets of no greater than 30 dBA Leq with windows closed;
(c) the impact and airborne noise from with the café should be assessed and building upgrade advice provided in the report to minimise impacts.

141. However, the above issues could all be dealt with permit conditions and are not considered to be fatal to this assessment.

142. Subject to conditions, the proposed sale and consumption of liquor (on-premises) associated with the westernmost food and drinks premises (cafe) would not unreasonably impact the amenity of the area.

Built form

Site Analysis Plan and context

143. The Applicant provided a site analysis plan and urban context report with the original application.

Urban form and character

144. The original officer report and the strategic section of this report identify that the site is well located strategically to accommodate higher densities as the site is:
    (a) within the Mixed Use Zone, where a purpose includes '*To provide for housing at higher densities*';
    (b) an area of 8,023m²; and
    (c) an identified strategic redevelopment site in clause 21.08.

145. However, the site is also bound by constraints, including the surrounding low to mid-rise residential context (1 to 5 storey forms) and the Heritage Overlay.

146. Since the last assessments of the original and February 2017 substituted VCAT plans, the site is now subject to the DDO16. Schedule 16 outlines a number of mandatory and discretionary controls, along with a range of design objectives which will be used as the primary policy to guide the following height and setback assessment.

147. Essentially, while segments of the upper level front setbacks to Queens Parade do not comply with the Schedule (side boundary setbacks will be considered later in the off-site amenity and equitable development assessment), the design approach is considered to achieve the overall design objectives of the DDO16.

Height and setbacks

148. The design objectives for Precinct 2A: Boulevard Precinct include:

- *To ensure the redevelopment of the land accommodating the former 'K.G. Luke Pty Ltd Electro Plate Manufacturers' factory contributes positively to the urban character of Fitzroy North.*

149. The overall approach to the development has been modified from 2 large horizontal masses across the site to a podium/tower typology which presents 4 slender forms to Queens Parade, which are proposed to be articulated with find detailing of glass and timber to respond to the fine grained character of Fitzroy North.

150. In addition, the adoption of a curved forms within each tower component (where previously a more aggressive, rectilinear stacked or tessellating arrangement), serves to soften the appearance of the towers, more appropriately responding to the context of the area.

- *To retain, enhance and incorporate the existing heritage facade into the redevelopment of the site and to create a consistent parapet height along the streetscape.*

151. The heritage façade (western end of the site) is being retained and incorporated into the redevelopment. The new façade (eastern end of the Queens Parade frontage) would generally match the parapet of the heritage façade (excluding higher detailed elements on the heritage facade) and proposes the use of materials which complement the retained heritage fabric.

152. Council's Heritage Advisor is generally supportive of the current application, subject to the following:

(a) Clarify the use of external timber screens and as required change to another material which will not weather and degrade in appearance.

153. This should be imposed on any permit issued to ensure the building is maintained to a high standard.

(b) If the outer edges of the balcony soffits are likely to be affected by rain some non-timber edge strip should be installed on the outer side.

154. A condition should be imposed to ensure that the 'timber' is a durable material with a timber look.

(c) Clarify if the paint is to be removed from the Art Deco façade to expose the original face brickwork. This is the recommendation.

155. This is supported by heritage policy at clause 22.02, restoring the building to its original appearance and should be imposed by way of a permit condition.

(d) Clarify how much of the return of the façade at the east end is to be and integrated in the café? It should be the same as previously as a minimum.

156. The previous design would have incorporated a return segment in the internal wall of the café. While not as long, the return wall would now be external and is a more desirable heritage outcome as this return would now be appreciated.

157. The proposed design composition, fenestration and height is supported as a heritage outcome subject to conditions.

- *To ensure new development does not diminish, or detract from the heritage values of the boulevard streetscape, the heritage street wall and the heritage trees along Queens Parade.*

158. Along with the DDO16, clause 22.02 of the Scheme is relevant. In relation to new works and alterations and additions to heritage places, policy directs new works to be distinguishable, yet respect the character of the heritage place. In relation to upper level additions to industrial, commercial and retail heritage places, it is policy to encourage upper level additions and works to:
    (a) *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.*
    (b) *Incorporate treatments which make them less apparent.*

159. The podium would be constructed of face brickwork, with similar proportioned openings in the new façade compared to the retained façade bays. However, a condition should require a detailed schedule of colours and materials, along with a darker finish to the level 1-2 'new façade' balcony balustrades, as the proposed light coloured balustrades would fail to offer a 'depth' or appropriate 'weight' to this element to ensure the towers are read as secondary elements.

160. The façade height complies with the DDO16 and while the upper levels encroach upon the discretionary minimum front setback requirement, the curved form and separation of towers into 4 elements would ensure that the proposal would not unreasonably impact the heritage trees along Queens Parade or the streetscape more generally.

161. The proposal is considered to meet the purpose of Council's Local Heritage Policy and the Heritage Overlay.

- *To moderate the prominence of development above the street wall with respect to mid and long range panoramic and streetscape views and the Yarra skyline from the Edinburgh Gardens (HO213) and Newry Street (HO327- Fitzroy North Precinct).*

162. The Schedule does not specify what 'Yarra skyline' views are to be protected. However, given the site is over 213m from the Edinburgh Gardens and at least 20.5m from Newry Street, is below the mandatory maximum height of 31m and is separated into 4 segments or towers, which are spaced to allow for breaks in the massing of the proposal, views from these places would not be unreasonably impacted.

- *To ensure heritage buildings retain their three-dimensional form as viewed from the public realm to avoid 'facadism'.*

163. The plans did not include a demolition plan, which should be imposed by way of a permit condition, should a permit issue. However, it is clear which buildings would be retained given the detail provided on the proposed floor plans.

164. The proposal includes a 2.4m long reconstructed face brick wall along the eastern end of the retained facade. This wall would be integrated into the café entry and would ensure the retained heritage façade is read or appreciated as a 3D form.

- *To ensure an appropriate transition in building scale across the site having regard to the existing and preferred built form to the east, north and west.*

165. The forms generally transition down to the 2-5 storey building heights to the west and east. Taller forms are setback from the boundaries, responding to the lower scale built form adjacent to the site.



- *To recognise the low scale, fine grain format of existing surrounding development.*

166. The following off-site amenity assessment deals with the setbacks from side and rear boundaries in detail. However, subject to conditions, the proposal would adequately transition to the low scale, fine grained character of built form to the side and rear.

- *To avoid repetitive stepped built form at upper levels of development.*

167. The amended plans no longer include repetitive stepped forms at the upper levels, but rather offers curved tower forms sitting above the podium level and spaced to offer breaks in built form.

- *To ensure development appropriately considers the amenity impacts on neighbouring development and achieves a high standard of internal amenity within the development.*

168. Level 3 and above is now significantly setback. A full assessment of off-site amenity impacts is offered later in this report.

- *To encourage the development above the street wall to be designed as a series of separate development parts with building separation to enable views to the sky.*

169. The proposal has been re-massed, breaking the upper level forms from 2 continuous element into 4 segments to enable views to the sky. It is noted that the external urban design advice received by Council was supportive of the tower separation, calling them 'generous', and responds to concerns raised with the earlier scheme.

- *To encourage permeability within and through the site.*

170. The generous opening to the street, along with the approximately 9m-12m building separations, and improved pedestrian connectivity provides adequate permeability within and through the site. The Queens Parade pedestrian entry to the site has also been increased to a width of 37.5m, and the rear opening to the laneway widened to 6.6m improving accessibility also to the proposed dwellings at the rear.

- *To ensure adequate solar access is provided to the Queens Parade boulevard and the adjoining Napier Street Reserve.*

171. While the proposal would overshadow part of the Queens Parade boulevard, the nature strip and trees on the northern footpath are already overshadowed for most of the day by the existing façade. The central medium strip (northernmost adjacent to the slip lane) would experience some additional overshadowing from midday onwards, however the break between tower forms ensures that the shadowing would not be experienced for the whole length.

172. It is noted that the external urban design advice received by Council raised no issue with the overshadowing impact of the proposal.

Building height – mandatory

Table 2 – Precinct 2A building heights & setbacks

Built Form	Mandatory Control	Discretionary Control	Built Form Outcome
Building Height	▪ Maximum 31m (10 storeys).		Development that: ▪ Respects the scale of existing heritage buildings, both on and adjoining the site; ▪ Ensures projections above the street wall are not dominant in the skyline when viewed from Newry Street, Coleman Street and the Edinburgh Gardens; ▪ Ensures adequate solar access is provided to the Queens Parade boulevard and the adjoining Napier Street Reserve at the equinox (09.00-15.00); and ▪ Maintains the visual dominance of the heritage boulevard trees on Queens Parade over the built form.

173. The development appears to achieve this requirement, however it is unclear if tower C (easternmost) is 100mm above this requirement. However, this could be dealt with by way of a permit condition. It is suggested that a condition also require the survey information be transposed on the elevations to ensure this requirement is met.

174. Perspectives from Newry St, Coleman St and Edinburgh Gardens were not provided with the substituted plans. However, as the proposal complies with the mandatory maximum height control (subject to the condition outlined above), has broken the towers into 4 segments with generous separation, has adopted a curved design to erode the building edges it is anticipated that the proposal would not appear as an unreasonably dominant element in Newry St, Coleman St or the Edinburgh Gardens. This is further supported in the later off-site amenity assessment.

175. Overshadowing of the boulevard has been addressed and is considered to be satisfactory.

Façade Height	▪ Retain existing heritage façade; or ▪ Where no heritage façade exists a maximum 10m (3 storeys).	▪ The street wall of development adjoining the individually significant building should be below the parapet height of the heritage building.	Development that: ▪ Incorporates the existing heritage street wall into the redevelopment of the site and establishes a consistent street wall height along the streetscape; ▪ Ensures through a combination of height, massing and materials, the decorative parapet of the individually significant heritage building remains prominent along the street wall; ▪ Ensures the primacy of the landscape boulevard within the Queens Parade viewshed; and ▪ Does not detract from the heritage values of the boulevard streetscape, the heritage street wall and the heritage trees along Queens Parade.
Front Setback from boundary of Queens Parade		0m up to maximum 10m (3 storeys).	
Upper Level Setback from front of building		Above existing heritage façade: ▪ Minimum of 8m setback from 10m (3 storeys) to 16m (5 storeys) ▪ Minimum of 11m setback from 16m (5 storeys). Above new street wall (where no existing heritage façade): ▪ Minimum of 5m setback from 10m (3 storeys) to 16m (5 storeys ▪ Minimum of 8m setback from 16m (5 storeys).	

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176. The proposed new façade segment to Queens Parade may be marginally over the 10m mandatory height, dependent where it is measured from. It is noted that the annotation on plans state 9.9m, however to confirm this (as the natural ground level varies across the site), this could be addressed by way of a permit condition on any permit issued.

Setbacks – discretionary

177. Above heritage façade – Levels 3-5 have a minimum street setback of between 4.3m and 8.1m, not in compliance with the minimum discretionary setback control. Levels 5 and above have a minimum street setback of 4.4m, increasing to 8.2m instead of the 11m minimum discretionary setback control.

178. From levels 6 and above, the setbacks decrease to 2.9m for a small section and then tapers away from the site.

179. While the proposal falls shy of the discretionary upper level setback controls of the DDO16, the design objective or built form outcome sought is to:
    (a) *Incorporates the existing heritage street wall into the redevelopment of the site and establishes a consistent street wall height along the streetscape;*
    (b) *Ensures through a combination of height, massing and materials, the decorative parapet of the individually significant heritage building remains prominent along the street wall;*
    (c) *Ensures the primacy of the landscape boulevard within the Queens Parade viewshed; and*
    (d) *Does not detract from the heritage values of the boulevard streetscape, the heritage street wall and the heritage trees along Queens Parade.*

180. The proposal has adopted a design response which reflects the sought built form outcomes by:
    (a) the front setback of the tower varies, with the average setback being generally inline with the DDO16 setback requirements;
    (b) the curved form ‘softens’ the appearance of the tower;
    (c) the use of timber across the facades provides a fine-grained link to the surrounding area, while not dominating the heritage building forms;
    (d) the tower is approximately 25m wide, compared to the 42m width of the retained heritage façade, ensuring it is a finer or less dominant element above the heritage fabric; and
    (e) the upper levels incorporate lighter materials and the heritage façade would be painted a deep grey, ensuring it reads as the dominant form in the streetscape.

181. Above the new façade, levels 3-5 have a minimum setback of 1.9m, increasing to 3.6m for tower B and 7m for tower C, shy of the minimum 5m minimum discretionary setback control. Levels 5 and above have a minimum street setback of 1.9m with curved forms then pulling away generally from Queens parade, shy of the 8m minimum discretionary setback control.

182. While the setback of towers B and C above the new façade fall short of the discretionary minimum front setback requirements in the DDO16, the front setback of these elements is supported as:
    (a) the front setback of the tower varies;
    (b) the curved form ‘softens’ the appearance of the towers;
    (c) the towers enjoy an approximately 16m wide separation, assisting in making them a recessive form above the podium (as opposed to a continuous tower above the podium which would have been more dominant); and
    (d) the upper levels incorporate lighter materials and more glazing than the podium, ensuring it reads as the recessive element in the streetscape.

Table 3 – General Design Requirements

Design Element	Requirement	Built Form Outcome
Building facades and street frontages	The articulation of new building facades should incorporate vertical articulation to reinforce the prevailing fine grain pattern of subdivision and buildings in the area. Façade design treatments and the articulation of new buildings should respect the detailing of heritage buildings.	Development that: ▪ Recognises the fine grain built form character of heritage streetscapes and minimises the dominance of wide building frontages; and ▪ Delivers high quality façade and architectural

Design Element	Requirement	Built Form Outcome
		detailing that respects the heritage qualities of Queens Parade and Brunswick Street.
Upper Level Development (above the street wall/3 storeys)	Any part of a building above a non heritage street wall height should use materials at the upper levels of the building that are recessive in finish and colour. Development that is visible above or behind the street wall should be designed so that side walls are articulated and read as part of the overall building design. Any part of a building above a heritage facade should: ▪ use visually lightweight materials that are recessive and sympathetic to the heritage facades; ▪ incorporate fenestration patterns and solid to void ratios that respect heritage facades; and ▪ avoid highly articulated facades with recessed and projecting elements.	Development that: ▪ Maintains the dominance of the heritage street wall in the streetscape and the vista along Queens Parade; ▪ Ensures upper level development is visually recessive; and ▪ Ensures upper level development does not detract from the heritage streetscape.

Building Separation	The upper levels of new buildings on sites with frontages wider than 80 metres should provide visual separation and views to the sky between buildings.	Development that: ▪ Avoids continuous built form at upper levels; and ▪ Minimises the visual dominance of upper levels on the streetscape.

Nominated storeys within Tables 1, 2 & 3 are based on an assumption of 4m floor to ceiling height for a ground level commercial use and 3m floor to ceiling height for residential use above.

183. The new podium to Queens Parade is vertically accentuated through columns that run from the ground up through the façade. The use of brick in the new façade, with a simple parapet form, also compliments the heritage façade without unreasonably dominating or replicating this element. The solid to void ratio of the heritage façade is also respected through the new façade, being more glazing at the ground level and less at the upper.

184. The towers incorporate simple facades, articulated with curves, planter boxes and the incorporation of timber features. The slab elements would extend out from the facades (maximum 600mm) to offer visual relief (without being visually dominant). Again, the use of white to the planter boxes is not supported from both a maintenance perspective and as these forms would draw the eye up to the tower facades. Should a permit issue, a condition should require these elements be a light to mid-grey.

185. Finally, as the frontage is approximately 110m, the proposal has met the final design element of the DDO16, with the towers providing visual separation and views to the sky.

186. From a streetscape and urban design perspective (again noting that off-site amenity and equitable development is assessed later in this report), the proposal has adequately responded to the design objectives of the DDO16. While some of the discretionary upper level setback requirements have not been met, the proposal meets the built form outcomes through the design detailing and is considered the proposal demonstrates an acceptable outcome for the site.

Demolition

187. The extent of demolition proposed has been reduced as part of these substituted plans, with the western saw-toothed roof profile now proposed to be retained. This is supported from a heritage perspective and given the wall adjoins a boundary wall further west, is also supported from an amenity perspective.

188. A structural engineers report will be required as a condition to ensure the retained walls are properly protected.

189. The previous officer assessment of the proposed demolition therefore remains relevant:

In relation to part demolition, clause 22.02-5.1 of the Scheme states that it is policy to generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

- *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.*

The proposal seeks to demolish all buildings, except for the south and west facades of the westernmost building. The top of the west boundary wall however, would be 'evened out' due to the existing saw-toothed profile.

Council's Heritage Advisor has reviewed the proposal and considered the significance of the buildings on the site. The only concern raised with the proposed demolition was that the eastern wall of the retained Art Deco façade should be reconstructed. A site inspection revealed that this wall has already been demolished, so a condition on any permit could require the reconstruction of the eastern wall (in recycled brick to match the facade or which are typical or the era of construction) to give depth to the retained building fabric. This would avoid 'facadism' and give the retained building fabric a sense of depth and context.

190. The substituted plans include a 2.5m wide masonry return wall at the eastern end of the retained heritage building. Council's heritage advisor recommended the length of reconstructed wall be the same as the previous plans, however this wall was going to be internal to the café. Now external, although shorter, this proposal is the preferred heritage outcome in this regard, improving the appreciation of this return wall and supporting the 3D form.

Architectural quality, colours and materials

191. Objective 5.6 of the DSE Guidelines is 'To promote buildings of high architectural quality and visual interest'.

Light and shade

192. An objective of the DSE Guidelines is '*To protect sunlight access to public spaces'*. The previous assessment was offered in the officer report:

Council's Urban Design Unit raised issue with the extent of overshadowing of public space. However, the shadow diagrams provided by the Applicant demonstrate that the southern footpath along Queens Parade would not be overshadowed at the equinox. There is a pocket park south of Queens Parade that also would not be overshadowed at the Equinox.

Whilst the northern footpath would be overshadowed throughout the day at the Equinox, the existing buildings on the site already shadow a large portion. Whilst a segment at the eastern end would experience additional shadow, this is due to the podium, which is considered to be a positive urban design approach, holding the street frontage at the eastern end of the site. This outcome is therefore acceptable.

193. With the substituted plans, the upper level forms have been broken into 4 segments. The overall height has also been reduced from 12 to 10 storeys. The shadowing impacts on the public realm are therefore reduced compared to the original plans and therefore continue to be supported.

Street, public space and safety

194. The original assessment raised issues derived from Council's Urban Design Unit assessment. These included:
    (a) the roller door width and design and presence in the streetscape;
    (b) the commercial tenancies should have a greater presence in the streetscape; and
    (c) the food and drinks premises (café) entrance should be repositioned south of the planter box in the main entrance (improving access).

195. The substituted plans have gone some way to addressing these issues. While Council's urban Design Unit was critical of the amount of publically accessible space within the development, the commercial tenancy frontage has been increased from 15m to 38m of the Queens Parade frontage. The commercial entrances are also all now easily accessible from the property frontage (not positioned behind planter boxes). However, a condition should require the deletion of the 2 shrubs along the property frontage in front of the restaurant and shop to ensure clear views into the site are afforded.

196. The vehicular entrance width has also remained at 7m due to engineering requirements.

However, should a permit issue, a condition should ensure that the roller door and services treatment along the eastern end of the south elevation is appropriately treated and integrated with the design.

197. Council's Urban Design Unit suggested a link be provided through the north-west corner through to Grace Lane. While this may be a 'good' urban design outcome, this recommendation does not form part of any built form recommendations in the Yarra Planning Scheme and is not considered to be necessary.

198. Council's Urban design unit also referenced Clause 58, which his not applicable as the site enjoys transitional provisions.

199. Finally, Council's Urban Design Unit identified that a number of the ground level interfaces with the communal open space areas may require further treatment to achieve a reasonable level of privacy. It is agreed that this should form a permit condition, however this should be a performance based or flexible condition to achieve a reasonable balance between outlook and privacy.

Wind

200. The DSE Guidelines aim '*To ensure new tall buildings do not create adverse wind effects*'. The original officer report did not raise issue with wind impacts. While an amended wind report has not been included as part of this application, this could be addressed by way of a permit condition, should a permit issue.

Landmarks, views and vistas

201. The previous officer report noted:

The closest identified landmarks in the Scheme (clause 22.03) to the subject site is the spire of St Marks Church, approximately 643m to the north-east of the site on the south side of Queens Parade. Due to the distance of the site from this landmark and it's positioning on the other side of the street, the proposal would not unreasonably impact views to this landmark.

A number of objector's raised concern with the impact of the proposal on views from Edinburgh Gardens and towards the City. However, neither views are protected by the Scheme. The impact of building bulk in general however, is a relevant consideration and has been assessed in this report.

202. The DDO16 now includes the following design objective:

To moderate the prominence of development above the street wall with respect to mid and long range panoramic and streetscape views and the Yarra skyline from the Edinburgh Gardens (HO213) and Newry Street (HO327- Fitzroy North Precinct).

203. The policy does not go as far as to say what 'moderate the prominence' means or even which viewpoints from the gardens or Newry Street should be protected. In any event, the officer position remains on this consideration, as the proposal complies with the mandatory maximum height control in the DDO and has broken the tower forms into 4 elements, providing views between the towers and breaking up the mass.

Site coverage/Permeability

204. The proposed site coverage (including basement) is approximately 93%. As mentioned in the previous officer report:

Council's local built form policy at Clause 22.10-3.6 envisages site coverages of 80 per cent, unless the site coverage in the area is higher or there is a need to cap the site to deal with contaminants. Whilst the site is within an EAO, it is not being capped (excavated). Whilst the proposal is considered to result in adverse off-site amenity impacts, this is not considered to be due to site coverage, rather the side setbacks, as outlined throughout this report.

Clause 22.16 of the Scheme also requires Applicant's to consider storm water runoff. With 100 per cent site coverage, the proposal includes a 40,000L rainwater tank to deal with runoff. This achieves the MUSIC storm water tool/best practice targets:

Standard	Pollutant	Pollution Reduction Target	Target Achieved
WSUD Best Practice Guiding Principles (CSIRO)	• Gross Pollutants	**70% Reduction**	**Yes**
	• Total Suspended Solids	**80% Reduction**	**Yes**
	• Total Phosphorous	**45% Reduction**	**Yes**
	• Total Nitrogen	**45% Reduction**	**Yes**

Extract of Applicant's SMP

Council's ESD Advisor also raised no issue with the proposal in relation to storm water management.

205. The off-site amenity impacts are now considered to have been addressed (see later section of the report). The proposed levels of site coverage continue to be supported in this context and present as a site responsive massing of the proposal. Further, should a permit issue, a condition should require an amended SMP reflecting the decision plans, with the original commitments at a minimum.

Landscaping

206. The substituted plans did not include revised landscaping plans. However, the substituted architectural plans did indicate the location of landscaping.

207. Council's Open Space Unit noted that their comments in their previous advice (dated 23/09/2016 and 23/02/2017 remains relevant. These outstanding items are:
    (a) details regarding the proposed trees over the basement, including planter depths, irrigation and maintenance;
    (b) a longer maintenance period than originally proposed to establish the roof gardens (typically 1-2 years), with safe maintenance access being provided;
    (c) a detailed drawing should be provided showing the following elements of the 'green roof' or now shown as roof gardens and planter boxes:
        (i) Vegetation layer
        (ii) Growing substrate and depth – plants should not be supplied as 100mm pots, but grown in the media to be used on the green roof. Load bearing weights for the saturated bulk density should be confirmed by structural engineers.
        (iii) Irrigation
        (iv) Filter sheet
        (v) Drainage layer – specify the Elmich product.
        (vi) Protection mat
        (vii) Root barrier
        (viii) Waterproofing
    (d) details and depths of planters, growing media, irrigation and drainage for all landscaped areas;
    (e) removal of street tree 8 (Ulmus) at a cost of **$8,960** (calculated using a standard amenity value calculator with the species, size & condition (fair) being used from the John Patrick tree report originally submitted with the application. This price includes complete tree and stump removal and reinstatement of 2 trees after development plus 2 years tree establishment maintenance. All work would be undertaken by City of Yarra contractors.

208. These issues could all be dealt with via permit conditions and are not considered fatal to this assessment.

209. Finally, Council's Open Space Unit raised issue with the extent of overshadowing of the ground level communal outdoor space area. In their comments, they reference the new clause 58 guidelines. However, this application enjoys transitional provisions and this clause does not apply. Further, with a supplementary communal open space area (including pool and various terraced areas) at levels 3 and 9, there are considered to be sufficient open space areas across the development which would experience varying levels of sun exposure throughout the day.

Service infrastructure

210. The plans include 1.8m high plant zones on the roof of each tower, setback from the parapet walls. This is supported as an approach in this context, however the plans do not clearly show the materiality of the plant screens. This could be addressed by way of a permit condition, should a permit issue, ensuring the plant area is integrated into the design.

Summary

211. Subject to the conditions contained in this report, the proposal is a site responsive design and is supported from an urban design perspective.

<u>On-site amenity</u>

212. The DSE Guidelines are the most relevant when assessing on-site amenity.

Access, layout and circulation

213. Pedestrian access and circulation throughout the site would be achieved by way of the 6.6m to 12m wide separations between buildings. Residential entry cores would be easily identifiable, although the plans show security screens beyond the commercial tenancies adjacent to Queens Parade. Should a permit issue, visitor intercoms would need to be provided at the pedestrian (and vehicular) entries to the development to facilitate visitor access into the development.

214. Wayfinding is not considered to be problematic in this instance due to the cores being clearly visible via the internal courtyard spaces.

Overlooking

215. Objective 2.9 of the DSE Guidelines aims 'To maximise residential amenity through the provision of views and protection of privacy within the subject site and on neighbouring properties'.

216. The plans do not sufficiently deal with internal or external overlooking. For example, internal terraces and windows are not treated or where screens are shown, details of screens have not been provided. Further, in relation to external overlooking, screens have been shown, however details have not been provided. In conjunction with the ESD advice, screens should be opaque glazing or another method to ensure reasonable daylight penetration without unreasonably providing overlooking into adjacent habitable room windows or private open space areas. A performance based condition is therefore recommended to achieve these objectives.

Noise

217. Clause 22.05-4.1 of the Scheme outlines design recommendations to protect new dwellings from unreasonable noise, fumes, vibration, light spillage and other likely disturbances. As the substituted plans were not accompanied by a traffic report, and the proposal generally remains as residential with part commercial at the ground floor, the original officer report assessment on noise remains relevant:

Given the surrounding properties are all residential, the key considerations are:

- *the commercial tenancies proposed;*
- *traffic noise; and*
- *the ancillaries, lifts and vehicular doors proposed as part of this development.*

The commercial tenancies have already been assessed in this report. Should a permit issue, the interface between these tenancies and the proposed dwellings could be addressed by way of permit conditions. Further, should a permit issue, acoustic attenuation of the lift cores, mechanical plant and equipment (such as AC units), the gym and the doors to the vehicular entries/exits could be addressed by way of permit conditions.

Council obtained a peer review of the Applicant's traffic report, which identified that the target indoor noise levels were not clear. It was suggested that the following commitment be made, but preferably lower levels for 'high quality developments':

Table 1 SLR Recommended design goals for road traffic

Area	Period	Average Level[1]	Loudest Hour[2]	Instantaneous L_{max} level
Habitable rooms, including bedrooms	7 am to 10 pm	40 dBA $L_{eq,15h}$	45 dBA $L_{eq,1h}$	
Bedrooms	10 pm to 7 am	35 dBA $L_{eq,9h}$	40 dBA $L_{eq,1h}$	50-55 dBA L_{max}

NOTE 1: The 'average level' is equal to the mid-point between the AS/NZS2107 recommended 'satisfactory' and 'maximum' levels and is equal to the levels allowed in the 2011 NSW Road Noise Policy (Appendix C10) and the WA State Planning Policy (5.4).

NOTE 2: The 'loudest' hour targets are equal to the AS/NZS2107 recommended 'maximum' levels.

This could be addressed by way of a permit condition, should a permit issue, and is not considered to be fatal to this assessment.

Internal noise levels were also recommended by Council's Acoustic advisors for the proposed dwellings, with regard to the impact of voice noise from the communal outdoor areas:

- *noise from voice to apartments within the development be designed to achieve not greater than 30 dBA Leq in bedrooms and 35 dBA Leq in living rooms;*
- *noise from voice to existing dwellings be assessed to a 'background+10 dB' target during the day/evening period and 'background + 5 dB' at night;*
- *a restriction be provided on use of the Level 3 and 4 outdoor areas after 10 pm unless it can be demonstrated that 'background + 5 dB' targets can be met at the existing dwellings.*

These items could be addressed by way of permit conditions and are not fatal to this assessment.

An additional issue was raised in the acoustic peer review, being the location and time of noise measurements that were undertaken by the Applicant. It has been recommended that additional road traffic noise monitoring be undertaken as follows:

- *noise levels during the afternoon peak hour and the loudest hour of the 'night' period (typically 6 am to 7 am for sites such as this one); and*
- *a daytime measurement should be conducted to assist in the assessment of the daytime average noise level to apartments unless an alternative approach to determining the daytime average is adopted. As indicated above, we recommend that the design of the façade ensure that the day and night average levels are no greater than 40 dBA Leq,15h and 35 dBA Leq,9h.*

Again, these issues could be addressed by permit conditions, should a permit issue, and are not considered fatal to this assessment.

Council's acoustic peer review found that road traffic noise predictions to the facades of the building were not included. For developments such as this, a 3D noise model would typically be undertaken to ensure that the development is appropriately treated to ensure a reasonable level of internal amenity for residents. Again, this matter is not fatal to this assessment and is a matter of further acoustic testing and façade design detailing/façade upgrade advice.

218. Subject to conditions as per the above, the proposal would achieve a reasonable level of amenity for residents.

Private and communal open space

219. Objective 6.1 of the DSE Guidelines is '*To ensure access to adequate open space for all residents*'. The guidelines continue to state that '*If a balcony is intended to serve as private open space it should be of sufficient size to accommodate outdoor seating, with good connections between these spaces and the building's interior*'. Further, objective 6.3 is '*To allow solar access to the private and shared open spaces of new high density residential units*'.

220. The proposed balconies and terraces are a minimum 8m² and minimum width of 1.5m. They are all accessible via living areas and would be suitable for outdoor seating.

221. While the orientation and subsequent access to direct solar access of each varies across the development and the proposed 295 dwellings, the building separations now generally afford good daylight levels to these balconies/terraces. Further, communal areas of open space at the ground, level 3 and level 9 offer residents with a range of spaces which would receive direct sunlight throughout the day.

Solar amenity, daylight and natural ventilation

222. Objective 5.4 of the DSE Guidelines is '*To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces*'. The DSE Guidelines also state at objective 5.4 that it is policy '*To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces*'.

223. This issue is considered in the following ESD assessment of this report, where it is found that the substituted plans are an improvement compared to the previous sets of plans. While more substantial improvements could be made, conditions should be imposed to ensure a reasonable daylight, solar amenity and natural ventilation outcome is achieved within the development.

Storage

224. Objective 5.5 of the DSE Guidelines is '*To provide adequate storage space for household items*'.

225. The proposal incorporates 295 storage cages for 295 dwellings (plus 4 for the rear townhouses). Storage cages would range from 3m³ to 6m³ and would be a mixture of floor cages and above bonnet style. Numerous VCAT decisions (including *U1 Stanley Street Pty Ltd v Yarra CC* [2012] VCAT 1455, paragraph 92) have supported at least 3m³ of storage for dwellings in this type of development (e.g. high density apartment style) and this arrangement is therefore supported.

Summary

226. Subject to the conditions contained in this report, the proposal would achieve a reasonable level of on-site amenity for residents.

Off-site amenity/Equitable development

227. Objectives 2.5 and 2.6 of the DSE Guidelines are '*To ensure building separation supports private amenity and reinforces neighbourhood character*' and '*To ensure areas can develop with an equitable access to outlook and sunlight*'.

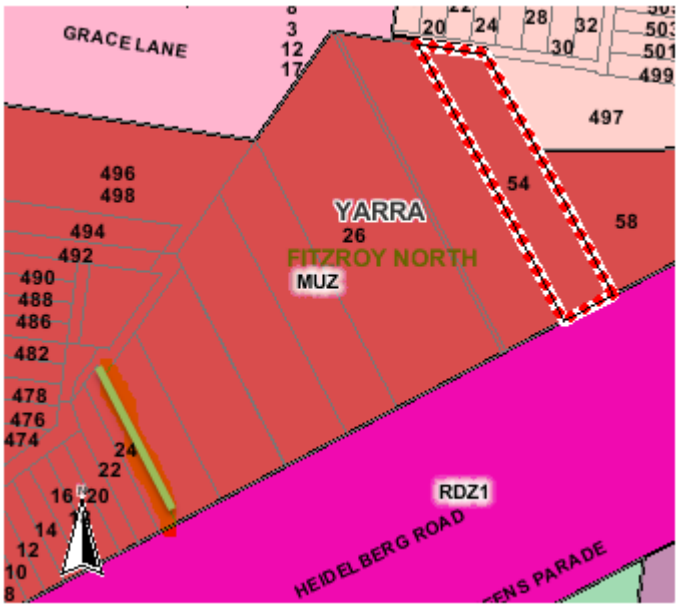
228. In the absence of strict guidance in the Scheme, the following guidance has been offered by VCAT in the past (*Cremorne Corporation Pty Ltd v Yarra CC* [2008] VCAT 1202 (2 July 2008)):

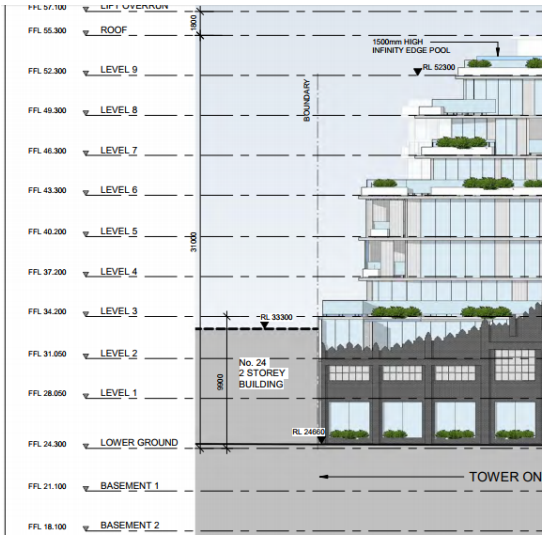
> *63. The council and Richmond Plaza argue that the east side setbacks proposed do not provide for an equitable sharing of development opportunities between the site and the Plaza's land. Essentially it was argued that a 4.5 metre setback to the edge of walls and balconies should be provided on this site, replicated on the Richmond Plaza site so as to achieve the desired 9 metre separation between dwellings, a concept that accords with some of the standards set out in clause 55.*
>
> *64. The Guidelines for higher density residential development include the objective 2.6 which states:*
> *To ensure areas can develop with an equitable access to outlook and sunlight.*
>
> *65. Design Suggestion 2.6.1 under this objective is:*
> *Consider the possible future development of adjoining sites and allow, as best as possible, or [sic] an equitable spread of development potential throughout the area.*
>
> *66. Essentially, the above support the notion of equity with respect to the potential for sunlight access and outlook and that new development not unduly prejudice their availability to another site.*
>
> *67. We have little doubt that the Richmond Plaza site is also ripe for redevelopment given its size, corner location and context. However, save for the balconies at the lowest residential level that come to about 1 metre off the common boundary, we are satisfied that the proposal has made enough effort to setback from its neighbour. As indicated by Ms Ring these balconies can be reduced so as to provide greater separation, to say 3.35 metres, like the levels above.*
>
> *68. The notion of equity does not in itself mean equal. The reality is that expectations as to what can be achieved from site to site varies. For example, we do not apply the standards of clause 54 for the redevelopment of small inner suburban lots in the same way as they may be applied to a larger site. The site size, proportion and context all come into play.*
>
> *69. What is to happen on the Richmond Plaza site is unclear. However, as this is a larger site, much wider than the subject site and having the added benefit of a corner location, we do not think that the development potential of the site would be unreasonably prejudiced by this proposal. There is plenty of room to move. Rather, the expectation that all sites contribute equally, as opposed to equitably, may well stifle the development potential of smaller, narrower sites. We do not accept that this is an outcome that is consistent with the intent of the objectives of the Guidelines for Higher Density Residential Development.*

229. In addition to the above, the DDO16 that now applies has introduced discretionary side setback requirements for the interface at each zone.

230. As per the original officer report, each interface will be considered in-turn, with an assessment against off-site amenity and/or equitable development, as relevant.

West





South elevation extract

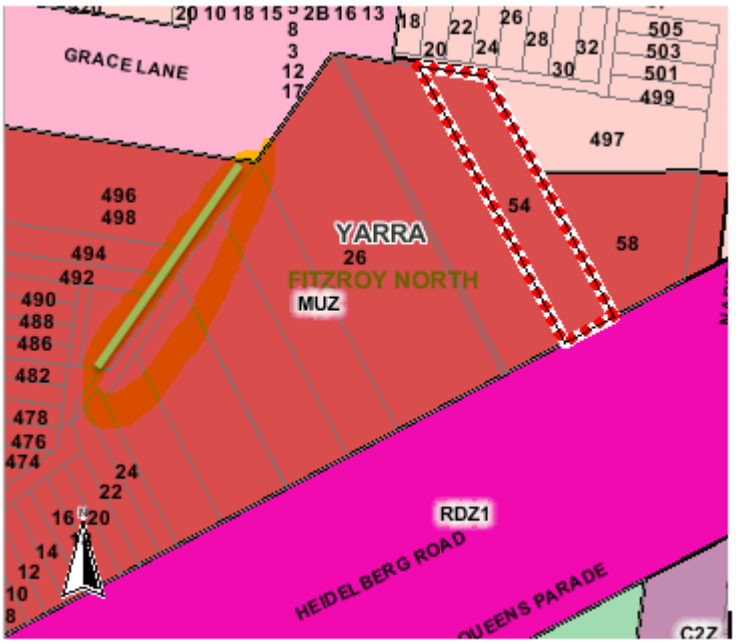
231. DDO16 discretionary control:

Setback(s) from side/ rear boundaries – West & North West adjacent to MUZ	▪ 0m setback to match party wall of existing adjoining development to the west or 10m (3 storeys) where no party wall exists. ▪ Setback within a 45 degree angle line measured from 10m (3 storeys).	Development that ▪ Delivers an appropriate interface arrangement and minimise visual bulk and mass when viewed from neighbouring properties ▪ Delivers an appropriate transition in scale of development to the existing apartments and the lower scale heritage residential built form in Brunswick Street; ▪ Avoids repetitive stepped form within the 45 degree profile; and ▪ Limits amenity impacts of building bulk, overlooking and overshadowing on existing residential properties.

232. The proposal retains part of the west boundary wall (saw-toothed profile) adjacent to the boundary wall to the west and the rear section (where no adjacent party wall exists) is setback 7m (3m shy of the DDO16 discretionary control).

233. Sections have not been provided to ascertain if the second dot point above has been achieved. However, from level 4 and above, the western tower (tower A) is setback adjacent to the private open space areas to the west are increased to 9m. At level 7, this setback increases to 14.3m. While these upper levels would not be invisible, these setbacks are considered to be acceptable:
    (a) within the context of the MUZ;
    (b) given the orientation of the lot, the proposed setbacks do not result in unreasonable overshadowing of the private open space areas to the west;
    (c) the curved form of the building and upper level setbacks would provide adequate visual relief; and
    (d) while 'stepped' the approach is not a repetitive stepped approach across each floor.

North-west (western end adjacent to the Mixed Use Zone)



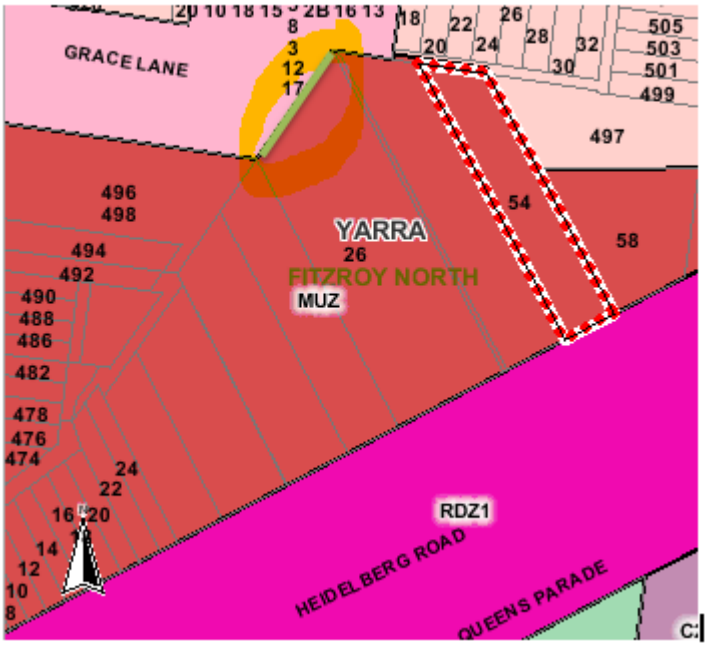
234. DDO16 discretionary control:

Setback(s) from side/ rear boundaries – West & North West adjacent to MUZ	▪ 0m setback to match party wall of existing adjoining development to the west or 10m (3 storeys) where no party wall exists. ▪ Setback within a 45 degree angle line measured from 10m (3 storeys).	Development that ▪ Delivers an appropriate interface arrangement and minimise visual bulk and mass when viewed from neighbouring properties ▪ Delivers an appropriate transition in scale of development to the existing apartments and the lower scale heritage residential built form in Brunswick Street; ▪ Avoids repetitive stepped form within the 45 degree profile; and ▪ Limits amenity impacts of building bulk, overlooking and overshadowing on existing residential properties.

235. Instead of a 10m setback, a 6m north-west setback has been provided (including the width of the lane that extends for a segment of the north-west corner). This setback is increased at level 3, where the tower forms emerge and a gap is provided adjacent to the dwellings that directly abut the subject site. At level 3, the tower would be setback a minimum 10.5m from the closest private open space area. At level 5, the setback further erodes with the introduction of terraces in the northern end of tower A. Setbacks are increased again at level 6 and above, however sections have not been provided to ascertain if the second dot point of the discretionary control above is met.

236. However, the setbacks and massing of the proposal are supported along this interface as:
    (a) the podium is setback at least 6m from the closest abutting lot;
    (b) towers A and D emerge at level 3 and provide a break or visual relief from this level and above;
    (c) the curved forms of the building are peeled away further at level 6 and above, providing further visual relief for adjoining properties to the north-west;
    (d) the design does not include repetitive stepped elements; and
    (e) as the adjacent properties are to the north-west, the setbacks and massing would not unreasonably impact shadows cast over these properties.

North-west (adjacent to GRZ3)



237. DDO16 discretionary control:

Setback(s) from rear boundaries – North & North West adjacent to NRZ & GRZ	▪ ResCode Standard B17 measured from the rear boundary of adjoining properties up to 10m (3storeys). ▪ Setback within a 45 degree angle line measured from 10m (3 storeys) up to 25m (8 storey).	Development that: ▪ Delivers an appropriate transition in scale of development from the surrounding lower scale heritage residential built form; ▪ Delivers an appropriate interface arrangement to neighbouring properties and minimises visual bulk and mass when viewed from neighbouring properties; ▪ Limits amenity impacts of building bulk, overlooking and overshadowing on existing residential properties; ▪ Avoids repetitive stepped form within the 45 degree profile; and ▪ Ensures the projections above the street wall are
Setback(s) from side boundary – East adjacent to NRZ	▪ 0m setback to match party wall of existing adjoining development up to 10 metres (3 storeys). ▪ Setback within a 45 degree angle line measured from 10m (3	

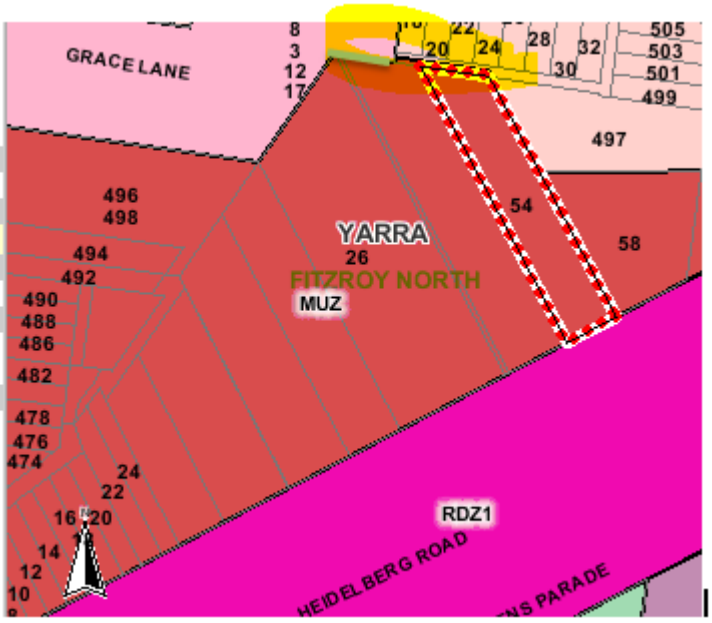
Built Form	Mandatory Control	Discretionary Control	Built Form Outcome
		storeys) up to 25m (8 storey).	not dominant in the skyline when viewed from Newry Street.

238. The proposal would be approximately 9m high at this interface, setback 1.5m to 3m. It is also noted that the level 3 rood deck balustrades have not been shown on the elevations. As per Standard B17 of ResCode, a 9m building should be setback at least 4.1m from a boundary. The variations sought from B17 are the eastern end at level 1 (200mm variation) and the western end at level 2 (1m variation). Although the adjacent properties are to the north (no overshadowing impacts as a result of these setbacks), the subject site is quite large and can accommodate these setbacks (albeit discretionary). The impact on the adjacent private open space area would be greater given their size. Any development on the subject site would impact their outlook, with a B17 setback providing adequate visual relief for the properties to the north-west in the GRZ3. This should be required by way of a permit condition, should a permit issue.

239. Equitable development is not considered to be an issue with this adjacent property as the policy context now calls for B17 setbacks at podium levels and the upper level tower setbacks have increased beyond 4.5m.

240. Again, a section has not been provided along this segment to ascertain if the second dot point above (the 45 degree profile) is achieved. However, at level 4 tower D emerges with a minimum 13.5m setback from the adjacent properties to the north-west in the GRZ3. At level 6, the north-west setback of tower D increases to 17.8m (excluding roof terrace). The upper level setbacks are considered appropriate within this context, would afford adequate visual relief and would not unreasonably impact the amenity of adjacent dwellings by virtue of visual bulk.

North-east (adjacent to properties within the GRZ3 and NRZ1)



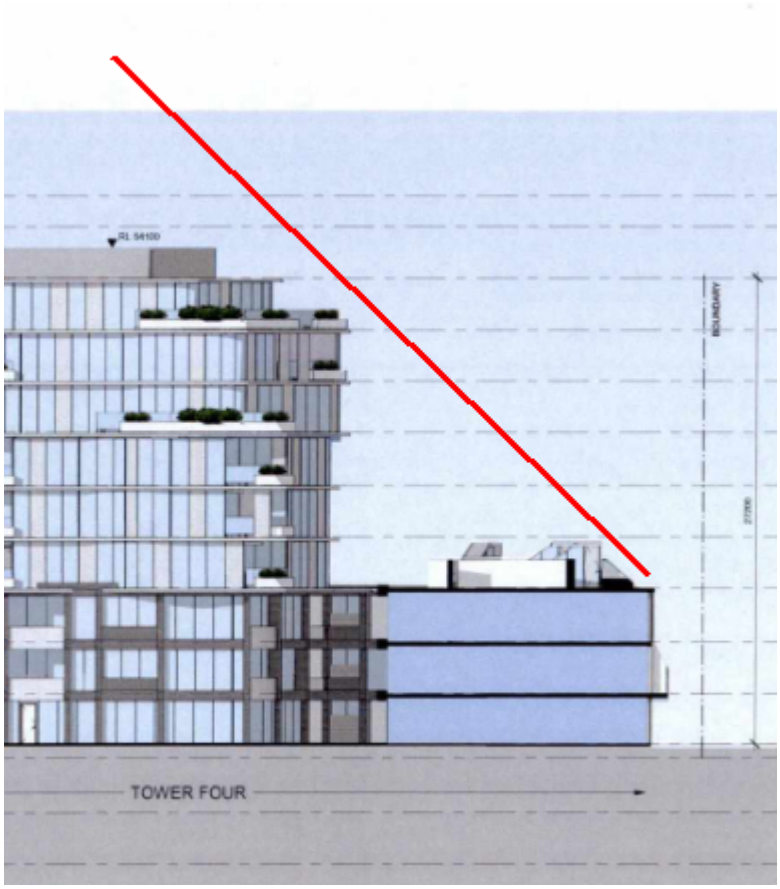
241. Discretionary DDO16 controls:

Setback(s) from rear boundaries – North & North West adjacent to NRZ & GRZ	▪ ResCode Standard B17 measured from the rear boundary of adjoining properties up to 10m (3storeys). ▪ Setback within a 45 degree angle line measured from 10m (3 storeys) up to 25m (8 storey).	Development that: ▪ Delivers an appropriate transition in scale of development from the surrounding lower scale heritage residential built form; ▪ Delivers an appropriate interface arrangement to neighbouring properties and minimises visual bulk and mass when viewed from neighbouring properties; ▪ Limits amenity impacts of building bulk, overlooking and overshadowing on existing residential properties; ▪ Avoids repetitive stepped form within the 45 degree profile; and ▪ Ensures the projections above the street wall are
Setback(s) from side boundary – East adjacent to NRZ	▪ 0m setback to match party wall of existing adjoining development up to 10 metres (3 storeys). ▪ Setback within a 45 degree angle line measured from 10m (3	

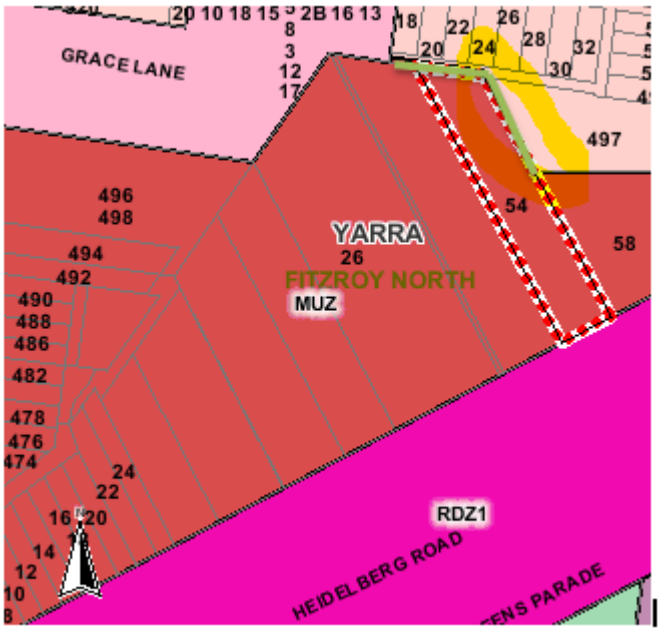
Built Form	Mandatory Control	Discretionary Control	Built Form Outcome
		storeys) up to 25m (8 storey).	not dominant in the skyline when viewed from Newry Street.

242. The ground to level 2 podium adjacent to this elevation complies with Standard B17 (more stringent than the setbacks outlined for development adjacent to the NRZ1), excluding a 1m variation sought where adjacent to the bluestone laneway to the north-east. Given the laneway is approximately 2.5m wide this would provide an adequate visual relief to support the 1m variation sought at this interface. Further, as these properties are positioned to the north-east, the variation sought would not unreasonably impact the amenity of these dwellings by virtue of overshadowing.

243. Considering the impact or setback of tower D, the following section demonstrates that the tower has been setback beyond the 45 degree viewline as outlined in the DDO16:



East (adjacent to the NRZ1)



244. Discretionary DDO16 controls:

Setback(s) from rear boundaries – North & North West adjacent to NRZ & GRZ	▪ ResCode Standard B17 measured from the rear boundary of adjoining properties up to 10m (3storeys). ▪ Setback within a 45 degree angle line measured from 10m (3 storeys) up to 25m (8 storey).	Development that: ▪ Delivers an appropriate transition in scale of development from the surrounding lower scale heritage residential built form; ▪ Delivers an appropriate interface arrangement to neighbouring properties and minimises visual bulk and mass when viewed from neighbouring properties; ▪ Limits amenity impacts of building bulk, overlooking and overshadowing on existing residential properties; ▪ Avoids repetitive stepped form within the 45 degree profile; and ▪ Ensures the projections above the street wall are
Setback(s) from side boundary – East adjacent to NRZ	▪ 0m setback to match party wall of existing adjoining development up to 10 metres (3 storeys). ▪ Setback within a 45 degree angle line measured from 10m (3	

Built Form	Mandatory Control	Discretionary Control	Built Form Outcome
		storeys) up to 25m (8 storey).	not dominant in the skyline when viewed from Newry Street.

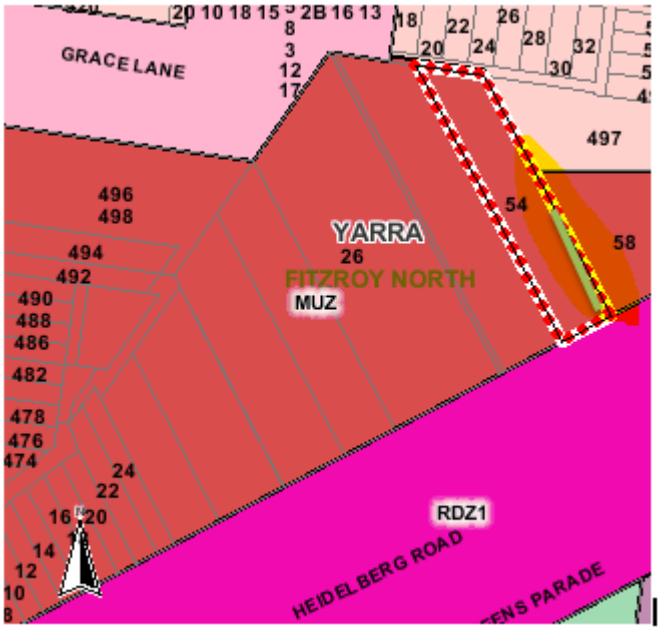
245. The proposal would be setback 3m at the podium (ground to level 2) and at level 3, the proposal incorporates a roof terrace and a 5.3m side boundary setback to tower C adjacent to the NRZ1 land to the east. At level 5 the setback increases to 10m (including terrace) and at level 6 the tower would no longer be in line with this adjacent NRZ1 land.

246. At 9m with a 3m east boundary setback, the proposal falls short of Standard B17 by 1m. however, the neighbouring residential building to the east presents a boundary wall to the subject site for the majority of its length. At level 2, balconies and secondary daylight sources are introduced to the east, along with a terrace which projects to the north-west. However, given the angled orientation of the terraces and as it is a secondary daylight source for an adjacent dwelling, the 1m variation from the Standard B17 setback requirement is supported at this interface.

247. Again, sections have not been provided to ascertain if the 45 degree sightline is met. However, tower D incorporates reasonable upper level setbacks and at level 6, would not be directly in line with the NRZ1 land to the north-east. The massing at this interface is supported and would not unreasonably impact the amenity of the existing dwellings.

248. Further, given this site and the site further to the south-east are already developed, these side setbacks are not considered to unreasonably impact these properties by way of equitable development.

East (adjacent to the MUZ)



249. Discretionary DDO16 controls:

Setback(s) from side boundary – East adjacent to MUZ	▪ 0m setback to match party wall of existing adjoining development or 10m (3 storeys) where no party wall exists. ▪ Minimum of 9m setback from the windows/ balconies of adjoining apartments up to 16m (5 storeys). ▪ Minimum of 15m setback above 16m (5 storeys).	Development that: ▪ Delivers an appropriate interface arrangement and minimise visual bulk and mass when viewed from neighbouring properties; ▪ Delivers an appropriate transition in scale of development to the existing apartments on Napier Street; and ▪ Limits amenity impacts of building bulk, overlooking and overshadowing on existing residential properties.

250. The proposal would be partially constructed to the eastern boundary at the ground and first floor, abutting the existing boundary wall of the residential building to the east.

251. At level 2, a central segment of the boundary wall to the east ceases to expose a light court for the sole outlook of dwellings across 3 levels (6 dwellings in total). Opposite these sole outlook apartments to the east, the proposal would be setback:
   (a) 5m to 10.2m at levels 2 and 3 (including terraces) – DDO16 discretionary control of 9m;
   (b) 10.9m at level 4 – DDO16 discretionary control of 9m;
   (c) 9m to 9.7m at level 5 – DDO16 discretionary control of 9m;
   (d) 13m at levels 6-8 – DDO16 discretionary control of 9m; and
   (e) 12m at level 9– DDO16 discretionary control of 9m.

252. In the absence of perspectives (it is anticipated these will be circulated by the Applicant in the form of evidence for the upcoming VCAT hearing), this assessment is focused on the immediate off-site amenity impact for these sole outlook apartments to the east. Given these adjacent dwellings rely on daylight from the west, compliance with the DDO16 is considered necessary to achieve reasonable daylight levels and outlooks for these dwellings. Should a permit issue, a condition should require the level 2-9 eastern setbacks adjacent to the light court of 58 Queens Parade to be as per the DDO16 setback requirements. Provided these setbacks are achieved, the long-range views would also be improved from further east along Napier Street, although this is difficult to ascertain from the information provided.

South

253. Queens Parade is to the south of the site, with this application not bringing rise to unreasonable off-site amenity or equitable development concerns at this interface.

Summary

254. Subject to the conditions contained in this report, the proposal has adequately massed and would not unreasonably impact the amenity of adjoining and adjacent dwellings or development potential of surrounding sites. It is noted that overlooking has not been assessed again in this section as it was dealt with holistically in the on-site amenity assessment (combining both on and off-site overlooking assessments).

Environmental sustainability

255. The Applicant originally provided a Sustainable Management Plan, prepared by Wood and Grieve Engineers Limited and dated 29 June 2016. Specifically, the following commitments were made:
    (a) an average 6.5 Star NatHERS thermal energy rating;
    (b) a MUSIC model demonstrating best practice has been received which relies on 450m2 of roof connected to a 40,000 litre tank which is connected to garden irrigation and swimming pool top-up, and the remaining 7,470m2 of terrace and landscaping filtered by a SPEL hydro-system (or equivalent); and
    (c) extensive green roofs and landscaping has potential to marginally improve the ecological value of this site.

256. An amended SMP has not been submitted with the substituted plans.

257. Council officers originally had concerns with the layout of the proposal, bringing rise to daylight and ventilation concerns (in terms of building separation and single sided layouts). However, through the modified design, while issues still remain, these could be addressed by way of permit conditions to ensure a high standard ESD outcome as per clause 22.17 and BESS. The outstanding items as per the ESD Advisor response to the substituted plans are:
    (a) daylight – Some of the habitable rooms may fall below the best practice standard of access to daylight. This should be addressed by way of:
        (i) clear glazing to all habitable rooms of dwellings;
        (ii) privacy screens and devices made of obscured glazing instead of solid materials;
        (iii) provision of full height glazing to lower level dwellings such as:
            - C1GF09, C4GF05, C4GF06, C3GF02, C3GF01;
            - lower level bedrooms of TH14, TH13, TH12, TH11 on the ground floor; and
            - C40105, C40106, C30202, C30203, C30204, C20103 on the first floor.
    (b) shading – Balconies and wing wall projections are now considered to be satisfactory for shading windows.
    (c) natural ventilation – Most of the floor plates are deeper than 5m. While Council's ESD Advisor suggests the building layout be modified to improve natural ventilation, they also suggest that this could also be improved (albeit not in a positive passive ESD response) through the incorporation of any of the following or combination of the following:
        (i) extraction fans to all kitchen range hoods and bathrooms;
        (ii) ceiling fans;
        (iii) trickle vents;
        (iv) energy efficient mechanically assisted natural ventilation with flow rates 50% in excess of AS 1668 levels.

258. The above could be addressed by way of an amended SMP, should a permit issue and would offer a reasonable level of energy efficiency for occupants.

Traffic and car parking (including alteration to access to a road in a Road Zone)

259. The decision guidelines at Clause 52.06 will be used to guide this assessment, along with clause 52.29 as Queens Parade is a Road Zone, Category 1.

Car parking provision

260. The application is seeking a 108 space car parking reduction. Clauses 18, 21.06 and 52.06 will be used to guide this assessment.

261. The site is well serviced in terms of public transport and also amenities given the walking distance to activity centres of Brunswick Street and Smith Street and also the neighbourhood centre of St Georges Road. State and local policy support reduced car parking rates in these locations, favoring sustainable transport modes (walking, cycling and public transport).

262. The reduced car parking rates are supported, having regard to clause 52.06-6 for the following reasons:
    (a) The Applicant's original traffic report included on-street surveys (Friday 18 March 2016 and Saturday 19 March 2016 at 1pm and 8pm both days). The survey found 380 publicly available spaces in the area. During survey times, there were at least 139 vacant on-street spaces.
    (b) Dwelling – The application is seeking a 54 space reduction associated with the dwellings. It is likely that residents would use public transport, walking or cycling options given the nature of the locale. Further, ABS data suggests (2011 ABS data as taken from the Applicant's traffic report submitted with the original application) that the car parking needs of residents in North Fitzroy are:
        (i) Studio – 0.5 cars per dwelling
        (ii) 1 and 2 bedroom – 0.6 cars per dwelling
        (iii) 3 bedroom – 1.5 cars per dwelling

        Using ABS data, this proposal would therefore have a demand for 234 residential parking spaces (using the 3 bedroom ABS data for the 4BR townhouses). Extrapolating ABS data, the proposal exceeds the anticipated parking demand by 71 spaces. The proposal would therefore not unreasonably impact parking demand on-street.
    (c) Dwelling visitor – Visitors may visit the site via public transport, walking or cycling, where possible. Further, the availability of on-street parking would be suitable for the short-stay needs of visitors. In any event, 9 spaces would be provided in the basement for the needs of any dwelling visitors who need to drive to the site.
    (d) Food and drinks premises (café), restaurant and shop – Many patrons would already be in the area or living or visiting the proposed development. It is not anticipated that the size of the 3 non-residential tenancies would create a 'destination' encouraging people to drive. In any event, patrons who do wish to drive to the site would be able to use the on-street spaces identified as vacant in the Applicant's traffic report. Staff of these tenancies would also be likely to use public transport, walking or cycling to get to/from work. However, 7 car parking spaces would be provided on-site for any staff who need to drive.

263. Council's Engineering Services Unit reviewed the proposed car parking provision and were supportive of the proposal.

Traffic

264. The traffic impact of the proposal was considered in detail in the previous officer report. The amended plans reduce the on-site parking provision and therefore reduce the anticipated traffic generation. This was reviewed by Council's Engineering Services Unit and they raised no objection or issue with the proposed traffic generation.

Car park layout and access

265. Council's Engineering Services Unit generally support the car park layout, subject to conditions (civil work matters from the February 2017 comments remain relevant). These are:
    (a) a convex mirror adjacent to the vehicular exit, with no audible device (would be too noisy for nearby residents);
    (b) 1 minimum 1m clearance from the vehicle entry/exit to the adjacent power pole. The east edge of the crossover must be perpendicular to the Queens Parade service road;
    (c) car park columns setback 750mm from the aisles;
    (d) loading bay dimensioned on the drawings, including minimum overhead clearance. Details of the vehicles permitted to use this space, along with swept path diagrams are required;
    (e) the headroom clearance of the vehicular doorway must be dimensioned on the drawings;
    (f) the design and construction of the new vehicle crossing must satisfy Council's *Infrastructure Road Materials Policy*, Council's Standard Drawings and engineering requirements;
    (g) a detailed cross sectional drawing of the new vehicle crossing, the actual road profile of Queens Parade service road and the new ramp (for the first 2.0 metres inside the property) must be provided to the satisfaction of the Responsible Authority;
    (h) all redundant vehicle crossings must be demolished and reinstated to Council's satisfaction and at the Permit Holder's expense;
    (i) the headroom clearances must be dimensioned on the drawings throughout the car park;
    (j) kerbs on either side of the internal ramp must be dimensioned;
    (k) upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Queens Parade service road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's expense;
    (l) all pedestrian access must be constructed to a level no steeper than 1 in 40 from the building line;
    (m) the nature strips directly outside the property's Queens Parade service road frontage must be cultivated, top dressed and be provided with instant turf to the satisfaction of Council's Open Space and at the Permit Holder's expense;
    (n) the kerb and channel outside the development's Queens Parade service road frontage must be constructed in bluestone to the satisfaction of Council and at the Permit Holder's cost;
    (o) all redundant property drains must be removed;
    (p) prior to the occupation of the development, the road pavement of Queens Parade service road is to be profiled and re-sheeted to the satisfaction of Council after the building works and the provision of underground utility services have been completed. The cost of these road infrastructure works must be borne by the Permit Holder;
    (q) the developer must ensure that light projected from any existing, new or modified public lights does not spill into the windows of any new dwellings or any existing nearby residences. Any light shielding that may be required shall be funded by the Permit Holder;
    (r) the developer must prepare and submit detailed design drawings of all road infrastructure works and drainage works associated with this development for assessment and approval;
    (s) A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties. The Construction Management Plan for the site must also take the following into account:
        (i) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority.
        (ii) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.

(iii) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.

(t) Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense;

(u) any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority;

(v) 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; and

(w) 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.

266. It is noted that the previous officer report flagged issues with the car park layout and access as identified by Cardno (Council's external traffic engineers). While the amended plans were not re-referred to Cardno (they were referred to Council's Engineering Services Unit), the previous issues are considered to have been met or could be conditioned as follows:
    (a) ramp widths have been increased. However, a condition should still be imposed to require detail of the kerb to kerb dimension;
    (b) car parking spaces adjacent to walls have been increased to a width of 2.9m;
    (c) while Council's Engineering Services Unit did not raise issue with headroom clearances, this was originally a concern for Cardno with the previous plans. This could be addressed by way of a permit condition, ensuring headroom clearances are clearly shown.

Road Zone

267. A permit is required to alter and create vehicular access to Queens Parade under clause 52.29 of the Scheme. The application was referred to VicRoads under this provision, and the following decision guidelines are relevant:
    (a) The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
    (b) The views of the relevant road authority.
    (c) The effect of the proposal on the operation of the road and on public safety.
    (d) Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.

268. As per the previous report, officers have no issue with the modified access to Queens parade. Again, with less parking provided on-site, any traffic impact would be reduced by way of the substituted plans.

269. VicRoads have also been provided with a copy of the substituted plans. Their position is unknown at the time of preparing this report, however if they object, VCAT (as the Responsible Authority) is required to consider their objection.

Bicycle parking

270. The application is not seeking to reduce the bicycle parking provision under clause 52.34.

271. Council's Strategic Transport Unit raised issue with the layout of bicycle parking, or the number of separate bicycle stores in basement 1 and their distance from the lift cores.

However, the spaces are all generally within 30m of lifts. Further, as they are residential bicycle stores, not visitors, it is considered that the grouping of spaces is not necessary (residents will know where their allocated bicycle space is). The layout of the bicycle parking spaces is considered acceptable.

272. Council's Strategic Transport Unit were generally supportive of the visitor 'bicycle park' at the ground floor, however a condition should be imposed on any permit issued requiring more detail of this area.

273. Finally, comments were provided in relation to the bicycle parking spaces for the rear townhouse development. Council's Strategic Transport Unit suggested these spaces would be better located adjacent to this lot (yet still on the subject site), along the rear pedestrian link to this site. Given there is a reasonable landscaped area in this north-west corner, this would be more appropriate for these rear townhouse residents and should be imposed by way of a permit condition.

274. Conditions should also be imposed on any permit issued ensuring the bicycle parking can provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars. Signage should also be required by way of a condition on any permit issued, as per clause 52.34-5 of the Scheme.

275. Subject to the conditions contained in this report, bicycle parking would be satisfactory.

276. Finally, in relation to general bicycle safety around the site due to the increased traffic volumes, the following as recommended in the previous report should continue to be imposed by way of a condition on any permit issued:

Council's Urban Design and Strategic Transport Units have raised concern with the impact of the proposal on the Queens Parade and Napier Street intersection and pedestrian and cyclist safety. Both units have suggested improvements to this intersection, should a permit issue:

1. *Close the service lane on the north west corner*
2. *Increased walkability through the installation of splitter islands and kerb extensions*
3. *Increased cycle safety through decreed crossing distances*
4. *Opportunities for better/greener public spaces*

The blue parts are those that we would seek to turn into footpath, verge or separated islands.



With an additional anticipated 121 peak hour and 1,209 daily movements as a result of this development, and given the scale of the project, should a permit issue, these road improvements are considered to have a reasonable nexus and should be imposed by way of permit conditions.

277. Given the increased traffic movements, it is considered appropriate to require these changes by way of a permit condition to ensure cyclist safety around the site.

Loading bay reduction

278. The original Council delegate report raised issue with no on-site loading bay. Officers suggested at least one standard car parking space be set aside for deliveries. Instead, the substituted plans incorporated a full-sized loading bay. The only variation now sought is for the 3.5m clearance instead of a 4m minimum clearance.

279. Given the size of the commercial tenancies, this clearance is considered to be reasonable.

Waste management

280. Council's Services Contracts Unit were re-referred the substituted plans. It is noted that the substituted plans were not accompanied by a modified waste management plan [**WMP**].

281. While a number of the issues previously identified have been addressed, the following remain, but could be addressed by way of a permit condition, should a permit issue:
    (a) details on how bin store will operate/be managed by operator;
    (b) details on education, tenants information, bin room set up, etc to ensure appropriate management of the waste and recycling;
    (c) detail plan of bin store showing path of access, hard waste area, etc.;
    (d) details/justification on ensuring recycling collected is compacted to ensure industry standard and not compromise recovery of recyclables;
    (e) details on path of access from the street to the bin collection point;
    (f) details on how the chutes operate to ensure appropriate use by tenants;
    (g) details on how the development will be managed by the operator; and

(h) show how the WMP will work in practice for residents, operator and waste contractors.

Objector concerns

282. The following objector concerns have been addressed throughout this report:
   (a) non-compliance with the Yarra Planning Scheme and the Mixed Use Zone;
   (b) height (this would be similar to the Housing Commission flat construction;
   (c) upper level setbacks are inadequate;
   (d) design detail does not complement the area (including use of materials and fine grain subdivision) and the building would not age well;
   (e) use of landscaping is 'laughable' and no maintenance details are provided;
   (f) impact on heritage (subject site, nearby 1 and 2 storey terraces, Queens Parade, Coleman Street and Napier Street);
   (g) proposed facadism and impact on heritage of the site;
   (h) neighbourhood character (other apartment buildings in the area are 3-6 storeys, looks like 'Docklands');
   (i) impact on the Edinburgh Gardens;
   (j) off-site amenity (daylight, noise [people, parties/people on balconies, cars, communal areas, licenced premises], light pollution, overlooking/privacy, overshadowing [private open space areas and the public realm], visual bulk, obstruct sky and city views, wind tunnel);
   (k) poor on-site amenity (long internal corridors, poor sun shading, poor apartment layouts);
   (l) insufficient car parking (the area is already constrained, difficult for guests/visitors to park);
   (m) impact on cyclist and pedestrian safety (including the Napier St/Queens Pde bicycle crossing);
   (n) traffic impacts;
   (o) impact on views from Edinburgh Gardens, Bill Peterson Oval and Brunswick Street oval to the city;
   (p) the development would achieve a poor ESD standard;
   (q) footprint/site coverage is too high, needs more open space around it; and
   (r) commercial (including licenced) venues should not be approved away from main streets (including Brunswick and Smith Streets).

283. The following will be addressed now:

(a) Overdevelopment / density of apartments is too high;

284. Revisiting the strategic policies that apply to the site and area, along with the site being an identified strategic redevelopment site, the proposal is not considered to be an overdevelopment or be too high in terms of residential density.

(b) this would create an unreasonable precedent;

285. Each application must be considered on its own merits.

(c) this is just for the developer to make a profit;

286. This is not a relevant consideration to this planning assessment.

(d) poor quality design (services, BBQs, AC units and clothes lines will be visible on balconies)

287. The design is considered to be of a high quality, as was supported in the external urban design advice received by Council.

(e) this will destroy the 'community';

288. The incorporation of commercial uses at the ground floor would positively engage the public realm, along with the addition of new residents into this ideally positioned area in close proximity to amenities and services.

(f) insufficient dwelling diversity (too many 1 and 2 bedroom dwellings, not enough 'family' homes and there will be too many singles);

289. The substituted plans include a reasonable dwelling mix, including 49 x 3BR and 15 x 4BR dwellings.

(g) apartments are too small;

290. Apartments are considered to be of a reasonable size for the needs of residents. No concern has been raised in this report in relation to their layout. This issue was also not raised in the external urban design advice received by Council.

(h) the draft Better Apartment Guide should be considered;

291. As identified, transitional provisions apply and clause 58 is not applicable.

(i) there will be more robberies;

292. Increasing the residential tenancy and introducing ground level commercial/active frontages is considered to be a positive safety outcome.

(j) construction could impact Fitzroy Gasworks underground contamination plume;

293. The site is subject to an EAO and any appointed environmental auditor would need to deal with this issue.

(k) Asbestos/structural impact on nearby dwellings/no concern for health, safety or DDA;

294. These issues would be dealt with through the building permit process by the relevant building surveyor.

(l) increased pressure on infrastructure (including public transport, phone, internet, gyms, pools, libraries, GPs and schools);

295. The introduction of 295 dwellings in this area is not considered to unreasonably tip the balance in terms of community service facilities.

(m) construction impacts (noise, traffic, dust and pollution);

296. Should a permit issue, a condition should be imposed to mitigate construction impacts as best as practicable (acknowledging that some impacts are reasonable considering a development of this scale).

(n) it will upset the dogs in the area;

297. It is not understood what is meant by this objection ground. However, this report has included a detailed urban design assessment to support the proposal in this context.

(o) property devaluation;

298. This is not a relevant planning consideration.

(p) rear lane should not be used to access Brunswick Street front the site;

299. As the lane is one way, this is not a suitable option given the basement would accommodate 328 car parking spaces.

(q) social housing should be included; and

300. While desirable, this is not a requirement of the Yarra Planning Scheme.

(r) perspectives have not been provided from the north or Edinburgh Gardens.

301. While desirable, officers have been able to undertake a detailed assessment of the application in the absence of this information.

Special Building Overlay

302. Considering the decision guidelines at clause 44.05-6 of the Scheme, the considerations are specialised to flooding. Melbourne Water is the relevant Referral Authority as the crossover extends into the SBO.

303. Melbourne Water have not yet provided comments on the substituted plans, however if a permit is issued, the Act requires those conditions to be imposed.

Referral Authorities

304. It is noted that Melbourne Water, PTV and VicRoads are Section 55 Referral Authorities under the Scheme. They have been provided with a copy of the substituted plans by the Permit Applicant as per the VCAT process. This report therefore has not incorporated their comments (their views on the substituted plans are unknown at the time of writing this report). However, Council is still required to inform VCAT of its position on the amended plans, as are these Referral Authorities.

Other matters

305. The following conditions were also recommended in the previous officer report and continue to be recommended in response to the substituted plans:

(a) retention of the existing ground floor south facade windows. Where balconies are proposed behind, glazing may be removed, however framing must be retained or replaced to match existing;
(b) details of how the framing and glazing to the existing façade windows (including adjacent to balconies where glazing would be removed but framing would remain or be replaced to match existing);
(c) retention of the existing front canopy detail;
(d) reconstruction of the eastern wall (within the western café) in recycled brick to match the façade or similar;
(e) details of the paint removal method to the retained façade (a low-pressure water and chemical or a poultice system is suggested);
(f) minimum 100mm dwelling entry door recesses;
(g) resident bicycle parking within secured, well-lit lockers.

Conclusion

306. Based on the above report and subject to the conditions outlined below, the proposal is considered to comply with the relevant Planning Scheme provisions and planning policy and is therefore supported.

RECOMMENDATION

That Council inform VCAT that had it been in a position, it would have issued a Notice of Decision to Grant a Permit (PLN16/0434) for 26-56 Queens Parade, Fitzroy North VIC 3068 for the development of the land for the construction of a 10 storey building, plus 2 basement levels, to be used as dwellings (no permit required for dwelling use), use of part of the land for the sale and consumption of liquor (on-premises), reduction in the car parking requirements, reduction of the loading bay requirements and alteration of access to a Road Zone in accordance with the substituted plans (received by Council 25 July 2017) subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the substituted plans, prepared by Cox Architecture and received by Council 25 July 2017) but modified to show:

    (a) demolition plans and elevations;
    (b) survey information included on elevations to confirm that the maximum:
        (i) overall building height does not exceed 31m; and
        (ii) the new façade height to Queens Parade (podium element) does not exceed 10m.
    (c) details of the vehicular entrance door, fire booster cupboards and services;
    (d) screening to habitable room windows, balcony or terrace to address internal and external overlooking within a 9m radius and 45 degree arc of an adjacent habitable room windows or private open space area to the satisfaction of the Responsible Authority. Screens must be designed and/or of a material to minimise views and still permit reasonable daylight to enter the treated dwellings;
    (e) treatments to the ground level windows and private open space areas to provide privacy from the communal open space areas;
    (f) north-west built form segment adjacent to the General Residential Zone, Schedule 3, setback as per Standard B17 of Clause 55 of the Yarra Planning Scheme;
    (g) levels 2 to 9 of the eastern setback adjacent to the light court of 58 Queens Parade setback as per the requirements at table 2 of Schedule 16 to the Design and Development Overlay of the Yarra Planning Scheme;
    (h) a schedule of external colours and materials, including samples (where appropriate). The schedule must show:

        (i) the upper level planter boxes in a light to mid-grey finish; and
        (ii) a darker finish to the level 1-2 balcony balustrades of the non-heritage façade.
        (iii) the ‘timber’ as a durable material;
        (iv) reconstruction of the eastern return wall to the heritage façade in face brick to match the façade;
        (v) the heritage façade as a face brick finish (paint removal with no re-painting); and
        (vi) details of the plant level screens, to be integrated with the overall design of the building.
    (i) details of the paint removal method to the retained façade (a low-pressure water and chemical or a poultice system is suggested);
    (j) retention of the existing ground floor south facade windows. Where balconies are proposed behind, glazing may be removed, however framing must be retained or replaced to match existing;
    (k) details of how the framing and glazing to the existing façade windows (including adjacent to balconies where glazing would be removed but framing would remain or be replaced to match existing);
    (l) retention of the existing front canopy detail;
    (m) coloured elevations and perspectives;
    (n) clear glazing to all habitable rooms of dwellings;

(o) provision of full height glazing to the following dwellings:
Ground floor
- C1GF09
- C4GF04 (rear bedroom), C4GF05, C4GF06,
- C3GF01, C3GF02, C3GF06 (rear bedroom)
- Lower level bedrooms of TH11, TH12, TH13, TH14,

First Floor
- C40105, C40106,
- C30101, C30102, C30103, C30104, C30105

Second Floor
- Rear bedrooms to TH11, TH12, TH13, TH14
- C30201, C30202, C30203, C30204, C30205

(p) a convex mirror adjacent to the vehicular exit (no alarm systems);
(q) a lighting plan addressing entries and public spaces within the development;
(zz) a landscape plan which shows the:
(i) deletion of the 2 shrubs/plants along the property frontage in front of the easternmost commercial tenancies;
(ii) type, location, quantity, pot size, height at maturity and botanical names of all proposed plants. Species within the landscape buffer must be shade tolerant and must provide clear visual links with the pedestrian link (low level shrubs/plants);
(iii) cross sections showing the depth of planter boxes and planting;
(iv) location of all areas to be covered by lawn, paving or other surface materials;
(v) specification of works to be undertaken prior to planting;
(vi) watering and maintenance;
(vii) garden bed dimensions;
(viii) areas of paving and proposed materials;
(ix) location of proposed tree planting – distances from buildings and other infrastructure, planting proposed over the basement levels or under the overhanging built form;
(x) clear definition of terraced spaces, retaining walls, seating elements and other structures independent of paving treatments;
(xi) water sensitive urban design [WSUD] features; and
(xii) removal of street tree 8 (Ulmus). A notation must confirm that the Permit Holder will pay the Responsible Authority $8,960 to undertake these works, including the reinstatement of 2 trees after development plus 2 years tree establishment maintenance by City of Yarra contractors;
(i) a detailed section of the green roofs, confirming/detailing:
- vegetation layer;
- growing substrate and depth (plants should not be supplied as 100mm pots, but grown in the media to be used on the green roof);
- confirmation that load bearing weights for saturated bulk density have been considered and supported by suitably qualified engineers);
- irrigation;
- filter sheet;
- drainage layer (specify the Elmich product, or similar);
- protection mat;
- root barrier; and
- waterproofing.

(r) a red line plan showing the sale and consumption of liquor limited to the internal area of the westernmost food and drinks premises (café);
(s) the ‘café’ and ‘restaurant’ shown as a ‘food and drinks premise (café)’;
(t) the shop (deli) with a maximum leasable floor area of 150m²;
(u) the food and drinks premises (cafes) with a maximum leasable floor area of 150m² in total;
(v) title boundaries as per the certificate of title;
(w) toilets for the commercial tenancies;

(x) 1 in 20 scale cross sectional drawings of the developments vehicular entrances, showing the actual reduced levels (not interpolated levels from the application drawings) of the road profile, the lip of the channel, the invert of the channel, the top of kerb and the existing building line. The existing road profiles of the Queens Parade service lane (from the kerb line to the centre line of the road) and the access ways inside the property must be accurately drawn. The cross section must demonstrate that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out, using a B99 design vehicle;
(y) bicycle signage as per clause 52.34-5 of the Yarra Planning Scheme;
(z) details of bicycle storage/parking systems, demonstrating they can provide space for a bicycle of minimum dimensions of 1.7m in length, 1.2m in height and 0.7m in width at the handlebars;
(aa) details of the visitor 'bicycle park' at the ground floor;
(bb) at least 25% of the provided bicycle parking must be accessible at ground level (i.e. not hanging systems);
(cc) bicycle parking for the rear site townhouses positioned adjacent to the pedestrian gate in the north-west corner of the site;
(dd) ramp width dimensions (from kerb to kerb);
(ee) minimum headroom clearances throughout the basement dimensioned;
(ff) a minimum 1m clearance from the vehicle entry/exit to the adjacent power pole. The east edge of the crossover must be perpendicular to the Queens Parade service road;
(gg) car park columns setback 750mm from the aisles;
(hh) loading bay dimensioned on the drawings, including minimum overhead clearance. The plan must also include a note confirming details of the vehicles permitted to use this space, along with swept path diagrams;
(ii) the headroom clearance of the vehicular doorway;
(jj) visitor intercoms to the pedestrian and vehicular entries to the development;
(kk) a note confirming the design and construction of the new vehicle crossing must satisfy Council's *Infrastructure Road Materials Policy*, Council's Standard Drawings and engineering requirements;
(ll) all redundant vehicle crossings must be demolished and reinstated to Council's satisfaction and at the Permit Holder's expense;
(mm) changes (as necessary) as per the endorsed Acoustic Report, Structural report, Wind Report, SMP, Shared zone management plan and Waste management plan;
(nn) **any Melbourne Water Changes.**

General

2. The development and uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

3. As part of the ongoing consultant team, Cox Architecture or an architectural firm(s) 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.

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

5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.

6. All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.

7. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

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

9. 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.

10. Before the buildings are occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

11. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway, laneway and dwelling entrances must be provided. Lighting must be:
    (a) located;
    (b) directed;
    (c) shielded; and
    (d) of limited intensity,
    all to the satisfaction of the Responsible Authority.

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

13. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

General Use Conditions

14. The amenity of the area must not be detrimentally affected by the uses, 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.

Use of the land for the sale and consumption of liquor

15. No more than 50 patrons are permitted in the westernmost food and drinks premises (café) at any one time.

16. The sale and consumption of liquor in association with the westernmost food and drinks premises (café) may only occur between the hours of 12 noon to 5pm, any day.

17. Before the use of the land for the sale and consumption of liquor commences, a Noise and Amenity Action Plan [**NAAP**] to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the NAAP will be endorsed and will then form part of this permit. The NAAP must include details as per clause 22.09-4.3 of the Yarra Planning Scheme.

18. The sale and consumption of liquor uses must be managed in accordance with the endorsed NAAP.

19. The sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

20. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

21. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.

Structural report requirement

22. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer and demonstrate the means by which the retained portions of the buildings on-site will be supported during demolition and construction works to ensure their retention.

23. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Art Management Plan

24. Before the buildings are occupied, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
    (a) details of the commissioned artist(s);
    (b) description of art work, including:
        (i) materials;
        (ii) colours;
        (iii) dimensions;
        (iv) content;
        (v) special features (e.g. lighting);
    (c) details of the installation process; and
    (d) details of art work maintenance schedule.

25. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Section 173 Agreement

26. Before the development starts, 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, providing for the following:
    (a) the ongoing provision of 7 car parking spaces, 4 bicycle parking spaces, 4 stores and a bin area for the rear of 26-56 Queens Parade, Fitzroy North (Lot 1 on Title Plan 806921X) on this site.

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

Wind Assessment report

27. Before the plans are endorsed, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Windtech and dated 30 June 2016, but modified to:
    (a) reflect the decision plans; and
    (b) demonstrate that acceptable wind levels would be resultant from the development (on and off the site); and
    (c) identify which balustrades could be reduced to 1m or 1.7m (dependent on overlooking requirements) and continue to achieve the relevant wind criteria.

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

Acoustic report

29. Before the plans are endorsed, 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 Wood and Grieve Engineers, dated 29 June 2016 and include an assessment of how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade, No. N-1), the State Environment Protection Policy (Control of Music Noise from Public Premises No. N-2) and relevant Australian Standards will be met. The report must:

    (a) the decision plans and any relevant condition 1 requirements;
    (b) amended location and time of road traffic noise measurements as follows:
        (i) noise levels during the afternoon peak hour and the loudest hour of the 'night' period (typically 6 am to 7 am for sites such as this one); and
        (ii) a daytime measurement to assist in the assessment of the daytime average noise level to apartments unless an alternative approach to determining the daytime average is adopted;
        (iii) the adoption of target indoor noise levels with regard to road traffic as follows:

	Period	**Average Level[2]**	**Loudest Hour[3]**	**Instantaneous Lmax level**
Habitable rooms, including bedrooms	7 am to 10 pm	40 dBA Leq,15h	45 dBA Leq, 1h	
Bedrooms	10 pm to 7 am	35 dBA Leq, 9h	40 dBA Leq, 1h	50-55 dBA Lmax

[2] - The 'average level' is equal to the mid-point between the AS/NZS2107 recommended 'satisfactory' and 'maximum' levels and is equal to the levels allowed in the 2011 NSW Road Noise Policy (Appendix C10) and the WA State Planning Policy (5.4).
[3] - The 'loudest' hour targets are equal to the AS/NZS2107 recommended 'maximum' levels.

    (d) 3D modelling must demonstrate how the above targets will be achieved (including any necessary façade upgrades);
    (e) target internal noise levels with regard to the impact of voice noise from the communal outdoor areas:
        (i) noise from voice to apartments within the development be designed to achieve not greater than 30 dBA Leq in bedrooms and 35 dBA Leq in living rooms;

(ii) noise from voice to existing dwellings be assessed to a 'background+10 dB' target during the day/evening period and 'background + 5 dB' at night;
(iii) a restriction be provided on use of the Level 3 and 4 outdoor areas after 10 pm unless it can be demonstrated that 'background + 5 dB' targets can be met at the existing dwellings.

(f) maximum music noise levels in the food and drinks premises (cafés) and shop, ensuring compliance with SEPP N-2, along with a commitment to install a music noise monitor to ensure that these levels are not exceeded;
(g) an assessment voice noise from patrons within the food and drinks premises (cafés) and shop to the proposed dwellings. Indoor design targets of no greater than 30 dBA Leq must be achieved with windows closed;
(h) the impact of airborne noise from within the food and drinks premises (cafés) and shop, with any necessary building upgrades to minimise impacts; and
(i) an assessment of the following on the existing (off-site) and proposed dwellings (on-site):
(i) communal areas (including the theatre, pool are, lounges gym and roof terraces);
(ii) the driveway along the eastern boundary;
(iii) the vehicular entry door;
(iv) lift cores; and
(v) mechanical plant and equipment (including air conditioner units).

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

31. Prior to the occupation of the development, an updated acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority demonstrating that the required level of noise attenuation has been achieved. The report must:
(a) confirm compliance with relevant conditions of the permit; and
(b) provide measurement data taken from inside the dwellings of the development demonstrating compliance with State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other relevant requirement.

32. The recommendations and any works contained in the approved acoustic report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Sustainable Management Plan

33. 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 Wood and Grieve Engineers dated 29 June 2016, but modified to show/reflect/demonstrate:
(a) the decision plans;
(b) the incorporation of any combination of the following:
(c) extraction fans to all kitchen range hoods and bathrooms;
(d) ceiling fans;
(e) trickle vents;
(f) energy efficient mechanically assisted natural ventilation with flow rates 50% in excess of AS 1668 levels.

34. 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

35. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by RB Waste Consulting Service and dated 20 November 2015, but modified to include/reflect:
    (a) the decision plans;
    (b) details on how bin store will operate/be managed by operator;
    (c) details on education, tenants information, bin room set up, etc to ensure appropriate management of the waste and recycling;
    (d) detail plan of bin store showing path of access, hard waste area, etc.;
    (e) details/justification on ensuring recycling collected is compacted to ensure industry standard and not compromise recovery of recyclables;
    (f) details on path of access from the street to the bin collection point;
    (g) details on how the chutes operate to ensure appropriate use by tenants;
    (h) details on how the development will be managed by the operator; and
    (i) show how the WMP will work in practice for residents, operator and waste contractors.

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

Landscaping

37. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

38. The landscaping shown on the endorsed plans 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;
    all to the satisfaction of the Responsible Authority.

39. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
    (a) the protection of the nature strip trees adjacent to the site along the Queens Parade frontage:
        (i) pre-construction;
        (ii) during construction; and
        (iii) post construction
    (b) the provision of any barriers;
    (c) any pruning necessary; and
    (d) watering and maintenance regimes,
    to the satisfaction of the Responsible Authority.

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

Car parking

41. Before the development commences, a Car Park Management Plan prepared 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 then form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
    (a) the allocation of 7 car parking spaces to the rear of 26-56 Queens Parade, Fitzroy North (planning permit PLN16/0732);
    (b) the number and location of car parking spaces allocated to each commercial tenancy;
    (c) management details for residential loading/unloading when moving;
    (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
    (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
    (f) any policing arrangements and formal agreements;
    (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
    (h) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 54; and
    (i) details regarding the management of loading and unloading of goods and materials.

42. 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.

43. Before the building is occupied, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
    (a) constructed and available for use in accordance with the endorsed plans;
    (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
    (c) treated with an all-weather seal or some other durable surface; and
    (d) line-marked or provided with some adequate means of showing the car parking spaces.
    to the satisfaction of the Responsible Authority.

Traffic, roads and footpaths

44. All redundant vehicle crossings along the property's road frontages must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and the developer's cost.

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

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

Design Detail

47. Within three months of commencement of the development, the owner of the site must submit Detailed Engineering Documentation to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. When approved, the Detailed Engineering Documentation will be endorsed and will then form part of this permit. The Detailed Engineering Documentation must be drawn to scale with dimensions, and three copies must be provided. The Detailed Engineering Documentation must showing the following, to be provided to the satisfaction of the Responsible Authority and at the expense of the Permit Holder:

(a) the reconstruction of the laneway, adjacent to the northern boundary of the site, in pitched bluestone;
(b) the reconstruction of the footpath outside the Queens Parade frontage of the site, once all building works and underground utility services have been completed/installed. All pedestrian access must be constructed to a level no steeper than 1 in 40 from the building line;
(c) subject to approval from Melbourne Water, VicRoads and the Responsible Authority, improvements to the Queens Parade and Napier Street intersection also to the satisfaction of Melbourne Water, as follows:
    (i) close the service lane on the north west corner;
    (ii) increased walkability through the installation of splitter islands and kerb extensions;
    (iii) increased cycle safety through decreed crossing distances; and
    (iv) Opportunities for better/greener public spaces;
(d) re-sheeting of the Queens Parade service road as per existing details and materials. The road pavement of Queens Parade service road must be profiled and re-sheeted to the satisfaction of Council after the building works and the provision of underground utility services have been completed;
(e) the nature strips directly outside the property's Queens Parade service road frontage must be cultivated, top dressed and be provided with instant turf;
(f) the kerb and channel outside the development's Queens Parade service road frontage must be constructed in bluestone; and
(g) all redundant property drains must be removed.

48. Unless with the prior written consent of the Responsible Authority, all development referenced in condition 58 must be completed to the satisfaction of the Responsible Authority prior to occupation of any buildings.

49. The details and requirements of the endorsed Detailed Engineering Documentation must be implemented and complied with to the satisfaction of the Responsible Authority, at the expense of the Permit Holder.

50. Before the development commences, the permit holder must make a one off contribution of $8,960 to the Responsible Authority to be used for new street tree plantings that are required as a result of the development (reinstatement of 2 trees after development plus 2 years tree establishment maintenance). All work will be undertaken by City of Yarra contractors.

Green Travel Plan

51. Before the occupation of the development, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
(a) describe the location in the context of alternative modes of transport;
(b) the provision of real time passenger information displays for nearby stops within each residential lobby;
(c) employee / resident welcome packs (e.g. provision of Met Cards/Myki);
(d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
(e) details of bicycle parking and bicycle routes;
(f) details of GTP funding and management responsibilities; and
(g) include provisions to be updated not less than every 5 years.

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

Construction

53. 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) a lighting plan which must include:
    (i) details if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
    (ii) confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
    (iii) confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated.
(i) 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;
(j) the construction program;
(k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
(l) parking facilities for construction workers;
(m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
(n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
(o) 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;
(p) 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;
(q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
    (i) using lower noise work practice and equipment;
    (ii) the suitability of the land for the use of an electric crane;
    (iii) silencing all mechanical plant by the best practical means using current technology;
    (iv) fitting pneumatic tools with an effective silencer; and
    (v) other relevant considerations.

54. During the construction:
    (a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
    (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
    (c) vehicle borne material must not accumulate on the roads abutting the land;
    (d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
    (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

55. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.

56. Any service poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the Permit Holder's expense, with approval from the relevant authorities and to the satisfaction of the Responsible Authority.

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

58. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the footpaths along the Gough and Cremorne Street frontages of the site must be reconstructed:
    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.

    The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40.

59. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the road pavements outside the site must be profiled and re-sheeted:
    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.

    The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40. Any isolated areas of pavement failure will require full depth road pavement reconstruction.

60. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.

61. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings must be constructed:
    (a) in accordance with any requirements or conditions imposed by Council;
    (b) at the permit holder's cost; and
    (c) to the satisfaction of the Responsible Authority.

62. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

63. Pit lids and levels are to be readjusted to match the surface of the footpath, to the satisfaction of the Responsible Authority.

64. No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from the Responsible Authority.

65. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
    (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
    (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
    (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

Public lighting plan

66. Prior to the commencement of the development, a public lighting plan must be submitted to and approved by the Responsible Authority. When approved, the public lighting plan will be endorsed and will form part of this permit. The public lighting plan must:
    (a) confirm that all primary pedestrian access to a residential/multipurpose development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements;
    (b) confirm that any new poles and luminaries required for the development will be sourced from CitiPower/Jemena standard energy efficient luminaires list and comply with relevant CitiPower/Jemena technical requirements;
    (c) confirm that light spillage into the windows of any existing and proposed residences will be avoided or minimised and must comply with the requirements of Australian Standard AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting;
    (d) confirm that the locations of any new light poles will not obstruct vehicular access into private property;
    (e) include a commitment that the Permit Holder will ensure (by contacting relevant power authority) that the existing or proposed power supply conforms to “No Go Zone” requirements from the relevant power authority;
    (f) confirm that the supply and installation of any additional or upgraded lighting, electrical hardware and poles will be funded by the Permit Holder.

67. The provisions, recommendations and requirements of the endorsed public lighting plan must be implemented and complied with to the satisfaction of the Responsible Authority.

VicRoads conditions

68.

Melbourne Water conditions

69.

PTV Conditions

70.

Expiry

71. This permit will expire if one of the following circumstances applies:
    (a) the development is not started within 2 years of the issued date of this permit;
    (b) the development is not completed within 4 years of the issued date of this permit;
    (c) the uses are not commenced within 5 years from the date of this permit.
    In accordance with Section 69 of the *Planning and Environment Act* 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

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.

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.

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

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

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

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

Any changes to on-street parking conditions will need separate approval from Council's Parking Services Unit (9205 5299).

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

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

Attachments

1 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - VCAT(P2079/2016) - PNPE9 - Notice of an Amendment of an Application
2 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans
3 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - External urban design review of subsituted plans
4 PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) - Engineering comments on substituted plans
5 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - ESD Advice on substituted plans
6 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - ESD Memo2 - 26-56 Queens Parade
7 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Heritage review of subsituted plans
8 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Services Contracts Unit advice on substituted plans
9 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Open spaceadvice on substituted plans
10 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - PLN16-0434 (July Amendment) - Strategic Transport Advice on substituted plans

Attachment 1 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - VCAT(P2079/2016) - PNPE9 - Notice of an Amendment of an Application

CITY OF YARRA
25 JUL 2017
RECEIVED - CRU

PLANNING & PROPERTY **PARTNERS**
LAWYERS & CONSULTANTS

Planning & Property Partners Pty Ltd
ABN 63 343 015 948
Duckboard House
Level 2, 91-93 Flinders Lane
Melbourne VIC 3000

Telephone: +61 3 8626 9000
Facsimile: +61 3 8626 9001
admin@pppartners.com.au

24 July 2017

To the addressee

Dear Sir/Madam,

26-56 QUEENS PARADE, NORTH FITZROY
VCAT REFERENCE NO. P2079/2016

We act for Gurner 26-56 Queens Parade Pty Ltd, Permit Applicant/Applicant for Review.

In accordance with the Tribunal's Order dated 6 April 2017, we **enclose** the following by way of service:

i. PNPE9 Form A - Notice of an Amendment of an Application;
ii. Blank Statement of Grounds form; and
iii. Amended Plans prepared by Cox Architects.

Yours faithfully

Mark Naughton
Planning & Property Partners Pty Ltd

Encl

Attachment 1 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - VCAT(P2079/2016) - PNPE9 - Notice of an Amendment of an Application

VCAT victorian civil & administrative tribunal

STATEMENT OF GROUNDS

Use this form to set out your reasons for contesting a planning and environment case at VCAT.
These written reasons are called your statement of grounds.

CASE DETAILS

Date that statement of grounds must be received by VCAT This is on the notice you received or the sign at the site.	18 AUGUST 2017
VCAT reference number	P2079/2016
Site address	26-56 Queens Parade, North Fitzroy

YOUR DETAILS

Name (objector, authority, company, other)	
Contact person if different to above	
Telephone/Mobile	

Give us an email and another address for serving documents
We email copies of orders, including the final decision, if you are a party. We do not send a printed copy as well.
If you do not give us an email, printed orders may arrive after the decision is published and after other parties get it by email.
If you give us your email address, it will be available on VCAT's records. These may be inspected by other parties and media.
We do not accept any responsibility for emails not received due to changes in address, firewall or other security measures attached to your email account.

Email	
Other address (this must be in Victoria)	

YOUR PARTICIPATION IN HEARINGS

☐ I intend to appear and present a submission at the hearing. **Fees apply.**

☐ I do not intend to participate in the hearing, but want VCAT to consider my statement of grounds. **No fee applies.**

If you choose this, **you will not be a party** to the proceeding. VCAT considers your statement of grounds in any contested hearing but will not send you further correspondence.

FEES

Fees apply if you intend to appear or present a submission at the hearing. If you do not pay the fee at the time of lodging this form, you will not be a party and will not be entitled to take part, even if you indicated that you wanted to participate. For information about fees and fee relief, visit www.vcat.vic.gov.au.
You do not have to pay a fee if you are a permit applicant or holder, the determining or recommending referral authority, a person responding to an enforcement order application, or an applicant for a works authority or licence.

PRESENTING AT THE HEARING

If you intend to present at the hearing, tell us:

Time required to present your complete case at the hearing (submissions plus witnesses)	
Number of expert witnesses I intend to call (if any)	
Witness area/s of expertise	

For information about witnesses and evidence, visit **vcat.vic.gov.au** and see Practice Note PNVCAT2 – Expert Evidence.

Attachment 1 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - VCAT(P2079/2016) - PNPE9 - Notice of an Amendment of an Application

VCAT | victorian civil & administrative tribunal

WHO IS MAKING THIS STATEMENT?

This statement of grounds is lodged by or on behalf of:

Objector/s

- ☐ A person who objected to the original application to the council
- ☐ A person who did not object to the original application to the council but now wants to object
- ☐ A person responding to an application to amend plans or make other changes to an existing application
- ☐ A person responding to a notice by a permit holder to amend a permit

Permit applicant or permit holder

- ☐ A permit applicant responding to an objector's application for review
- ☐ A permit holder responding to a non-permit holder's application to amend or cancel a permit

Referral authority

- ☐ Determining referral authority
- ☐ Recommending referral authority

Enforcement orders

- ☐ A person responding to an application for an enforcement order

Environment applications

- ☐ Objector/s to a works approval application made to the Environment Protection Authority
- ☐ A works approval applicant
- ☐ An objector to an application made for a licence to take or use water or for works under the *Water Act* 1989
- ☐ An applicant for a licence to take and use water
- ☐ An applicant for a works licence or licence for underground disposal using a bore

Other

- ☐ Specify _____

JOINT STATEMENT OF GROUNDS

Complete this section if you are a spokesperson for people lodging a joint statement of grounds.

☐ Attach a list of the names and addresses of all the people you represent, showing whether you have their individual consent.

☐ Be aware you may be asked to provide VCAT with a copy of their written consent.

I certify that I have consent to act as spokesperson for the attached list of people where this is a joint statement of grounds:

☐ Yes ☐ No

We will only communicate with the nominated representative for a joint statement of grounds.

Victorian Civil and Administrative Tribunal (VCAT)

55 King Street Melbourne VIC 3000
GPO Box 5408 Melbourne VIC 3001
Ausdoc DX 210576 Melbourne

Website www.vcat.vic.gov.au
Email vcat-admin@vcat.vic.gov.au

Telephone 9628 9777
Facsimile 9628 9789

Attachment 1 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - VCAT(P2079/2016) - PNPE9 - Notice of an Amendment of an Application

VCAT victorian civil & administrative tribunal

YOUR STATEMENT OF GROUNDS

A short summary of my reasons for contesting the VCAT application is

☐ in the box below
☐ attached.

SERVE A COPY

You must serve a copy of your statement of grounds on both the responsible or relevant authority and the applicant by the date that appears in the notice you received and on the sign at the site – the same date on the front of this form. If not, we may not be able to hear your views or consider your objections.

You must certify that you have done so and complete the acknowledgement on this form.

CERTIFICATION

I certify that I have served a copy of this statement of grounds

☐ on _____ (insert date dd/mm/yyyy) on the applicant

☐ on _____ (insert date dd/mm/yyyy) on the respondents (responsible/relevant authority)

ACKNOWLEDGEMENT

I understand and acknowledge that:

- to the best of my knowledge, all information provided in this form is true and correct
- it is an offence under section 136 of the *Victorian Civil and Administrative Tribunal Act* 1998 to knowingly give false or misleading information to VCAT.

Full name of person completing this statement of grounds form: _____

Date: _____

Victorian Civil and Administrative Tribunal (VCAT)

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Attachment 1 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - VCAT(P2079/2016) - PNPE9 - Notice of an Amendment of an Application

VCAT | victorian civil & administrative tribunal

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ABOUT VCAT FEES

VCAT fees are charged according to three levels:

- **corporate fees** for businesses and companies with a turnover of more than $200,000 in the previous financial year, corporate entities and government agencies
- **standard fees** for individuals, not-for-profit organisations, and small businesses and companies with a turnover of less than $200,000 in the previous financial year. Companies must provide a statutory declaration to support this claim
- **concession fees** for people who hold the Australian Government Health Care Card. You must provide a copy of your card with your application.

To find out if you need to pay an application fee and how much it costs, visit the fees page at www.vcat.gov.au

FEE RELIEF

We can reduce or not charge (waive) a VCAT fee in certain circumstances.

Some people are automatically entitled to a full fee waiver. You can also apply for fee relief if paying the fee would cause you financial hardship.

Visit www.vcat.vic.gov.au for more information about fee relief.

Are you applying for fee relief?

☐ No – complete **Fee payment** section

☐ Yes – complete **Fee relief form** and attach it to this application form

FEE PAYMENT

Complete this section unless you are applying for fee relief or no fee is payable.

Choose the fee level:

☐ Standard ☐ Corporate ☐ Concession

Fee amount charged: _____

CARD DETAILS

Cards Accepted: * ☐ VISA ☐ MasterCard

Cardholder Name: *

Card Number: *

Card Expiry: *

Signed: * _____

Date: _____

REMOVE THIS PAGE WHEN SENDING A COPY OF THIS APPLICATION TO OTHER PARTIES

Victorian Civil and Administrative Tribunal (VCAT)

55 King Street Melbourne VIC 3000
GPO Box 5408 Melbourne VIC 3001
Ausdoc DX 210576 Melbourne

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VCAT | victorian civil & administrative tribunal

PLANNING AND ENVIRONMENT LIST

NOTICE OF AN AMENDMENT OF AN APPLICATION – PNPE9 FORM A

Subject Land	26-56 Queens Parade, North Fitzroy	**VCAT Ref:** P2079/2016

DATE BY WHICH A STATEMENT OF GROUNDS MUST BE LODGED WITH VCAT	18 AUGUST 2017

- **A proceeding has been lodged with VCAT about this land and allocated the above VCAT reference number. Please quote this number when communicating with VCAT about this matter.**
- **The applicant has applied to amend its application, which is the subject of this proceeding, in the manner set out below.**
- **You may wish to respond to this application for amendment. If so, please read the important information accompanying this notice.**
- **If the proceeding is an application for review concerning a permit application, the permit application, the proposed amendment, relevant plans and supporting material can be inspected at the office of the responsible authority.**
- **If the proceeding is an application for review concerning a works approval or licence, the application for works approval or licence, the proposed amendment and supporting material can be inspected at the office of the EPA or other primary decision maker.**
- **If you have any queries about the amendment, you should contact the Applicant. The Tribunal cannot assist you with this information.**
- **The proposed dates for the hearing of the proceeding and any compulsory conference are set out below.**

NAME OF APPLICANT	Gurner 26-56 Queens Parade Pty Ltd
CONTACT DETAILS FOR APPLICANT **Name of contact person and Telephone or mobile number**	Mark Naughton Planning & Property Partners Pty Ltd 03 8626 9000
NAME OF RESPONSIBLE AUTHORITY OR PRIMARY DECISION-MAKER	Yarra City Council
PERMIT APPLICATION NUMBER	PLN16/0434
BRIEF DESCRIPTION OF PROPOSAL WHICH IS THE SUBJECT OF THIS PROCEEDING	Part demolition and development of the land for the construction of a multi storey building, plus 2 basement levels, to be used as dwellings (no permit required for dwelling use), a café, food and drinks premises, shop, use of part of the land (food and drinks premises and café) for the sale and consumption of liquor, reduction in the car parking requirements, waiver of the loading bay requirements and alteration of access to a Road Zone.

TYPE OF PROCEEDING

Place X in relevant box. Note that a permit application cannot be amended in a proceeding for review of conditions under section 80 Planning and Environment Act 1987 where a permit has been granted

	Review refusal to grant a permit under section 77 *Planning and Environment Act* 1987

Victorian Civil and Administrative Tribunal (VCAT)
Administrative Division: Planning and Environment List
55 King Street , Melbourne VIC 3000 Website www.vcat.vic.gov.au Telephone 03 9628 9777
GPO Box 5408, Melbourne VIC 3001 Email vcat-admin@justice.vic.gov.au Facsimile 03 9628 9789
Ausdoc DX 210576 Melbourne

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x	Review failure to grant a permit under section 79 *Planning and Environment Act* 1987
	Review notice of decision to grant permit under section 82 *Planning and Environment Act* 1987
	Amend permit under section 87A *Planning and Environment Act* 1987

NATURE OF PROPOSED AMENDMENT TO THE APPLICATION **Full details of the proposed amendment are provided in the accompanying material** *Place X in relevant box.*	
x	Amendment to plans
	Amendment to the development proposal
	Amendment of the proposed use or other reason for which a permit is required
	Other – *Please specify briefly*

PROPOSED DATE/S OF HEARING & COMPULSORY CONFERENCE **All hearings and compulsory conferences will be held at 55 King Street, Melbourne unless otherwise notified**	
Date/s of hearing	4 September 2017 (10 days)
Date of compulsory conference (where relevant)	
Date of practice day hearing (where relevant)	

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PLANNING AND ENVIRONMENT LIST

INFORMATION ABOUT NOTICE OF AN AMENDMENT OF AN APPLICATION

HOW TO RESPOND IF YOU ARE A PARTY TO THE PROCEEDING

If you are already a party to the proceeding, you may amend your statement of grounds at any time prior to the hearing or you may choose to continue to rely on the statement of grounds you have already lodged with VCAT and do nothing. If you have already paid a fee in respect of your statement of grounds, you do not need to pay a further fee.

If you wish to amend your statement of grounds, you must file a copy of your amended statement of grounds with VCAT and serve a copy on the applicant and the responsible authority or other primary decision-maker.

HOW TO RESPOND IF YOU ARE NOT A PARTY TO THE PROCEEDING

Person wishes to be heard and become party to proceeding
If you are not already a party to the proceeding and you wish to be heard in relation to this application, **by no later than the date specified in the notice** you must:

- Serve a copy of the **Statement of Grounds** on which you intend to rely on the person making this application (the Applicant).
- Serve a copy of the **Statement of Grounds** on the responsible authority or other primary decision-maker.
- Lodge a copy of the **Statement of Grounds** with VCAT, indicating that a copy was served on the applicant and the responsible authority or other primary decision-maker and the date(s) this was done.
- Pay the relevant fee.

If you comply with these requirements, you will become a party to the proceeding.

Person who does not wish to be heard
If you are not already a party to the proceeding and you wish to contest the proceeding but in your statement of grounds state that you do not intend to participate in the hearing of the proceeding, **by no later than the date specified in the notice** you must:

- Serve a copy of the **Statement of Grounds** on which you intend to rely on the person making this application (the Applicant).
- Serve a copy of the **Statement of Grounds** on the responsible authority or other primary decision-maker.
- Lodge a copy of the **Statement of Grounds** with VCAT, indicating that a copy was served on the applicant and the responsible authority or other primary decision-maker and the date(s) this was done.

If you comply with these requirements, the Tribunal will consider your statement of grounds at any contested hearing of the proceeding, but you will not be sent any further correspondence by the Tribunal. You will not be a party to the proceeding. This means that you cannot participate in any compulsory conference or be heard at the hearing unless the Tribunal gives you leave.

Failure to comply with requirements
If there is a fee payable and you do not pay the fee, or if you do not return a statement of grounds by the due date, even if you pay the relevant fee, the Tribunal may still consider your statement of grounds but you will not be a party to the proceeding. This means that you cannot participate in any compulsory conference or be heard at the hearing unless the Tribunal gives you leave. You will not be sent further correspondence by the Tribunal.

If you are not a party and you subsequently wish to be heard,you must file and serve a statement of grounds which states you intend to appear and present a submission at the hearing, and must pay the relevant fee not less than 48 hours before the hearing. You must attend the hearing and seek leave from the Tribunal to be heard. Generally, the Tribunal will consider the views of the applicant and the responsible authority or primary decision-maker before deciding whether to grant leave. However, this does not mean that you will necessarily become a party to the proceeding unless the Tribunal makes an order to join you as a party.

STATEMENT OF GROUNDS:

You should use the attached statement of grounds form. When completing the Statement, you should provide sufficient information so that the issues you intend to raise can be identified clearly. A statement of grounds form is available on the VCAT website.

Attachment 1 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - VCAT(P2079/2016) - PNPE9 - Notice of an Amendment of an Application

WITHDRAWING YOUR OBJECTION

If you wish to withdraw your statement of grounds at any time, please inform VCAT, the Applicant and the Responsible Authority in writing. You will then be removed from VCAT's record and receive no further correspondence.

COMMUNICATING WITH VCAT

A person who communicates in writing with VCAT must serve a copy of that communication on all other parties at the same time and notify VCAT this has been done. The communication should state a copy was sent to the other parties and list the parties it was sent to. This applies to communications sent by letter, fax or email.

INSPECTING VCAT'S FILE

Any party to the proceeding may inspect a file without a fee; however, other persons must pay a fee. Charges are made for photocopying. To arrange an inspection time, complete the 'File and Document Access Request Form', on the website or by contacting VCAT.

ENQUIRIES

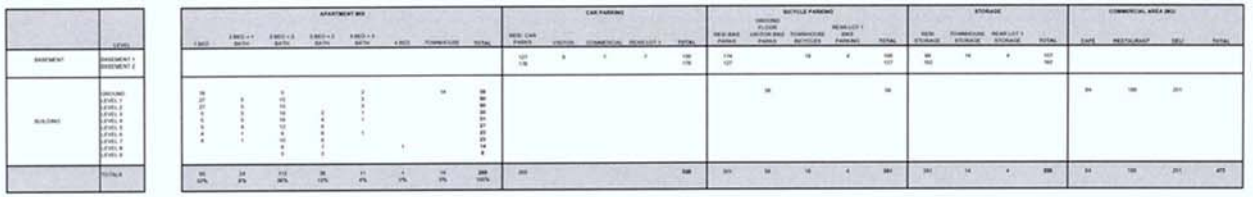
Should you have any further enquiries, please contact VCAT on the numbers below. Please quote VCAT's reference number. Guidelines and information on VCAT's procedures are on VCAT's website at www.vcat.vic.gov.au or available from VCAT on request.

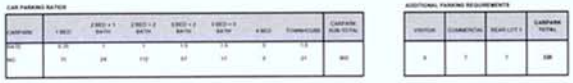
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26-56 QUEENS PARADE, FITZROY NORTH

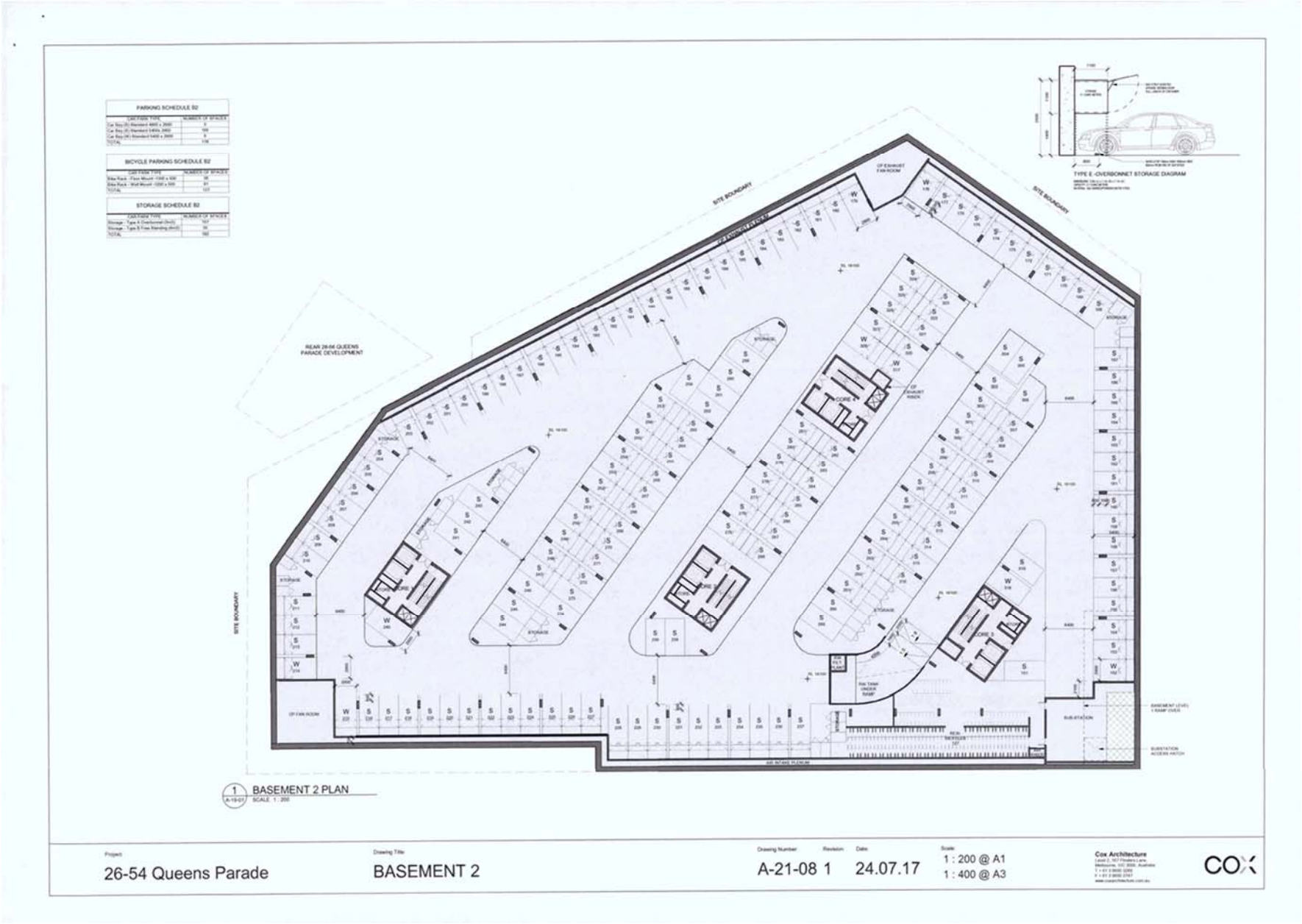
COX ARCHITECTURE

DEVELOPMENT SUMMARY
DATE: 24.07.2017

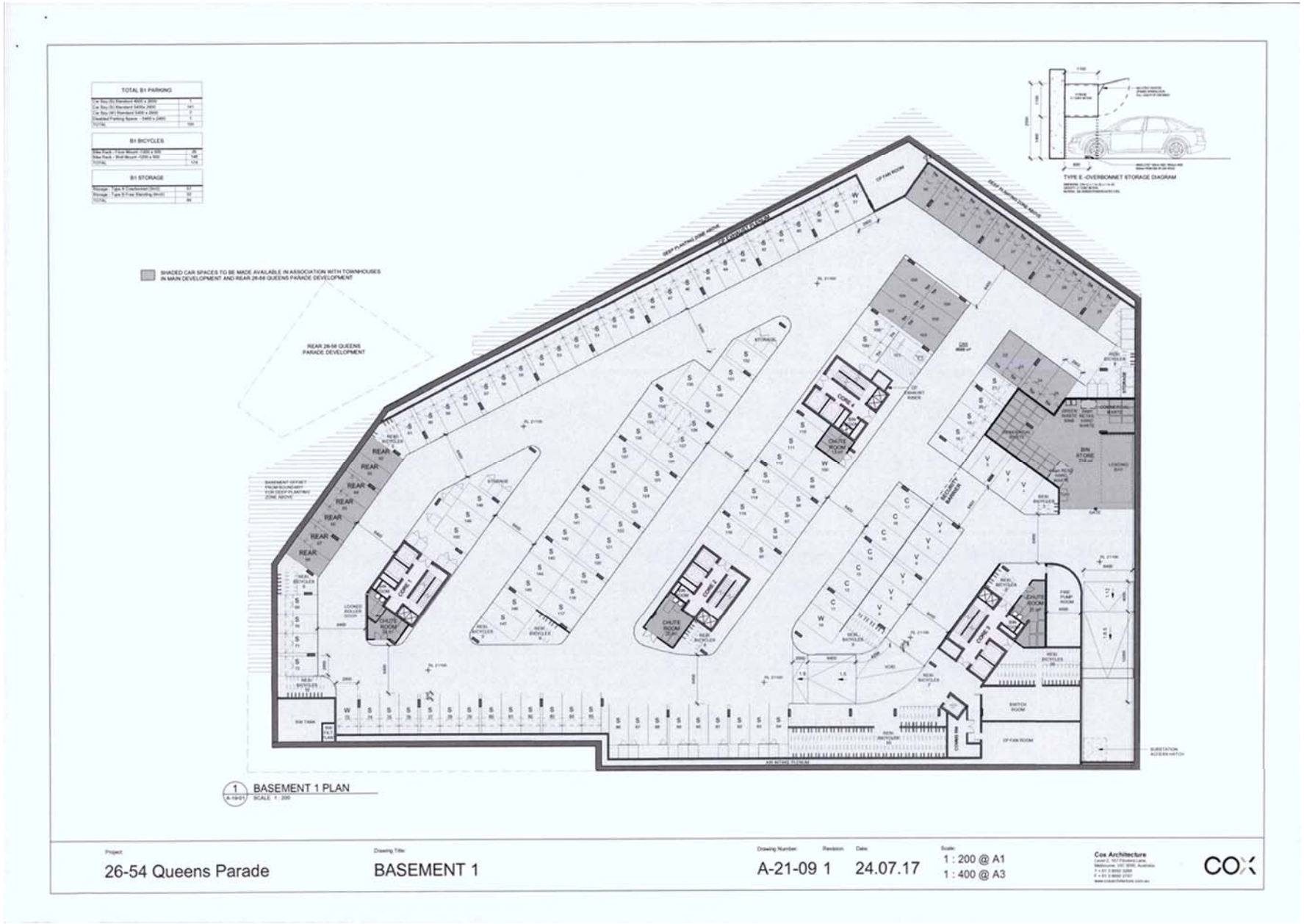




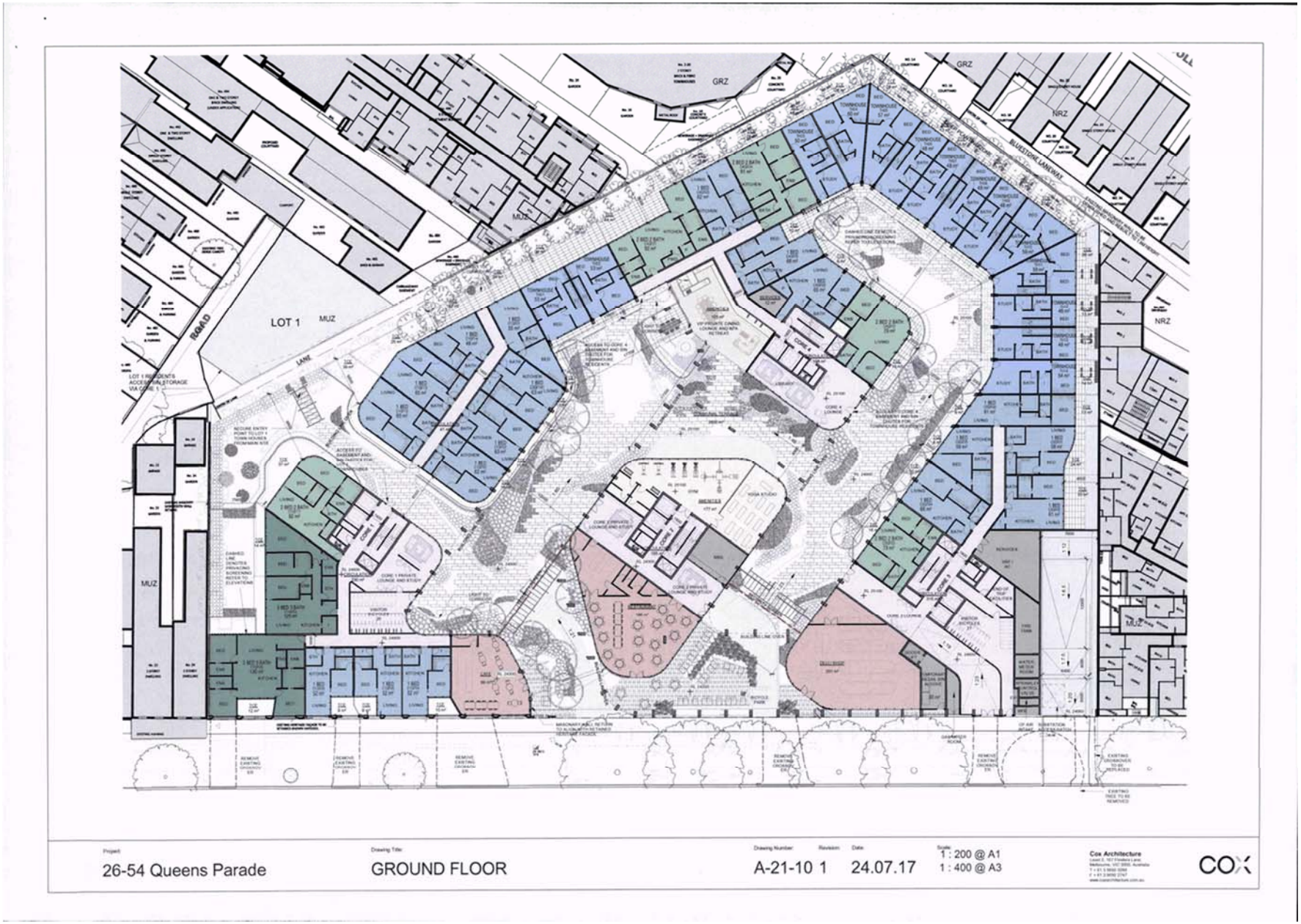
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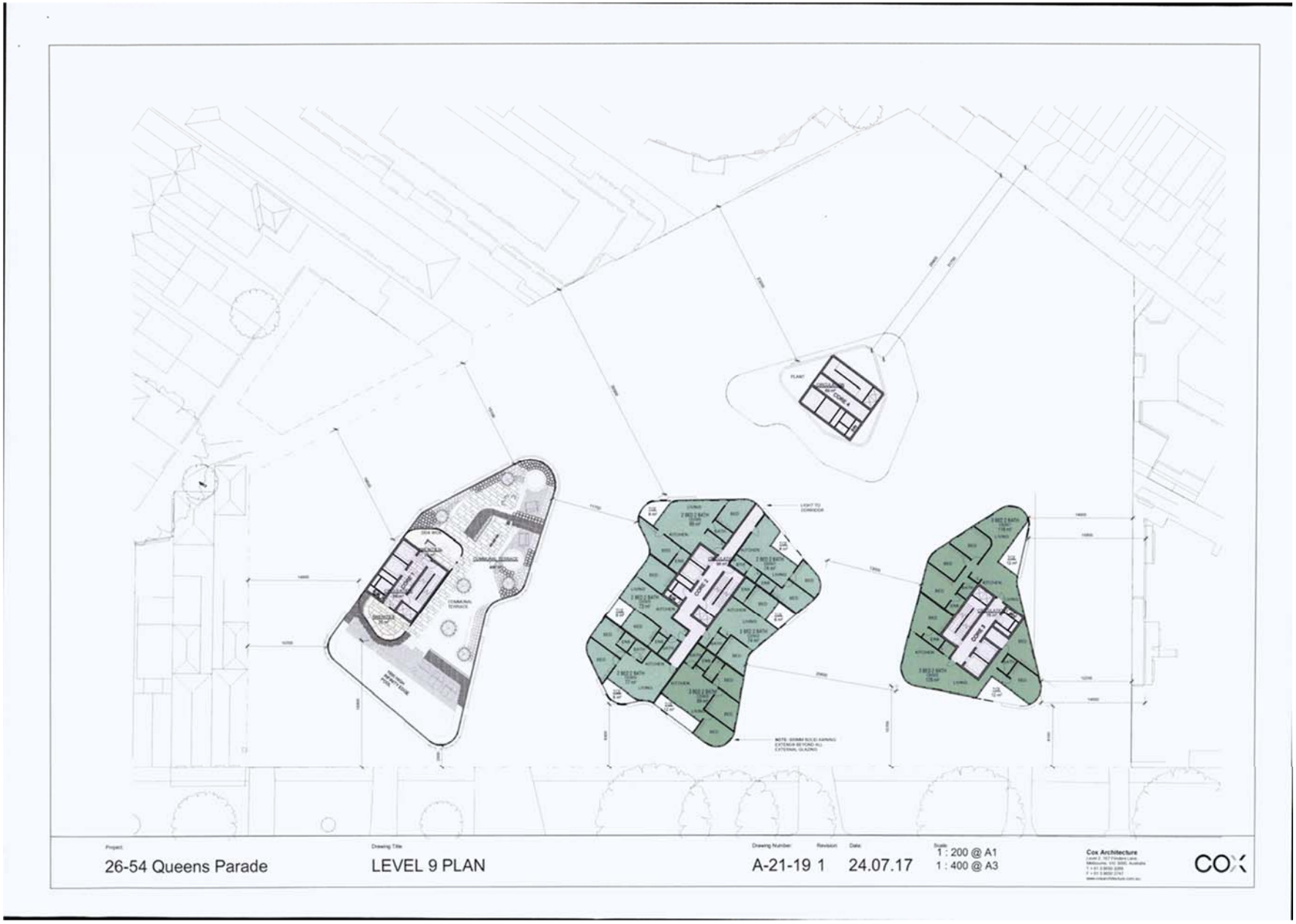
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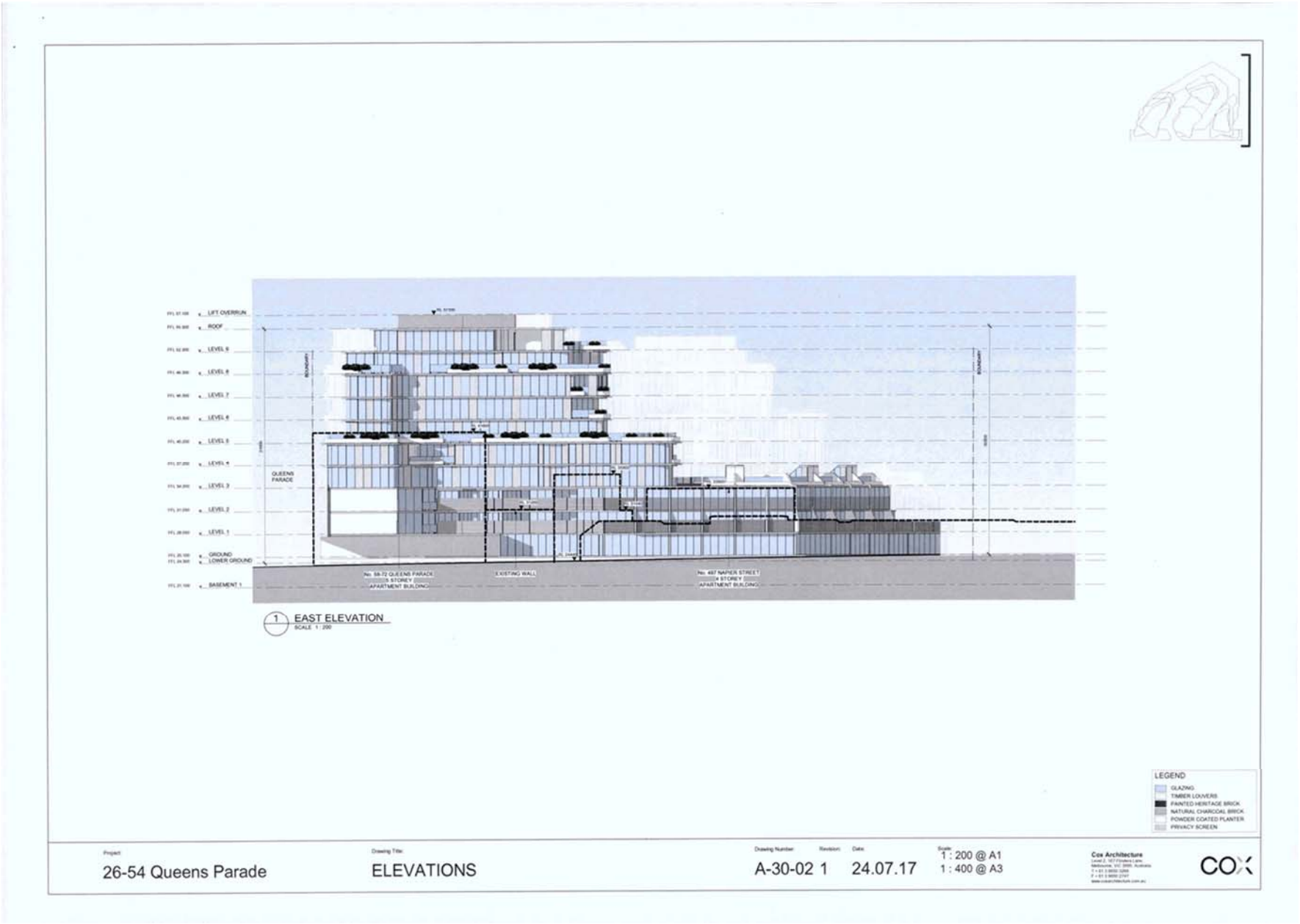
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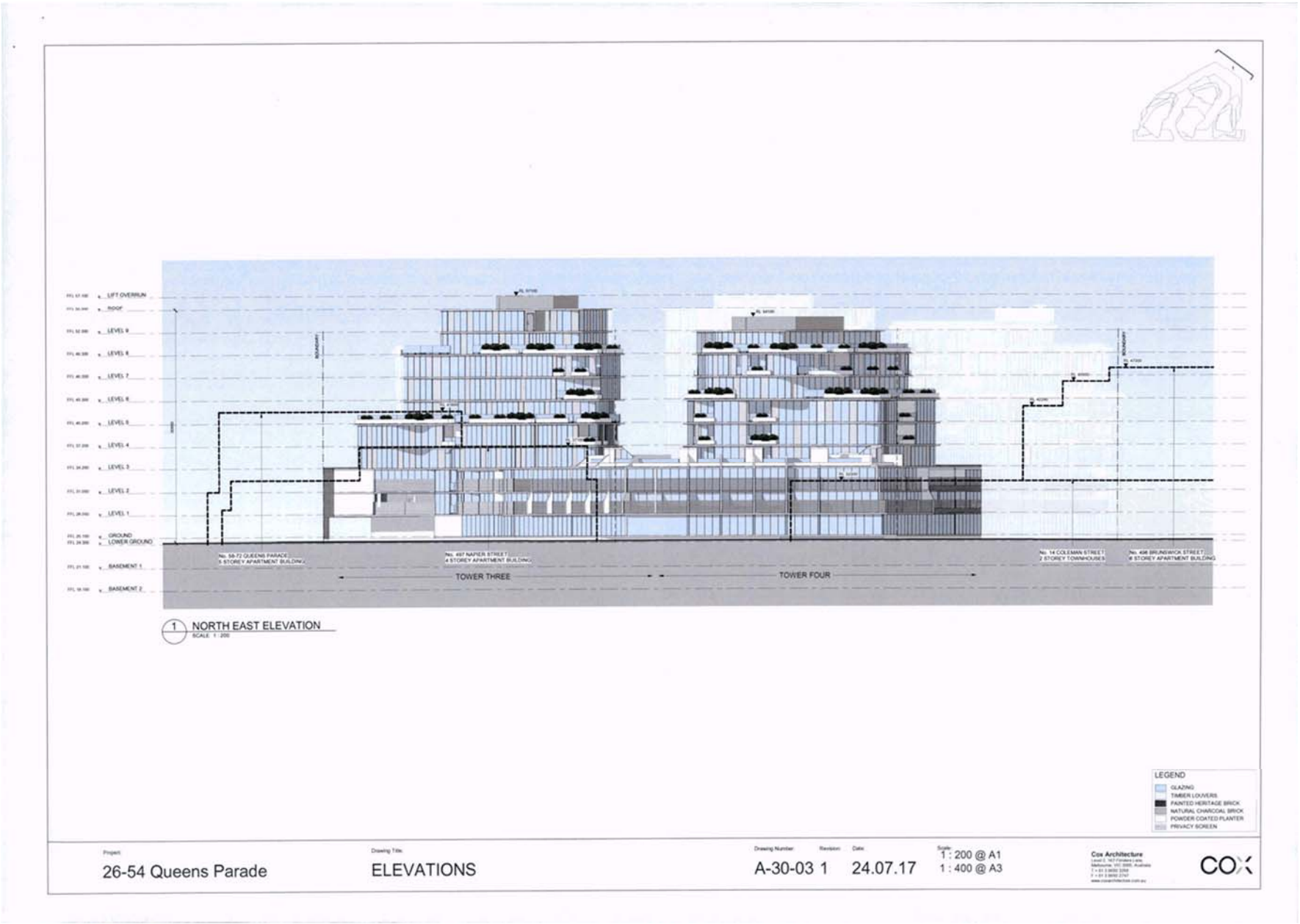
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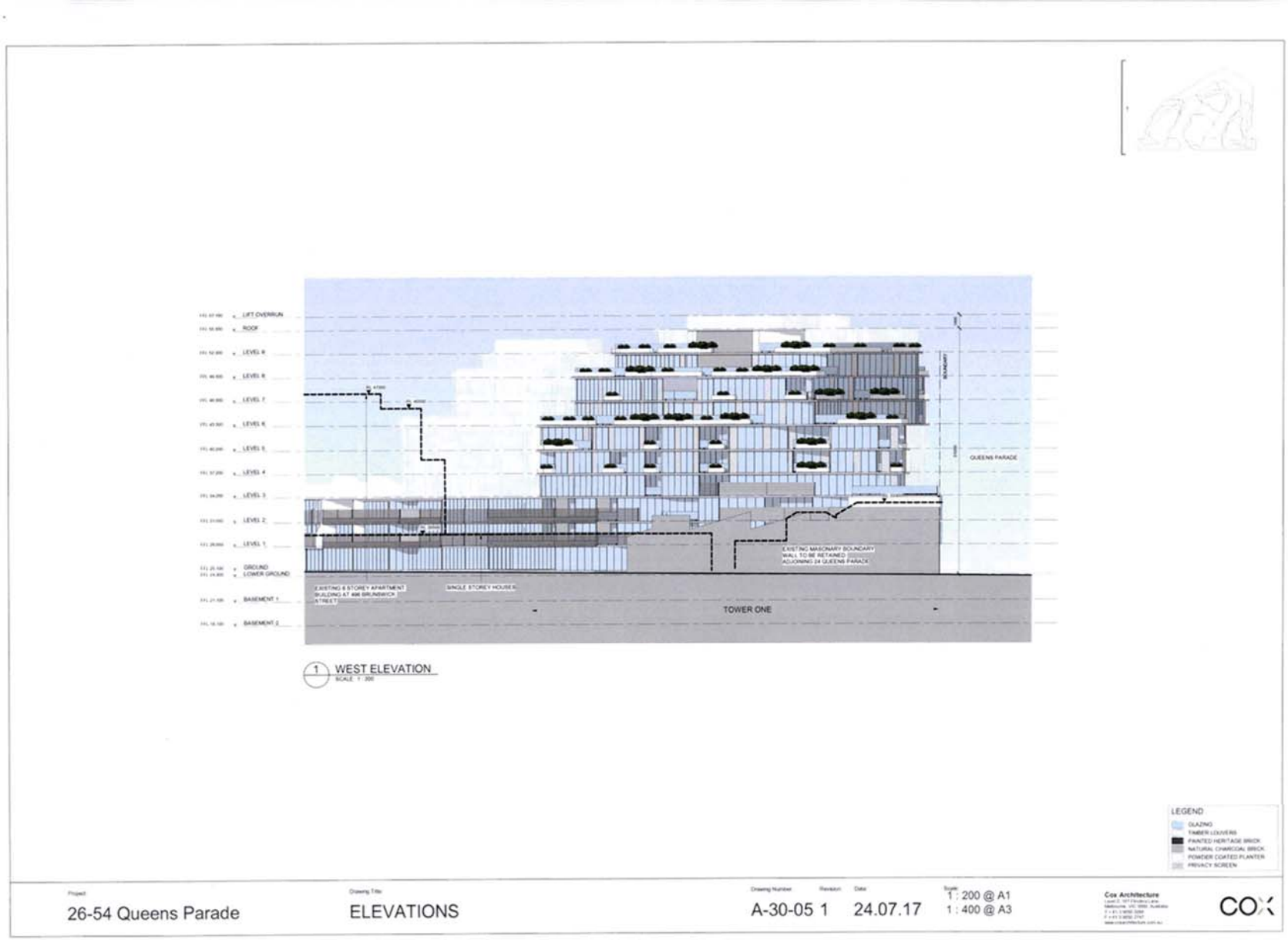
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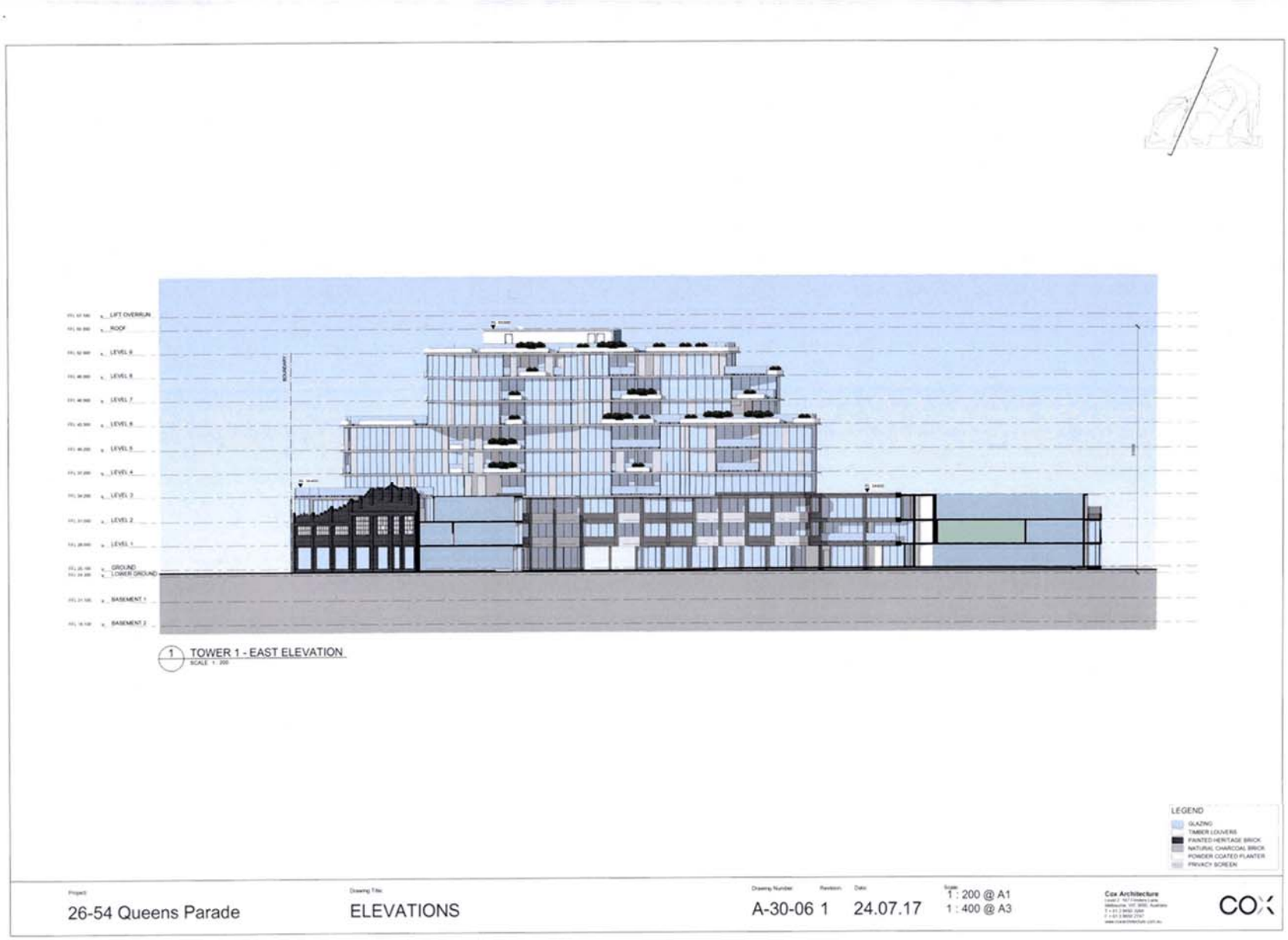
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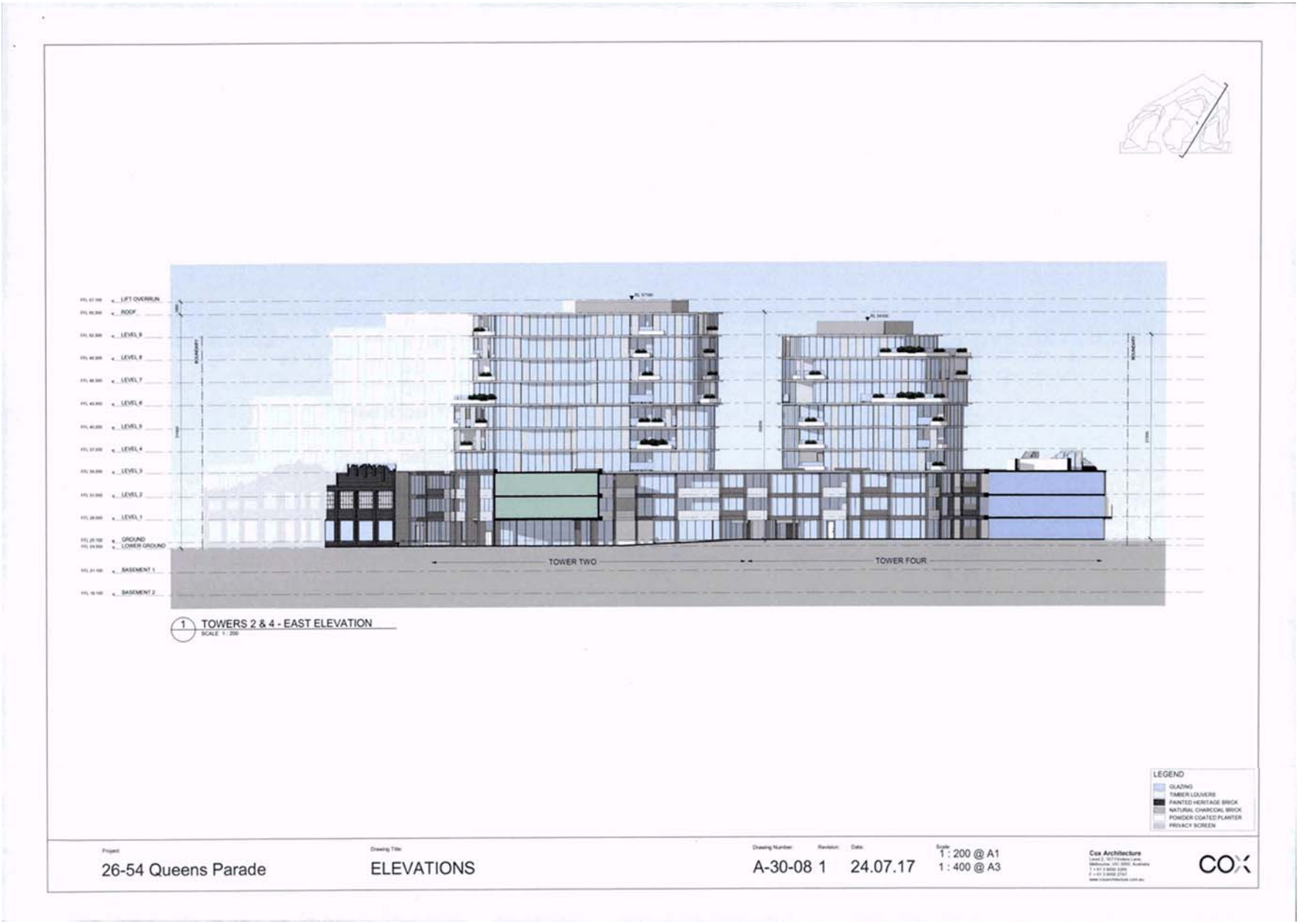
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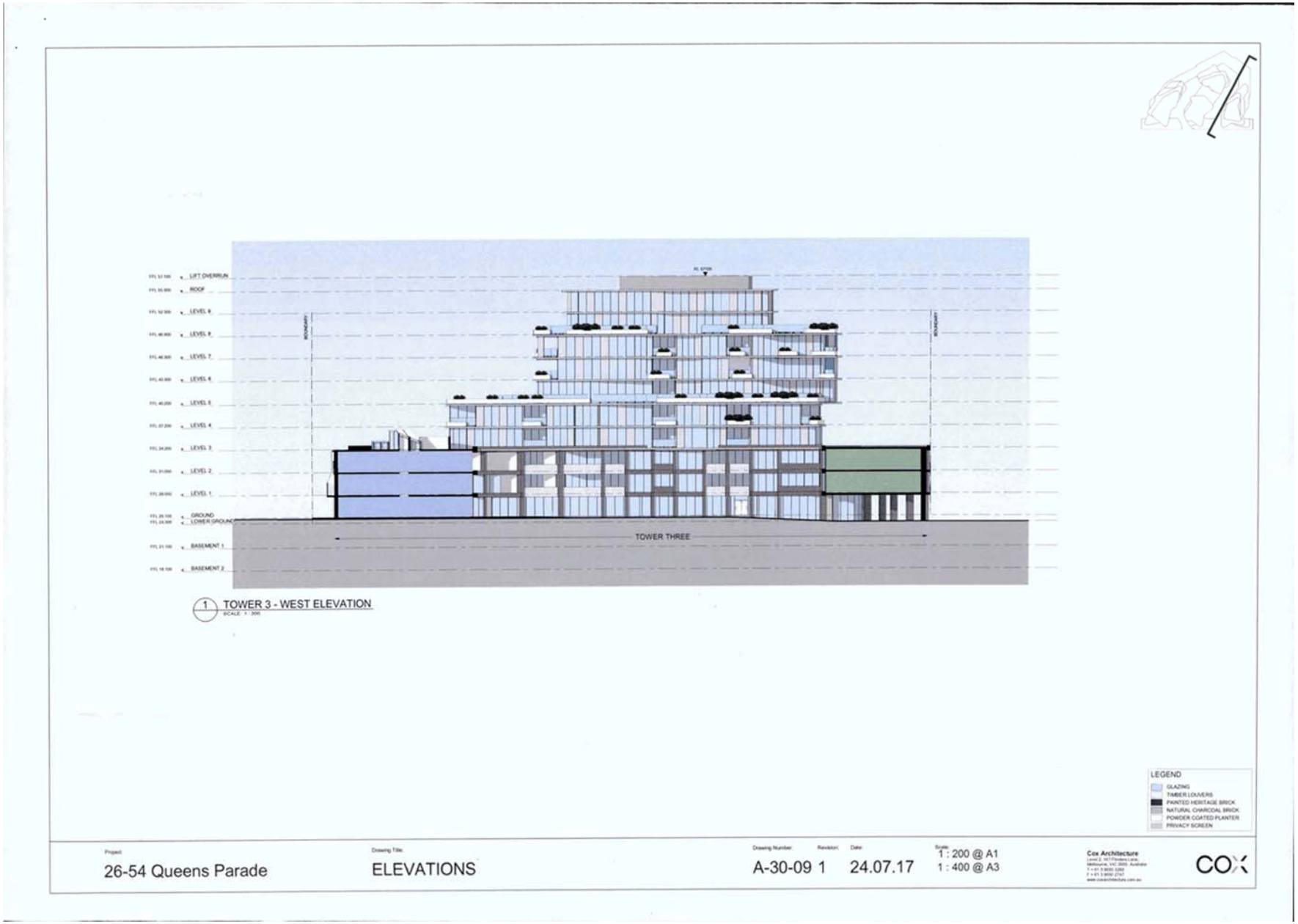
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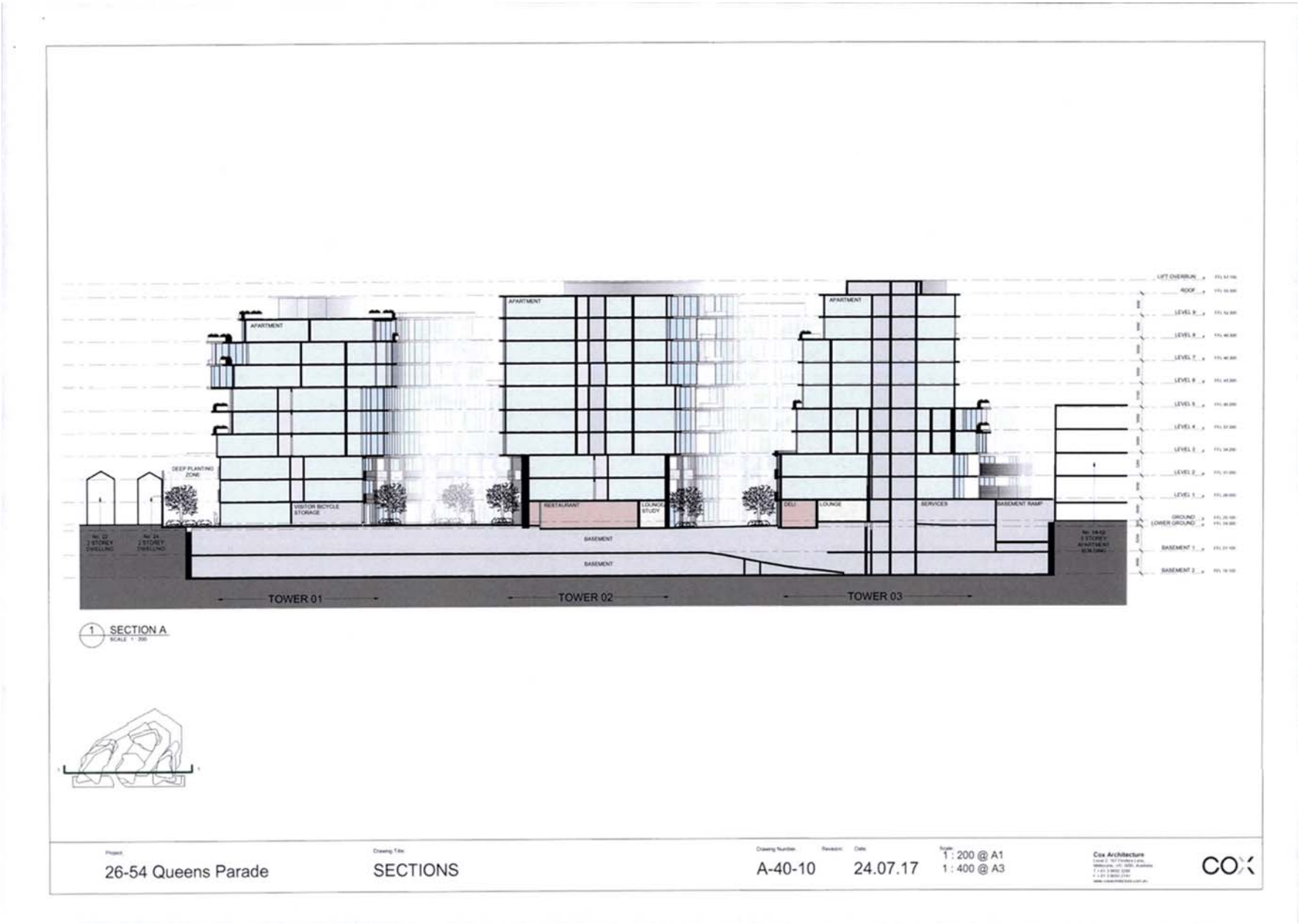
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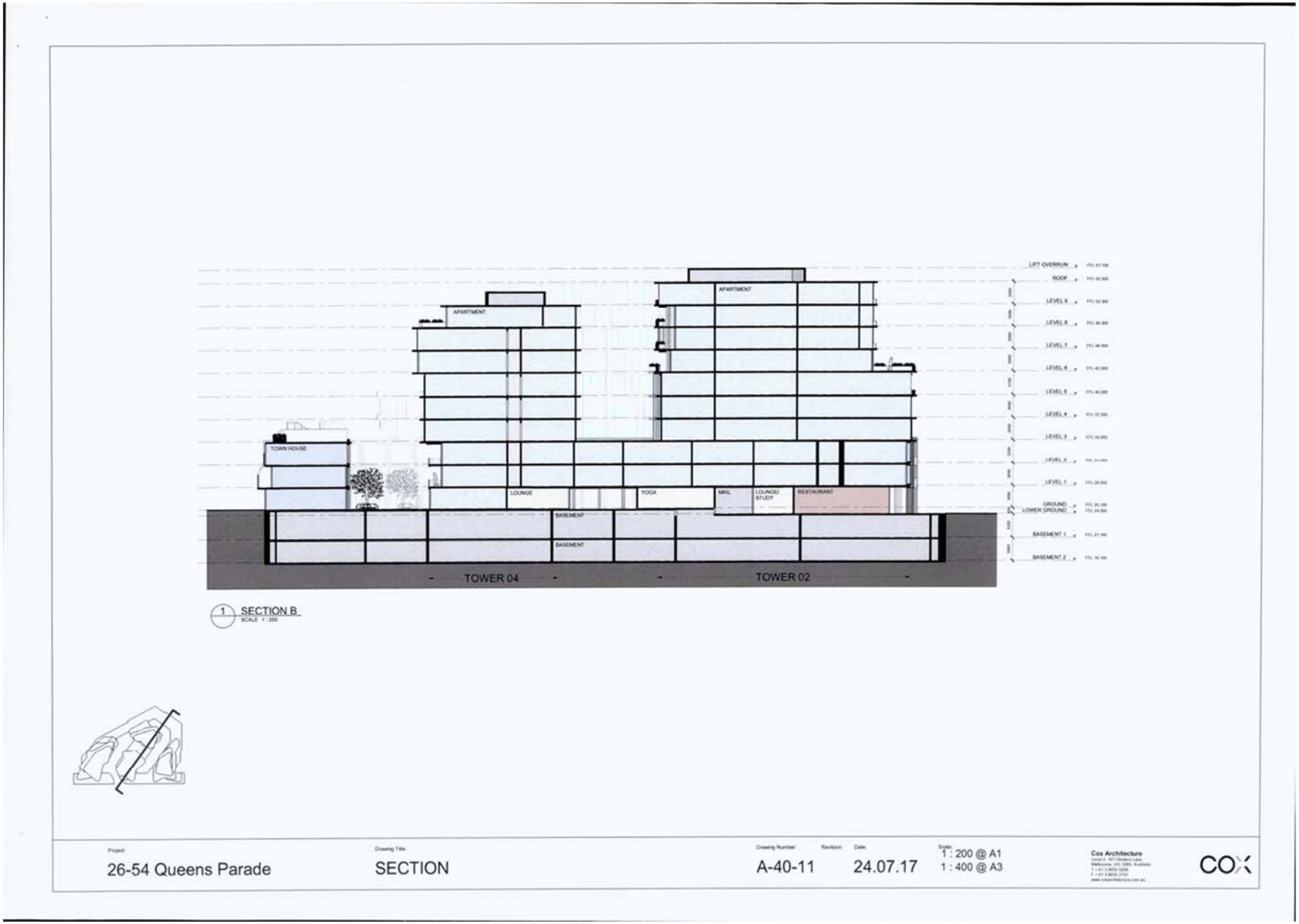
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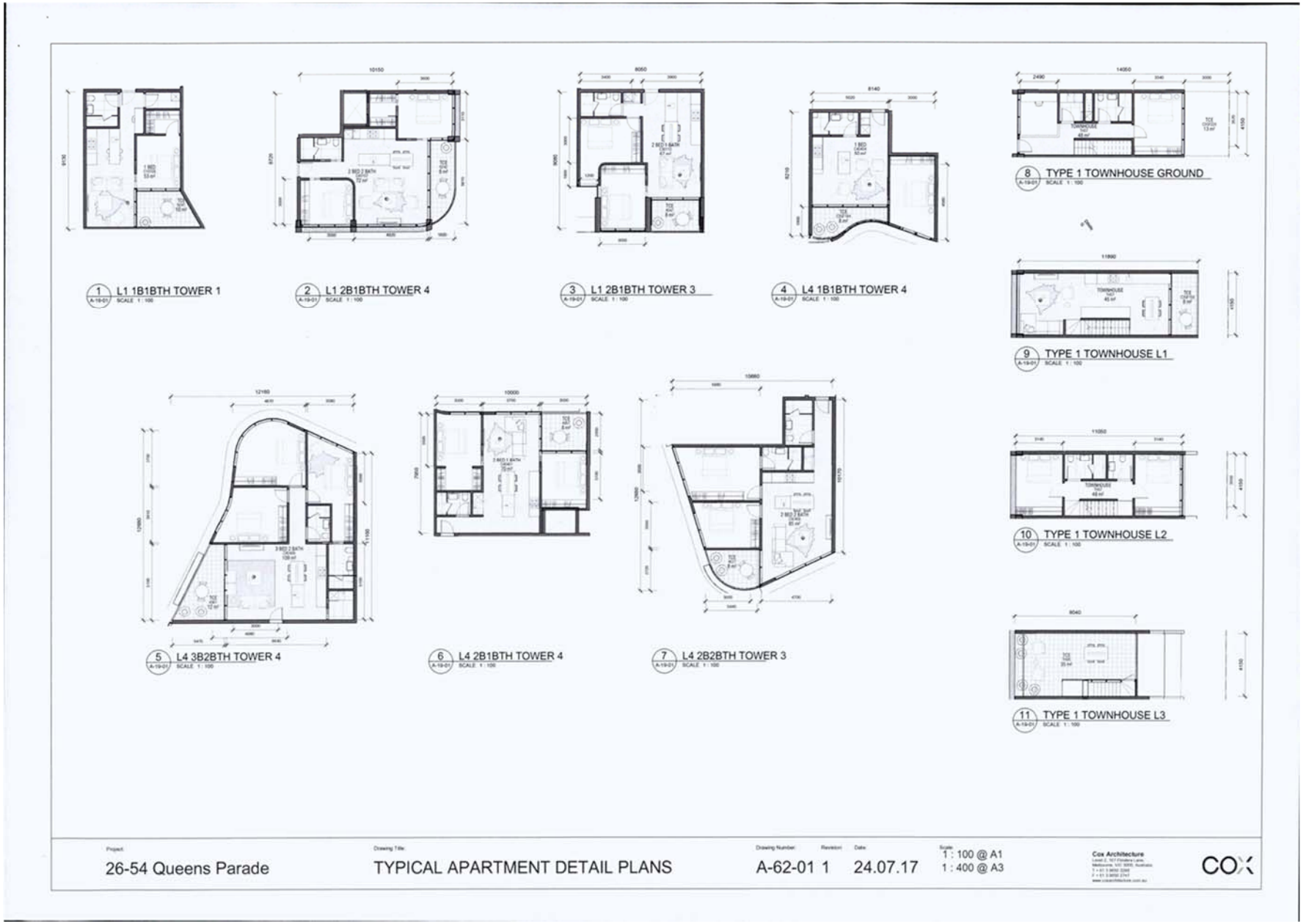
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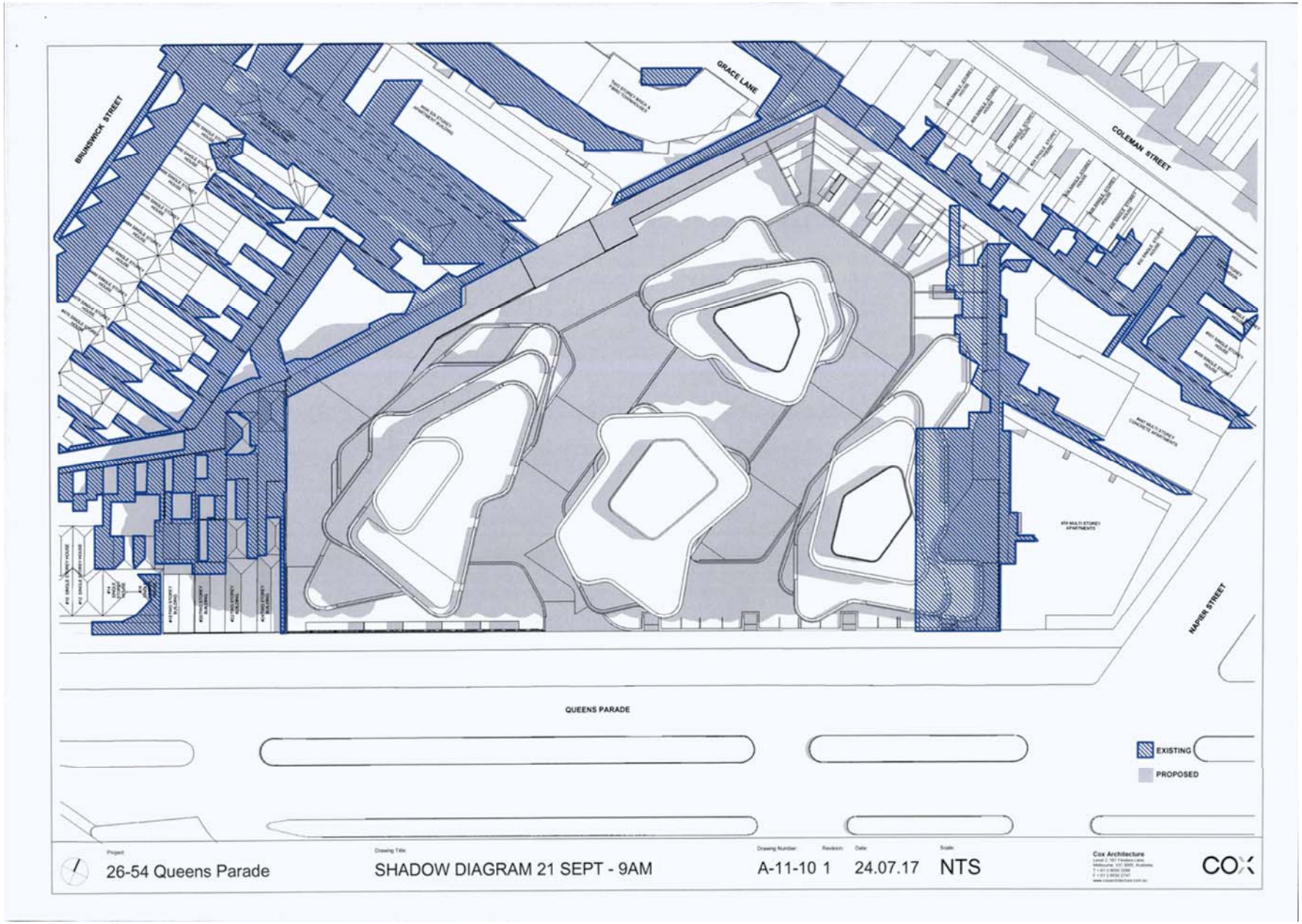
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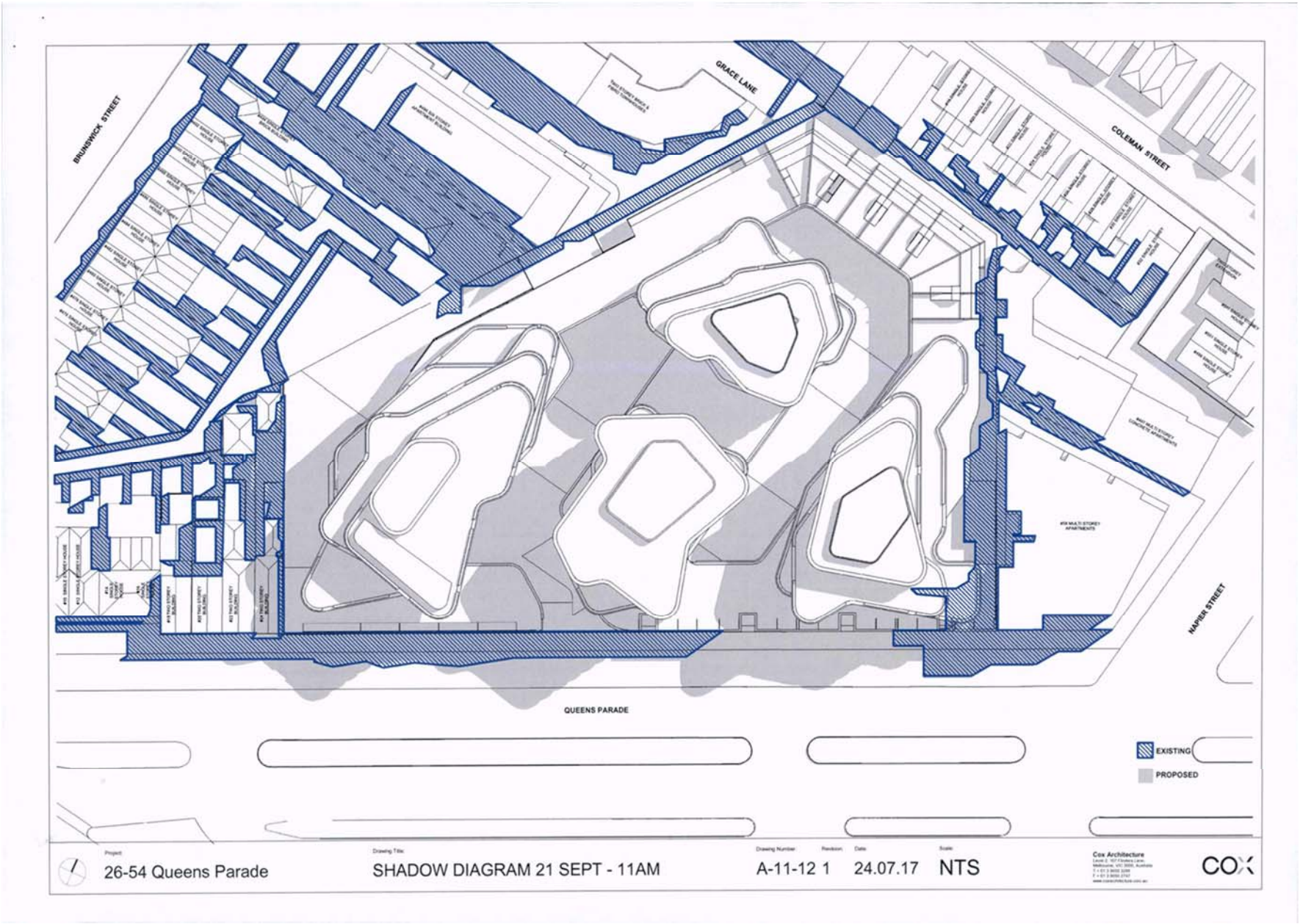
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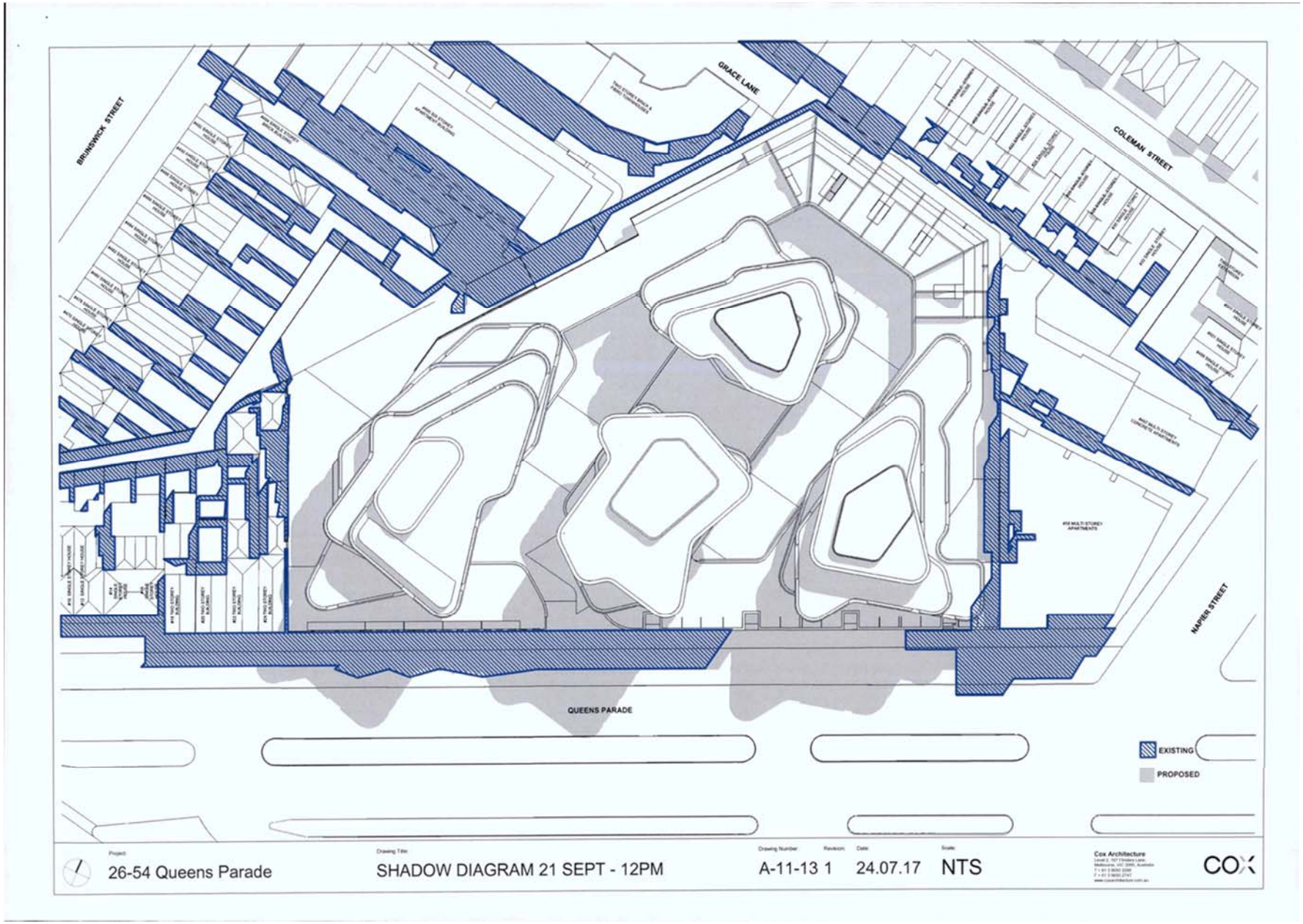
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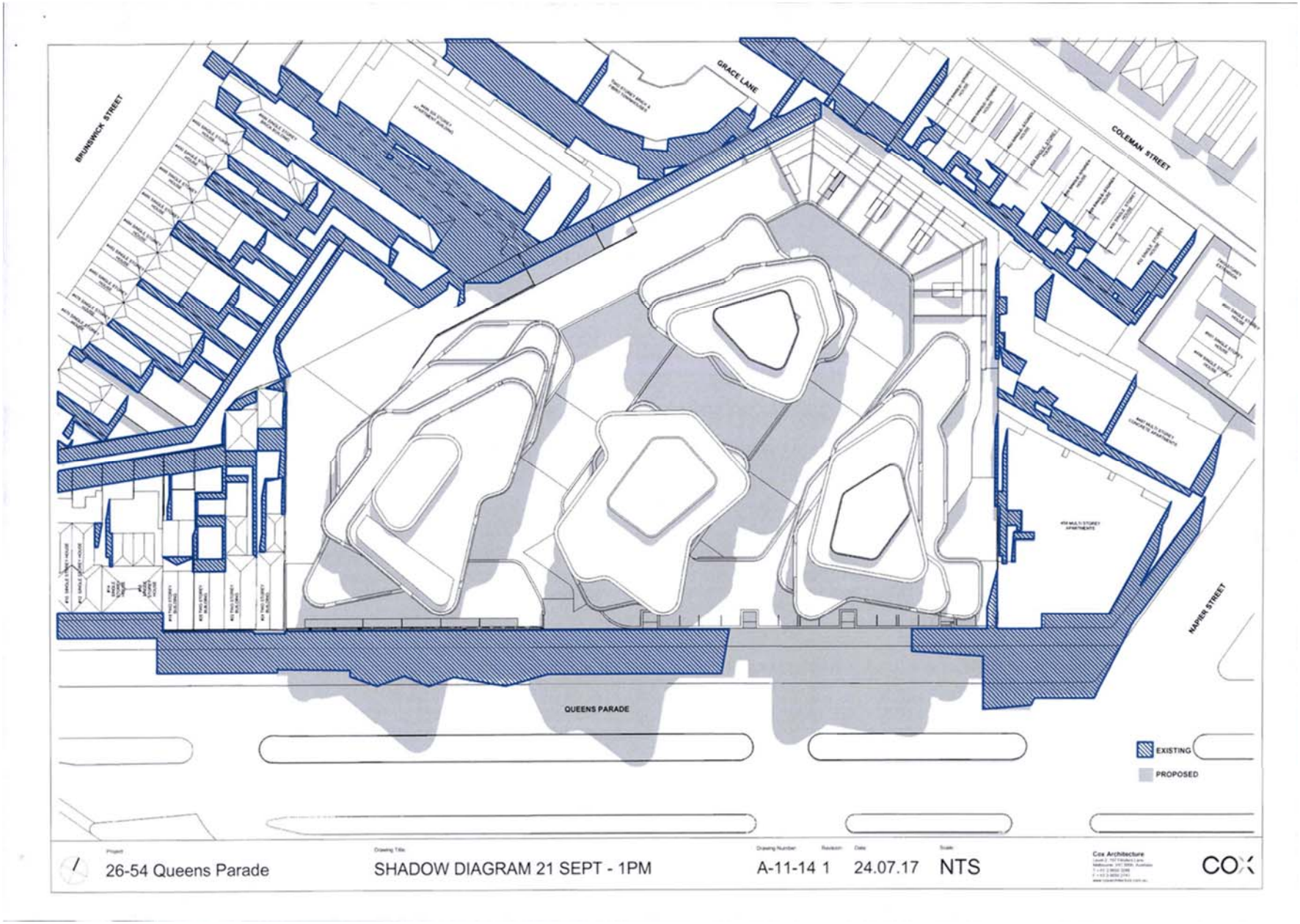
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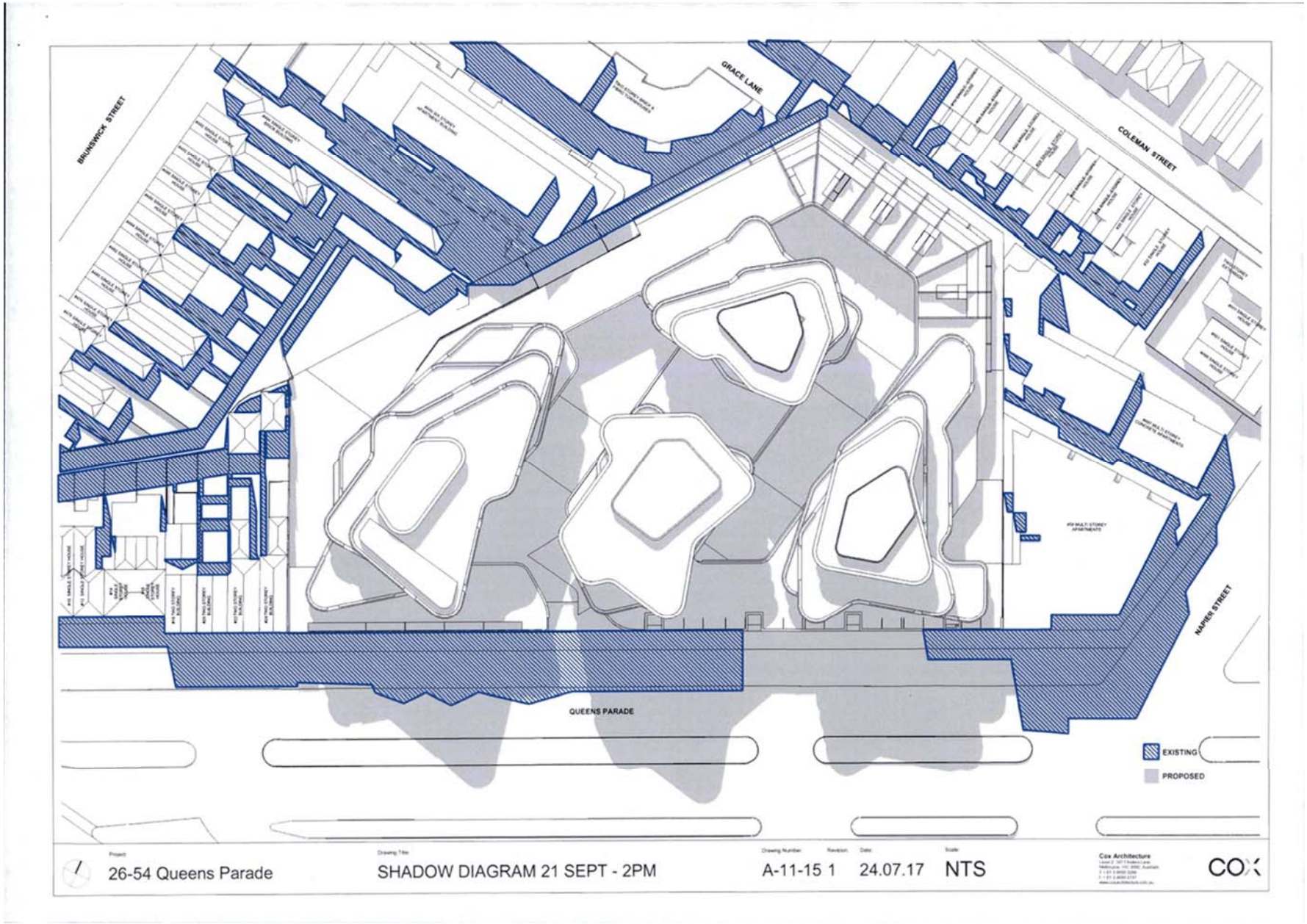
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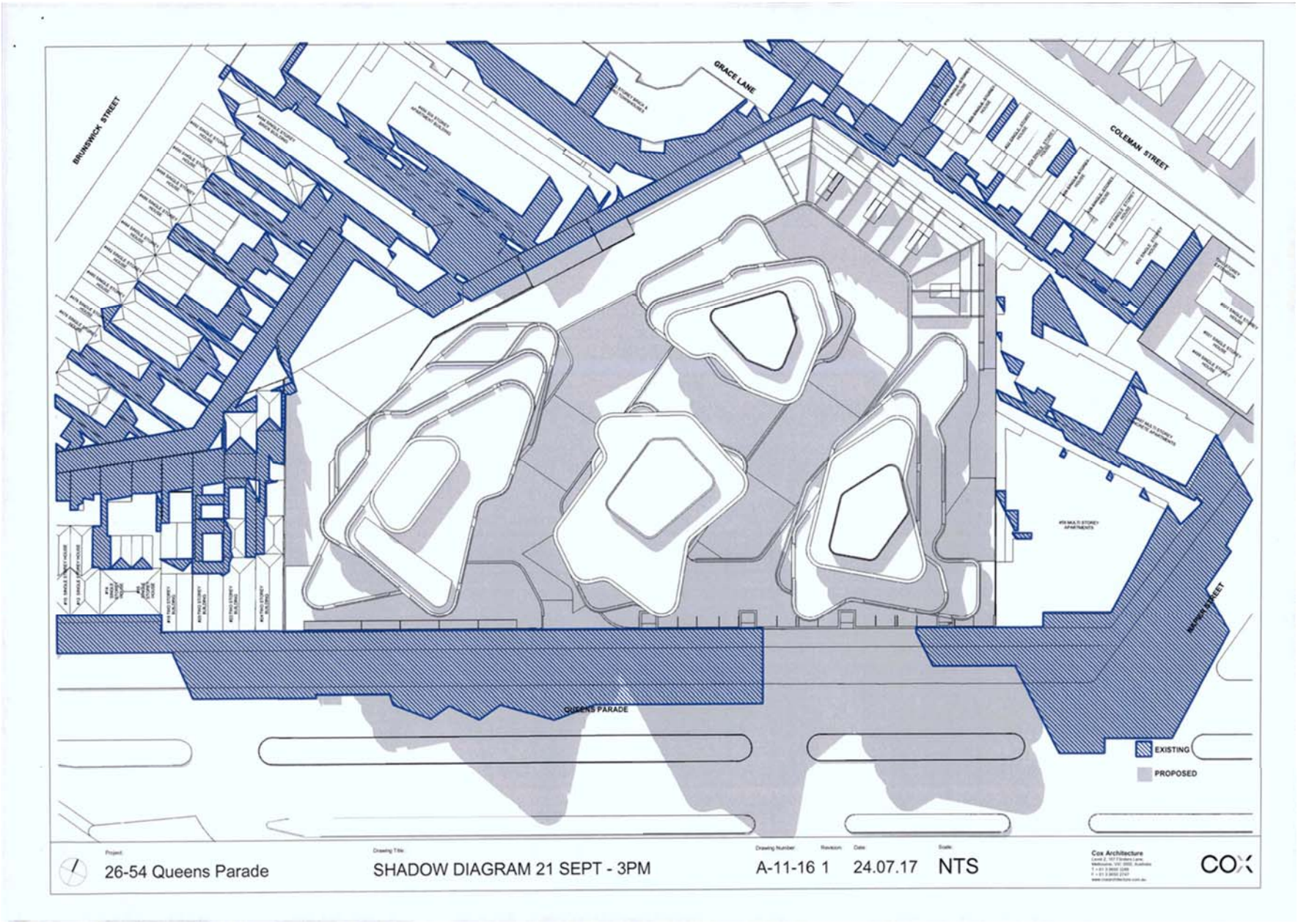
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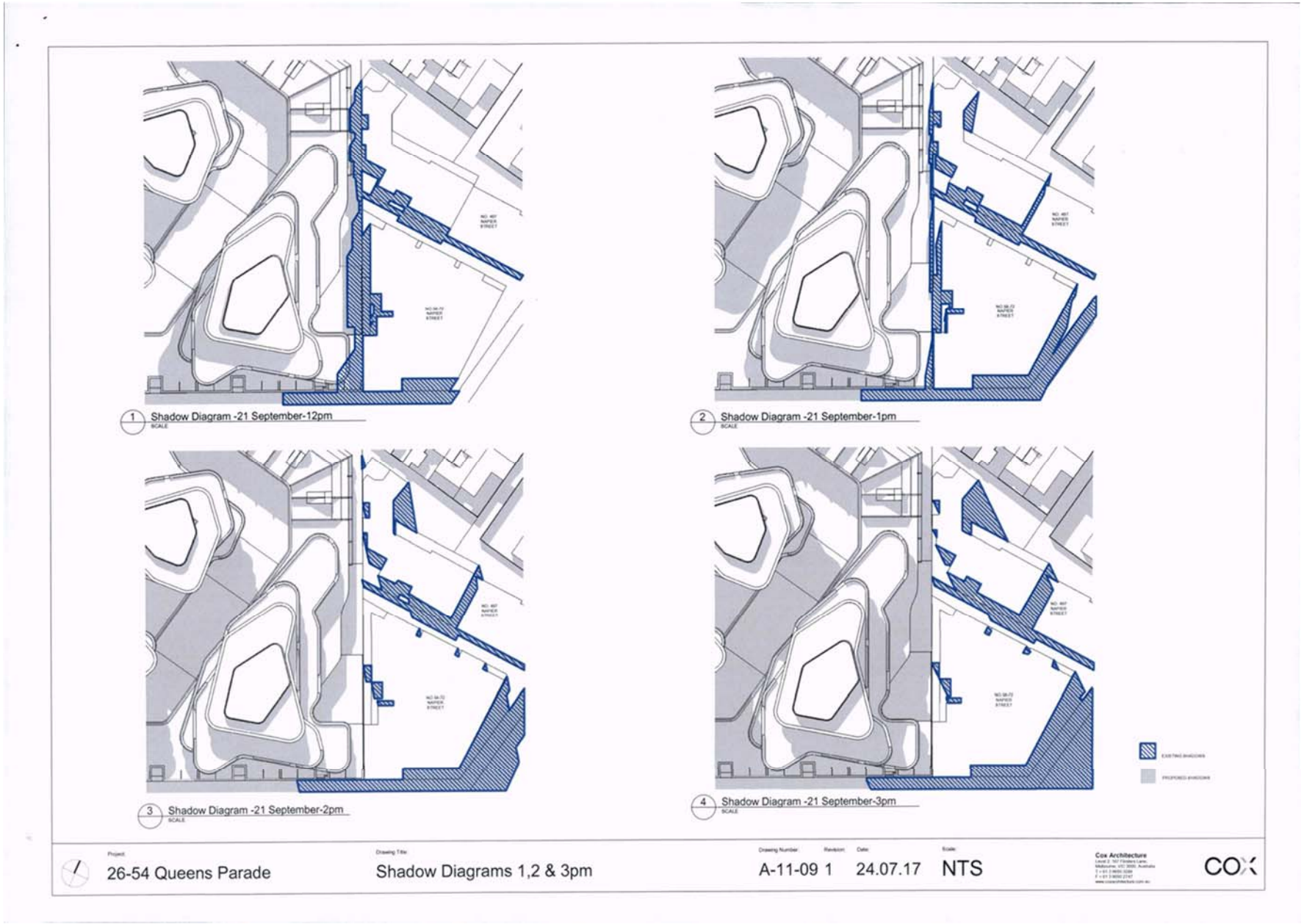
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Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Application for Planning Permit
Report by Delegate of the City of Yarra

Land Address:	**26-56 Queens Parade, Fitzroy North VIC 3068**
Application No:	**PLN16/0434**
VCAT Reference No:	**P2079/2016**
Zoning:	**Mixed Use Zone** **Queens Parade is a Road Zone, Category 1**
Overlays:	**Environmental Audit Overlay** **Part Heritage Overlay (HO327 – North Fitzroy Precinct)**
The Proposal:	**VCAT SUBSTITUTED PLANS** **Part demolition and development of the land for a maximum 12 storey building, plus 2 basement levels, accommodating 341 dwellings (no permit required for dwelling use), use of part of the land for food and drinks premises (cafés), use of part of the land (food and drink premises [cafés]) for the sale and consumption of liquor, reduction in the car parking requirements, reduction in the loading bay requirements and alteration of access to a Road Zone.**
How is the land used now:	**Warehouse/factory**
Planning Officer:	**Sarah Thomas**
Date Received:	**18 May 2016**
Acknowledgment Letter Sent:	**20 May 2016**
Further Information Sent:	**14 June 2016**
Further Information Received:	**26 July 2017**
Application Advertised:	**24 August 2016**
Advertising Closed:	**23 September 2016**
Objections/Submissions:	**480 objections**
Objector parties to the appeal:	**298**

Assessment Type	Date	By
DAP	10 March 2017	Sarah Thomas

Previous Applications

1. The site was re-zoned from Business 3 to Mixed Use on 13 November 2003 following amendment C20 to the Yarra Planning Scheme. The amendment was a Section 96A amendment process, with a concurrent planning permit application (PL02/0239) for 26-56 Queens Parade. The re-zoning however, affected a larger area known as 8-72 Queens Parade and 460-500 Brunswick Street.

2. Planning permit application PL02/0239 approved the construction of a 2-5 storey residential

development, containing 172 dwellings and 211 car parking spaces. This permit was approved on 19 November 2003. Following 4 extensions of time, this permit expired on 19 November 2009.

3. On 17 June 2009, Planning Permit PL09/0019 was issued for the use of the site as an education centre (tertiary institution).

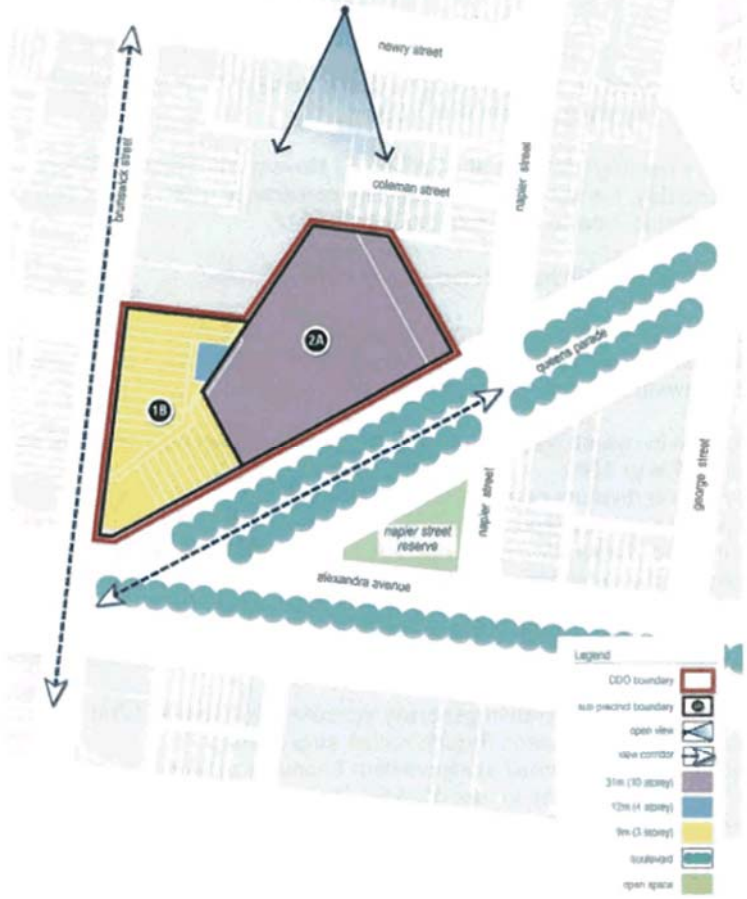
4. More recently, a special Council Meeting was held on 14 November 2016. Council considered the development on the site. Council resolved:

   1. *That Council note:*
      (a) *several public meetings held regarding 26-56 Queens Parade, Fitzroy North including a public meeting convened by the community on 2 November 2016, attended by some 400 community members with resolutions from this meeting on 26-56 Queens Parade and other planning applications in the precinct including a request for an amendment to the planning scheme to create a Design and Development Overlay for the area of North Fitzroy and Clifton Hill (attached as Attachment One); and*
      (b) *the current planning application for a high density residential development for 26-56 Queens Parade, Fitzroy North of up to 16 storeys and its recent referral by the applicant to the Victorian Civil and Administrative Tribunal (VCAT);*

   2. *That Council seek a report to be presented to the 22 November 2016 Council meeting providing advice on:*
      (a) *the process of the above planning application and steps leading to a full hearing of this application before VCAT, scheduled in April 2017;*
      (b) *the likely costs involved in advocacy for Council at VCAT;*
      (c) *the request for a planning scheme amendment for the precinct, and site, and the basis and requirements for any such amendment;*
      (d) *the steps, options and timing for such amendment; and*
      (e) *any other pertinent aspects to inform Council on this matter.*

5. At a Council Meeting on 7 February 2017, Council considered officer's recommended draft DDO guidelines for the western section of Queens Parade. The DDO guidelines were guided by the Queens Parade, Clifton Hill Built Form Review, dated February 2017 and prepared by Hansen Partnership. The DDO would affect the following area:

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans



6. The Council officer recommendation was that the mandatory maximum overall building height for the main site at 26-56 Queens Parade not exceed 31m or 10 storeys and for the rear site (subject to planning permit application PLN16/0732), 12m or 4 storeys.

7. Along with a number of design and setback changes for the main site, Council resolved that the DDO should pursue mandatory maximum heights of 8 storeys for the main site (subject site) and 2 storeys for the rear site.

8. Council resolved (in part) to:

   (e) *request that the Minister for Planning urgently introduce the draft interim Design and Development Overlay by way of a Ministerial Amendment under Section 20 (4) of the Planning and Environment Act 1987 to provide the required design guidance in the Yarra Planning Scheme for precinct at the western end of Queens Parade, including the site at 26-56 Queens Parade while a full Planning Scheme Amendment to introduce a permanent DDO for the same precinct and other parts of Queens Parade is advanced through the normal amendment process following completion of the Stage 3 work; and*

9. At the time of writing, no correspondence has been received in relation to Council's request for interim controls.

3

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Background

10. Council was informed on 11 October 2016 that a Section 79 'Failure to determine' appeal had been lodged by the Applicant with VCAT.

11. A practice day hearing was held at VCAT on 11 November, dealing with procedural matters. At the practice day, the scheduled compulsory conference was vacated and the hearing was confirmed as being 7 days, commencing 3 April 2017.

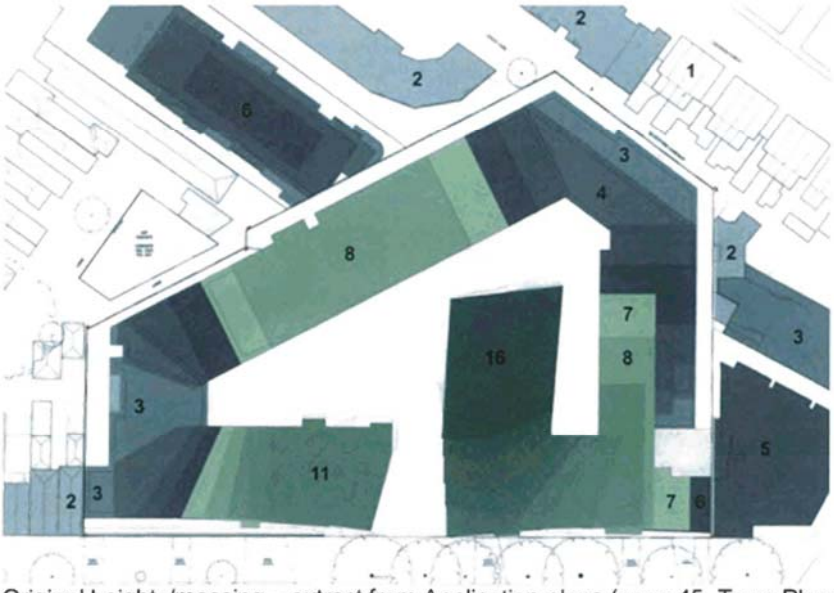
12. Of the 480 objectors, 298 have joined as party to the appeal.

13. On 21 February 2017, the Applicant circulated substituted plans. These plans will form the basis of the assessment and will be considered at the upcoming VCAT hearing. The plans make the following changes to the previous plans:

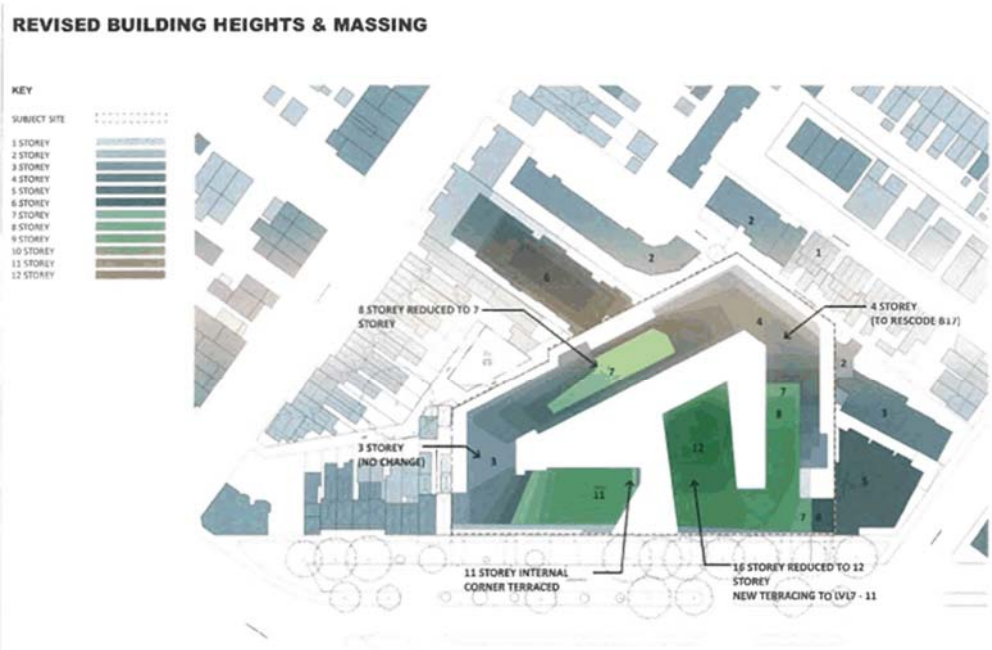
    (a) reduction in overall height from 16 to 12 storeys (retaining 2 levels of basement) or from 53.7m to 37m;
    (b) reduction in dwelling numbers from 476 to 341;
    (c) car parking spaces reduced from 438 to 341;
    (d) ground floor visitor bicycle parking spaces reduced from 50 to 32;
    (e) staging of the development is no longer proposed (previously 2 stages);
    (f) setback from the east boundary increased from 3m to 4.5m;
    (g) setbacks from the north-east and north-west boundaries generally increased to a minimum 3m, guided by Standard B17 envelopes (clause 55 of the Yarra Planning Scheme);
    (h) internal building separation generally increased from 9m to 12m;
    (i) 'village green' on Queens Parade nature strip deleted;
    (j) existing saw-toothed wall along western boundary retained;
    (k) rear pedestrian access to rear of 26-56 Queens Parade shifted further west;
    (l) internal layout changes;
    (m) northern residential communal terrace deleted on level 3;
    (n) northern residential communal terrace on level 4 reduced in size;
    (o) addition of a residential communal terrace on level 9;
    (p) residential corridors generally increased from a width of 1.4m to 1.6m;
    (q) balconies increased in size:
        (i) 1 and 2BR apartments – minimum 8m²; and
        (ii) 3BR – 12m².
    (r) basement ramp revised to 1:20 gradient;
    (s) modified basement size (reduced), layout and car parking allocation;
    (t) addition of a bin chute for rear of 26-56 Queens Parade (townhouse) residents; and
    (u) re-massing to achieve the following:
        (i) no additional overshadowing after 9am of 22-24 Queens Parade;
        (ii) reduction in overshadowing of 476-490 Brunswick Street and 2-20 Grace lane, with no increase between 9.00 am and 3.00 pm; and
        (iii) no increase in overshadowing of adjacent balconies at 58-72 Queens Parade.

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14. By way of comparison:



Original heights/massing – extract from Application plans (page 45, Town Planning Submission, Design Report, Koichi Takada Architects)



Revised heights/massing – extract from Applicant's substituted plans (plan A002A, Koichi Takada Architects, dated 20/02/17)

15. These substituted plans will form the basis of this assessment.

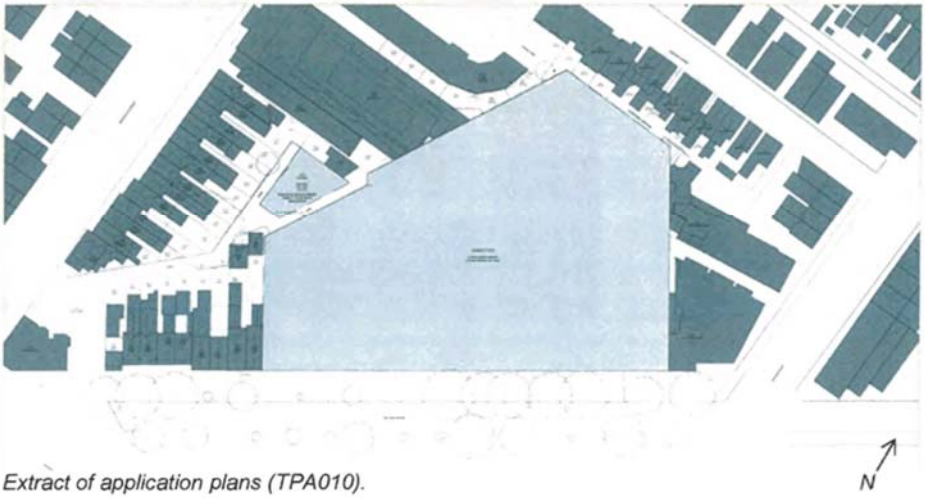
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Existing Conditions

Subject Site

16. The description offered in the original DAP report remains relevant:

The subject site is located on the north side of Queens Parade, approximately 78m east of Brunswick Street and 33m west of Napier Street. The site is an unusually shaped lot, with 1 main road frontage and 2 separate laneway frontages.



Extract of application plans (TPA010).

The site is comprised of 8 titles:

- *Volume 5562 Folio 300;*
- *Volume 7224 Folio 622;*
- *Volume 6157 Folio 317;*
- *Volume 6157 Folio 316;*
- *Volume 2637 Folio 268;*
- *Volume 2776 Folio 162;*
- *Volume 5978 Folio 502; and*
- *Volume 5978 Folio 503.*

The site has a frontage of 119m to Queens Parade, a western boundary length of 39.2m, a north-west boundary length of 33.6m, leading to an adjoining north-west boundary length of 65.8m. The north-east boundary length is 37.5m and the east boundary length is 65.8m. All lengths are approximate. Should a permit issue, a condition should require all title boundaries to be shown on the floor plans as per the certificates of title. The site has an overall area of approximately 8,028m².

The site is developed with a series of buildings:

(a) Queens parade, western end – the most distinctive part of the site, being a row of 2 storey buildings with art deco style parapets. The façades have been painted pink with navy highlights. This row extends for a length of approximately 74m and extends the depth of the site, save for a triangular section in the northern end, generally behind the Grace Lane properties;

(b) Queens Parade, eastern end – a single storey warehouse style building, presenting a frontage of approximately 13.6m to Queens Parade and extending for the length of the eastern boundary (terminating at the laneway at the rear of the site;

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Between both Queens Parade building segments is an open air carpark, presenting a frontage of approximately 31m to Queens Parade.



Subject site – Aerial extract from Google maps.

Restrictive Covenants

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

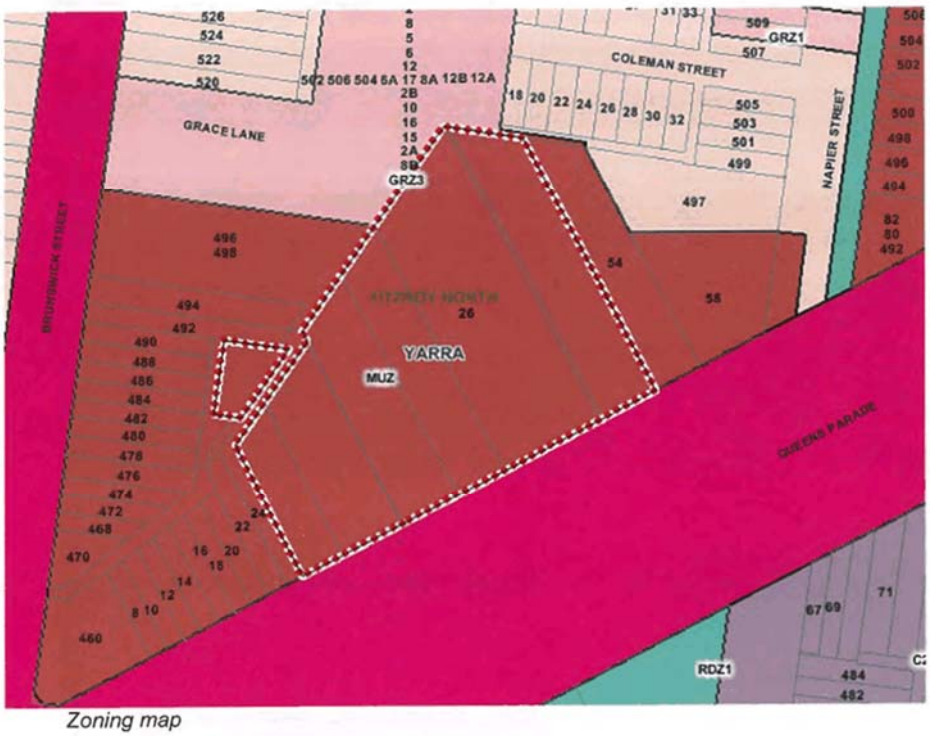
*A number of easements affect the site (including roads/carriageway, party wall, drainage, water supply, light and air easements). The Applicant has not applied to remove these easements, so a notation alerting any Permit Holder to these easements should be imposed on any permit issued. (It is likely that a separate application would later be made to remove these easements under Clause 52.02 of the Yarra Planning Scheme **[the Scheme]** at the subdivision stage, should a permit issue.*

Surrounding Land

17. The surrounding land description offered in the original DAP report remains relevant:

The subject site is located within a Mixed Use Zone and is within walking distance of the Brunswick Street AC (123m).

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Zoning map

To the west of the subject site is a row of 9, single and double storey Victorian era terraces. The 4 closest to the subject site are double storey .These properties all enjoy access to the lane at the rear of the site, accessed via Brunswick Street. These dwellings include rear private open space areas, along with a first floor rear deck at the adjoining property to the immediate west.

Further west of these properties, at the corner of Queens Parade and Brunswick Street, is a 2 storey Victorian era building used as a medical centre. This medical centre includes car parking adjacent to the single storey Victorian era terraces on Queens Parade.

To the north-west of the subject site (western end), across the laneway, is a generally triangular portion of land also held by the permit applicant for this application. This parcel is also subject to a planning permit application (PLN16/0732) for 4, 4 storey townhouses. The parking for the proposed townhouses is proposed to be within this application. A decision has not yet been made on the townhouse application.

Further north-west of this triangular parcel are the rear of primarily single storey dwellings fronting Brunswick Street. These properties also enjoy rear access and utilise the rear laneway which leads to Brunswick Street. These dwellings include rear private open space areas and habitable room windows orientated towards the subject site.

To the north-west of the subject site (central segment, directly abutting the subject site) is a single storey dwelling fronting Brunswick Street and a recently constructed 6 storey apartment building that fronts Brunswick Street. These dwellings present private open space, balconies and habitable room windows towards the subject site. The apartment building also includes a triangular light court (with associated habitable room windows) on the shared boundary.

To the north-west of the subject site (eastern segment) is the rear of 2 storey townhouses that front Grace Lane further north. These dwellings present ground level private open space

8

areas towards the subject site, along with habitable room windows beyond at a minimum distance of approximately 3m.

To the north-east of the subject site (western end) are 3, 2 storey dwellings with rear private open space areas that have a direct abuttal with the subject site. The rear private open space areas have a minimum depth of approximately 4m, with habitable room windows beyond.

To the north-east of the subject site (eastern end) are the rear of primarily single storey dwellings that face Coleman Street. These dwellings include rear private open space areas and habitable room windows, which are separated from the subject site by an approximately 2.7m wide laneway.

To the east of the subject site is the rear of 2 apartment buildings that present frontages to Napier Street and Queens Parade. The buildings are a maximum height of 3 (northernmost) and 5 (southernmost) storeys. These buildings are partially built to the shared boundary, with minimum 1.5m deep courtyards and adjacent habitable room windows presenting towards the subject site.

The site is well located in terms of bicycle access and public transport:
- *2 bus routes along Queens Parade; and*
- *2 tram routes along Brunswick Street.*

The Proposal

18. The application is for the part demolition and development of the land for a maximum 12 storey building, plus 2 basement levels, accommodating 341 dwellings (no permit required for dwelling use), use of part of the land for food and drinks premises (cafés), use of part of the land (food and drink premises [cafés]) for the sale and consumption of liquor, reduction in the car parking requirements, reduction in the loading bay requirements and alteration of access to a Road Zone.

19. More specifically:

Demolition

(a) demolition of all buildings, structures and fences, save for a 45m segment of the Queens Parade, 2 storey façade and the adjacent west boundary wall (including the retention of the sawtooth profile above);

Built form and massing

(b) construction of upto12 storeys, plus 2 basements;
(c) **south** – the development would present a 2-3 storey podium to Queens Parade (maximum height of approximately 10.5m) including retention of the heritage façade of the existing building, with south boundary (front) setbacks ranging from zero to 3.5m being introduced across levels 2 to 9. The westernmost tower would extend to level 10 (11 storeys), with minimum setbacks of 5.2m at the upper most level and a maximum height of 34m.
The easternmost tower would extend to level 11 (12 storey). The upper most levels introduce deep 12.4m setback to large terraced areas with the building beyond being setback a minimum 22m from the southern boundary. This segment would be a maximum height of 37m;
(d) **west** – the development would be 3 storeys adjacent to the western boundary (plus a roof terrace), constructed to the western boundary for a length of approximately 10m at a height of 10.3m, with the remainder being setback approximately 4.6m. it is noted that the existing west boundary wall (approximately 3.9m-4.3m high) would be retained

and incorporated as part of this development (including the saw-toothed profile). From level 3 and above, the setback from this boundary increases;

(e) **north-west** – the development would extend from 3 to 7 storeys adjacent to the north-west boundary, setback 3m to approximately 12m from the boundary, at heights ranging from 1.7m (fence line) to 20.9m;

(f) **north-east** – the development would be 4 storeys (plus a roof deck) adjacent to the north-east boundary, setback 3m to 9m from the boundary, at heights ranging from 2.3m (fence line) to 13.5m;

(g) **east** – the development would be 3 to 9 storeys (plus roof terrace) adjacent to the eastern boundary, with setbacks ranging from 0 to 12.4m, at heights ranging from approximately 2.5m (fence line) to 29m;

(h) the maximum overall height of the development would be 37.4m. The maximum overall height would be located at the central portion of the site, or within the eastern arm of the 'U'. The western arm of the 'U' would be 11 storeys or 34.4m;

Layout

(i) the development would contain 341 dwellings (the following does not include 'studies' as bedrooms as the majority are too small or positioned within corridors):
   i. 1BR – 138;
   ii. 2BR – 160;
   iii. 3BR – 37; and
   iv. 4BR – 6.

(j) 345 stores located within the basement levels. Stores would range from 3m to 6m³:
   i. 3m³ - 138;
   ii. 4m³ - 160; and
   iii. 6m³ - 47.

(k) 345 resident bicycle parking spaces (106 floor mounted and 239 'Ned Kelly' style), 32 ground floor visitor bicycle parking spaces and 4 bicycle parking spaces allocated to the proposed townhouses (rear development, PLN16/0732);

(l) provision of a loading bay within basement 1 (eastern end), at a width of 4.2m and length of 9m;

(m) 341 car parking spaces, of which 10 would be within stackers:
   i. 321 spaces would be allocated to dwellings;
   ii. 14 would be allocated to visitors/retail;
   iii. 6 spaces would be allocated to the townhouse development at rear 26-54 Queens Parade (Planning Permit application PLN16/0732);

(n) a 273m² food and drinks premises/shop to the east of the Queens Parade pedestrian entry;

(o) a 77m² café to the west of the Queens Parade pedestrian entry;

(p) pedestrian entries would be provided via:
   i. the main central opening (20.5m wide) along Queens Parade;
   ii. a separate residential entry at the eastern end of the Queens Parade frontage; and
   iii. via the north-west lane which extends to Brunswick Street.

(q) vehicular entry would be provided via the eastern end of the Queens Parade frontage. A 6.1m wide vehicle crossing would provide two way vehicle access into the 2 basement levels;

Uses

(r) there are communal open space areas within the ground level of the development, 1 area at level 3, 1 area at level 4 and 1 area at level 9;

(s) shop/food and drinks premises:
   (i) the premises would include the service of food for consumption on the premises and the sale of packaged food;
   (ii) maximum of 100 patrons at any one time;

(iii) food and drink premises hours would be the same as the licenced component below;
(iv) the premises would be licenced with:
- Sale of liquor for consumption on the premises:
  Monday – Sunday 10am to 11pm
  ANZAC Day and Good Friday 12noon to 11pm
- Sale of liquor for consumption off the premises:
  Monday – Sunday 10am to 9pm
  ANZAC Day and Good Friday 12noon to 9pm

(t) Food and drinks premises (café):
(i) the premises would trade as a café;
(ii) maximum of 50 patrons at any one time;
(iii) the café would operate from 7am to 5pm, seven days;
(iv) the premises would be licenced with:
- Sale of liquor for consumption on the premises:
  Monday – Sunday 12noon to 5pm

Colours, materials and landscaping

(u) the development would include a mixture of materials and finishes, including clear glass balustrades, white aluminum composite panels (slab edge and planter boxes), dark colour aluminum (glazing frames), perforated metal privacy screens (maximum 25% transparent to a height of 1.7m, then opening up higher), dark grey bluestone and concrete look pavers and off-white brick podium façade frames. No material schedule has been provided with the substituted plans, making it difficult to confirm the materials for the proposal.
(v) the design incorporates vertical green wires, mesh and planter boxes, along with substantial ground level planting around the communal areas;

Environmentally sustainable development [**ESD**] features

(w) an average 6.5 Star NatHERS thermal energy rating;
(x) a MUSIC model demonstrating best practice has been received which relies on 450m2 of roof connected to a 40,000 litre tank which is connected to garden irrigation and swimming pool top-up, and the remaining 7,470m2 of terrace and landscaping filtered by a SPEL hydro-system (or equivalent); and
(y) extensive green roofs and landscaping.

Planning Scheme Provisions

Zoning

*Mixed Use Zone [**MUZ**]*

20. The purpose of the MUZ includes (as relevant):
(a) *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality;*
(b) *To provide for housing at higher densities;*
(c) *To encourage development that responds to the existing or preferred neighbourhood character of the area;* and
(d) *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

21. Under clause 32.04-2 of the Scheme, a permit is not required to use the site for dwellings. A permit is not required to use part of the site as a shop (half of the easternmost tenancy [being 138.5m², as the floor area is less than 150m]). However, a permit is required to use part of the site as a food and drinks premises as the leasable floor area exceeds 150m² [76m² cafe and half of the easternmost tenancy, being 138.5m²].

22. A permit is required under clause 32.04-6 of the Yarra Planning Scheme [**the Scheme**] to construct two or more dwellings on a lot. Clause 32.04-13 states that for a development of five or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004) is a relevant decision guideline.

23. A permit is required under clause 32.04-8 of the Scheme to construct a building or construct or carry out works for a use in section 2 of clause 32.04-2.

Road Zone, Category 1

24. Queens Parade is a declared Road Zone, Category 1.

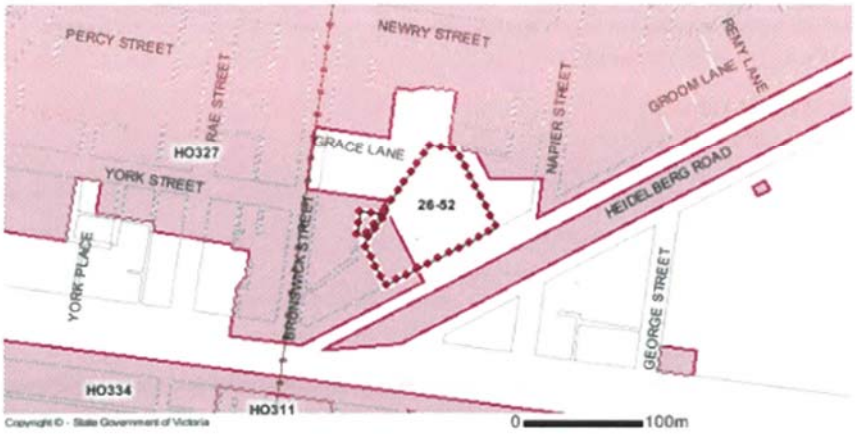
25. The purpose of this zone is:
    (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
    (b) *To identify significant existing roads*; and
    (c) *To identify land which has been acquired for a significant proposed road.*

26. Whilst a permit is not required for buildings or works or land use under this clause, a permit is required under clause 52.29 of the Scheme to create and alter access to a Road Zone, Category 1.

Overlays

Part Heritage Overlay (HO327)

HERITAGE OVERLAY SCHEDULE (HO327)



27. The portion of the site at 26-56 Queens Parade can be seen above as being affected by HO327. The overlay inaccurately reflects the location of the heritage buildings on the site with a portion of the building not included in the Heritage Overlay. This mapping error has been identified and provided to our Strategic Planning Department to correct.

28. The relevant purpose of the HO is:
    (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
    (b) *To conserve and enhance heritage places of natural or cultural significance.*
    (c) *To conserve and enhance those elements which contribute to the significance of heritage places.*
    (d) *To ensure that development does not adversely affect the significance of heritage places.*
    (e) *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

29. A planning permit is required to demolish or remove a building and to construct a building or construct or carry out works.

30. Decision guidelines at clause 43.01-4 of the Scheme include (as relevant):
    (a) *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
    (b) *Any applicable statement of significance, heritage study and any applicable conservation policy.*
    (c) *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
    (d) *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.*
    (e) *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
    (f) *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

Environmental Audit Overlay

31. The purpose of this overlay is:
    (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
    (b) *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

32. Clause 45.03-1 states it is a requirement that:

    Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
    (a) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
    (b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

33. With dwellings proposed, this requirement will be addressed by way of a notation on any permit issued.

Particular Provisions

Clause 52.06 – Car parking

34. The purpose of this provision (amongst others) is to ensure the provision of an appropriate number of car spaces are provided having regard to the activities on the land and the nature

of the locality. This provision recommends car parking rates at clause 52.06-5. Under clause 52.06-3, a permit may be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 (noting there is no relevant Parking Overlay).

Use	Number / Area	Clause 52.06 car parking rate	Requirement	Provision	Reduction sought
Dwelling – 1BR and 2BR	298	1 per dwelling	298	321	23
Dwelling – 3BR +	43	2 per dwelling	86		
Dwelling – Visitor		1 per 5 dwellings (where more than 5)	68	14	68
Food and drinks premises	351m²	4 per 100m² of leasable floor area	14		
Shop					
TOTAL			**466**	**335**	**91**

35. A permit is therefore required for the 91 space car parking reduction (noting the original application was for a 223 space reduction). Further, there would be 341 spaces provided on the land, with the remaining 6 (not included in table) being allocated to the proposed townhouse development at the rear (PLN16/0732).

36. It is noted that whilst the original car parking assessment included studies as bedrooms, the substituted plans include a majority of small studies or studies position in corridors. For the purpose of this report, studies have not been included as bedrooms.

37. Clause 52.06-6 of the Scheme outlines a range of decision guidelines and clause 52.06-8 outlines a range of design standards. The relevant of these will be addressed in the assessment.

Clause 52.07 – Loading and unloading of vehicles

38. The purpose of this provision is '*To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety*'.

39. No building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:
    (a) *Space is provided on the land for loading and unloading vehicles as specified in the table below.*
    (b) *The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.*
    (c) *The road that provides access to the loading bay is at least 3.6 metres wide.*

40. A permit may be granted to reduce or waive these requirements if either:
    (a) *The land area is insufficient.*
    (b) *Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.*

41. With no loading bay provided for the retail premises, a permit is required to waive this requirement.

Clause 52.27 – Licensed Premises

42. A permit is required under this clause as a license is required under the *Liquor Control Reform Act* 1998.

43. Decision guidelines 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 impact of the number of patrons on the amenity of the surrounding area.*
    (e) *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

Clause 52.29 – Land adjacent to a road zone, category 1, or a public acquisition overlay road a category 1 road

44. The relevant purpose of this provision is '*To ensure appropriate access to identified roads*'.

45. A permit is required to create or alter access to a road in a Road Zone, Category 1 (in this instance, the crossover to Queens Parade). An application must be referred to VicRoads under Section 55 of the Act.

46. Decision guidelines include:
    (a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
    (b) *The views of the relevant road authority.*
    (c) *The effect of the proposal on the operation of the road and on public safety.*
    (d) *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.*

Clause 52.34 – Bicycle facilities

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

Use	Number / Area	Clause 52.34 bicycle parking rate	Requirement	Provision	Reduction sought
Dwelling	341	In developments of 4 or more storeys, 1 per 5 dwellings	68	345	None
Dwelling – Visitor	341	In developments of 4 or more storeys, 1 to each 10 dwellings	34	32	3

Food and drinks premises - Employee	213.5m²	1 to each 300m² of leasable floor area	1		
Food and drinks premises - Shopper	213.5m²	1 to each 500m² of leasable floor area	0	0	0
Shop - Employee	137.5m²	1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	0	0	0
Shop - Shopper	137.5m²	1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	0	0	0
TOTAL			**103**	**377**	**3**

48. The proposal is seeking a 3 space dwelling visitor/food and drink employee bicycle parking reduction. The application has a surplus of 277 bicycle parking spaces allocated to residents under this provision.

49. A bicycle space for a visitor, shopper or student must be provided at a bicycle rail.

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

50. The purpose of this clause is '*To ensure that an urban context report is prepared before a residential development of five or more storeys is designed and that the design responds to the existing urban context and preferred future development of the area*'.

51. The application was provided with an urban context report and design response in accordance with this provision.

General Provisions

Clause 65 – Decision Guidelines

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

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State Planning Policy Framework (SPPF)

The following SPPF provisions of the Scheme are relevant:

Clause 11.04-2 – Housing choice and affordability

53. The relevant objective of this clause is '*To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services*'. The relevant strategy is to '*Reduce the cost of living by increasing housing supply near services and public transport*'.

Clause 11.04-4 – Liveable communities and neighbourhoods

54. 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*'. The relevant strategies are to:
    (a) *Create a city of 20-minute neighbourhoods.*
    (b) *Protect Melbourne and its suburbs from inappropriate development.*
    (c) *Create neighbourhoods that support safe communities and healthy lifestyles.*
    (d) *Respect heritage while building for the future.*
    (e) *Achieve and promote design excellence.*

Clause 11.04-5 – Environment and water

55. The objective of this clause is '*To protect natural assets and better plan our water, energy and waste management systems to create a sustainable city*'.

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

56. The objective of this clause is '*To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely*'.

Clause 13.04-1 – Noise abatement

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

Clause 15.01-1 – Urban Design

58. 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

59. The objective of this clause is '*To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties*'. The strategy of this clause is to apply 11 design strategies. Planning must also consider (as relevant) the 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.

Clause 15.01-4 – Design for safety

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

Clause 15.01-5 – Cultural identity and neighbourhood character

61. 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

62. 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

63. The objective of this clause is '*To ensure the conservation of places of heritage significance*'.

Clause 16.01-1 – Integrated housing

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

Clause 16.01-2 – Location of residential development

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

Clause 16.01-3 – Strategic redevelopment sites

66. The objective of this clause is '*To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne*'. The relevant strategies are to:
    (a) *Identify strategic redevelopment sites that are:*
        (i) *In and around Central Activities Districts.*
        (ii) *In or within easy walking distance of Principal or Major Activity Centres.*
        (iii) *In or beside Neighbourhood Activity Centres that are served by public transport.*
        (iv) *On or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres.*
        (v) *In or near major modal public transport interchanges that are not in Principal or Major Activity Centres.*
        (vi) *Able to provide 10 or more dwelling units, close to activity centres and well served by public transport.*

Clause 16.01-4 – Housing diversity

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

Clause 16.01-5 – Housing affordability

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

Clause 17.01-1 – Business

69. 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*'.

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Clause 18.01-1 – Land use and transport planning

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

Clause 18.02-1 – Sustainable personal transport

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

Clause 18.02-2 – Cycling

72. The objective of this clause is '*To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel*'.

Clause 18.02-5 – Car parking

73. It is an objective '*To ensure an adequate supply of car parking that is appropriately designed and located*'. This clause includes the following relevant strategies to achieve this objective:
    (a) *Encourage the efficient provision of car parking through the consolidation of car parking facilities.*
    (b) *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.*
    (c) *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.*
    (d) *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

74. In the City of Yarra in 2020 (as relevant):
    Land Use
    (a) *Yarra will have increased opportunities for employment*
    (b) *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne*
    Transport
    (a) *Local streets will be dominated by walkers and cyclists*
    (b) *Most people will walk, cycle and use public transport for the journey to work*

Clause 21.04-1 – Accommodation and housing

75. The following is offered in this clause:
    (a) *Yarra is experiencing consistent residential growth. The Metropolitan Strategy, Melbourne 2030, identifies that this trend will continue.*

(b) *Yarra will continue to accommodate its share of the housing growth of the inner Melbourne Metropolitan region (comprising the Cities of Melbourne, Port Phillip, Stonnington and Yarra). However, in order to protect valued character, and particularly its heritage places, the majority of new development will be accommodated on strategic redevelopment sites. These sites are generally located in, abutting, or close to activity centres, or in locations that offer good access to services and transport as required under Melbourne 2030. Other areas such as those in Mixed Use or Business zones will accommodate some population growth, while most established Residential 1 zones are stable and will experience minimal change.*

76. The relevant objectives and standards of this clause are:
    (a) *Objective 1 To accommodate forecast increases in population.*
        (i) *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08.*
        (ii) *Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.*
        (iii) *Strategy 1.3 Support residual population increases in established neighbourhoods.*
    (b) *Objective 2 To retain a diverse population and household structure.*
    (c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*
        (i) *Strategy 3.1 Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.*
        (ii) *Strategy 3.2 Apply the Interface Uses policy at clause 22.05.*

Clause 21.04-2 – Activity Centres

77. The site is approximately 123m to the north-east of the Brunswick Street Activity Centre [**AC**].

78. 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.*
    (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

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

Clause 21.05-1 – Heritage

80. The relevant objectives and strategies of this clause are:
    (a) *Objective 14 To protect and enhance Yarra's heritage places.*
        (i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
        (ii) *Strategy 14.2 Support the restoration of heritage places.*
        (iii) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
        (iv) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
        (v) *Strategy 14.5 Protect the significant landscape and heritage within streets, parks, gardens, waterways or other open spaces.*

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

81. The relevant objectives and strategies of this clause are:
    (a) *Objective 16 To reinforce the existing urban framework of Yarra.*
        (i) *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
    (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
        (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
            - *Significant upper level setbacks*
            - *Architectural design excellence*
            - *Best practice environmental sustainability objectives in design and construction*
            - *High quality restoration and adaptive re-use of heritage buildings*
            - *Positive contribution to the enhancement of the public domain*
            - *Provision of affordable housing.*
    (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
        (i) *Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*
    (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
        (i) *Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
        (ii) *Strategy 20.2 Require development of Strategic Redevelopment Sites to take into account the opportunities for development on adjoining land.*
        (iii) *Strategy 20.4 Apply the Built Form and Design policy at clause 22.10.*
    (e) *Objective 22 To encourage the provision of universal access in new development.*
        (i) *Strategy 22.1 Encourage applicants to take into account the access needs of all people in the design of new buildings.*

Clause 21.05-3 – Built form character

82. New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity. Four Structural elements and thirteen built form character types have been identified for areas that are not covered by the Heritage Overlay. The subject site is within a 'Main Road' area. The relevant objectives of this clause are:

    General Objective
    (a) *Objective 23 To maintain and strengthen the identified character of each type of identified built form within Yarra.*
    Transport corridors
    (b) *Transport corridors offer a window into the City of Yarra seen by thousands of people every day. In Yarra many main roads double as centres of community and commercial activity, and are part of local community identity. In categorising main roads from a built form perspective it is logical to differentiate them by built form character, rather than traffic function.*
    (c) *Objective 26 To improve the built form character of transport corridors.*

(i) *Strategy 26.1 Reinforce the scale and formality of the landscape along boulevards.*
(ii) *Strategy 26.2 Maintain the dominance of the avenue trees over built form along boulevards.*

Clause 21.05-4 – Public environment

83. 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 28.8 Encourage public art in new development.*

Clause 21.06 – Transport

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

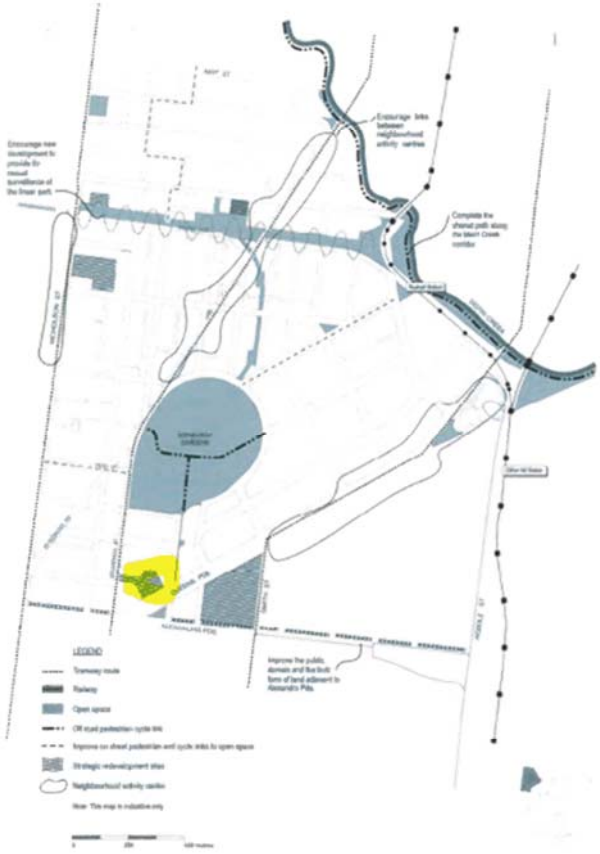
Clause 21.08-8 – North Fitzroy

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

86. The site is identified as a strategic redevelopment site on page 29:

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FIGURE 19: NEIGHBOURHOOD MAP: NORTH FITZROY



87. Of these identified sites, the policy also has an aim of:
    (a) *Encouraging the redevelopment of the following sites in a way that contributes positively to the urban fabric and public domain of Yarra, and where subject to the Heritage Overlay, protects the heritage of the site and of the area:*

Relevant Local Policies

Clause 22.02 – Development guidelines for sites subject to the heritage overlay

88. This policy applies to all land within a Heritage Overlay (north-west segment of the site in this instance).

89. The relevant objectives of this clause are:
    (a) *To conserve Yarra's natural and cultural heritage.*
    (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
    (c) *To retain significant view lines to, and vistas of, heritage places.*
    (d) *To preserve the scale and pattern of streetscapes in heritage places.*
    (e) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*
    (f) *To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.*

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(g) *To ensure that additions and new works to a heritage place respect the significance of the place.*
(h) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

90. In relation to part demolition, the following is offered at clause 22.02-5.1 of the Scheme:
(a) *Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.*
(b) *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.*

91. Under clause 22.02-5.7. of the Scheme, the following is offered in relation to new development, alterations and additions:

(a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
(i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
(ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
(iii) *Be visually recessive and not dominate the heritage place.*
(iv) *Be distinguishable from the original historic fabric.*
(v) *Not remove, cover, damage or change original historic fabric.*
(vi) *Not obscure views of principle façades.*
(vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
(b) *Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.*
(c) *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*
(d) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

92. Clause 22.02-5.7.2 of the Scheme offers more specific requirements (as relevant):

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

Industrial, Commercial and Retail Heritage Place or Contributory Elements
(c) *Encourage new upper level additions and works to:*
(i) *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.*

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(ii) *Incorporate treatments which make them less apparent.*

Ancillaries and Services

(d) *Encourage ancillaries or services in new development to be concealed or incorporated into the design of the building.*

(e) *Encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.*

Clause 22.05 – Interface uses policy

93. This policy applies to applications for use or development within Business Zones (albeit now 'commercial zones' amongst others). The relevant objectives of this clause are:
    (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*
    (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

94. At clause 22.05-3 it is policy that:
    (a) *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*
    (b) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

Clause 22.07 – Development abutting laneways

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

Clause 22.09 – Licenced premises

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

Clause 22.10 – Built form and design policy

97. The policy applies to all new development not included in a Heritage Overlay (noting that the eastern section of the site is not within a Heritage Overlay). Clause 22.10-3.1 does not apply to residential development. The objectives of this clause are:
    (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*

(b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
(c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
(d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
(e) *Create a positive interface between the private domain and public spaces.*
(f) *Encourage environmentally sustainable development.*

Clause 22.12 – Public open space contribution

98. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision. The relevant objectives of this clause are:
    (a) *To implement the Yarra Open Space Strategy.*
    (b) *To identify when and where land contributions for public open space are preferred over cash contributions.*
    (c) *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*

99. The site is located in an area where land in lieu of cash is the preferred method of contribution. However, as the site is only 2,356m² (including the central lane on the road register), the site does not meet the selection criteria in that the land to be contributed should be approximately 300m². Should the site be subdivided, a cash contribution would be required.

Clause 22.16 – Stormwater management (water sensitive urban design)

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

Clause 22.17 – Environmentally sustainable development

101. The most relevant objective of this clause is '*…that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation*'.

102. This policy includes 7 categories in which to assess ESD outcomes. An application of this scale requires the Applicant to submit a Sustainable Management Plan, prepared by a suitably qualified expert. This Applicant has done this.

Better Apartments Design Standards

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

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Advertising

104. The original planning permit application application was advertised by way of 914 letters sent to surrounding property owners and occupiers and by way of 2 signs on the Queens Parade frontage of the site. A total of 480 objections were received on the following grounds:
   (a) overdevelopment;
   (b) density of apartments is too high;
   (c) this would create an unreasonable precedent;
   (d) non-compliance with the Yarra Planning Scheme and the Mixed Use Zone;
   (e) height (this would be similar to the Housing Commission flat construction)
   (f) upper level setbacks are inadequate
   (g) design detail does not complement the area (including use of materials and fine grain subdivision) and the building would not age well
   (h) this is just for the developer to make a profit;
   (i) poor quality design (services, BBQs, AC units and clothes lines will be visible on balconies)
   (j) this will destroy the 'community';
   (k) use of landscaping is 'laughable' and no maintenance details are provided;
   (l) impact on heritage (subject site, nearby 1 and 2 storey terraces, Queens Parade, Coleman Street and Napier Street);
   (m) proposed facadism and impact on heritage of the site;
   (n) neighbourhood character (other apartment buildings in the area are 3-6 storeys, looks like 'Docklands');
   (o) insufficient dwelling diversity (too many 1 and 2 bedroom dwellings, not enough 'family' homes and there will be too many singles);
   (p) apartments are too small;
   (q) the draft Better Apartment Guide should be considered;
   (r) impact on the Edinburgh Gardens;
   (s) off-site amenity (daylight, noise [people, parties/people on balconies, cars, communal areas, licenced premises], light pollution, overlooking/privacy, overshadowing [private open space areas and the public realm], visual bulk, obstruct sky and city views, wind tunnel);
   (t) poor on-site amenity (long internal corridors, poor sun shading, poor apartment layouts);
   (u) there will be more robberies;
   (v) construction could impact Fitzroy Gasworks underground contamination plume;
   (w) insufficient car parking (the area is already constrained, difficult for guests/visitors to park);
   (x) impact on cyclist and pedestrian safety (including the Napier St/Queens Pde bicycle crossing);
   (y) traffic impacts;
   (z) impact on views from Edinburgh Gardens, Bill Peterson Oval and Brunswick Street oval to the city;
   (aa) the development would achieve a poor ESD standard;
   (bb) asbestos;
   (cc) footprint/site coverage is too high, needs more open space around it;
   (dd) structural impact on nearby dwellings;
   (ee) increased pressure on infrastructure (including public transport, phone, internet, gyms, pools, libraries, GPs and schools);
   (ff) commercial (including licenced) venues should not be approved away from main streets (including Brunswick and Smith Streets);
   (gg) construction impacts (noise, traffic, dust and pollution);
   (hh) it will upset the dogs in the area;
   (ii) no concern for health, safety or DDA;
   (jj) property devaluation;
   (kk) rear lane should not be used to access Brunswick Street front the site;

(ll) social housing should be included; and
(mm) perspectives have not been provided from the north or Edinburgh Gardens.

105. To date, 298 parties have lodged statement of grounds with VCAT.

Referrals

106. The application was originally required to be referred to PTV (clause 52.36 of the Scheme) under Section 55 of the *Planning and Environment Act* 1987 **[the Act]**. The original application plans were also referred to the following:

Appendix 1.	Council's Urban Design Unit
Appendix 2.	Council's Heritage Advisor
Appendix 3.	External Acoustic Consultant (SLR)
Appendix 4.	Council's Engineering Services Unit
Appendix 5.	External Traffic Consultant (Traffix Group)
Appendix 6.	Council's ESD Advisor
Appendix 7.	Council's Strategic Transport Unit
Appendix 8.	Council's Services Contracts Unit
Appendix 9.	Wind Consultant (MEL Consultants)
Appendix 10.	Council's Open Space Unit
Appendix 11.	Council's Community Amenity Unit

107. Their advice is contained as appendices to the original DAP report (attached to this report).

108. The substituted plans were also referred to all of the above, excluding the external urban design consultant. The advice based on the substituted plans is contained as attachments to this report.

Assessment

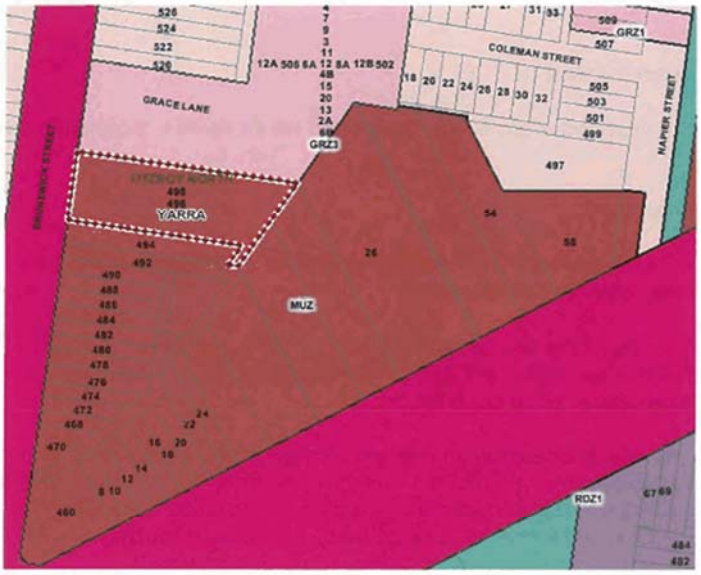
109. The primary considerations for this application remain as follows:
(a) strategic policy;
(b) urban design (including heritage);
(c) food and drink premises use;
(d) use of the land for the sale and consumption of liquor;
(e) on-site amenity;
(f) off-site amenity;
(g) environmental sustainability;
(h) traffic and car parking (including alteration to access to a road in a Road Zone);
(i) bicycle parking;
(j) loading bay waiver;
(k) waste management;
(l) Objector concerns; and
(m) compliance with proposed interim DDO.

110. This assessment will be structured around each of these categories, commencing with a position statement based on the original plans. Any new matters or matters that change the original officer position will then be outlined.

Strategic policy

111. The original assessment generally supported increased residential density in this location, referring to the MUZ, State and Local Policies (in particular, clause 21.05-2). However, it was identified that the Scheme does not give specific guidance on mandatory or preferred maximum heights in this location.

112. This site has a number of policy and physical factors that constrain development, these include:
   (a) the Heritage Overlay (surrounding heritage building stock and buildings on the subject site);
   (b) the primarily 1-2 storey dwellings to the immediate west and north of the site (noting there are also 4-6 storey apartment buildings to the north-west and east); and
   (c) boarding zones include the Mixed Use Zone, General Residential Zone 3 and Neighbourhood Residential Zone 1. The interfaces with the site are complex and introduce varying degrees of sensitivity or amenity expectations for neighbours.



113. The original officer strategic policy review concluded that:

   Whilst the site is generally well suited for a high density residential development, the proposal has failed to adequately consider off-site amenity, on-site amenity, equitable development and general urban design principles with regard to the height, setbacks and massing of the proposal. These issues are outlined in the following assessment.

114. For the reasons outlined in this report, whilst a range of on and off-site amenity and equitable development issues have been partially addressed by the substituted plans, the application still fails to provide an appropriate height and massing response in its policy and physical context. The proposal would continue to result in unreasonable on and off-site amenity outcomes (including daylight and outlook) and an unreasonable urban design outcome (height transition and design response) in the streetscape.

Food and drinks premises use

115. The substituted plans do not significantly impact the proposed use or layout of the food and drinks premises.

116. Officer's maintain that the proposed food and drinks premises would be acceptable, subject to the conditions recommended in the previous DAP report.

Use of the land for the sale and consumption of liquor

117. Again, the substituted plans do not impact the sale and consumption of liquor component of the application.

118. Officer's therefore maintain the position established in the original DAP report, that subject to conditions, the proposed sale and consumption of liquor (on and off-premises) associated with a café and food and drinks premises (cafe)/shop would not unreasonably impact the amenity of the area.

Urban design

Site Analysis Plan and context

119. The Applicant provided a site analysis plan and urban context report with the initial application.

Urban form and character

120. The original DAP report 'set the scene' in which the application was to be assessed from an urban form and character perspective:

> *The policy context of the site has already been outlined, being a MUZ where housing is to be provided at higher densities, yet also needs to respond to the existing or preferred neighbourhood character of the area.*
>
> *Physically, the site is located in an area dominated by 1-2 storey built forms, along with newer 3-6 storey residential buildings. In the absence of detailed preferred neighbourhood character guidance in the Scheme, each application must be considered on its merits and in its context, with regard to the full suite of policy guidance (including on and off site amenity and ESD, for which assessments are offered later in this report).*
>
> *Many applications at Yarra are guided by Council's Local Policy at clause 21.05-2, which states that developments on SRSs should not exceed 5-6 storeys unless a number of benefits can be met (although the list is not exhaustive). This is evident in the 3-6 storey residential buildings recently constructed within close proximity of the site.*
>
> *By way of contrast, sites in the Municipalities' ACs have recently been around the 10-12 storey mark (including the Thomas Dux site at 153 Bridge Road), relying on the public realm benefits outlined at clause 21.05-2 of the Scheme and the state policy in regard to higher residential densities in ACs.*
>
> *This site is nominated in clause 21.08 of the Scheme as a Strategic Redevelopment site. That does not automatically allow developments above the 5-6 storey mark. That classification and the 8,023m² size of the site of the does suggest that a development above this mark could be possible, even though the site is not within an AC.*
>
> *Constraints imposed on the site however, are the Heritage Overlay and the adjoining 1-2 storey building stock, along with a number of habitable room windows and private open space areas adjoining or adjacent to the site. These sensitive interfaces will be addressed later in this report, however this built form assessment will incorporate heritage considerations.*
>
> *Heritage Policy at clause 22.02-5.7.2 (industrial, commercial and retail heritage place or contributory elements) states that it is policy to:*
>
> - *Encourage new upper level additions and works to:*

- *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.*
- *Incorporate treatments which make them less apparent.*

The DSE Higher Density Guidelines offer the following design suggestion, however specific guidance is not offered:

> *DESIGN SUGGESTION 2.2.2: SET BACK UPPER LEVELS OF TALL BUILDINGS OR USE A PODIUM AND TOWER FORM TO HELP CREATE A PEDESTRIAN SCALE AT STREET LEVEL.*

There are a number of factors at play in this regard, which must be carefully balanced.

Height and setbacks

121. As per the original assessment, the height and setback from the west, north-west, north-east and eastern boundaries will be considered in detail in the later 'off-site amenity' assessment. However, this section will focus on the height and setbacks from Queens Parade and those further afield.

122. The substituted plans have reduced the proposal from a maximum 16 to 12 storeys. Again, whilst the site is well positioned in terms of being a nominated SRS and within close proximity to an AC, this proposal must be assessed in its own built form context.

123. The original Hansen advice was that while a 16 storey building may be appropriate, the massing of the proposal was not site responsive. In particular, criticisms were made of the stepped 'wedding cake' approach, the absence of clear towers to break the upper levels or provide visual relief and that the layout with a central courtyard pushed the built form to sensitive interfaces.

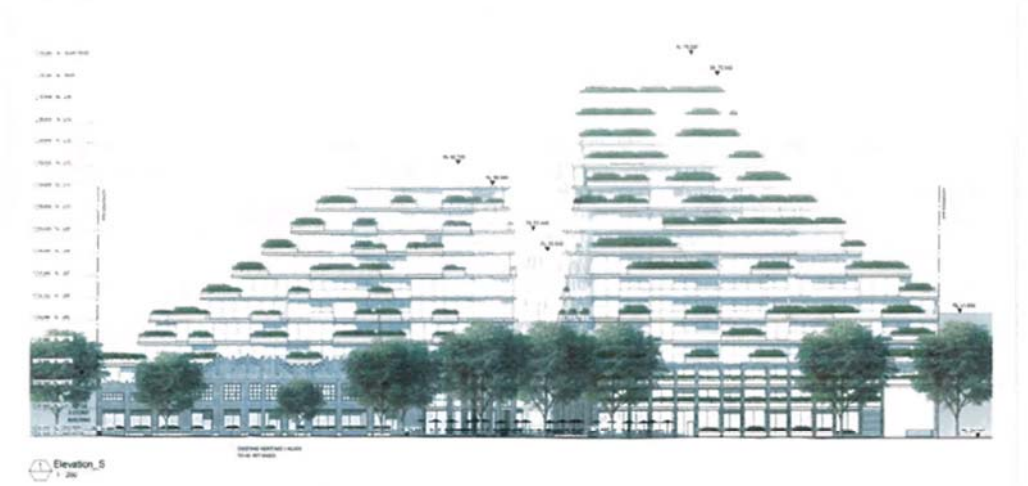
124. The substituted plans continue to adopt a similar 'wedding cake' approach with a central courtyard but has removed the rotating form of the upper levels exacerbating the 'wedding cake' appearance of the proposed building.. Whilst the lowered height and increased side boundary setbacks have improved the appearance and off-site impact of the proposal, the design remains unacceptable. At 12 storeys to Queens Parade, the proposal still fails to provide an appropriate transition down to the primarily 1 and 2 storey Victorian era terraces west of the site, with the western 'tower' segment remaining at 11 storeys, as per the original plans.

125. The reduction in the eastern tower height and the retention of the 11 storey western tower height only serves to increase the perceived bulk of the upper levels, which would appear more monolithic due to the similar heights now proposed.

126. In the absence of perspectives for the substituted plans, the southern elevations will need to be analysed to consider the streetscape impacts.

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Original plans



Substituted plans



127. As can be seen, whilst the 'peak' element of the eastern tower has been removed, the east and west segments continue to appear as a 'wedding cake', which is accentuated now with the amended plans and continues to be at odds with the building heights on surrounding sites and those proposed.

128. Reviewing the above, the design continues to introduce a solid width of 'tower' forms to Queens Parade, with only a minimum 9.2m central separation, which would not be appreciated for the majority of the oblique vantage points along Queens Parade by an observer (be it a cyclist, driver or pedestrian).

129. Again, these issues are not rooted in heritage concerns, but rather remain urban design issues.

130. Council's Heritage Advisor again, raised no issue with the building height or form from a heritage perspective. However, Council's Urban Design Unit offered the following:

    (a) *The overall height and massing of the development is excessive and does not relate to its surrounding environment, would visually impact the boulevard trees along Queens Parade and cause extensive overshadowing of Queens Parade and the surrounding area.*

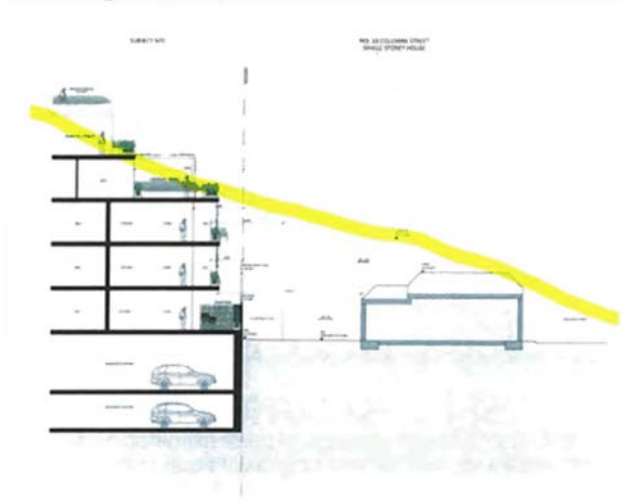
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(b) *The accentuated terraced style of the building and minimal building separation makes the building appear monolithic in its surroundings.*
(c) *The façade design and materials/detailing is very repetitive makes the overall mass and bulk of the building appear even more prominent.*

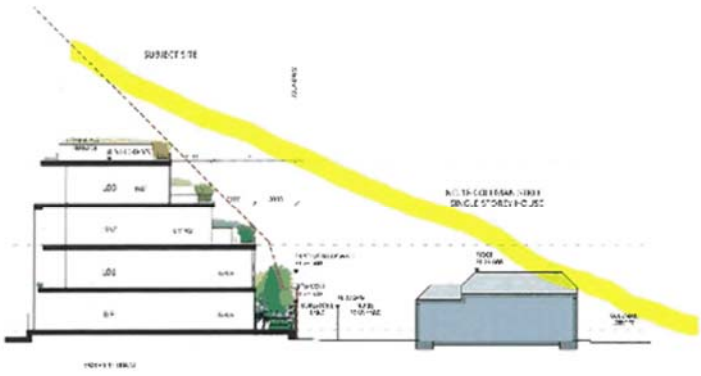
131. Again, the proposal must also be considered from the northern residential hinterland.

132. Comparing the original and the substituted plans, it is evident that the reduced height and increased setbacks have reduced the impact of the proposal from the north.

Original Plans



Substituted Plans



133. This is a rather crude method of assessing the impact to the north or from Coleman Street, however it appears that the northern segment of the development may now be acceptable from a streetscape perspective to the north.

134. Officer's note that it is difficult to assess the impact of the proposal in the absence of perspectives from the north. In particular, the impact of the 11 and 12 storey forms.

135. Again, whilst officer's do not raise issue with the impact on more distant views (e.g. Edinborough Gardens), it may appear that the mid-range views from Newry Street and

potentially Freeman Street may still be unacceptable when viewed from the primarily 1-2 storey built form context or residential hinterland to the north.

136. In its current form, officers still cannot support the height or setbacks of this proposal.

Demolition

137. The only issue raised in the original assessment in regard to demolition was that Council's Heritage Advisor requested the eastern wall of the retained Art Deco building segment be retained (within the proposed western café). This has been achieved in the new plans, with a notation confirming the wall would be reconstructed in 'face brick'. However, should a permit issue, a condition should confirm this would be constructed in recycled brick to match the façade or which are typical to the era of construction.

138. In terms of demolition, the western saw-toothed wall was going to be leveled with the removal of the top of the saw-toothed profile. However, through negotiations with neighbors, this wall would be retained as-is. With less demolition proposed, the proposed demolition works remain appropriate in a heritage context and would not adversely affect the heritage significance of the place, remaining in accordance with the Heritage Overlay and clause 22.02 of the Scheme.

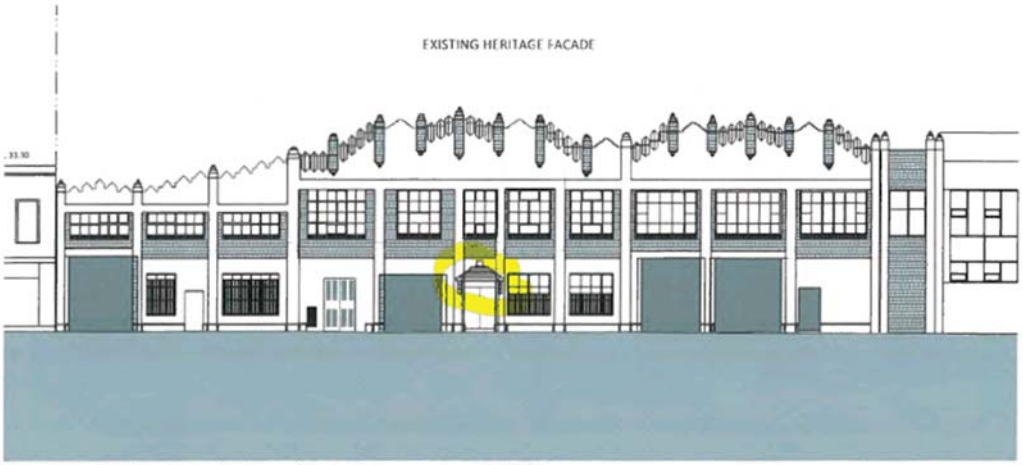
139. Further to the above, Council's Heritage Advisor also suggested the following:

    (a) *remove painting over the brick façade by an approved contractor who should provide methodology and a materials schedule (suggesting a low-pressure water and chemical or a poultice system is used);*

140. The above is supported by clause 22.02-5.4, in that the removal of paint from previously unpainted surfaces is supported. This can be imposed by way of a permit condition, should a permit issue.

    (b) *clarify if the proposed façade treatment (e.g. lower level and canopy) is the same as originally proposed; and*

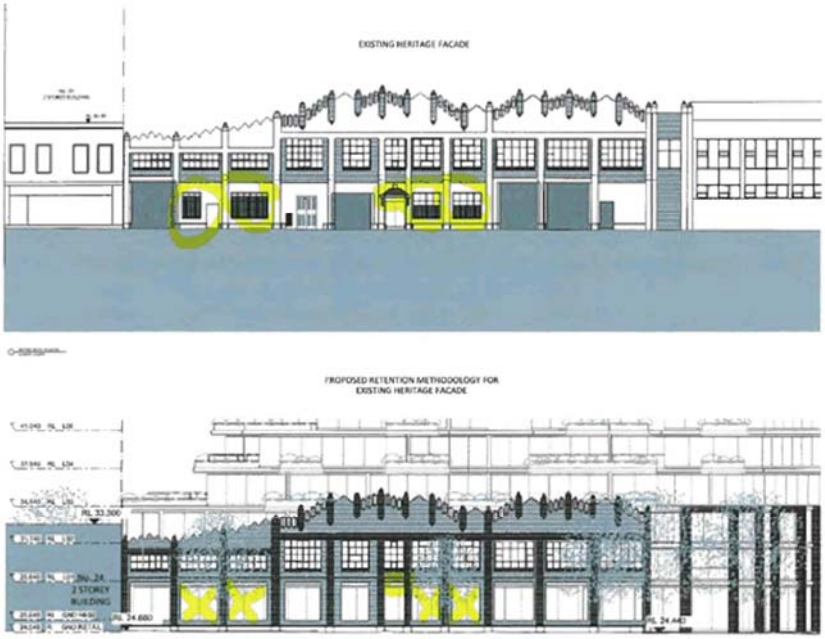
141. The façade treatment is as per the original plans, however a condition should require the retention of the front, central canopy.



Extract of substituted plans (drawing number A208).

(c) *request details of the framing and glazing to the façade windows, confirming that while the removal of roller doors is acceptable, existing façade wall panels should not be removed.*

142. Whilst the removal of the roller doors is acceptable, 4 of the existing windows should be retained to preserve the heritage fabric, or at least the window framing where balconies are proposed behind. The following marked elevations identify the elements which should be retained to ensure the significance of the heritage place is not unreasonably impacted. This could be addressed by way of a permit condition, should a permit issue.



Extract of substituted plans (drawing number A208)

Light and shade

143. Council's Urban Design Unit and Open Space Unit have and continue to raise issue with the extent of overshadowing of the public realm. However, the original DAP report did not raise issue with the proposal. As the height of the building has been reduced, the following extract from the DAP report remains relevant:

Council's Urban Design Unit raised issue with the extent of overshadowing of public space. However, the shadow diagrams provided by the Applicant demonstrate that the southern footpath along Queens Parade would not be overshadowed at the equinox. There is a pocket park south of Queens Parade that also would not be overshadowed at the Equinox.

Whilst the northern footpath would be overshadowed throughout the day at the Equinox, the existing buildings on the site already shadow a large portion. Whilst a segment at the eastern end would experience additional shadow, this is due to the podium, which is considered to be a positive urban design approach, holding the street frontage at the eastern end of the site. This outcome is therefore acceptable.

Street, public space and safety

144. The street presentation and impact on the public realm is still generally considered to be positive, however the following issues continue to be identified:

(a) the basement garage door should be better integrated into the building design. The design of the door could be addressed by way of a permit condition, should a permit issue; and
(b) the food and drink premises/shop entrance door be relocated further south of the planter to improve access (it currently reads as a drafting error as the door appears to enter into the garden bed). Should a permit issue, this could be addressed by way of a permit condition to improve access to this tenancy, positively activating the public realm.

Wind

145. The original plans were forwarded to Vipac, an external wind consultant. Vipac raised no issue with the original application from a wind perspective. In fact, they suggested that the 2m high solid balustrades to various private balconies (as recommended by the Applicant's wind Expert []) was excessive and not necessary. Should a permit issue, an amended wind report should be required, with balcony balustrades lowered to 1 or 1.7m (if required for overlooking purposes), provided they would achieve acceptable wind conditions.

146. Vipac also reviewed the substituted plans and confirmed that '*The revised design would be expected to achieve an improved wind environment over the original design*'.

Landmarks, views and vistas

147. The original DAP report remains relevant on this assessment criteria:

The closest identified landmarks in the Scheme (clause 22.03) to the subject site is the spire of St Marks Church, approximately 643m to the north-east of the site on the south side of Queens Parade. Due to the distance of the site from this landmark and it's positioning on the other side of the street, the proposal would not unreasonably impact views to this landmark.

A number of objector's raised concern with the impact of the proposal on views from Edinburgh Gardens and towards the City. However, neither views are protected by the Scheme. The impact of building bulk in general however, is a relevant consideration and has been assessed in this report.

Site coverage/Permeability

148. The site coverage proposed and site permeability do not significantly change as a result of the substituted plans. Whilst this report identifies a number of built form issues with regards to on and off-site amenity, these do not necessarily derive from site coverage or permeability. Further, the rainwater tanks continue to be shown on the plans. The original SMP detailed compliance with MUSIC storm water tool/best practice targets. Should a permit issue, a condition should ensure that an amended SMP is provided, reflecting the amended plans but generally as per the original SMP so these commitments are maintained.

Architectural quality, colours and materials

149. Objective 5.6 of the DSE Guidelines is '*To promote buildings of high architectural quality and visual interest*'.

150. The initial external urban design advice was that '*The freeform building typology with an expanse of clear glazing makes the building difficult to 'read' and therefore appear out of context. The inclusion of some dark materials, especially at the lower levels, will assist in anchoring the building to the site and surrounding context*'. The amended plans have not

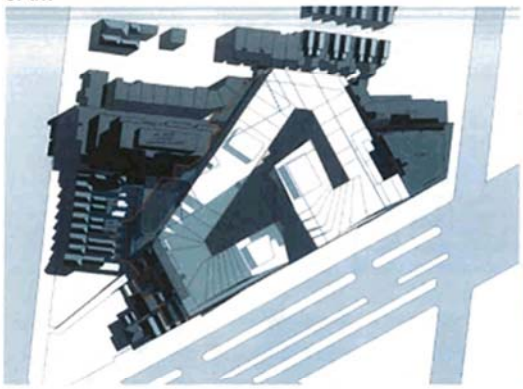
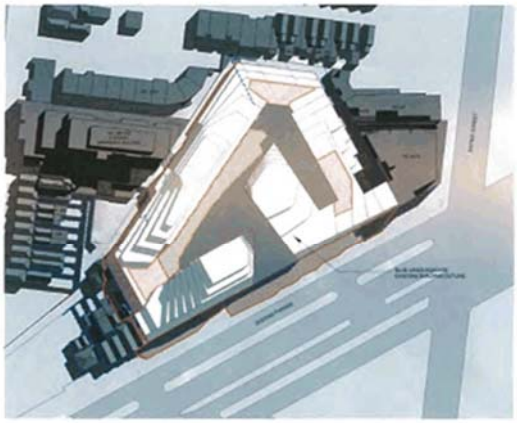
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improved the upper level design treatment, rather the amendments have 'simplified' and flattened the design detailing and massing of the upper levels of the proposal which further exacerbates the incongruous design response selected for the site.

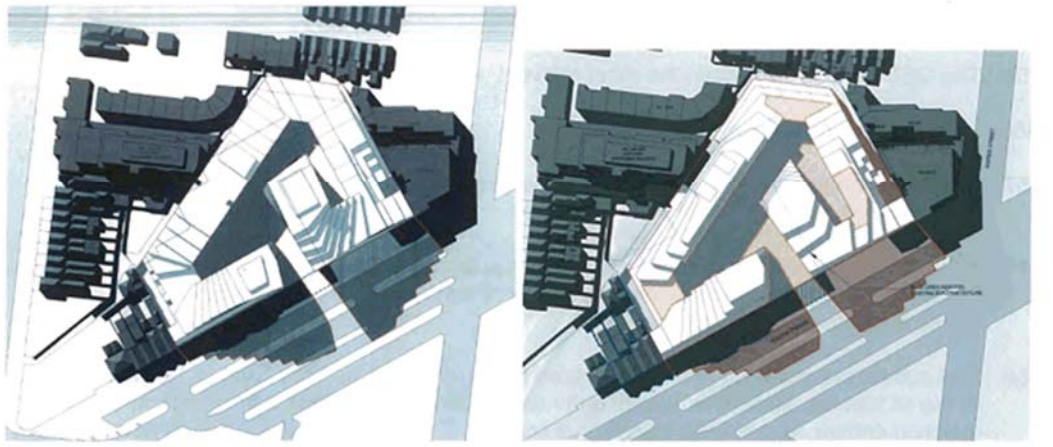
Landscaping

151. Council's Urban Design Unit and Open Space Unit raised issue with the proposed landscaping, of which a number of issues could be addressed by way of permit conditions.

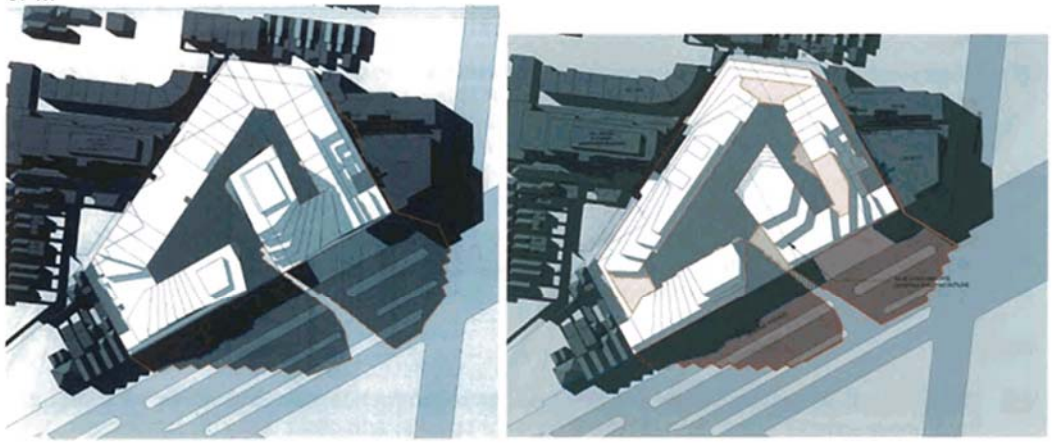
152. Concerns were also originally raised regarding the extent of overshadowing of the central open space area.

Original proposal	**Substituted plans**
9AM	
	
10AM	
	
11AM	

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3PM



153. However, given the proposal includes 3 upper level communal terraces (levels 3, 4 and 9) and a larger area of the ground level communal courtyard would receive direct sunlight, this is considered to tip the balance and now be acceptable.

154. The original officer assessment of the impact of the proposal on the street trees on Queens Parade is also maintained. Whilst the amended plans introduce a wider shadow across the road reserve, the length of shadows has been reduced due to the reduction in building height. The impact on the street trees is therefore considered to be acceptable given that they would not be fully shadowed at the Equinox by this development (excluding the northernmost row immediately adjacent to the development).

Service infrastructure

155. The substituted plans continue to adequately provide areas for services, letter boxes, pits and metres.

On-site amenity

156. The DSE Guidelines remain the most relevant when assessing on-site amenity.

Access, layout and circulation

157. The development would continue to provide a reasonable layout and circulation spaces for residents with a large central communal area.

158. Although there would be 5 lift cores, the unique layout of the development (primarily due to the triangular configuration of the land) ensures that residents and visitors alike would find the development easy to navigate.

159. The substituted plans have also increased the corridor widths from 1.4m to 1.6m and 2-2.1m at the lift lobbies. Minimum 100mm entry door recesses were also initially recommended for dwelling entries, to provide a transitional space and easy access along the corridors. This could be addressed by way of a permit condition, should a permit issue.

Overlooking

160. Objective 2.9 of the DSE Guidelines aims '*To maximise residential amenity through the provision of views and protection of privacy within the subject site and on neighbouring properties*'.

161. The plans are very difficult to read at A3 and it is difficult to assess overlooking. This is not considered to be fatal to this assessment and should a permit issue, a general internal and external overlooking conditions is recommended to ensure unreasonable views are not provided into habitable room windows or secluded private open space areas of dwellings adjacent to and within the development.

Noise

162. Clause 22.05-4.1 of the Scheme outlines design recommendations to protect new dwellings from unreasonable noise, fumes, vibration, light spillage and other likely disturbances.

163. Given the surrounding properties are all residential, the key considerations remain:
    (a) the commercial tenancies proposed;
    (b) traffic noise; and
    (c) the ancillaries, lifts and vehicular doors proposed as part of this development and
    (d) the impact of the proposed communal areas (including the theatre on the eastern boundary) should also be considered.

164. The substituted plans were re-referred to Council's external acoustic advisor (SLR). They confirmed that the extent of changes to the plans would not impact their original review. Provided a condition requires an amended acoustic report to address the following, the proposal would not unreasonably impact nearby dwellings and would achieve a reasonable level of on-site amenity:
    (a) interface between the commercial tenancies and the proposed dwellings;
    (b) interface between the dwellings to the east and the proposed driveway;
    (c) impact of the proposed communal areas on the dwellings on and off the site;
    (d) adoption of the internal dwelling targets outlined in the original DAP;
    (e) calculations to include road traffic noise predictions to the facades of the buildings (typically through a 3D noise model);
    (f) additional noise testing to address Council's external acoustic advisor's concern that the location and time of testing was not appropriate:
        (i) *noise levels during the afternoon peak hour and the loudest hour of the 'night' period (typically 6 am to 7 am for sites such as this one)*; and

(ii) *a daytime measurement should be conducted to assist in the assessment of the daytime average noise level to apartments unless an alternative approach to determining the daytime average is adopted. As indicated above, we recommend that the design of the façade ensure that the day and night average levels are no greater than 40 dBA Leq,15h and 35 dBA Leq,9h.*

165. These issues remain non-fatal to this assessment and could be addressed by way of permit conditions, should a permit issue.

Private and communal open space

166. The original assessment raised issue with balcony sizes, particularly as the communal open space area could be overshadowed throughout the day, failing to provide a reasonable supplementary space.

167. However, the supplementary plans afford each 1 and 2BR dwelling with a minimum 8m² balcony and the 3BR+ dwellings would be provided with minimum 12m² balconies. These balcony sizes are reasonable and supported. Whilst some of these balconies would not receive direct sunlight throughout the day, the improved sunlight to the central courtyard provides reasonable recreation opportunities in sunlight throughout the day.

Solar amenity, daylight and natural ventilation

168. The original DAP report raised issue with the daylight and ventilation to be afforded to dwellings. In particular, due to the massing and 'pinch points' across the development.

169. The amended plans have gone some way to improve daylight and ventilation concerns, however the proposal would still result in unreasonable levels of daylight for a significant proportion of dwellings.

170. Council's ESD Advisor stated that '*The proposed development does not have sufficient building separation within it's proposed built form to allow daylight to the future dwellings. Applicants should aim to meet BESS building separate as a guide, (http://www.bess.net.au/tool-notes/) or demonstrate the development meets our daylight factor standards using daylight modelling. No daylight modelling or additional information to demonstrate best practice has been submitted. My previous advice, therefore, still stands'.*

171. As a guide, BESS suggests that 9+ storey buildings should have minimum 18m separation from buildings within sites, where from living/main balcony outlooks (Indoor Environment Quality section, table 3). This application incorporates minimum 9m separations for a range of bedroom and living/main balcony outlooks. Without daylight modelling from the Applicant, this is a good indication as to the deficiency in daylight standards that would be afforded to these apartments (particularly the central or inward looking apartments within or adjacent to the 11 and 12 storey forms) at the lower levels.

Storage

172. The proposal continues to provide at least 1 store per dwelling (rather, 345 stores provided for 341 dwellings). Whilst the storage cages continue to be 3m³ to 6m³, this continues to be acceptable as the needs of residents in apartment style dwellings would be different to those in stand-alone dwellings (e.g. not needing storage for lawn mowers, etc.). The provision of at least 3m³ of storage per dwelling in this style of high density development was also supported by VCAT in *U1 Stanley Street Pty Ltd v Yarra CC* [2012] VCAT 1455, paragraph 92).

Internal circulation/way finding

173. The proposal does not raise concern with regard to internal circulation or wayfinding. The layout of the central courtyard would continue to ensure that wayfinding would be easy for residents and visitors.

Summary

174. The proposal has been poorly massed and would result in a poor level of natural daylight and for residents. Considering the substituted plans the proposed standard of amenity for a development on a reasonably unencumbered 8,028m² site is still unacceptable and is not supported.

Off-site amenity/Equitable development

175. Off-site amenity and equitable development remains a concern with this application.

176. Council's ESD Advisor's assessment of the substituted plans noted that:

The impact of the proposed development on the neighbouring dwellings, particularly to existing primary aspects from living rooms, remains a serious concern. As previously stated: Recommend: increase setbacks to boundaries where existing buildings are reliant on access to daylight & improve the access to daylight of proposed dwellings…Demonstrate that changes to the building design can meet a best practice standard through daylight modelling.

177. Objectives 2.5 and 2.6 of the DSE Guidelines are '*To ensure building separation supports private amenity and reinforces neighbourhood character' and 'To ensure areas can develop with an equitable access to outlook and sunlight*'.

178. The original DAP report referred to *Cremorne Corporation Pty Ltd v Yarra CC* [2008] VCAT 1202 (2 July 2008), where minimum 4.5m side boundary setbacks should be provided to afford equitable development across sites (obviously greater setbacks where taller buildings are proposed).

179. Each interface will again be considered in-turn, with an assessment against off-site amenity and/or equitable development, as relevant.

West

180. The original western interface assessment remains relevant. While the top of the west boundary saw-toothed wall is now proposed to be retained, this would not impact existing conditions experienced by adjacent residents and is supported.

To the west of the site is a row of 1-2 storey dwellings. The dwelling to the immediate west incorporates a first floor balcony.

The proposal would utilise the existing west boundary wall, albeit the saw-toothed elements on top would be removed. Beyond this, the proposal would incorporate a 3 storey, 11m boundary wall element, adjacent to the existing on-boundary wall to the west. These setbacks therefore do not raise off-site amenity concerns.

Shifting further north, west boundary setbacks would range from 4.6m to 7.2m at a height of 5 storeys. Where the proposal is adjacent to the rear private open space area of adjacent dwellings, the building 'opens up' to provide visual relief at level 3. Whilst the external urban design advice received by Council raised issue with the extent of overshadowing at 24 Queens Parade, the Applicant has prepared detailed shadow diagrams of this area, demonstrating that the additional shadowing impact at the September equinox would be

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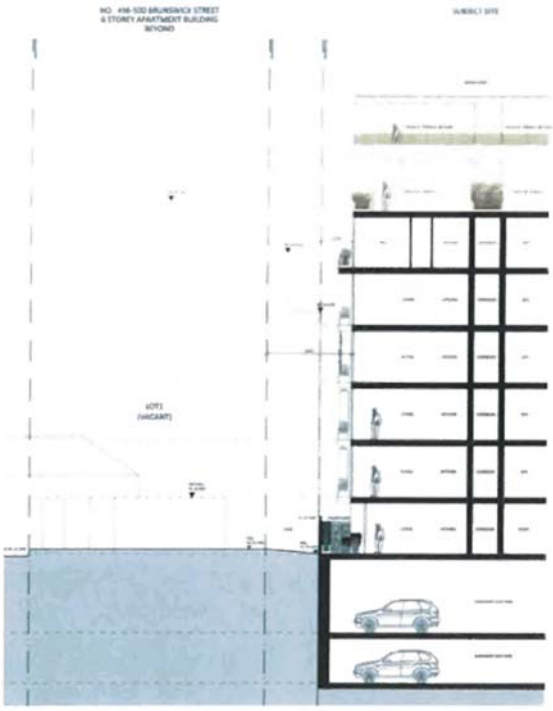
limited to before 9.30am. This impact is considered to be acceptable in this context and would not unreasonably impact the amenity of the dwellings to the east.

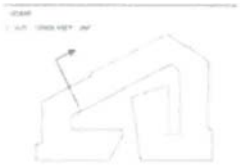
North-west (western end)

181. The original officer assessment did not raise any concern with this interface.

Original proposal



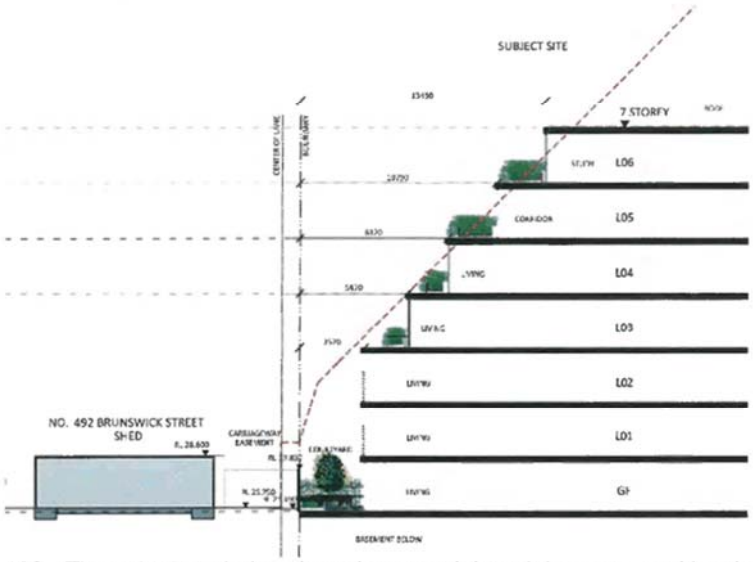




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Substituted plans



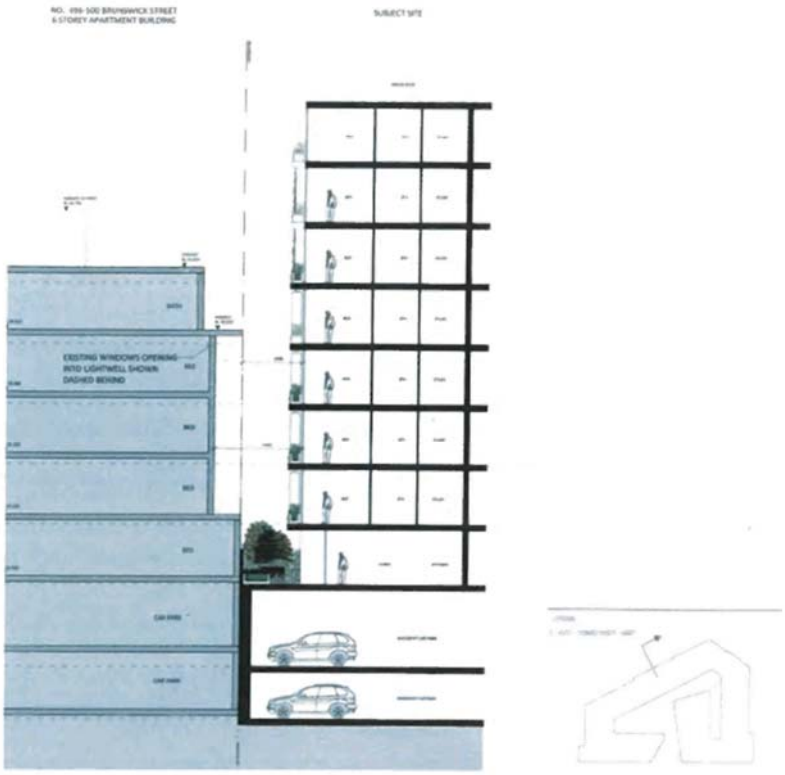
182. The substituted plans have increased the minimum ground level setback from 1.7m-2m to a minimum of 3m and stepped the built form from level 3 above, further improving this interface, albeit officers did not raise concern with this original massing.

North-west (central)

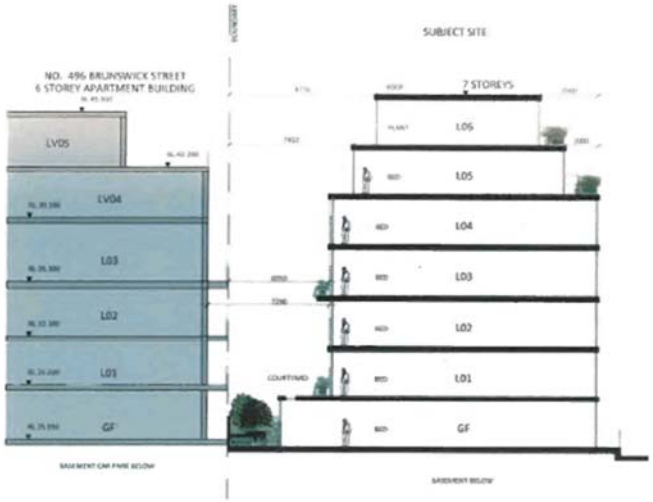
Original proposal



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Substituted plans



(Drawing number A315)

183. At this interface, adjacent to 496-500 Brunswick Street (Aquila), the proposal was found to result in unreasonable internal amenity outcomes by virtue of the minimum 2m setback. The proposal is now setback a minimum 3m from this interface, increasing to 6m at level 1 and above. This segment has also been reduced in height from 8 to 7 storeys.

184. The substituted plans have modified the ground floor layout of the proposed development orientating the living areas to the north-west and north-east of the Aquila development. This ensures that while the ground floor of the proposal is setback 3m from the boundary, the residents would enjoy a reasonable level of amenity.

185. Again, the adjacent living areas of the Aquila apartments are generally orientated to the north or south, ensuring that the siting of the proposal does not unreasonably impact daylight or the outlook afforded to these dwellings.

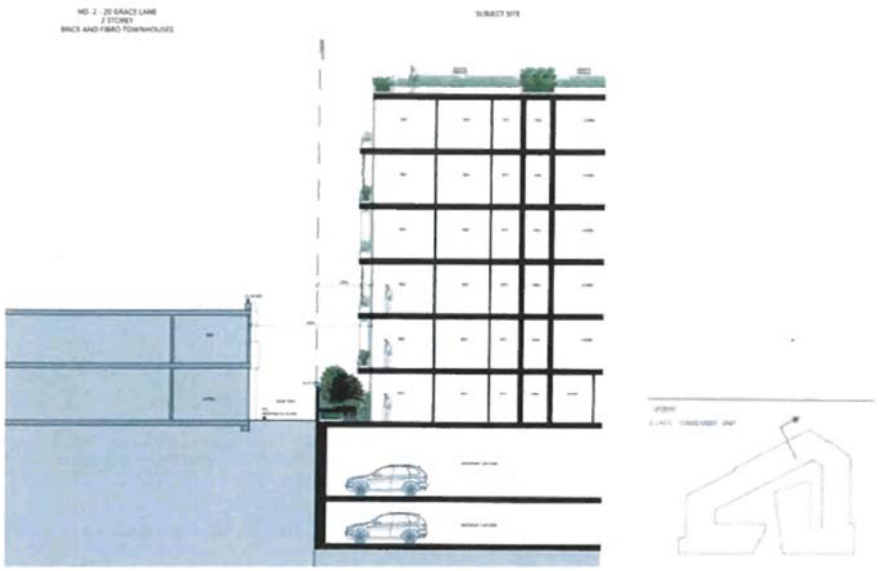
186. The reduced height, increased setbacks and internal reconfiguration of apartments is considered to result in a reasonable level of on and off-site amenity for residents.

North-west (eastern end)

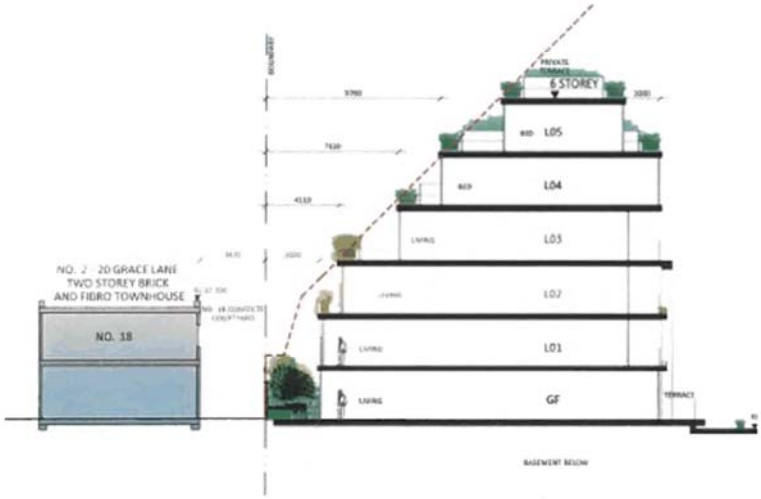
Original plans



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Substituted plans



Extract of drawing A314

187. This section of the proposal was originally 6 storeys, plus a roof deck, with setbacks of approximately 3.2m. The original officer assessment was that given this section is adjacent to a 2 storey block of townhouses with private open space areas on the boundary, the 3.2m setback for a 7 storey form (6 storeys plus a roof terrace) was not acceptable and would unreasonably impact the amenity of the adjoining dwellings by virtue of visual bulk.

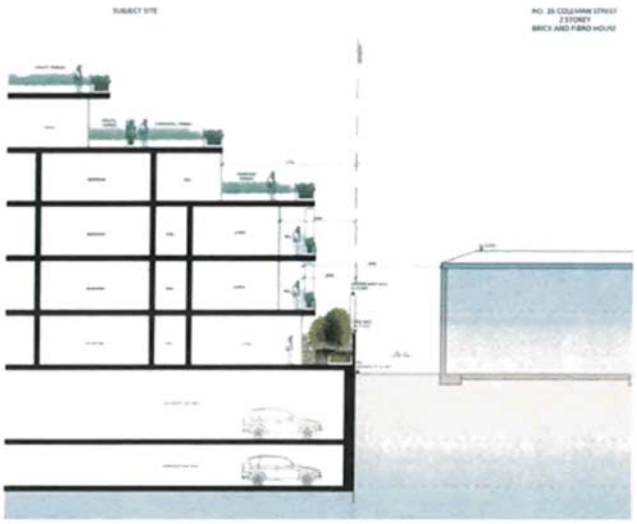
188. The substituted plans have a minimum ground and level 1 setback of 3m, however levels 2 and above are setback 4.1m, 7.4m and further, as guided by a 45 degree angle.

47

189. The substituted plans are considered to now appropriately respond to the 2 storey dwellings to the north along Grace Lane. These dwellings would now not be unreasonably impacted by virtue of visual bulk and could be reasonably developed in the future (equitable development opportunities) due to the reduced heights and increased setbacks.

North-east (direct abutting properties)





Superseded plans

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Extract of drawing A312

190. In this segment, the proposal was originally proposed as 5 storeys, with roof terraces beyond. The main building bulk was proposed as 3 storeys adjacent to this boundary however, with a setback of 3m. This type of setback was not acceptable given the adjacent sensitive interfaces, being a direct abuttal with private open space areas, with habitable room windows beyond. It was considered that this would result in an unacceptable level of visual bulk when viewed from these adjoining dwellings.

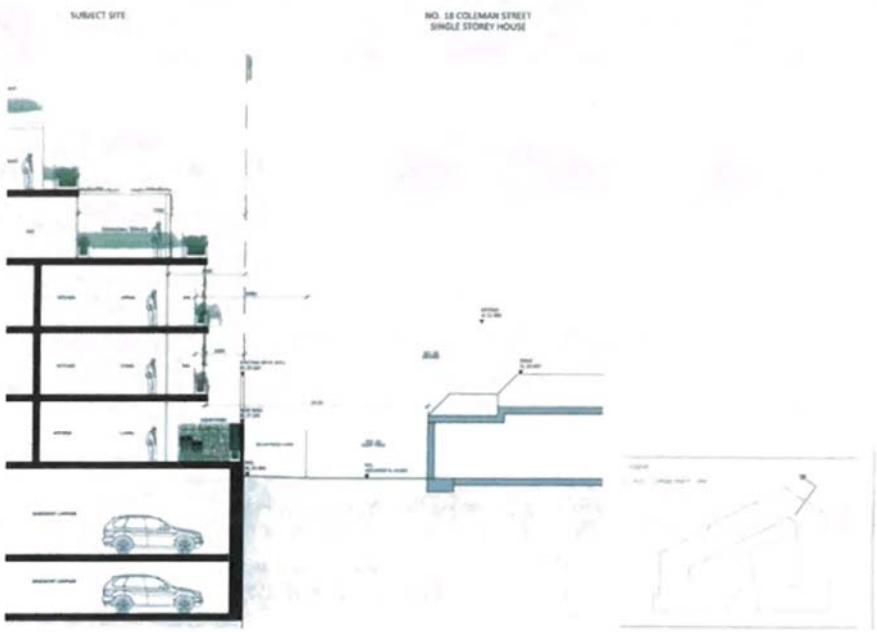
191. The superseded plans have reduced the interface of this section to 2 storeys, albeit maintaining a 3m minimum setback. However, the overall height of this section has been reduced to 4 storeys (plus a roof terrace), with levels 2-3 setback as per B17 of ResCode. The reduced height and increased setbacks from this boundary are therefore supported and would not result in unreasonable visual bulk when viewed from these dwellings.

North-east (properties separated by laneway)

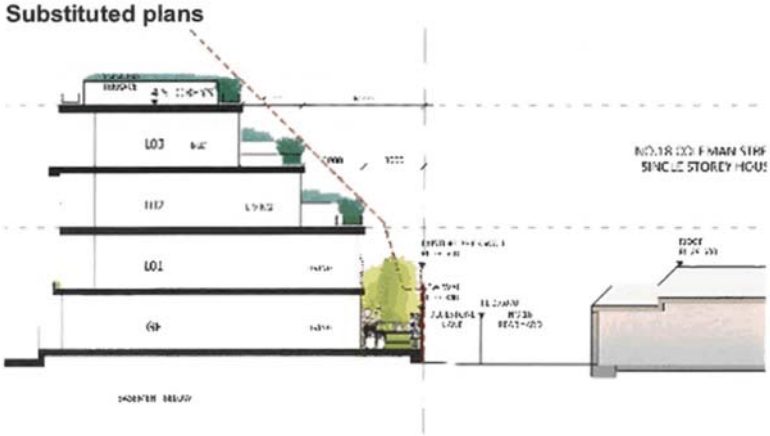
Original plans



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Substituted plans



Extract of drawing A310

192. Similar to the directly abutting properties in Coleman Street, the proposal is opposite more dwellings to the north-east, albeit these dwellings are separated by a 2.5 laneway. Whilst this would provide some additional relief, the original proposal was still considered to be an inadequate setback from these adjacent dwellings. Again, it is noted that these dwellings are within Neighbourhood Residential 1 Zone, where the purpose is to identify areas of predominantly 1 and 2 storey residential development. Whilst this does not apply to the subject site, it does give an indication of the level of amenity expected to be afforded to these residents.

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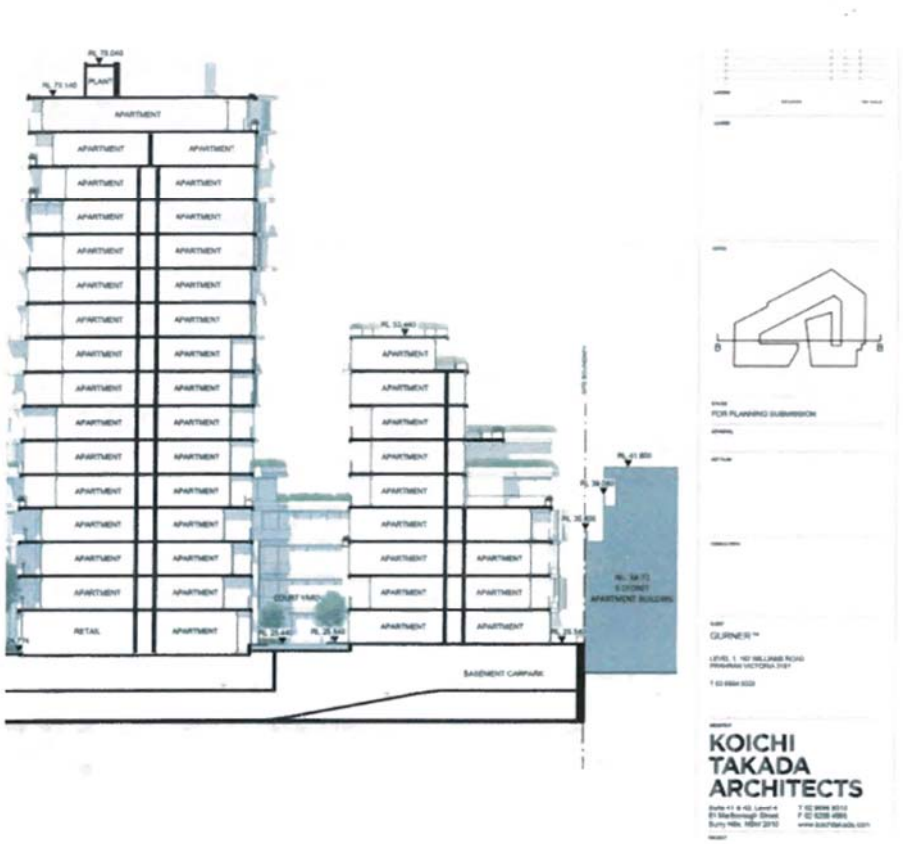
193. The substituted plans have reduced the height of this interface to 2 storeys, at a setback of 3m from the boundary. A storey has been removed, with levels 2 and 3 setback as per B17. Again, this is considered to be a sufficient height reduction and setback increase to afford a reasonable level of amenity for residents in the adjacent NRZ1.

East

Original Plans

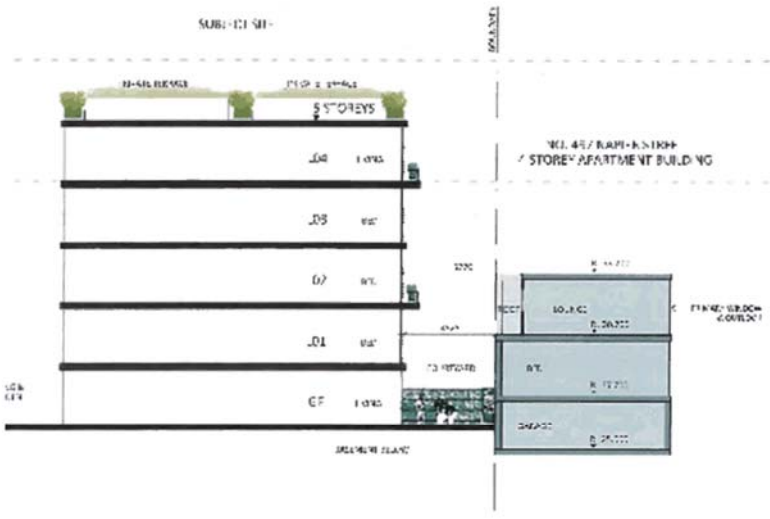


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Substituted Plans

Interface with 497 Napier Street apartment building #1

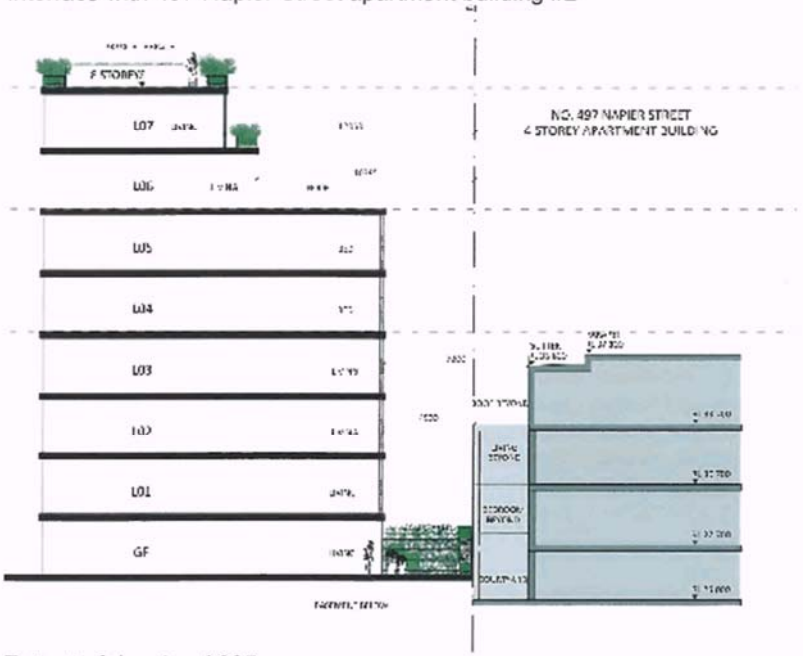


Extract of drawing A306

52

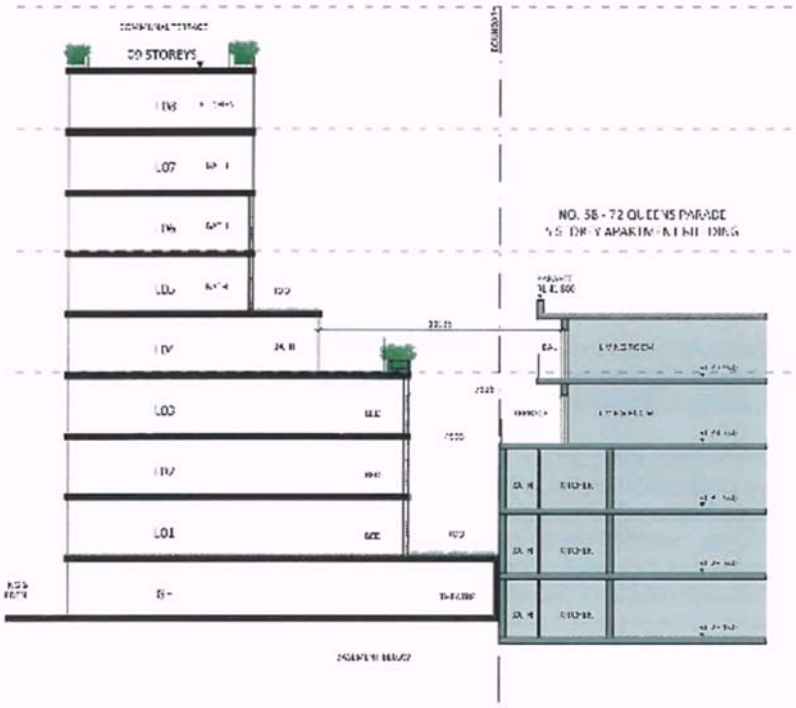
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Interface with 497 Napier Street apartment building #2



Extract of drawing A305

Interface with 56-72 Queens Parade



Extract of drawing A304

53

194. The original proposal was as high as 9 storeys, plus a roof deck, adjacent to the eastern boundary. The closest 'pinch point' was a 2.3m setback. This was considered inadequate for a building of this height, and are unacceptable given the site is over 8,000m².

195. The substituted plans have increased the east boundary setbacks, however the proposal remains as high a 9 storey building adjacent to the apartment building within the MUZ (56-72 Queens Parade). The segment adjacent to the NRZ apartment building (497 Napier Street) would be 5 storeys.

196. Whilst setbacks would generally be 4.5m, this setback is typically afforded or accepted for 4-5 storey built forms. Council's BESS standards suggest that apartment with a main living room outlook should be setback at least 9m from the boundary where the building heights are 5-8 storeys (Indoor Environment Quality, table 1). For building heights of 9+ storeys, this side boundary setback should be increased to a minimum of 12m. Whilst officers are not suggesting this be applied as a rudimentary figure, it does indicate the level of daylight the proposed and existing dwellings would experience as a result of these heights and setbacks. This continues to be unacceptable at this interface.

South

197. Queens Parade is to the south of the site, with this application not bringing rise to unreasonable off-site amenity or equitable development concerns at this interface.

Summary

198. Whilst some improvements have been made, the proposal has been poorly massed and has not adequately considered it's context. The proposal would unreasonably impact the amenity of adjoining and adjacent dwellings, unreasonably compromise the development potential of surrounding sites and would achieve a poor level of on and off-site amenity as a result.

Environmental sustainability

199. Considering the original application, Council's ESD advisor raised the following issues:
    (a) the development has a poor standard of natural ventilation; only 10% of apartments when BESS best practice is a minimum of 60%;
    (b) single sided dwellings should be no deeper than 5m (some are over 8m deep, single sided and south facing), bringing rise to natural daylight and ventilation concerns;
    (c) a '*significant number of dwellings*' have primary aspects to boundaries. These setbacks are generally insufficient, and include deep balcony overhangs. Council's ESD Advisor noted that these dwellings are unlikely to meet a best practice standard in access to daylight. The massing is also likely to unreasonably impact existing neighboring buildings;
    (d) the proposal incorporates large amounts of east, west and northern glazing with a poor shading strategy to deal with unwanted summer solar heat gains. This can be dealt with by way of a permit condition, however the extent of glazing along these elevations may result in a highly modified urban design outcome should they all be screened. It would be preferable that this issue is dealt with before the granting of any permit (i.e. sketch plans), although this is not considered to be fatal to this assessment;
    (e) end of trip facilities (showers and lockers) should be provided for staff (preferably in the facilities in the core on the ground floor, including the disabled access WC). This could be addressed by way of a permit condition, should a permit issue;
    (f) on-site waste management facilities should be provided for green and hard waste. This could be addressed by way of a permit condition, should a permit issue, along with a reference to these facilities in the WMP;

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200. The following additional items were also recommended:
   (a) consider a solar PV array to contribute to common area electricity consumption;
   (b) recommend split ACs within one star of the most energy efficient available for the suitable capacity at the time of construction;
   (c) recommend 90% efficiency gas boiler and solar thermal pre-heating collectors be applied to the hot water system; and
   (d) recommend a Building Users Guide detailing the sustainability features of the building be developed and given to building users.

201. The original DAP assessment found that '*The layout of the dwellings, side setbacks and extent of exposed glazing would unreasonably impact adjacent dwellings and would result in a poor level of amenity for residents, who would need to rely on electricity and gas for heating and cooling to an unreasonable degree*'.

202. The substituted plans have made some improvements through the deletion of 4 storeys from the eastern tower, however the daylight issues remain systemic throughout the development, rooted in the layout and height combination proposed (i.e. buildings with the separation proposed should generally be lower to afford reasonable daylight levels or buildings of this height should be afforded greater setbacks or separation distances).

203. Along with internal and external daylight and ventilation issues raised (noting that officers are of the position that minimal cross-ventilation is a secondary issue compared to the significance of the daylight concerns), the following issues remain with the substituted plans:
   (a) *external views are not possible from a significant number of dwellings with internal outlook.*
   (b) *Large amounts of exposed glazing to the east, west and northern facades across the development. This poor shading strategy will result in high cooling loads and reliance on air conditioning for thermal comfort. Recommend exterior adjustable shading to all exposed glazing on the east, west and north facing facades exposed to summer sun angles, through louvers, fins, retractable awnings or sliding screens, etc. "solar screens" are mentioned in the SMP but it is unclear what this refers to on the plans.*

204. The following was also recommended by Council's ESD Advisor, albeit not fatal to this assessment or able to be addressed by way of conditions:
   (a) *…provide end of trip facilities (showers and lockers) for staff. It appears there will be space in the facilities in the core on the ground floor, including the disabled access WC;*
   (b) *recommend providing onsite waste management facilities for green waste and hard waste also. It appears that space has been provided in the waste room but it was not been mentioned in the SMP;*
   (c) *please check the WMP to ensure that the waste management provisions are sufficient, and if "green" and "bulk" waste facilities are also included;*
   (d) *consider a solar PV array to contribute to common area electricity consumption.*
   (e) *recommend split ACs within one star of the most energy efficient available for the suitable capacity at the time of construction;*
   (f) *recommend 90% efficiency gas boiler and solar thermal pre-heating collectors be applied to the hot water system; and*
   (g) *recommend a Building Users Guide detailing the sustainability features of the building be developed and given to building users.*

205. For a development of this scale, the Applicant should have included or should adopt many of these suggested ESD items.

Traffic and car parking

Car parking provision

206. The original application sought a 128 space dwelling and a 95 space dwelling visitor/food and drinks premises/shop car parking reduction (223 spaces in total) under clause 52.06 of the Scheme.

207. The substituted plans now seek a 23 space dwelling and a 68 space dwelling visitor/food and drinks premises/shop car parking reduction (91 spaces in total).

208. The original DAP report supported the reduction of 223 spaces based on a number of factors, having regard to clause 52.06. These included:
   - *(a) the site is well positioned to encourage sustainable transport modes (walking, cycling and public transport);*
   - *(b) the site is within walking distance of the Brunswick Street Ac;*
   - *(c) there are 2 car share pods within 150m of the site;*
   - *(d) dwelling residents – applying ABS statistics for the suburb of Fitzroy north to the development, the proposal would have a parking demand for 210 cars associated with the dwelling component (the proposal allocates 234 spaces to these apartments);*
   - *(e) residential visitors – car parking surveys of similar developments in Port Melbourne have been undertaken. They established a peak visitor demand of 0.1 space per dwelling compared to a weekday demand of 0.06 spaces per dwelling. This would equate to a visitor demand for 29 spaces during the day and 48 spaces on weekends and evenings. With 10 being provided on-site, 19 and 38 spaces would be demanded on-street;*
   - *(f) commercial premises – whilst the Scheme generates a parking rate for 4 spaces, Traffix Group note that the reduced parking overlay rate of the Scheme aligns with empirical evidence of similar tenancies within close proximity of ACs and public transport. This equates to an anticipated demand for 4 staff and 8 visitor parking spaces;*
   - *(g) considering the anticipated parking demand holistically, Traffix Group anticipate a standard demand for 27 on-street parking spaces (during business hours) and a peak demand for 46 car parking spaces (evenings and weekends);*
   - *(h) Council's Strategic Transport Statement (April 2006) has the following transport sustainable hierarchy:*
     - *(i) Pedestrians*
     - *(ii) Cyclists*
     - *(iii) Tram*
     - *(iv) Bus/train*
     - *(v) Taxi users/car shares*
   - *(i) car parking surveys were undertaken on Friday 18 March 2016 (1pm and 8pm) and on Saturday 19 March 2016 (1pm and 8pm). The surveys found no fewer than 139 available parking spaces during peak car parking times. This suggests that the area could accommodate the anticipated 27 and 46 space shortfall parking demand; and*
   - *(j) the existing warehouse use would have a car parking 'credit of 20 spaces.*

209. Both Council's external and internal traffic advice supported the 223 space parking reduction sought.

210. Now at a 91 space reduction, the application continues to be supported and is considered to continue to support sustainable transport modes, without unreasonably impacting parking conditions in the area.

211. Both Council's Engineers and the external traffic consultant (Cardno) reviewed the substituted plans and support the proposed car parking provision and allocation.

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Car park layout and access

212. Council's external traffic advisors and Council's Engineers have reviewed the car park layout and access made the following comments:
    (a) *Columns have been set back from the aisles by 300 mm and 750 mm. The positions of the columns do not comply with Diagram 1 Clearance to car parking spaces in Clause 52.06-8. In Diagram 1, columns are set back from the aisle by 250 mm and columns have a maximum depth of 1000 mm. For columns set back from the aisles by 300 mm, the encroachment into the parking envelope is marginal (by 50 mm) and should not adversely impact on rear car doors from opening. However, the columns that are set back from the aisle by 750 mm encroach into the parking envelop by 500 mm and could potentially impact rear car door opening.*
    (b) *Clearances for Spaces adjacent to Walls, Bicycle Parking Cages and Storage Cages – have not been dimensioned on the drawings.*
    (c) *Loading By and Waste Pickup Bay– have not been dimensioned on the drawings.*
    (d) *As was stated in our previous review, Cardno is of the view that it will be necessary to install a convex mirror and / or a signal system to warn pedestrians of exiting vehicles given a pedestrian sight triangle is not intended to be provided. This is largely due to the anticipated level of pedestrian activity along the Queens Parade site frontage.*

213. The above can be addressed by way of permit conditions and are not fatal to this assessment.

214. A number of standard conditions and notations relating to construction management, drainage, pits and meters and no damage to Council assets were recommended by Council's Engineers. Along with a condition relating to the re-sheeting of the Queens Parade service road. These conditions/notations should continue to be provided should a permit issue.

Traffic

215. The original assessment suggested anticipated traffic volumes of 3 3 movements per day for each 1, 2 and 3 BR apartment and 4 movements (total) per day for the commercial spaces. This was supported by Council's Engineers and external traffic consultant.

216. With the proposed dwelling numbers being reduced from 476 to 341, the anticipated traffic volumes would be less.

217. Therefore, it follows that the original conclusions on traffic are maintained:

    (a) Council's external traffic consultant '*…agreed that due to the variety of access routes available to the site from all directions, accessibility to the site and surrounding area will be readily accommodated post-development, with development traffic being well dispersed across the road network without detrimental impacts*';
    (b) Council's Engineering Services Unit found that '*The traffic generated by the development can be dispersed into the surrounding road network without adversely compromising its operation or safety*'.

Road Zone

218. A permit is required to alter and create vehicular access to Queens Parade under clause 52.29 of the Scheme. The application was referred to VicRoads under this provision, and the following decision guidelines are relevant:

    (a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
    (b) *The views of the relevant road authority.*

(c) *The effect of the proposal on the operation of the road and on public safety.*
(d) *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.*

219. Council's external and internal engineering advice has already been outlined as not raising issue with traffic generated by this application.

220. VicRoads are a determining Referral Authority under the Scheme. Their comments on the original application were that they do not object to the proposal, subject to the imposition of the following conditions on any permit issued:

1. Before the development starts, amended plans must be submitted to and approved by the Responsible Authority. When approved by the Responsible Authority, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with Drawing number A100 Revision N dated 07/07/2016 but modified to show:
   a) A flashing light/sound device be implemented at the vehicle entry/exit to warn pedestrians of vehicle movements and/or
   b) A convex mirror or similar device to be installed to the satisfaction of the Responsible Authority at the entry to the car park to increase motorist visibility of pedestrians when exiting the site.

2. The crossover is to be constructed to the satisfaction of the Responsible Authority and at no cost to VicRoads (the Roads Corporation) prior to the commencement of the use hereby approved.

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

NOTES:
a) The proposed development requires reinstatement of a disused crossover 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.
b) Separate Consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for all buildings and works (including canopies and projections) undertaken outside the title boundary within a Roads Zone Category 1 (Queens Parade). Please contact VicRoads prior to commencing any works.

221. VicRoads are a party to the VCAT proceedings and will inform the Tribunal of their position on the substituted plans.

222. For the purpose of an officer assessment, the alteration of access to the Road Zone continues to be supported subject to the above conditions.

Bicycle parking

223. The original application sought a 39 space bicycle parking reduction for dwelling visitors and food and drink visitors. The substituted plans now seek a 3 space dwelling visitor and food and drinks premises employee reduction.

224. The original 39 space reduction was supported and it therefore follows that a 3 space reduction would also be supported and is seen as an improvement to the original application (with regard to bicycle parking provision).

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225. A range of conditions were recommended in the previous DAP report (following from Council's Strategic Transport Unit, Urban Design Unit, Engineering Services Unit and external traffic advice) and continue to be recommended, should a permit issue:
   (a) bicycle parking must be secure and well-lit;
   (b) at least 75% of bicycle parking spaces must be on-ground and not hanging style (currently, 31% of bicycle parking spaces would be on-ground). This would improve accessibility;
   (c) bicycle parking spaces with a minimum 1.2m storage area and minimum 1.5m access aisle (some issues arise in the irregularly configured storage areas;
   (d) improvements to the Napier Street and Queens Parade intersection through the:
      (i) closure of the the service lane on the north west corner;
      (ii) installation of splitter islands and kerb extensions;
      (iii) decreed crossing distances for cyclists; and
      (iv) opportunities for better/greener public spaces. (See below.)



226. Officer's maintain that with an additional anticipated 121 peak hour and 1,209 daily movements as a result of this development, and given the scale of the project, should a permit issue, these road improvements are considered to have a reasonable nexus and should be imposed by way of permit conditions.

227. Again, as per the original report, signage has not been detailed as per clause 52.34-5 of the Scheme. However, a condition could also be imposed however on any permit issued to ensure that bicycle signage is provided in accordance with clause 52.34-5 of the Scheme.

Loading bay waiver

228. The Applicant was originally seeking a waiver of the loading bay requirement associated with the food and drink/shop and cafe premises. However, the substituted plans include a loading bay in the eastern end of basement level 1.

229. These plans therefore address Council's Engineering Services Unit's original concern that for a large scale development such as this, at least one on-site car parking space should be allocated for loading by vans or small vehicles.

230. The width and length of the loading bay exceeds the minimum clause 52.07 requirements (9m length and 4.2m width), however the minimum height clearance of 4m would not be achieved in the basement (minimum 2.5m clearance heights). This is supported given the size of the commercial tenancies, being able to be serviced by small vans or vehicles. This should be imposed by way of a permit condition (deliveries may only be made by small vans or vehicles).

Waste management

231. The substituted plans did not include an amended Waste Management Plan [**WMP**].

232. Council's Services Contracts Unit has reviewed the WMP prepared by Leigh Design, dated 27 June 2016. The WMP proposes on-site waste collection within a dedicated loading bay by a private contractor.

Council's Services Contracts Unit raised the following issues with the submitted WMP:

- *This is a very large development and what has been proposed does not appear practical and is somewhat problematic. There are major practical difficulties due to the scale. The WMP needs to be clear on how waste will be managed in practice for residents/tenants, businesses, operator and waste contractors to ensure compliance with up to date waste minimisation practices. Lessons learnt over time includes that the operator must be involved in the planning stage to ensure reasonable outcomes for all concerned.*
- *the plan is generally deficient in detail;*
- *the bin store is too small and need isles between bins;*
- *details are needed on:*
    - *how the bin store will operate/be managed by operator;*
    - *education, tenants information, bin room set up, etc. to ensure appropriate management of the waste and recycling;*
    - *ensuring recycling collected is compacted to ensure industry standard and not compromise recovery of recyclables;*
    - *the path of access from the street to the bin collection point;*
    - *chute rooms;*
    - *how the chutes operate to ensure appropriate use by tenants;*
    - *how the development will be managed by the operator;*
    - *the bin store, clearly showing bins, aisles, path of access, hard waste area,* etc.; and
    - how the WMP will work in practice for residents, operator and waste contractors.

233. In the absence of an amended WMP to address these concerns, this remains a ground in officer's recommended position of refusal.

234. Council's external engineering advice identified that swept paths need to show the mini rear-lift loader enter the site via the Queens Parade roadway (not just within title boundaries). The swept paths should also include 600mm clearance lines. As opposed to the previously identified waste management issues, these matters could be addressed by way of permit conditions.

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Objector concerns

235. Objector concerns were addressed in the original DAP report. This assessment remains relevant in light of the substituted plans:

The following objector concerns have been addressed throughout this report:

- *non-compliance with the Yarra Planning Scheme and the Mixed Use Zone;*
- *height (this would be similar to the Housing Commission flat construction);*
- *upper level setbacks are inadequate;*
- *design detail does not complement the area (including use of materials and fine grain subdivision) and the building would not age well;*
- *use of landscaping is 'laughable' and no maintenance details are provided;*
- *impact on heritage (subject site, nearby 1 and 2 storey terraces, Queens Parade, Coleman Street and Napier Street);*
- *proposed facadism and impact on heritage of the site;*
- *neighbourhood character (other apartment buildings in the area are 3-6 storeys, looks like 'Docklands');*
- *apartments are too small;*
- *the draft Better Apartment Guide should be considered;*
- *impact on the Edinburgh Gardens;*
- *off-site amenity (daylight, noise [people, parties/people on balconies, cars, communal areas, licenced premises], light pollution, overlooking/privacy, overshadowing [private open space areas and the public realm], visual bulk, obstruct sky and city views, wind tunnel);*
- *poor on-site amenity (long internal corridors, poor sun shading, poor apartment layouts);*
- *insufficient car parking (the area is already constrained, difficult for guests/visitors to park);*
- *impact on cyclist and pedestrian safety (including the Napier St/Queens Pde bicycle crossing);*
- *traffic impacts;*
- *impact on views from Edinburgh Gardens, Bill Peterson Oval and Brunswick Street oval to the city;*
- *the development would achieve a poor ESD standard;*
- *footprint/site coverage is too high, needs more open space around it;*
- *perspectives have not been provided from the north or Edinburgh Gardens;*
- *construction impacts (noise, traffic, dust and pollution);*
- *overdevelopment;*
- *density of apartments is too high;*
- *commercial (including licenced) venues should not be approved away from main streets (including Brunswick and Smith Streets);*

The following objector concerns will now be addressed:

- *this would create an unreasonable precedent;*

Each application must be considered on its own merit.

- *poor quality design (services, BBQs, AC units and clothes lines will be visible on balconies)*

Permit conditions can deal with these issues, should a permit issue.

- *this will destroy the 'community';*

This assessment has not revealed any 'community' based issues with the application (limited to built form, amenity and ESD.

- *this is just for the developer to make a profit;*

This is not a relevant planning consideration.

- *insufficient dwelling diversity (too many 1 and 2 bedroom dwellings, not enough 'family' homes and there will be too many singles);*

The development incorporates 59 3BR and 17 4BR dwellings, with 16% being of this 'larger' type. The Scheme does not provide guidance on how many 3+BR apartments should be provided, this proportion is considered to be acceptable in this instance.

- *there will be more robberies;*

No evidence has been provided to support this claim.

- *construction could impact Fitzroy Gasworks underground contamination plume;*

The site is located within an EAO which will require the appointment of an auditor who will be qualified to deal with these issues.

- *asbestos;*
- *structural impact on nearby dwellings;*

These are building matters and not dealt with at the planning stage.

- *increased pressure on infrastructure (including public transport, phone, internet, gyms, pools, libraries, GPs and schools);*

There is no information to indicate that the amenities in the area could not accommodate an additional 476 dwellings.

- *it will upset the dogs in the area;*

There is no information to support this claim.

- *no concern for health, safety or DDA;*

These issues will be considered at the building permit stage, should a planning permit issue.

- *property devaluation;*

This is not a valid planning consideration.

- *rear lane should not be used to access Brunswick Street front the site;*

This space would be a secondary access, primarily used for the proposed townhouses on the rear triangular section of land to the north (subject to a separate application)

- *social housing should be included.*

Council cannot require the Applicant to include social housing.

Compliance with proposed interim DDO

236. The proposed DDO offers the following:

The design objectives for Precinct 2A: Boulevard Precinct includes:

(a) *To ensure the redevelopment of the land accommodating the former 'K.G. Luke Pty Ltd Electro Plate Manufacturers' factory contributes positively to the urban character of Fitzroy North.*
(b) *To retain, enhance and incorporate the existing heritage facade into the redevelopment of the site and to create a consistent parapet height along the streetscape.*
(c) *To ensure new development does not diminish, or detract from the heritage values of the boulevard streetscape, the heritage street wall and the heritage trees along Queens Parade.*
(d) *To moderate the prominence of development above the street wall with respect to mid and long range panoramic and streetscape views and the Yarra skyline from the*

Edinburgh Gardens (HO213) and Newry Street (HO327- Fitzroy North Precinct).

(e) *To ensure heritage buildings retain their three-dimensional form as viewed from the public realm to avoid 'facadism'.*
(f) *To ensure an appropriate transition in building scale across the site having regard to the existing and preferred built form to the east, north and west.*
(g) *To recognise the low scale, fine grain format of existing surrounding development.*
(h) *To avoid repetitive stepped built form at upper levels of development.*
(i) *To ensure development appropriately considers the amenity impacts on neighbouring development and achieves a high standard of internal amenity within the development.*
(j) *To encourage the development above the street wall to be designed as a series of separate development parts with building separation to enable views to the sky.*
(k) *To ensure adequate solar access is provided to the Queens Parade boulevard and the adjoining Napier Street Reserve.*
(l) *To encourage permeability within and through the site.*

237. Decision guidelines in section 4 include:

(a) *Whether the design objectives in Section 1.0 and the built form outcomes in Tables 1, 2 and 3 of this Schedule are achieved.*
(b) *Whether the design requirements for specific areas in Tables 1 and 2 of this Schedule are achieved.*
(c) *The Queens Parade, Clifton Hill Built Form Review – February, 2017.*
(d) *The architectural quality of the proposal, including the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.*
(e) *The profile and impact of redevelopment along Queens Parade and from Newry Street and the Edinburgh Gardens.*
(f) *The design response at the interface with existing low-scale residential properties.*
(g) *Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.*
(h) *How the proposal responds to the presence of heritage buildings either on, or in close proximity to the development.*
(i) *The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.*
(j) *How any proposed buildings and works will impact on solar access to Queens Parade and the Napier Street Reserve.*
(k) *The suitability of vehicle access and egress arrangements and the location, layout and appearance of areas set aside for car parking.*
(l) *The extent to which ESD measures are incorporated into the development.*
(m) *ensure consideration of the visual dominance of development on the skyline when viewed from Coleman Street;*

238. An assessment against the DDO is offered as an appendix to this report (appendix 12).

239. The assessment found:
(a) the proposal does not meet the mandatory maximum height control, being 4 storeys above;
(b) the new street wall height would be 400mm above the mandatory maximum 10m street wall height control;
(c) the upper level setbacks behind both the heritage and new facades encroach upon the mandatory minimum setback standards. Variations range from 4.5m to 8m;
(d) the proposal does not comply with the mandatory side and rear setbacks where adjacent to the MUZ to the east, the NRZ1 to the north-east, the GRZ to the north-west and the MUZ to north-west and west;
(e) the street wall is vertically articulated to respect the fine grain pattern of subdivision and buildings in the area;
(f) the proposal does not attempt to replicate heritage forms;

(g) the proposal is not visually recessive by virtue of the massing and insufficient upper level setbacks; and
(h) the upper levels would be read as 2, approximately 52m wide built forms, with a minimal (9.1m) separation which would not be appreciated from the majority of oblique views.

240. However, it is stressed that limited weight has been given to the assessment against the DDO given it is not a seriously entertained document.

Conclusion

Based on the above report, the proposal does not comply with the relevant Planning Scheme provisions and planning policy and is therefore not supported.

RECOMMENDATION

That Council inform VCAT that had it been in a position, it would have issued a Notice of Decision to Refuse a Permit (PLN16/0434) for 26-56 Queens Parade, Fitzroy North VIC 3068 for the Part demolition and development of the land for a maximum 12 storey building, plus 2 basement levels, accommodating 341 dwellings (no permit required for dwelling use), use of part of the land for food and drinks premises (cafés), use of part of the land (food and drink premises [cafés]) for the sale and consumption of liquor, reduction in the car parking requirements, reduction in the loading bay requirements and alteration of access to a Road Zone in accordance with the substituted plans (received by Council 21 February 2017) on the following grounds:

1. The proposed height, scale and massing does not respond to the existing or preferred character of the area and will dominate the surrounding area.
2. The proposal will result in unacceptable levels of on-site amenity, including natural daylight and ventilation.
3. The side setbacks and building will not achieve equitable development or reasonable levels of amenity for adjoining and adjacent sites.
4. The proposed waste management plan is inadequate for the site.

Signed: ..... **Dated:** 14/03/2017

Mary Osman
Manager Statutory Planning

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Appendix 1. Council's Urban Design Unit

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

CITY OF YARRA

MEMO

TO:	Sarah Thomas (Statutory Planning)
FROM:	Hayley McNicol (Urban Design)
DATE:	2 March 2017
SUBJECT:	26-56 Queens Parade, Fitzroy North
APPLICATION NO:	PLN16/0434
DESCRIPTION:	Construction of a 12 storey building accommodating 341 residential dwellings, a café and a food/drinks premises / shop

COMMENTS SUMMARY

The above proposal is currently being considered at VCAT, and revised plans have been recently submitted by the applicant. The original proposal submitted was for a 16 storey development accommodating 476 residential dwellings – this has now been reduced to 12 storeys accommodating 341 units. Statutory Planning has requested Urban Design comments on this revised proposal, on whether the proposal (including its height, massing, setbacks, design detailing, massing, colours and materials, pedestrian experience) is acceptable from an Urban Design perspective.

In summary, we do not support the proposed development for the following reasons:

- The overall height and massing of the development is excessive and does not relate to its surrounding environment, would visually impact the boulevard trees along Queens Parade and cause extensive overshadowing of Queens Parade and the surrounding area.
- The accentuated terraced style of the building and minimal building separation makes the building appear monolithic in its surroundings.
- The façade design and materials/detailing is very repetitive makes the overall mass and bulk of the building appear even more prominent.
- Inadequate setbacks have been provided at the side and rear properties, in particular where they sit alongside the adjoining five and six storey buildings.
- As the site is very large, opportunities to provide a pedestrian connection through the site need to be explored to improve permeability and connections through the site and to the wider area, as required under Strategy 28.6 of Clause 21.05.
- The development should provide an improved interface at the laneway to the west by fronting this part of the development towards the laneway (to face the adjacent townhouse development which is currently proposed).

- A number of the units facing the courtyard would have poor amenity given the limited building separation provided.
- Whilst the provision of a public plaza is supported, the amenity of the plaza is poor (in particular it would be overshadowed for most of the day) due to the location of the plaza and the form and height of the development around it.
- The development does not consider the impact of the additional vehicles (for potential improvements) on the intersection of Queens Parade and Napier Street, which is a prominent walking and cycling route.

Furthermore, we consider that 3D modelling needs to be submitted to show the development from a number of viewpoints as discussed below, and allow for the visual impact of the development to be assessed further.

Site and context

Zones, Overlays and other relevant planning policies

The site is located in the Mixed Use Zone (MUZ) and is covered by two overlays:

- Heritage Overlay Schedule 327 (HO327) – North Fitzroy Precinct, which covers the south-western part of the site, and includes the existing heritage building on the land which is identified as an 'Individually Significant' building.
- Environmental Audit Overlay (EAO).

Site and surrounding area

The site is located on the north side of Queens Parade and currently occupied by a number of warehouse buildings and car parking. One of the buildings at the south-western end of the site is listed as an 'Individually Significant' heritage building and the front façade comprises a distinctive and decorative parapet.

The area surrounding the site is characterised by fine grain low-scale heritage buildings, mixed with some slightly larger sites which have been redeveloped for residential led development.

To the south-west of the site are a row of intact terraced houses and cottages of one and two storeys in height. The site backs onto a number of other low-scale single and double storey houses, including those to the west which front onto Brunswick Street, and those to the north which front onto Coleman Street, and are listed at 'Contributory' heritage buildings.

There are a couple of newer residential redevelopments located adjacent to the site – a six storey building to the west fronting Brunswick Street and a five storey building to the east on the corner of Napier Street and Queens Parade.

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

The site has an extensive frontage (120 metres) onto Queens Parade, which is a wide tree lined boulevard with separate service roads at either side with grassed nature strips. The site is positioned in an exposed location at the south-western end of Queens Parade, opposite the Napier Street Reserve and the intersection of Queens Parade and Alexandra Parade. At this location, clear views of the site can be gained from several vantage points.

Revised proposal

The revised development proposes to demolish the existing buildings on the site (retaining the heritage façade) and construct a new 12 storey development. The development would be generally arranged along the perimeter of the site around a central courtyard, with a public plaza provided at the front of the site directly accessible from Queens Parade. The development would provide two levels of basement car parking accessed from the service road which runs alongside Queens Parade via a crossover at the north-eastern end of the site frontage.



Queens Parade elevation

Urban Design feedback

- **Built form and massing**

  The 'Built Form and Design Policy' at Clause 22.10-2 seeks to *"ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character".*

  Under Clause 21.05-3 ('Built Form Character'), Objective 26 seeks *"to improve the built form character of transport corridors"*, and is supported by Strategy 26.2 which seeks to *"maintain the dominance of the avenue trees over built form along boulevards".*

  As mentioned in the previous section, the area immediately around the site is characterised by low-scale fine grain heritage buildings (of one and two storeys in height), mixed with slightly larger sites that have been developed with five-six storey residential buildings.

  We have set out our comments below and note that as no 3D testing / images have been provided, our comments are based on the elevations, plans and sections provided. We consider that the 3D images are necessary to fully understand the impact of the proposal; therefore we recommend that these are submitted.

3

Massing and height

Under the 'Built Form and Design Policy', Clause 22.10-3.2 (Urban form and character) seeks:

- *"To retain and extend the City's fine grain of street pattern and urban form.*
- *To ensure that developments contribute positively to the urban fabric and public realm.*
- *To improve the transparency and legibility of the city's urban form and structure.*
- *To achieve continuity in the built form having regard to rhythm and spacing of buildings and any distinctive street pattern (as identified in the Site Analysis Plan and Design Response)."*

Under the 'Decision Guidelines it states that *"new development on large remnant sites should respect any existing prevailing subdivision pattern (as identified in the Site Analysis Plan and Design Response) by providing adequate separation between buildings and modular building bulk rather than unbroken mass".*

We consider that the form of the development presents as one giant building mass, does not provide adequate building separation and does not respond adequately to the fine grain character of its immediate surroundings, and therefore does not meet the above policy, as discussed below.

The proposed building extends around the perimeter of the site and has a gradual stepping back from the side and rear boundaries. It is understood that this has likely been done to provide setbacks from the surrounding residential sites and position the greatest height in the centre of the site, whilst maximising the development potential of the site.

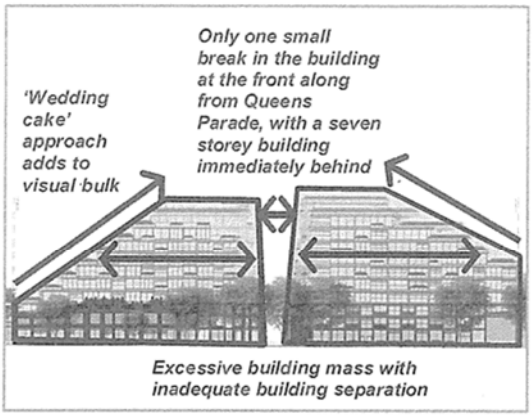
As a result the development has an accentuated terraced form and 'wedding cake' like appearance and presents as one monolithic building when viewed from along Queens Parade, Alexandra Parade, and a number of other surrounding streets and properties (refer to image overleaf).

The site frontage along Queens Parade is 120 metres in length, however only one narrow break has been provided between these two buildings at the front (between 7.5 metres and 11.9 metres from the first storey up to the 11th storey), which we consider will not provide any visual relief (refer to image overleaf). The distance is too narrow and will only be seen from one vantage point – looking directly front-on towards the site as shown in the front elevation. Even from this view, one would be able to see the proposed seven storey building behind.

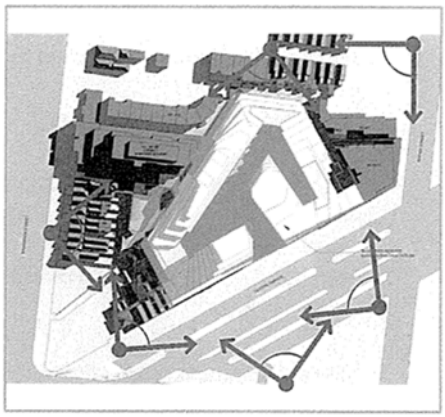
Given the proposed arrangement and design of the building, there will not be any visible break in the building and the building will present as one big building mass from the majority of views along Queens Parade. This is also the case from other viewpoints – a number of examples are shown on the image overleaf however there are a number of other points further afield (for example along Alexandra Parade and from the north).

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Considering the abovementioned policy at Clause 22.10-3.2, it is advised that the development should be broken up into a series of smaller parts, so that these parts can more adequately respond to the character and constraints of the surrounding properties, and contribute better to the fine grain of urban form. The buildings within each part should be appropriately designed and provide adequate building separation so that each building can be read separately.



Comments on building massing



Any oblique views (such as the examples above) will not show any building separation

In terms of the height, given the surrounding fine grain residential context (with smaller pockets of redevelopment) and taking into account that the site is highly visible from a number of locations, it is considered that the proposed 12 storey development is too high and does not appropriately respond to the character of the surrounding area, which is mainly made up of low-scale fine grain heritage dwellings with some small pockets of five and six storey residential development. The development would be overly prominent with the bulk of the higher form at the front of the site, bear no relation to its neighbours (with no appropriate transition in the built form) and would visually dominate the boulevard (including the established trees), therefore does not comply with Clauses 22.10-2 and 21.05-3. In addition it would create extensive overshadowing of Queens Parade.

Whilst we recognise that the site is considerably larger than its direct neighbours, we consider that any development on the site, and in particular any additional height must be sensitively incorporated within the site to minimise its visual impact on its neighbours (providing an appropriate transition in height), on the street (including the trees along Queens Parade) and the surrounding area.

We acknowledge that there has been recent strategic work undertaken for the subject site which has led to the submission of interim Design and Development Overlay (DDO) controls to the Minister for Planning (awaiting a decision). This interim DDO includes a proposed mandatory height limit of eight storeys. We also note that the nearby site bound by Queens Parade, Napier Street, George Street and Alexandra Parade is covered by an Urban Design Framework (UDF) for the North Fitzroy Gasworks Precinct (dated 2008). This requires this

site to have maximum height of 20 metres (roughly six storeys) along the Napier Street and Queens Parade frontages, and allows some additional height as long as it is adequately set back to not be visible from the street.

In summary and considering the points above, we do not support the height of the proposed 12 storey development as it is out of scale with the immediate context, does not provide the appropriate transition in built form to the neighbouring properties, is not adequately recessed so would be visually prominent from Queens Parade and the surrounding area, and does not align with the strategic direction for this site.

Setbacks

With regards to the presentation of the building at the front of the site, Clause 21.05-4 seeks under Strategy 28.2 to *"ensure that buildings have a human scale at street level"*. Furthermore, Clause 21.02-5.7.1 under 'Development Guidelines for Sites Subject to the Heritage Overlay' state that new additions should *"be visually recessive and not dominate the heritage place"*.

The development retains the heritage façade and provides a setback of 3.5 metres from the heritage façade and the building (from the fourth storey upwards). From the fifth storey up, some elements of the building protrude out, which reduces the setback to approximately 2.3 metres.

We consider that this setback is inadequate as it does not provide enough distinction between the heritage façade and the new building. Furthermore the lack of setback for the upper levels with the protruding façade elements would make the development feel even more visually dominant, particular for people walking along the site on Queens Parade. We recommend that the building setback from the heritage façade is increased to at least 8 metres. This figure is based on the interim DDO control which we consider would provide a meaningful setback of the upper levels.

For the section of the frontage not covered by heritage (between the plaza and the five storey residential building), the site has a three storey street wall and the upper floors are aligned on an angle with varying setbacks from the façade. We consider that the upper floors should provide a consistent setback from the street wall to reduce the visual impact of the upper levels and reinforce the street wall to create more of a human scale to the street. We recommend a setback of at least 5 metres is provided.

In terms of the setbacks from the rear and side, Clause 22.10-2 (Built Form and design Policy) seeks to *"limit the impact of new development on the amenity of surrounding land, particularly residential land"*. It is considered that the development does not provide adequate setbacks from the adjoining six storey development to the west nor the five storey development to the north-east, as shown in Sections E-G and P. As a result the dwellings within the site (which are single aspect and have their primary outlook towards these site boundaries), as well as some of the adjoining dwellings, would not have adequate privacy and amenity. To address this, we recommend that at least 9 metres building separation is provided (as reflected in the interim DDO) to ensure adequate privacy (without the need for

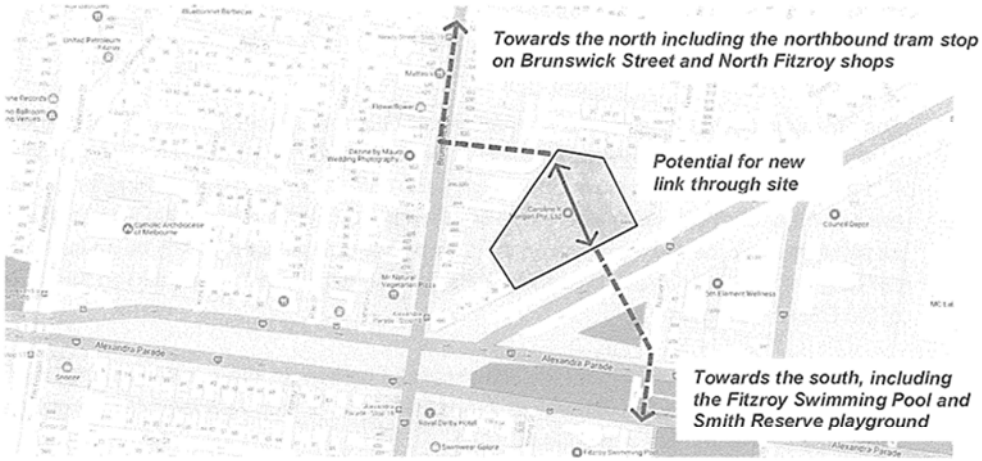
excessive screening) and amenity for these dwellings; however more may be required in some parts to address any overshadowing impacts.

The applicant has incorporated the ResCode B17 setback to the properties to the north, which will deal with some of the impacts of the development, however will not address the issue of visual bulk created by the terraced form proposed.

- **Building layout and interface**

Clause 21.05 (Built Form) seeks under Strategy 28.6 to *"require new development to consider the creation of public access through large development sites"*.

The site is very large, and access is predominately gained from Queens Parade. We consider that there would be a benefit from providing a link through the development as this would improve permeability through the site, make the development feel less like a gated community, make the ground floor café/shops more inviting/accessible and enhance links to the north towards Brunswick Street and St Georges Road. The link could potentially extend through the middle of the site and connect to Grace Lane, as illustrated on the map below. This would require some discussion with the Department of Health and Human Services, who we understand owns Grace Lane and the adjoining land.



Potential for a link to be provided through the site

In terms of the front of the site, it is considered that the development has provided active uses along the Queens Parade frontage to provide an active interface to the street. We recommend that this is improved by relocating or providing additional entrances to the café/shop units directly from Queens Parade, as they are currently accessed from within the Plaza space.

At the rear of the site, it is noted that the development backs onto the western boundary of the site, where there is a related proposal for a three storey townhouse development. We consider that the proposal should also front onto this laneway to face this townhouse development and improve the laneway environment. The building should provide an

adequate setback from the boundary to allow for a comfortable laneway width and separation between the two buildings.

- **Façade design and materials/colours**

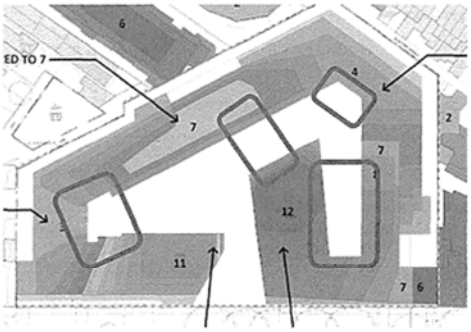
  As mentioned in the 'Massing' section above, the terraced approach to the building form and lack of building separation has created an overly prominent building, and it is considered that the repetition of the design detailing of the building also accentuates the overall mass of the development. It is noted that although the front façade of the building has tried to reflect the rhythm and spacing of the heritage building, the overall detailing is very repetitive on all façades of the building, which accentuates the building as one large mass. As recommended above, the development needs to separate the site into smaller parts and adopt a block design approach. This should include appropriate changes in the design and materials/colours to help the buildings to read as separate.

  The development is designed in the same manner and has the same materials and colours throughout. We consider that the materials/colours should provide more distinction between the various parts of the site to help these buildings read as separate. In addition we recommend that there is some contrast between the street wall as presented to Queens Parade and the upper floors to help reinforce the street wall break up the overall mass of the building.

- **Internal/external amenity**

  The development extends around the perimeter of the site around a central courtyard, and is configured with double loaded apartments. Given the layout of the building and considering that many dwellings facing the courtyard will have only one aspect into the courtyard, there are a number of pinch points where dwellings will not receive adequate daylight/solar access, as highlighted by the red markings on the plan below. This will particularly be an issue for the dwellings at the lower levels. We assume that further detail may be provided on this as part of the ESD assessment.

  To address this, we consider that the site should be broken up into a series of smaller parts providing adequate building separation to ensure that units receive adequate daylight/solar access as well as privacy and outlook.



Examples of the pinch points that will impact on the amenity of courtyard facing dwellings (particularly at lower levels)

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- **Public realm**

  The principle of providing public space within the site is welcomed. However to ensure that this space provides an attractive, inviting and useable environment for occupants and visitors, we consider that the following issues need to be addressed:

  - The plaza does not lead anywhere and therefore could feel like a space purely for residents. As mentioned above, we consider that there is a community benefit from providing a link through the site, which would allow for better public access to the ground floor café/shops and plaza.
  - As the plaza is located on the south-east side of the site and given the scale and form of the development, the public space would be overshadowed for most of the day (with only a limited section of the space receiving a couple of hours of solar access in the afternoon). It is recommended that changes are made to the development by reducing the height and increasing setbacks to reduce the extent of overshadowing of this space.
  - A Wind Impact Assessment dated 30 June 2016 was submitted with the application. It noted that wind is expected to be funnelled through the plaza and recommended that the existing trees on Queens Parade be retained to help provide a buffer for this space. It also noted that although the proposed landscaping within the space may help to deal with the wind if the hedge planting reaches 1.5 metres in height, further planting/screening may still be required (to be confirmed with further wind tunnel testing). It is recommended that further work be undertaken to investigate potential planting options that would provide an adequate buffer for this space whilst ensuring that it does not result in secondary issues such as the creation of hiding spots.

- **Impact of development on surrounding cyclist/pedestrian network**

  The development proposes to have all vehicle access via a crossover directly off the Queens Parade service road along the frontage of the site, which is expected to result in significant increases in vehicle movements on this service road and turning movements at its intersection with Napier Street. Napier Street is a well-used cycle and pedestrian route, and given the openness of the intersection, there is currently the potential for conflict between drivers, cyclists and pedestrians. As the increased vehicle movements resulting from the development are expected to exacerbate this issue, there is an opportunity for the development to contribute to improving the safety of this intersection and rationalise the various movements (this can be discussed with Strategic Planning in more detail).

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Appendix 2. Council's Heritage Advisor

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

City of Yarra
Heritage Advice – Supplementary Advice

Application No.: PLN16/0434

Address of Property: 26 – 56 Queens Parade, Fitzroy North

Planner: Sarah Thomas

Yarra Planning Scheme References: Clauses 43.01, 22.02, 21.05.

Heritage Overlay No. Only partly in HO327 **Precinct:** North Fitzroy

Level of significance:

No. 26, 28 – 58 Queens Parade, North Fitzroy, is listed as electro plate K G Luke Pty Ltd electro-plate manufacturers factory, former (part), constructed 1938, 1937, is graded as "Individually significant" in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*. (Rev. Sep 2015) but it is not in a Heritage Overlay.

I provided advice previously on 15 October, 2016 and earlier in relation to the height of the proposed tower and the retained return wall of the façade. As this current advice addresses amended plans I have not necessarily repeated information from the previous advice as both sets of advice are intended to be read in conjunction.

Proposal

Construction of a large development behind the retained Art Deco façade.

Drawing Numbers

65 sheets of drawings and tables, prepared by Koichi Takada Architects, Rev. A, O and/or Q, W and X, dated 20/02/2017 and with no Council date stamp.

Schedule of Amendments by Koichi Takada Architects, dated 20 February, 2017 and with no Council date stamp

Assessment of The Proposed Built Form

Is it too Bulky and Out-of-Scale?

Given the nature of the site I considered originally that the bulk and scale was acceptable. I note that now the overall building height has been reduced by 16.7 metres i.e. from 53.7 metres to 37 metres or reduced from 16 storeys to 12 storeys. While the original proposal was acceptable in this location, and not necessarily elsewhere in a heritage streetscape in Yarra, the reduction in height improves the fit for the area.

I also note that the building massing has been reduced "to ensure visibility from surrounding areas is significantly reduced" and again while I found the original proposal to be acceptable in this location, the changes are a better fit.

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The terracing to the tallest building form, containing Core 1, has been increased "to reduce bulk and scale when viewed from adjacent streets and recreation areas" i.e. presumably the Edinburgh Gardens. I had concerns with Levels 11, 12 and 13 at the south-west corner of the eastern block (Core 1) which appeared too high. While undoubtedly there is probably an improvement as a consequence of the reduction in height, the elevations supplied are not sufficient to be able to gain an accurate understanding of how these levels (i.e. Levels 10 and 11 on A110, rev. X and A11, rev. X) will present now. Some accurate photomontages are required to confirm whether or not this element is now acceptable.

Façade and Sawtooth Wall (west elevation)

I note that it is now proposed to retain the sawtooth wall. This is acceptable.

The existing heritage façade is shown on Drwg. A208, Rev. O together with the "Proposed retention methodology for the existing heritage façade". While the upper level windows appear to be retained all of the lower panels between the pilasters are shown as being altered i.e. large glazed elements inserted. While the lower level has been altered by the insertion of roller doors and the like, which can all be removed, I don't recall that it was proposed to alter all of the ground floor wall panels. The original drawings are not to hand, nor are the files available, so I am not in a position to check this now. No details of the framing or the glazing are indicated on the drawings and this needs clarification. Also why is the entrance canopy being removed?

Recommendation / Comments:

If the following matters are not resolved before the foreshadowed VCAT Hearing, then they should be the subject of permit conditions to the satisfaction of the Responsible Authority:

Submit some accurate photomontages to confirm whether or not Levels 10 and 11 at the south-west corner of the eastern block (Core 1) are now acceptable.

Remove the overpainting from the retained brick façade by an approved contractor who should provide a methodology and materials schedule. It is intended that either a low-pressure water and chemical or a poultice system is used.

Clarify if the proposed façade treatment re the lower level and canopy is the same as proposed originally. If it is then I am satisfied.

Request details of the framing and the glazing to the façade windows.

Signed:



Robyn Riddett

Director – Anthemion Consultancies

Date: 23 February, 2017

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Appendix 3. External Acoustic Consultant (SLR)

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

MEMORANDUM

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TO:	Sarah Thomas	FROM:	Dianne Williams	DATE:	27 February 2017
COMPANY:	City of Yarra				
EMAIL:	Sarah.Thomas@yarracity.vic.gov.au				
SUBJECT:	**26-56 Queens Parade, Clifton Hill PLN 16/0434**				

CONFIDENTIALITY
This document is confidential and may contain legally privileged information. If you are not a named or authorised recipient you must not read, copy, distribute or act in reliance on it. If you have received this document in error, please telephone our operator immediately and return the document by mail.

Dear Sarah,

I have reviewed the architectural drawings for 26-56 Queens Parade Clifton Hill, dated 20 February 2017 with a view to identifying any implications of changes made to the drawings for the conclusions drawn in our review of the acoustical report for that project.

Our review dated 14 December 2016 was based on the drawings issued 7 July 2016.

The revised drawings show changes to the northern façade of the building on levels 3 and 4, and a reduction in overall height from 16 to 12 storeys. There are also changes to the location of the ground floor gym.

The proposed changes do not have any implications for the findings and recommendations presented in my review of the acoustic report.

Yours faithfully,

Dianne Williams
Associate - Acoustics

Checked/
Authorised by: JA

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Appendix 4. Council's Engineering Services Unit

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

CITY OF YARRA

MEMO

To: Sarah Thomas

From: Mark Pisani

Date: 23 February 2017

Subject: **Application No:** PLN16/0434
Description: Substituted Drawings
Site Address: 26-56 Queens Parade, Fitzroy North

I refer to the substituted drawings received on 21 February 2017 in relation to the proposed development at 26-56 Queens Parade, Fitzroy North. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION – 26-56 QUEENS PARADE
Proposed Development
According to the information provided by the applicant, the revised proposal's parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	138	1 space per dwelling	138	96
Two-bedroom dwelling	160	1 space per dwelling	160	160
Three-bedroom dwelling	37	2 spaces per dwelling	74	56
Four-bedroom dwelling	6	2 spaces per dwelling	12	9
Residential visitors	341 Dwellings	1 space per 5 dwellings	68	11
Food & Drink (Shop)	275 m²	4 spaces per 100 m² of leasable floor area	11	3
Food & Drink (Café)	76 m²	4 spaces per 100 m² of leasable floor area	3	0
		Total	**466 Spaces**	**335 Spaces**

A number of dwellings have been provided with studies. The study areas provided in these dwellings are small in size and are unlikely to be used as bedrooms.

For the 26-56 Queens Parade site, a total of 335 spaces would be provided (six additional spaces in the car park have been allocated to Rear 26-56 Queens Parade). The site would have a parking shortfall of 131 spaces (63 resident spaces, 57 residential visitor spaces and 11 commercial spaces).

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

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

- *Parking Demand for the One-Bedroom Dwellings*. The one-bedroom dwellings would have an on-site parking provision of 0.7 spaces per dwelling (96 spaces for 138 dwellings). Traffix Group, who had provided the original traffic impact study for this site, had sourced the 2011 Census data from the Australian Bureau of Statistics for car ownerships rates for *flats units and apartments* in the suburb of Fitzroy North. The ABS Census data for Fitzroy North recorded an average car ownership of 0.6 cars per dwelling. The car parking provision for the one-bedroom dwellings is fairly consistent with the statistical car ownership for this type of dwelling in Fitzroy North.
- *Parking Demand for the Three- and Four-Bedroom Dwellings*. Both the three- and four-bedroom dwellings have an on-site parking provision of 1.5 spaces per dwelling. The Traffix Group report indicated that three-bedroom flat type dwellings in Fitzroy North have an average car ownership of 1.5 vehicles per dwelling. We consider the proposed on-site parking provision for the three- and four-bedroom dwellings to be satisfactory.
- *Parking Demand for Residential Visitors*. Peak parking for residential visitors generally occurs on weekday evenings and at weekends. Traffix Group had quoted studies conducted by Cardno consulting engineers of two apartment complexes in Beacon Cove (127 and 147 Beach Street, Port Melbourne). The studies identified had that the peak visitor parking demand was 0.1 spaces per dwelling and an off-peak visitor parking demand of 0.06 spaces per dwelling (daytime on a Friday). Applying the empirical peak visitor parking rate to the 341 dwellings would result in a visitor parking demand of 34 spaces (and 20 spaces off-peak). With 11 dedicated on-site visitor spaces, the peak parking overflow would be 23 spaces and the off-peak parking overflow would be 9 spaces.
- *Parking Demand associated with the Food and Drink Premises – Shop and Café*. In their report, Traffix Group had adopted a rate of 3.5 spaces per 100 square metres based on the rates used for Parking Overlays. Applying this rate to the two commercial premises would result in a car parking demand of 12 spaces (351 square metres at 3.5 spaces per 100 square metres). Staff parking demands at these uses would be 1 space per 100 square metres, which would be a total of four spaces. Customers would account for the balance of the parking demand.
- *Availability of Public Transport in the Locality of the Land*. The site is within walking distance of tram services along Brunswick Street and bus services operating along Queens Parade, George Street and Alexandra Parade.
- *Convenience of Pedestrian and Cyclist Access*. The site has good pedestrian connectivity to the Queens Parade activity centre and the Brunswick Street activity centre. The site also has very good connectivity to the on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- Traffix Group had undertaken on-street parking occupancy surveys in the surrounding area on Friday 18 March 2016 and Saturday 19 March 2016 (at 1:00pm and 8:00pm on both days). The survey area encompassed Queens Parade (Jamieson St to Alexandra Pde), Alexandra Parade (Rae St to George St), Grace Lane, Coleman Street and section of Brunswick Street, Napier Street, Newry Street, George Street and Jamieson Street. The duration and extent of the surveys are considered appropriate. An inventory of up to 380 publicly available parking spaces was identified. The results of the survey indicate that a minimum of 139 on-street car parking spaces was recorded at 8:00pm on the Friday. The surrounding area has a supply of

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vacant on-street car parking and should be able to accommodate any short-stay parking demand from the site.

- *Car Parking Deficiency associated with Existing Land Use*. According to Traffix group, the existing site is occupied by a warehouse and has a floor area of around 5,545 square metres. Under clause 52.06-5, warehouse use has a car parking rate of 2 spaces plus 1 space per 100 square metres. The resulting car parking generation would be 51 spaces. The site has an on-site car parking provision of 31 spaces. Therefore the car parking deficiency of the existing site would be 20 spaces. These spaces would be accommodated on-street. The car parking credit could potentially be transferrable to the new site.
- *Other Relevant Considerations*. All residents of the new dwellings will not be eligible to apply for on-street residential and visitor car parking permits.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of parking is considered appropriate in the context of the development and the surrounding area. The short stay car parking demands could be accommodated on-street as demonstrated from the on-street parking occupancy surveys.

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

TRAFFIC GENERATION
Residential Traffic
For the traffic generation of the dwellings, Traffix Group had conservatively adopted a rate of 3 trips per dwelling per day (for dwellings that have a parking space). The peak hour traffic would be 10 % of the daily residential traffic volume. The resulting residential traffic generation equates to 963 vehicle trips per day with 96 vehicle trips in each peak hour.

Food and Drink Premises/Shop and Café Traffic
Each staff space could potentially generate 1 trip in the AM peak hour and 1 trip in the PM peak hour. It is assumed that there would be 3 trips in the AM peak hour and 3 trips in the PM peak hour.

Traffic Distribution
The distribution of arrivals and departures from the site for the residential traffic during each peak hour would be 20% arrivals and 80% departures in the morning peak hour and 60% arrivals and 40% departures in the evening peak hour.

Development Traffic
Development would have an AM peak traffic volume of 22 arrival trips and 77 departure trips and the PM peak hour would have 58 arrival trips and 42 departure trips.

The principal vehicular access for the site is located on the Queens Parade service road which has a one-way traffic operation in the north-east direction. The access into and out of the site would be left-in/left-out. To access Alexandra Parade from the site, traffic would be inclined to travel via George Street or Smith Street. It is agreed that traffic generated by the development can be easily dispersed and distributed within the surrounding road network. The morning peak hour traffic generation of 99 vehicle trips is equivalent to an average of one vehicle trip every 35 seconds.

The traffic generated by the development can be dispersed into the surrounding road network without adversely compromising its operation or safety.

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DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance – Queens Parade Service Road	The proposed 6.3 metre wide vehicle entrance satisfies *Design standard 1 – Accessways* of Clause 52.06-8. The entrance allows for two-way simultaneous traffic movements into and out of the development.
Visibility	A pedestrian sight triangle has not been provided for the exit lane of the access way as it immediately abuts the wall of the adjoining property. There is no objection to the installation of a convex mirror as originally suggested by Traffix Group. The installation of a pedestrian signal audible device at the entrance is not supported. It the responsibility of a motorist exiting private property to give way to pedestrians along the footpath before entering a Public Highway, and not vice versa. In addition, audible warning devices could be potentially annoying to occupants of nearby dwellings.
Vehicle Crossing	The revised vehicle crossing design has now provided a lateral clearance of 1.0 metre from the power pole to the east edge of the crossing. The east edge has not been aligned perpendicular to the Queens Parade service road.
Ramped Accessway Width	The ramped accessway has a minimum width of 6.3 metres and satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004 section 2.5 – *Design of circulation roadways and ramps*.
Internal Ramp Width	The 6.0 metre width, with additional 30 mm wide kerbs on either side of the carriageway, satisfies AS/NZS 2890.1:2004.
Car Parking Modules	
Car Parking Spaces – Ninety-Degree Parking	The dimensions of the regular car parking spaces (minimum 2.6 metres by 4.9 metres) satisfy *Design standard 2: Car parking spaces*.
Car Parking Spaces – Parallel Parking	The parallel parking spaces measure 6.0 metres by 2.4 metres. The dimensions of the parallel bays satisfy the requirements of AS/NZS 2890.1:2004 section 2.4.4 - *Parallel parking in parking aisles*. The swept path diagrams originally provided by Traffix Group of a B85 design vehicle entering and exiting the parallel parking bays are considered satisfactory.
Tandem Parking Spaces	Tandem parking spaces have lengths of 5.4 metres and are considered satisfactory.
Accessible Parking Space	With the exception of the length (which satisfies *Design standard 2*), the dedicated accessible parking space for people with disabilities and the associated shared area satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009 *Parking facilities Part 6: Off-street parking for people with disabilities*.
Aisles	The 6.4 metre wide aisles throughout the two levels of basement parking satisfy *Design standard 2*.

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Item	Assessment
Car Parking Modules - Continued	
Column Setbacks	Columns have been set back from the aisles by 300 mm and 750 mm. The positions of the columns do not comply with *Diagram 1 Clearance to car parking spaces* in Clause 52.06-8. In *Diagram 1*, columns are set back from the aisle by 250 mm and columns have a maximum depth of 1000 mm. For columns set back from the aisles by 300 mm, the encroachment into the parking envelope is marginal (by 50 mm) and should not adversely impact on rear car doors from opening. However, the columns that are set back from the aisle by 750 mm encroach into the parking envelop by 500 mm and could potentially impact rear car door opening.
Clearances for Spaces adjacent to Walls, Bicycle Parking Cages and Storage Cages	Have not been dimensioned on the drawings.
Blind Aisle Extensions	The blind aisle extensions have now been dimensioned on the drawings and are a minimum of 1.0 metres as required by AS/NZS 2890.1:2004
Headroom Clearance	Headroom clearances have been dimensioned for both basement level car parks. A minimum headroom clearance of 2.5 metres has been provided and satisfies AS/NZS 2890.1:2004.
Gradients	
Ramp Grade for First 5.0 metres inside Property	The ramp grade for the first 5.0 metres inside the building line is 1 in 20 and satisfies *Design standard 3: Gradients*.
Ramp Grades and Changes of Grade	The ramp grades and the changes of grade for the ramped accessway and the internal ramp satisfy *Design standard 3*.
Loading Facilities	
Loading By and Waste Pickup Bay	Have not been dimensioned on the drawings.

Design Items to be Addressed

Item	Details
Column Setbacks	The columns that are set back 750 mm from the aisle should be set back and positioned in accordance with Diagram 1 Clearance to car parking spaces of Clause 52.06-8.
Clearances for Spaces adjacent to Walls, Bicycle Parking Cages and Storage Cages	To be dimensioned on the drawings (space Nos 8, 89, 161, 162, 171, 232, 268, 268, 277, 278, 293 and 305). These spaces should be provided with a minimum clearance of 300 mm.

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IMPACT ON COUNCIL ROAD ASSETS

The construction of the new buildings, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site.

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

Re-sheeting of Queens Parade Service Road

The construction works on site would result in the transportation of heavy vehicles, plant and equipment to the site via the Queens Parade service road. In addition, it is highly likely that underground services connections to the site would be made within Queens Parade service road. The pavement surface of Queens Parade service road will deteriorate after all construction and utility works for the site have been completed.

Once the development is complete, the addition of daily, repetitive traffic movements from the development will further impact on the condition and serviceability of the Queens Parade service road. Therefore, it is vital that the applicant profiles the existing wearing course of the Queens Parade service road pavement and re-sheet it to Council's satisfaction and at the Permit Holder's cost.

ENGINEERING CONDITIONS

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

Civil Works – Queens Parade service road

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Queens Parade service road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's expense.
- All pedestrian access must be constructed to a level no steeper than 1 in 40 from the building line.
- The nature strips directly outside the property's Queens Parade service road frontage must be cultivated, top dressed and be provided with instant turf to the satisfaction of Council's Open Space and at the Permit Holder's expense.
- The kerb and channel outside the development's Queens Parade service road frontage must be constructed in bluestone to the satisfaction of Council and at the Permit Holder's cost.
- All redundant property drains must be removed.
- Prior to the occupation of the development, the road pavement of Queens Parade service road is to be profiled and re-sheeted to the satisfaction of Council after the building works and the provision of underground utility services have been completed. The cost of these road infrastructure works must be borne by the Permit Holder.

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Preparation of Detailed Road Infrastructure Design Drawings

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

Construction Management Plan

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

Road Asset Protection

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

Impact of Assets on Proposed Development

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

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NON-PLANNING ADVICE FOR THE APPLICANT

Legal Point of Discharge

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

Protection of Basement

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

The developer needs to ensure that the basement car park and any portions of the development at or below natural surface level have a level of protection to minimise the seepage of subterranean water (groundwater) or any rainfall run-off from penetrating the walls or floors of the site.

The excavation for the basement would be to a depth of in excess of 7.0 metres and it is possible that groundwater would be encountered. It is also quite probable that any groundwater discovered by the developer would be contaminated.

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

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

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

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Appendix 5. External Traffic Consultant (Traffix Group)

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Cardno
Shaping the Future

Our Ref: V161619: RJ
Contact: Rodney Jude

24 February 2017

City of Yarra
PO Box 168
RICHMOND VIC 3121

Attention: Sarah Thomas

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Dear Sarah,

26-56 AND REAR 26-56 QUEENS PARADE, FITZROY NORTH
TRAFFIC ENGINEERING ASSESSMENT REVIEW

This letter has been prepared to review the amended Town Planning Drawings prepared for VCAT submission by Koichi Takada Architects (dated 20/02/2017) in relation to the proposed mixed use development at 26-56 and Rear 26-56 Queens Parade, Fitzroy North.

Cardno previously undertook a review of traffic advice provided by Traffix Group (Ref: G20374R2B, dated 5 July 2016) which referenced original Town Planning drawings prepared by Koichi Takada Architects (Project No. 16328, Drawing No.'s A098 – A115 dated 07/07/2016).

1.1 Review of Amended Town Planning Drawings

This letter contains a review of the amended Town Planning Drawings prepared for VCAT submission by Koichi Takada Architects (dated 20/02/2017) and provides commentary on various design aspects from a traffic engineering perspective.

1.1.1 Existing Conditions & Proposed Amendments

Based on revised plans prepared by Koichi Takada Architects dated 20/02/2017, amendments include reductions in the overall height of the main development (from 16 to 12 storeys) and the rear development (from 4 to 3 storeys), resulting in the net reduction of 135 apartment dwellings.

Proposed changes also include an overall reduction in the on-site parking supply from 445 to 341 spaces, within the two basement car park levels retained from the previous proposal.

A comparative summary between the previous and amended proposal is provided in Table 1.

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Table 1 Development Schedule

Use	Description	Number of Dwellings / Size		
		Previous Proposal	Amended Proposal	Change
Residential Apartments	One bedroom studio	2	Nil	- 2
	One bedroom	243	138	- 105
	Two bedroom	188	160	- 28
	Three bedroom	39	37	- 2
	Four bedroom	4	6	+2
Total Residential Apartments		**476**	**341**	**- 135 Apartments**
Residential Townhouses	Two bedroom	1	1	Nil
	Three bedroom	3	3	Nil
Total Residential Townhouses (Rear)		**4**	**4**	**Nil**
Commercial Tenancies	Food & drink premises	76m²	*77m²	+1m²
	Food & drink premises / shop	277m²	*273m²	- 4m²

Minor discrepancy noted between NLA's stated on plans & those in the development schedule. Sizes quoted directly off amended plans.

A review of the amended plans indicates that the development summary prepared by Koichi Takada Architects appears to accurately represent what is shown on the plans. It is agreed that a reduced total of 341 car parking spaces are to be supplied on-site within 2 basement levels.

Additionally, it is agreed that the revised layout accurately demonstrates a total of 377 vertical and floor-mounted bicycle parking rails, with 341 of these provided across the two basement levels and a further 32 spaces at ground level within a visitor bike store and the remaining four (4) spaces servicing the rear development.

1.1.2 Car Parking Considerations

1.1.2.1 Statutory Car Parking Requirements

Based on the size and number of the intended uses as outlined within Table 1 above, the proposed development generates the statutory requirement to provide a revised total of:

- 461 spaces for the proposed residential component of the development, comprising 392 spaces for residents and 69 spaces for residential visitors;
- 10 spaces for the proposed Food & Drink (Shop) premises; and
- 3 spaces for the proposed Café (Food & Drink) premises.

Based on the provision of on-site parking, the application seeks a revised statutory car parking reduction for a total of 133 spaces.

1.1.2.2 Car Parking Demand Assessment

The development schedule contemplated within the amended application now seeks a statutory car parking reduction for a total of 133 on-site car parking spaces. We note that the application of resident and retail staff parking demand rates previously contemplated by Traffix Group and supported by Cardno *have remained consistent* in the revised application, with the proposed car parking allocation deemed appropriate. As was noted in our previous review, accommodating the majority of residential visitors and all retail patrons on-street is reasonable given the short term on-street parking availability in the vicinity of the subject site, without the risk of causing adverse impacts to existing conditions.

The revised bicycle parking supply being contemplated comfortably exceeded the statutory requirement (a surplus supply in the order of 271 spaces). We are of the opinion that the generous on-site bicycle parking supply will encourage development residents, staff and visitors to utilise bicycles as an alternative travel mode to and from the site.

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Furthermore, Cardno's previous review acknowledged that the site has excellent access to public transport, with a number of sustainable transport options available within the immediate vicinity of the site.

1.1.2.3 Car Parking Allocation

In referencing the above, Cardno is of the opinion that the 341 spaces proposed on-site will satisfactorily accommodate resident and retail staff car parking demands on-site.

1.1.3 Car Parking Layout and Access Arrangements

Revised plans indicate that 341 on-site car parking spaces are to be provided in the form of 307 standard spaces, four (4) parallel spaces and 15 tandem pairs (30 spaces).

Cardno has reviewed the development's revised car park layout and access arrangements, offering the following comments for consideration:

- Standard spaces have been provided in accordance with Table 2 of Design Standard 2 within Clause 52.06-8 of the Yarra Planning Scheme, being 2.4m wide, 4.9m long and accessed from 6.4m wide aisles;
- Car spaces designed in tandem pairs have been designed 2.6 metres wide and 10.3 metres long, adhering to the need for an additional 500mm in length to be provided between each vehicle space;
- Parallel parking spaces have been designed in accordance with Table 2 of Design Standard 2 within Clause 52.06-8 of the Yarra Planning Scheme, being 2.4m wide, 6.7m long and accessed from aisles wider than 3.6m;
- Sections of two-way circulation aisles previously shown as being narrowed to 4.2m widths have since been redesigned with widths of 5.5m between kerbs in order to comply with Figure 2.8 of Clause 2.5.2 within AS/NZS 2890.1:2004;
- Spaces adjacent to walls have been provided with appropriate clearances to allow for convenient access and opening of car doors in order to comply with Planning Scheme and Australian Standard requirements;
- Columns shown within both basement level car parks are provided in accordance with the requirements of Clause 52.06-8 of the Yarra Planning Scheme;
- Cardno is satisfied that the disabled space located on Basement Level 1 with a shared area inclusive of a bollard provided to the side of the bay, is in accordance with the Australian Standard for off-street parking for people with disabilities (AS/NZS 2890.6);
- Based on nominated RLs shown on revised plans, the minimum headroom available accords with Australian Standard requirements and is considered appropriate;
- Revised plans now indicate 1m wide aisle extensions are to be provided at the ends of blind parking aisles across both basement levels, in accordance with the requirements of AS/NZS 2890.1:2004;
- Cardno is satisfied that, despite changes made to grades and transition lengths as shown in the revised plans, the design of the access ramp and internal ramps is consistent with the guidelines within the Yarra Planning Scheme and Australian Standards and is considered appropriate; and
- As was stated in our previous review, Cardno is of the view that it will be necessary to install a convex mirror and / or a signal system to warn pedestrians of exiting vehicles given a pedestrian sight triangle is not intended to be provided. This is largely due to the anticipated level of pedestrian activity along the Queens Parade site frontage.

1.1.4 Bicycle Facilities Considerations

It is viewed that the bicycle facilities are adequate and remain comfortably in excess of the Yarra Planning Scheme requirements, with all visitor and staff bicycle parking provided at ground level and the remainder provided across the two basement levels.

The majority of bicycle storage rooms within basement levels appear to be designed to include vertical rails in accordance with the specifications specified within Bicycle Network's Bicycle Parking Handbook.

We note that amended plans now show a total of 106 *'Delta CBR (Floor Mount)'* racks distributed across both basement levels. As the associated manufacturer's specifications sheet has not been provided and it is not clear as to who the manufacturer is from the information provided, it is not possible to assess the appropriateness of the proposed layout for these particular spaces.

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1.1.5 Loading Considerations

Cardno is satisfied that a dispensation of the loading bay requirements associated with the commercial tenancies is acceptable in this instance.

1.1.6 Waste Considerations

Although Cardno has not been provided with swept path diagrams showing access to the revised 'Waste Pickup Bay', it would appear that the proposed waste collection vehicle would be able to access the designated pickup bay on Basement Level 1 to undertake waste collection. Sufficient manoeuvring area is provided adjacent to the loading bay to allow for forward in and forward out access.

As was noted in Cardno's previous review of The Traffix report, the swept path for the waste vehicle was shown commencing within the title boundary. Although the new access crossover is designed with a revised width of 6.14m (Drawing No. A100), it is suggested a swept path of the desired waste vehicle be shown accessing the site from the Queens Parade service road, inclusive of 600mm clearance lines.

1.1.7 Traffic Considerations

1.1.7.1 Traffic Generation, Distribution and Impact

As was noted in Cardno's previous review, the variety of access routes available to the site from all directions ensures that accessibility to the site and surrounding area will be readily accommodated post-development, with development traffic being well dispersed across the road network without detrimental impacts. This argument is further strengthened due to the substantial decrease in apartment yield as part of the proposed amendments.

We trust you find the above information satisfactory. Please feel free to get in touch should you require further clarification.

Yours sincerely,

Rodney Jude
Senior Engineer - Traffic Transport & Parking for Cardno
Direct Line: 8415 7768
Email: rodney.jude@cardno.com.au

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Appendix 6. Council's ESD Advisor

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CITY OF YARRA

MEMO

TO:	**Sarah Thomas**
cc:	
FROM:	**Euan Williamson, ESD Advisor**
DATE:	**01.03.2017**
FILE:	**PLN16/0434 – 26-56 Queens Parade, North Fitzroy**
SUBJECT:	**ESD response to updated building design**

Sarah,

I have reviewed the substituted architectural drawings prepared by *Koichi Takada Architects* prepared on the 20.02.2017. In summary, most of the previous ESD concerns are still outstanding.

Daylight and Natural Ventilation

Despite a decease in the scale of the proposal and other minor changes to the building design that have improved, access to daylight and natural ventilation of the proposed dwellings is still poor and will not meet Council's best practice standards. The proposed development does not have sufficient building separation within it's proposed built form to allow daylight to the future dwellings. Applicants should aim to meet BESS building separate as a guide, (http://www.bess.net.au/tool-notes/) or demonstrate the development meets our daylight factor standards using daylight modelling. No daylight modelling or additional information to demonstrate best practice has been submitted. My previous advice, therefore, still stands:

> *Significant number of dwellings with primary aspects facing boundaries to existing multi-level buildings, impacting on daylight access to both existing and proposed. Significant number of dwellings are single aspect with room depths of 8m and greater, with deep balcony overhangs, unlikely to meet a best practice standard in access to daylight. The standard of access to daylight of proposed dwellings is poor.*
>
> *A poor standard of natural ventilation, predominantly single sided dwellings deeper than 5m. Approximately 10% of dwellings have cross ventilation. Strongly recommend re-designing the building to facilitate better natural ventilation, with at least 60% of dwellings to be cross ventilated. Single sided dwellings should have room depths no greater than 5m. A project of this scale is required to demonstrate best practice.*
>
> (Also) *The proposed building has insufficient building separation within the development and also in consideration of neighbouring buildings. Demonstrate that changes to the building design can meet a best practice standard through daylight modelling.*

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Neighbouring Dwellings

The impact of the proposed development on the neighbouring dwellings, particularly to existing primary aspects from living rooms, remains a serious concern. As previously stated:

> *Recommend: increase setbacks to boundaries where existing buildings are reliant on access to daylight & improve the access to daylight of proposed dwellings…Demonstrate that changes to the building design can meet a best practice standard through daylight modelling.*

Additional outstanding ESD Concerns

The previous issues identified in my previous advice, based on the previous version of the building design, still stand:

- *External views are not possible from a significant number of dwellings with internal outlook.*
- *Large amounts of exposed glazing to the east, west and northern facades across the development. This poor shading strategy will result in high cooling loads and reliance on air conditioning for thermal comfort. Recommend exterior adjustable shading to all exposed glazing on the east, west and north facing facades exposed to summer sun angles, through louvers, fins, retractable awnings or sliding screens, etc. "solar screens" are mentioned in the SMP but it is unclear what this refers to on the plans.*

(3) Outstanding Information:

- *Please provide end of trip facilities (showers and lockers) for staff. It appears there will be space in the facilities in the core on the ground floor, including the disabled access WC.*
- *Recommend providing onsite waste management facilities for green waste and hard waste also. It appears that space has been provided in the waste room but it was not been mentioned in the SMP.*
- *Please check the WMP to ensure that the waste management provisions are sufficient, and if "green" and "bulk" waste facilities are also included.*

(4) ESD Improvement Opportunities:

- *Consider a solar PV array to contribute to common area electricity consumption.*
- *Recommend split ACs within one star of the most energy efficient available for the suitable capacity at the time of construction.*
- *Recommend 90% efficiency gas boiler and solar thermal pre-heating collectors be applied to the hot water system.*
- *Recommend a Building Users Guide detailing the sustainability features of the building be developed and given to building users.*

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 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Appendix 7. Council's Strategic Transport Unit

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Memo

To: Sarah Thomas

Cc: Simon Exon; Jane Waldock;

From: Kate Simnett

Date: 23/02/2017

Subject: 26-56 Queens Parade, North Fitzroy (PLN16-0434)

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We have received the plans for the development in North Fitzroy (PLN16-0434) and provide the following feedback:

Bicycle parking on-site:

In relation to the proposed bicycle parking as per the Traffic Assessment Report p.26 and Plans (Part 6) pp.A98-100.

1. The style and number of residential bicycle parking is satisfactory, though more on-floor style bicycle parking for visitors (even via sacrificing the number of spaces) is strongly recommended.
2. The location of visitor bicycle parking satisfactory, though more on-floor style bicycle parking for visitors (even via sacrificing the number of spaces) is strongly recommended.
3. Strategic Transport advises the following elements be considered in location and style of bicycle parking to be provided:
    a. Easily accessible
    b. Secure
    c. Well-lit
    d. Undercover
    e. A mixture of on-ground and hanging style bike racks with the majority (more than 75%) to be provided as on-ground.

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

Napier St/Queens Parade Intersection

Strategic Transport is concerned about the traffic generation at the intersection of Queens Parade and Napier Street as there are significant bicycle movements in the area and Napier St is a key bicycle route for the City of Yarra. Strategic Transport suggests a treatment of the intersection involving the below concepts:

1. Close the service lane on the north west corner
2. Increased walkability through the installation of splitter islands and kerb extensions
3. Increased cycle safety through decreed crossing distances
4. Opportunities for better/greener public spaces

Please note: There are no known capital works planned in the area.

If you require any further input, or would like to discuss these comments in more detail, please don't hesitate to contact me on 9205 5734.

Regards

Kate Simnett
Sustainable Transport Officer
Strategic Transport

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Appendix 8. Council's Services Contracts Unit

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Thomas, Sarah

From: Agostino, Joe
Sent: Friday, 24 February 2017 3:29 PM
To: Thomas, Sarah
Cc: Valente, Enzo
Subject: RE: 26-56 Queens Pde - Substituted plans for PLN16/0732 and PLN16/0434

Hi Sarah

From a City Work's perspective the comments regarding the Waste Management Plan remain the same. There are no further comments from the City Work's perspective.

Kind Regards

Joseph Agostino
Project Officer
City Works
Yarra Operations Depot, Clifton Hill

City of Yarra PO Box 168 Richmond 3121
T(03) 9205 5540 **F**(03) 8417 6666
E Joe.Agostino@yarracity.vic.gov.au W www.yarracity.vic.gov.au

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From: Thomas, Sarah
Sent: Tuesday, 21 February 2017 1:23 PM
To: Swarup, Richa; Williamson, Euan; Engineering Referral Unit; Simnett, Kate; Valente, Enzo; Lindsay, Carrie; Alexander, Steve; Robyn Riddett (rgrd@bigpond.com); Riddett, Robyn
Cc: Connell, Danielle; Osman, Mary
Subject: 26-56 Queens Pde - Substituted plans for PLN16/0732 and PLN16/0434

Hi all

We have received amended plans for both of the above applications, affecting the main site and the rear site at 26-56 Queens Pde.

Essentially, the main development has been reduced from 16 to 12 storeys (plus basement) and the rear development has been reduced from 4 to 3 storeys.

I am after your advice in your respective fields based on these substituted plans.
Based on VCAT deadlines, I will need your advice by **Friday, 24 February 2017.**
I apologise for the short notice, however we only received the plans last night.

ROBYN – please see me for a set of plans when you are in next.

The plans are in TRIM:

PLN16/0434 (Main site)
D17/21368
D17/21367
D17/21365

1

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

D17/21364
D17/21363

PLN16/0732 (Rear site)
D17/21375
D17/21374
D17/21373
D17/21371
D17/21370

Thanks

Sarah Thomas
Principal Planner
(Monday, Tuesday, Thursday and Friday)
City of Yarra PO Box 168 Richmond 3121
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E Sarah.Thomas@yarracity.vic.gov.au **W** www.yarracity.vic.gov.au

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Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Appendix 9. Wind Consultant (MEL Consultants)

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Thomas, Sarah

From: Sophie Lamande <SophieL@Vipac.com.au>
Sent: Thursday, 23 February 2017 10:44 AM
To: Thomas, Sarah
Subject: RE: 26-56 Queens Pde - Substituted plans for PLN16/0732 and PLN16/0434

Hi Sarah,

We've reviewed the changes to the plans. The main alterations that would affect the pedestrian wind environment are the reduction in building height, the increases to setbacks and building separation, and the increased terracing. These changes would all be expected to improve the wind environment by assisting to reduce downwash and channelling effects. The revised design would be expected to achieve an improved wind environment over the original design.

Let me know if you require further information or clarification.

Kind regards,

Sophie Lamande
Wind Group Leader

ViPAC

Vipac Engineers & Scientists Ltd
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Private Bag 16, Port Melbourne VIC 3207 Australia
t. +61 3 9647 9827 **m.** +61 4 0198 3286
e. sophiel@vipac.com.au **w.**www.vipac.com.au

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From: Thomas, Sarah [mailto:Sarah.Thomas@yarracity.vic.gov.au]
Sent: Tuesday, 21 February 2017 1:27 PM
To: Sophie Lamande
Subject: 26-56 Queens Pde - Substituted plans for PLN16/0732 and PLN16/0434

Hi Sophie

We have received amended plans for both of the above applications, affecting the main site and the rear site at 26-56 Queens Pde.

Essentially, the main development has been reduced from 16 to 12 storeys (plus basement) and the rear development has been reduced from 4 to 3 storeys.

I am after your advice from a wind perspective on these substituted plans.
Based on VCAT deadlines, I will need your advice by **Friday, 24 February 2017.**
I apologise for the short notice, however we only received the plans last night.

https://www.dropbox.com/sh/ar5wgphj3zsygvk/AACAPLN1vw98Rq7CVCEpqYhla?dl=0

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Thanks

Sarah Thomas
Principal Planner
(Monday, Tuesday, Thursday and Friday)
City of Yarra PO Box 168 Richmond 3121
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E Sarah.Thomas@yarracity.vic.gov.au **W** www.yarracity.vic.gov.au



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Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Appendix 10. Council's Open Space Unit

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

CITY OF YARRA

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Memo

To: Sarah Thomas

Cc: Carrie Lindsay; Kevin Ayrey; Glen Williames

From: Julia Mardjuki

Date: 23 February 2017

Subject: 26-56 Queens Parade, North Fitzroy

Dear Sarah

I refer to the substituted plans and reports submitted for the proposed development at 26-52 Queens Parade, North Fitzroy and provide the following comments:

- The proposed ground level courtyard areas will still be significantly overshadowed for most of the day. Accordingly, proposed planting in this area will struggle to thrive and the space will be inhospitable. This is not a good design outcome.
- The new "Better Apartments Draft Design Standards" guidelines recommend that "*at least 50% of the communal outdoor space area should receive sunlight for a minimum of two hours between 9am and 3pm on 21 June*." This proposal does not achieve this minimum requirement for the ground level central garden.
- Whilst the proposed building heights have been reduced, the nature strip along Queens Parade will still be overshadowed for most of the day and this will impact future growth rates; potentially compromising the integrity of the boulevard.
- We appreciate the removal of seating and paving along Queens Parade as per Council's recommendation.
- Updated landscape plans will need to be provided for comment. They will need to address the items raised previously and provide details for new elements such as new green roofs on several floors and the garden light well.

If you require any further input, or would like to discuss these comments in more detail, please don't hesitate to contact me on 9205 1427.

Yours sincerely

Julia Mardjuki
OPEN SPACE PLANNING & DESIGN

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Appendix 11. Council's Community Amenity Unit

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Thomas, Sarah

From: Alexander, Steve
Sent: Wednesday, 22 February 2017 8:44 AM
To: Thomas, Sarah
Subject: RE: 26-56 Queens Pde - Substituted plans for PLN16/0732 and PLN16/0434

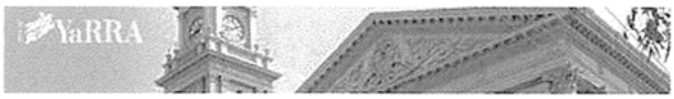
Hi Sarah, thanks for your email. There's not much there for me to comment re: the development proposed changed from an amenity perspective. Construction management may have a comment. Please feel free to contact me if you wish to discuss further.

Thank you.

Steve Alexander
Coordinator, Civic Compliance
City of Yarra.
PO Box 168 RICHMOND 3121
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From: Thomas, Sarah
Sent: Tuesday, 21 February 2017 1:23 PM
To: Swarup, Richa; Williamson, Euan; Engineering Referral Unit; Simnett, Kate; Valente, Enzo; Lindsay, Carrie; Alexander, Steve; Robyn Riddett (rgrd@bigpond.com); Riddett, Robyn
Cc: Connell, Danielle; Osman, Mary
Subject: 26-56 Queens Pde - Substituted plans for PLN16/0732 and PLN16/0434

Hi all

We have received amended plans for both of the above applications, affecting the main site and the rear site at 26-56 Queens Pde.

Essentially, the main development has been reduced from 16 to 12 storeys (plus basement) and the rear development has been reduced from 4 to 3 storeys.

I am after your advice in your respective fields based on these substituted plans.
Based on VCAT deadlines, I will need your advice by **Friday, 24 February 2017.**
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ROBYN – please see me for a set of plans when you are in next.

The plans are in TRIM:

1

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

PLN16/0434 (Main site)
D17/21368
D17/21367
D17/21365
D17/21364
D17/21363

PLN16/0732 (Rear site)
D17/21375
D17/21374
D17/21373
D17/21371
D17/21370

Thanks

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Principal Planner
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Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Appendix 12. Assessment against proposed DDO

Attachment 3 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - External urban design review of subsituted plans

PLANNING URBAN DESIGN COMMUNICATION MESSAGE

Memorandum

Date: 2 August 2017 **Our ref.:** 16268P

To: Mimi Marcus, Maddocks

From: Tim Biles, Message Consultants

Re: 26-56 Queens Parade, Fitzroy North

As requested I have undertaken a preliminary review of the circulated amended plans, as provided on the 25 July 2017, namely;

- **Plans by Cox Architects- 26-56 Queens Parade**
- **Plans by Koichi Takada Architects - rear of 26-56 Queens Parade**

I have undertaken this assessment in response to the recently approved interim DDO16 policy requirements.

Please note that I have not undertaken a detailed assessment of the internal amenity of the proposal. This can be done if required.

In summary, I consider that the 2 proposals have appropriately responded to the DDO16 requirements and the site context.

1. Plans by Cox Architects: 26-56 Queens Parade

The proposal in the amended plans by Cox Architects is an acceptable response to the DDO16-2A policy requirements for the following reasons:

- It provides a 3 storey street wall with a series of 4 towers on the site, reaching no more than 31m in height plus plant, which is consistent with the DDO16 mandatory provisions.
- The setbacks of the towers from the street and side boundaries is adequate.
- The separation between towers is generous and at no point less than 10m.
- The façade detailing at the podium demonstrates a fine grain patterning and is respectful of the heritage façade. Notwithstanding heritage advice, I consider the heritage parapet detail will be an interesting design element in the Queen Parade streetscape.
- The interface to the rear provides an appropriate 3 storey form, with the tower forms adequately setback so as not to appear visually dominant to the neighbouring adjacent sites.

The table on page 3 provides a brief summary of the assessment of the proposal against the DDO16 Area 2A discretionary requirements.

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Attachment 3 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - External urban design review of subsituted plans

MESSAGE

In terms of other general comments about the proposal I note the following;

- The shadow consequences off site appear to be acceptable.
- The apartments appear to have functional layouts.
- There seems to be a large number of privacy screens applied to the podium of proposal along the rear interfaces. The details of these screens should be provided. In some instances I consider that they are not necessary and could be applied in a more discretionary manner. The screening could be openable, and certainly permeable to 25% to allow residents to adjust the extent of screening.

2. Plans by Koichi Takada Architects: Rear of 26-56 Queens Parade

I consider that the amended plans by Koichi Takada Architects is an acceptable response to the DDO16-1B policy requirements for the following reasons:

- It provides a row of 4 attached 3 storey townhouses, reaching no more than 10m, on the site.
- The setbacks to the neighbouring interfaces are adequate.
- The apartments appear to have functional layouts.
- The provision of car parking is provided within the basement of the neighbouring site, which is an interesting design response.

Yours sincerely

Tim Biles

Director
Message Consultants Australia Pty Ltd

tim@messageconsultants.com

Attachment 3 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - External urban design review of subsituted plans

MESSAGE

Discretionary Controls				
Built Form	**Discretionary Control**	**Cox Plans**	**Meet the Control**	**T Biles comments**
Front Setback from boundary of Queens Parade	• 0m up to maximum 10m (3 storeys).	0m up to L2 (3 storeys)	Complies.	Acceptable
Above existing heritage façade Upper Level Setback from front of building	• Minimum of 8m setback from 10m (3 storeys) to 16m (5 storeys) • Minimum of 11m setback from 16m (5 storeys).	A variety of setbacks to the 3 towers fronting Queens Parade are employed above the 3 storey street wall.	Does not comply	The setbacks to the towers above the podium are acceptable. The variation in setbacks, tower separation and curved built form setbacks will ensure that the street wall will read separately from the towers. Towers employ adequate separation from one another and apartment floor plates are 'juxtaposed' adding interest to the building form.
Above new street wall Upper Level Setback from front of building	• Minimum of 5m setback from 10m (3 storeys) to 16m (5 storeys) • Minimum of 8m setback from 16m (5 storeys).			
Setback(s) from rear boundaries – North & North West adjacent to NRZ & GRZ	• ResCode B17 measured from the rear boundary of adjoining properties up to 10m (3storeys). • Setback within a 45 degree angle line measured from 10m (3 storeys) up to 25m (8 storey).	The proposal appears to comply with the B17 and 45 degree angle line above 10m from ground level.	Appears to generally comply. The building is 'organic' in shape, unlike the DDO requirements which encourage a more regular setback treatment. It would be useful for the architectural plans to demonstrate the areas of compliance and non-compliance with these provisions.	In terms of visual bulk and massing, I consider the side and rear interface condition of the podium and the tower setbacks above the podium are a suitable response to the intent of the DDO and the local context.
Setback(s) from side boundary – East adjacent to NRZ	• 0m setback to match party wall of existing adjoining development up to 10 metres (3 storeys). • Setback within a 45 degree angle line measured from 10m (3 storeys) up to 25m (8 storey).	The proposal applies a series of different setbacks to the 3 storey podium and to the eastern tower		
Setback(s) from side boundary – East adjacent to MUZ	• 0m setback to match party wall of existing adjoining development or 10m (3 storeys) where no party wall exists. • Minimum of 9m setback from the windows/ balconies of adjoining apartments up to 16m (5 storeys). • Minimum of 15m setback above 16m (5 storeys).	The proposal applies a variety of setbacks to the 3 storey podium and the eastern tower.		
Setback(s) from side/ rear boundaries – West & North West adjacent to MUZ	• 0m setback to match party wall of existing adjoining development to the west or 10m (3 storeys) where no party wall exists. • Setback within a 45 degree angle line measured from 10m (3 storeys).	The proposal applies a range of different setbacks from 0m near the Queens Parade frontage to a maximum of 9.8m.		

Attachment 4 - PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) - Engineering comments on substituted plans

CITY OF YaRRA

MEMO

To:	**Sarah Thomas**	
From:	**Mark Pisani**	
Date:	**28 July 2017**	
Subject:	**Application No:**	**PLN16/0434 & PLN16/0732**
	Description:	**Substituted Drawings; Major Development**
	Site Address:	**26-56 Queens Parade and Rear 26-56 Queens Parade, Fitzroy North**

I refer to the substituted plans received at this office on 25 July 2017 in relation to the proposed developments at 26-56 Queens Parade and Rear 26-56 Queens Parade, Fitzroy North. Council's Engineering Services unit provides the following information:

MAIN SITE (Off Queens Parade Service Road)

CAR PARKING PROVISION – 26-56 QUEENS PARADE

Proposed Development

According to the information provided by the applicant, the revised proposal's parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	95	1 space per dwelling	95	71
Two-bedroom dwelling	138	1 space per dwelling	138	136
Three-bedroom dwelling	57	2 spaces per dwelling	114	74
Four-bedroom dwelling	5	2 spaces per dwelling	10	8
Residential visitors	295 Dwellings	1 space per 5 dwellings	59	9
Food & Drink (Shop)	201 m^2	4 spaces per 100 m^2 of leasable floor area	8	7
Food & Drink (Café)	99 m^2	4 spaces per 100 m^2 of leasable floor area	3	
Restaurant - Patron numbers unknown	188 m^2	0.4 spaces to each patron permitted	Insufficient information	
		Total	427 Spaces + restaurant parking	305 Spaces

Attachment 4 - PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) - Engineering comments on substituted plans

Of the residential mix, 14 townhouses are included in the total of 295 dwellings.

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

Car Parking Demand Assessment

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

- *Parking Demand for Dwellings*. We are satisfied that the on-site car parking provision for the dwellings is appropriate for the scale of development and its proximity to public transport nodes and connectivity to the on-road bicycle network.
- *Parking Demand for Residential Visitors*. In the previous revision of the development we had reviewed, the site was providing 11 residential visitor spaces for 341 dwellings (a rate of 0.032 spaces per dwelling). By comparison, the revised proposal would be providing nine spaces for 295 dwellings, which equates to a rate of 0.031 spaces per dwelling. The visitor parking rate is consistent with the previous proposal.
- *Parking Demand for Commercial Uses*. The food and drinks premises and the restaurant would be allocating all seven spaces to employees. Customer parking for the uses would be accommodated off-site.
- *Availability of Public Transport in the Locality of the Land*. The site is within walking distance of tram services operating along Brunswick Street and Queens Parade. Bus services also operate along Queens Parade, George Street and Alexandra Parade.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- *Availability of Car Parking*. Traffix Group had undertaken on-street parking occupancy surveys in the surrounding area on Friday 18 March 2016 and Saturday 19 March 2016 (at 1:00pm and 8:00pm on both days). The survey area encompassed Queens Parade (Jamieson St to Alexandra Pde), Alexandra Parade (Rae St to George St), Grace Lane, Coleman Street and section of Brunswick Street, Napier Street, Newry Street, George Street and Jamieson Street. The duration and extent of the surveys are considered appropriate. An inventory of up to 380 publicly available parking spaces was identified. The results of the survey indicate that a minimum of 139 vacant on-street car parking spaces was recorded at 8:00pm on the Friday. The surrounding area has a supply of vacant on-street car parking and should be able to accommodate any short-stay parking demand from the site.
- *Relevant Local Policy or Incorporated Document*. The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the lack of on-site car parking would discourage private motor vehicle ownership and use.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking is considered appropriate in the context of the development and the surrounding area. The short stay car parking demands could be accommodated on-street as demonstrated from the on-street parking occupancy surveys.

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

Attachment 4 - PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) - Engineering comments on substituted plans

TRAFFIC GENERATION

Compared with the previous revision, the current proposal will contain a slightly reduced on-site car parking provision (335 spaces to 305 spaces).

In our previous referral comments of 23 February 2017, we were satisfied with the traffic generation of the site. Similarly, the current proposal's traffic generation is considered acceptable.

Attachment 4 - PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) - Engineering comments on substituted plans

DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance – Queens Parade Service Road	The proposed 6.4 metre wide vehicle entrance satisfies *Design standard 1 – Accessways* of Clause 52.06-8. The entrance allows for two-way simultaneous traffic movements into and out of the development.
Visibility	A pedestrian sight triangle has not been provided for the exit lane of the access way as it immediately abuts the wall of the adjoining property. There is no objection to the installation of a convex mirror as originally suggested by Traffix Group. The installation of a pedestrian signal audible device at the entrance is not supported. It the responsibility of a motorist exiting private property to give way to pedestrians along the footpath before entering a Public Highway, and not vice versa. In addition, audible warning devices could be potentially annoying to occupants of nearby dwellings.
Vehicle Crossing	The revised vehicle crossing design has now provided a lateral clearance of 1.0 metre from the power pole to the east edge of the crossing. The east edge has not been aligned perpendicular to the Queens Parade service road.
Ramped Accessway Width	The ramped accessway has a minimum width of 6.4 metres and satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004 section 2.5 – *Design of circulation roadways and ramps*.
Internal Ramp Width	The 6.4 metre wall-to-wall widths of the internal ramps satisfy AS/NZS 2890.1:2004.
Car Parking Modules	
Car Parking Spaces – Ninety-Degree Parking	The dimensions of the regular car parking spaces satisfy *Design standard 2: Car parking spaces* or AS/NZS 2890.1:2004 (where applicable).
Accessible Parking Space	The dimensions of the dedicated accessible parking space for people with disabilities and the associated shared area satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009 *Parking facilities Part 6: Off-street parking for people with disabilities*.
Aisles	The 6.4 metre wide aisles throughout the two levels of basement parking satisfy *Design standard 2*.
Column Setbacks and Depths	Columns have been setback from the aisles by 800 mm and have depths of 1.0 metre (for 5.4 metre long bays). AS/NZS 2890.1:2004 requires 1.0 metre long columns to be set back from the aisle by 750 mm. We recommend the columns be repositioned 750 mm from the aisles as required by the Standard.
Clearances to Walls	Clearances of 300 mm have been provided to bays abutting walls.
Blind Aisle Extensions	The blind aisle extensions are a minimum of 1.0 metre as required by AS/NZS 2890.1:2004.

Attachment 4 - PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) - Engineering comments on substituted plans

Item	Assessment
Car Parking Modules - Continued	
Headroom Clearance	Headroom clearances have been dimensioned for both basement level car parks. A minimum headroom clearance of 2.5 metres has been provided and satisfies AS/NZS 2890.1:2004.
Gradients	
Ramp Grade for First 5.0 metres inside Property	The ramp grade for the first 5.0 metres inside the building line is 1 in 20 and satisfies *Design standard 3: Gradients*.
Ramp Grades and Changes of Grade	The ramp grades and the changes of grade for the ramped accessway and the internal ramp satisfy *Design standard 3*.
Loading Facilities	
Loading By and Waste Pickup Bay	Have not been dimensioned on the drawings. Swept path diagrams demonstrating entry and exit movements into and out of this facility should be submitted.

ENGINEERING CONDITIONS

The engineering conditions specified in our referral comments of 23 February 2017 are still relevant and still stand.

NON-PLANNING ADVICE FOR THE APPLICANT

The non-planning advice specified in our referral comments of 23 February 2017 is still relevant and still stands.

Attachment 4 - PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) - Engineering comments on substituted plans

REAR 26-56 QUEENS PARADE

CAR PARKING PROVISION

Proposed Development

According to the information provided by the applicant, the revised proposal's parking requirements are as follows:

Proposed Use	Quantity /Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Two-bedroom dwelling plus Study	1	1 space per dwelling*	1	1
Three-bedroom dwelling	3	2 spaces per dwelling	6	6
Total			7 Spaces	7 Spaces

* The two-bedroom plus study dwelling has been treated the same as regular two-bedroom dwelling due to the small size of the study which is unlikely to be used as an additional bedroom.

Seven on-site spaces would be provided for the four townhouse dwellings in the car park at 26-56 Queens Parade. The proposed car parking provision satisfies the statutory car parking requirement.

PEDESTRIAN ACCESS

According to Traffix Group report, it is proposed that the development's principal pedestrian access would be via parent site of 26-56 Queens Parade. The pedestrian access plan in the report indicates that from the subject site persons walking to and from Queens Parade via the parent site would travel approximately 90 metres.

The Right of Way linking the site from Brunswick Street would provide a more expedient way of accessing the street network (approximately 35 metres). Although the applicant is encouraging access via the parent site, pedestrians could be inclined to use the Right of Way, as it is a Public Highway.

ENGINEERING CONDITIONS

Civil Works

- Upon the completion of all building works and connections for underground utility services, the section of Right of Way in between the subject site and 26-56 Queens Parade must be fully constructed to Council's satisfaction and at the Permit Holder's cost.
- The Permit Holder is to make a development contribution of 50 per cent of the cost of reconstructing the bluestone Right of Way from the development to St Georges Road. Council will program the works on the Capital Works Program and pay the balance of the works.

Public Lighting

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

Attachment 4 - PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) - Engineering comments on substituted plans

- The developer must ensure that lighting from any existing or new lights does not spill into the windows of any new residences or any existing nearby residences. Any light shielding that may be required shall be funded by the Permit Holder.

Construction Management Plan

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

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

Road Asset Protection

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

Impact of Assets on Proposed Development

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

NON-PLANNING ADVICE FOR THE APPLICANT
Legal Point of Discharge

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

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 5 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - ESD Advice on substituted plans

CITY OF YARRA

MeMO

TO:	**Sarah Thomas**
FROM:	**Euan Williamson, ESD Advisor**
DATE:	**26.07.2017**
FILE:	**26-52 Queens Parade, North Fitzroy**
SUBJECT:	**ESD Response – Amended Plans for VCAT Hearing**

Sarah,

I have reviewed the amended plans prepared by Cox Architecture, dated the 24.07.2017. In summary, the amended plans address some of the major concerns raised in my previous advice concerning access to daylight and shading from summer heat gain. Some other items remain outstanding and should be addressed by an amended SMP.

Daylight
Some habitable rooms on lower levels are likely to fall just beneath our best practice standards for access to daylight, but overall the standard is likely to be acceptable. To maximise opportunities for access to daylight I recommend;

- Clear glazing to all habitable rooms of dwellings.
- All privacy screens and devices to be made of obscured glazing or similar, rather than a solid material that will restrict access to daylight.
- Full height glazing to lower level dwellings with compromised access to daylight, such as;
    - C1GF09, C4GF05, C4GF06, C3GF02, C3GF01
    - Lower level bedrooms of TH14, TH13, TH12, TH11 on the ground floor,
    - C40105, C40106, C30202, C30203, C30204, C20103 on the first floor, and

Although the amended design will still have an impact on adjoining neighbours' access to daylight and sunlight, the design has improved considerably. The increased setback from the existing dwellings and building articulation will assist in improving the access to daylight to the adjoining properties.

Shading
Reasonable shading is given through balcony overhangs and wingwalls and through the extended 600mm solid awning that is cantilevered over exposed external glazing.

Natural Ventilation
As noted in my previous advice, there remains a poor of natural ventilation to single sided dwellings deeper than 5m. Strongly recommend re-designing the building to facilitate better natural ventilation, with at least 60% of dwellings to be cross ventilated. This could be achieved through various means including;

- Extraction fans to all kitchen range hoods and bathrooms
- Ceiling fans

Attachment 5 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - ESD Advice on substituted plans

- Trickle vents
- Energy efficient mechanically assisted natural ventilation with flow rates 50% in excess of AS 1668 levels.

I recommend that an updated SMP for this project is submitted that addresses an effective ventilation strategy for all dwellings that do not have access to cross ventilation.

If you or the applicant would like to discuss this development further, please contact me.
Regards,

Euan Williamson
Environmental Sustainable Development Advisor
City of Yarra PO Box 168 Richmond 3121
T (03) 9205 5366 F (03) 8417 6666
E Euan.Williamson@yarracity.vic.gov.au
W www.yarracity.vic.gov.au

Attachment 6 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - ESD Memo2 - 26-56 Queens Parade

CITY OF YARRA

MeMO

TO:	**Sarah Thomas**
FROM:	**Euan Williamson, ESD Advisor**
DATE:	**02.08.2017**
FILE:	**26-52 Queens Parade, North Fitzroy**
SUBJECT:	**ESD Response – Full height glazing to dwellings**

Sarah,
I have prepared a list of dwellings where full height glazing is recommended to assist maximise access to daylight, namely;

Ground floor
- C1GF09,
- C4GF04(*rear bedroom*), C4GF05, C4GF06,
- C3GF01, C3GF02, C3GF06 (*rear bedroom*)
- Lower level bedrooms of TH11, TH12, TH13, TH14,

First Floor
- C40105, C40106,
- C30101, C30102, C30103, C30104, C30105

Second Floor
- Rear bedrooms to TH11, TH12, TH13, TH14
- C30201, C30202, C30203, C30204, C30205?
  (*please note current plans have two dwellings marked as C30203, refer to marked up plans*)

I have prepared marked up plans for these three levels in accompanying pdf documents.
If you or the applicant would like to discuss this development further, please contact me.
Regards,

Euan Williamson
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T (03) 9205 5366 F (03) 8417 6666
E Euan.Williamson@yarracity.vic.gov.au
W www.yarracity.vic.gov.au

Attachment 7 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Heritage review of subsituted plans

City of Yarra

Heritage Advice – Revised Design (Cox)

Application No.: PLN16/0434

Address of Property: 26 – 56 Queens Parade, Fitzroy North

Planner: Sarah Thomas

Yarra Planning Scheme References: Clauses 43.01, 22.02, 21.05 and Schedule DDO 16.

Heritage Overlay No. Only partly in HO327 **Precinct:** North Fitzroy

Level of significance:

No. 26, 28 – 58 Queens Parade, North Fitzroy, is listed as electro plate K G Luke Pty Ltd electro-plate manufacturers factory, former (part), constructed 1938, 1937, is graded as "Individually significant" in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*. (Rev. Sep 2015) but it is not in a Heritage Overlay.

I have provided comments on several occasions in relation to the Koichi Takada drawings. The basic premise in relation to context remains the same for this assessment of the Cox design.

Proposal

Construction of a large development behind the retained Art Deco façade.

Drawing Numbers

60 sheets of drawings, photomontages and the like by prepared by Cox Architecture and with Council date stamp 25 Jul 2017.

Context

I have provided comments on several occasions in relation to the Koichi Takada drawings. The basic premise in relation to context remains the same for this assessment of the Cox design.

The following strategies are the relevant context in which to consider this proposal.

> **Strategy 14.3** Protect the heritage skyline of heritage precincts;
> **Strategy 14.6** Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining Areas;
> **Objective 17** To retain Yarra's identity as a low-rise urban form with pockets of higher development;
> **Strategy 17.2** 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 [inter alia]: Significant upper level setbacks [and] High quality restoration and adaptive re-use of heritage buildings (Cl. 21.05).

In addition the relevant part of the heritage policy is:

Attachment 7 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Heritage review of subsituted plans

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

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Consider the architectural integrity and context of the heritage place or contributory element.

I commented previously that "The application of the Heritage Policy and the Strategies must in this case be tempered by the nature of the site and its context and in my opinion it is important to assess the development in toto and in a 3 dimensional sense rather than a formulaic consideration of setbacks, height, materials etc. That said I emphasise that this site, regardless of its present listing is almost in a green fields context and with only part of the façade having heritage value while also noting the heritage dwellings abutting to the west and those to the east which are separated by the very long frontage of the development site".

Schedule 16 to The Design and Development Overlay specifically applies to Queens Parade (west). Included in the Design Objectives for Precinct 2A: Boulevard Precinct are:

- To ensure the redevelopment of the land accommodating the former 'K.G. Luke Pty Ltd Electro Plate Manufacturers' factory contributes positively to the urban character of Fitzroy North.
- To retain, enhance and incorporate the existing heritage facade into the redevelopment of the site and to create a consistent parapet height along the streetscape.
- To ensure new development does not diminish, or detract from the heritage values of the boulevard streetscape, the heritage street wall and the heritage trees along Queens Parade.
- To moderate the prominence of development above the street wall with respect to mid and long range panoramic and streetscape views and the Yarra skyline from the Edinburgh Gardens (HO213) and Newry Street (HO327- Fitzroy North Precinct).
- To ensure heritage buildings retain their three-dimensional form as viewed from the public realm to avoid 'facadism'.
- To ensure an appropriate transition in building scale across the site having regard to the existing and preferred built form to the east, north and west.
- To recognise the low scale, fine grain format of existing surrounding development.
- To avoid repetitive stepped built form at upper levels of development.
- To ensure development appropriately considers the amenity impacts on neighbouring development and achieves a high standard of internal amenity within the development.
- To encourage the development above the street wall to be designed as a series of separate development parts with building separation to enable views to the sky.

Attachment 7 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Heritage review of subsituted plans

- To encourage permeability within and through the site.
- To ensure adequate solar access.

I have not repeated the Building heights & setbacks requirements of table 2 but have noted them.

Assessment of Proposed Works

Demolition

There are no heritage concerns with the demolition of all of the fabric, including the shop at the east end, other than for the Art deco façade which will be retained.

The Proposed Built Form

What are the principal differences between the Koichi Takada design and the Cox design?

The previous proposal included retention of the Art Deco façade to Queens Parade.

Behind and beside it to the east two cores were proposed which had the highest parts adjacent to each other either side of a central break. The outer edges cascaded down to street level which was approximately 3 storeys. The general design was of straight horizontal lines alleviated by the vertical lines of the balcony balustrades.

The Cox design includes retention of the Art Deco façade to Queens Parade.

It has 3 curvilinear free-form pods/cores variously fronting Queens Parade behind and beside the façade and separated by two breaks at the Ground floor but by only one at Levels 1 and 2 above. The façade is thus comprised of two sections, and with the eastern section also wrapping around the east and north boundaries of the site and connecting to the rear of the portion behind the Art Deco façade. Thus the greatest concentration of built form is at the lower levels. This is positive.

The height of the podium is commensurate with the height of the Art Deco façade and is lower than the highest portion of it but is higher than the lower portion at the west end. DDO 16 has a discretionary height of below the parapet. I consider that the proposed height meets the intent of the DDO which is to retain the prominence of the heritage façade.

The DDO has a discretionary setback above the existing heritage facade of 8 metres above 10 metres in height (3 storeys) which equates to the top of the parapet of the Art Deco façade) and a minimum of 11 metres above 16 metres in height (5 storeys). The setback at Level 3 ranges from 4.3 metres at the western end to 8.1 metres at the eastern corner of the core/pod behind the façade and then considerably deeper further east thot h east end of the façade. The setbacks at Levels 4 – 5 are the same or similar. The intent of this is to “not detract from the heritage values of the boulevard streetscape, the heritage street wall and the heritage trees along Queens Parade”. I consider that this Built Form Outcome has been met. The setbacks at Levels 6 – 9 do not literally comply i.e. approximately 15-16 metres at the west end and 2.9 metres at the east end, noting also a terrace in the setback at level 6. However they are deemed to meet the Built Form Outcome objective because in sq m area created by the angled façade they will enable the prominence of the Art Deco wall to have primacy in the foreground.

Levels 3 – 9 are separated into 3 core/pods along Queens Parade and with another core/pod behind in the centre of the site. From Level 4 – 9 there is no built form along the east and north boundaries and as a result there is likely to be less visual impact on the Edinburgh Gardens and the residential interface to the north.

Attachment 7 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Heritage review of subsituted plans

Through the gaps between the cores/pods the core/pods at the rear, depending upon one's viewpoint, are visible but as recessive elements in the background.

Is it Too Bulky and Out-of-Scale?

While I found the bulk and scale of the Koichi Takada design to be acceptable because of the nature and location of the site, the visual bulk has been reduced in the Cox design by separating the built form into separate elements and is also acceptable.

Is the Proposed Built Form Too High?

The height complies with the mandatory requirements of DDO16 and is acceptable.

Are the Colours and Materials Acceptable?

Extensive glazing is proposed with the edges of the floor plates and soffits being the only solid elements other than for what appears to be external timber screens. No timber should be in any location where it is exposed to the weather. Extensive experience in Yarra has shown that stained or natural external timber soon develops an unsightly and stained appearance and is seldom maintained, often because of the inaccessibility of its location. If screen are required another material should be used. As drawn it is unlikely that the outer edges of the balcony soffits will be affected by rain but if this is possible then some non-timber edge should be installed on the outer side.

I note the dark brickwork to the new street wall. Of itself it is acceptable and attractive but it seems to have been chosen on the premise that the Art Deco façade will be charcoal in colour. In my previous advice, I had understood that the paint was to be removed from the façade to expose the original face brickwork and commented that this would be "a most positive boon to the area". This needs clarification.

Art Deco Façade

The issue of paint removal has been discussed above.

It is not abundantly clear from the drawings as to how much of the return of the façade at the east end is to be retaned i.e. is it the same as in the Koichi Takada design where it was to be integrated in the café? This is definetly the preference. From the montage at least some of the wall is retained.

Recommendation / Comments:

Subject to the clarification of the items above, I find this proposal acceptable also, in this location and context, and I find it to be a design which also exhibits the architectural excellence as envisaged by the Built Form Strategy.

It meets the requirements of the Heritage Policy and complies with the mandatory and discretionary requirements of DDO 16.

Clarify the use of external timber screens and as required change to another material which will not weather and degrade in appearance.

Attachment 7 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Heritage review of subsituted plans

If the outer edges of the balcony soffits are likely to be affected by rain some non-timber edge strip should be installed on the outer side.

Clarify if the paint is to be removed from the Art Deco façade to expose the original face brickwork. This is the recommendation.

Clarify how much of the return of the façade at the east end is to be and integrated in the café? It should be the same as previously as a minimum.

Signed:



Robyn Riddett

Director – Anthemion Consultancies

Date: 3 August, 2017

Attachment 8 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Services Contracts Unit advice on substituted plans

From: Agostino, Joe
Sent: Friday, 28 July 2017 10:10 AM
To: Thomas, Sarah
Cc: Valente, Enzo
Subject: RE: VCAT P2079/2016 & P147/2017 : Amended Plans : 26 -56 QUEENS PARADE

Hi Sarah

From a City Works Branch's perspective a number of issues regarding the Waste Management Plan have been addressed. Items highlighted below in yellow are satisfactory:

- *More details in general*
- *Bin store considered too small and need isles between bins*
- *Details on how bin store will operate/be managed by operator*
- *Details on education, tenants information, bin room set up, etc to ensure appropriate management of the waste and recycling*
- *Detail plan of bin store clearly showing bins, aisles, path of access, hard waste area, etc*
- *Details/justification on ensuring recycling collected is compacted to ensure industry standard and not compromise recovery of recyclables*
- *Details on path of access from the street to the bin collection point*
- *Details on chute rooms*
- *Details on how the chutes operate to ensure appropriate use by tenants*
- *Details on how the development will be managed by the operator*
- *Show how the WMP will work in practice for residents, operator and waste contractors.*

If you have any queries please give me a call.

Kind Regards

Joseph Agostino
Project Officer
City Works
Yarra Operations Depot, Clifton Hill

City of Yarra PO Box 168 Richmond 3121
T(03) 9205 5540 **F**(03) 8417 6666
E Joe.Agostino@yarracity.vic.gov.au **W** www.yarracity.vic.gov.au

Please consider the environment before you print this email!

From: Valente, Enzo
Sent: Tuesday, 25 July 2017 3:50 PM
To: Agostino, Joe
Cc: Thomas, Sarah
Subject: FW: VCAT P2079/2016 & P147/2017 : Amended Plans : QUEENS PARADE
Importance: High

Hi Joe

Attachment 8 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Services Contracts Unit advice on substituted plans

Please assess and advise Sarah accordingly.

Regards

Enzo

Enzo Valente

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

From: Thomas, Sarah
Sent: Tuesday, 25 July 2017 3:48 PM
To: Swarup, Richa; Simnett, Kate; Williamson, Euan; Engineering Referral Unit; 'Robyn Riddett (rgrd@bigpond.com)'; Riddett, Robyn; Valente, Enzo; Lindsay, Carrie
Cc: Connell, Danielle; Mimi Marcus; Osman, Mary
Subject: FW: VCAT P2079/2016 & P147/2017 : Amended Plans : QUEENS PARADE
Importance: High

Hi all

We have just received the substituted plans for these applications.
(The rear townhouse development and the main site at 26-56 Queens Parade, Fitzroy North.)

I am after your urgent advice on the substituted plans for both applications from your respective fields.
Advice would be sufficient in 1 memo for both applications.

Due to VCAT deadlines, can I please have your comments by **Monday, 31 July 2017?**

We didn't receive any reports or perspectives, just the attached plans.

Thanks

Sarah Thomas
Principal Planner and Advocate
(Monday, Tuesday, Thursday and Friday)
City of Yarra PO Box 168 Richmond 3121
T 9205 5046 **F** (03) 8417 6666
E Sarah.Thomas@yarracity.vic.gov.au **W** www.yarracity.vic.gov.au

bess

BESS is now live!
If you're applying for a planning permit, use the Built Environment Sustainability Scorecard to prepare your sustainable design assessment.

Visit www.bess.net.au to get started.

From: Anastasia Hatzis [mailto:hatzis@pppartners.com.au]
Sent: Monday, 24 July 2017 7:25 PM
To: Thomas, Sarah

Attachment 8 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Services Contracts Unit advice on substituted plans

Cc: mimi.marcus@maddocks.com.au; Mark Naughton
Subject: VCAT P2079/2016 & P147/2017 : Amended Plans : QUEENS PARADE

Dear Ms Thomas,

26-56 QUEENS PARADE, NORTH FITZROY & REAR 26-56 QUEENS PARADE, NORTH FITZROY
VCAT REFERENCES P2079/2016 & P147/2017

We act for Gurner 26-56 Queens Parade Pty Ltd, Permit Applicant/Applicant for Review.

In accordance with the Tribunal's Order dated 6 April 2017, we **attach in the below link** the following to be published on Council's website:

i. PNPE9 Form A - Notice of an Amendment of an Application for P2079/2016 & P147/2017;
ii. Blank Statement of Grounds form for P2079/2016 & P147/2017;
iii. Amended Plans prepared by Cox Architects; and
iv. Amended Plans prepared by Koichi Takada Architects.

https://www.dropbox.com/sh/uh24ee64bww49tk/AAD5oA6xgxeOypPRdthO3Ydfa?dl=0

Hard copies of the above have been sent to you.

Should you have any queries regarding this email, please do not hesitate to contact me.

Regards,

Anastasia Hatzis

PLANNING & PROPERTY **PARTNERS**
LAWYERS & CONSULTANTS

P: 03 8626 9025 | M: 0419 487 926
E: hatzis@pppartners.com.au

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Melbourne VIC 3000

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Attachment 9 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Open spaceadvice on substituted plans

Memo

diverse

vibrant

exciting

inclusive

To: Sarah Thomas

Cc: Kevin Ayrey; Glen Williames

From: Carrie Lindsay

Date: 26 July 2017

Subject: 26-56 Queens Parade, North Fitzroy

Dear Sarah

I refer to the substituted plans and reports submitted for the proposed development at 26-52 Queens Parade, North Fitzroy and provide the following comments:

- The proposed ground level courtyard areas will still be significantly overshadowed for most of the day. Accordingly, proposed planting in this area will struggle to thrive and the space will be inhospitable. This is not a good design outcome.
- The new "Better Apartments Draft Design Standards" guidelines recommend that "*at least 50% of the communal outdoor space area should receive sunlight for a minimum of two hours between 9am and 3pm on 21 June*." This proposal does not achieve this minimum requirement for the ground level central garden.
- It is noted that the new configuration of the upper levels somewhat reduces the impact of overshadowing of the central median of Queens Parade.
- Updated landscape plans will need to be provided for comment. They will need to respond to the items raised previously (in correspondence dated 23/9/2016 and 23/2/2017) and not yet addressed.

If you require any further input, or would like to discuss these comments in more detail, please don't hesitate to contact me on 9205 5725.

Yours sincerely

Carrie Lindsay
COORDINATOR OPEN SPACE PLANNING & DESIGN

Attachment 10 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - PLN16-0434 (July Amendment) - Strategic Transport Advice on substituted plans

Memo

To: Sarah Thomas

Cc: Simon Exon; Jane Waldock;

From: Kate Simnett

Date: 27/07/2017

Subject: 26-56 Queens Parade, North Fitzroy (PLN16-0434)

diverse

vibrant

exciting

inclusive

We have received the plans for the development in North Fitzroy (PLN16-0434) and provide the following feedback:

Bicycle parking on-site:

In relation to the proposed bicycle parking as per the Amended Plans pp.A21-08 – A21-10;

1. The nominated number and style of residential and visitor bicycle parks is satisfactory. However, the location of the bicycle parking is too dispersed (see; Basement 1 – A21-09) with many parks not located near entries or elevators, and not within secure compounds as per the standards. Strategic Transport recommends consolidating all bike parking in no more than 3 secure compounds on Basement 1.
2. The location of visitor bicycle parking satisfactory. There is an area on the ground floor (A21-10); between the deli, café and restaurant; nominated as 'bicycle park' – please provide additional detail on this area.
3. The location of the bicycle parking is particularly poor for those residents in the rear site. Additional parking could be provided on ground level near the secure gate between the sites.

Please note: There are no known capital works planned in the area.

If you require any further input, or would like to discuss these comments in more detail, please don't hesitate to contact me on 9205 5734.

Regards

Kate Simnett
Sustainable Transport Officer
Strategic Transport