



YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

**to be held on Wednesday 27 September 2017 at
6.30pm in Meeting Room 3
at the Richmond Town Hall**

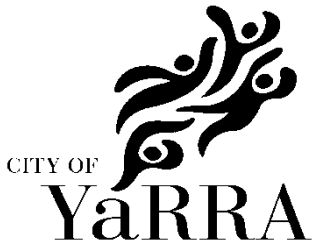
Rostered Councillor membership

Councillor Stephen Jolly
Councillor James Searle
Councillor Mike McEvoy

- I. ATTENDANCE**
Tarquin Leaver (Senior Co-Ordinator Statutory Planning)
Nish Goonetilleke (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	PLN16/0741 378-390 St Georges Road, Fitzroy North - Use and development of the land for 79 new dwellings within a seven-storey building, including 3 shop premises (no permit required for shop use), variation of access to a Road Zone, associated demolition works, reduction in car parking and loading bay requirements.	5	54
1.2	9-11 Peel Street, Collingwood - PLN10/1003.01 - Section 72 amendment to the permit and endorsed plans to allow the restaurant use at the first floor of the building (including associated sale and consumption of liquor); increase the number of patrons allowed on the premises from 90 to 140; modify the hours of operation of the restaurant (and for the associated sale and consumption of liquor); allow a reduction in the car parking requirement associated with the increase in patrons	203	225
1.3	88 Elizabeth Street, Richmond - PLN17/0119 - Development of the land for the construction of two triple-storey dwellings and a reduction in the car parking requirement.	289	316
1.4	104 Nicholson Street, Abbotsford - Planning Permit Application No. PLN12/1128.01 - Amendment to the permit and plans to allow for an increase to the maximum number of employees associated with the existing warehouse; re-location of the existing loading bay; an associated further reduction of car parking; and external alterations to the building.	343	356
1.5	Confidential Item - 71 - 75 Argyle Street, Fitzroy - PLN16/1181 - Part demolition to allow for the construction of a seven storey building for dwellings and office (no permit required uses) and a reduction in the car parking requirement.		
1.6	PLN16/0494 - 249-265 Queens Pde, Fitzroy North - Use and development of the land for the construction of a mixed-use building, use as a food and drinks premises, a reduction in the car parking requirement, waiver of loading bay requirements, buildings and works, alterations to access to a Road Zone (Category 1), and removal of a party wall easement. [CONFIDENTIAL ITEM - VCAT COMPULSORY CONFERENCE WITHOUT PREJUDICE POSITION]		

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- 1.1 PLN16/0741 378-390 St Georges Road, Fitzroy North - Use and development of the land for 79 new dwellings within a seven-storey building, including 3 shop premises (no permit required for shop use), variation of access to a Road Zone, associated demolition works, reduction in car parking and loading bay requirements.**
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Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application lodged for 378-390 St Georges Road, Fitzroy, which seeks approval for use and development of the land for 79 new dwellings within a seven-storey building, including 3 shop premises, variation of access to a Road Zone, associated demolition works, reduction in car parking and loading bay requirements. The report recommends approval of the application, subject to a number of conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 15.01 – Urban Environment – Urban Design Guidelines for Victoria; and
 - (b) Clause 22.02 – Development Guidelines for sites subject to the Heritage Overlay;
 - (c) Clause 22.05 – Interfaces uses Policy; and
 - (d) Clause 52.06 – Car Parking

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Height and Scale to St Georges Road,
 - (b) Residential interfaces & Amenity impacts
 - (c) Heritage;
 - (d) Car parking and Traffic;
 - (e) Objector's concerns;

Objector Concerns

4. Twenty-seven (27) objections were received to the application, these can be summarised as:
 - (a) Visual bulk;
 - (b) Inadequate on-site car parking;
 - (c) Additional traffic generation/issues with laneway usage;
 - (d) The development would be out of character with the area;
 - (e) Loss of daylight and overshadowing;
 - (f) Overlooking;
 - (g) Noise from terrace areas;
 - (h) Possible impacts during construction phase.

Conclusion

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

CONTACT OFFICER: Patrick Sutton
TITLE: Senior Statutory Planner
TEL: 9205 5357

1.1 PLN16/0741 378-390 St Georges Road, Fitzroy North - Use and development of the land for 79 new dwellings within a seven-storey building, including 3 shop premises (no permit required for shop use), variation of access to a Road Zone, associated demolition works, reduction in car parking and loading bay requirements.

Trim Record Number: D17/131257

Responsible Officer: Senior Coordinator Statutory Planning

Proposal:	Use and development of the land for 79 new dwellings within a seven-storey building, including 3 shop premises, variation of access to a Road Zone, associated demolition works, reduction in car parking and loading bay requirements
Existing use:	Warehouse/Trades supplies
Applicant:	Fletcher Building Ltd – Message Consultants
Zoning / Overlays:	Commercial 1 Zone, Heritage Overlay.
Date of Application:	22 August 2016
Application Number:	PLN16/0741

Planning History

1. Planning Permit PLN17/0133 was lodged on 15th of February, 2017 for development of the land for three dwellings. This application relates to the southern portion of the subject site, fronting Barkly Street which is shown in the image below:



2. This southern portion of the subject site is physically detached from areas associated with the proposed development under this application and there is no direct nexus between the two parcels other than being shown on the same plan of subdivision.

3. No decision has been issued for planning permit application PLN17/0133 at the time of writing this report.

Background

4. Following advertising and a public consultation meeting being held on the 28th of March 2017, the applicant submitted a set of 'discussion' plans to council on the 14th of July. These plans were not formally substituted into the application material but will be utilised for assessment purposes within this report.
5. The changes included within the decision plans can be summarised as follows:
 - (a) Deletion of the upper-most level to the building;
 - (b) Introduction of a single bed dwelling at ground floor – south-west corner;
 - (i) This would reduce the shop area from 132sqm to 70sqm;
 - (ii) Total number of dwelling reduced from seventy-nine (79) to seventy-three (73);
 - (c) Internal reconfigurations to internally-facing units over the three lower levels (Ground, Level 1 & Level 2) to improve daylight access and internal amenity standards;
 - (d) Increased bicycle parking within basement from 30 to 74 spaces through relocation of storage areas to upper level corridors (Ground level, Level 1 & Level 2);
 - (e) Introduction of planter areas to south-facing walls at rear of the development at Ground Level, Level 1 & Level 2;

Existing Conditions

Subject Site

6. The subject site is located on the eastern side of St Georges Road, approximately 50m north of the intersection with Barkly Street in Fitzroy North. The lot itself has a frontage to St Georges Road of 37.3m, a depth of 48.16m and covering a total site area of approximately 1908sqm.
7. The subject site is currently occupied by double-storey warehouse building which is utilised as a building supplies warehouse (Tradelink) fronting St Georges Road as shown in the photograph below:



8. As shown in the photograph above, a loading bay area is available directly from St Georges Road (left hand side of image). A second loading area is also available via the rear of the property, utilising the laneway which runs north-to-south and intersecting with Barkly Street as shown in the photograph below:



9. With the exception of the concrete apron/parking areas along the southern side of the subject site as shown above and the loading bay areas onto St Georges Road, the existing building occupies the majority of the subject site.
10. The existing, east-facing wall to the building is constructed approximately 0.6m from the eastern boundary with a height ranging between 7.0m and 8.2m where presenting to the Private Open Space (POS) associated with No.3 Bundara Street. A second, 4.9m high on-boundary wall is located on the eastern boundaries shared with No's 1 Bundara Street, 3 Bundara Street and 392 St Georges Road.

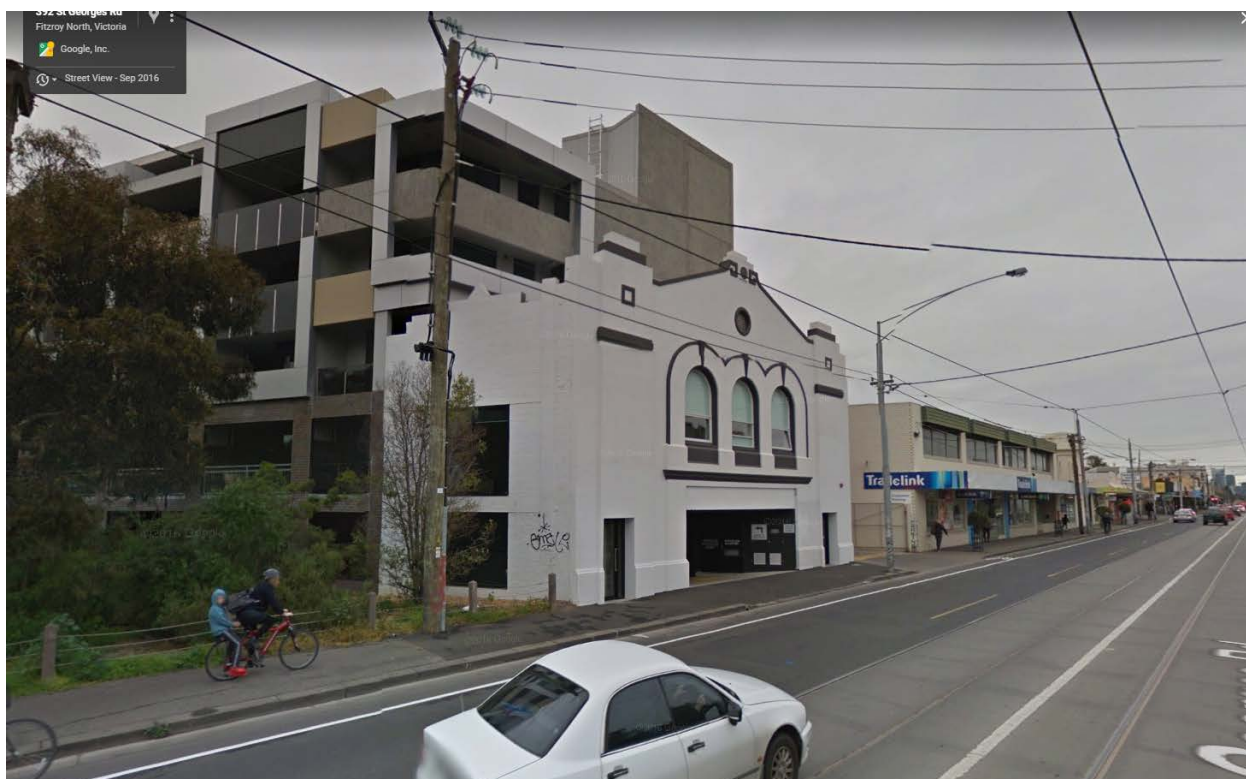


Surrounding Land

11. The subject site and properties with frontage to St Georges Road are located within the Commercial 1 Zone but with properties to the east and south being located within the Neighbourhood Residential Zone.
12. The subject site is located at the northern end of a commercial strip and the edge of the municipality (Merri Creek and its parkland). South of the subject site are a number of commercial premises occupying single and two-storey buildings. The buildings display a mix of built form character ranging from fine grain Victorian and Edwardian-era, to more substantial post war and modern architecture.
13. St Georges Road is a main road linking central Melbourne with the northern suburbs. It features two lanes in either direction. Sharing these lanes are tram lines and kerbside parking. Clearways operate inbound in the morning and outbound in the afternoon. Parking is generally restricted to 1 or 2 hours. A tram stop is located near a pedestrian crossing just north of the site.
14. This section of St Georges Road forms the North Fitzroy Neighbourhood Activity Centre (NAC) as defined under Figure 19 of clause 21.08-8 of the Scheme. The NAC is well serviced by various public transport options including bus and tram services along St Georges Road and with Merri Train Station located approximately 350m to the north-east on the opposite side of the Merri Creek Trail.

North – No.392 St Georges Road

15. To the north of the subject site is No.392 St Georges Road which is developed with a six-storey apartment building approved under Planning Permit PL08/0525 as shown in the photograph below (taken from St Georges Road looking south towards the subject site):



16. This site adjoins the northern boundary of the subject site but also extends further east to wrap around the north-eastern corner of the subject site.

17. This neighbouring building directly abuts the northern boundary of the subject site, with on-boundary walls at ground, first, second, third, fourth and fifth floors. The south-facing on-boundary walls also contain windows associated with common hallway areas servicing these dwellings. These on-boundary windows are located from third floor up.
18. The dwellings contained within this building generally face away from the subject site at No.378-390 St Georges Road with either north, east or western outlook.
19. The exception to the point above are the dwellings G16 and 116 at ground and first floor respectively which have western aspects towards the subject site with balconies facing onto the eastern boundary at the north-eastern corner of the subject site.
20. Further north is parkland linking St Georges Road, Bundara Street and the Merri Creek path. This parkland forms the northern boundary of the municipality of Yarra before crossing over into Darebin.

South – No's 376 & 370 St Georges Road

21. Immediately to the south of the subject site is No.376 St Georges Road which contains a single-storey, commercial building which occupies the majority of the lot but with an at-grade car parking area at the rear.
22. Further south at No.370 St Georges Road is a two-storey, 'Greek revival' style, former bank building that was constructed in 1927 which is listed as holding 'individual significance' in the North Fitzroy Heritage Overlay area. Beyond this building are two, single-storey commercial buildings.

South – No's 233, 235, 237, 239 & 241 Barkly Street

23. To the south-east of the subject site are No's 233 to 241 Barkly Street which contain four, single-storey dwellings and a double-storey apartment building which are orientated south towards Barkly Street.
24. No.233 contains areas of POS to the rear of the dwelling but with an outbuilding with a high, pitched roof located at the very rear, abutting the laneway as shown in the photograph below:



25. No's 235, 237 & 239 Barkly Street each have areas of POS to the rear (north) of the dwelling, abutting the northern boundary with mid height canopy plantings while the double-storey apartment building within No.241 contains car parking areas as shown in the photograph below:



East – No 1 Bundara Street

26. This property contains a single-storey dwelling fronting Bundara Street with an area of POS to the rear of the dwelling. A part single and part double-storey outbuilding is located at the very rear of this property, located abutting the common boundary shared with the subject site as shown in the photograph below:



27. No.3 Bundara Street contains a double-storey dwelling with areas of POS to the rear of the dwelling. These areas are effectively split into two separate sections, one being directly to

the rear of the dwelling, underneath a verandah area which is sunk into the natural fall of the land and with the remaining areas located further west being at-grade. The photograph below shows the views from the covered areas looking west towards the subject site:



28. Bundara Street itself is a no through road ending at a residential driveway. The properties on the eastern side of Bundara Street side back onto Merri Creek and are lower in height than those on the western side.

West – opposite side of St Georges Road

29. On the opposite side of St Georges Road are fine grain character shop fronts south of the site. North of the site, and opposite the parkland are a row of detached Edwardian dwellings fronting St Georges Road.

The Proposal

30. The application is for development of the land for 79 new dwellings within a seven-storey building, including 3 shop premises, variation of access to a Road Zone, associated demolition works, reduction in car parking and loading bay requirements.
31. The proposal can be summarised as follows:

Use of the land

- (a) 3 x shops at ground floor – totalling 220sqm.
- (b) 79 apartments above (17 x one bedroom, 61 x two bedroom & 1 x three bedrooms);

Demolition

- (c) Demolition of all structures on site.

Development

- (d) Construction of a seven-storey building (plus a single basement level) with a maximum overall height of 22.5m. The building would be constructed to the St Georges Road frontage but with a centrally located void ranging between 9m – 17.7m wide, resulting in an east and western wing conjoined by the common access areas along the northern boundary.
- (e) The basement level would occupy the majority of the subject site with the exception a 4.5m strip along the eastern boundary – accommodating car parking, storage, bin storage, building services and bicycle parking.
- (f) Ground level contains three shop tenancies to St Georges Road plus a substation and entrance lobby. Lift and stair access are located adjacent to the northern boundary via the lobby.
- (g) The north-facing wall would be constructed to the boundary with a maximum height of 22.0m.
- (h) The western wing of the building would front St Georges Road, being set back 1.5m at ground floor where associated with the residential entrances and two 'middle' shop tenancies. The southern shop tenancy would be constructed to the street frontage for 10.5m with a maximum height of 3.0m.
 - (i) Ground floor, & levels 1 and 2 would be constructed to St Georges Road with either bedrooms or balconies abutting the street with a maximum height of 10.0m – forming a street podium level.
 - (ii) Levels 3 and 4 would be set back 2.4m with level 5 and 6 set back 4.8m from the street with a maximum height of 22.0m.
 - (iii) The south-facing walls of the western wing would be constructed to the boundary at ground, level 1 & 2 before being set back between 2.4m and 4.87m from the boundary to a maximum height of 22.5m.
- (i) The eastern wing of the building would be set back 4.5m from the eastern boundary at ground, level 1 & 2 with increased setbacks at each subsequent level above so that level 6 was 9.4m from the boundary with a maximum height of 22.4m.
 - (i) The south-facing walls of the eastern wing would be set back 1.0m at ground and level 1 & 1.2m at level 2 with a maximum height of 8.2m before being stepped back at the levels above between 3.4m and 12.8m with a maximum height of 22.4m.
- (j) The central courtyard would have a minimum width of 9.0m at its northern end, widening to 17.6m to the south.

Design details, colours and materials

- (k) The outwards-facing, lower portions of the building would be finished with a 'light grey' brick with the two upper-most levels utilising framed glazing.
- (l) Internal elevations to the central void would include timber finishes.

Car/bicycle parking

- (m) A total of seventy-four (74) car parking spaces are proposed within the basement level utilising car-stacker systems.
 - (i) Access is proposed via St Georges Road.
- (n) Thirty (30) bicycle parking spaces are proposed within the basement level.

ESD commitments

- (o) Dwellings will exceed minimum BCA/NCC thermal energy efficiency standards with an average 6.5 Star NatHERS rating. Non-residential areas exceeding the requirements of the NCC by at least 20%.
- (p) A STORM report with a score of 101% has been submitted which relies on 741m² of roof draining to a 17,000 litres rainwater tank connected to toilet flushing for 35 occupants or equivalent, and 515m² of terrace draining to 3m² of raingarden.
- (q) A min 6.2 kWp roof mounted solar PV array to contribute to onsite electricity generation.
- (r) 5 Star centralised hot water.
- (s) Energy efficient lighting and heating/cooling systems.
- (t) Water efficient fixtures.

Waste Management

- (u) Private collection (both residential and commercial waste) from within the basement area.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

- 32. The use of the site as dwellings triggers a planning permit under clause 34.01-1 of the Yarra Planning Scheme [the Scheme] as the ground floor frontage exceeds 2m (being 5.0m wide).
- 33. The use of the site for retail shops do not require a planning permit under clause 34.01-1 of the Scheme (nested within retail premises).
- 34. Under clause 34.01-4 of the Scheme, a permit is required to construct a building or construct or carry out works.
 - (a) An apartment development must meet the requirements of clause 58.
 - (i) This does not apply to an application for a planning permit lodged before the approval date of Amendment VC136 (13th April 2017) – therefore transitional provisions apply to the proposed development and clause 58 does not apply.

Overlays

Heritage Overlay

- 35. Under clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building, construct a building or construct or carry out works.

Particular Provisions

Clause 52.06 – Car parking

- 36. 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 (there is no relevant Parking Overlay).

37. Pursuant to clause 52.06-5 of the Scheme, the following car parking requirements apply to the development:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Dwellings - Residents	78 x apartments comprised of one and two bedrooms	1 to each 1 or 2 bedroom dwelling	78		
	1 x 3-bedroom apartment	2 to each 3 bedroom dwelling	2	71	24
	- Visitors	1 to every 5 dwellings	15	0	
Shops	220m ²	4 spaces to each 100m ² of leasable floor area	8	3	5
Total			103	74	29

Clause 52.07 – Loading and Unloading of vehicles

38. The purpose of this clause is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.
39. No loading bay is proposed in association with the commercial premises and a permit has been sought for this waiver.
40. A permit may be granted to reduce or waive these requirements if either the land area is insufficient; or adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

Clause 52.29 – Land adjacent to a Road Zone Category 1

41. This clause applies to land adjacent to a Road Zone Category 1. A permit is required to create or alter access to a road in a Road Zone Category 1.
42. An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land, must be referred to the Roads Corporation under Section 55 of the Act.

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. Pursuant to clause 52.34-3 of the Scheme, the following bicycle parking requirements apply to the development:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Dwellings - Residents	78 x apartments comprised of one and two bedrooms	Resident – 1 to each 5 dwellings	16	30	0
- Visitors	1 x 3-bedroom apartment	Visitor – 1 to each 10 dwellings	8		
Shops	220m ²	Employee - 1 to each 300m ² of leasable floor area	1	No allocation details provided	
		Shopper - 1 to each 500m ² of leasable floor area	N/A		
Total			35	30	0

Clause 52.36 – Integrated Public Transport Planning

44. The purpose of this Clause is to ensure development supports public transport usage.
45. Pursuant to clause 52.36-1 of the Scheme an application for sixty (60) or more dwellings must be referred to Public Transport Victoria in accordance with Section 55 of the *Planning and Environment Act* (1987).

General Provisions

Clause 65 – Decision Guidelines

46. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider 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)

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

Clause 11 – Settlement

48. This clause contains the following relevant objectives:

- (a) *Planning is to recognize the need for, and as far as practicable contribute towards:*
 - (i) *Diversity of choice.*
 - (ii) *Adaptation in response to changing technology.*
 - (iii) *Economic viability*
 - (iv) *A high standard of urban design and amenity.*
 - (v) *Energy efficiency.*
 - (vi) *Accessibility*
 - (vii) *Land use and transport integration*

- (b) *Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.*

Clause 11.01-1 – Activity centre network

49. The objectives and relevant strategy of this Clause is: *To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres, with the following strategies relevant to this proposal:*

- (a) *Develop a network of activity centres that:*
 - (i) *Comprises a range of centres that differ in size and function*
 - (ii) *Is a focus for business, shopping, working, leisure and community facilities*
 - (iii) *Is connected by public transport and cycling networks.*
 - (iv) *Maximises choices in services, employment and social interaction.*
- (b) *Support the role and function of the centre given its classification, the policies for housing intensification, and development of the public transport network.*

Clause 11.01-2 – Activity centre planning

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

Clause 11.02 – Urban growth

51. The objective of this clause is: *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Clause 11.04-2 – Housing Choice and Affordability

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

Clause 11.04-4 – Liveable Communities and Neighbourhoods

53. 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. Relevant strategies include:*
- (a) *Protect Melbourne and its suburbs from inappropriate development.*
 - (b) *Respect heritage while building for the future.*
 - (c) *Achieve and promote design excellence.*

Clause 13.04-1 – Noise abatement

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

Clause 15 – Built Environment and Heritage

Clause 15.01-1 – Urban design

55. 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

56. 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.*
57. This clause outlines principles relating to context; the public realm; safety; landmarks; views and vistas; pedestrian spaces; heritage; consolidation of sites and empty sites; light and shade; energy and resource efficiency; architectural quality, and landscape architecture. These principles will be addressed in the following urban design assessment.
58. This clause also states that planning must consider as relevant:
- (a) *Urban Design Guidelines for Victoria (2017).*
- Clause 15.01-4 – Design for safety*
59. 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*
60. The objective of this clause is: *To recognise and protect cultural identity, neighbourhood character and sense of place.*
- Clause 15.02 – Sustainable Development*
Clause 15.02-1 – Energy and resource efficiency
61. The objective of this clause is: *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*
- Clause 15.03 – Heritage*
Clause 15.03-1 – Heritage conservation
62. The objective of this clause is: *To ensure the conservation of places of heritage significance.*
- Clause 16 – Housing*
Clause 16.01-1 – Integrated housing
63. The objective of this clause is: *To promote a housing market that meets community needs.*
- Clause 16.01-2 – Location of residential development*
64. 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. A relevant strategy being:*
- (a) *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
- Clause 16.01-3 Strategic redevelopment sites*
65. The objective of this clause is: *To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne. Although not specifically identified in the Scheme, the site meets the characteristics a strategic redevelopment site given the following strategies are met:*
- (a) *Identify strategic redevelopment sites that are:*
- (i) *In or within easy walking distance of Principal or Major Activity Centres.*

- (ii) *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.*
- (iii) *Able to provide 10 or more dwelling units, close to activity centres and well served by public transport.*

66. *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 – Economic development

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.*

Clause 18.02-1 - Sustainable personal transport

70. The objective of this clause is: *To promote the use of sustainable personal transport.*

Clause 18.02-2 - Cycling

71. It is an objective: *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*

Clause 18.02-5 - Car parking

72. It is an objective: *To ensure an adequate supply of car parking that is appropriately designed and located.*

73. The 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) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04 – Land use

Clause 21.04-1 – Accommodation and Housing

74. The relevant objectives and strategies of this clause are:

- (a) *Objective 1 To accommodate forecast increases in population.*
 - (i) *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08;*

- (ii) *Strategy 1.2 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.*
- (b) *Objective 2 To retain a diverse population and household structure; and*
- (c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*

Clause 21.04-2 – Activity Centres

75. The relevant objective of this clause is: *To maintain the long term viability of activity centres.*
76. Strategies to achieve this objective include:
- (a) *Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
 - (b) *Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*

Clause 21.05-1 Heritage

77. This clause acknowledges that new development can still proceed whilst paralleling the objective to retain the nineteenth century character of the City. Conservation areas seek to conserve the City's heritage places whilst managing an appropriate level of change.
78. Relevant objectives include:
- (a) *Objective 14 To protect and enhance Yarra's heritage places:*
 - (i) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
 - (ii) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
 - (iii) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
 - (iv) *Strategy 14.8 Apply the Development Guidelines for Heritage Places policy at clause 22.02.*

Clause 21.05-2 – Urban design

79. The relevant objectives and strategies of this clause are:
- (a) *Objective 16 To reinforce the existing urban framework of Yarra.*
 - (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
 - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 - *Significant upper level setbacks*
 - *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing.*
 - (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
 - (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
 - (e) *Objective 21 To enhance the built form character of Yarra's activity centres.*

- (f) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 Public environment

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

- (a) *Objective 28 To provide a public environment that encourages community interaction and activity:*
- (i) *Strategy 28.1 Encourage universal access to all new public spaces and buildings.*
 - (ii) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
 - (iii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
 - (iv) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
 - (v) *Strategy 28.8 Encourage public art in new development.*
 - (vi) *Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.*

Clause 21.06 – Transport

81. 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

Clause 21.07-1 – Ecologically sustainable development

82. The relevant objective of this clause is: *To promote ecologically sustainable development.*

Clause 21.08-8 – Neighbourhoods (Fitzroy North)

83. This clause identifies the subject site as falling within the North Fitzroy Neighbourhood Activity Centre which is described as follows: *Further north along St Georges Road is the North Fitzroy neighbourhood activity centre. This centre provides a number of specialist business services.*

Relevant local policies

Clause 22.02 Development Guidelines for sites subject to Heritage Overlay

84. The relevant objectives of this clause are as follows:

- (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.*

85. The incorporated document City of Yarra Review of Heritage Overlay Areas 2007, Appendix 8 (Graeme Butler and Associates), revised March 2011 recognises the sites as 'not contributory' to the surrounding heritage precinct.

86. The relevant parts of this clause are as follows:

Clause 22.05-1 Demolition

- (a) *Generally encourage the retention of a building in a heritage place, unless*
 - (i) *The building is identified as being not contributory.*

Clause 22.02-5.7 New Development, Alterations or Additions

Clause 22.02-5.7.1 General

- (b) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
 - (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
 - (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
 - (iii) *Be visually recessive and not dominate the heritage place.*
 - (iv) *Be distinguishable from the original historic fabric.*
 - (v) *Not remove, cover, damage or change original historic fabric.*
 - (vi) *Not obscure views of principle façades.*
 - (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
- (c) *Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.*
- (d) *Encourage similar façade heights to the adjoining contributory elements in the street.*

Ancillaries and Services

- (e) *Encourage ancillaries or services in new development to be concealed or incorporated into the design of the building.*
- (f) *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

- 87. This policy applies to applications for use or development within Business Zones (amongst others).
- 88. 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 22.05-3 also states that 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.*
- 89. Decision guidelines at clause 22.05-6 include:
 - (a) *Before deciding on an application for residential development, Council will consider as appropriate:*
 - (i) *The extent to which the proposed dwellings may be subject to unreasonable noise, fumes and air emissions, light spillage, waste management and other operational matters from the nearby business or industrial uses.*

- (ii) *Whether the dwellings are designed or incorporate appropriate measures to minimise the impact of noise, fumes and air emissions, light spillage, waste management and other operational matters from the nearby business or industrial uses.*

90. Before deciding on an application for non-residential development, Council will consider as appropriate:

- (a) *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*
- (b) *Whether the buildings or uses are designed or incorporate appropriate measures to minimise the impact of unreasonable overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances on nearby residential properties.*

Clause 22.07 – Development Abutting laneways Policy

91. 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

92. The objectives of this clause are:

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

93. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution (area 3121A). Given the size of the site and existing buildings, a land contribution would not be practical, and a monetary contribution would be requested instead at the subdivision stage (should a permit issue).

Clause 22.16 – Stormwater Management (Water sensitive urban design)

94. This policy applies to applications for new buildings (amongst others).

95. Under this clause it is policy to:

- (a) *Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*

- (b) *Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:*
 - (i) *collection and reuse of rainwater and stormwater on site*
 - (ii) *vegetated swales and buffer strips*
 - (iii) *rain gardens*
 - (iv) *installation of water recycling systems*
 - (v) *multiple uses of water within a single manufacturing site*
 - (vi) *direction of flow from impervious ground surfaces to landscaped areas.*
- (c) *Encourage the use of measures to prevent litter being carried off-site in stormwater flows, including:*
 - (i) *appropriately designed waste enclosures and storage bins, and*
 - (ii) *the use of litter traps for developments with the potential to generate significant amounts of litter.*
- (d) *Encourage the use of green roofs, walls and facades on buildings where practicable (to be irrigated with rainwater/stormwater) to enhance the role of vegetation on buildings in managing the quality and quantity of stormwater.*

Clause 22.17 – Environmentally sustainable development

- 96. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit in accordance with the thresholds in Table 1 of this Policy.
- 97. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation

Other relevant documents

Aboriginal Heritage Regulations 2007

- 98. The Aboriginal Heritage Act 2006 protects Aboriginal heritage in Victoria. If certain high impact activities are undertaken as stated in the *Aboriginal Heritage Regulations 2007* then *preparation of an Aboriginal Cultural Heritage Management Plan (CHMP) may be required to be approved by the AV or the Registered Aboriginal Party (RAP) prior to the Responsible Authority assessing a planning application.*
- 99. Triggers for mandatory preparation of a CHMP include whether certain criteria are met under the Regulations. The Regulations require a mandatory CHMP if:
 - (a) All or part of the proposed activity is a high impact activity;
 - (b) All or part of the activity area (study area) is an area of cultural heritage sensitivity.
- 100. The study area is within an area of cultural heritage significance as mapped under the *Aboriginal Heritage Regulations* and the activity is a high impact activity (being associated with the construction of more than three dwellings).
- 101. While this may be the case, the Cultural Heritage Letter of advice from Ecology & Heritage Partners (supplied with the application) establishes that the site has indeed been subject to known ground disturbance including:
 - (a) Construction of a double-storey retail building, driveways and car parking areas;
 - (b) Installation of underground services associated with the retail building.

102. The construction of the building and car parking areas meet the definition under Part 4 of the Regulations for significant ground disturbance and therefore a mandatory CHMP is not required in this particular instance.

Advertising

103. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act 1987* with 418 letters sent to surrounding owners and occupiers and signs being placed on the St Georges Road and laneway frontages.
104. Twenty-seven (27) objections were received to the application. The grounds of objection can be summarized as follows:
- (a) Visual bulk;
 - (b) Inadequate on-site car parking;
 - (c) Additional traffic generation/issues with laneway usage;
 - (d) The development would be out of character with the area;
 - (e) Loss of daylight and overshadowing;
 - (f) Overlooking;
 - (g) Noise from terrace areas;
 - (h) Possible impacts during construction phase

Referrals

External Referrals

105. The application has been referred to VicRoads with the following comments received:
- (a) *Before the development commences, 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 the Drawing Number TP201 to TP207 dated 25 November 2016 but modified to show:*
 - (i) *Relocation of all electrical poles at least 1m outside the alignment of the vehicular crossover.*
 - (ii) *A convex mirror installed on the northern wall of the ramp, at the vehicle crossover, to aid sight lines between exiting vehicles and pedestrians.*
 - (b) *The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the buildings or works.*
 - (c) *All disused or redundant vehicle crossings must be removed to the satisfaction of and at no cost to the Roads Corporation prior to commencement of the use or the occupation of the buildings and works.*
106. The application has been referred to Public Transport Victorian – The comments received are generally supportive of the application subject to the inclusion of conditions, a full copy of the referral comments has been included as an attachment to this report.

Internal Referrals

107. The application has been referred to the following Units within council:
- (a) External urban design advice (Hansen Partnership);
 - (b) Heritage advisor;

- (c) ESD advisor;
- (d) Engineering Services Unit;
- (e) Services and Contracts Unit; and
- (f) Open Space Unit.

108. These comments have all been included as attachments to this report.

OFFICER ASSESSMENT

109. The primary considerations for this application are as follows:

- (a) policy and strategic support;
- (b) heritage;
- (c) built form and design;
- (d) environmental sustainability;
- (e) on-site amenity;
- (f) off-site amenity;
- (g) interface uses policy;
- (h) car parking / traffic;
- (i) loading facilities;
- (j) bicycle facilities;
- (k) waste management;
- (l) Objector concerns.

State and Local Policy Frameworks (SPPF and LPPF)

110. When assessing the application against both State and Local policies, there is clear policy support for an increase in density on the site having regard to clauses 11.01, 16.01, 18.01, 21.04-2 and 21.05-2 given the site's location within the St Georges Road/Fitzroy North Neighbourhood Activity Centre (NAC) and which is well serviced by infrastructure (including public transport) and community services.
111. Further to the points above, the comments from Hansen Partnership illustrate the strategic context of the site within the Activity Centre in the following comments:

We note that the site is the largest in the North Fitzroy NAC, with the next closest being 'Piedimonte's Supermarket' at 37-45 Best Street, Fitzroy North. In addition, the site abuts a 6 storey building to the north at 392 St Georges Road. We would therefore anticipate that this site could accommodate a higher density form.

While the subject site is considered to occupy a mid-block position along St Georges Road, we acknowledge that the site forms part of the northern end of the North Fitzroy NAC. We consider the 'prime' site to be adjoining to the north at 392 St Georges Road, given its prominent location at the entrance to the inner city when approached from the north. Therefore, we find that the site could contribute as a northern anchor for the North Fitzroy NAC, along the St Georges Road Corridor.

112. Higher density residential development within the Activity Centre will contribute to the diversity of housing stock in North Fitzroy, which is substantially made up of detached or attached dwellings. It will also contribute to greater housing affordability due to smaller dwelling footprints and shared infrastructure costs. This ensures efficient use of existing resources and supports Council's preference that established residential areas experience residual increases in population and density.
113. Further support is offered in Plan Melbourne which identifies that the site within the 'Inner

Metro' Subregion where growth and change will occur, including a forecast provision of between 215,000-230,000 new dwellings by the year 2051.

114. At a local level, Council's MSS (clause 21.04-1) also directs higher density development and forecast population increases to designated strategic redevelopment sites with clause 21.05-2 providing guidance on built form outcomes.
115. The MSS outlines:
 - (a) *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.*
116. It is considered that the ability of the site to accommodate 10 or more dwellings and the site's NAC positioning lends itself to be considered as a strategic redevelopment site (albeit not specifically identified in the Scheme).
117. As discussed earlier in this report, the 'discussion' plans provided by the applicant have reduced the height of the proposal by 1 x storey, resulting in a maximum height of six storeys which is in line with the policy guidance under Strategy 17.2 above. Not only does the site demonstrate the attributes for nomination as a strategic redevelopment site but with a maximum height of six storeys, the proposed built form is generally compliant with council's built form vision policy for these areas.
118. In terms of land uses, the supporting mix of uses proposed is consistent with Objective 5 of the MSS and would complement the role and function of the AC and surrounding area, and strengthen its long term viability as a destination for the local community. Accordingly, the proposed mix of retail and residential in this development has policy support.
119. To guide the process of redevelopment and urban renewal of the subject site and surrounding land, a range of built form controls apply to the land. The eleven (11) design principles outlined in clause 15.01 (Urban Design) and the *Urban Design Guidelines for Victoria* will be used to assess the appropriateness of the built form along with the heritage policies, with the Guidelines used to assess on and off-site amenity impacts. A detailed assessment against these policies/documents is offered in the following sections of this report.

Heritage Assessment

Demolition

120. As outlined earlier in this report the buildings within the subject site are nominated as being 'not contributory' to the surrounding heritage precinct and therefore the policy under clause 22.02-5.1 – *Demolition* of the scheme do not discourage their removal/demolition.
121. This is reflected in the comments received from council's heritage advisor who did not raise any concerns regarding the demolition of buildings from the site.

Development

122. The proposed development would provide a 1.5m recessed area for the dwelling lobby and the two northern commercial frontages, while otherwise maintaining a hard edged podium at

the ground, first and second floors. This approach has been cited as acceptable by council's heritage advisor who commented: *the proposed zero front setbacks of the ground, 1 and 2 levels is consistent with the nearby commercial character of St Georges Road.*

123. While this may be the case, the comments from council's heritage advisor have also suggested that levels three and four be set back from the street (to at least 4.0m) to reinforce the original heritage scale of this part of St Georges Road.
124. Being in a location where increased building density is encouraged under the Scheme as outlined earlier in this report, requiring further setbacks at the upper levels to achieve heritage outcomes must be carefully balanced against competing policy objectives for growth and housing provision. This is particularly true when the advice received from Hansen Partnership with regards to the presentation of the building to the street is supportive of the podium and overall heights stating:

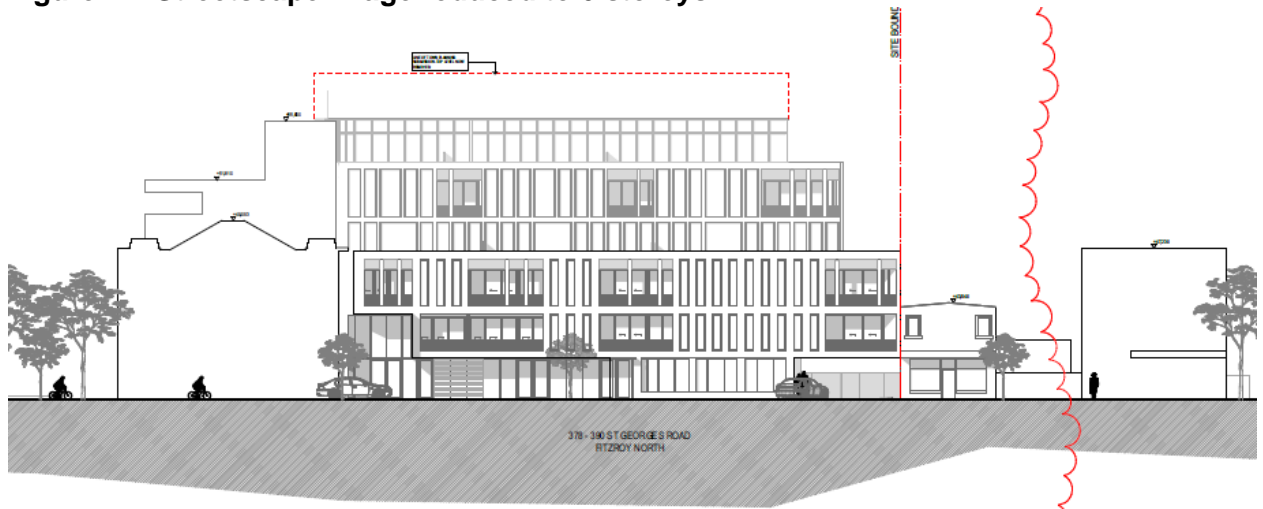
We are supportive of the 3 storey streetwall height given that it is reflective of the built form found to the immediately north of the site. We note that the site adjoins a lower form to the south, however the proposal will appear as one level above this façade and we consider this to be appropriate.

- (a) And further stating:

We are supportive of the streetwall proposition in terms of providing a strong base with high quality recessive upper levels. The rhythm of the façade is reflective of the fine grain built form found along this section of St Georges Road and is therefore supported.

125. The podium height has been derived from the retained portion of the adjacent former theatre building to the north as illustrated in Figure 2 below. This image was submitted with the 'discussion' plans and also illustrates the presentation of the building minus the upper-most level – ie. Reducing the height of the building to six stories.

Figure 2 – Streetscape image reduced to 6 storeys:



126. Deletion of the upper-most level is generally in line with the recommendations of council's heritage advisor who suggested that: *It is considered that the entire top floor level (level 6) should be deleted and the level below that (level 5) should be set back to an extent that it is fully concealed when viewed from the street level directly opposite the site.*
127. With regards to policy direction, clause 22.02-5.7.1 of the Scheme specifies that new developments be designed with setbacks from the principle street frontage to be similar to

those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback should apply.

128. With both the comments from council's heritage advisor and urban design advice from Hansen Partnership supporting the height and setbacks of the podium levels at ground, first and second floor, it is considered onerous to require setbacks to the upper levels which do not cover or obscure views of original heritage fabric or principle facades within the streetscape.
129. It is considered that while setting the upper portions of the building back from St Georges Road would reinforce the prominence of the podium wall, this outcome is already achieved with the setbacks provided and the design detail which provides a 'lighter' use of materials at levels 3, 4 & 5 which act to reinforce the solidity of the lower podium which presents higher proportions of brick than seen in the levels above.
130. Overall, the height and presentation of the St Georges Road interface are considered to provide an acceptable design response to the heritage place in light of the points above with the comments from council's heritage advisor otherwise stating: *the side setbacks at the upper floor levels are of no particular heritage concern.*

Materials and fenestration

131. The comments received from council's heritage advisor are generally supportive of the proposed use of materials but have suggested that the western façade could be improved through breaking the proposed fenestration of the building into three or four parts to assist with integrating the faced with the scale of existing properties in the streetscape.
132. This outcome is not considered necessary in addition to the satisfactory design of the street wall as discussed in the points above. With the presentation to the street already achieving a design response which is generally in line with the objectives of the Heritage Overlay and local heritage policies.

Built form and design:

Urban form and character/height and setbacks/architectural quality

133. The subject site is located within the Fitzroy North NAC and contains a mixture of commercial and residential land uses. As outlined earlier in this report, built form varies from one to two storey Victorian and Edwardian era shopfronts, to more recent, six-storey apartment development to the north.
134. Beyond the heritage considerations discussed earlier, the site is in an area where intensive development (both commercial and residential) is encouraged by State and local planning policies, but little development has occurred in recent times with the resulting streetscape being relatively low-scaled, one and two-storey commercial premises with modest variations in heights between buildings fronting the street.
135. Policy at clauses 15.01-1 and 15.01-2 of the Scheme encourage high standards in architecture and urban design which responds to this context while also achieving the level of growth prescribed under the policy. The proposed design is considered overall to be of a high architectural standard, offering a modern built form that revitalises the existing street frontages in comparison to the existing building that does little in terms of street activation.
136. The urban design advice received from Hansen Partnership was supportive of the massing and presentation of the building to St Georges Road commenting:

We are supportive of the streetwall proposition in terms of providing a strong base with high quality recessive upper levels. The rhythm of the

façade is reflective of the fine grain built form found along this section of St Georges Road and is therefore supported.

137. While the comments received from Hansen Partnership were critical of the height/massing of the development, these concerns primarily related to the interface of the building with residential POS to the east and the associated visual bulk impacts. These issues will be assessed in detail later in this report under the 'off-site amenity impacts' heading.
138. It is considered that the presentation of the building's frontage to St Georges Road would provide a well-considered graduation in built form between the existing six-storey apartment building to the north and the single-storey heritage building to the south with the podium levels (consisting of ground, first and second floors) transitioning to a lower height at its southern end as depicted in the image below:

Figure 1 – Perspective image (6 level building as shown in 'discussion' plans):



139. The image above shows the presentation of the proposed development reduced to six stories high – this reduction in heights would be included as a condition of permit which has been accepted by the applicant as part of earlier discussions through the application process.
140. It is considered that the reduction of height (to six storeys) achieves an outcome which would sit comfortably within the streetscape. Significantly, the proposed development would sit within the visual 'envelope' created by the existing, six-storey building at No.392 St Georges Road when viewed from the south as shown in image below which is taken from the western side of the intersection between St Georges Road and Barkly Street:

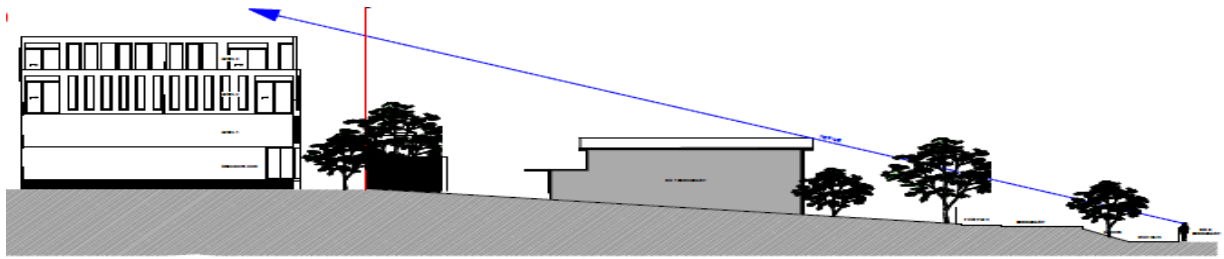


141. The use of materials and design detail have been supported by Hansen Partnership and the height of the building reduced to six stories is consistent with the policy direction under Strategy 17.2 of clause 21.05-2 – *Urban Design* of the Scheme.
142. The design of the proposed building around a central void would provide access to daylight and outlook for the internally facing dwellings without the need for privacy screening to balcony areas or windows with separation between the east and western wings being no less than 9.0m and increasing to up to 17.8m at the southern end.
143. While this arrangement has received criticism from council's ESD advisor and within the advice received from Hansen Partnership, the issues of access to daylight and natural ventilation have been revised within the discussion plans submitted to council to achieve an acceptable outcome. These improvements will be assessed in detail under the 'environmental sustainability' section of this report.

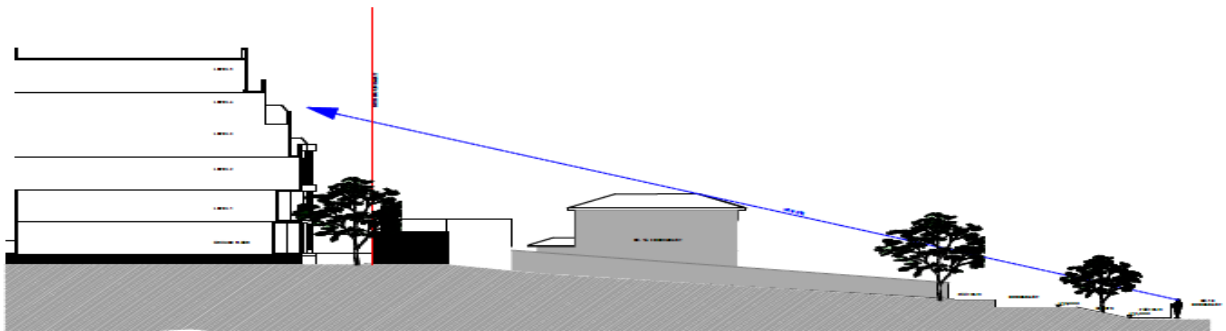
Bundara Street interfaces & visibility

144. Through the application process, a number of residents voiced concern with regards to possible visibility of the proposed development from Bundara Street to the east. The applicant has provided sight-line diagrams as part of the discussion plans which illustrate that there would be some visibility of the upper-most level above and beyond the vegetation and existing built form on the western side of Bundara Street as shown in Figure 4 below:

Figure 4 – Bundara Street viewlines:



**Siteline Section from 8 Bundara St
1:200@A1**



Siteline Section from 10 Bundara St

145. The diagrams shown in the image above relate to a sightline taken from approximately 55m from the east and over the existing dwelling at No.1 Bundara Street as shown in the photograph below:



146. It is considered that in light of the distance of separation from the eastern side of Bundara Street and the proposed development, these views do not result in any unreasonable visual bulk (or other) impacts to Bundara Street.

Safety

147. The proposed development would provide a clearly legible entrance for the dwellings via St Georges Road which would benefit from the passive surveillance of surrounding commercial premises and the proposed dwellings above. This is considered to provide a satisfactory arrangement in terms of safety for future residents of the proposed development with clear lines of sight provided along the street frontage to the lobby entrance.
148. Details of fencing to the southern boundary have not been included within the application plans but would be required through a condition of permit. Due to the southern boundary of the subject site abutting a laneway, the fencing is considered necessary to both delineate the subject site from the lane but to also provide some level of security for ground level dwellings which would otherwise be readily accessed via the lane.
149. Of note is the need for any fencing along this boundary to be at least 1.8m high to effectively negate unreasonable overlooking opportunities to areas of SPOS associated with dwellings to the south.
150. Another condition would be included to require lighting to the lane and basement ramp to ensure these areas were sufficiently lit.

Public realm, light and shade and pedestrian spaces

151. The location of the substation to the middle of the street frontage is considered to unnecessarily fragment the commercial frontage and therefore a condition of permit would require its relocation to either adjoin the basement ramp or to be located within the basement. This outcome reflects the comments received from Hansen Partnership:

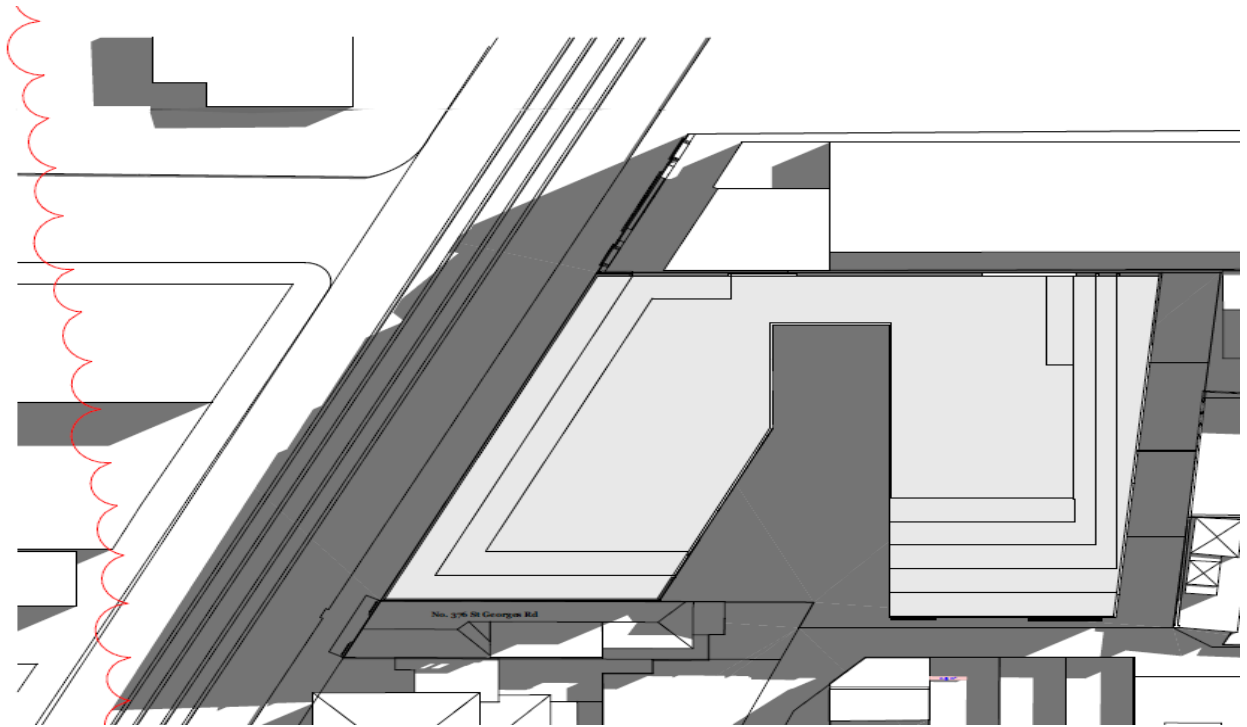
We are supportive of the 3 retail spaces to be provided at the ground level with frontage to St Georges Road. These tenancies are highly glazed and will provide appropriate engagement and activation of the street at ground level. However, we are concerned with the location of the functional requirements (substation, gas meter and fire booster) on this frontage. We suggest that these are consolidated to create a 'gap' between the shop and drive entrance to result in a section of continuous shop frontage...

152. Details of the substation finishes and detail design would also be included as a condition of permit to ensure that its presentation to St Georges Road achieves an acceptable finish to the buildings street frontage in conjunction with the condition discussed above.
153. In addition to the reconfiguration/relocation of the service areas discussed above, it is considered that the introduction of an awning to the St Georges Road footpath would provide an improved pedestrian environment and would therefore be included as a condition of permit in line with the comments received from Hansen Partnership:

Given the continuous awning to the existing building and along St Georges Road, we recommend that a similar continuous awning is added to this proposal. This will offer weather protection to the public realm and continuity with the streetscape.

154. With regards to shadowing impacts to the street, the diagrams provided within the discussion plans illustrate that the proposed building (at six storeys) would not result in any additional overshadowing to the footpath located on the opposite (western) side of St Georges Road from 9am onwards.

Figure 3 – shadows cast at 9am



155. In a commercial area where buildings are typically constructed to the street, the shadowing to the footpath immediately outside of the proposed development is not considered unreasonable.

Landmarks, views and vistas

156. The proposed development would sit comfortably within the heritage streetscape and would not obscure any significant view-lines or be visually competitive with any significant landmarks identified under clause 22.03 – *Landmarks and Tall Structures* under the Scheme and is therefore considered to be acceptable in this regard.

Site coverage/Permeability

157. The proposed level of site coverage is relatively low considering the commercial zoning of the subject site and existing level of built form already covering the lot. With regards to site permeability, the application has been submitted with a STORM report with the development achieving a score of 101% through the capturing of rainwater from roof areas (741sqm) into 17,000lt rainwater tanks for reuse in toilet flushing (equivalent to use for 35 occupants within the development).
158. Rainwater captured from terrace areas (515sqm) would be treated through raingardens (3sqm) located within the central courtyard area.
159. While these outcomes are supported, the capacity of the rainwater tank has not been included within the details shown in the basement plan nor the location of the rainwater garden clearly shown and therefore these items will be included as a condition of permit.

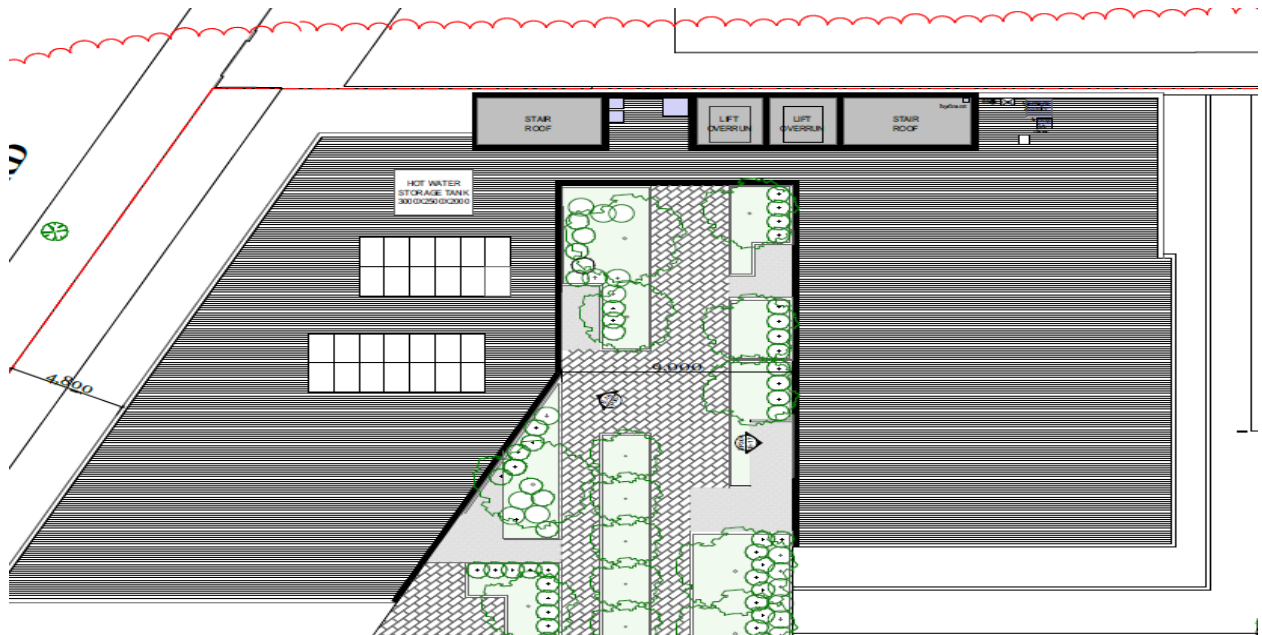
160. In light of the condition above, the outcomes are otherwise generally in line with council's local policies under clause 22.16 – *Stormwater Management* and are therefore considered to be acceptable in this regard.

Landscaping

161. Modest landscape plantings have been proposed to the St Georges Road frontage which is considered generally acceptable in light of the limited role which landscaping plays within the commercial streetscape.
162. The more extensive landscaping areas have been located to the rear (east) of the subject site to assist with 'softening' interfaces with residential properties to the east and south-east of the site in addition to internal landscaping areas within the central courtyard.
163. The landscape plan includes mid-canopy plantings to the 4.5m wide setback along the eastern boundary with various plantings which would grow to heights of 8m including Blueberry Ash, Purple Magic Crepe Myrtle & Natchez Crepe Myrtle with lower level shrubs/plantings interspersed beneath.
164. The provision of this landscaping area is significant in that the width of this space has been set aside specifically for this purpose, with the ground floor, east-facing dwellings containing additional decking areas (no less than 9sqm) behind the landscaping strip in recognition of the interface with residential properties to the east.
165. As described earlier in this report, the basement level has specifically been set back from the eastern boundary to allow for deep-soil areas to baluster the provision of canopy plantings in this area.
166. The landscape plan submitted with the application from John Patrick Landscape Architect has been reviewed by council's Open Space Unit who have commented that the 'Burnley Select' proposed for private space area to the east would be located too close to the boundary with No.1 Bundara Street which contains on-boundary construction. A condition of permit would require this tree to be repositioned away from the boundary.
167. Council's Open Space Unit have also requested more detail to be provided within the plan regarding planter design and provision of shade tolerant species throughout the development – these items will be addressed through a condition of permit.
168. The changes shown within the discussion plans included additional landscape plantings to the south-facing walls of the eastern wing to the building, including planter areas at ground, level 1 and level 2. A condition of permit would require the landscaping plan to be updated to reflect the introduction of these areas to the plans.
169. Overall, the proposed landscaping areas provide a well-considered response to the residential interfaces to the east and south and are therefore supported.

Service infrastructure

170. In considering height and massing of the development, this requires roof forms to be treated as an integral part of the design composition. In this respect, the proposal incorporates a flat roof which both responds to the context and architectural character of the building.
171. The proposed service areas located above rooftop would either be located against the northern boundary or above the western wing to the building as shown in the image below:



172. A condition of permit would require that the plans be amended to demonstrate that these rooftop plant items (hot water storage and solar PV panels) are not visible from the footpath on the western side of St Georges Road, opposite the subject site, including any associated screening required to achieve this outcome.
173. Details of the stair and lift overrun height have not been clearly shown in elevations or sections and would therefore be required through a condition of permit. With these areas being set back no less than 10m from St Georges Road, they are unlikely to be highly prominent behind the lower walls of the building and therefore it is considered appropriate to address this issue through conditions.
174. The location of the rooftop services would not be highly prominent in longer viewlines taken from outside of the subject site and in light of the conditions above area are considered to be generally acceptable.

Environmental sustainability;

175. A number of ESD initiatives incorporated within the development are outlined under the 'proposal' section of this report. The application has been referred to Council's ESD advisor who commented that the proposal as shown in the discussion plans is generally in compliance with council's ESD policies under clause 22.17 of the Scheme.
176. The following section of this report will assess the details which were considered to be outstanding or details which were specifically identified by councils' ESD advisor as requiring further assessment following review of the discussion plans submitted by the applicant:
 - (a) *Restricted access to natural ventilation, mostly single aspect dwellings without opportunities for cross ventilation. Recommend including ceiling fans to improve natural ventilation in all single aspect dwellings.*
 - (i) With the majority of dwellings within the proposed development being single-aspect, the provision of ceiling fans to improve ventilation opportunities will be included as a condition of permit to assist with improving natural ventilation within the development.
 - (b) *There are large amounts of northwest and east facing glazing completely exposed to summer sun angles and high levels of summer solar heat gains. Strongly recommend*

that all exposed northwest and east facing glazing not protected by balcony overhangs or wing-walls is shaded and from summer sun angles with exterior adjustable awnings, blinds, screens, shutters, louvers or similar. If exterior shading devices are not provided, demonstrate that all effected dwellings have a reasonable level of thermal comfort and a maximum summer cooling load of <30MJ/m2.

- (i) The introduction of screening/shading to exposed windows will be required as a condition of permit.
- (c) *30 bike spaces for 79 dwellings does not meet Council's best practice standard of one bike per dwelling. Recommend increasing the number to 79 or one bike space per dwelling plus additional spaces for visitors and staff of the ground floor non-residential area.*
 - (i) The introduction of additional bicycle parking spaces to achieve 74 spaces would meet the above suggestion with the associated reduction in dwelling numbers resulting in the deletion of level 6 from the building as shown in the discussion plans. The change shown in the discussion plans would be required through a condition of permit as discussed earlier in this report.
- (d) *Recommend provide end of trip facilities to encourage staff of the non-residential component to cycle to work.*
 - (i) The provision of end of trip facilities for the shop tenancies are not considered to be necessary in light of the relatively modest scale of the shop premises and absence of permit triggers under clause 52.34 – *Bicycle Facilities* of the Scheme.
- (e) *The term 'where possible' (in Materials Section of SMP) is not suitable for a town planning submission (SMP) please remove ambiguous language like this from the SMP.*
 - (i) Deletion of the term 'where possible' would be required through condition for a revised SMP.
- (f) *Show the raingarden and rainwater tank volume within the relevant plans.*
 - (i) This would be required through a condition of permit as discussed earlier in this report with regards to site permeability.
- (g) *Please provide the completed JV3 energy model for the non-residential areas prior to the commencement of works to ensure that the 20% improvement on the NCC requirements can be met.*
 - (i) This commitment will be included as a condition of permit for the JV3 energy model to be submitted as part of a revised SMP.
- (h) *Roof plan indicates a 10 kWp solar PV system, but the SMP states it will be 6.2 kWp Please confirm size and capacity of solar array.*
 - (i) A condition of permit would require the solar PV system to be consistently shown between the SMP and roofing plan at 10 kWp.

On-site amenity:

Access, layout and circulation

177. Circulation space within the development is considered acceptable with each level provided with corridor widths of 1.8m and with dwelling entrances generally being 'staggered' to avoid

conflicting movements in and out of individual dwellings and to assist with natural ventilation outcomes.

178. While this may be the case, various dwellings have doors located directly opposite one-another (Dwellings G04 & G05, 104 & 105, 204 & 205, 303 & 304, 409 & 410, 502 & 503 and 501 & 504) – A condition of permit would specify that the doors to these dwellings be reconfigured to avoid being directly opposite one-another.
179. The ground floor lobby (93sqm) would provide an appropriately scaled entrance for the total number of dwellings proposed under this application in addition to providing a sense of address and legibility for the dwellings along St Georges Road.
180. Communal lounge areas (27sqm) would be provided at the northern end of the eastern wing to the building at levels 1 & 2 – these areas have been offered by the applicant (ie not requested by council) and would provide some additional amenity to residents in the future. It is noted that these areas have been deleted under the changes shown in the 'discussion' plans to achieve better apartment layouts for the dwellings. This is considered to be generally acceptable with the lounge areas providing limited amenity as a shared resource as opposed to improving dwelling layouts.
181. Whilst it is noted that the majority of apartments would only have a single outlook, this is not considered fatal to the development as no habitable room would be reliant on borrowed light as discussed earlier in this report with regards to ESD considerations.
182. The comments received from Hansen Partnership cited that the bicycle storage areas within the basement were located away from the lift and were therefore not as convenient as could otherwise be. While this issue is not disputed, it is considered that the relocation of bicycle parking is not fatal to the application as it is not so inconvenient that it would discourage residents from utilising this space.

Solar amenity and daylight access

183. As outlined earlier in this report, the comments received from council's ESD advisor and Hansen Partnership were critical of the application plans with regard to access to daylight within the internally-facing dwellings to the development.
184. In response to these comments, the applicant provided changes to the proposed development, including deletion of the upper-most level and internal reconfigurations to dwellings located at the northern end of the central courtyard.
185. Council's ESD advisor has reviewed the changes under the discussion plans and has provided the following (revised) comments:

The standard of daylight for the development overall is acceptable. The internal reconfiguration of dwellings and the reduction in height of the building will improve the access to daylight of lower level dwellings. The previous version of the development that I assessed (prepared 14/11/2016 and advertised) included a Daylight investigation Report by Ark Resources, would have resulted in a number of dwellings in the internal courtyard at lower levels with living room that did not meet our daylight standards, the bedrooms were all compliant.

The changes to the building design will improve the result for living areas to a level where almost all living areas will comply, and those that fall short will be close in meeting the standards. This is an acceptable outcome overall.

186. The changes proposed under the discussion plans will be required through a condition of permit with the resulting improvements to internal amenity and access to daylight achieved in

line with the comments from council's ESD advisor above. These improved outcomes are considered to align with the policy direction under clause 22.17 – *Environmentally Sustainable Development* of the Scheme.

Internal overlooking

187. The internal overlooking issues are mostly limited to abutting terraces with the central void having a minimum width of 9.0m and therefore providing a physical separation which negates unreasonable views between the east and western wings. Any downwards views into the courtyard itself would not be unreasonable due to the nature of this space as a 'common access' area.
188. Notations have been included within the plans for 'tapered privacy screens' between abutting east, south and west-facing terraces. A condition of permit will require that these notations be updated to show the screens being no less than 1.7m high and providing no more than 25% visual transparency to achieve a reasonable level of privacy between these outdoor areas.
189. With regards to the south-facing terraces associated with the eastern wing of the building, these areas are delineated with outwards protruding fins to the balustrading which would limit views from upper level terraces to the levels below.
190. A condition of permit will require obscure glazing (no less than 1.7m above FFL) to be provided to the south-facing windows associated with common hallways areas to limit views from the hallways into internally facing dwellings to the south.

Noise

191. Issues of noise for the proposed development are generally limited to traffic/tram noise along St Georges Road and the operation of plant associated with the proposed development to dwellings to the north.
192. An acoustic report was not submitted with the application and should be required by way of a permit condition addressing the following:
 - (a) Noise impacts from traffic/tram along St Georges Road onto dwellings within the development; and
 - (b) noise impacts from any proposed plant and equipment (including garage door and lift) onto the dwellings within the development and surrounding residential dwellings.
193. Noise associated with the dwellings and outdoor areas are not considered to be unreasonable with regards to the interface with other residences to the east and south of the subject site (ie residential noise to a residential interface).

Private and communal open space

194. The terraces range from 5.8m² to 57m² with a minimum width of 1.7m. Significantly, only one dwelling contains a 5.8m² deck (being unit G07) with all remaining balconies being at least 6.0m².
195. The balcony/terrace spaces are all directly accessible via the primary living areas, ensuring they are of a functional size and layout, noting that the discussion plans submitted by the applicant reconfigure a number of dwellings which contained 'triangular' balcony areas adjacent to the north-western corner of the internal void with rectangular spaces to improve/increase the widths.
196. Including the changes shown within the discussion plans, it is considered that the proposed development achieves an acceptable outcome with regards to the provision of open space within the development.

Storage

197. Each dwelling is provided with 3m³ of storage in the basement, which falls short of the ResCode requirement of 6m³ (albeit not applicable to developments in the Commercial 1 Zone). As outlined earlier, the discussion plans submitted by the applicant have relocated some of the storage areas to corridors to allow for the increased provision of bicycle parking in the basement.
198. As part of this change the total area provided within individual storage areas has also been increased so that an increased percentage of the storage areas provide between 4m³ and 5m³ which is generally supportable in light of the number of single-bedroom dwellings proposed in this application which are likely to require less storage.
199. The amount of storage proposed under the discussion plans is also viewed more favourably in light of the changes to the basement which would allow for 1 x bicycle parking space per dwelling – reducing the need for bicycles to be stored within the dwelling or designated storage areas.
200. The location of storage areas within corridor areas is not considered to be unacceptable but more detail is required to demonstrate how these areas would be presented internally. This would be addressed through a condition of permit.

Off-site amenity:

201. The policy framework for amenity considerations is contained at clause 22.05 - *Interface uses policy* and the Guidelines which are the most relevant offsite amenity assessment tool. Clause 55 of the Scheme provides some guidance on these matters (although not strictly applicable to this development).

Setbacks and visual bulk

- No.392 St Georges Road

202. Directly to the east of the subject site are terrace/balcony areas associated with units approved under Planning Permit PL08/0525 (Units G-16 & 1-16) as shown in the figures below:

Figure 5: Unit G-16 of 392 St Georges Road:

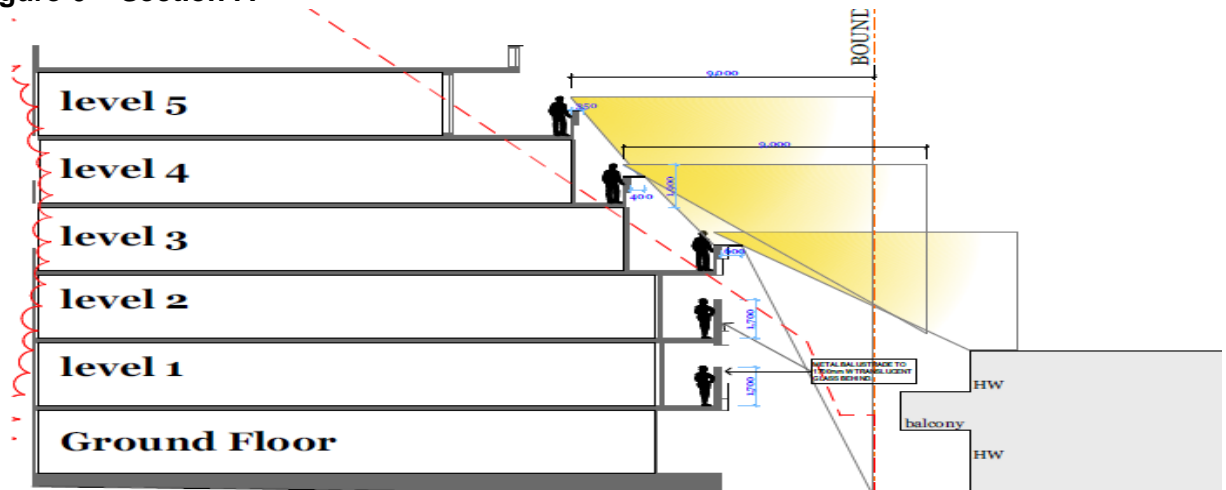


Figure 6: Unit 1-16 of 392 St Georges Road:



203. As illustrated above, these terrace and balcony areas interface directly with the eastern boundary of the subject site with setbacks ranging between 0m and 1.19m which under the existing conditions face onto a 7.0m high wall located just inside the eastern boundary of the subject site.
204. With regards to 'visual bulk' impacts, the removal of the existing east-facing wall and introduction of the 4.5m setback of the proposed development is considered to result in a significantly lesser impact than the existing conditions. This interface is shown in section A on Drawing TP 307 in Figure 6 below:

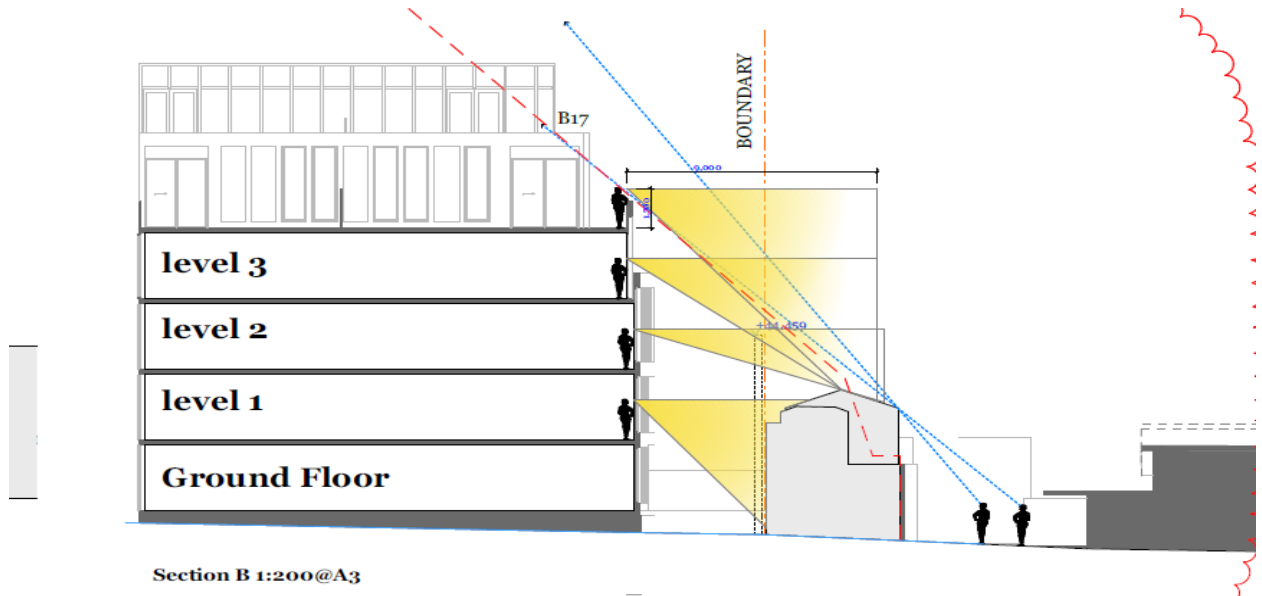
Figure 6 – Section A



205. The details in Section A show demonstrate that the proposed development makes substantial provisions for setbacks from the common boundary between the two lots in response to the location of these two open space areas. It is considered that the setbacks which have been provided are adequate to ensure unreasonable visual bulk impacts are avoided to these spaces.

- *No.1 Bundara Street*

206. The interface with the POS associated with No.1 Bundara Street is addressed by the setbacks of the proposed development from the eastern boundary but also through the location of the single and part double-storey outbuilding located at the rear of this neighbouring lot.
207. The location of this outbuilding provides a degree of physical separation between the proposed building and the areas of POS associated with this lot as shown in Section B below:



208. While portions at the upper levels of the proposed building may be visible from the neighbouring POS above and beyond the outbuilding, it is considered that this limited degree of visibility is not unreasonable with only modest portions of the upper two levels protruding above the neighbouring outbuilding. These east-facing walls would be set back 6.5m from the eastern boundary and approximately 10.5m from the POS area itself,
209. These (visible) levels would also be set back from the southern boundary 8.2m and 8.4m, retaining the west/south-west aspect of the neighbouring POS largely unchanged from the existing conditions as illustrated in the floor plan below:

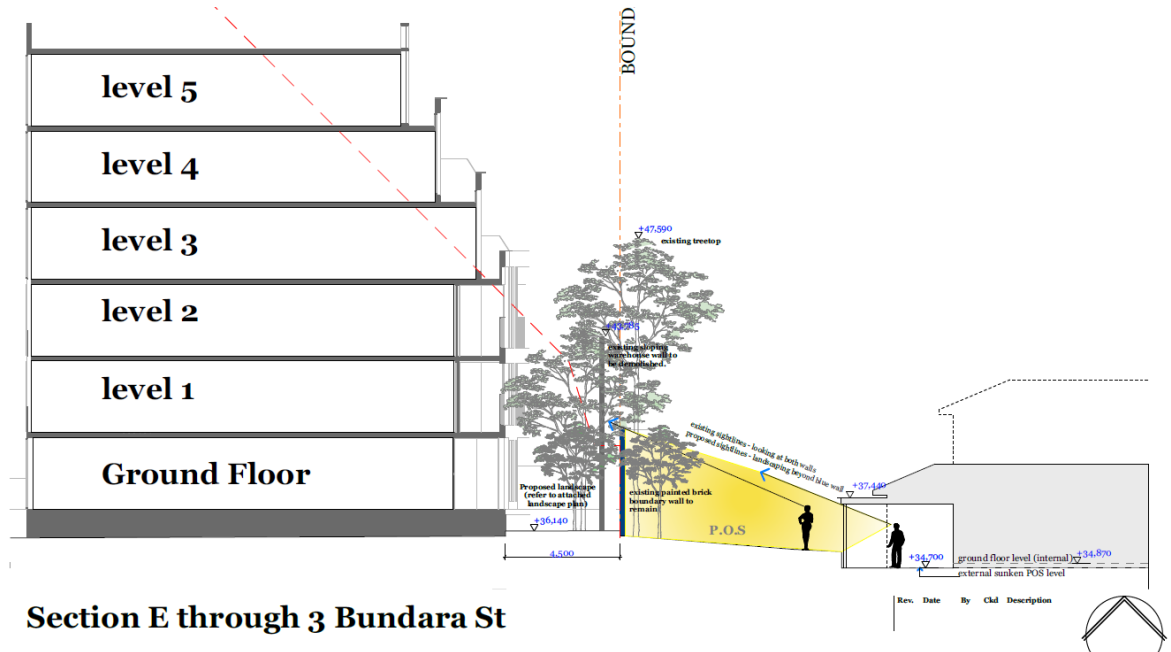


210. In light of the points above, it is considered that the presentation of east-facing walls to the POS area associated with No.1 Bundara Street would not be unreasonable.

- No.3 Bundara Street

211. As described earlier in this report, the POS areas to the rear of No.3 Bundara Street are split between a sunken, covered area directly to the rear of the dwelling and higher ground to the very rear of the lot. This arrangement is shown in Section E in the image below:

Figure 7 – Section E:



Section E through 3 Bundara St

212. Under the existing conditions, the SPOS associated with No.3 Bundara Street faces onto two (2) separate walls, being a 4.9m high on-boundary wall (which would be retained under the proposed development) and the east-facing wall associated with the existing Tradelink building itself which ranges in height between 7.0m and 8.2m (which is to be demolished under the proposed development).
213. Section E demonstrates that only minimal views of the proposed development would be available from the sunken area over the retained boundary walls underneath the overhanging verandah (if at all).
214. Views of the subject site taken from closer to the boundary would reveal the proposed building from level 1 upwards as demonstrated in Section E but these views are not considered to constitute unreasonable visual bulk in light of the setbacks and landscaping areas proposed to the boundary.
215. The photograph in Figure 8 below illustrates the presentation of the Tradelink building's east-facing wall presenting to this neighbouring POS. With this wall to be demolished, the proximity of built form to this interface would be substantially set back from these existing conditions, noting that the canopy landscaping proposed to the eastern boundary would significantly soften this interface beyond the blank boundary wall under the existing conditions.

Figure 8 – Rear of No.3 Bundara Street looking west towards the subject site:



216. In light of the points above, it is considered that the presentation of the proposed development over the retained boundary wall and behind landscape plantings would not result in unreasonable visual bulk impacts to this property.

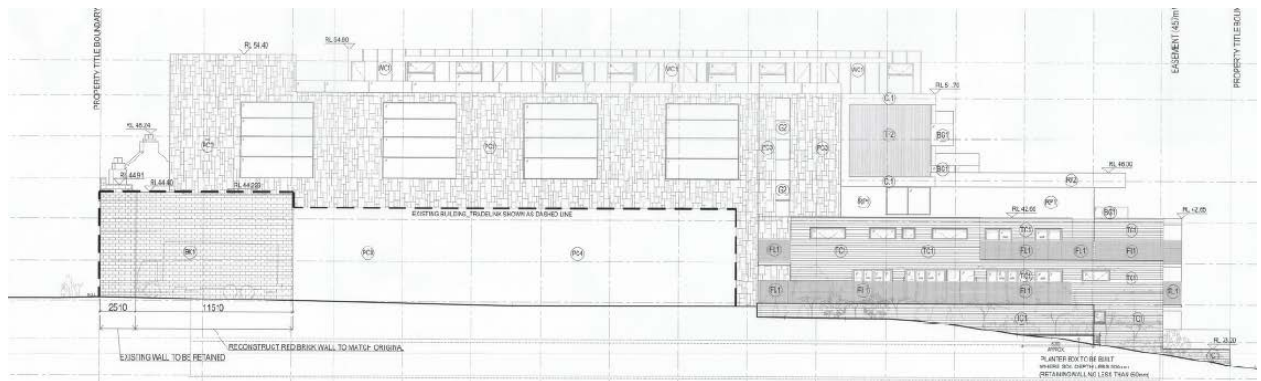
- *Barkly Street properties*

217. As described earlier in this report, the Barkly Street properties (No's 233, 235, 237 & 239) are separated from the subject site by a 3.0m wide laneway with the proposed development set back 1.0m & 1.2m at levels 1 & 2 respectively before stepping north into the centre of the site at each subsequent level.
218. It is acknowledged that the proposed development would be visible from the at-grade POS areas (with the exception of No.233 Barkly Street which contains a high shed/outbuilding which would largely obscure the proposal from view) but the visibility of the building is not considered unreasonable in itself.
219. The immediate interface which is presented to the south has been limited to an 8.2m high wall associated with levels 1 & 2 of the proposed development. This outcome is reflective of the permissible heights under the Neighbourhood Residential Zone which limits building heights to no more than 9m and 2 storeys.
220. This outcome is considered to achieve an acceptable design response to the residential lots fronting Barkly Street in light of the change in zones between the areas.

Daylight to windows;

221. The proposed development would not be located in proximity to any habitable room windows associated with dwellings in neighbouring lots with Section D showing the first floor, west-facing window associated with No.3 Bundara Street being located approximately 16m away from the proposed development.
222. While not associated with habitable rooms, there are a series of south-facing, on-boundary windows associated with the apartment building to the north at No.392 St Georges Road

which the proposed building would be constructed adjacent to. These windows are shown in Figure 9 below which is an excerpt from the endorsed plans under PL08/0525:



223. These south-facing windows are associated with common hallway areas associated with levels 4 & 5 of the apartment building and therefore the location of the proposed on-boundary wall opposite the windows would not result in an unreasonable loss of daylight to dwellings.
224. While this situation is far from ideal, it would be onerous to require setbacks of the proposed north-facing wall from an on-boundary window to a hallway.

Overlooking;

225. Issues associated with overlooking are limited to the east and west-facing dwellings within the eastern wing of the building. The western wing of the building has interfaces with commercial properties only and therefore would not obtain views to sensitive interfaces which require further assessment.

- *Eastern views*

226. At ground floor, view to the east would be interrupted the existing (brick) on-boundary walls which would negate any direct line of sight to areas of SPOS to the east.
227. At first and second floor, the east-facing balconies are shown to be treated with 1.7m high balustrading – Detail has been provided with regards to visual permeability of these balustrades in Section A with translucent glass attached to the balustrade and therefore avoiding unreasonable overlooking to the terrace areas associated with Units G16 and 1-16 within No.392 St Georges Road.
 - (a) For Units 102, 103 & 104 Sections B, D & E demonstrate that there would be no direct line of sight from the east-facing windows and outdoor areas to the SPOS to No's 1 & 3 Bundara Street which contains an outbuilding and/or on-boundary walls which would interrupt any direct line of sight into these areas.
 - (b) Level 2, east-facing balconies are shown treated with 1.7m high balustrades in Sections A, D & E to avoid unreasonable overlooking opportunities to the east.
 - (i) No details have been provided for the treatment of east-facing, habitable room windows associated with Units 202 and 203- this would be addressed through a condition of permit.
228. At third floor, Section A shows the balustrades to the terrace associated with Unit 3.01 protruding 600mm outwards to interrupt any downwards view to the balcony/terrace associated with dwelling within No.392 St Georges Road.

- (a) Sections D & E similarly show the inclusion of protruding fins to balustrades for dwellings 3.02 and 3.03 to limit downwards views in the same manner for SPOS within No's 1 & 3 Bundara Street.
229. At fourth floor, the east-facing terrace to Unit 4.01 would be treated with a 1.1m high balustrade with a 400mm protrusion to limit views down to the balcony/terrace areas associated with No.392 St Georges Road.
- (a) For unit 4.02, this protrusion would be 420mm to limit downwards views to No.3 Bundara Street in the same way (Shown in Section D).
 - (b) Unit 4.03 would not obtain views down to SPOS associated with No.1 Bundara Street within a 9m radius due to the location of the adjoining outbuilding in this property which creates a setback of approximately 10.0m from the edge of the terrace to the neighbouring SPOS.
230. At level 5 the east-facing terrace to Unit 5.01 would be located 9.0m from the eastern boundary and would therefore not provide for unreasonable overlooking opportunities to the east (views in excess of 9m are not considered to be unreasonable utilising the provisions under Standard B15 – *Overlooking* of the Scheme as a guide).
- (a) Similarly to the point above, the east-facing windows associated with unit 5.02 would not provide for any direct line of sight to neighbouring SPOS within a 9m radius and therefore would not result in any unreasonable overlooking opportunities.
231. All east-facing level 6 windows and terraces would be set back in excess of 9m from the eastern boundary and would therefore not result in unreasonable overlooking – Noting that this level would be deleted through a condition of permit in any case.
- *Southern views*
232. The ground floor, south-facing windows would face onto the lane and boundary fencing of the properties further south. This boundary fencing would interrupt views from this level to the SPOS beyond.
233. At first floor, the south-facing bedroom windows to Units 104 & 105 are shown with a treatment to 1.7m above FFL but with no accompanying notation to detail what the treatment entails. A condition of permit would require that these windows are shown treated with fixed, translucent glass to 1.7m above FFL to void unreasonable overlooking opportunities to the south.
- (a) The balustrades to balcony areas for these units would be 1.5m high and include a 250mm protruding shelf which would interrupt downwards views to the areas of SPOS on the opposite side of the adjoining laneway as detailed in Sections F & G to avoid unreasonable overlooking opportunities.
234. At second floor, the south-facing terrace to Units 2.04 & 2.05 would be treated with 1.3m high balustrades with protruding shelves (350mm) which would limit downwards views to the areas of SPOS on the opposite side of the adjoining laneway as detailed in Sections C & H to avoid unreasonable overlooking opportunities.
- (a) The south-facing windows facing onto these terrace areas would be screened from any unreasonable overlooking opportunities by this same treatment as described in the point above with the windows being set another 2.2m north behind the terraces.
235. At third floor, the south-facing terrace to Units 3.03 & 3.04 would be treated with 1.15m high balustrades with protruding shelves (400mm) which would limit downwards views to the areas

of SPOS on the opposite side of the adjoining laneway as detailed in Section H to avoid unreasonable overlooking opportunities.

236. At fourth floor, the south-facing terrace to Units 4.03 & 4.04 would be treated with a 250mm deep protruding shelf which would limit downwards views within 9m of the perimeter of the terrace. This outcome is reflective of the overlooking requirements under Standard B22 – *Overlooking* under clause 55 of the Scheme which demonstrates that this outcome would not result in unreasonable overlooking outcomes.
237. At fifth floor, the south-facing terrace associated with Units 5.02 & 5.03 would be set back 8.4m from the southern boundary which in conjunction with the 3.0m width of the adjoining laneway would result in a setback of 11.4m from the SPOS areas associated with dwellings to the south. The sixth floor terrace would be set back 13.6m from the southern boundary using the same calculation.
238. These outcomes are again reflective of the overlooking requirements under Standard B22 – *Overlooking* under clause 55 of the Scheme which specifies that views outside of a 9m radius are not considered to result in unreasonable overlooking outcomes.

Overshadowing;

239. The proposed development would result in very little additional shadowing to areas of secluded private open space associated with adjoining dwellings and in the case of the properties at No.3 Bundara Street, would in fact significantly reduce the level of shadowing cast under the existing conditions.
240. The properties which would be affected by additional shadowing as a result of the proposed development are detailed in the table below:

Neighbouring Property	Total Area of Secluded Open Space (m2)	area of secluded open space which currently receives sunlight (existing condition)							additional/decreased area of shadow the proposal will cast (ie + or - change)							areas retained with access to direct sunlight (proposed condition)						
		9am	10am	11am	12pm	1pm	2pm	3pm	9am	10am	11am	12pm	1pm	2pm	3pm	9am	10am	11am	12pm	1pm	2pm	3pm
No. 1 Bundara St	89.81	34	43.2	48.9	52.8	42	24	5							2.53	34	43.2	48.9	52.8	42	24	2.47
No. 3 Bundara St	147.89	50.6	57.2	60.2	67.2	54.5	24.3	0					-7	-17		51	57.2	60.2	67.2	62	41	0
No. 233 Barkly St	50.41	2.93	1.67	5.32	5.97	5.23	1.74	3.12								2.9	1.67	5.32	5.97	5.2	1.7	3.12
No. 235 Barkly St	79.77	36.3	49.8	61.1	67.5	56.7	38.7	16.26	0.9	1.2	3.86	1.57		1	1.53	35	48.6	57.3	66	57	38	14.73
No. 237 Barkly St	75.54	25.1	41.1	56.1	63.2	58.9	49.7	36.33		0.74	3	1.49		1.2	6.41	25	40.3	53.1	61.7	59	49	29.92
No. 239 Barkly St	50.19	20.6	28.2	34.6	38.3	35.5	30	22.64			0.72	0.96		1.2		21	28.2	33.9	37.3	35	29	22.64
No. 394 St Georges Rd	26.94	0	0	0	0	0	0	0								0	0	0	0	0	0	0
No. 376 St Georges Rd	0	0	0	0	0	0	0	0								0	0	0	0	0	0	0
No. 370 St Georges Rd	99.76	22.1	23.6	27.5	33.7	24.5	13.2	6.83								22	23.6	27.5	33.7	25	13	6.83

No.1 Bundara Street

241. The table above details that the SPOS associated with this property would receive an additional 2.5sqm of shadowing at 3:00pm, with no additional shadows cast to this area earlier in the day. This impact would result in 2.5sqm being retained with access to sunlight at this time.

242. In light of the modest increase and limited time in which it would occur, this impact is not considered to be unreasonable.

No.3 Bundara Street

243. the proposed development would not result in any additional overshadowing to SPOS associated with this lot. Significantly, at 1:00pm and 2:00pm, there would be a reduction in shadowing impacts of -7sqm and -17sqm respectively.

No.233 Barkly Street

244. This SPOS associated with this property would not be subject to any additional shadowing as a result of the proposed development.

No.235 Barkly Street

245. The SPOS associated with this lot (79sqm) would be subject additional shadowing impacts as a result of the proposed development ranging between 0.9sqm and 3.8sqm between the hours of 9:00am and 3:00pm.
246. This SPOS area would retain access to sunlight to areas ranging between 35sqm and 66sqm which in light of the relatively modest impacts described above, is not considered to be an unreasonable impact to the amenity of this space.

No.237 Barkly Street

247. The SPOS associated with this property (75sqm) would be subject to additional shadowing impacts as a result of the proposed development ranging between 0.7sqm and 6.4sqm between the hours of 10:00am and 3:00pm.
248. During the hours affected by additional shadowing, this property would retain SPOS areas with access to sunlight being no less than 40sqm. Retaining this 40sqm with access to directly sunlight is reflective of the objectives under the ResCode (clause 55) standard B21 – *Overshadowing* which is not strictly applicable to developments within the Commercial 1 Zone but is considered to demonstrate the acceptable nature of this relatively modest impact.

No.239 Barkly Street

249. The SPOS associated with this property (50sqm) would be affected by additional shadowing from the proposed development at 11am, 12noon & 2pm. The additional shadowing would relate to areas ranging between 0.7sqm and 1.2sqm.
250. During the affected hours, the SPOS associated with this lot would retain no less than 29sqm of SPOS with access to direct sunlight which in conjunction with the modest increase to shadowing for limited times throughout the day is not considered to be an unreasonable impact.

Conclusions

251. Overall, the level of additional shadowing cast from the proposed development to neighbouring areas of SPOS is modest and would not result in unreasonable amenity impacts. Noting that the above assessments have been made on the advertised plans and have not taken into consideration any further reduction in shadowing which may be achieved through the deletion of the upper-most level as shown in the discussion plans.

Car parking / Traffic;

252. Under clause 52.06 of the Scheme, the application is seeking a reduction of twenty-nine (29) car parking spaces, including nine (9) residential spaces, fifteen (15) visitor spaces and five (5) commercial spaces.
253. In light of the deletion of the upper-most level (including six dwellings) from the proposed building through condition as discussed earlier in this report, this would have effect of reducing the car parking reduction by eight (8) spaces along with reductions to the leasable floor areas of the shop tenancies shown in the 'discussion' plans.
254. Under the 'discussion' plans, the leasable floor area associated with the shops would be reduced from 224sqm to 157sqm and therefore reducing the proposed reduction to three (3) car parking spaces from the five relating to the advertised plans.
255. The outcomes in the points above would reduce the car parking requirement sought to a total of nineteen (19) car parking spaces as shown in the following table:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Dwellings - Residents	73 x apartments comprised of one and two bedrooms	1 to each 1 or 2 bedroom dwelling	73	71	2
- Visitors		1 to every 5 dwellings	14	0	14
Shops	157m ²	4 spaces to each 100m ² of leasable floor area	6	3	3
Total			93	74	19

Residential parking

256. With regards to residential demand for car parking generated by the proposed development, the Car Parking Demand Assessment by GTA Consultants details that the demand generated specifically by the one-bedroom dwellings within the development is likely to be less than that required under the Planning Scheme based on available ABS statistics on car ownership in the Fitzroy North area.
257. The ABS statistics outline that 38% of residents within one-bedroom dwellings within the Fitzroy North area do not own a vehicle. Taking the seven (7) proposed one-bedroom dwellings within the development this can reasonably be extrapolated that six (6) of these dwellings would not own a vehicle based on the current trend.
258. The deletion of dwellings from the upper level would reduce the total number of dwellings from 79 to 73 and therefore number of dwellings within the development which would not be provided with a car parking space would be reduced to two (2) only.
259. It is considered that the two dwellings which are not provided with a car parking space within the basement achieve an acceptable outcome which is in line with the actual demand generated by the proposed development as supported by ABS statistics.

Visitor parking

260. Based on empirical research of residential developments throughout Metropolitan Melbourne, a residential visitor car parking rate at 0.12 car parking spaces per dwelling has been established. This figure is utilised within the GTA assessment and has been reviewed as being appropriate by council's Traffic Engineering Unit.
261. Utilising the reduced rate from the point above, the proposed development of seventy-three (73) dwellings would generate a demand for eight (8) visitor car parking spaces. No visitor car parking would be provided within the development and would therefore necessitate its provision within the surrounding street network.
262. With regards to the reduction being sought for visitor parking, this accords with recent findings in the matter of *207 Bridge Road Pty Ltd v Yarra CC [2013] VCAT 1901*, in which the provision of visitor parking was considered impractical and unnecessary within an Activity Centre serviced by public transport options. In this instance the Tribunal stated:
 - (a) *The Council already accepts that it is appropriate to reduce the parking requirement at Clause 52.06 given the site's context, policy supporting the use of public and alternative forms of transport and the nature of the apartments proposed. Not all apartments will have a car space. This is an acceptable approach given the small size of the apartments, the availability of tram services and shops along Bridge Road.*
 - (b) *The Tribunal also noted the proposed use of car stackers for residential use (as is the case with this proposal) and stated;*
 - (c) *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.*
263. To introduce additional car parking areas specifically for visitor use would require the removal of stacker systems and is therefore not considered to be equitable in terms of providing long term parking suitable for residents of the building which is less likely to be found in the surrounding street networks (which is subject to various clearway and time-based parking controls).
264. From a traffic engineering perspective, the occupation of the new dwellings are not expected to adversely impact on existing parking conditions in the area, with the lack of visitor parking space an acceptable outcome within an activity centre.

Commercial parking

265. The application triggers the requirement for eight (8) car parking spaces associated with the proposed shops to St Georges Road and seeks a reduction of five (5) car parking spaces. Under the 'discussion' plans, the leasable floor area associated with the shops would be reduced from 224sqm to 157sqm and therefore also reducing the proposed reduction to three (3) spaces with three spaces being provided.
266. The provision of three (3) spaces for the retail component is considered to be sufficient to provide staff parking associated with the relatively modest shop premises. It is common for existing shops on St Georges Road not to provide customer parking on site with these buildings typically occupying the majority of the lot and it would therefore be onerous to require new premises to provide on-site parking for a commercial strip which has historically relied upon parking areas within the street.

267. Parking restrictions on St Georges Road support short term availability compatible with commercial patrons with a regular turnover of spaces during business hours and therefore the reduction in car parking associated with the proposed shops is considered to be acceptable.

Traffic generation

268. As part of the initial discussions with the applicant, all traffic movements were limited to the St Georges Road interface to avoid introducing additional traffic to the abutting laneway. While there could be a rationale in terms of providing urban design outcomes to locate vehicle access to the rear of the site via the lane, this was not considered appropriate in this particular instance.
269. The St Georges Road interface is considered to be substantially more robust in its ability to cater for traffic movements associated with the development and whilst increasing traffic in the surrounding streets, Council's Traffic Engineer has concluded that the additional generation of 213 trips per day, with 21 vehicle trips per peak hour is relatively low and would not adversely impact the operation of St Georges Road.
270. This is based on adopting a conservative generation rate of 3.0 vehicle trips per day per dwelling which is supported by the comments received from council's Traffic Engineering Unit as follows:

For the residential dwellings, GTA Consultants have conservatively adopted a rate of 3.0 trips per dwelling per day (for dwellings that have been allocated on-site car parking). The peak hour traffic would be 10% of the daily residential traffic volume. The resulting residential traffic generation equates to 213 vehicle trips per day with 21 vehicle trips in each peak hour.

The retail staff spaces would generate 4.0 trips per space per day with 1.0 vehicle trips per space per peak hour. The staff parking spaces would generate 12 vehicle trips per day with 3 trips in each peak hour.

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. The resultant peak hour traffic volumes would 4 arrivals and 17 departures in the morning peak hour and 13 arrivals and 8 departures in the evening peak hour.

The volume of traffic generated by the site is not unduly high and should not adversely impact the operation of the surrounding roads.

271. In light of the comments received above, it is considered that the level of traffic generated by the proposed development would not be detrimental to the surrounding street network.

Access and configuration

272. As outlined earlier in this report, a permit is triggered to create and/or alter access into a Road Zone. The application has been referred to VicRoads who are generally supportive of the access arrangements subject to the inclusion of a condition for the relocation of service infrastructure (poles) from the middle of the vehicle crossover into St Georges Road.

273. This would be required as a condition of permit and with VicRoads other (standard) conditions being included within the permit. This condition would negate the need for turning circles into St Georges Road to be provided as requested within the Traffic Engineering Units Comments.
274. A condition from VicRoads also requires the provision of a convex mirror to the vehicle entrance to assist with pedestrian visibility across the ramp – This will be included within the permit and also addresses the comments from council's traffic engineering Unit with regards to the issue of a visibility splay to the crossover.
275. The comments received from PTV dictate a 'left turn in and out' arrangement for the proposed vehicle access into St Georges Road. This will form a standalone condition of the permit but will also be reflected in a condition for revised plans under condition 1.
276. The comments received from council's Traffic Engineering Unit are generally supportive of the proposed vehicle access and parking configurations but have requested the resolution of the following matters:
- (a) The transition grade at the base of the ramp must be dimensioned prior to endorsement;
 - (b) The shared area adjacent to the dedicated accessible parking space must be line marked – noting that the irregular corner of the basement wall appears to be partially located within the designated space.
277. The issues above would be addressed through conditions of permit.
278. A number of other matters relating to protection of council assets/infrastructure have been included within the comments received from the Traffic Engineering Unit – these matters will be addressed through (standard) conditions of permit.
279. The comments received from Public Transport Victoria would also be included as a condition of permit.

Loading facilities:

280. Council's Traffic Engineering Unit have reviewed the absence of a loading bay for the proposed commercial premises and are generally satisfied that this is acceptable in this instance, with an on-street loading area being designated directly opposite the subject site on the western side of St Georges Road.
281. It is noted that St Georges Road is subject to 'clearway' controls in the morning and afternoon hours and while this may be the case, these controls operate at differing times so that on-street loading for the proposed shops could occur at all times throughout the day.

Bicycle facilities:

282. As outlined earlier in this report, the discussion plans show the number of bicycle parking spaces within the basement being increased from 30 to 74 spaces. This outcome both exceeds the requirements under clause 52.34 – *Bicycle Parking* of the Scheme and would provide a space for each dwelling within the development following the deletion of seven (7) dwellings from the top level.

Waste management:

283. Council's contract services unit have reviewed the Waste Management Plan submitted with the application which outlines that waste from the development (both residential and

commercial) would be collected by private contractors from within the basement (ie no kerbside collection).

284. A condition of permit would require the development to be managed in line with the WMP.

Objectors Concerns

285. The majority of issues raised from the objections received to the application have been assessed earlier in this report as follows:

(a) Visual bulk;

- (i) Issues associated with visual bulk to sensitive interfaces with adjoining lots have been assessed earlier in this report under Paragraphs 201-219 as achieving an acceptable outcome.

(b) Inadequate on-site car parking;

- (i) The provision of car parking associated with the development has been assessed in detail under Paragraphs 251-266 earlier in this report and found to achieve an acceptable outcome.

(c) Additional traffic generation/issues with laneway usage;

- (i) No vehicle access is proposed via the lane – issues associated with traffic generation into St Georges Road have been assessed earlier in this report under Paragraphs 267-270 and found to achieve an acceptable outcome.

(d) The development would be out of character with the area;

- (i) The proposed development has been assessed against the relevant urban design and heritage policies earlier in this report under Paragraphs 122-132 & 133-140 and found to achieve an acceptable outcome.

(e) Loss of daylight and overshadowing;

- (i) The proposed development has been assessed earlier in this report with regards to neighbouring windows and shadowing to SPOS areas and found to achieve an acceptable outcome.

(f) Overlooking;

- (i) Overlooking has been specifically assessed under Paragraphs 224-237 and found to achieve an acceptable outcome subject to conditions.

(g) Noise from terrace areas;

- (i) Residential noise from terrace areas is not considered to be unreasonable with regards to the residential interfaces to the east and south of the subject site. As discussed earlier in this report, a condition of permit would require the provision of an acoustic report to ensure plant from the building would not result in unreasonable amenity impacts.

(h) Possible impacts during construction phase.

- (i) A condition of permit would require the submission of a Construction Management Plan (CMP) to council for approval. The CMP will assist with

reducing disturbances resulting from construction works which is considered a reasonable approach to this issue.

Conclusion

286. The proposed development is considered to demonstrate compliance with the policy objectives contained within the State and Local Planning Policy Framework. The development would assist with meeting Victoria's urban consolidation objectives and Council's preference to direct higher density development to activity centres and strategic redevelopment sites.
287. The mix of uses, and contribution to the streetscape would assist with strengthening the long term economic viability of the St Georges Road Neighbourhood Activity Centre. The application is therefore considered to be acceptable subject to the conditional requirements set out within the report.

RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN16/0741) for use and development of the land for dwellings within a six-storey building, including 3 shop premises (no permit required for shop use), variation of access to a Road Zone, associated demolition works, reduction in car parking and loading bay requirements at 378-390 St Georges Road, Fitzroy North subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of 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 discussion plans (dated 19/5/17) showing:
 - (a) Deletion of the upper-most level to the building;
 - (b) Introduction of a single bed dwelling at ground floor – south-west corner and subsequent reduction to the shop area from 132sqm to 70sqm;
 - (c) Internal reconfigurations to internally-facing units over the three lower levels;
 - (d) Increased bicycle parking within basement from 30 to 74 spaces;
 - (e) Partial relocation of storage areas to upper level corridors;
 - (f) Introduction of planter areas to south-facing walls at rear of the development;

but further modified to show:

- (g) Fencing to southern boundary being no less than 1.8m high;
- (h) A canopy awning over the St Georges Road frontage/footpath;
- (i) The substation located adjacent to the driveway areas or located within the building basement;
- (j) Detailed design/finishes/treatments to the substation door, demonstrating a high quality finish/design integrated to the building facade;
- (k) The capacity of rainwater tanks in the basement being no less than 17,000lt;
- (l) The location of the rainwater garden clearly shown on plans;
- (m) A cross-section demonstrating the location of rooftop plant located to avoid being visible from the footpath on the western side of St Georges Road, opposite the subject site including any associated screening required to achieve this outcome;
- (n) Height of stairs and lift overrun above roof level in elevation and section;
- (o) The entrances to dwellings G04 & G05, 104 & 105, 204 & 205, 303 & 304, 409 & 410,

- (p) 502 & 503 and 501 & 504) reconfigured to avoid being directly opposite one-another; Obscure glazing to a height of no less than 1.7m above FFL to the south-facing windows associated with common hallways areas;
 - (q) Notations associated with screening between terrace updated to include the screens being no less than 1.7m high and providing no more than 25% visual transparency;
 - (r) The first floor, the south-facing bedroom windows to Units 104 & 105 treated with fixed, translucent glass to 1.7m above FFL;
 - (s) Treatment of east-facing, habitable room windows associated with Units 202 and 203 with obscure, fixed glazing to a height of 1.7m above FFL;
 - (t) Presentation/finishes of the internal storage areas to corridors;
 - (u) Relocation of all electrical poles at least 1m outside the alignment of the vehicular crossover;
 - (v) A convex mirror installed on the northern wall of the ramp, at the vehicle crossover, to aid sight lines between exiting vehicles and pedestrians;
 - (w) Dimensions of the dedicated accessible car space areas;
 - (x) Swept path diagrams for the dedicated accessible car space;
 - (y) Dimensions for the transition grades at the base of the vehicle ramp;
 - (z) Any works associated with acoustic report under Condition 5;
 - (aa) Any works associated with revised SMP under condition 7;
 - (bb) Any works associated with PTV condition 29;
 - (cc) Any works associated with VicRoads conditions 25 & 26;
2. The development and use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by John Patrick Landscape Architects and dated December 2016, but modified to include (or show):
 - (a) Inclusion of species which are shade tolerant;
 - (b) Anchoring to 'Capital' trees to assist with remaining upright;
 - (c) The 'Burnley Select' repositioned away from the boundary shared with No.1 Bundara Street;
 - (d) Construction details for raised planters, including irrigation, drainage and proposed growing media;
 - (e) Inclusion of landscaping areas to south-facing walls of the eastern building wing at ground, level 1 & 2 as shown in the 'discussion' plans.
 4. 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.
 5. Before the plans are endorsed, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be

endorsed and will form part of this permit. The Acoustic Report must assess the following:

- (a) Noise impacts from traffic/tram along St Georges Road onto dwellings within the development; and
- (b) noise impacts from any proposed plant and equipment (including garage door and lift) onto the dwellings within the development and surrounding residential dwellings.

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

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

7. Before the plans are endorsed, 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 Ark Resources and dated 15/11/2016, but modified to include or show:
 - (a) inclusion of ceiling fans to living areas of all single aspect dwellings;
 - (b) all exposed north-west and east facing glazing not protected by overhangs or balconies treated with exterior adjustable awnings, blinds, screens or similar;
 - (c) deletion of 'where possible' from the materials section of the SMP;
 - (d) location of the raingarden clearly detailed, including connection details;
 - (e) A completed JV3 energy model for the non-residential areas within the approved development to demonstrate that a 20% improvement on the NCC requirements would be met; and
 - (f) confirmation of the 10kWp solar PV system shown on the roofing plan;

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

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

10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the re-sheeting of the footpath outside the property's St Georges Road frontage and laneway interface if required by the Responsible Authority:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

11. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

12. 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;

- at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any 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.
- 14. 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.
- 15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.
- 16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, laneway and dwelling entrances must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
- 17. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 18. 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.
- 19. 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.
- 20. 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.
- 21. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

22. 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.
23. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
works necessary to protect road and other infrastructure;
 - (b) remediation of any damage to road and other infrastructure;
 - (c) 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,
 - (d) facilities for vehicle washing, which must be located on the land;
 - (e) 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;
 - (f) site security;
 - (g) 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;
 - (h) the construction program;
 - (i) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (j) parking facilities for construction workers;
 - (k) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (l) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (m) 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;
 - (n) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
24. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

VicRoads conditions (25 & 26 only)

25. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the occupation of the buildings and works.
26. All disused or redundant vehicle crossings must be removed to the satisfaction of and at no

cost to the Roads Corporation prior to the commencement of the use or occupation of the buildings and works.

PTV Conditions (27 to 29 only)

27. The permit holder must take all reasonable steps to ensure that disruption to tram operation along St Georges Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen days (14) prior.
28. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.
29. Prior to the occupation of the development, all works outlined on the endorsed plans restricting access/egress to left in/left out only, must be completed with associated signage, the satisfaction of Public Transport Victoria at the full cost to the permit holder.
30. 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.
 - (c) The use component is not commenced within five (5) years of the date of this permit.

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

Notes:

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

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 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, employees and occupiers residing 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 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.

Separate consent will be required from Vicroads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside of the title boundary within a Road Zone Category 1 (ie St Georges Road). Please contact VicRoads prior to commencing any works.

The level of the footpath must not be altered or lowered in any way to facilitate access to the site.

CONTACT OFFICER: Patrick Sutton
TITLE: Senior Statutory Planner
TEL: 9205 5357

Attachments

- 1** Discussion plans
- 2** Decision Plans
- 3** Decision plans
- 4** Decision plans
- 5** Decision plans
- 6** Decision plans
- 7** ESD comments on decision plans
- 8** Revised ESD comments on discussion plans
- 9** Heritage advice
- 10** External urban design advice
- 11** VicRoads comments
- 12** Traffic Engineering Unit comments
- 13** Public Transport Victoria comments
- 14** Open Space Unit comments

Attachment 1 - Discussion plans



378-390 ST GEORGES RD

<table border="0"><tr><th>Rev.</th><th>Date</th><th>By</th><th>Chd</th><th>Description</th></tr><tr><td>C</td><td>09/06/17</td><td></td><td></td><td>Town Planning - Organisation</td></tr><tr><td>B</td><td>09/06/17</td><td></td><td></td><td>Town Planning - Organisation</td></tr><tr><td>A</td><td>16/11/16</td><td></td><td></td><td>Town Planning - P&I</td></tr><tr><td>-</td><td>08/07/16</td><td></td><td></td><td>Town Planning</td></tr></table>	Rev.	Date	By	Chd	Description	C	09/06/17			Town Planning - Organisation	B	09/06/17			Town Planning - Organisation	A	16/11/16			Town Planning - P&I	-	08/07/16			Town Planning	<p>DKO Architecture Pty Ltd 100/100 St Georges Road Melbourne, VIC 3000 t: 03 9594 1000 e: info@dko.com.au www.dko.com.au ABN 66 614 100 000</p> <p>© Melbourne City Council All rights reserved. No part of this document may be reproduced without written permission from the Melbourne City Council.</p>	<p>DKO</p>	<table border="0"><tr><td>Project Name: Project Address: Client:</td><td>St Georges Road 100/100 St Georges Road Melbourne, VIC 3000</td><td>Project Status: Drawing Number: Scale: Date:</td><td>Project Title: Title Page: MPS: Date: 09/06/17</td></tr></table>	Project Name: Project Address: Client:	St Georges Road 100/100 St Georges Road Melbourne, VIC 3000	Project Status: Drawing Number: Scale: Date:	Project Title: Title Page: MPS: Date: 09/06/17
Rev.	Date	By	Chd	Description																												
C	09/06/17			Town Planning - Organisation																												
B	09/06/17			Town Planning - Organisation																												
A	16/11/16			Town Planning - P&I																												
-	08/07/16			Town Planning																												
Project Name: Project Address: Client:	St Georges Road 100/100 St Georges Road Melbourne, VIC 3000	Project Status: Drawing Number: Scale: Date:	Project Title: Title Page: MPS: Date: 09/06/17																													

Attachment 1 - Discussion plans

Town Planning Content		
Number	Drawing Type	Drawing Name
TP000	Cover Page	Title Page
TP001	Cover Page	Drawing Register
TP100	Site Series	Greater Context Analysis
TP101	Site Series	Context Analysis
TP102	Site Series	Site Photos
TP103	Site Series	Site Photos 2
TP104	Site Series	Design Response - Concept
TP105	Site Series	Design Response - Sun
TP106	Site Series	Design Response - Views
TP107	Site Series	Design Response - Street Activation
TP108	Site Series	Precedents
TP109	Site Series	Precedents
TP110	Site Series	Precedents
TP111	Site Series	3D Perspective
TP112	Site Series	3D Perspective
TP113	Site Series	Precedents
TP114	Site Series	3D Perspective
TP200	Plans	Basement
TP201	Plans	Ground Floor Plan
TP202	Plans	Level 1 Floor Plan
TP203	Plans	Level 2 Floor Plan
TP204	Plans	Level 3 Floor Plan
TP205	Plans	Level 4 Floor Plan
TP206	Plans	Level 5 Floor Plan
TP207	Plans	Roof

TP300	Elevations	West Elevation
TP301	Elevations	South Elevation
TP302	Elevations	East Elevation
TP303	Elevations	Courtyard Elevation
TP304	Elevations	Courtyard Elevation
TP305	Elevations	Streetscape Elevation
TP306	Sections	Section
TP307	Sections	Overlooking Strategy - Interface Sections
TP308	Sections	Overlooking Strategy - Interface Sections
TP309	Sections	Overlooking Strategy - Interface Sections
TP310	Sections	Basement Ramp & Crossover Detail
TP311	Sections	Bundara St sightline analysis
TP312	Sections	Bundara St sightline analysis
TP400	Supporting Drawings	3D Perspective
TP401	Supporting Drawings	Shadow Diagrams - Sept 22 @ 9am, 10am & 11am
TP402	Supporting Drawings	Shadow Diagrams - Sept 22 @ 12pm & 1pm
TP403	Supporting Drawings	Shadow Diagrams - Sept 22 @ 2pm & 3pm
TP404	Supporting Drawings	Shadows tabulated
TP405	Supporting Drawings	Interface to the East
TP406	Supporting Drawings	Material Precedents (photos)
TP407	Supporting Drawings	Development Summary
TP408	Supporting Drawings	Demolition Plan
TP409	Supporting Drawings	Existing Site Survey

Rev. Date By Cld. Description
- 19/09/17 Town Planning - Consultation

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DKO

Project Name
Project Address

St Georges Road
100/100 Stirling Street
Stirling, VIC 3025

Project Number
Drawing Number

Project Site
Drawing Program
MIS
19/09/17

Client Name
Drawing Number

Revising
Drawing Number

TP001

Attachment 1 - Discussion plans



Attachment 1 - Discussion plans



Attachment 1 - Discussion plans



4 378 ST GEORGES RD



5 376 ST GEORGES ROAD



6 370 ST GEORGES ROAD



7 BARKLY STREET



3 392-394 ST GEORGES ROAD



2 392-394 ST GEORGES ROAD



8 CARPARK



9 REAR OF 376 ST GEORGES RD



1 TRADE LINK VIEW FORM ST GEORGES ROAD



13 LANEWAY & 233 BARKLY STREET



12 REAR OF 376 ST GEORGES RD



11 LANEWAY & REAR OF 233 BARKLY ST



10 TRADE LINK BACK ENTRY

Rev.	Date	By	Cd	Description
A	10/05/17			Town Planning - Consultative
	28/07/16			Town Planning

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D K O

Project Name	St Georges Road	Project Number	Project No
Project Address	27 Kings St Georges Road	Drawing Name	Site Plan
	Edeney North, VIC 3064	Date	28/07/16
Client	Client Company	Drawing Number	TP102
		Revision	A

Attachment 1 - Discussion plans



17 LANEWAY VIEW



18 PARKING VIEW



19 SIDE OF 1 BUNDARA STREET



20 BUNDARA STREET LANEWAY



21 BUNDARA STREET



16 241 BARKLY STREET



15 SOUTH OF TRADELINK



22 NE OF 392 ST GEORGES ROAD



23 MERRI CREEK RESERVE



14 239 BARKLY STREET



25 392 ST GEORGES RD



26 392 ST GEORGES RD



25 239 BARKLY STREET



24 ST GEORGES ROAD

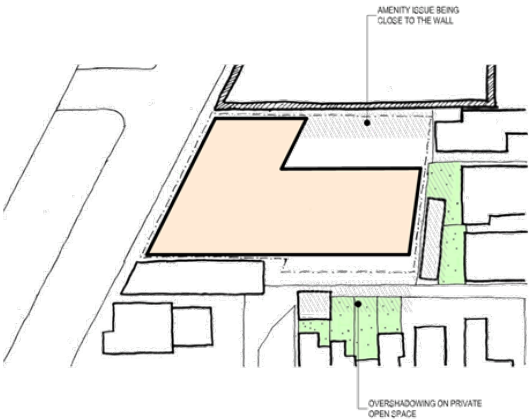
Rev.	Date	By	Chk	Description
A	18/09/17			Issue Planning - Consultation
	18/09/16			Issue Planning

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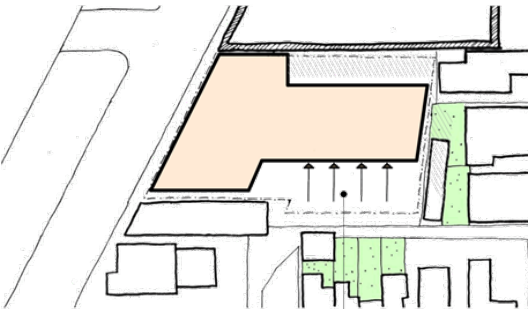
DKO
 Project Name
 Project Address
 Project Description
 Project Date

Project Name
 Project Address
 Project Description
 Project Date
 Drawing Number
 Revision

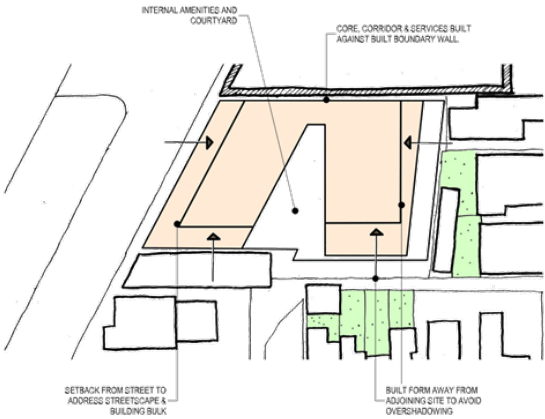
Attachment 1 - Discussion plans



CONCEPT DEVELOPMENT # 01



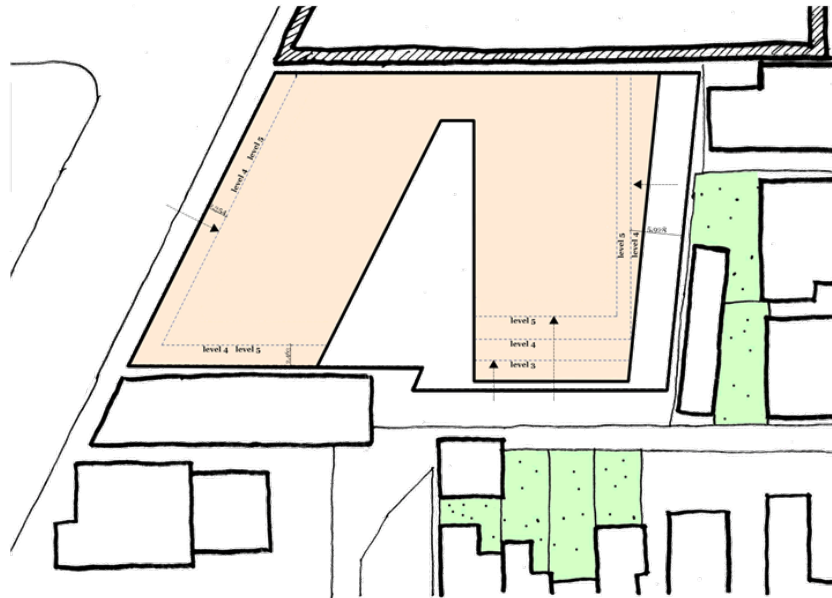
CONCEPT DEVELOPMENT # 02



CONCEPT DEVELOPMENT # 03

Rev.	Date	By	Chd	Description	DKO	Project Name	Project Address	Project Status	Project Size
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	19/09/16			Time Planning	DKO	St George's Park	100-110 St George's Park	Design Proposal - Concept	MTS
					DKO	St George's Park	100-110 St George's Park	Design Proposal - Concept	MTS
					DKO	St George's Park	100-110 St George's Park	Design Proposal - Concept	MTS
					DKO	St George's Park	100-110 St George's Park	Design Proposal - Concept	MTS
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					DKO	St George's Park	100-110 St George's Park	Design Proposal - Concept	MTS
					DKO	St George's Park	100-110 St George's Park	Design Proposal - Concept	MTS
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Attachment 1 - Discussion plans

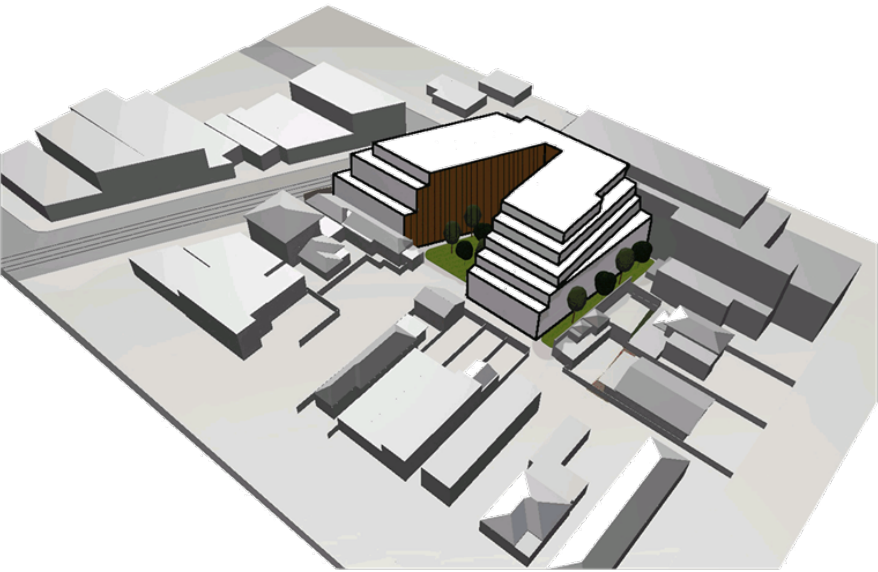


BUILDING SETBACKS & MASSING.

ADDRESSING THE NEIGHBOUR'S AMENITY FOR SOLAR ACCESS AND TO ELIMINATE OVERSHADOWING.

Rev.	Date	By	Old	Description	DKO Architecture Pty Ltd 10/10/17 10/10/16	Project Name Project Address	Project Size Project Address	Project Size Design Progression Date	Project Size Design Progression Date
A	10/10/17	SA	10/10/16	Time Planning - Construction Time Planning	DKO Architecture Pty Ltd 10/10/17 10/10/16	Project Name Project Address	Project Size Project Address	Project Size Design Progression Date	Project Size Design Progression Date
					DKO	Client	Client Group	Drawing Number	Revision
								TP105	A

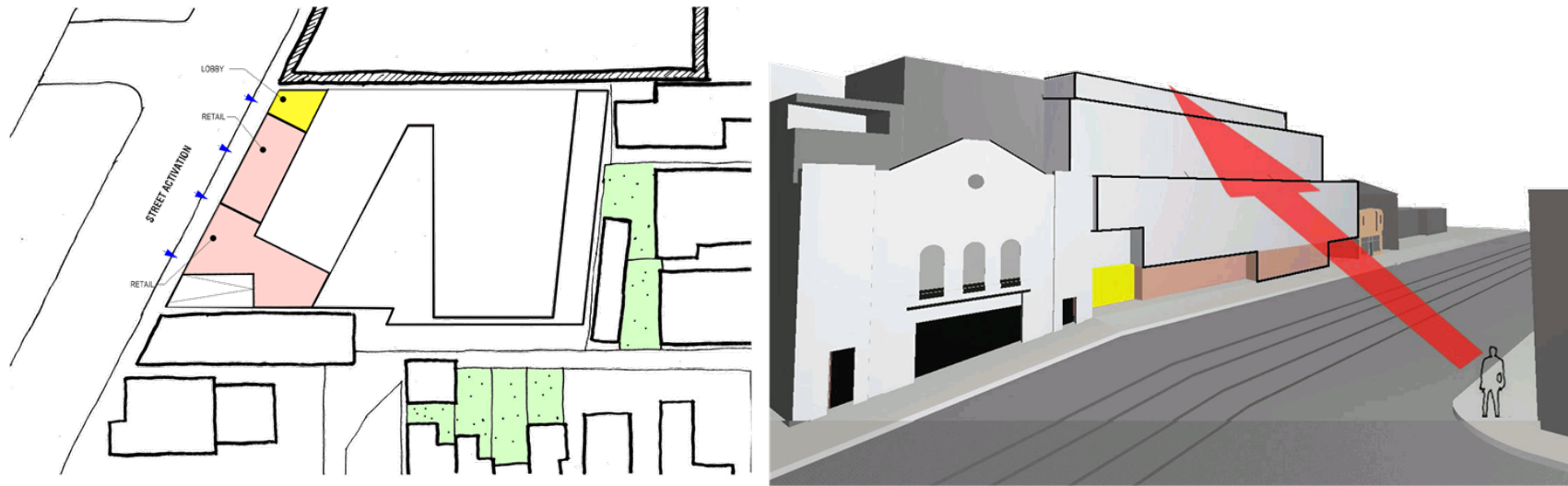
Attachment 1 - Discussion plans



SITE AMENITY
COURTYARDS, LANDSCAPING AND VIEWS

Rev.	Date	By	Chd	Description		DKO Architecture (Vic) Pty Ltd 100/101 St Georges Road, Melbourne VIC 3000 Australia Tel: 03 9594 1234 Email: info@dko.com.au www.dko.com.au	Project Name Project Address	St Georges Road 100/101 St Georges Road Melbourne, VIC 3000	Project Status Drawing Number Date	Project Size Design Progress M/S 10/10/16	Drawing Number Revision	TP106 A
A	19/02/17			Final Planning - Council								
	05/02/16			Final Planning								

Attachment 1 - Discussion plans



STREET ACTIVATION & BUILDING MASS TO THE STREET

Rev.	Date	By	Chd	Description	DKO Architecture Pty Ltd 10/10/17 10/10/16	Project Name Project Address	Project Phase Project Address	Project Size Design Progression Date	Project Size Design Progression Date
A	10/10/17			Time Planning - Construction Time Planning	DKO Architecture Pty Ltd 10/10/17 10/10/16	Project Name Project Address	Project Phase Project Address	Project Size Design Progression Date	Project Size Design Progression Date
	10/10/16				DKO Architecture Pty Ltd 10/10/17 10/10/16	Project Name Project Address	Project Phase Project Address	Project Size Design Progression Date	Project Size Design Progression Date

Attachment 1 - Discussion plans

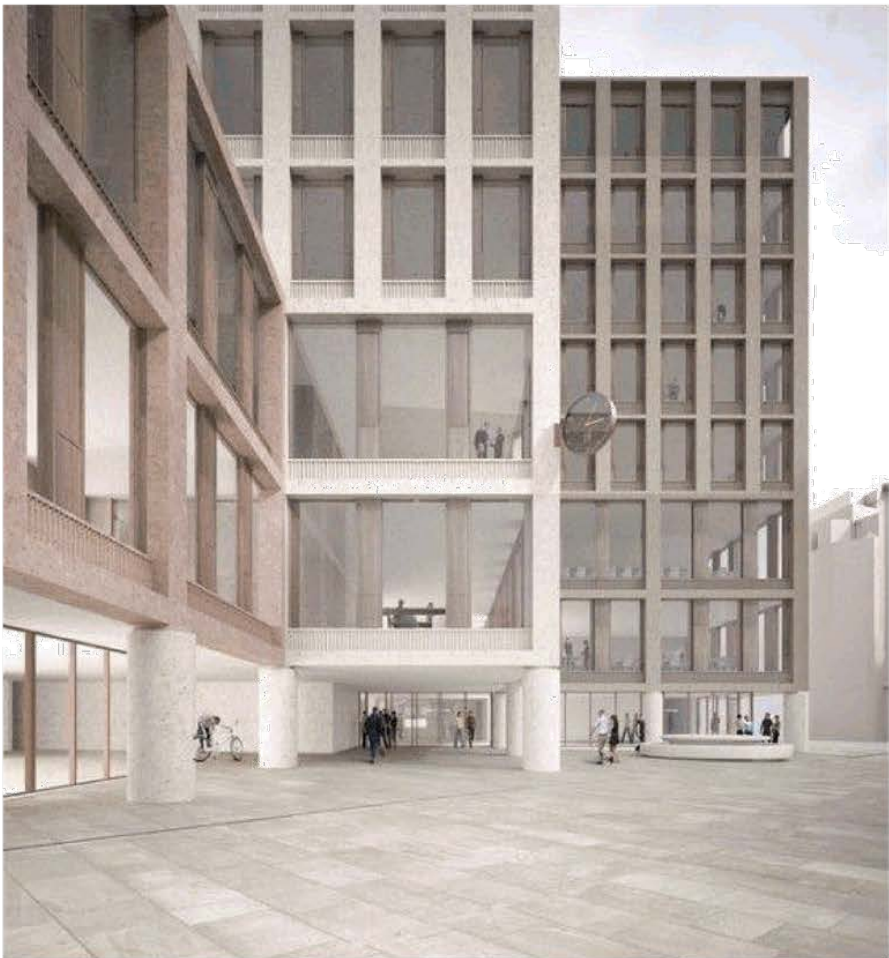


ARCHITECTURAL PRECEDENTS

EXTERIOR FACADE FENESTRATION

Rev.	Date	By	Chk	Description	DKO	Project Name	Project Phase	Project Status	Project Date
A	19/02/17			Team Planning - Conceptual	DKO	DKO	DKO	DKO	DKO
	05/02/16			Team Planning	DKO	DKO	DKO	DKO	DKO

Attachment 1 - Discussion plans



ARCHITECTURAL PRECEDENTS
EXTERIOR FACADE FENESTRATION

Rev.	Date	By	Chk	Description
A	19/09/17			Team Planning -
	05/09/16			Construction
				Team Planning

DKO

Project Name
Project Address
Client
Project No.
Drawing No.
Revision

Project No.
Drawing No.
Revision

Project No.
Drawing No.
Revision

Project No.
Drawing No.
Revision

Attachment 1 - Discussion plans



ARCHITECTURAL PRECEDENTS
EXTERIOR FACADE FENESTRATION

Rev.	Date	By	Chk	Description
A	19/02/17			Issue: Planning*
	05/02/16			Issue: Planning

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Project Name	St Georges Road	Project Number	TP110
Project Address	100/100 St Georges Road Melbourne, VIC 3000	Project Date	19/02/16
Client	Client Group	Drawing Number	TP110
		Revision	A



Attachment 1 - Discussion plans



Attachment 1 - Discussion plans



ARCHITECTURAL PRECEDENTS

COURTYARD FACADE & FENESTRATION

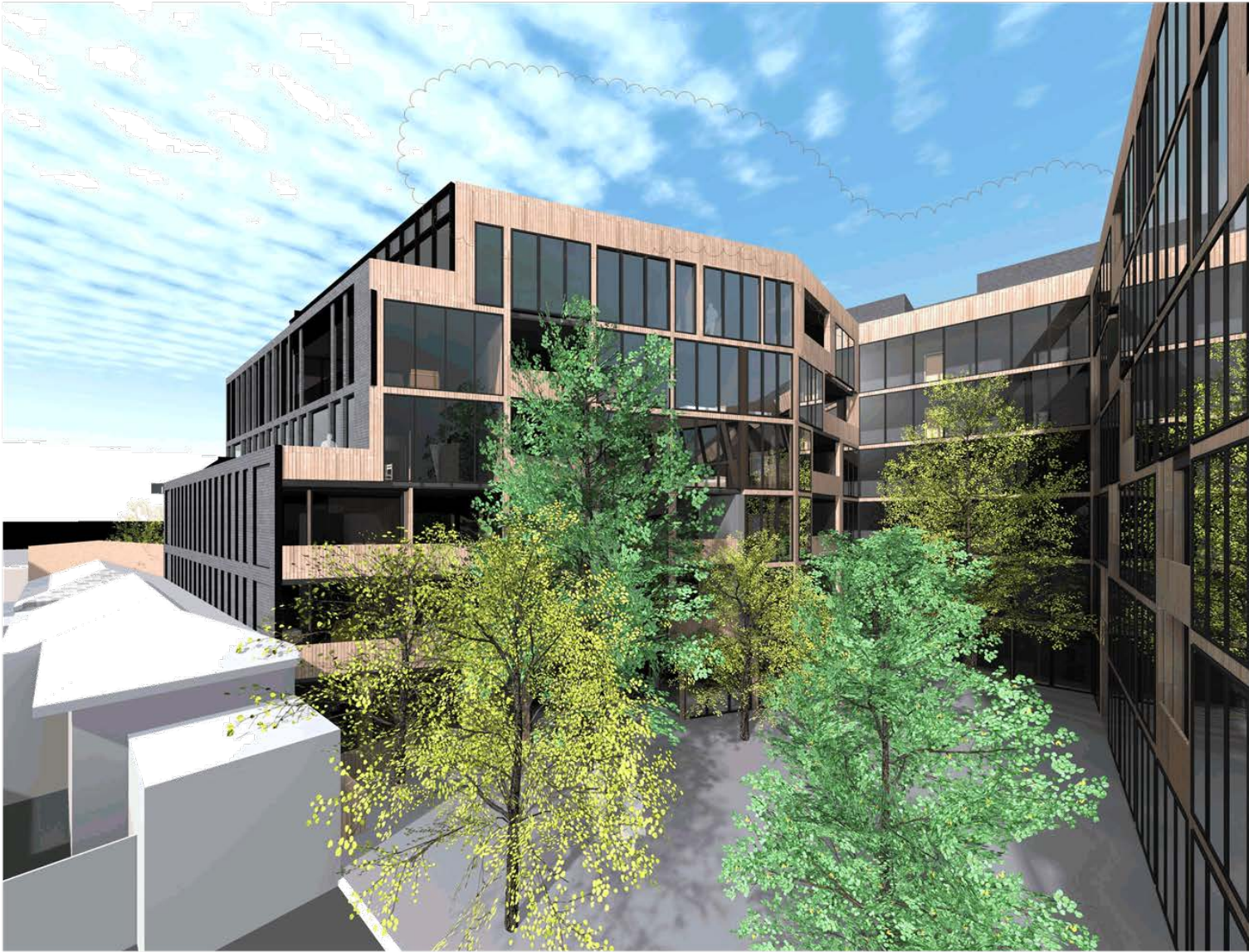
Rev.	Date	By	Chd	Description
A	19/02/17			Team Planning & Consultation
	05/02/16			Team Planning

DKO Architecture Pty Ltd
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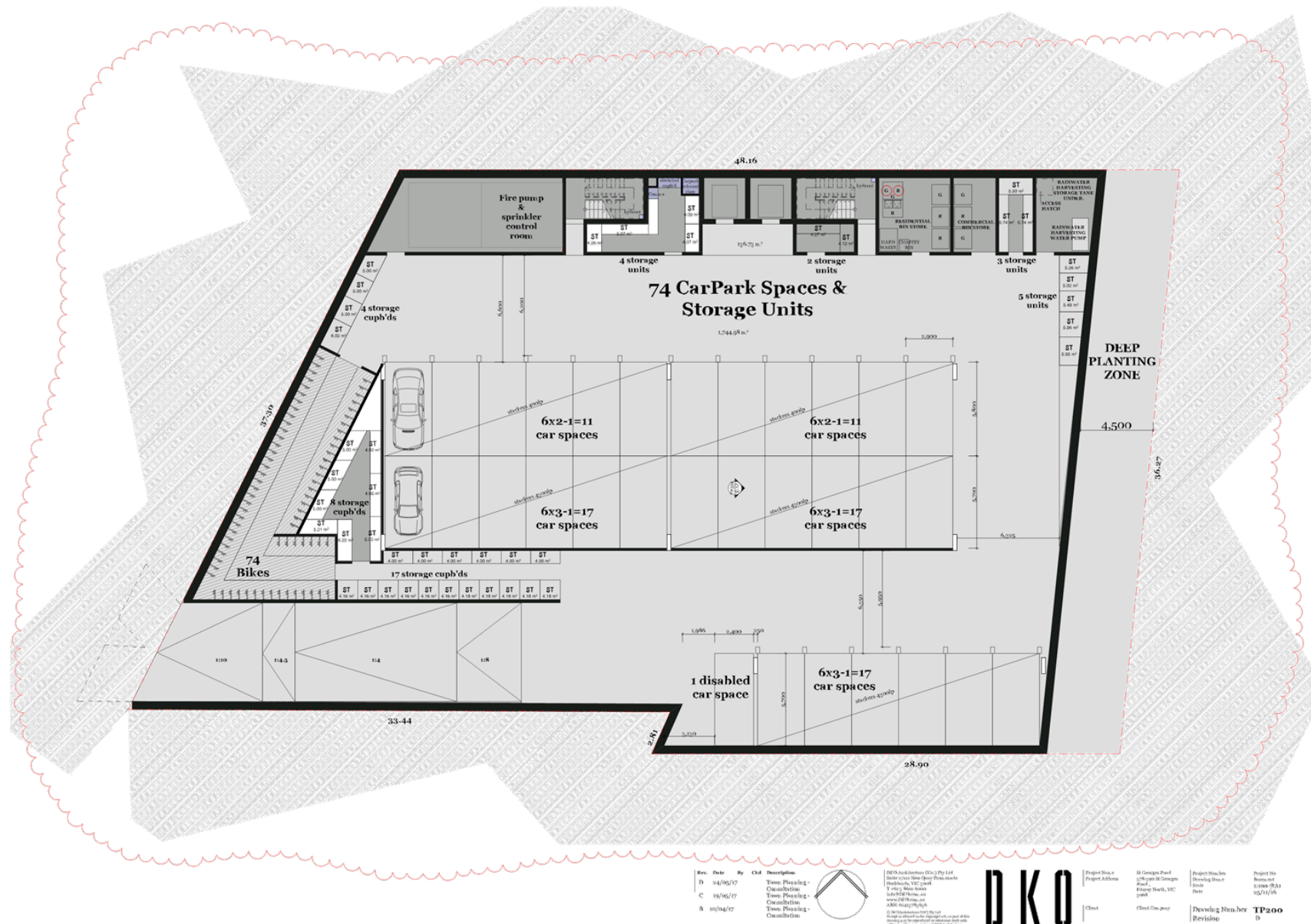
DKO Architecture Pty Ltd
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VIC 3000
Australia
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Project Name	St Georges Place	Project Number	TP113
Project Address	100/100 Sturt Street, Melbourne, VIC 3000	Project Date	19/02/16
Client	Client Group	Drawing Number	TP113
		Revision	A

Attachment 1 - Discussion plans



Rev.	Date	By	Chk	Description	DKO	Project Name	Project Phase	Project Status	Project Date
A	19/09/17			Town Planning - Discussion	DKO	Project Name	Project Phase	Project Status	Project Date
A	05/11/16			Town Planning - PF1	DKO	Project Name	Project Phase	Project Status	Project Date
	08/02/16			Town Planning	DKO	Project Name	Project Phase	Project Status	Project Date



Attachment 1 - Discussion plans





Attachment 1 - Discussion plans



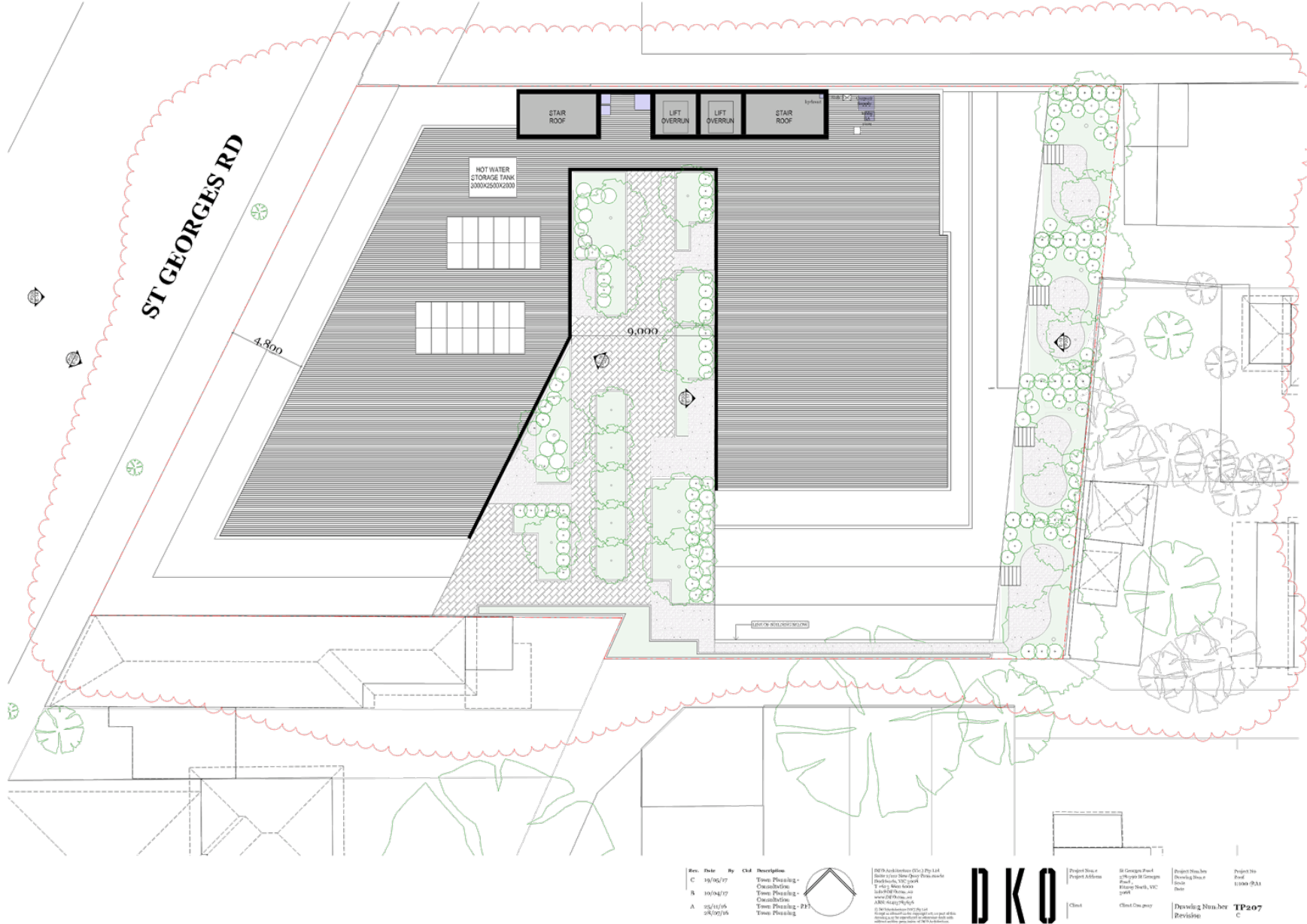
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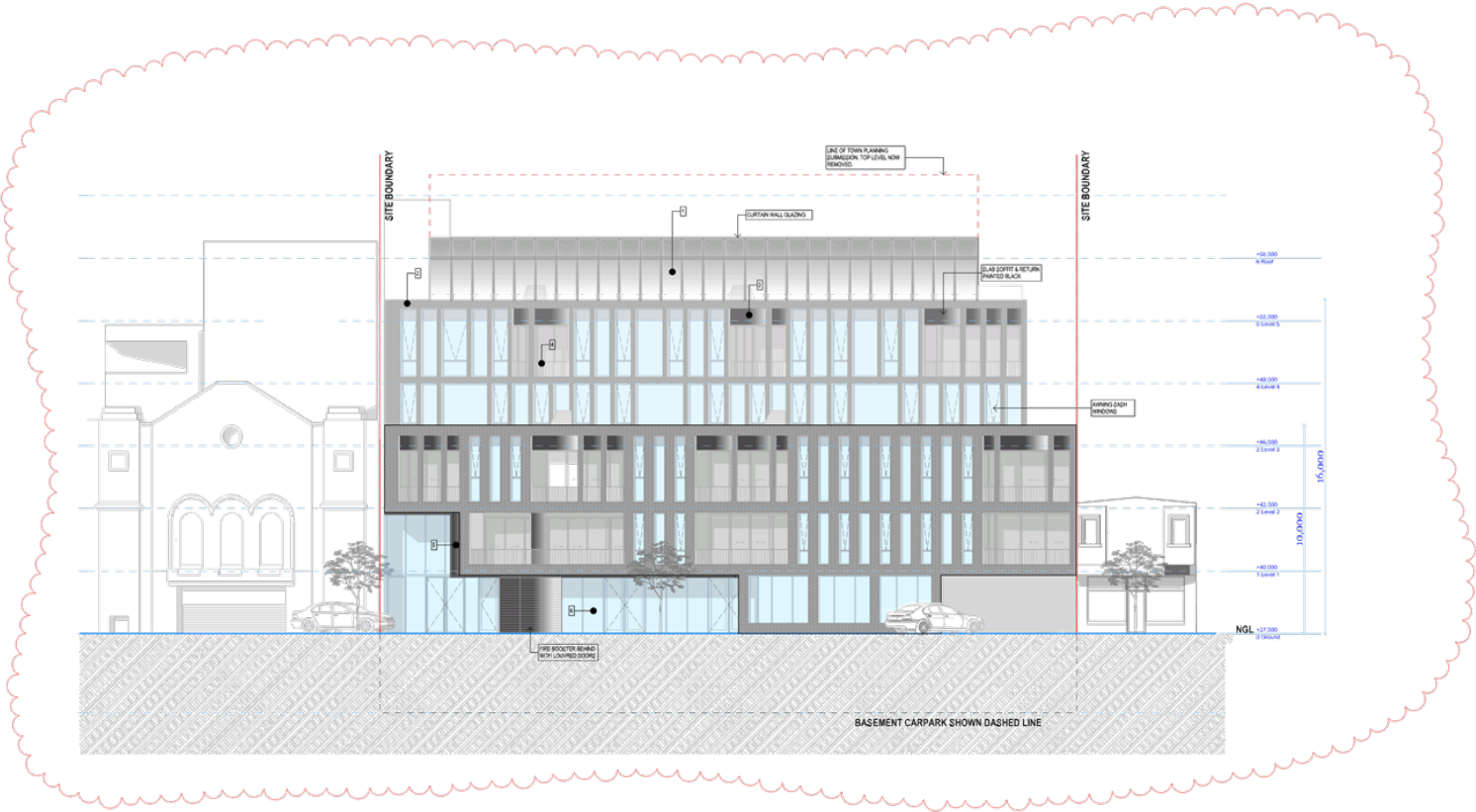




Attachment 1 - Discussion plans



Attachment 1 - Discussion plans



1. Tinted glass



2. Silver Grey bricks



3. Concrete painted black



4. Black metal balustrade



5. Black metal entry canopy



6. Clear glass

Rev.	Date	By	Chd	Description
C	18/02/17			Town Planning - Consultation
B	16/04/17			Town Planning - Consultation
A	05/11/16			Town Planning - PF1
	18/02/16			Town Planning

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DKO
Architecture
Pty Ltd

Project Name	Project Address
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Project Name	Project Address
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Project Name	Project Address
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Project Name	Project Address
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Project Name	Project Address
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Project Name	Project Address
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Attachment 1 - Discussion plans



1. Tinted glass



2. Silver Grey bricks



3. Concrete painted black



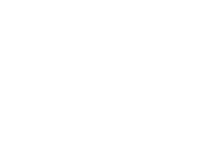
4. Black metal balustrade



5. Black metal entry canopy



6. Clear glass



7. Translucent glass

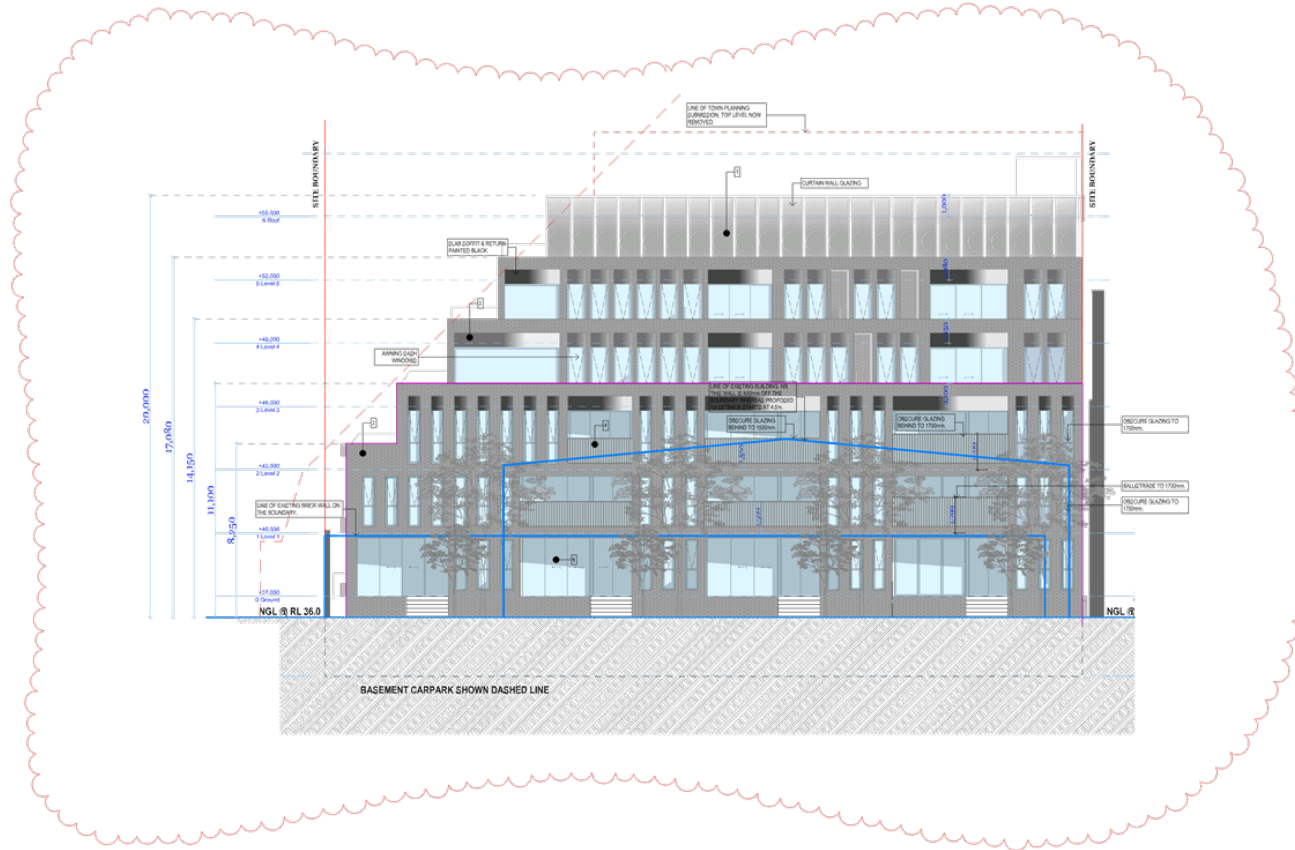
Rev.	Date	By	Old	Description
C	10/02/17			Time Planning - Consultation
B	10/02/17			Time Planning - Consultation
A	05/01/16			Time Planning - PFI
	05/02/16			Time Planning

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Project Name Project Address	St Georges Road 100/100 St Georges Road Hilary North, VIC 3060	Project Number Drawing Name Scale Date	Project No South Floor 11000 (BA)
Client	Client Group	Drawing Number Revision	TP301 C

Attachment 1 - Discussion plans



1. Tinted glass



2. Silver Grey bricks



3. Concrete painted black



4. Black metal balustrade



5. Black metal entry canopy



6. Clear glass

7. Translucent glass

Rev.	Date	By	Chd	Description
C	19/05/17			Town Planning - Consultative
B	19/04/17			Town Planning - Consultative
A	25/11/16			Town Planning - ZFI
	28/07/16			Town Planning

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DKC

Project Name Project Address	St Georges Road 17 Wynga St Georges Road Ritzing North, VIC 3084	Project Number Drawing Name Scale Date	Project No Fast Revision 1/100 @A1
Client	Client Company	Drawing Number Revision	TP302 C

Attachment 1 - Discussion plans



1. Tinted glass



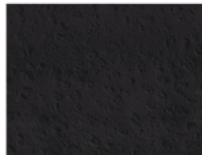
6. Clear glass



2. Silver Grey bricks



7. Timber facade & balcony balustrade



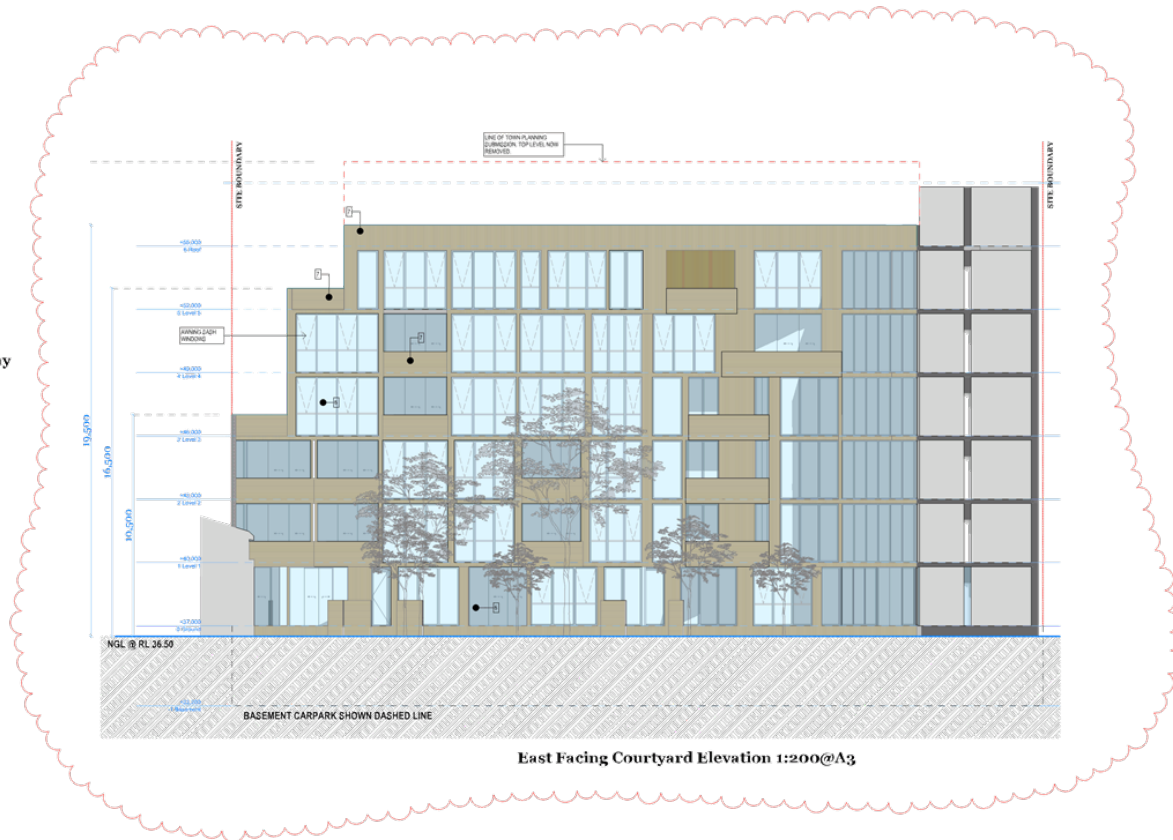
3. Concrete painted black



4. Black metal balustrade



5. Black metal entry canopy



Rev.	Date	By	Chd	Description
C	19/06/17			Town Planning - Consultative
B	19/04/17			Town Planning - Consultative
A	25/11/16			Town Planning - PFI
	28/07/16			Town Planning

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DKO

Project Name:
Project Address:

St Georges Road
11/12/99 St Georges
Road,
Elbury North, NT
13064

Client: Coo group

Project Number	
Drawing Number	
Scale	
Date	
Drawing Name	

Project No.
Contract Number
1:100-2A1

Drawing Number **TP303**
Revision **C**

Attachment 1 - Discussion plans



1. Tinted glass



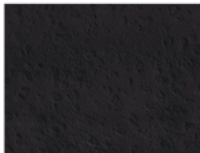
6. Clear glass



2. Silver Grey bricks



7. Timber facade & balcony balustrade



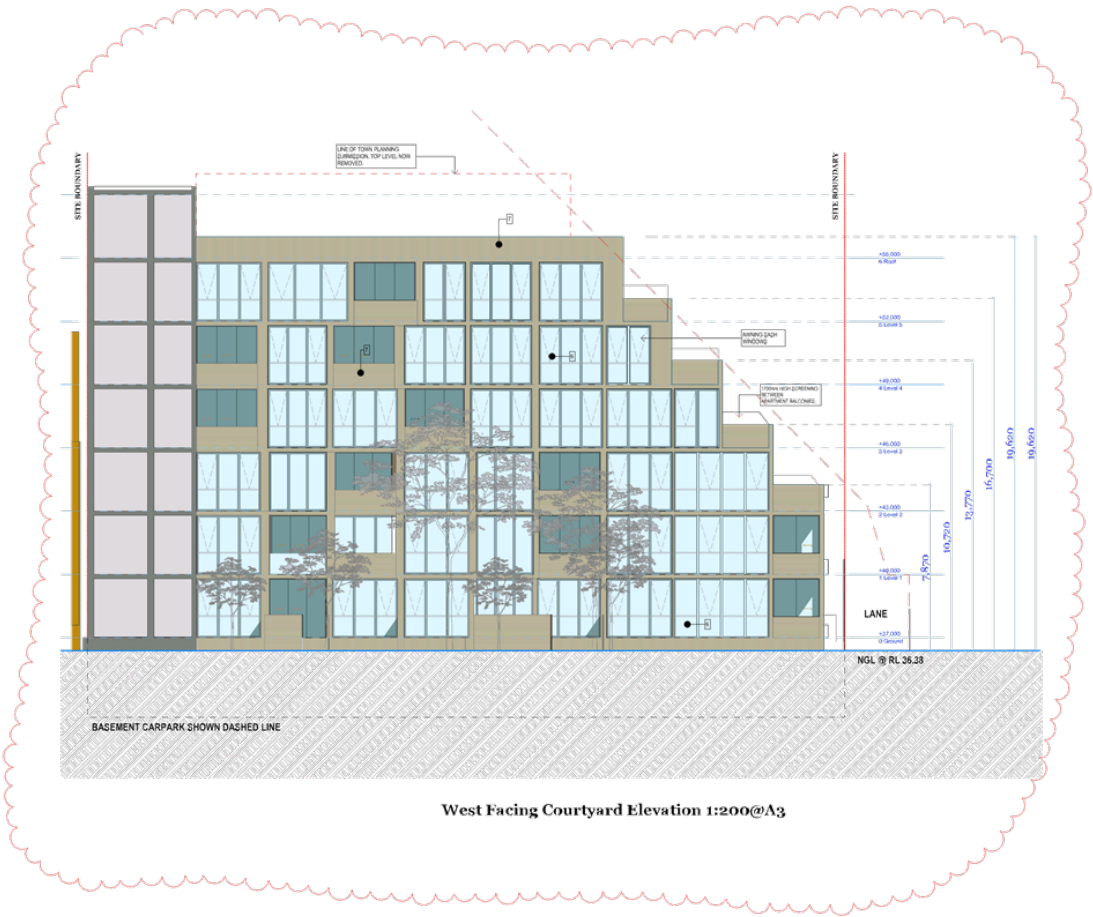
3. Concrete painted black



4. Black metal balustrade



5. Black metal entry canopy



Rev.	Date	By	Old	Description
C	18/02/17			Town Planning - Consultation
B	10/04/17			Town Planning - Consultation
A	05/11/16			Town Planning - PFI
	08/02/16			Town Planning

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DKO

Project Name
Project Address

St Georges Road
100/101 St Georges
Road
Melbourne, VIC
3000

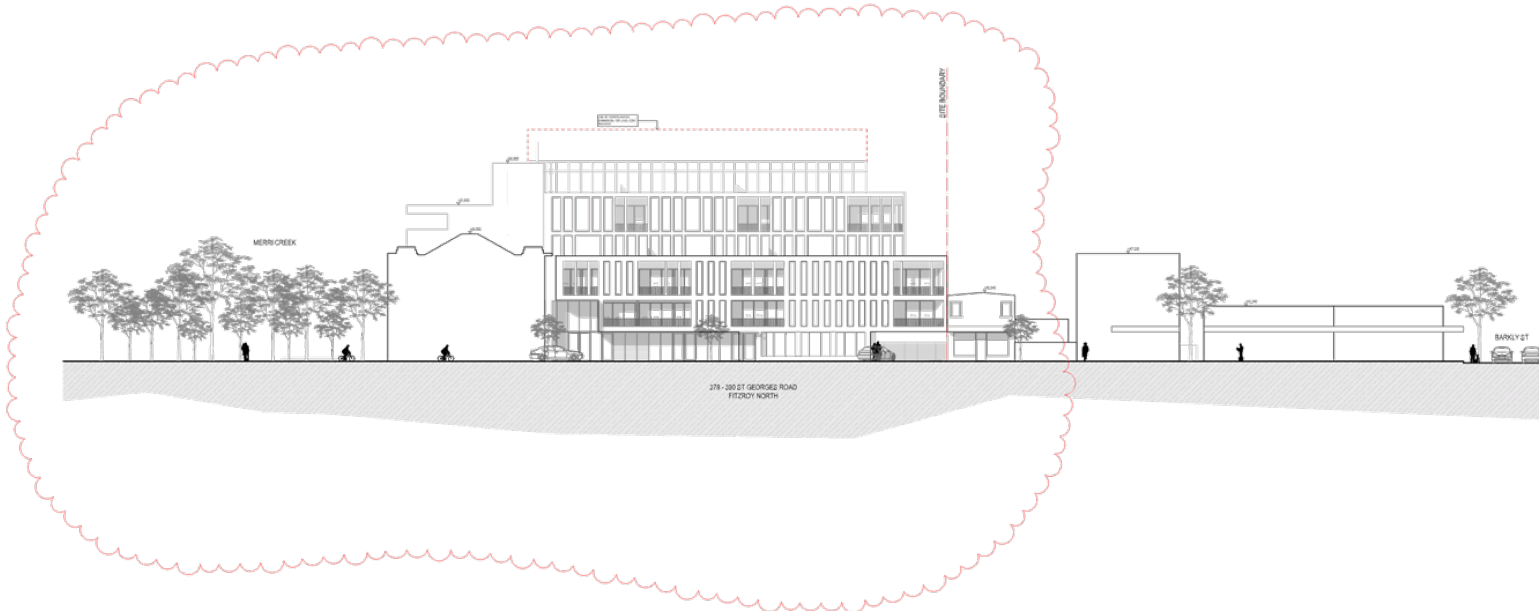
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Project Name
Project Address
Scale
Date

Drawing Number
Revision

TP304
C

Attachment 1 - Discussion plans



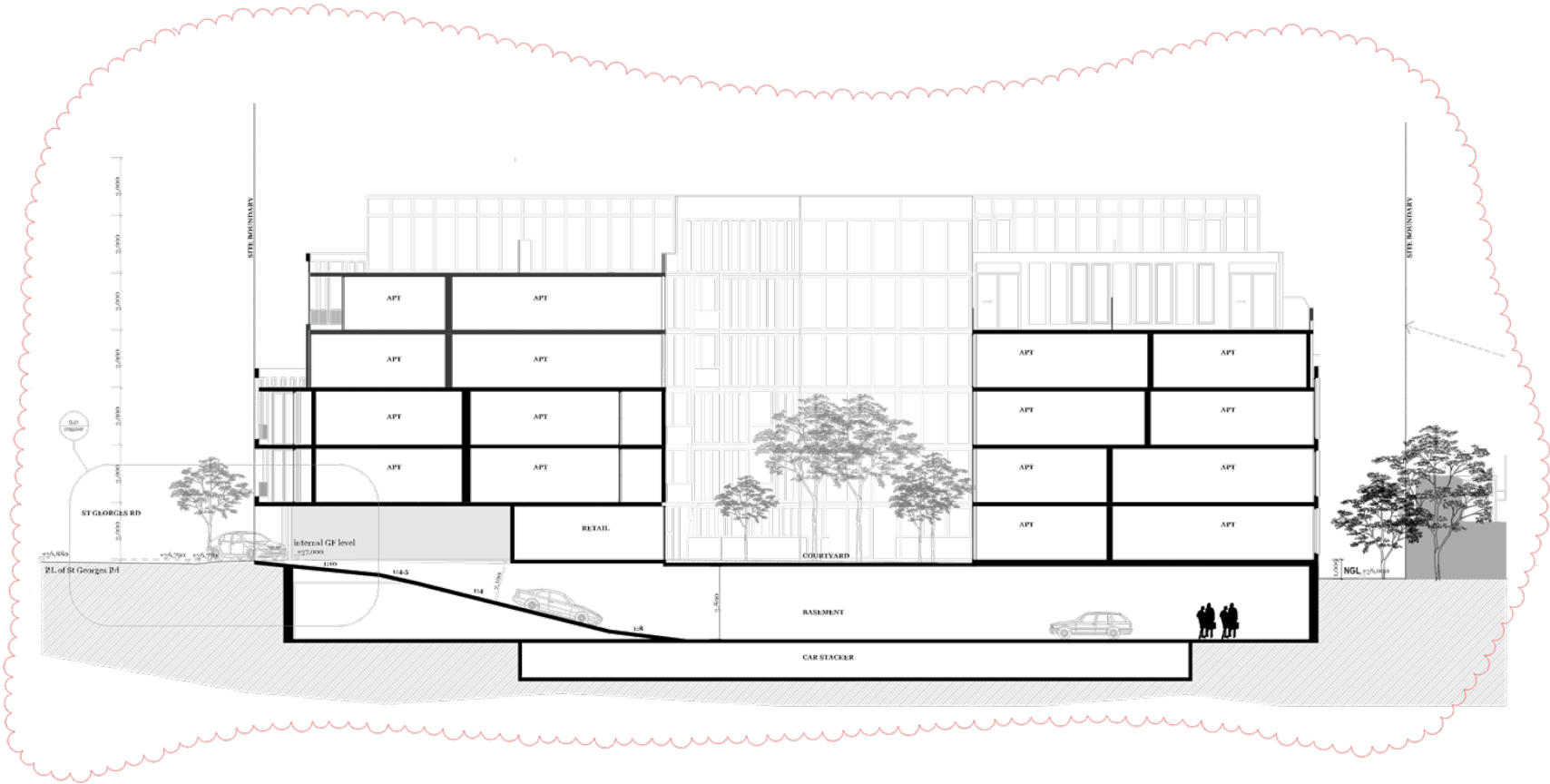
Rev.	Date	By	Chk	Description	DKO Architecture Pty Ltd 100/100 St Georges Road Fitzroy North, VIC 3060 Tel: 03 9247 1000 www.dko.com.au	Project Name Project Address	St Georges Road 100/100 St Georges Road Fitzroy North, VIC 3060	Project Name Drawing Name Scale Date	Project No Drawing No 1/2000 (A1) 28/07/18
C	18/06/17			Team Planning - Consultation					
B	19/06/17			Team Planning - Consultation					
	28/07/18			Team Planning					

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Client	Client Date	Drawing Number	Revision
		TP305	C

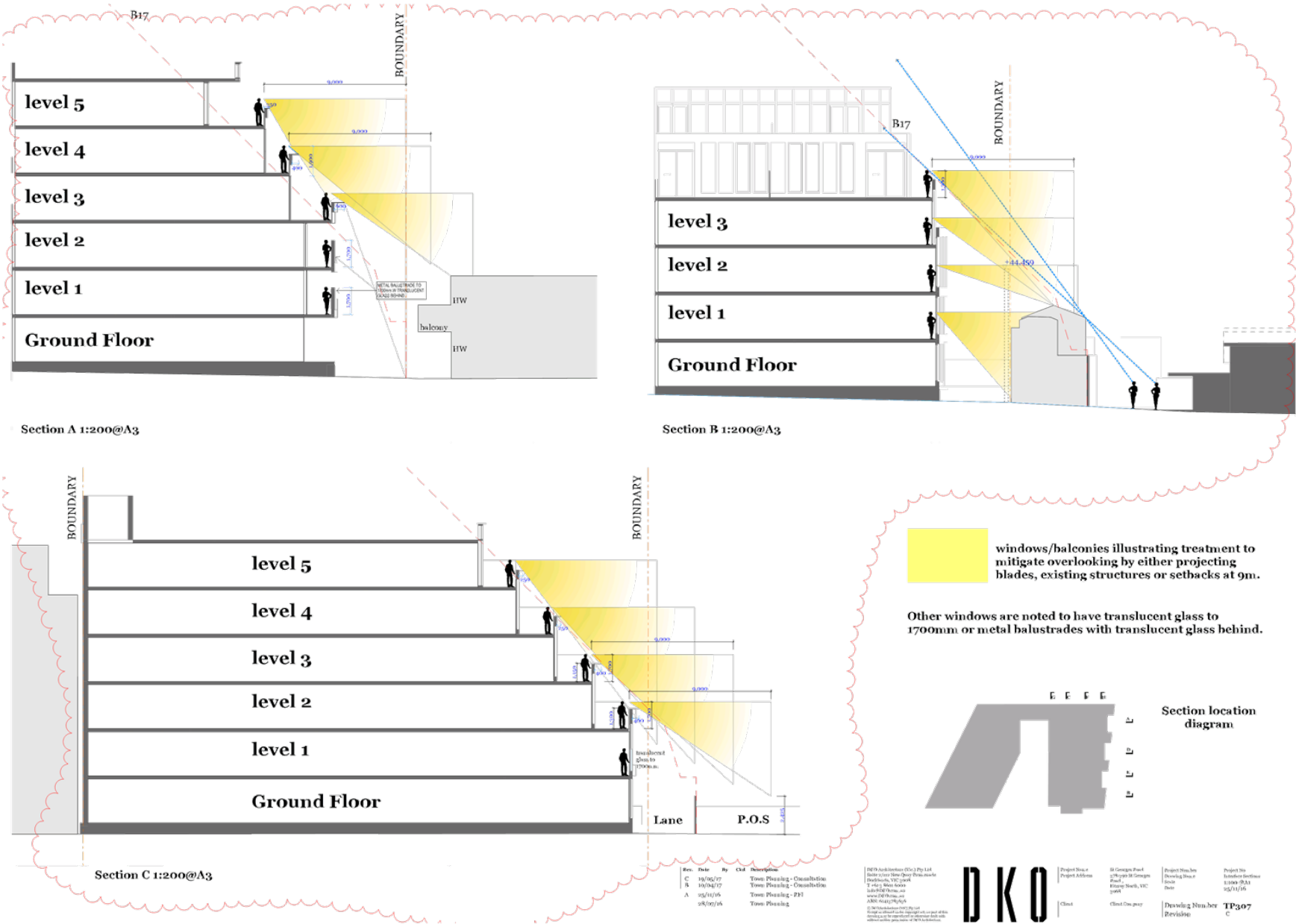
Attachment 1 - Discussion plans



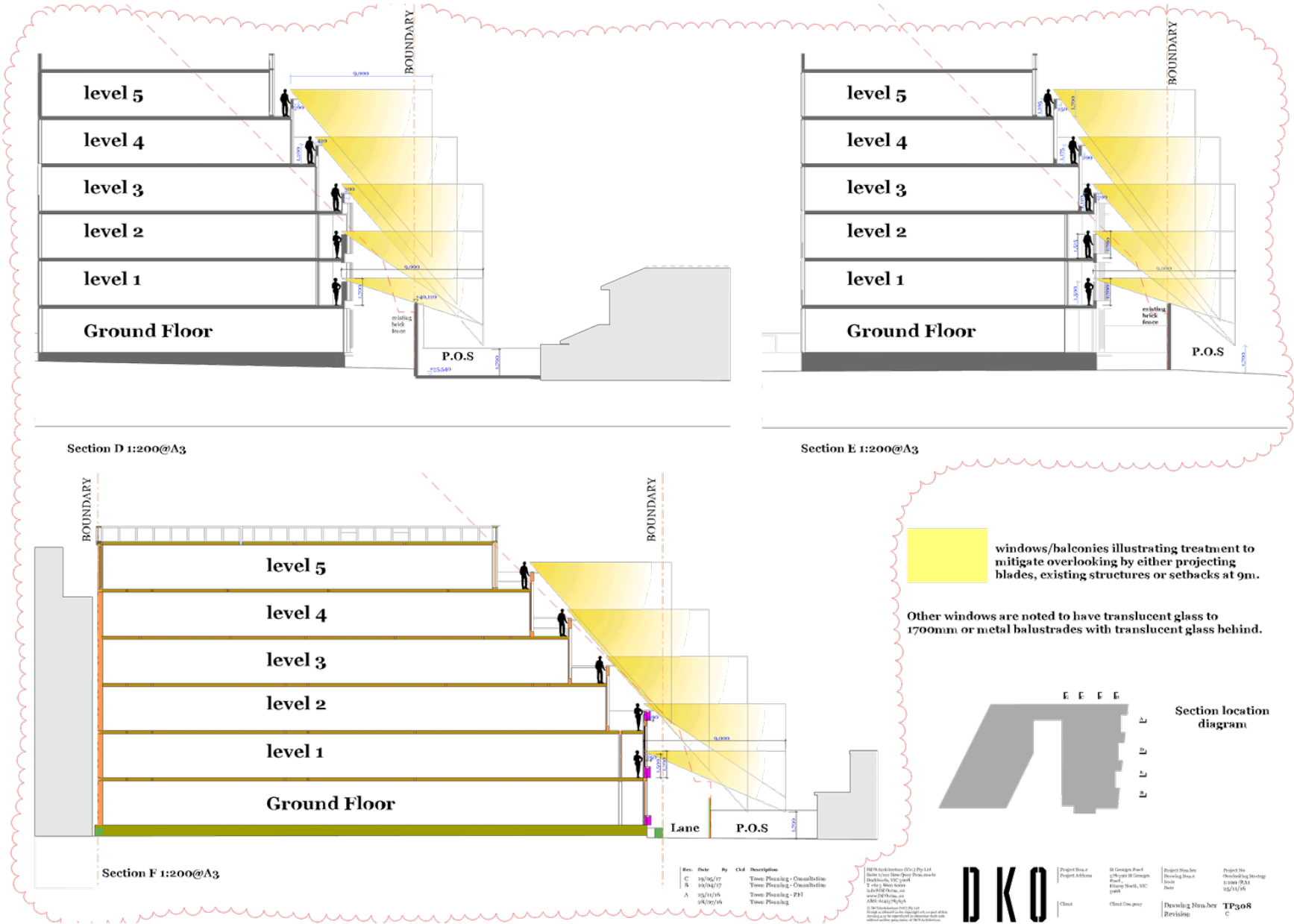
Rev.	Date	By	Old	Description
C	18/06/17			Time Planning - Consultation
B	16/04/17			Time Planning - Consultation
A	15/11/16			Time Planning - PF1
	05/02/16			Time Planning

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 Suite 101, 101-103, 104-106, 107-110, 111-114, 115-118, 119-122, 123-126, 127-130, 131-134, 135-138, 139-142, 143-146, 147-150, 151-154, 155-158, 159-162, 163-166, 167-170, 171-174, 175-178, 179-182, 183-186, 187-190, 191-194, 195-198, 199-202, 203-206, 207-210, 211-214, 215-218, 219-222, 223-226, 227-230, 231-234, 235-238, 239-242, 243-246, 247-250, 251-254, 255-258, 259-262, 263-266, 267-270, 271-274, 275-278, 279-282, 283-286, 287-290, 291-294, 295-298, 299-302, 303-306, 307-310, 311-314, 315-318, 319-322, 323-326, 327-330, 331-334, 335-338, 339-342, 343-346, 347-350, 351-354, 355-358, 359-362, 363-366, 367-370, 371-374, 375-378, 379-382, 383-386, 387-390, 391-394, 395-398, 399-402, 403-406, 407-410, 411-414, 415-418, 419-422, 423-426, 427-430, 431-434, 435-438, 439-442, 443-446, 447-450, 451-454, 455-458, 459-462, 463-466, 467-470, 471-474, 475-478, 479-482, 483-486, 487-490, 491-494, 495-498, 499-502, 503-506, 507-510, 511-514, 515-518, 519-522, 523-526, 527-530, 531-534, 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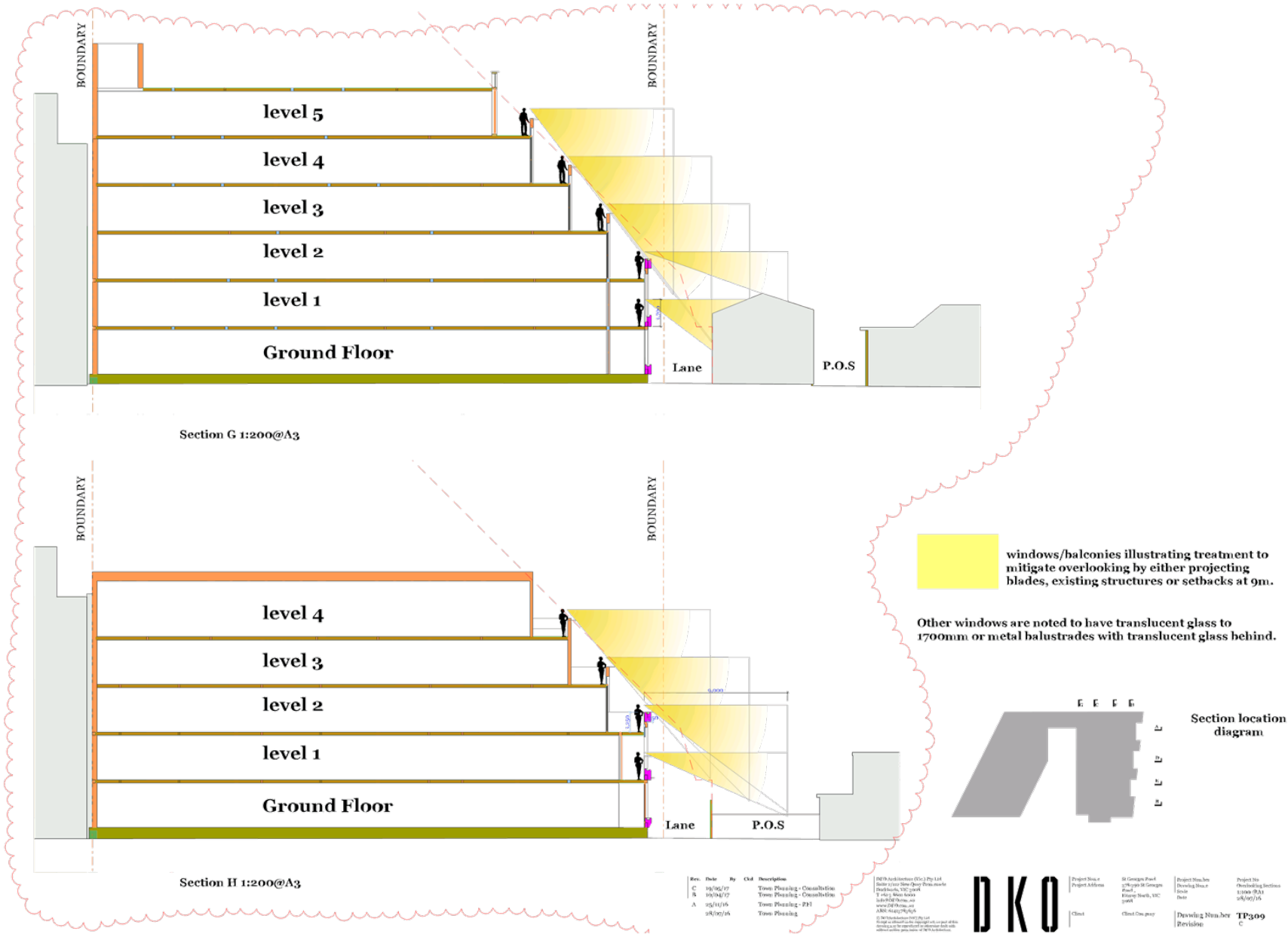
Attachment 1 - Discussion plans

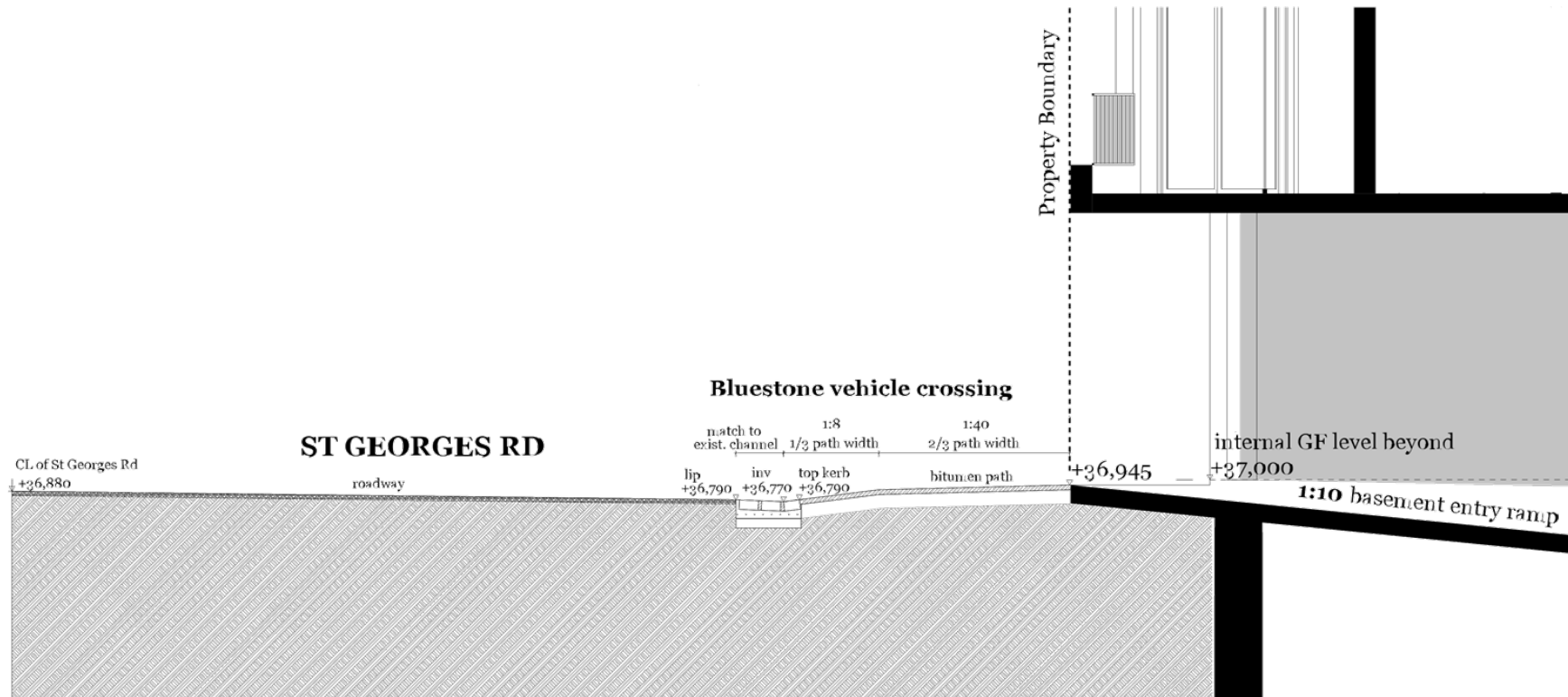


Attachment 1 - Discussion plans



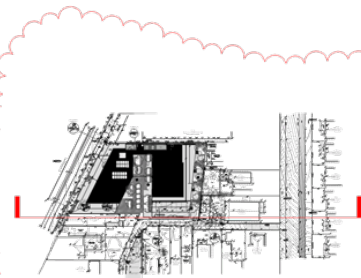
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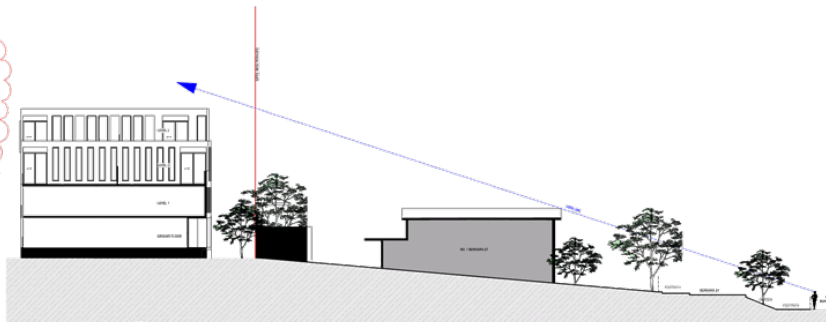


Rev.	Date	By	Description	DDP Inc./Architect (C) by LIA, Inc. 12000 13th Ave New York, New York 10034 Tel: 212-692-1000 Fax: 212-692-1001 E-Mail: info@ddp.com Web: www.ddp.com AKA: www.ddp.org	Project Status Project Address	12000 13th Ave New York, NY 10034 Tel: 212-692-1000 Fax: 212-692-1001 E-Mail: info@ddp.com Web: www.ddp.com	Project Status Drawing Date Revision	Project Name Notes and Drawings Comments
B	10/02/07		Team Planning - Consultation					
A	05/10/16		Team Planning - PH					
	04/07/05		Team Planning					

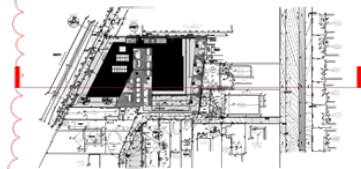
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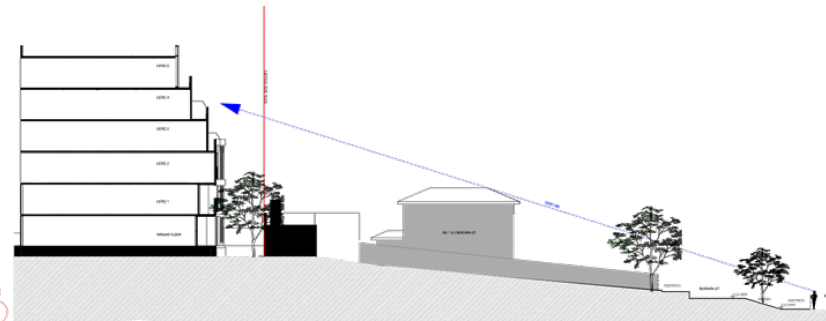
Key Plan



**Siteline Section from 8 Bundara St
1:200@A1**



Key Plan



**Siteline Section from 10 Bundara St
1:200@A1**

Rev.	Date	By	Chd	Description
A	24/05/17			Town Planning - Consultation
-	19/05/17			Town Planning - Consultation

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Project Name:
Project Address:

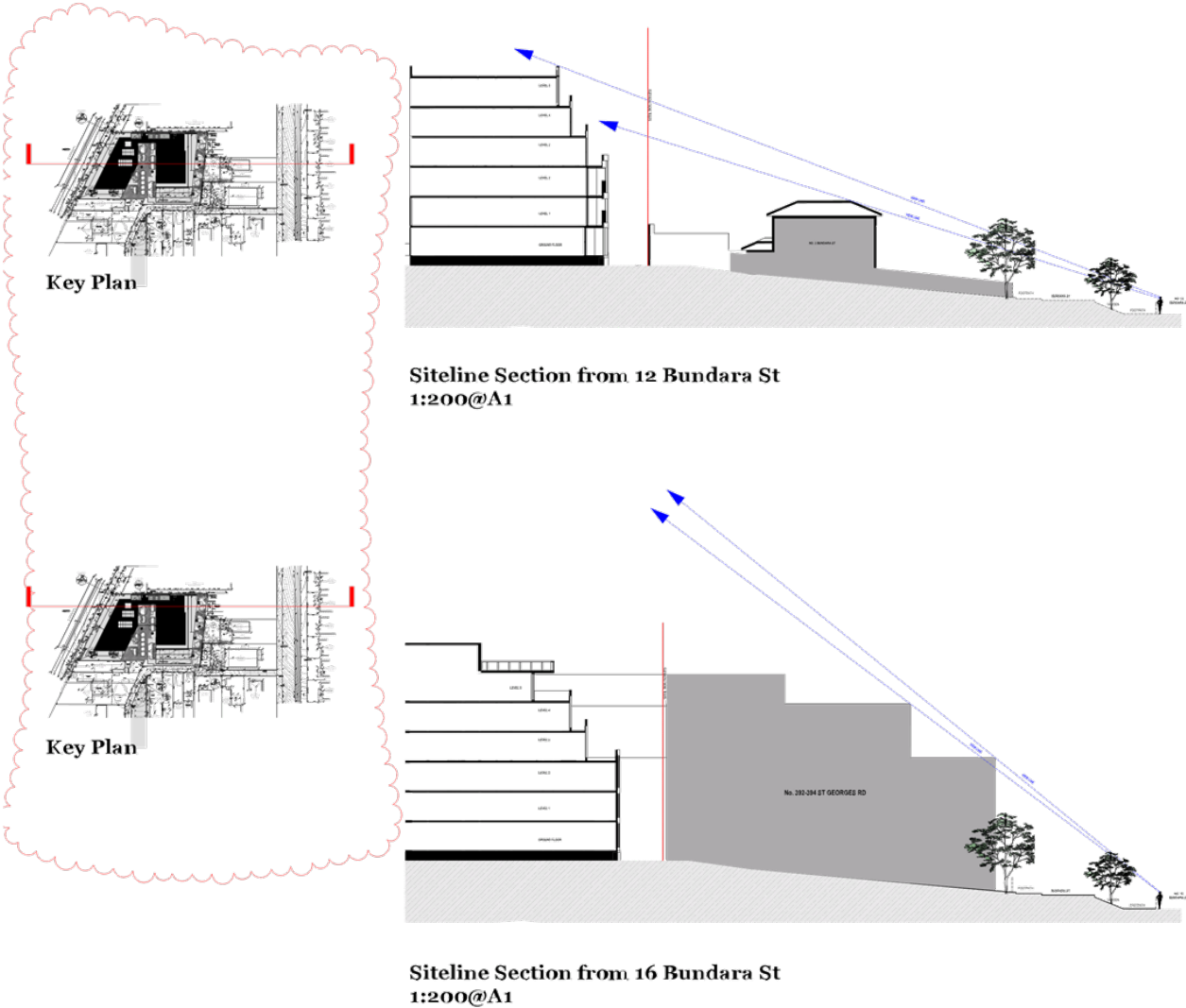
St Georges Road
27/29 St Georges
Road,
Elsey North, VIC
3083

Project Number
Drawing Number
Scale
Date

Project No.
R & D Bandwidth (at nightline
analysis)

Drawing Number	TP311
Revision	A

Attachment 1 - Discussion plans



Rev.	Date	By	Chk.	Description
A	04/02/17			Topic Planning - Consultation
-	19/02/17			Topic Planning - Consultation

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Project Name:
Project Address:
Client:
Client Group:

Project Name:
Project Address:
Client:
Client Group:

Drawing Number
Revision

TP312
A

Attachment 1 - Discussion plans



Rev.	Date	By	Chd	Description
A	04/06/17			Team Planning - Consultation
A	19/06/17			Team Planning - Consultation
	08/07/16			Team Planning

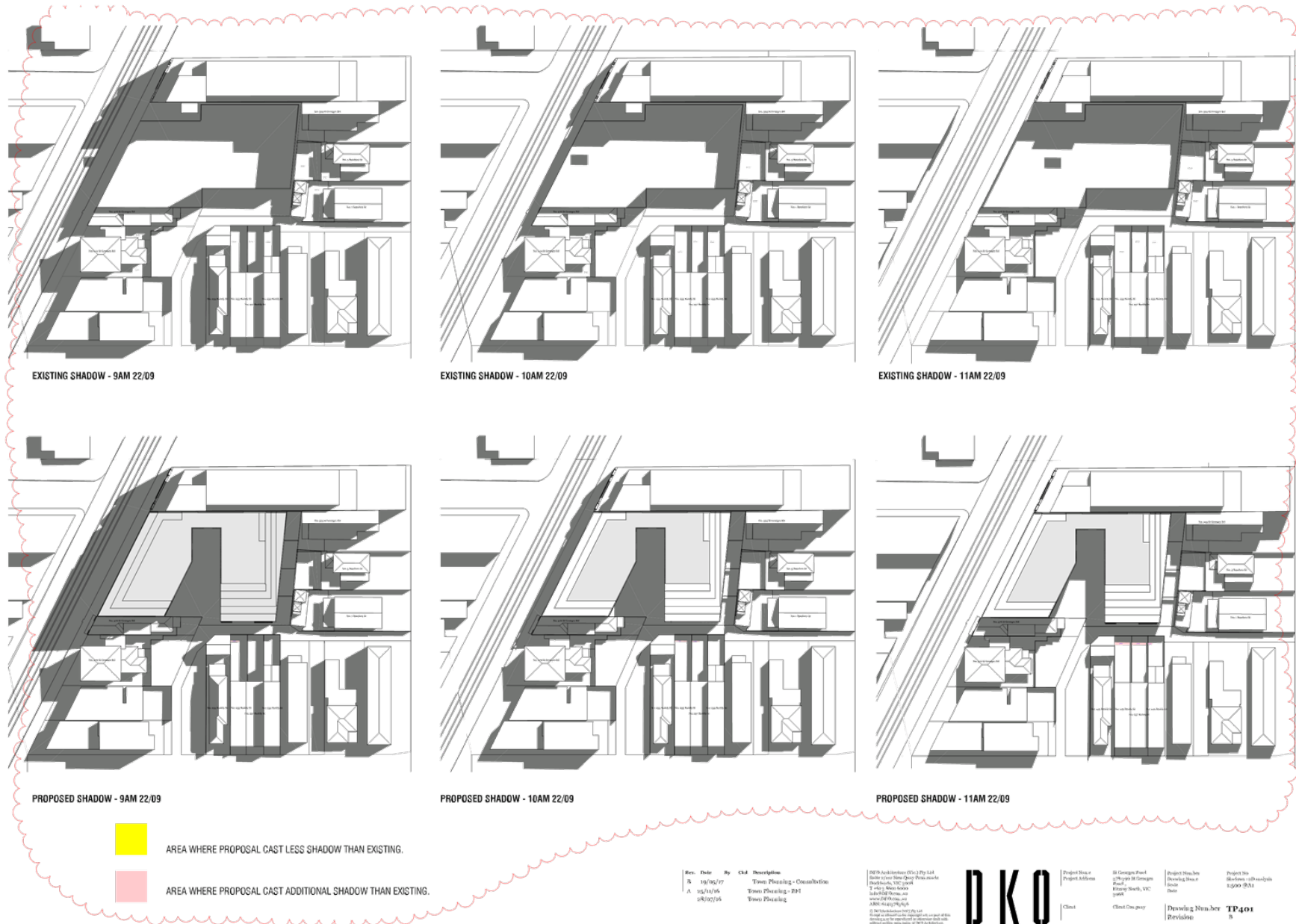
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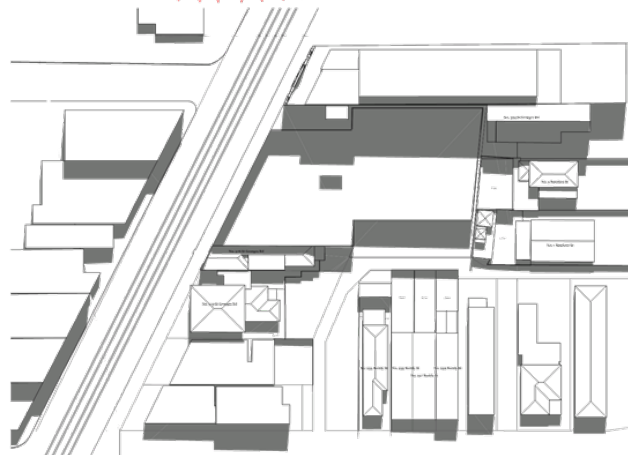
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Project Name	St Georges Place	Project Status	Project Date
Project Address	100/101 St Georges Place, Fitzroy North, VIC 3060	Project Status	19/06/16
Client	Client Group	Drawing Number	TP400
		Revision	1

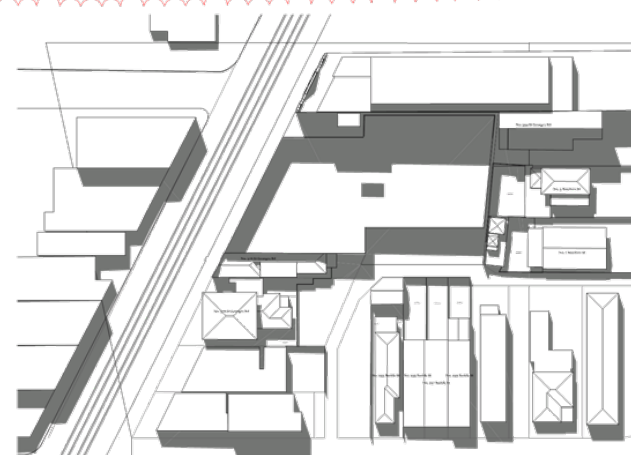
Attachment 1 - Discussion plans



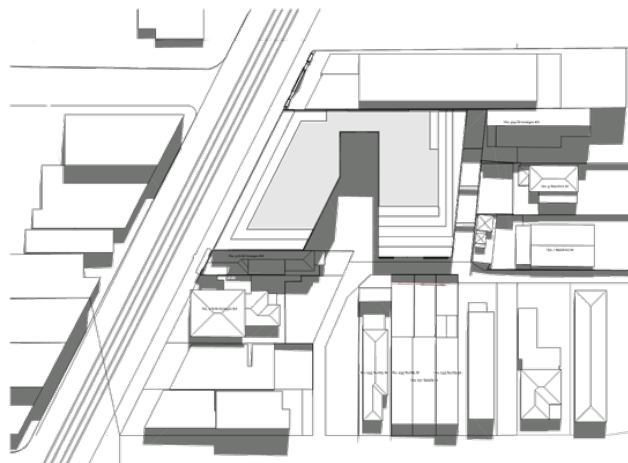
Attachment 1 - Discussion plans



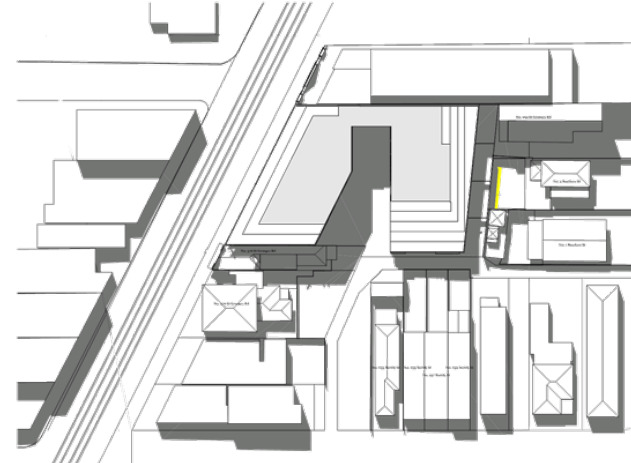
EXISTING SHADOW - 12PM 22/09



EXISTING SHADOW - 1PM 22/09



PROPOSED SHADOW - 12PM 22/09



PROPOSED SHADOW - 1PM 22/09

- AREA WHERE PROPOSAL CAST LESS SHADOW THAN EXISTING.
- AREA WHERE PROPOSAL CAST ADDITIONAL SHADOW THAN EXISTING.

Rev.	Date	By	Chd	Description
1	19/02/17			Time Planning - Original
2	05/01/16			Time Planning - P1
3	08/02/16			Time Planning



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 10/100 Collins Street, Melbourne
 VIC 3000
 Australia
 Tel: +61 (0)3 9247 1000
 Fax: +61 (0)3 9247 1001
 Email: info@dko.com.au

DKO

Project Name
 Project Address

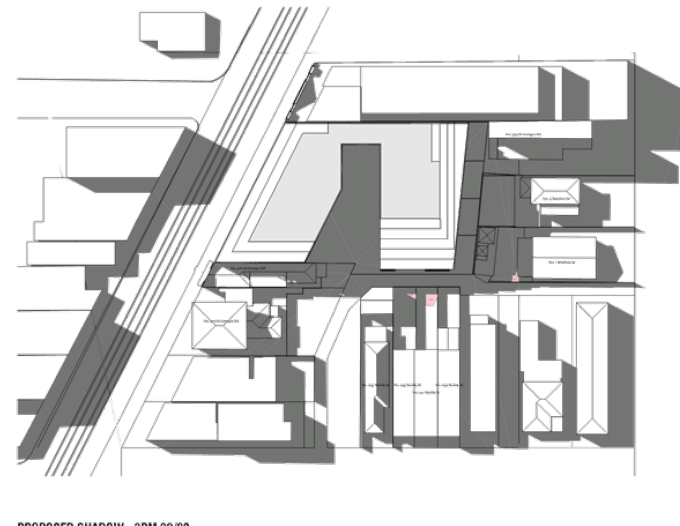
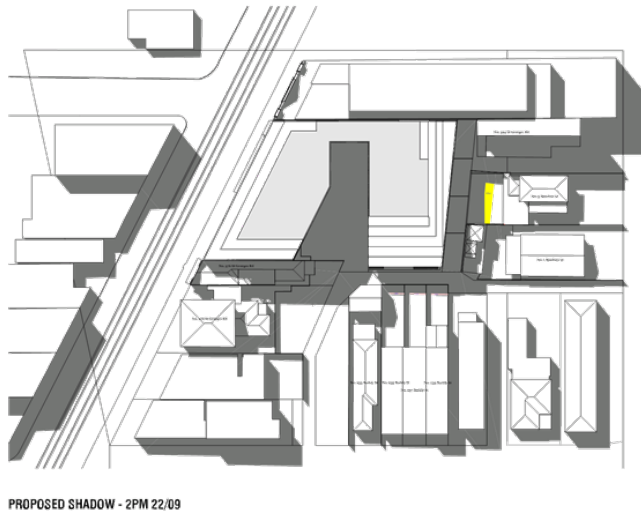
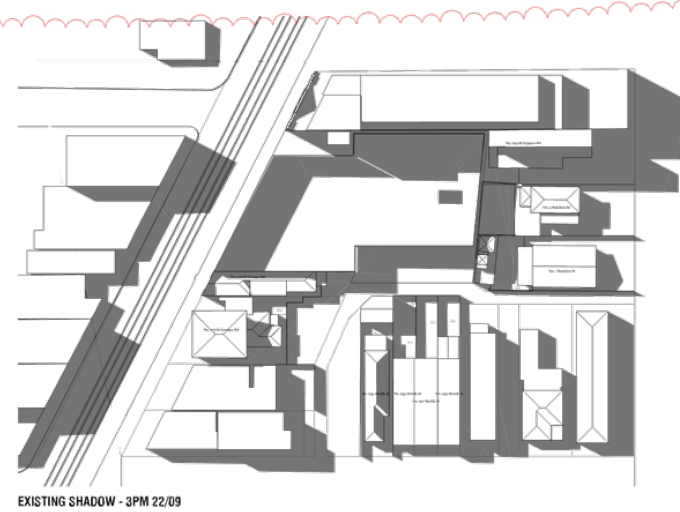
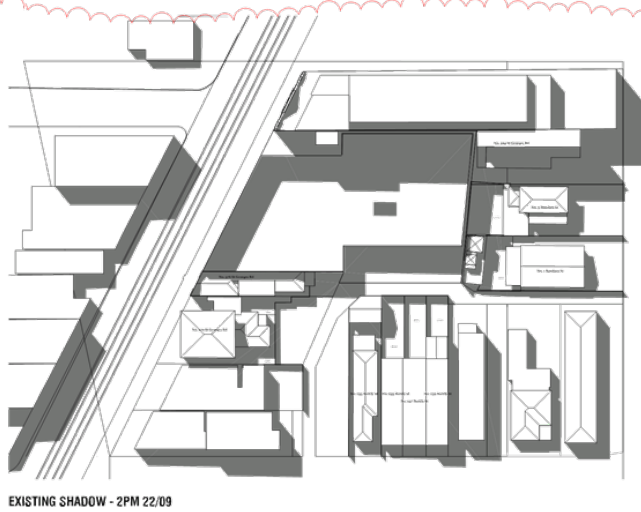
St Georges Road
 10/100 Collins Street
 Melbourne, VIC
 3000

Project Status
 Project Address
 Date

Project No.
 Drawing Number
 Revision

TP402
 1

Attachment 1 - Discussion plans



PROPOSED SHADOW - 2PM 22/09

PROPOSED SHADOW - 3PM 22/09

- AREA WHERE PROPOSAL CAST LESS SHADOW THAN EXISTING.
- AREA WHERE PROPOSAL CAST ADDITIONAL SHADOW THAN EXISTING.

Rev.	Date	By	Chd.	Description	Project Name	Project Address	Project Description	Project No.
1	19/02/17			Town Planning - Concept Plan	DKO	100-110 George St, Fitzroy North, VIC 3060	Project Description	Project No.
A	15/11/16			Town Planning - EAP	DKO	100-110 George St, Fitzroy North, VIC 3060	Project Description	Project No.
	09/02/16			Town Planning	DKO	100-110 George St, Fitzroy North, VIC 3060	Project Description	Project No.



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Project Name	Project Address	Project Description	Project No.
DKO	100-110 George St, Fitzroy North, VIC 3060	Project Description	Project No.
Client	Client Name	Drawing Number	Revision
		TP403	1

Attachment 1 - Discussion plans

Neighbouring Property	Total Area of Secluded Open Space (m2)	area of secluded open space which currently receives sunlight (existing condition)							additional/decreased area of shadow the proposal will cast (ie + or - change)							areas retained with access to direct sunlight (proposed condition)						
		9am	10am	11am	12pm	1pm	2pm	3pm	9am	10am	11am	12pm	1pm	2pm	3pm	9am	10am	11am	12pm	1pm	2pm	3pm
No. 1 Bundara St	89.81	34	43.2	48.9	52.8	42	24	5							2.53	34	43.2	48.9	52.8	42	24	2.47
No. 3 Bundara St	147.89	50.6	57.2	60.2	67.2	54.5	24.3	0					-7	-17		51	57.2	60.2	67.2	62	41	0
No. 233 Barkly St	50.41	2.93	1.67	5.32	5.97	5.23	1.74	3.12								2.9	1.67	5.32	5.97	5.2	1.7	3.12
No. 235 Barkly St	79.77	36.3	49.8	61.1	67.5	56.7	38.7	16.26	0.9	1.2	3.86	1.57		1	1.53	35	48.6	57.3	66	57	38	14.73
No. 237 Barkly St	75.54	25.1	41.1	56.1	63.2	58.9	49.7	36.33		0.74	3	1.49		1.2	6.41	25	40.3	53.1	61.7	59	49	29.92
No. 239 Barkly St	50.19	20.6	28.2	34.6	38.3	35.5	30	22.64			0.72	0.96		1.2		21	28.2	33.9	37.3	35	29	22.64
No. 394 St Georges Rd	26.94	0	0	0	0	0	0	0								0	0	0	0	0	0	0
No. 376 St Georges Rd	0	0	0	0	0	0	0	0								0	0	0	0	0	0	0
No. 370 St Georges Rd	99.76	22.1	23.6	27.5	33.7	24.5	13.2	6.83								22	23.6	27.5	33.7	25	13	6.83

Rev. Date By Ctd Description
 A 15/02/17 Town Planning - Consultation
 A 25/11/16 Town Planning - P31

DKO Architecture Pty Ltd
 Suite 101/102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 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1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933,

Attachment 1 - Discussion plans



VIEW FROM No. 1 BUNDARA STREET P.O.S



VIEW FROM No. 3 BUNDARA STREET P.O.S

INTERFACE TO EAST

Rev.	Date	By	Chk.	Description	Project Name	Project Status	Project Location	Project Date	Project Description	Project Status	Project Location	Project Date	Project Description
A	28/02/17			Issue Planning - Consultation	Yarra City Council	Project Status	Project Location	Project Date	Project Description	Project Status	Project Location	Project Date	Project Description
	28/02/16			Issue Planning	Yarra City Council	Project Status	Project Location	Project Date	Project Description	Project Status	Project Location	Project Date	Project Description

DKO

Attachment 1 - Discussion plans



7. Timber facade & balcony balustrade



6. Clear glass



5. Black metal entry canopy



2. Silver Grey bricks



4. Black metal balustrade

[illegible]

Attachment 1 - Discussion plans

St Georges Road DEVELOPMENT SCHEDULE Site Area: Approx. 2153.64 sqm Job No. 11158

10.04.2017

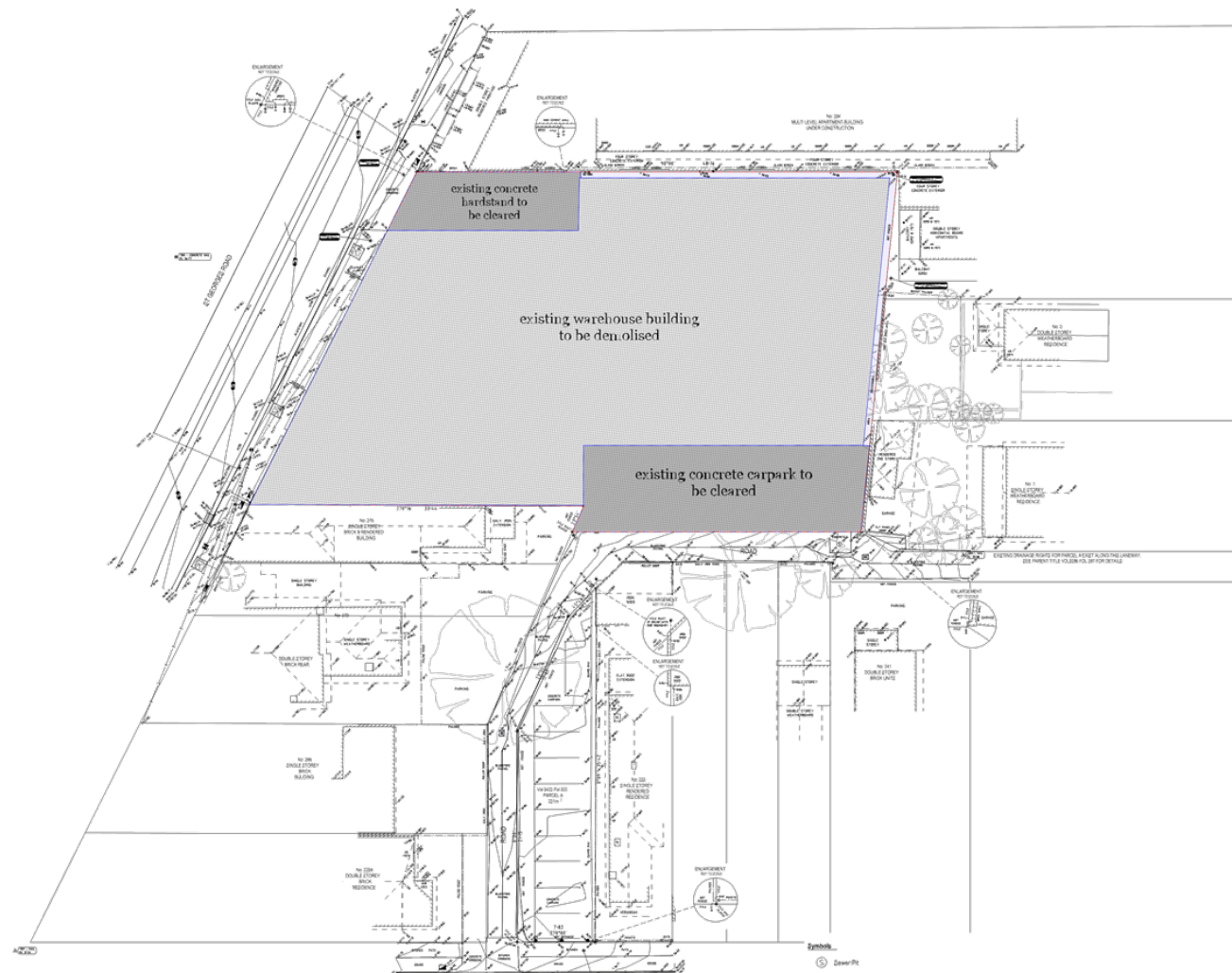
DKO

	COMMON						AREAS			NUMBER OF APARTMENTS				TOTAL AREAS	
	No. OF CARPARKS	No. BIKES	AREA (SQM)	RETAIL	GYM/BREAKOUT SPACE	COURTYARD	DECK & P.O.S/ BALCONIES	APARTMENTS	SERVICE / CIRC.	1 BED	2 BED	3 BED	TOTAL UNITS	(EXCL.BALCONIES) Sellable m2	GFA
Basement 1	74	74	1558						187					1558	1744
Ground				157.76	27.62	279.95	325	678	254	3	7		10	836	1090
Level 01							126	963	197	6	9		15	963	1160
Level 02							145	978	203	6	9		15	978	1182
Level 03							257.98	857	191	1	11		12	857	1049
Level 04							152.81	758	186	4	8		12	758	944
Level 05							216.88	600	166	1	8		9	600	766
Level 06										0			0	0	
TOTAL	74.0	74		157.8		280.0	TOTAL APARTMENTS			21.0	52.0	0.0	73.0	6550.0	7935.5

[illegible]

DKC

Attachment 1 - Discussion plans

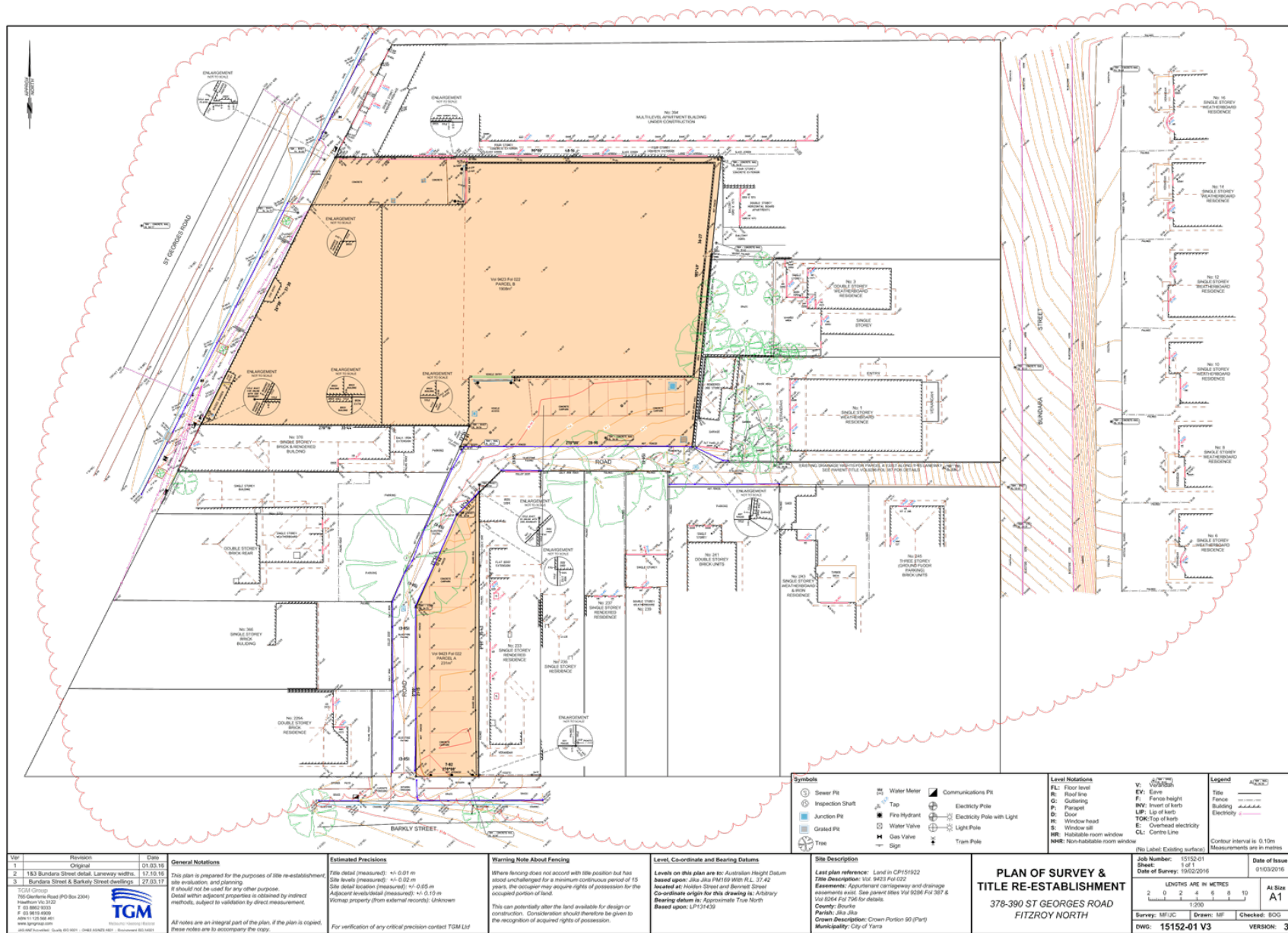


Rev.	Date	By	Chk	Description
1	15/06/17			Issue Planning - Original
A	25/11/16			Issue Planning - P1



DKO Architecture Pty Ltd
 10/11/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000/1001/1002/1003/1004/1005/1006/1007/1008/1009/1010/1011/1012/1013/1014/1015/1016/1017/1018/1019/1020/1021/1022/1023/1024/1025/1026/1027/1028/1029/1030/1031/1032/1033/1034/1035/1036/1037/1038/1039/1040/1041/1042/1043/1044/1045/1046/1047/1048/1049/1050/1051/1052/1053/1054/1055/1056/1057/1058/1059/1060/1061/1062/1063/1064/1065/1066/1067/1068/1069/1070/1071/1072/1073/1074/1075/1076/1077/1078/1079/1080/1081/1082/1083/1084/1085/1086/1087/1088/1089/1090/1091/1092/1093/1094/1095/1096/1097/1098/1099/1100/1101/1102/1103/1104/1105/1106/1107/1108/1109/1110/1111/1112/1113/1114/1115/1116/1117/1118/1119/1120/1121/1122/1123/1124/1125/1126/1127/1128/1129/1130/1131/1132/1133/1134/1135/1136/1137/1138/1139/1140/1141/1142/1143/1144/1145/1146/1147/1148/1149/1150/1151/1152/1153/1154/1155/1156/1157/1158/1159/1160/1161/1162/1163/1164/1165/1166/1167/1168/1169/1170/1171/1172/1173/1174/1175/1176/1177/1178/1179/1180/1181/1182/1183/1184/1185/1186/1187/1188/1189/1190/1191/1192/1193/1194/1195/1196/1197/1198/1199/1200/1201/1202/1203/1204/1205/1206/1207/1208/1209/1210/1211/1212/1213/1214/1215/1216/1217/1218/1219/1220/1221/1222/1223/1224/1225/1226/1227/1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Attachment 1 - Discussion plans







378-390 ST GEORGES RD

Rev.	Date	By	Chd	Description
A	14/11/16			Town Planning - RFI
	28/07/16			Town Planning

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DKO

<p> <input type="checkbox"/> Topic Name <input type="checkbox"/> Topic Address </p>	<p> <input type="checkbox"/> Topic Name <input type="checkbox"/> Topic Address </p>
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St Georges Road
278, 194 St Georges
Road,
Fitzroy North, VIC
3068

Project Number	Project No.
Drawing Name	Title Page
Scale	NTS
Date	28/07/16

Drawing Number **TP000**
Revision **A**

1000

Attachment 2 - Decision Plans

Town Planning Content		
Number	Drawing Type	Drawing Name
TP000	Cover Page	Title Page
TP001	Cover Page	Drawing Register
TP100	Site Series	Greater Context Analysis
TP101	Site Series	Context Analysis
TP102	Site Series	Site Photos
TP103	Site Series	Site Photos 2
TP104	Site Series	Design Response - Concept
TP105	Site Series	Design Response - Sun
TP106	Site Series	Design Response - Views
TP107	Site Series	Design Response - Street Activation
TP108	Site Series	Precedents
TP109	Site Series	Precedents
TP110	Site Series	Precedents
TP111	Site Series	3D Perspective
TP112	Site Series	3D Perspective
TP113	Site Series	Precedents
TP114	Site Series	3D Perspective
TP200	Plans	Basement
TP201	Plans	Ground Floor Plan
TP202	Plans	Level 1 Floor Plan
TP203	Plans	Level 2 Floor Plan
TP204	Plans	Level 3 Floor Plan
TP205	Plans	Level 4 Floor Plan
TP206	Plans	Level 5 Floor Plan
TP207	Plans	Level 6 Floor Plan
TP208	Plans	Roof
TP300	Elevations	West Elevation
TP301	Elevations	South Elevation
TP302	Elevations	East Elevation
TP303	Elevations	Courtyard Elevation
TP304	Elevations	Courtyard Elevation
TP305	Elevations	Streetscape Elevation
TP306	Sections	Section
TP307	Sections	Overlooking Strategy - Interface Sections
TP308	Sections	Overlooking Strategy - Interface Sections
TP309	Sections	Overlooking Strategy - Interface Sections
TP310	Sections	Basement Ramp & Crossover Detail
TP400	Supporting Drawings	3D Perspective
TP401	Supporting Drawings	Shadow Diagrams - Sept 22 @ 9am, 10am & 11am
TP402	Supporting Drawings	Shadow Diagrams - Sept 22 @ 12pm & 1pm
TP403	Supporting Drawings	Shadow Diagrams - Sept 22 @ 2pm & 3pm
TP404	Supporting Drawings	Shadows tabulated
TP405	Supporting Drawings	Interface to the East
TP406	Supporting Drawings	Material Precedents (photos)
TP407	Supporting Drawings	Development Summary
TP408	Supporting Drawings	Demolition Plan
TP409	Supporting Drawings	Existing Site Survey

Rev: 28/07/16

By: Town Planning

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ABN: 81211794006

DKO

DKO Architecture Pty Ltd

100 George Road

Geelong VIC 3214

Project Name

100 George Road

Project Address

100 George Road, Geelong VIC 3214

Client

Client Company

Project Number

TP001

Drawing Number

TP001

Revision

Project No

TP001

Drawing Register

TP001

Project No

TP001

Yarra City Council – Internal Development Approvals Committee Agenda – Wednesday 27 September 2017

Attachment 2 - Decision Plans



Rev.	Date	By	Utd	Description
01	28/07/16			Town Planning

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 Werribee, VIC 3046
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 www.dko.com.au
 APN: 402/17/02/001

DKO

Project Name
 Project Address
 Client

18 George Road
 3046 Werribee
 Road
 Werribee South, VIC
 3046
 Client Company

Project Number
 Drawing Number
 Scale
 Date
 Drawing Number
 Revision

Project No.
 Greater Council Analysis
 NTS
 28/07/16
 Drawing Number
 TP100



Attachment 2 - Decision Plans



4 GEORGES ST



5 376 ST GEORGES ROAD



6 370 ST GEORGES ROAD



7 BARKLY STREET



8 CARPARK



9 376 BARKLY STREET



10 TRADE LINK BACK ENTRY



11 LANEWAY & REAR OF 233 BARKLEY ST



12 376 BARKLY STREET



13 LANEWAY & 233 BARKLY STREET



1 TRADE LINK VIEW FORM ST GEORGES ROAD



2 392-394 ST GEORGES ROAD



3 392-394 ST GEORGES ROAD



Rev	Date	By	Chd	Description
1	28/07/16			Town Planning

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DKO

Project Name 392-394 St Georges Road	Project Number 28/07/16	Project No N27
Client DKO	Drawing Number TP102	Revision

Attachment 2 - Decision Plans



17 LANEWAY VIEW



18 PARKING VIEW



19 241 BARLEY STREET



20 245 BUNDARA STREET



21 BUNDARA STREET



16 241 BARKLY STREET



15 SOUTH OF TRADELINK



22 NE OF 392 ST GEORGES ROAD



23 MERRI CREEK RESERVE



14 239 BARKLY STREET



26 392 ST GEORGES ST



26 392 ST GEORGES ST



25 239 BARKLY STREET



24 ST GEORGES ROAD

Rev: Date: By: Chd: Description:
26/12/16 Town Planning

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Melbourne, VIC 3000
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Fax: (03) 9247 1001
Email: info@dko.com.au
ABN: 62 624 624 624

DKO

Project Name:
Project Address:
Client:

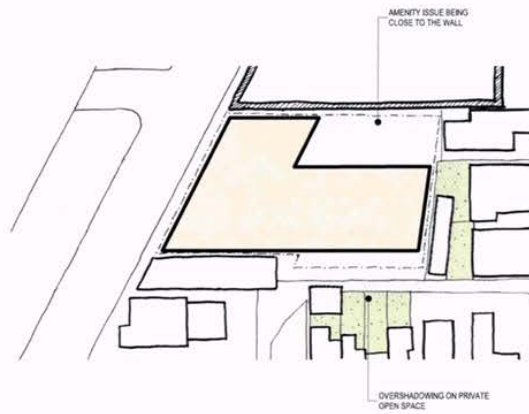
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240/242 St Georges
Road
Melbourne, VIC 3000

Project Number:
Drawing Number:
Date:

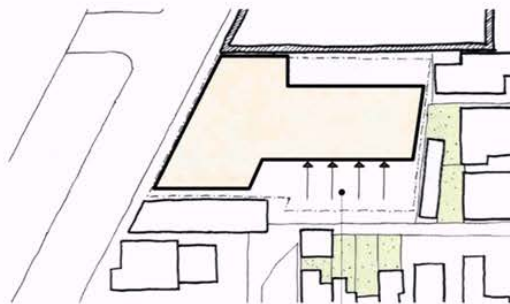
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Site Plan No:
24/12/16

Drawing Number
Revision

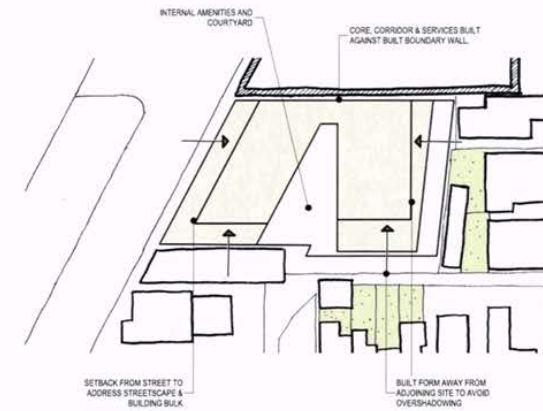
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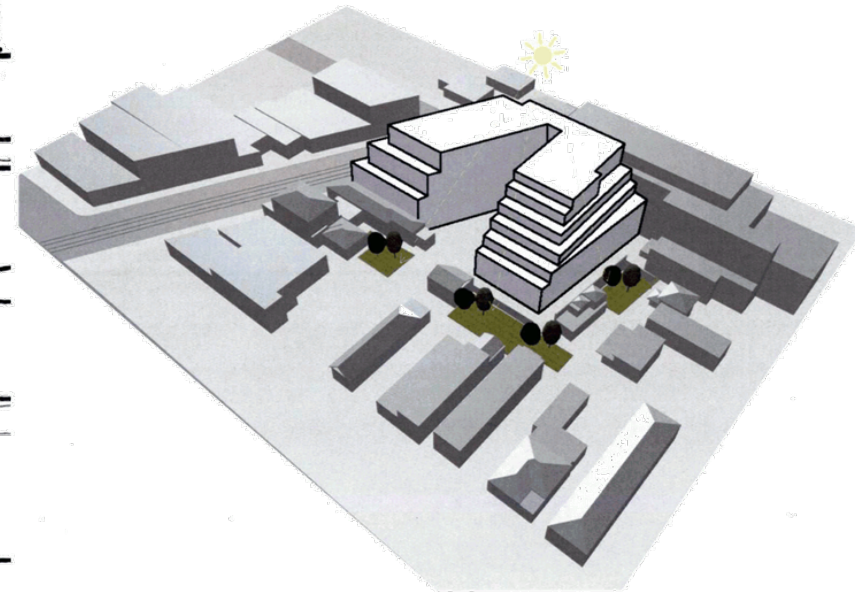


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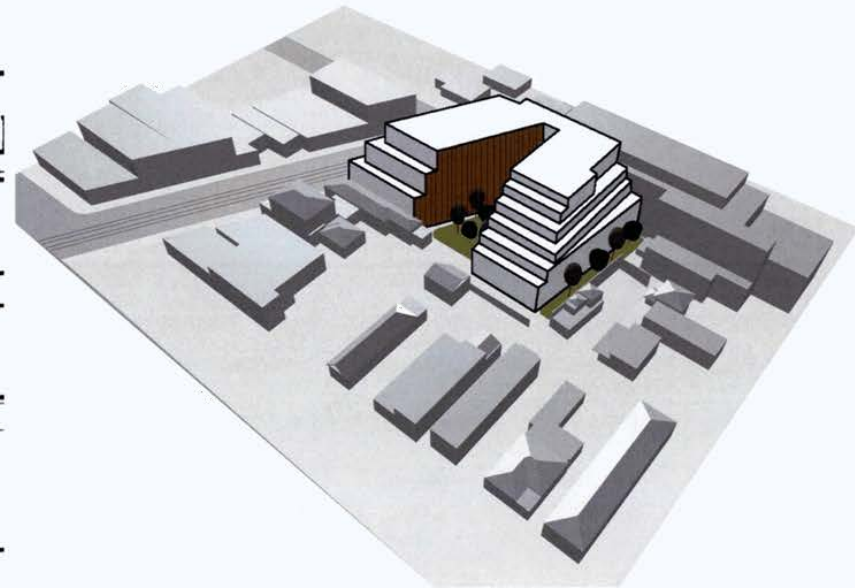
CONCEPT DEVELOPMENT # 03

[illegible]



ADDRESSING THE NEIGHBOUR'S AMENITY FOR SOLAR ACCESS AND TO ELIMINATE OVERSHADOWING.

[illegible]



SITE AMENITY

COURTYARDS, LANDSCAPING AND VIEWS

Rev.	Date	By	Chd	Description
	28/07/16			Town Planning



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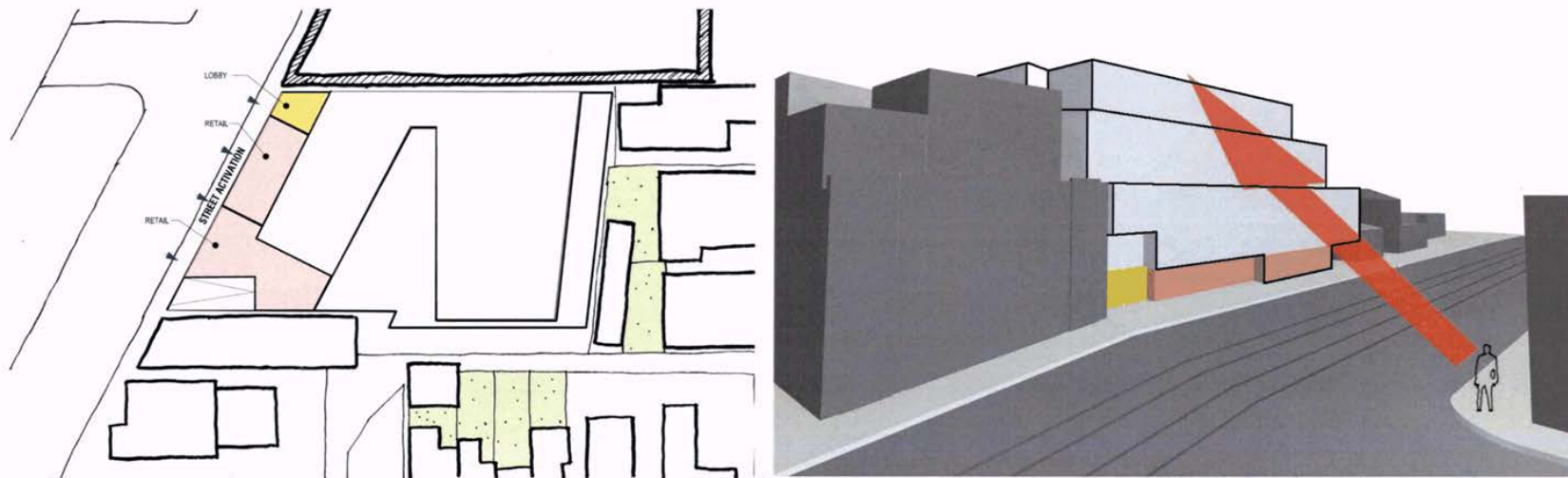
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Project Name
Project Address

10 Georges Road 3176-3900 St Georges Road, Fitzroy South, VIC 3065	Project Number Drawing Number Scale Date
Client Company	Drawing Number Revision

Project No.
Design Response - View
NTS
28/07/16

Attachment 3 - Decision plans



STREET ACTIVATION & BUILDING MASS TO THE STREET

Rev	Date	By	Chd	Description
	28/07/16			Town Planning



DKO

Project Name	St Georges Road	Project Number	TP107
Project Address	218-220 St Georges Road, Prahran, VIC, 3180	Design Response - Street Activation	NTS
Client	City of Prahran	Drawn	28/07/16
Check/Designer		Revision	

Attachment 3 - Decision plans



ARCHITECTURAL PRECEDENTS

EXTERIOR FACADE FENESTRATION

Rev: Date By: Desc: Description:
(08/12/16) Town Planning

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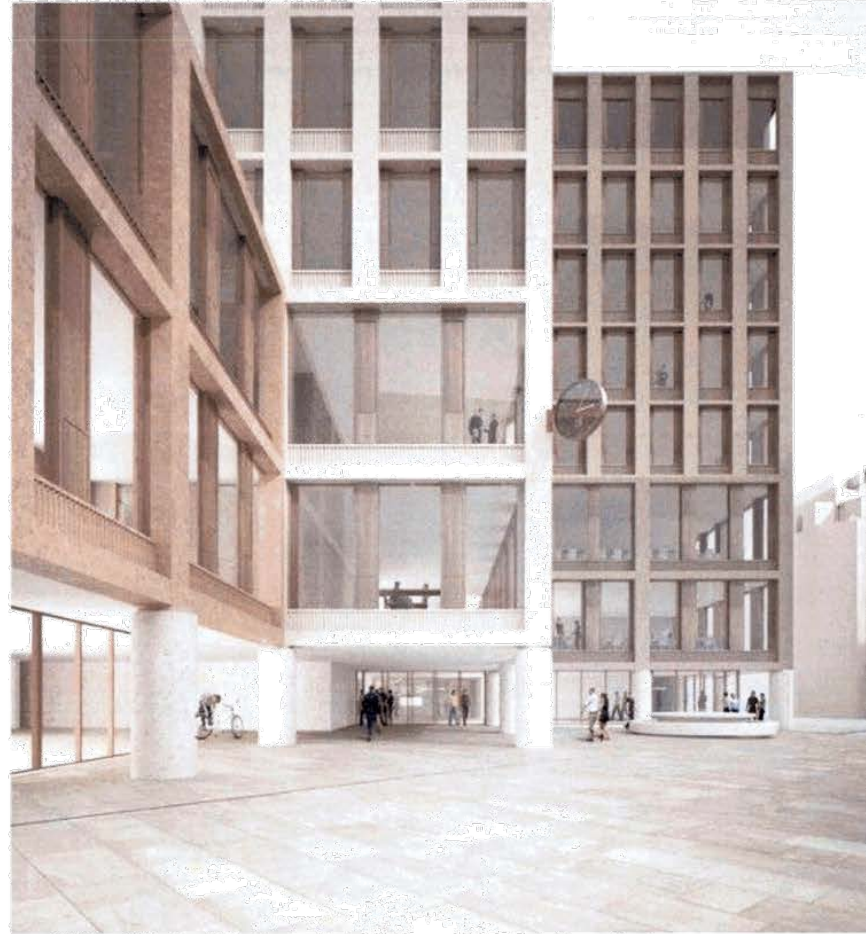
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Project Address:

30 George Road
30 George Road
Melbourne, VIC 3000

Project Number:
Drawing Name:
Drawn By:

Project No:
Drawing No:
(08/12/16)

Drawing Number: **TP108**
Revision:



ARCHITECTURAL PRECEDENTS

EXTERIOR FACADE FENESTRATION

Rev	Date	By	Chd	Description
	28/07/16			Towne Plaster

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A.B.N. 66 421 570 58 96

DKO

Project Name:
Priority Address:

H. George Kline
17600 98th St. NW
Blaine, MN 55434

David C. Johnson

Project Number
Drawing Name
Scale
Date

Project No.
Funding Source
NTS
08/07/16

Drawing Number: **TP109**

Attachment 3 - Decision plans



ARCHITECTURAL PRECEDENTS

EXTERIOR FACADE FENESTRATION

Rev	Date	By	Chd	Description
1	28/07/16			Issue for Planning

0001 Architectural Precedents
 0002 Project Information
 0003 Planning Information
 0004 Design Information
 0005 Construction Information
 0006 Other Information

DKO

Project Name:
 Project Address:
 Client:
 Date:

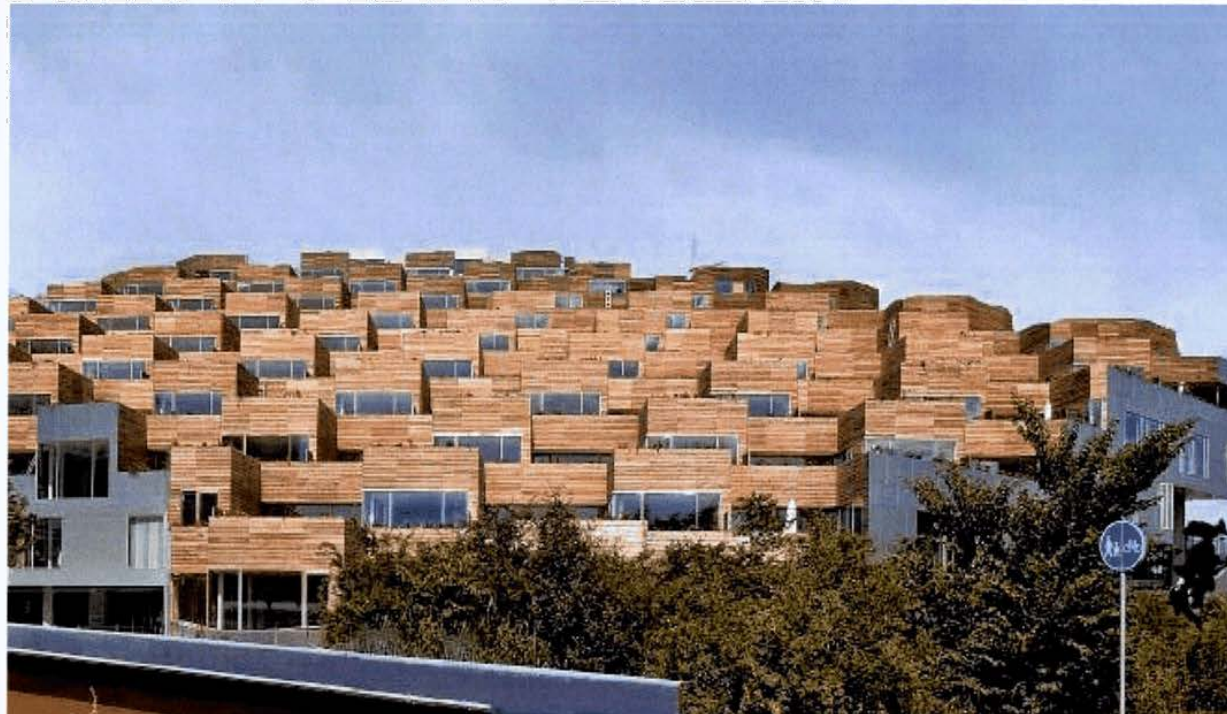
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 Drawing Name:
 Scale:
 Date:

Project File:
 Drawing File:
 Drawing Number: **TP110**
 Revision:

Attachment 3 - Decision plans

Attachment 3 - Decision plans





ARCHITECTURAL PRECEDENTS

COURTYARD FACADE & FENESTRATION

Rev.	Date	By	Chd	Description
	28/07/26			Town Planning

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Project Name	Project Address
Project Name	Project Address

St Georges Road
278-282 St Georges
Road
Flower North, VIC
3078

Project Number
Drawing Number
Scale
Date

Project No.
Precedence
NTS
28/07/16

Drawing Number **TP113**

Keywords:

Attachment 3 - Decision plans

Attachment 3 - Decision plans

Attachment 4 - Decision plans



Attachment 4 - Decision plans







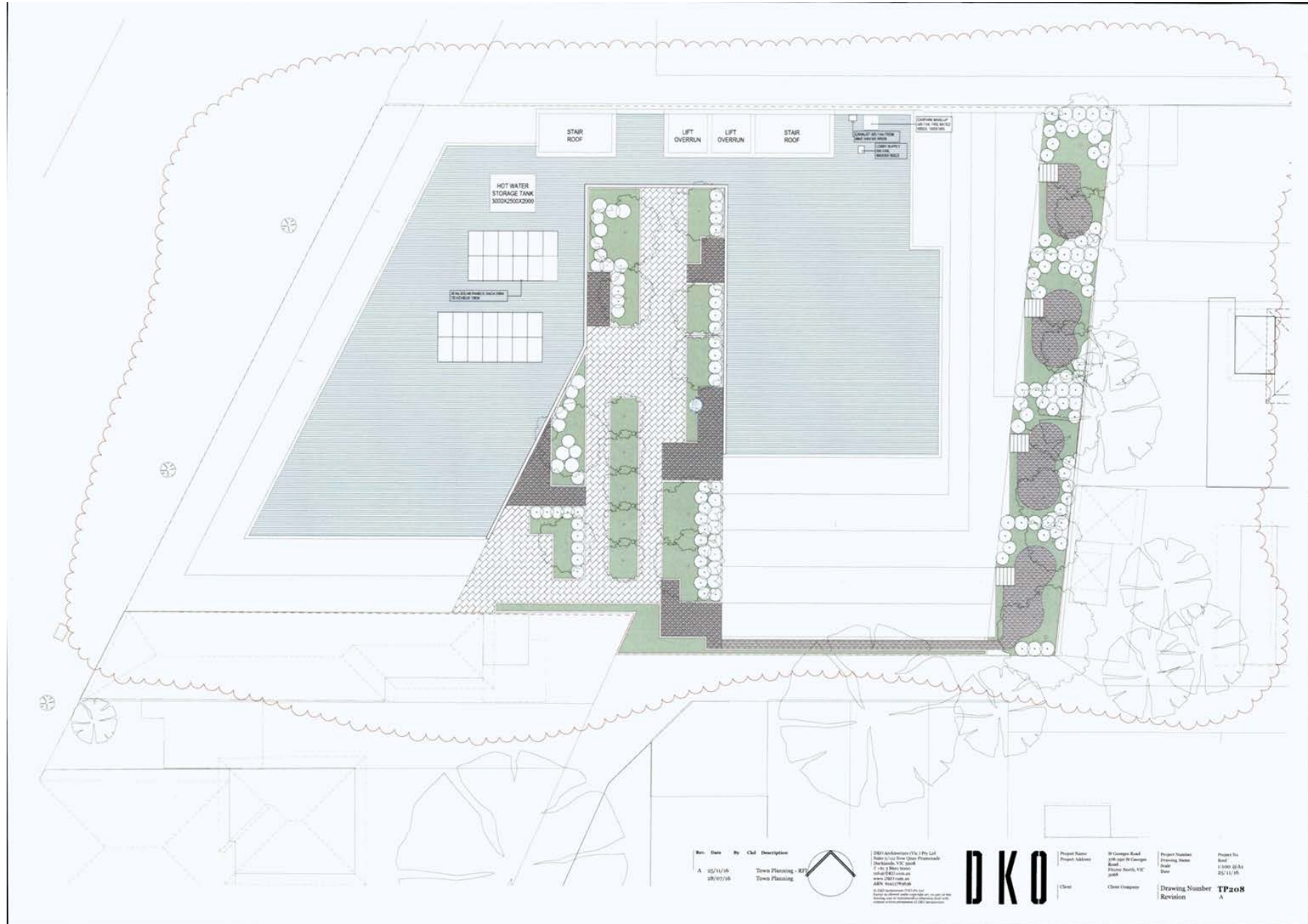




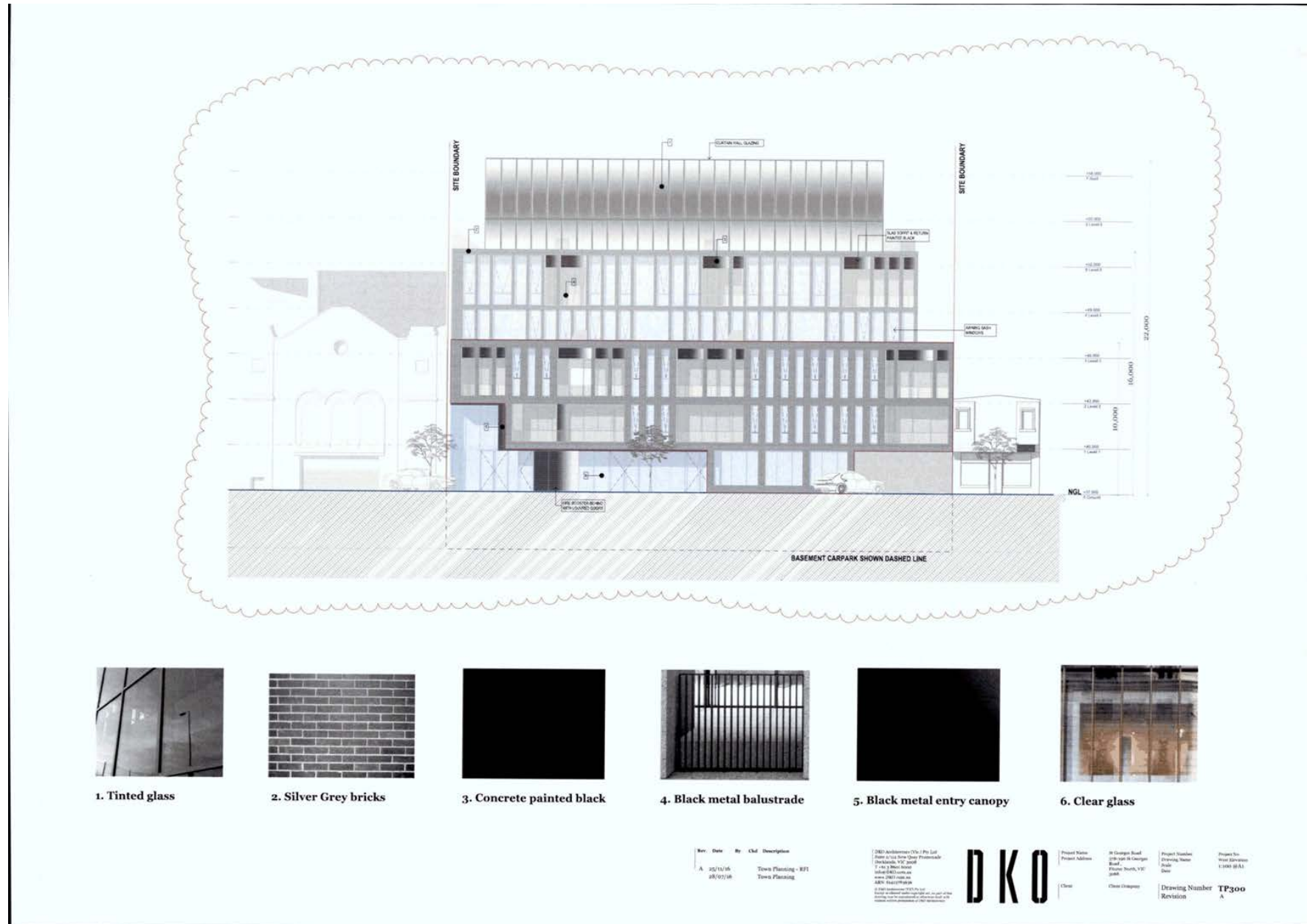
Attachment 4 - Decision plans



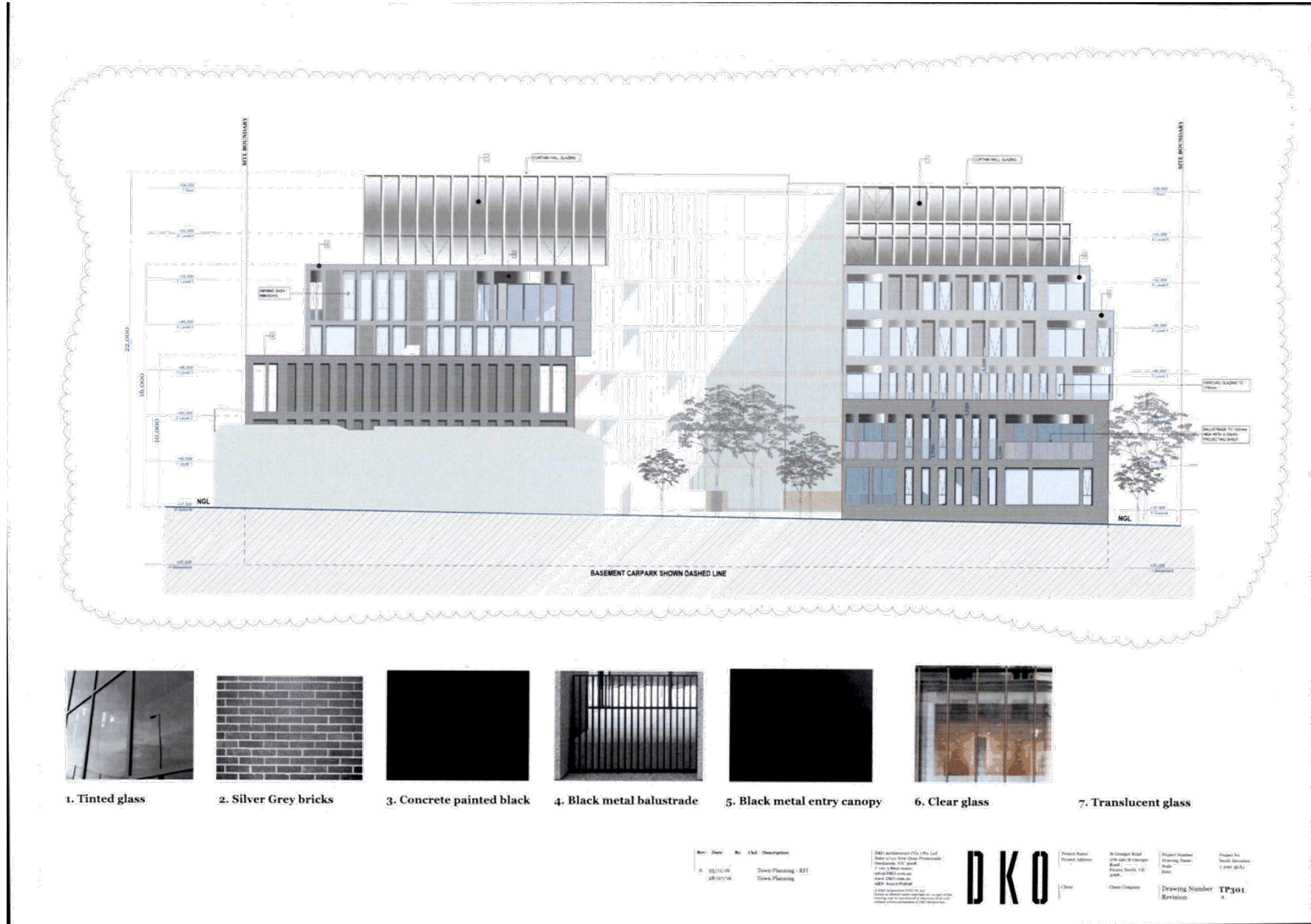
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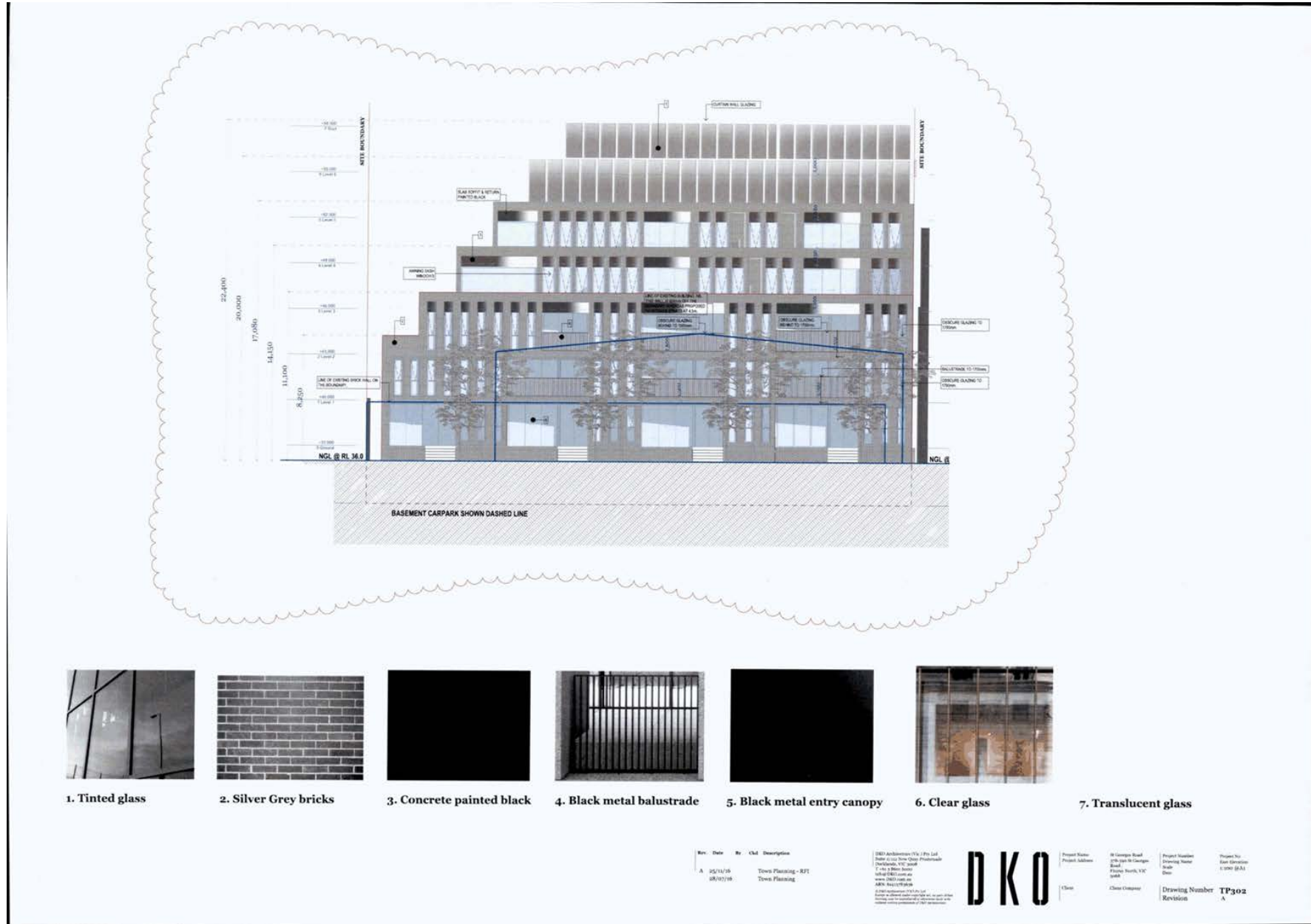
Attachment 5 - Decision plans



Attachment 5 - Decision plans



Attachment 5 - Decision plans



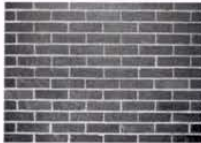
Attachment 5 - Decision plans



1. Tinted glass



6. Clear glass



2. Silver Grey bricks



7. Timber facade & balcony balustrade



3. Concrete painted black



4. Black metal balustrade



5. Black metal entry canopy



Rev	Date	By	Chk	Description
A	25/11/16			Town Planning - RFI
	28/02/16			Town Planning

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 info@dko.com.au
 ABN 55 610 000 000

DKO

Project Name
 Project Address

10 Georges Road
 3104 St Albans
 St Albans, VIC
 3024

Project Number
 Drawing Number

Project To
 Drawing Number
 Revision

TP303
 A

Attachment 5 - Decision plans



1. Tinted glass



6. Clear glass



2. Silver Grey bricks



7. Timber facade & balcony balustrade



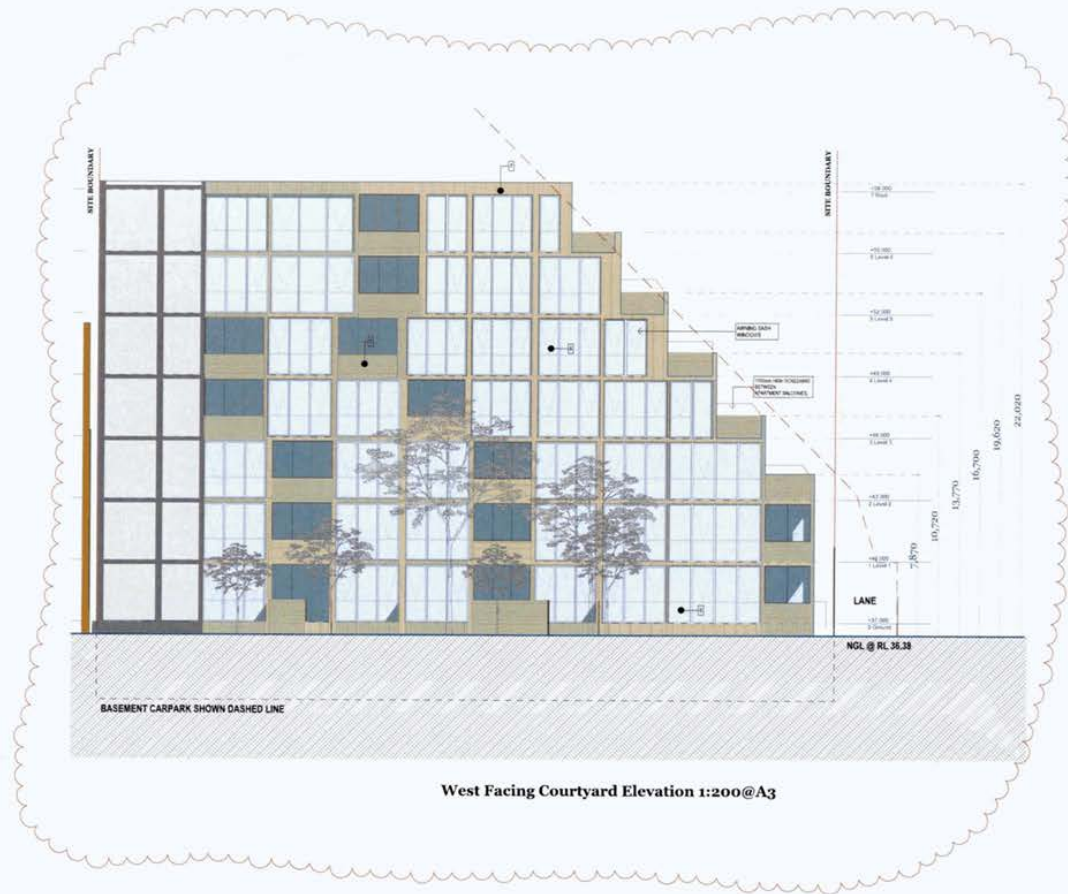
3. Concrete painted black



4. Black metal balustrade



5. Black metal entry canopy



West Facing Courtyard Elevation 1:200@A3

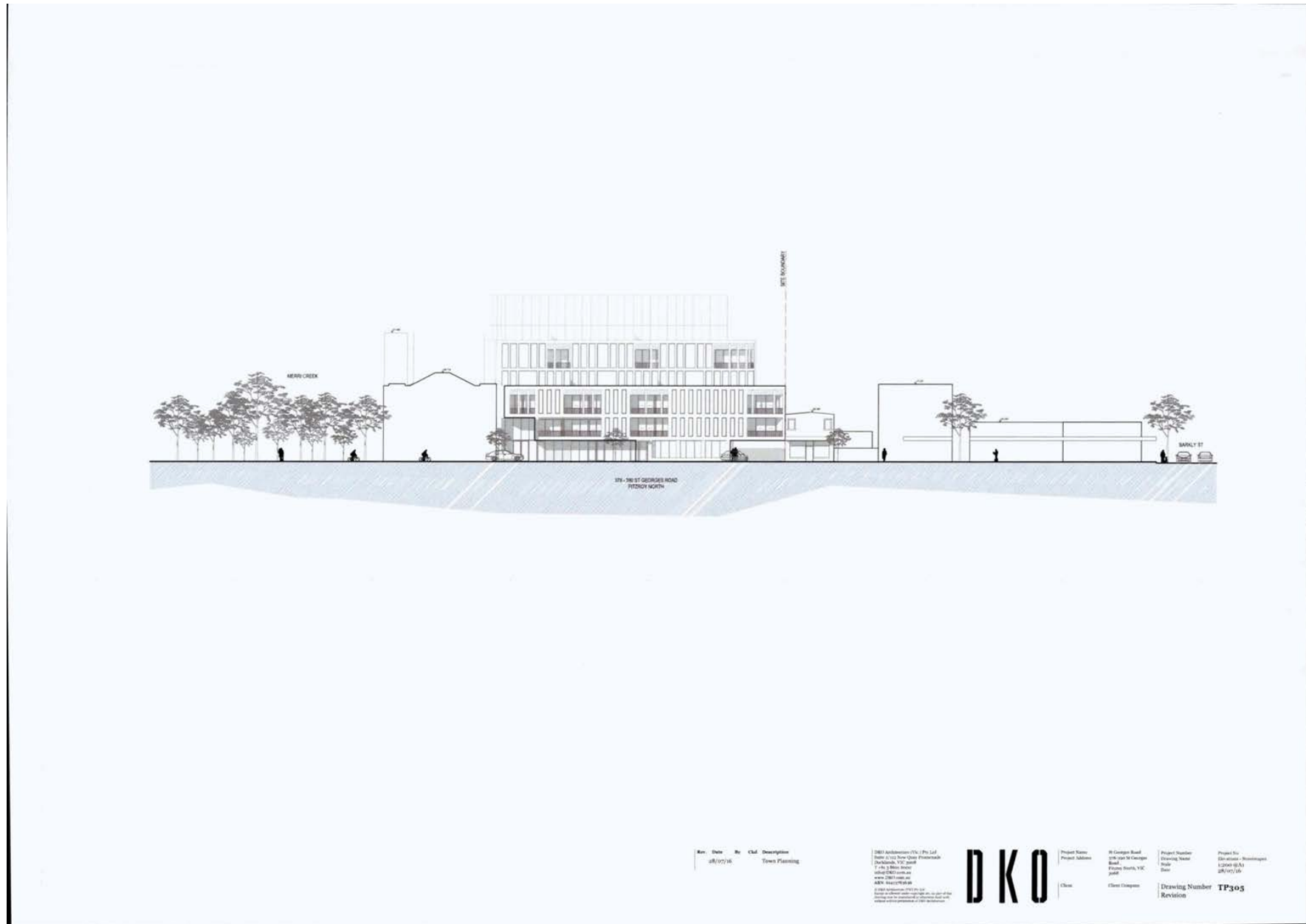
Rev.	Date	By	Chd.	Description
A	25/11/16			Town Planning - RPT
	08/02/16			Town Planning

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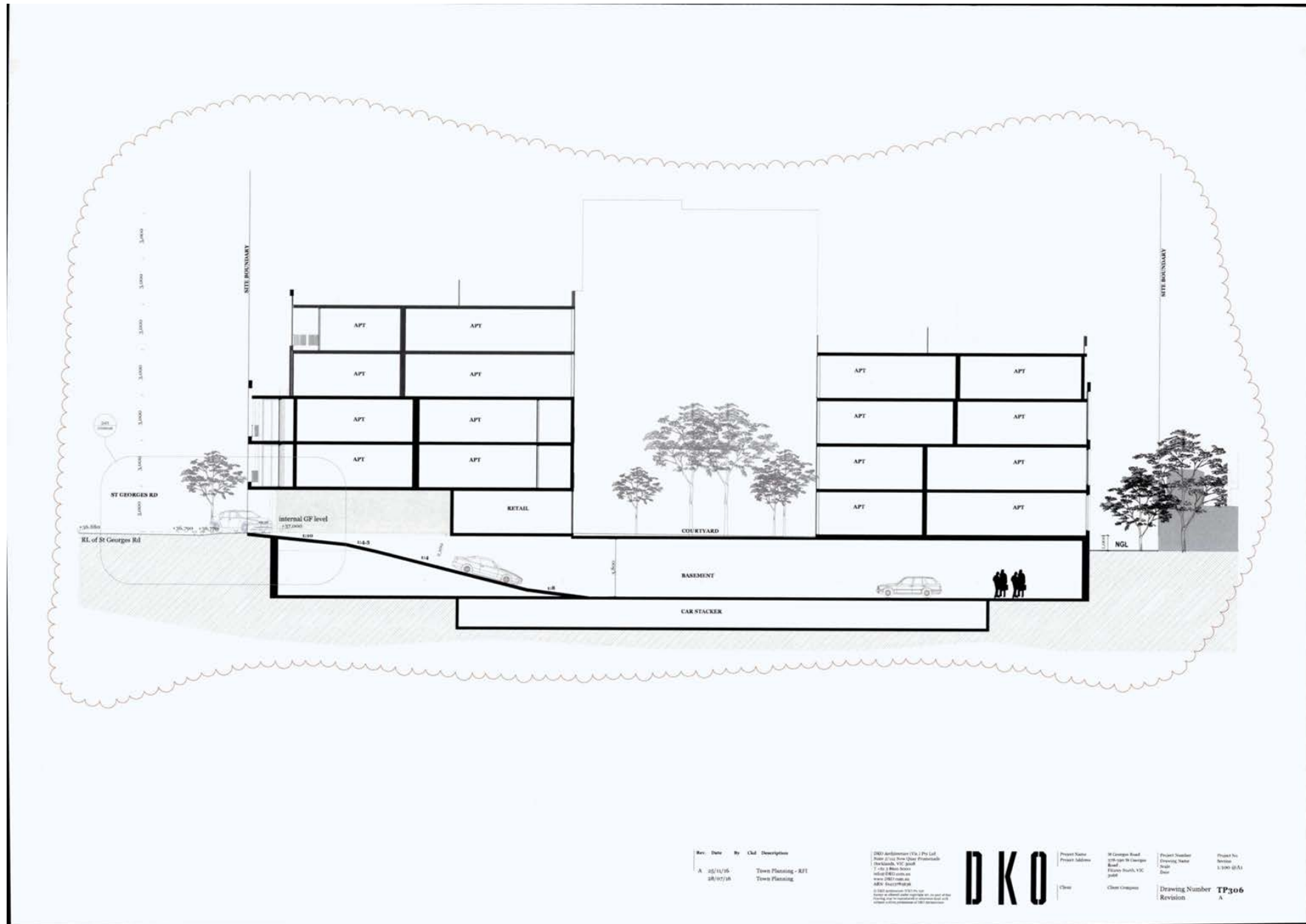
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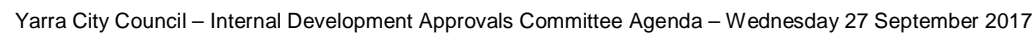
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Client	Client Company	Drawing Number	TP304
		Revision	A

Attachment 5 - Decision plans

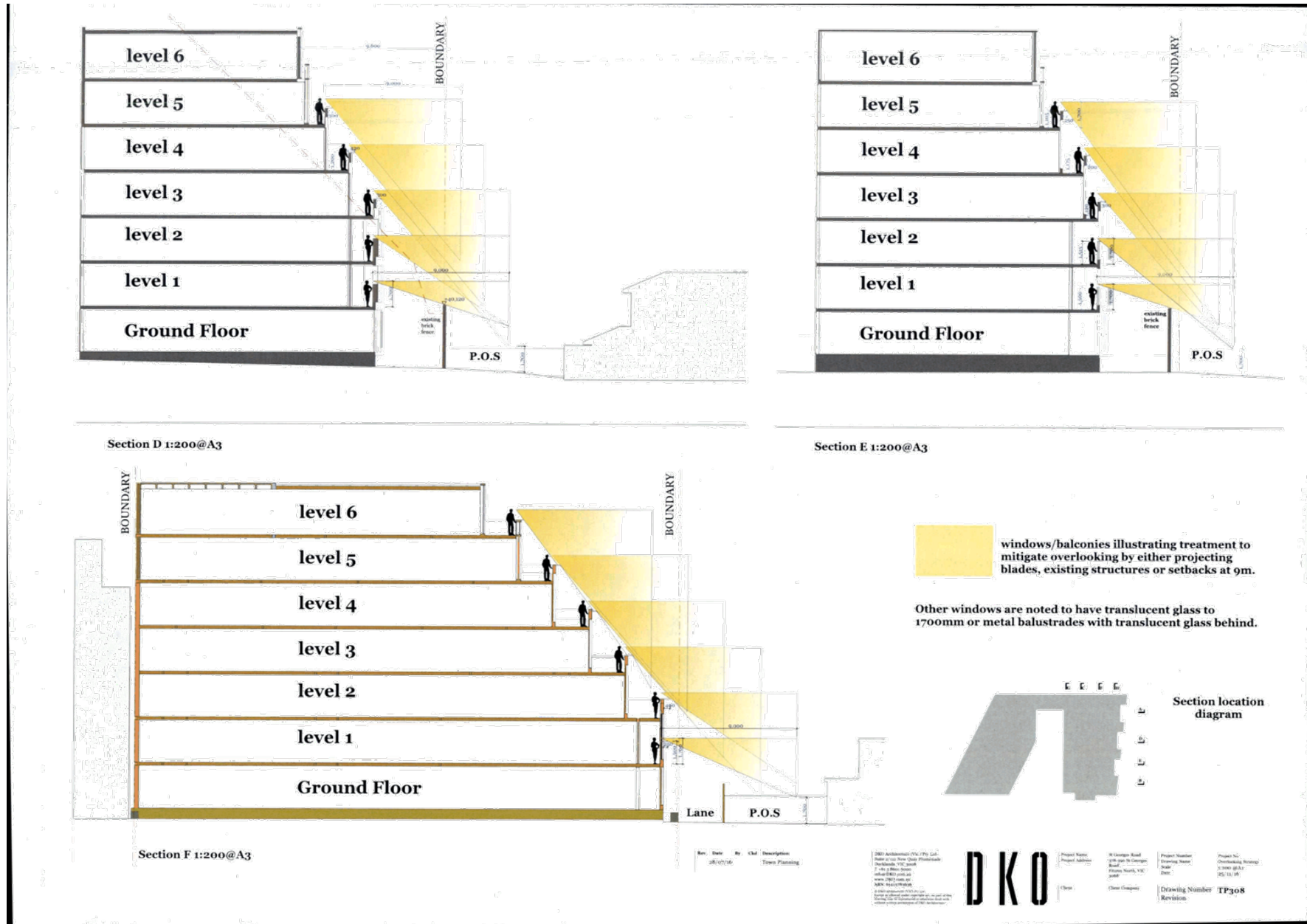


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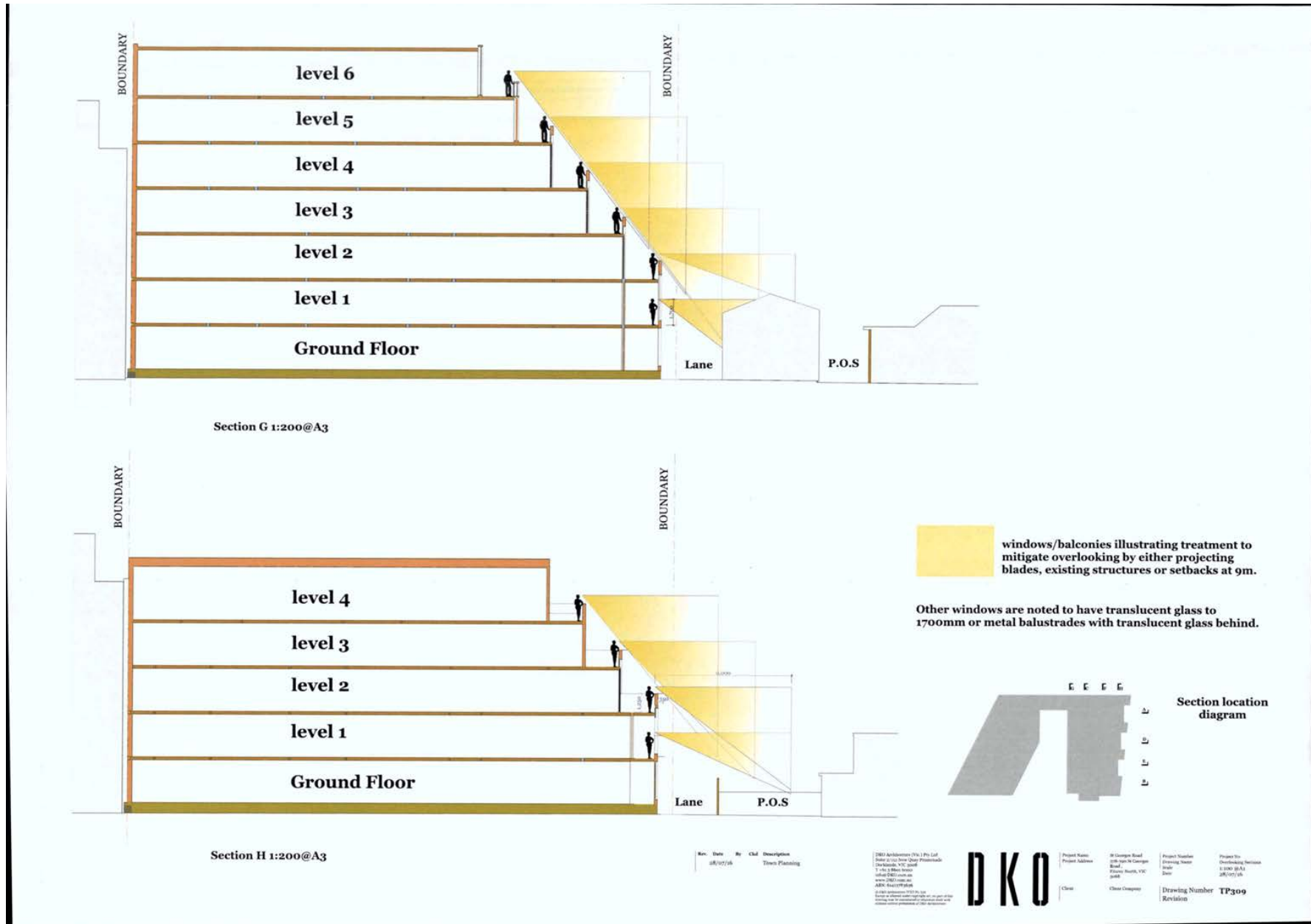




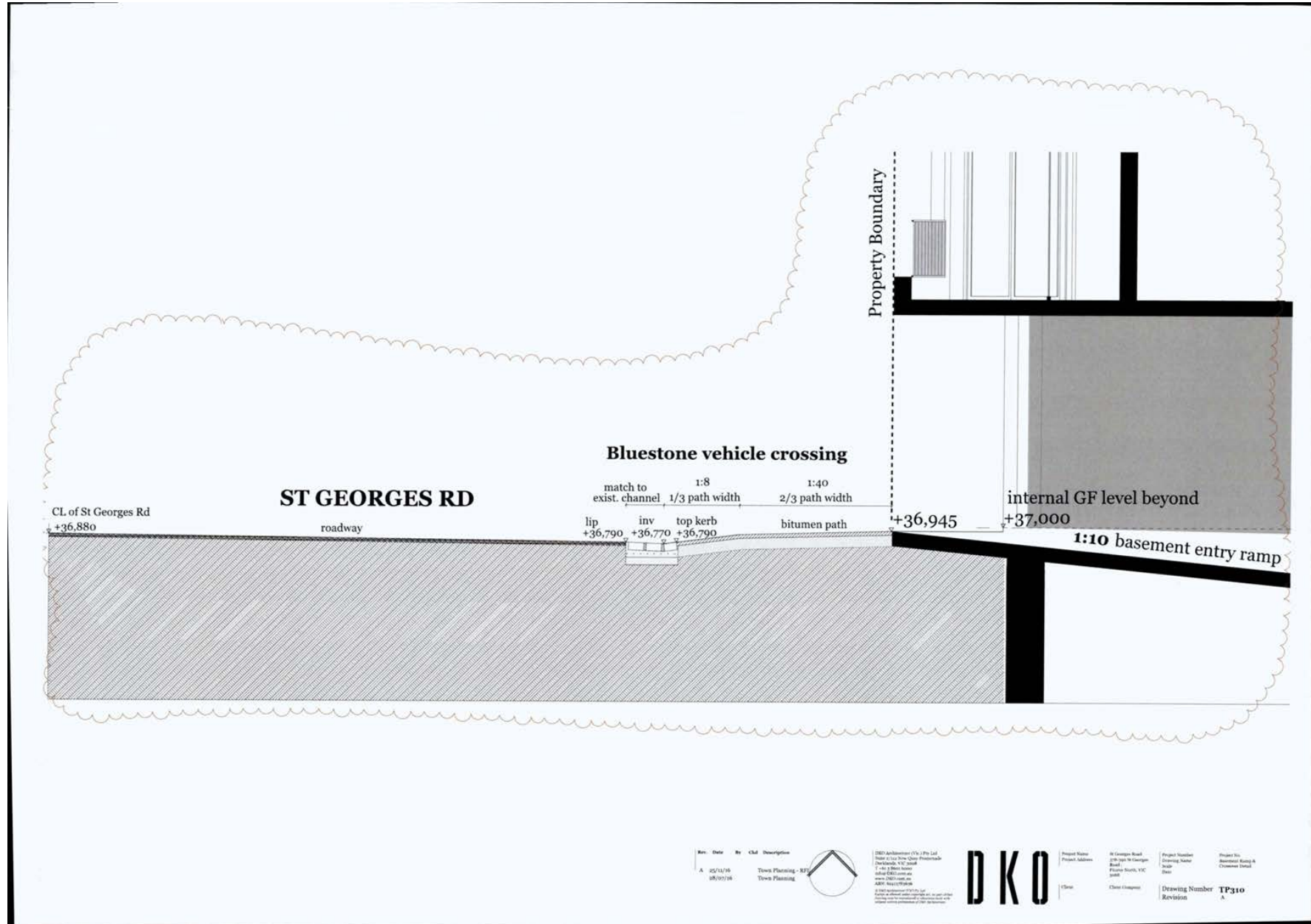
Attachment 5 - Decision plans



Attachment 5 - Decision plans

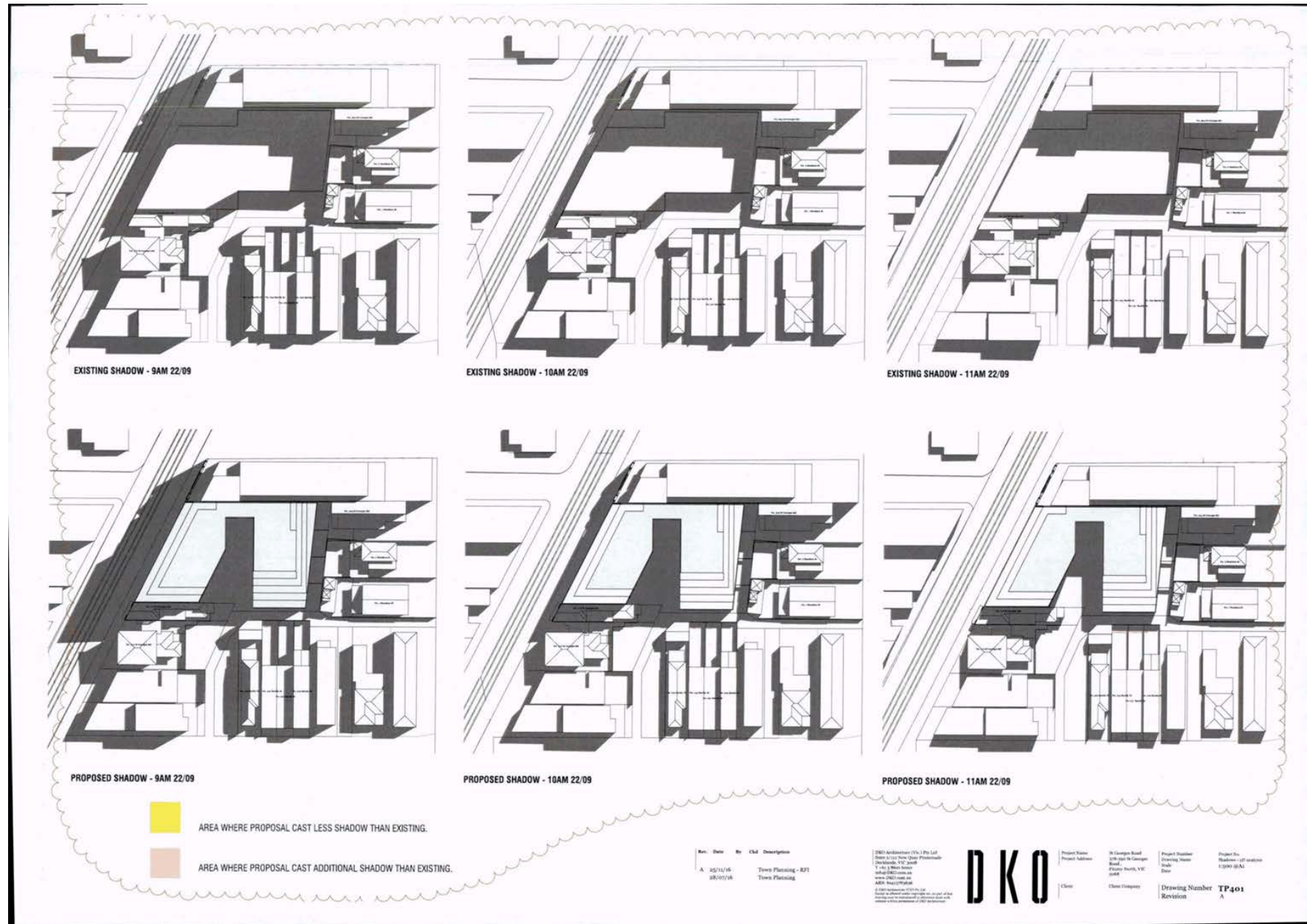


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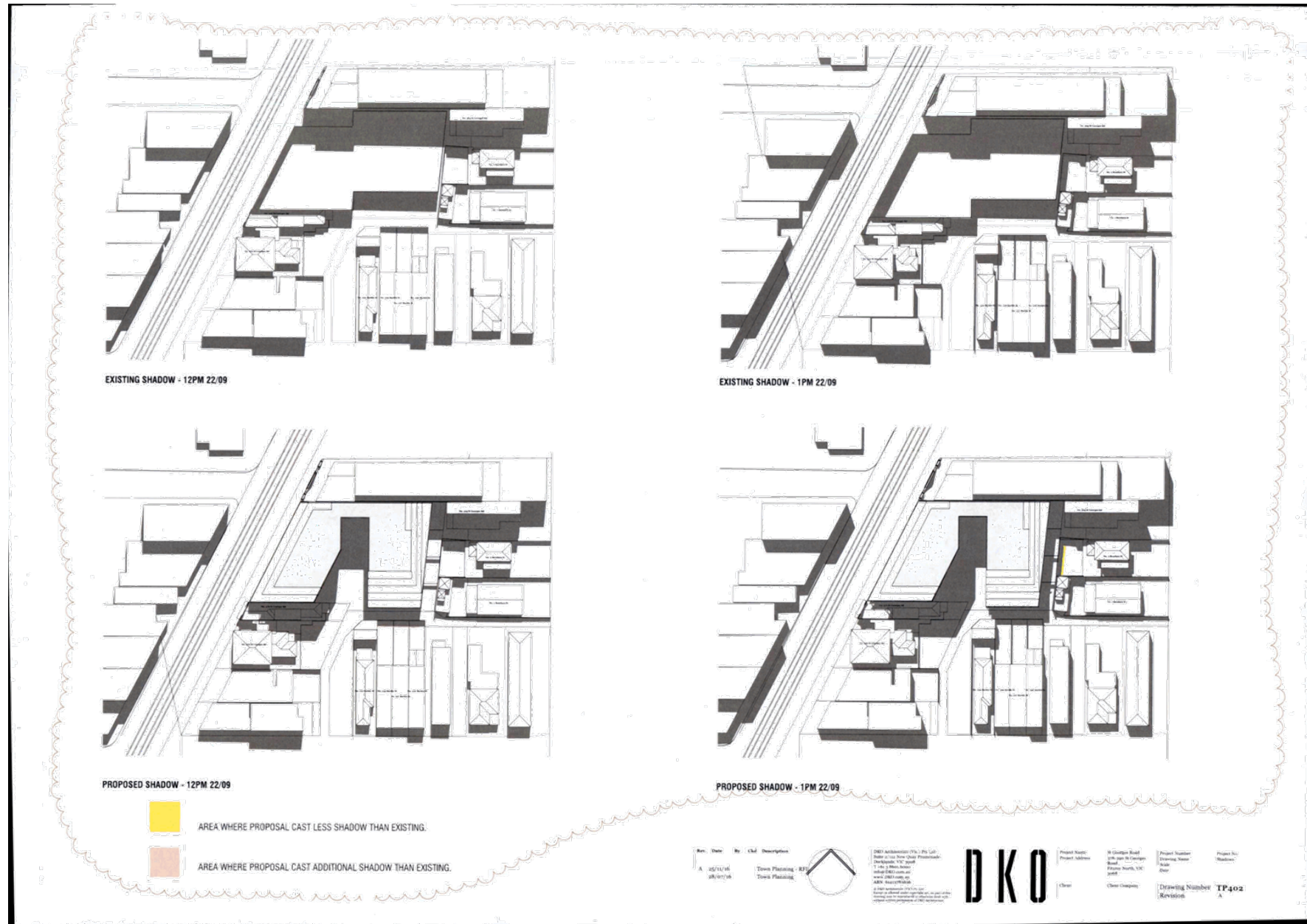




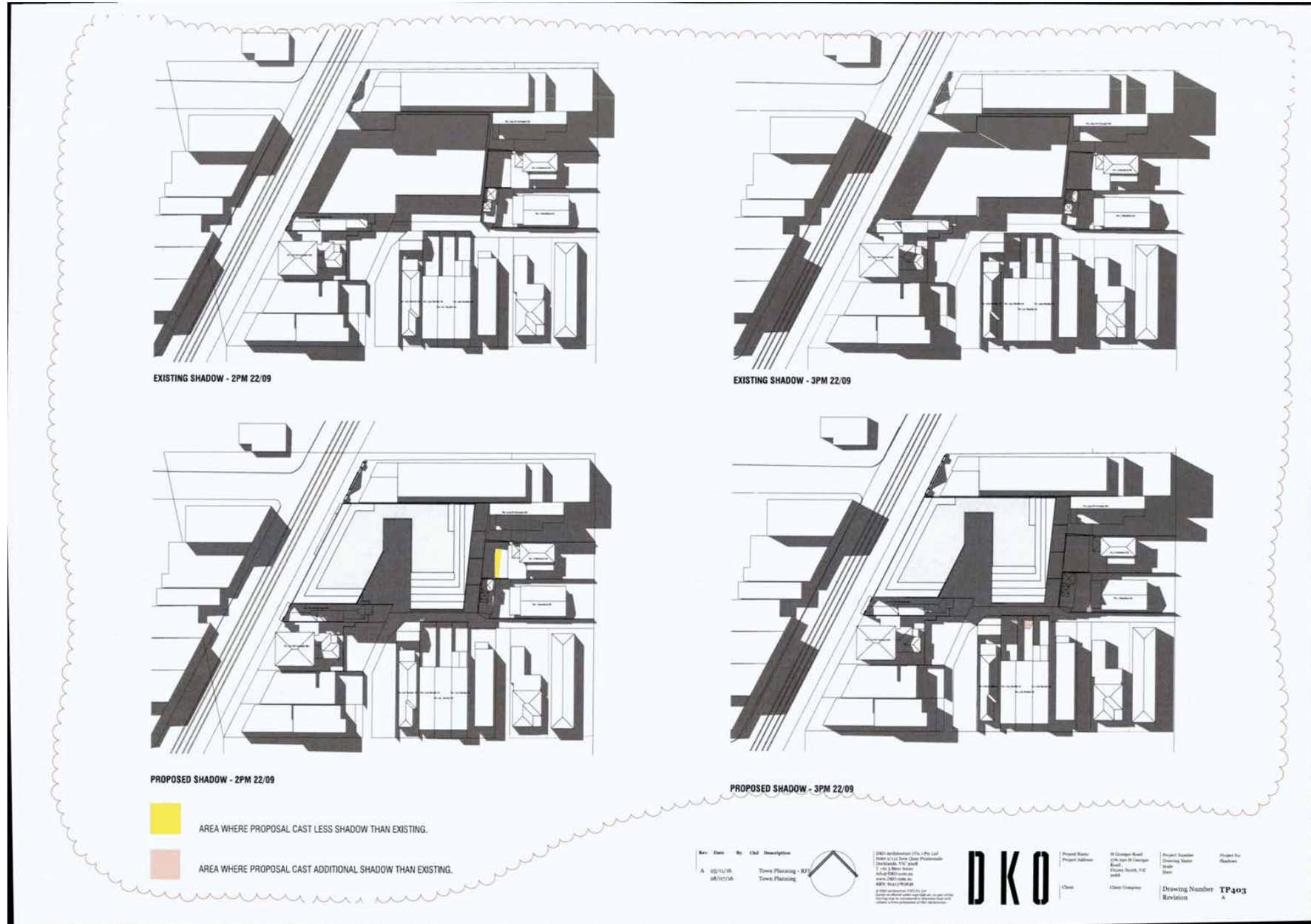
Attachment 6 - Decision plans



Attachment 6 - Decision plans



Attachment 6 - Decision plans



Attachment 6 - Decision plans

Neighbouring Property	Total Area of Secluded Open Space (m2)	area of secluded open space which currently receives sunlight (existing condition)							additional/decreased area of shadow the proposal will cast (ie + or - change)							areas retained with access to direct sunlight (proposed condition)						
		9am	10am	11am	12pm	1pm	2pm	3pm	9am	10am	11am	12pm	1pm	2pm	3pm	9am	10am	11am	12pm	1pm	2pm	3pm
No. 1 Bundara St	89.81	34	43.2	48.9	52.8	42	24	5							2.53	34	43.2	48.9	52.8	42	24	2.47
No. 3 Bundara St	147.89	50.6	57.2	60.2	67.2	54.5	24.3	0					-7	-17		51	57.2	60.2	67.2	62	41	0
No. 233 Barkly St	50.41	2.93	1.67	5.32	5.97	5.23	1.74	3.12								2.9	1.67	5.32	5.97	5.2	1.7	3.12
No. 235 Barkly St	79.77	36.3	49.8	61.1	67.5	56.7	38.7	16.26	0.9	1.2	3.86	1.57		1	1.53	35	48.6	57.3	66	57	38	14.73
No. 237 Barkly St	75.54	25.1	41.1	56.1	63.2	58.9	49.7	36.33		0.74	3	1.49		1.2	6.41	25	40.3	53.1	61.7	59	49	29.92
No. 239 Barkly St	50.19	20.6	28.2	34.6	38.3	35.5	30	22.64			0.72	0.96		1.2		21	28.2	33.9	37.3	35	29	22.64
No. 394 St Georges Rd	26.94	0	0	0	0	0	0	0								0	0	0	0	0	0	0
No. 376 St Georges Rd	0	0	0	0	0	0	0	0								0	0	0	0	0	0	0
No. 370 St Georges Rd	99.76	22.1	23.6	27.5	33.7	24.5	13.2	6.83								22	23.6	27.5	33.7	25	13	6.83

Rev: Date By: Chd: Description
A 25/11/16 Town Planning - RPT



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DKO

Project Name:
Project Address:
Client:
Client Company:

36 Georges Road
2nd floor 36 Georges
Road
Prahran North, VIC
3180

Project Number:
Drawing Name:
Date:

Project No:
Shadows calculated

Drawing Number **TP404**
Revision **A**



INTERFACE TO THE EAST

[illegible]

Attachment 6 - Decision plans

Attachment 6 - Decision plans

St Georges Road
 DEVELOPMENT SCHEDULE Site Area: Approx. 2153.64 sqm

Job No. 11158

11.11.2016

DKO

	COMMON					
	No. OF CARPARKS	No. BIKES	AREA (SQM)	RETAIL	GYM/BREAKOUT SPACE	EXTERNAL DECK AREAS
Basement 1	74	30	1558			
Ground				224.05	27.62	
Level 01					27.62	
Level 02					27.62	
Level 03						
Level 04						
Level 05						
Level 06						
TOTAL	74.0	30				

AREAS		
DECK & P.O.S/ BALCONIES	APARTMENTS	SERVICE / CIRC.
		187
305	632	254
125	976	197
141	1001	203
261.05	864	191
152.81	758	186
216.88	600	166
111.32	521	154
TOTAL APARTMENTS	17.0	61.0

NUMBER OF APARTMENTS			
1 BED	2 BED	3 BED	TOTAL UNITS
1	8		9
5	10		15
5	10		15
1	11		12
4	8		12
1	8		9
0	6	1	7
TOTAL APARTMENTS	17.0	61.0	79.0

TOTAL AREAS (EXCL BALCONIES)	
Sellable m2	GFA
1558	1744
856	1110
976	1174
1001	1205
864	1056
758	944
600	766
521	675
TOTAL APARTMENTS	7134.0

Rev: Date By: Chd: Description

A 25/11/16 Town Planning - RPT

28/07/16 Town Planning

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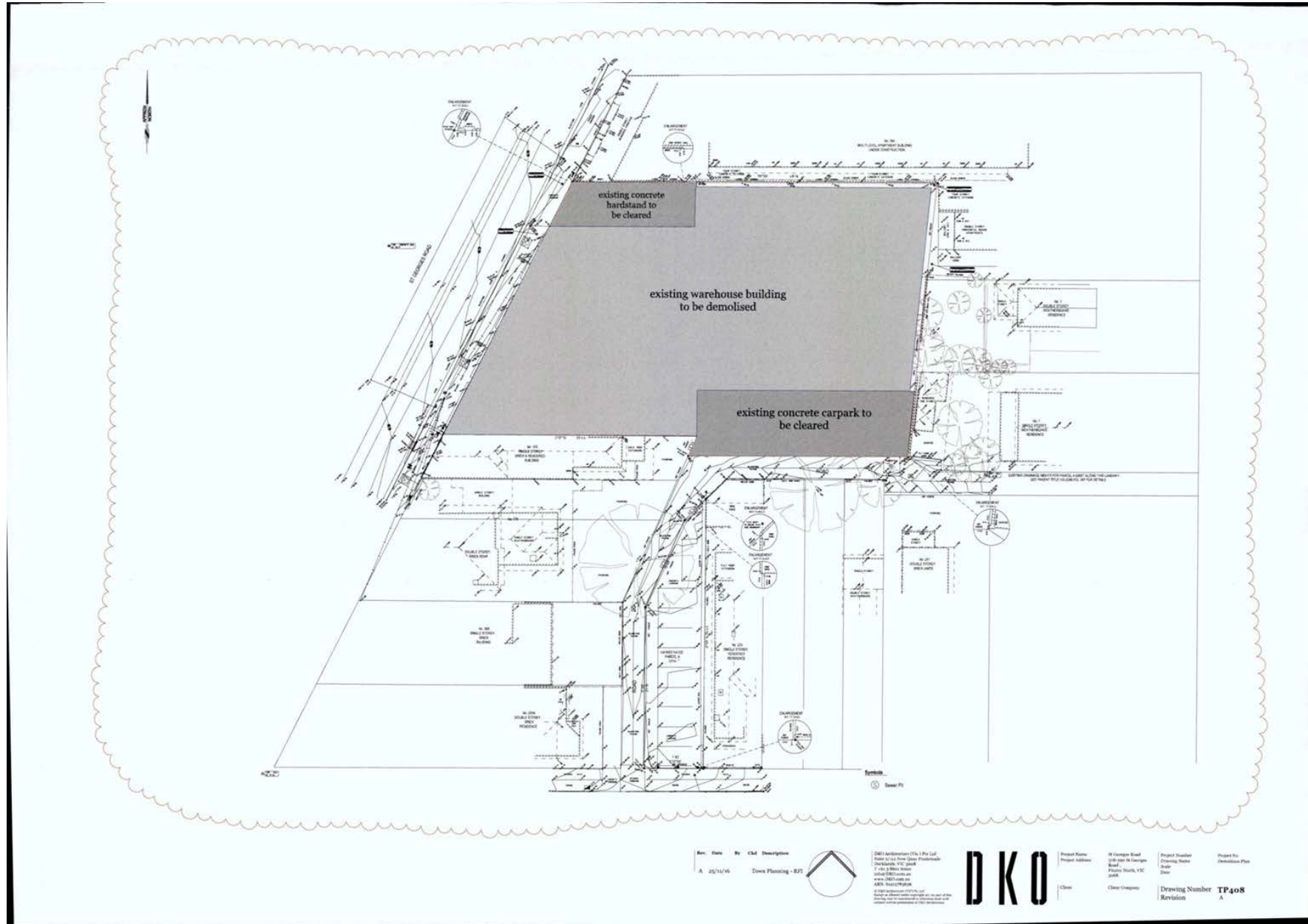
Project Name: St Georges Road
Project Address: 118-120 St Georges Road, Dandenong North, VIC 3175

Project Number: 11158
Drawing Name: Development Schedule
Scale: NTS

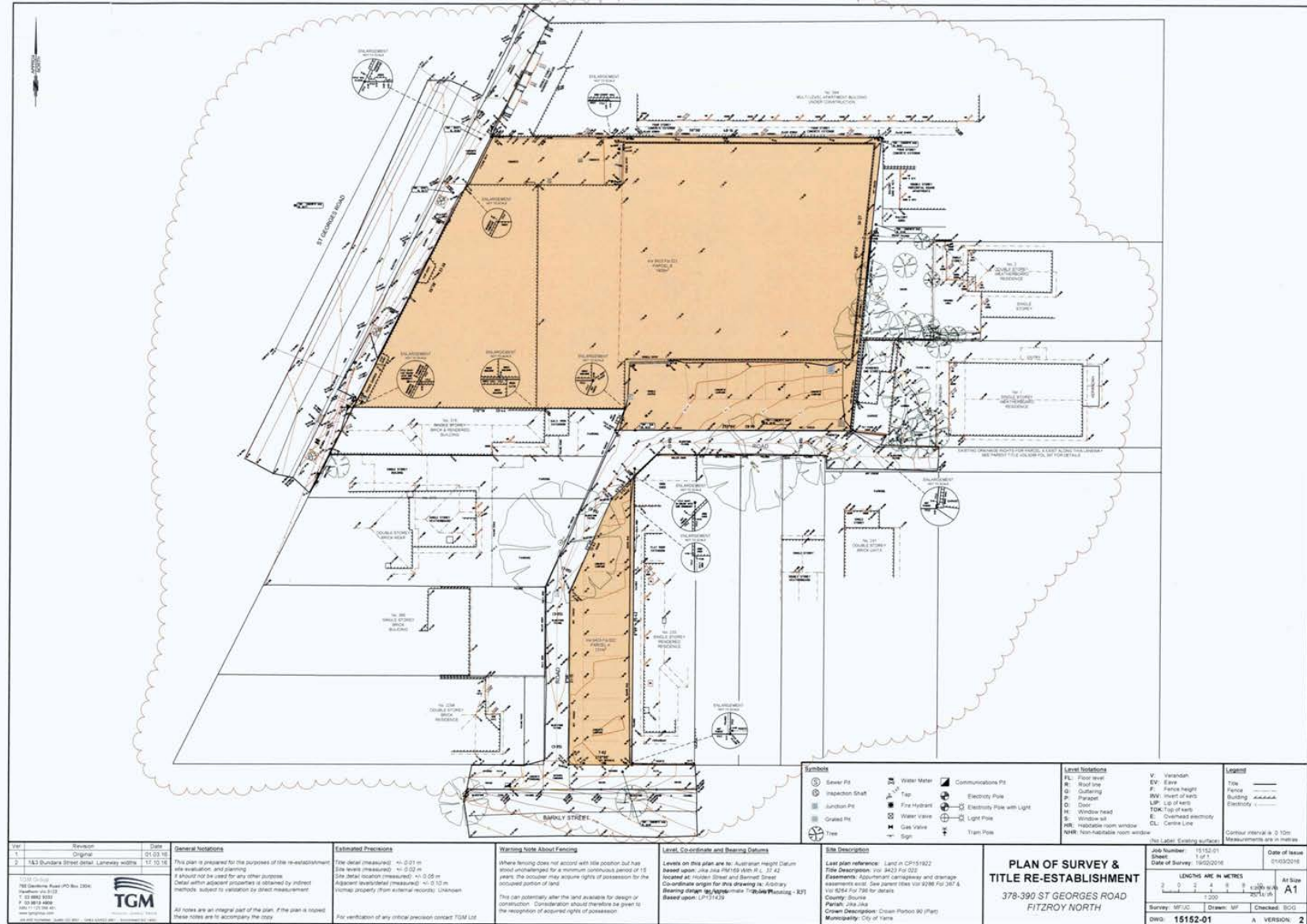
Client: DKO Company

Drawing Number: TP407
Revision: A

Attachment 6 - Decision plans



Attachment 6 - Decision plans



Attachment 7 - ESD comments on decision plans

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 *Residential 1. Ten or more dwellings*.

What is a Sustainable Management Plan (SMP)?

An SMP is a detailed sustainability assessment of a proposed design at the planning stage. An SMP demonstrates best practice in the 10 Key Sustainable Building Categories and;

- Provides a detailed assessment of the development. It may use relevant tools such as BESS and STORM or an alternative assessment approach to the satisfaction of the responsible authority; and
- Identifies achievable environmental performance outcomes having regard to the objectives of Clause 22.17 (as appropriate); and
- Demonstrates that the building has the design potential to achieve the relevant environmental performance outcomes, having regard to the site's opportunities and constraints; and
- Documents the means by which the performance outcomes can be achieved.

An SMP identifies beneficial, easy to implement, best practice initiatives. The nature of larger developments provides the opportunity for increased environmental benefits and the opportunity for major resource savings. Hence, greater rigour in investigation is justified. It may be necessary to engage a sustainability consultant to prepare an SMP.

Assessment Process:

The applicant's town planning drawings provide the basis for Council's ESD assessment. Through the provided drawings and the SMP, Council requires the applicant to demonstrate best practice.

The following comments are based on the review of the architectural drawings, prepared by *DKO Architects* (prepared 14.11.2016 as a response for RFI), a Daylight Investigation report prepared by *Ark Resources* (11.01.2017) and the accompanying SMP, prepared by *ADP Consulting Engineers* (prepared 01.12.2016).

Attachment 7 - ESD comments on decision plans

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



Table of Contents

Assessment Summary:	3
1. Indoor Environment Quality (IEQ)	5
2. Energy Efficiency.....	6
3. Water Efficiency	8
4. Stormwater Management	9
5. Building Materials	10
6. Transport.....	11
7. Waste Management	12
8. Urban Ecology.....	13
9. Innovation	14
10. Construction and Building Management	15
Applicant Response Guidelines	16

Attachment 7 - ESD comments on decision plans

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



Assessment Summary:

Responsible Planner:	Patrick Sutton		
ESD Advisor:	Euan Williamson		
Date:	17.01.2016	Planning Application No:	PLN16/0741
Subject Site:	378-390 St Georges Road, North Fitzroy, VIC 3068		
Site Area:	Approx. 1,615m ²	Site Coverage:	100%
Project Description:	Construction of new seven-storey apartment building comprising 79 dwellings and three shops.		
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) Applicant ESD Commitments:

- Dwellings will exceed minimum BCA/NCC thermal energy efficiency standards with an average 6.5 Star NatHERS rating. Non-residential areas exceeding the requirements of the NCC by at least 20%.
- A STORM report with a score of 101% has been submitted which relies on 741m² of roof draining to a 17,000 litres rainwater tank connected to toilet flushing for 35 occupants or equivalent, and 515m² of terrace draining to 3m² of raingarden.
- A min 6.2 kWp roof mounted solar PV array to contribute to onsite electricity generation.
- 5 Star centralised hot water.
- Energy efficient lighting and heating/cooling systems.
- Water efficient fixtures.

(2) Application ESD Deficiencies:

- Restricted access to daylight. A significant number of living areas will not meet our best practice standards for daylight, as is demonstrated by the daylight modelling that was provided. Daylight access to bedrooms meets our standard with only one exception, which is generally acceptable for bedrooms. Daylight issues to living areas facing west into the internal courtyard (1.05, 1.06, 1.07 and above) are replicated up to at least the 3rd floor, demonstrating a systemic flaw with access to daylight. Recommend reducing the height of the western wing of the building (on St Georges Road) or other measures to reduce the depth of the internal courtyard to improve access to daylight.
- Restricted access to natural ventilation, mostly single aspect dwellings without opportunities for cross ventilation. Recommend including ceiling fans to improve natural ventilation in all single aspect dwellings.
- There are large amounts of northwest and east facing glazing completely exposed to summer sun angles and high levels of summer solar heat gains. Strongly recommend that all exposed northwest and east facing glazing not protected by balcony overhangs or wing-walls is shaded and from summer sun angles with exterior adjustable awnings, blinds, screens, shutters, louvers or similar. If exterior shading devices are not provided, demonstrate that all effected dwellings have a reasonable level of thermal comfort and a maximum summer cooling load of <30MJ/m².

Attachment 7 - ESD comments on decision plans

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



- 30 bike spaces for 79 dwellings does not meet Council's best practice standard of one bike per dwelling. Recommend increasing the number to 79 or one bike space per dwelling plus additional spaces for visitors and staff of the ground floor non-residential area.
- Recommend provide end of trip facilities to encourage staff of the non-residential component to cycle to work.
- The term 'where possible' (in Materials Section of SMP) is not suitable for a town planning submission (SMP) please remove ambiguous language like this from the SMP which could lead to misunderstandings and differing interpretations.

(3) Outstanding Information:

- Please clearly show the raingarden on ground floor plans and landscape drawings. Please also note the rainwater tank volume and toilet connections on the architectural drawings.
- Please provide the completed JV3 energy model for the non-residential areas prior to the commencement of works to ensure that the 20% improvement on the NCC requirements can be met.
- Roof plan indicates a 10 kWp solar PV system, but the SMP states it will be 6.2 kWp Please confirm size and capacity of solar array.

(4) ESD Improvement Opportunities:

- Recommend that all timber used onsite to be FSC or PEFC accredited.

Further Recommendations:

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

Attachment 7 - ESD comments on decision plans

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	Restricted access to natural ventilation, mostly single aspect dwellings without opportunities for cross ventilation.	Recommend including ceiling fans to improve natural ventilation in all single aspect dwellings.	2
Daylight	Restricted access to daylight. A significant number of living areas will not meet our best practice standards for daylight, as is demonstrated by the daylight modelling that was provided. Daylight access to bedrooms meets our standard with only one exception, which is generally acceptable for bedrooms.	Daylight issues to living areas facing west into the internal courtyard (1.05, 1.06, 1.07 and above) are replicated up to at least the 3 rd floor, demonstrating a systemic flaw with access to daylight. Recommend reducing the height of the western wing of the building (on St Georges Road) or other measures to reduce the depth of the internal courtyard. This will improve access to daylight for which are shown by the modelling to be problematic to at least the third level.	2
External Views	External views from most office areas.	-	1
Hazardous Materials and VOC	All paints, adhesives, sealants, carpets and floor, wall and ceiling coverings will be low VOC type. At least 95% of.	Consider that all engineered timber products have no formaldehyde or low 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: - Restricted access to natural ventilation - Poor façade design to manage heat gains - Good standard of thermal efficiency.	Please refer to section on, <i>NCC Energy Efficiency Requirements Exceeded and Effective Shading</i>	2

* Council Assessment Ratings:

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [1. Indoor Environment Quality](#)
 Good Environmental Choice Australia Standards www.geca.org.au
 Australian Green Procurement www.greenprocurement.org
 Residential Flat Design Code www.planning.nsw.gov.au
 Your Home www.yourhome.gov.au

Attachment 7 - ESD comments on decision plans

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	Dwellings will exceed minimum BCA/NCC thermal energy efficiency standards with an average 6.5 Star NatHERS rating. Non-residential areas exceeding the requirements of the NCC by at least 20%, as entered in BESS.	Please provide the completed JV3 energy model for the non-residential areas prior to the commencement of works to ensure that the 20% improvement on the NCC requirements can be met.	3
Hot Water System	5 Star centralised natural gas hot water systems.	-	1
Peak Energy Demand	No specific information has been provided.	-	1
Effective Shading	There are large amounts of northwest and east facing glazing completely exposed to summer sun angles and high levels of summer solar heat gains.	Strongly recommend that all exposed northwest and east facing glazing not protected by balcony overhangs or wingwalls is shaded and from summer sun angles with exterior adjustable awnings, blinds, screens, shutters, louvers or similar. If exterior shading devices are not provided, demonstrate that all effected dwellings have a reasonable level of thermal comfort and a maximum summer cooling load of <30MJ/m ² .	2
Efficient HVAC system	Reverse cycle split ACs within one and a half stars of the most efficient available in the appropriate capacity.	-	1
Efficient Lighting	Energy efficient lighting at least 20% improvement in NCC requirements. Automated lighting controls throughout the development.	-	1
Electricity Generation	A min 6.2 kWp roof mounted solar PV array to contribute to onsite electricity generation.	Roof plan indicates a 10 kWp system. Please confirm size and capacity of solar array.	3
Other	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**

Attachment 7 - ESD comments on decision plans

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 7 - ESD comments on decision plans

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 and fittings, including; - 3 Star showers <7.5 litres/min - 4 Star toilets and dishwashers/washing machines (if provided) - 5 Star taps and urinals	-	1
Water for Toilet Flushing	Rainwater will be collected for toilet flushing.	-	1
Water Meter	Water metering for individual tenants and all major common area uses.	-	1
Landscape Irrigation	Rainwater to provide irrigation. Drought tolerant and native species to be specified.	-	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: [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 7 - ESD comments on decision plans

4. Stormwater Management

Objectives:

- to reduce the impact of stormwater runoff
- to improve the water quality of stormwater runoff
- to achieve best practice stormwater quality outcomes
- to incorporate Water Sensitive Urban Design principles.

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating	A STORM report with a score of 101% has been submitted which relies on 741m ² of roof draining to a 17,000 litres rainwater tank connected to toilet flushing for 35 occupants or equivalent, and 515m ² of terrace draining to 3m ² of raingarden.	Please clearly show the raingarden on ground floor plans and landscape drawings. Please also note the rainwater tank volume and toilet connections on the architectural drawings.	3
Discharge to Sewer	-	-	-
Stormwater Diversion	-	-	-
Stormwater Detention	17,000 litres of rainwater storage will act partially as stormwater detention.	-	1
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 7 - ESD comments on decision plans

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	'Where possible' materials selected to minimise environmental impact.	The term 'where possible' is not suitable for a town planning submission (SMP) please remove ambiguous language like this from the SMP which could lead to misunderstandings and differing interpretations.	2
Embodied Energy of Concrete and Steel	Steel supplied by accredited Environmental Sustainability Charter of Australian Steel Institute.	-	1
Sustainable Timber	No clear commitments have been made.	Recommend that all timber used onsite to be FSC or PEFC accredited.	4
Design for Disassembly	No information has been provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	4
PVC	-	-	-

*** 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 7 - ESD comments on decision plans

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 provided.	-	1
Bike Parking Spaces	30 bike parking spaces have been provided on the ground floor.	30 bike spaces for 79 dwellings does not meet Council's best practice standard of one bike per dwelling. Recommend increasing the number to 79 or one bike space per dwelling plus additional spaces for visitors and staff of the ground floor non-residential area.	2
End of Trip Facilities	No information has been provided.	Recommend provide End of Trip facilities to encourage staff of the non-residential component to cycle to work.	2
Car Share Facilities	No information has been provided.	-	1
Electric vehicle charging	No information has been 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: [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 7 - ESD comments on decision plans

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	Environmental Management Plan will be in place for construction.	-	1
Operational Waste Management	Dual waste chutes and recycling.	-	1
Storage Spaces for Recycling and Green Waste	Area for separate recycling bins, hardwaste and charity bins can be identified on the plans.	-	1
Others	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [7. Waste Management](#)
 Construction and Waste Management www.sustainability.vic.gov.au
 Preparing a WMP www.epa.vic.gov.au
 Waste and Recycling www.resourcesmart.vic.gov.au
 Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002) www.environment.nsw.gov.au
 Waste reduction in office buildings (2002) www.environment.nsw.gov.au

Attachment 7 - ESD comments on decision plans

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	Elements of landscaping have been included which will marginally improve the ecological value of this site.	-	1
Reclaiming Contamin. Land	No information has been provided.	-	NA
Other	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [8. Urban Ecology](#)

Department of Sustainability and Environment www.dse.vic.gov.au

Australian Research Centre for Urban Ecology www.arcue.botany.unimelb.edu.au

Greening Australia www.greeningaustralia.org.au

Green Roof Technical Manual www.yourhome.gov.au

Attachment 7 - ESD comments on decision plans

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 7 - ESD comments on decision plans

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 building tuning.	-	1
Building Users Guide	A Building Users Guide will include information the ESD features of the building and guidance on how to operate systems efficiently.	-	1
Contractor has Valid ISO14001 Accreditation	Construction contractor will have ISO14001 standards in place.	-	1
Construction Management Plan	An Environmental Management Plan will be developed by the building contractor to monitor and control activities undertaken during construction.	-	1
Others	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [10. Construction and Building Management](#)

ASHRAE and CIBSE Commissioning handbooks

International Organization for standardization – ISO14001 – Environmental Management Systems

Keeping Our Stormwater Clean – A Builder's Guide www.melbournewater.com.au

Attachment 7 - ESD comments on decision plans

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.

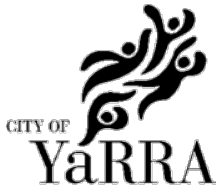
How does the proposal comply with the benchmarks?

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 8 - Revised ESD comments on discussion plans



MeMO

TO: Patrick Sutton
cc:
FROM: Euan Williamson, ESD Advisor
DATE: 13.09.2017
FILE: PLN16/0741
SUBJECT: ESD response - Discussion plans

Pat,

I have reviewed the Discussion Plans prepared by *DKO Architects* prepared in 19.05.17, and in summary the changes have improved the standard of access to daylight to an acceptable level.

Daylight

The standard of daylight for the development overall is acceptable. The internal reconfiguration of dwellings and the reduction in height of the building will improve the access to daylight of lower level dwellings. The previous version of the development that I assessed (*prepared 14.11.2016 and advertised*) included a Daylight Investigation Report prepared by Ark Resources, would have resulted in a number of dwellings in the internal courtyard at lower levels with living rooms that did not meet our daylight standards (eight of the eighteen living areas), the bedrooms were all compliant.

The changes to the building design will improve the result for living areas to a level where almost all living areas will comply, and those that fall short will be close in meeting the standards. This is an acceptable overall result.

No additional SMP has been provided, so the following deficiencies are from my previous advice still stand, and need to be addressed. Please refer to my previous ESD referral for a full report, a summary has been provided here.

ESD Deficiencies

- *Restricted access to natural ventilation, mostly single aspect dwellings without opportunities for cross ventilation. Recommend including ceiling fans to improve natural ventilation in all single aspect dwellings.*
- *There are large amounts of northwest and east facing glazing completely exposed to summer sun angles and high levels of summer solar heat gains. Strongly recommend that all exposed northwest and east facing glazing not protected by balcony overhangs or wing-walls is shaded and from summer sun angles with exterior adjustable awnings, blinds, screens, shutters, louvers or similar. If exterior shading devices are not provided, demonstrate that all effected dwellings have a reasonable level of thermal comfort and a maximum summer cooling load of <30MJ/m2.*
- *30 bike spaces for 79 dwellings does not meet Council's best practice standard of one bike per*

Attachment 8 - Revised ESD comments on discussion plans

dwelling. Recommend increasing the number to 79 or one bike space per dwelling plus additional spaces for visitors and staff of the ground floor non-residential area.

- *Recommend provide end of trip facilities to encourage staff of the non-residential component to cycle to work.*
- *The term 'where possible' (in Materials Section of SMP) is not suitable for a town planning submission (SMP) please remove ambiguous language like this from the SMP which could lead to misunderstandings and differing interpretations.*

Outstanding Information:

- *Please clearly show the raingarden on ground floor plans and landscape drawings. Please also note the rainwater tank volume and toilet connections on the architectural drawings.*
- *Please provide the completed JV3 energy model for the non-residential areas prior to the commencement of works to ensure that the 20% improvement on the NCC requirements can be met.*
- *Roof plan indicates a 10 kWp solar PV system, but the SMP states it will be 6.2 kWp Please confirm size and capacity of solar array.*

I would recommend that the above *Deficiencies* and *Outstanding Information* are addressed in an updated SMP that also includes the following *Commitments* that were initially proposed in the previous SMP prepared by ADP Consulting Engineers (prepared 01.12.2016):

- *Dwellings will exceed minimum BCA/NCC thermal energy efficiency standards with an average 6.5 Star NatHERS rating. Non-residential areas exceeding the requirements of the NCC by at least 20%.*
- *A STORM report with a score of 101% has been submitted which relies on 741m2 of roof draining to a 17,000 litres rainwater tank connected to toilet flushing for 35 occupants or equivalent, and 515m2 of terrace draining to 3m2 of raingarden.*
- *A min 6.2 kWp roof mounted solar PV array to contribute to onsite electricity generation.*
- *5 Star centralised hot water.*
- *Energy efficient lighting and heating/cooling systems.*
- *Water efficient fixtures.*

If you or the applicant would like to discuss my comments or recommendation further, please contact me.

Euan Williamson

Environmental Sustainable Development Advisor

City of Yarra PO Box 168 Richmond 3121

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Attachment 9 - Heritage advice

City of Yarra Heritage Advice

Application No.:	PLN16/0741
Address of Property:	378-390 St Georges Road, Fitzroy North
Planner:	Patrick Sutton
Yarra Planning Scheme References:	<p>STATE POLICY:</p> <ul style="list-style-type: none"> • Clause 15.03 Heritage <p>LOCAL POLICY:</p> <ul style="list-style-type: none"> • Clause 21.05-1 Built Form (Heritage) • Clause 43.01 Heritage Overlay • Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay
Heritage Overlay No. & Precinct:	HO327 North Fitzroy Precinct
Level of significance:	Showroom, offices, 382 -390 St Georges Road, Not contributory, constructed 1960-1970 (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007- updated Sep 2015)
General description:	Full demolition of the existing buildings and structures, and construction of a seven-storey mixed use development.
Drawing Nos.:	Set of A1 drawings entitled St Georges Road, 378-390 St Georges Road, Fitzroy North, prepared by DKO Architecture, received by Council and date stamped 8 Dec 2016

CONTEXT DESCRIPTION:

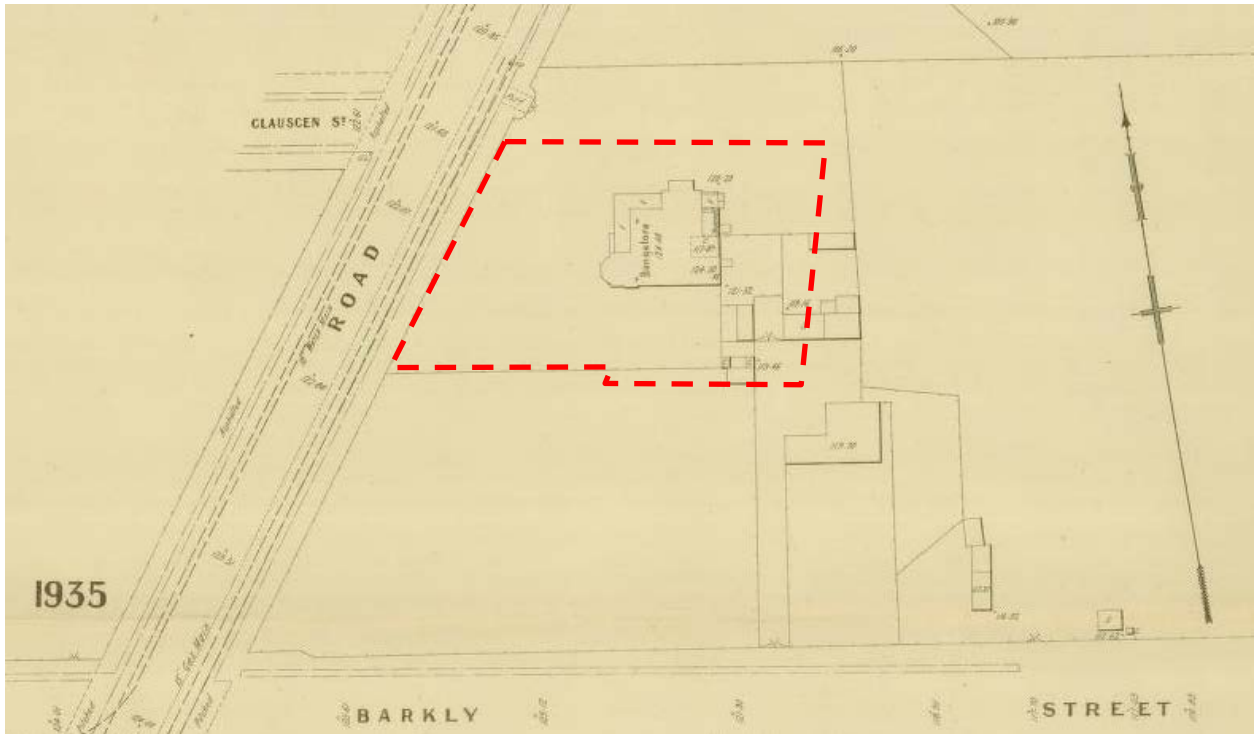
The subject site is an irregular shaped allotment with a principal frontage to St Georges Road.

Historically, the site contained a large Victorian style dwelling known as 'Bangalore'. The house was converted to a private hospital in 1919 and eventually demolished prior to 1945 to make way for a broad warehouse building that was setback from St Georges Road. The entire site appears to have been fully redeveloped again in the c.1970s.



Above: Current aerial of the subject site

Attachment 9 - Heritage advice



Above: Extract from Melbourne and Metropolitan Board of Works detail plan, 1942, Northcote & Fitzroy (1906) Subject site outlined in red.

The subject site contains a two-storey commercial building that originally comprised four individual shopfronts. A large warehouse type building setback from St Georges Road is attached to the rear of the shopfronts via a linking structure.

Access to the site from St Georges Road is to the north of the four shopfronts. There is also access to the rear of the site via laneways off Barkly Street and Bundara Street.



Above: Subject site at 378 to 390 St Georges Road

The subject site is located adjacent to a large development that has retained the Inter-war style façade of the former Merri Picture Theatre. The six-storey residential development presents as a contemporary built form behind the façade. Although the building was original significant, its heritage value has been diminished by the extent of original building that has been removed.

Adjoining the subject site to the south, is no. 376 St Georges Road that is a single-storey retail store of Contributory heritage significance, constructed c.1915-1925.

Beyond that is a two-storey rendered Inter-war style building that was a former State Savings Bank, constructed in 1927 and individually significant.

Attachment 9 - Heritage advice



Above: View of adjacent development behind the former Merri Theatre at 392 St Georges Road



Above: View southwards along St Georges Road beyond the subject site



Above: View northwards along St Georges Road towards the subject site

Attachment 9 - Heritage advice

The immediate area has historically been characterised by Inter-war style buildings predominantly the former theatre and the Bank. Those views are now being challenged for dominance by the scale of the development directly behind the former theatre facade.

ASSESSMENT OF PROPOSED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application includes the full demolition/removal of the existing buildings and structures on the subject site.

The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct.

Clause 22.02-5.1 of the Yarra Planning Scheme generally encourages the retention of a building in a heritage place, unless:

The building is identified as being not contributory.

The full demolition of the subject buildings is therefore considered acceptable on the basis that the application for demolition is accompanied by an application for new development.

Comments regarding new development, alterations and additions:

The extent of new works proposed by this application includes development of a seven storey building with a basement.

The key consideration for assessing this aspect of the works is whether the proposed new development will

- Be in keeping with the character or appearance of nearby heritage buildings of contributory significance; AND
- Not adversely affect the significance of the broader heritage precinct.

Setbacks:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

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

The proposed front setback for the new development will be:

- Zero metres – Levels ground, 1 and 2
- 2.4 metres – Levels 3 and 4
- 4.8 metres – Levels 5 and 6

The front setbacks of the adjacent property to the north (no. 392) appear to be zero metres at ground level with a 2.4 metre for levels 2, 3, 4 and part of level 5.

The adjacent property to the south (no. 376) also has a zero front setback at ground level.

The proposed zero front setbacks of the ground, 1 and 2 levels is consistent with the nearby commercial character of St Georges Road

The 2.4 metre front setback of levels 3 and 4 corresponds with the setback of the new development behind the retained façade of the former theatre. Like the former theatre development however, this setback of the upper levels is considered too shallow to comprehensively reinforce the scale of the lower three floor levels as part of a heritage streetscape. Based on the overwhelming appearance of the existing upper level development behind the former theatre façade, it is strongly considered that levels 3 and 4 of the current proposal should be further setback as the subject site is much wider than the adjacent site and therefore the overwhelming impact of the upper floor levels will be even greater on the streetscape. Given the size of the subject site, it is considered that a front setback of at least 4 metres should be adopted from level 3 upwards to reinforce the original heritage scale of this part of St Georges Road.

Attachment 9 - Heritage advice

The proposed side setbacks for the new development will be;

Zero metres – Levels ground, 1 and 2

2.4 metres from the south – Levels 3 and 4

2.2 metres from the north and about 4.8 metres from the south – Level 5

2.2 metres from the north and about 7 metres from the south – Level 6

The zero side setbacks for the ground, and levels 1 and 2 are appropriate in the context of a commercial street frontage. The side setbacks at the upper floor levels are of no particular heritage concern.

Scale/height:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height

The proposed facade height for the combined ground, first and second floor levels of the proposed new building will have a finished RL level of 46.000. This is essentially the same height as the remaining facade of the adjacent former theatre building. On this basis, it is considered that the height of the ground, first and second floor levels is appropriate to the heritage streetscape.

The finished height of the proposed new building will have a RL of 58.00. This will be 3.2 metres higher than the adjacent development at no. 392. As previously stated, the width of the subject site is substantially greater than the adjacent site. Consequently, the visual bulk of the upper floor levels will have a much more dramatic impact on the heritage streetscape than the development on the adjacent site, even if they were the same height. The proposed development is however about another storey higher which will almost certainly mean that it will dominate the entire vicinity.

Setting the floor levels above the bottom three floor levels further back, as discussed above, will have a limited effect on the dominance of the proposed new development.

It is considered that the entire top floor level (level 6) should be deleted and the level below that (Level 5) should be setback to an extent that it is fully concealed when viewed from the street level directly opposite the site.

Appearance:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages the design of new development to:

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Consider the architectural integrity and context of the heritage place or contributory element

The proposed fenestration of the building at ground level relates well to the typical appearance of commercial properties along this part of St Georges Road.

The two floors directly above also provide a contemporary version of the typical fenestration of other heritage buildings along the street.

Breaking the proposed fenestration of the building down into potentially three or four parts (like the existing building on the site), instead of one full width, would definitely improve the potential for the new building to visually integrate with the scale of existing properties in the streetscape.

The selection of colours and material proposed for the new building are generally acceptable, however the introduction of render could also be contemplated as it is a finish that characterises the area and could be utilised to break down the apparent width of the building.

Attachment 9 - Heritage advice

RECOMMENDATIONS:

On heritage grounds, the works proposed in this application should be modified prior to further consideration. =The following suggested changes may alternatively be used as conditions:

1. That a front setback of at least 4 metres should be adopted from level 3 upwards to reinforce the original heritage scale of this part of St Georges Road.
2. That the entire top floor level (level 6) should be deleted and the level below that (Level 5) should be setback to an extent that it is fully concealed when viewed from the street level directly opposite the site.
3. That the fenestration of the building's principal façade at ground and levels 1 and 2 should be broken up into three or four parts, instead of one full width, to ensure that it visually integrates with the scale of existing properties in the streetscape.

SIGNED:



Diahnn McIntosh

DATED: 8 March 2017

Attachment 10 - External urban design advice



urban design memo

To:	Patrick Sutton	Date:	20/02/2017
Company:	City of Yarra	From:	Hansen Urban Design
RE:	378-390 St Georges Road, Fitzroy North		

Thank you for the opportunity to review the application package for the proposed 7 storey mixed use building at **378-390 St Georges Road, Fitzroy North**. We have reviewed the plans prepared by DKO architects, dated 28 July 2016 and inspected the site and the surrounds. As well, we have reviewed the relevant background information including the Yarra Planning Scheme and the Message Town Planning Report dated, December 2016.

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

site and context

The subject site is located on the eastern side of St Georges Road, North Fitzroy. The site adjoins tram route 11 on St Georges Road and within the North Fitzroy Neighbourhood Activity Centre (NAC) supporting a range of services and commercial uses.

The site is irregular in shape and has a fall (from west to east) of 1m – 1.5m. The site has a 37.3m wide frontage to St Georges Road, 28.9m abuttal to a laneway to the south and total site area of approximately 1,908m².



Site context

The site currently comprises a 2 storey commercial building occupied by Tradelink Plumbing Centre and a warehouse building to the rear. Vehicle access to the site is currently from both St Georges Road at the northern end of the frontage and along the laneway to the southern boundary. At-grade parking area is provided to the laneway boundary.

No significant vegetation is located on the site.

hansen partnership
melbourne | sydney

level 4, 115 Exhibition St
Melbourne VIC 3000
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www.hansenpartnership.com.au

urban planning | urban design | landscape architecture

Attachment 10 - External urban design advice



The site has the following **interfaces**:

- To the immediate **north**, at 392 St Georges Road is a recently constructed 6 storey apartment building at 392 St George Road. The building has three exposed interfaces, St Georges Road, Merri Creek parkland to the north and Bundara Street to the east. The building has been constructed behind a 2-3 storey heritage façade fronting St Georges Road. The apartments are predominantly orientated to the north, east and west (away from the subject site). The building presents a 2-3 storey streetwall to the parkland and Bundara Street, increasing to 5-6 storeys on the southern boundary. Access to the site is provided from St Georges Road, with some car parking spaces from Bundara Street. The materials and finishes predominantly consist of recycled timber wall cladding, 'smoke silver' precast concrete panels and brick at lower levels echoing the original wall of the heritage building.
- To the immediate **east**, is a 2 storey component of the recently constructed building at 392 St Georges Road. Some apartments comprise terraces and living rooms within 1.19m and 2.35m of the boundary, respectively. To the south at 3 Bundara Street, there is a 2 storey dwelling with a rear yard consisting of a number of canopy trees and shrubs. Further to the south at 1 Bundara Street is a single storey dwelling with a 2 storey studio which abuts the subject site.
- To the immediate **south**, at 376 St Georges Road is a 2 storey shop abutting the western portion of this boundary. To the east, a laneway provides access to the site from Barkley Street and Bundara Street. Further to the south beyond the laneway are a number of residential properties (within the Neighbourhood Residential Zone) fronting Barkley Street, with the rear yards abutting to the laneway. To the east of these properties is a 2 storey apartment building at 241 Barkly Street. This building is orientated to the east and vehicle access is gained from Barkley Street.
- To the immediate **west**, is St Georges Road which is a 20m wide arterial road with on-street car parking, 2 way traffic movements, tram lines down the centre of the road and footpaths to both sides. On the opposite side of the road there are a number of single and double storey commercial buildings.

In the wider context, the Merri Creek parkland and linear shared path is approximately 16m from the subject site. The site is located within a built form context away from St Georges Road that has a low scale 1 to 2 storey dwellings with occasional 60s and 70s apartments blocks and a varied architectural forms. Emerging built form character of 3-4 storey apartments are being developed along St Georges Road.



North – 392 St Georges Road



East – 392 St Georges Road and 3 Bundara Street, looking south along Bundara Street



South - looking north-west along lane towards the subject site

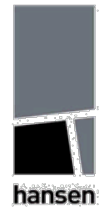


South - looking north along lane towards the subject site



West - looking east at the subject site frontage from St Georges Road

Attachment 10 - External urban design advice



the proposal

- The proposal is for the demolition of the existing buildings and the construction of a 7 storey mixed use building. The building comprises an upside-down 'v' shape building with a total of 79 apartments, including seventeen 1 bedroom, sixty-one 2 bedroom and one 3 bedroom apartments, a central courtyard area, gym, communal lounge and 3 retail premises at ground level with frontage to St Georges Road.
- A basement is provided accommodating a total of 74 car parking spaces and 30 bicycle spaces. Access to the car park is proposed from St Georges Road to the southern end of the frontage.
- The lobby entry to the apartments is located to the north along the St Georges Road frontage, leading to a lift core and services area on the northern boundary. The retail premises present a fully glazed frontage to the street.
- The proposal presents a 3 storey streetwall to St Georges Road, stepped up to 7 storeys with a 4.8m setback from the street.
- The proposed building is setback 4.5m from the eastern boundary, 1.2m to the southern laneway and on the boundary to the north and west. Building heights gradually increase towards the northern boundary to reach an overall height of 22m.
- The proposal adopts a contemporary architectural style utilising a grey face brick with black metal balustrades with a lighter frame finish and tinted glass at the two upper levels.



Artist impression of the proposal's presentation to St Georges Road

Attachment 10 - External urban design advice

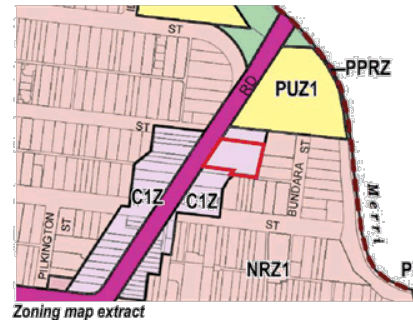


planning and design framework

The site is located within the **Commercial 1 Zone (C1Z)**. The purpose of the C1Z comprises:

- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Key decision guidelines pertinent to the proposed development include the effect of traffic on roads, movement of pedestrians and cyclists, provision of car parking, the treatment of the fronts and backs of buildings as well as the design of buildings to provide for solar access.



The site is also subject to the **Heritage Overlay Schedule 327 – North Fitzroy Precinct**. Pursuant to the *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8, revised September 2015*, the subject site is listed as non-contributory. A planning permit is required to demolish and construct a building under this provision.

The subject site is also within an area of cultural heritage sensitivity.

The following State and Local planning policies are considered relevant:

- Clause 09 – Plan Melbourne;
- Clause 15 – Built Environment and Heritage;
- Clause 21.03 – Vision;
- Clause 21.04 – Land Use;
- Clause 21.05 – Built Form;
- Clause 21.08 – Neighbourhoods;
- Clause 22.02 – Development Guidelines for Site Subject to the Heritage Overlay;
- Clause 22.05 – Interface Uses Policy;
- Clause 22.07 – Development Abutting a Laneway; and
- Clause 22.10 – Built form and Design Policy.

Other relevant documents:

- City of Yarra Urban Design Strategy (2011);
- City of Yarra Built form Review (2003);
- Victorian Urban Design Charter (2010); and
- Plan Melbourne.

Attachment 10 - External urban design advice



urban design assessment

In summary, we consider that the subject site lends itself to **higher density development** due to its existing condition, locational attributes and the size of the landholding. However, we consider that the proposed **built form response is unacceptable** in its current form primarily due to the overall height of the form and its poor interface presentation to abutting properties.

We therefore consider that the built form response **requires substantial modification and reduction in scale** to create an acceptable outcome. The reasons for our position is discussed further as follows:

Strategic Context and Urban Form

State and local policy generally provides support for more intensive development on these sites within this precinct of North Fitzroy. Plan Melbourne and State policy encourages this growth to be accommodated in locations that are in proximity to services and public transport. Substantial local policy also generally provides support for more intensive development to be located in a hierarchy of Activity Centres within the municipality. More intensive and higher density housing developments are encouraged within Activity Centres such as North Fitzroy Neighbourhood Activity Centre (NAC).

We note that the site is the largest in the North Fitzroy NAC, with the next closest being 'Piedimonte's Supermarket' at 37-45 Best Street, Fitzroy North. In addition, the site abuts a 6 storey building to the north at 392 St Georges Road. We would therefore anticipate that this site could accommodate a higher density form.

While the subject site is considered to occupy a mid-block position along St Georges Road, we acknowledge that the site forms part of the northern end of the North Fitzroy NAC. We consider the 'prime' site to be adjoining to the north at 392 St Georges Road, given its prominent location at the entrance to the inner city when approached from the north. Therefore, we find that the site could contribute as a northern anchor for the North Fitzroy NAC, along the St Georges Road corridor.

The site immediately abuts Neighbourhood Residential Zone (NRZ) to the south and west. We consider that this direct abuttal somewhat tempers the site's development potential and its ability to achieve any significant height and will result in the mass of the proposal being 'pushed' to the western boundary.

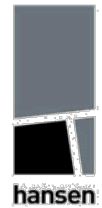
For the reasons set out later in this memo, we consider that the proposed development does not appropriately respond to the existing context and guidance contained within planning policy. Further, the proposal does not present any outstanding architectural expression, community benefit or exceptional environmental features or benefit to offset its impacts.

Site Planning and Amenity

We are generally not supportive of the site planning and amenity for the proposal, and make the following comments:

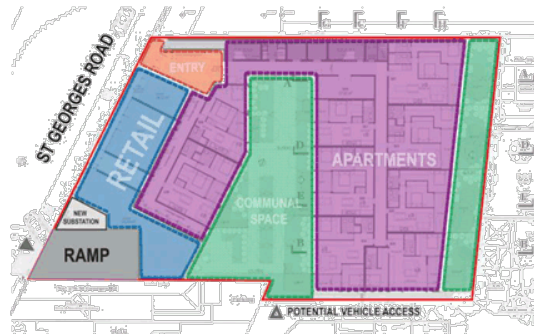
- We are supportive of the 3 retail spaces to be provided at the ground level with frontage to St Georges Road. These tenancies are highly glazed and will provide appropriate engagement and activation of the street at ground level. However, we are concerned with the location of the functional requirements (substation, gas meter and fire booster) on this frontage. We suggest that these are consolidated to create a 'gap'

Attachment 10 - External urban design advice



between the shop and driveway entrance to result in a section of continuous shop frontage, alternatively investigate relocation to the laneway and/or basement.

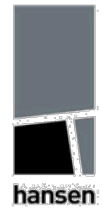
- Whilst not an urban design matter, we note that the vehicle access arrangement appears to be 'awkward'. Given the laneway access opportunity we would support (from an urban design perspective) access via lane to further 'free-up' space on the St Georges Road frontage. However, we defer to Council's traffic engineering in this regard. We note that the compromised located of the car access and ramp is 'driven' by the location of the lift core along the northern boundary.



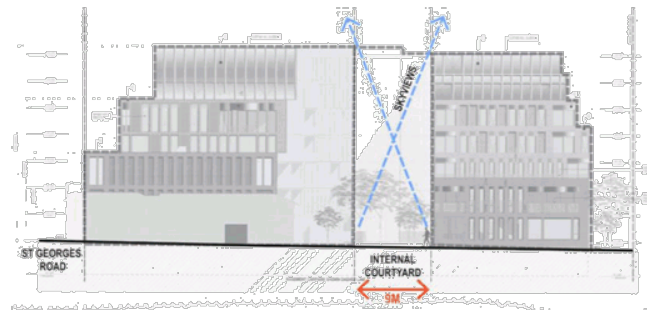
site planning - consolidation of functional requirements and potential vehicle access from laneway

- General arrangement of core and corridor along the northern boundary is supported as it responds appropriately to the existing apartment building at 392 St Georges Road.
- The bicycle storage facilities are located to the south-east of the basement level, away from lift core and we consider that the access arrangement could be more convenient. We recommend as a possible suggestion to relocate the bicycle storage facility closer to the lift core in the basement level car park. We also note the lack of visitor bicycles parking provided on the street.
- *While the Better Apartment Design Standards do not apply to this proposal as they will come into effect in March 2017, we provide a short assessment against these guidelines as follows:*
 - *Bedroom and living room widths do not comply with the relevant dimensions in some instances;*
 - *Windows to bedroom, storage and noise comply with the standards*
 - *Solar access to communal open space will not be adequately provided as this area will be significantly shadowed on 21 June.*
 - *32% of apartments achieve cross ventilation and fails to comply to the 40% requirement.*
 - *Private open space dimensions do not comply with the minimum dimensions, as mentioned elsewhere in this memo.*
- We are not supportive of the lack of sunlight to apartments G08, G07, 1.08, 1.07 and potentially 2.08 and 2.07, within the 'elbow' of the proposal. We note that there will be no sunlight provided to these apartments between 9am-3pm at the equinox. This 'tight' configuration should be addressed to achieve better access to sunlight to these apartments. There is a misrepresentation on the plans in relation to the 'sense of enclosure' and limited access/outlook to skyviews.

Attachment 10 - External urban design advice

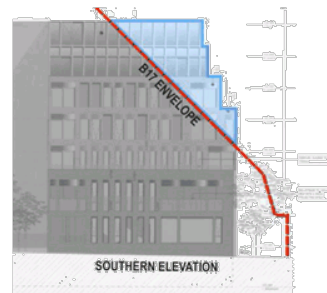


- We also consider that the inward facing dwellings separated with a minimum of 9m results in a tightly arranged space. While, we can appreciate that 9m appears to be a benchmark in some cases, however in this instance, and given the immediate proposed mass to the north of these apartments, we consider the arrangement to be unacceptable.



extract from TP301 demonstrating poor separation within internal courtyard

- We question the effectiveness of the triangular balconies G08, 1.08, 2.08, 3.07 and 4.07, given that the widths are too narrow to be useable for its future occupants. Our preference would be that the balconies satisfy the requirements of ResCode Standard B28 (Clause 55.05-4) to provide a **'balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room'**.
- Further, we find that there are significant inter-visibility issues between the communal corridor and lift lobby area towards the apartments closest to the 'elbow' of the proposal and with these triangular balconies. Therefore, we recommend that appropriate screening be provided to limit views to these apartments.
- We are supportive of the 4.5m setback provided at basement/ground level to the east boundary. It is considered that this setback will provide for necessary deep soil planting opportunities to the rear sensitive interface.
- It is noted that the ResCode Standard B17 building envelope (Clause 55.04-1) is not shown on all elevations and sections. In some cases, the envelope is incorrectly placed on the plans with the envelope extending beyond the boundary of the subject site.
- Furthermore, we are not supportive of the excessive mass and bulk the proposal presents to the eastern sensitive interface (NRZ). While the proposal provides some variation in the façade treatment, we consider that the form will be too dominant to these residential properties. The proposal should adopt a more recessive form and lessen its impact on this sensitive elevation.
- We note that the ceiling heights are not shown on the plans. We need this information to assess the amount of sunlight that habitable rooms will achieve.



extract from TP301 demonstrating non-compliance with ResCode Standard B17

Attachment 10 - External urban design advice



Massing and Overall Height

We are not supportive of the massing and overall height and make the following comments:

- We are supportive of the 3 storey streetwall height given that it is reflective of the built form found to the immediately north of the site. We note that the site adjoins a lower form to the south, however the proposal will appear as one level above this façade and we consider this to be appropriate.
- The overall built form should be reduced in height to an overall height of 6 storeys. This reduction in overall height will reduce the visual prominence of the upper form when experienced from within the St Georges Road corridor and make it a less dominant feature in the streetscape. Such a level reduction will also improve the amenity within the internal courtyard and assist with compliance with ResCode to the rear. This reduced dimensions of the upper level will therefore result in the removal of a storey to a maximum of 6 storeys. We consider this outcome to sit comfortably within the streetscape character whilst retaining its prominence at the entrance to the inner city from the north.
- The proposal presents significant built form mass and bulk of form to the eastern boundary, especially given its departure from ResCode Standard B17 building envelope. Given the sensitive nature of this rear interface and the fall in the land (down towards the creek corridor) we consider that the overall form should not encroach into the ResCode B17 envelope.
- We also consider that the current massing arrangement is too 'stepped' in its presentation. We therefore recommend that any revised massing should be less staggered in its arrangement.

Architectural Expression

We are generally supportive of the proposal in terms of architectural expression, however we provided the following comments:

- We are supportive of the streetwall proposition in terms of providing a strong base with high quality recessive upper levels. The rhythm of the façade is reflective of the fine grain built form found along this section of St Georges Road and is therefore supported.
- Given the continuous awning to the existing building and along St Georges Road, we recommend that a similar continuous awning is added to this proposal. This will offer weather protection to the public realm and continuity with the streetscape.
- We support the party walls to the north and south boundaries to the St Georges Road frontage, in particular with regards to equitable development opportunities for adjoining sites.
- In relation to the overshadowing, the proposal generally reduces the shadows on adjoining properties when compared to the existing building on site. We consider this to provide a reasonable level of amenity to the surrounding properties.

Attachment 10 - External urban design advice



Conclusion

While the proposal presents a well resolved presentation to St Georges Road in respect to streetwall profile, architectural expression and materials, we are **unsupportive** of the proposal and consider that **significant refinement is required** in order to achieve an appropriate development outcome for this site within the St Georges Road corridor. In summary we recommend that:

- The **proposal should be reduced in height to approximately 6 storeys;**
- The **proposed eastern elevation to be compliant with ResCode and present a less 'stepped' arrangement;**
- **Relocate the functional requirements** (substation, gas meter and fire booster) to consolidate adjoining the driveway, or alternatively shifted to the laneway and/or basement;
- Investigate **vehicle access via laneway** (seek opinion from Council's traffic engineer);
- Relocate bicycle storage facility closer to lift core and provision of visitor bicycle parking on St Georges Road;
- **Improve access to sunlight to inward facing dwellings** (G08, G07, 1.08, 1.07 and potentially 2.08 and 2.07);
- The **separation distance of the internal courtyard be increased;**
- **Increase the minimum width of the triangular balconies** (G08, 1.08, 2.08, 3.07 and 4.07);
- Provision of **screening of the communal corridor and lift lobby** to prevent inter-visibility issues; and
- Provision of a continuous **awning along the street frontage of St Georges Road.**

We will also require the following information to be provided with the application:

- Ceiling heights of the apartments; and
- Corrected ResCode Standard B17 building envelope on elevations.

Should you have any further enquiries, please don't hesitate to contact us on 9664 8844.

Yours faithfully,

urban design team

hansen partnership pty ltd

20 February 2017

Attachment 11 - VicRoads comments



Yarra City Council
PO Box 168
RICHMOND VIC 3121
Attention: Patrick Sutton

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

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

Parcels and Drawings to:
Private Bag 4000 Sunshine
Victoria 3020

vicroads.vic.gov.au

Dear Mr. Sutton,

PLANNING APPLICATION NO.: PLN16/0741
VICROADS REFERENCE NO: 22923/17
PROPERTY ADDRESS: 378 ST GEORGES ROAD, FITZROY NORTH

Section 55 – No objection subject to conditions

Thank you for the opportunity to provide further comments subsequent to our previous advice (copy attached) regarding vehicular access for the above address.

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

If Council regards the proposed development favourably, VicRoads require the following **revised conditions** be 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 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 TP201 through to TP207 dated 25 November 2016 but modified to show:*
 - i) *Relocation of all electrical poles at least 1m outside the alignment of the vehicular crossover.*
 - ii) *A convex mirror installed on the northern wall of the ramp, at the vehicle crossover, to aid sight lines between exiting vehicles and pedestrians.*
2. *The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the buildings and works.*
3. *All disused or redundant vehicle crossings must be removed to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the buildings and works.*

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. St Georges Road). Please contact VicRoads prior to commencing any works.



VicRoads ABN 61 760 960 460

Page 2

Attachment 11 - VicRoads comments

The level of the footpath must not be altered or lowered in any way to facilitate access to the site.

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

Yours sincerely

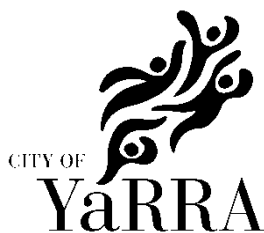


GILLIAN MENEGAS

Principal Planner - Statutory Planning Department (Central)

14 September 2017

Attachment 12 - Traffic Engineering Unit comments



MEMO

To: Patrick Sutton
From: Mark Pisani
Date: 3 February 2017
Subject: Application No: PLN16/0741
 Description: Mixed Use Development
 Site Address: 378-390 St Georges Road, Fitzroy North

I refer to the above Planning Application received on 29 December 2016 and the accompanying report prepared by GTA Consultants in relation to the proposed development at 378-390 St Georges Road, Fitzroy North. 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	17	1 space per dwelling	17	8
Two-bedroom dwelling	61	1 space per dwelling	61	61
Three-bedroom dwelling	1	2 spaces per dwelling	2	2
Residential visitors	79 Dwellings	1 space per 5 dwellings	15	0
Retail	224 m ² (3 tenancies)	4 spaces per 100 m ² of leasable floor area	8	3
Total			103 Spaces	74 Spaces

The development has a car parking shortfall of nine resident spaces, 15 residential visitor spaces and five spaces associated with the retail use.

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 12 - Traffic Engineering Unit comments

Car Parking Demand Assessment

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

- *Parking Demand for Dwellings.* Parking for the one-bedroom dwellings would be provided at a rate of 0.47 spaces per dwelling. GTA Consultants has sourced car ownership rates for the Fitzroy North area from the 2011 census conducted by the Australian Bureau of Statistics. For one-bedroom dwellings in Fitzroy North, some 38% of one-bedroom dwellings do not own a motor vehicle. The average car ownership for one-bedroom dwellings in Fitzroy North is 0.69 cars per dwelling. The proposed parking provision for the one-bedroom dwellings is lower than that of the average car ownership in Fitzroy North for this size of dwelling. Given that the site is very well serviced by public transport and is close to shops and businesses, we consider the parking provision for the one-bedroom dwellings to be appropriate.
- *Residential Visitor Parking Demand.* Peak parking for residential visitors generally occurs on weekday evenings and at weekends. An empirical peak residential visitor parking rate of 0.12 spaces per dwelling could be applied and has often been 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 nine spaces. During normal business hours, the visitor parking rate would be much less than the 0.12 spaces per dwelling. The daytime visitor parking would be around 30% of the peak residential visitor parking rate, which would result in a visitor parking demand of two to three spaces.

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

- *Parking Demand for the Retail Use.* A parking rate of 3.0 spaces per 100 square metres of retail floor area could be adopted as the premises is located along a commercial area/activity centre. Using this rate equates to a car parking demand of six spaces. Staff parking demands at retail premises would typically constitute around a third of a retail tenancy's parking demand (in this case, it would be two spaces). The customer car parking demand (four spaces) would be accommodated on-street – typical of most retail tenancies abutting a major road or activity centre. The provision of three staff spaces for the retail use is considered appropriate.
- *Availability of Public Transport in the Locality of the Land.* The site is within walking distance of tram services along St Georges Road. Bus services operate along Holden Street, just south of the site. Residents and occupants of the site can also access rail services from Merri railway station.
- *Convenience of Pedestrian and Cyclist Access.* The site is within walking distance of shops, businesses, supermarkets, essential facilities and amenities. The site also has good connectivity to the on-road bicycle network and the Capital City trail.

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.* No on-street parking occupancy surveys were conducted by the applicant. From our own observations and local knowledge, the surrounding area has a high demand for on-street car parking. Visitors to the development would be inclined to park along St Georges Road, Barkly Street, Clausen Street or nearby Bundara Street.
- *Relevant Local Policy or Incorporated Document.* The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of

Attachment 12 - Traffic Engineering Unit comments

on-site car parking (for the one-bedroom dwellings) would discourage private motor vehicle ownership and use.

- *Car Parking Deficiency associated with Existing Land Use.* The property had previously functioned as a shopfront commercial premises. Although the previous on-site parking is unknown, it is likely that customer/client car parking would have been accommodated on-street. Any car parking credit associated with the existing property could potentially be transferrable to the new development.
- *Other Relevant Considerations.* Occupants of the residential properties will not be eligible to apply for on-street resident and visitor parking permits.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking for the residential visitors and for the food and drink premises is considered appropriate in the context of the development and the surrounding area.

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

TRAFFIC GENERATION

For the residential dwellings, GTA Consultants have conservatively adopted a rate of 3.0 trips per dwelling per day (for dwellings that have been allocated on-site car parking). The peak hour traffic would be 10% of the daily residential traffic volume. The resulting residential traffic generation equates to 213 vehicle trips per day with 21 vehicle trips in each peak hour.

The retail staff spaces would generate 4.0 trips per space per day with 1.0 vehicle trips per space per peak hour. The staff parking spaces would generate 12 vehicle trips per day with 3 trips in each peak hour.

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. The resultant peak hour traffic volumes would 4 arrivals and 17 departures in the morning peak hour and 13 arrivals and 8 departures in the evening peak hour.

The volume of traffic generated by the site is not unduly high and should not adversely impact the operation of the surrounding roads.

Attachment 12 - Traffic Engineering Unit comments**DEVELOPMENT LAYOUT DESIGN****Layout Design Assessment**

Item	Assessment
Access Arrangements	
Vehicle Crossing	The design of the left-in/left-out vehicle crossing as shown on the <i>Ground Floor Plan</i> is unsatisfactory. The existing electrical pole and tram overhead cable pole must have minimum lateral clearances of 1.0 metre from the edges of the vehicle crossing. The poles would be vulnerable to being hit by turning vehicles. The proposed crossing will only be acceptable if the poles are relocated away from the crossing
Development Entrance	The ramped accessway at the development entrance has a wall-to-wall of 6.1 metres and satisfies <i>Design standard 1 – Accessways</i> of Clause 52.06-8 and the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Visibility Splay	The exit lane has not been provided with a visibility splay.
Headroom Clearance	A headroom clearance of at least 2.1 metres has been provided at the entrance and complies with <i>Design standard 1</i> .
Car Parking Modules	
Accessible Parking Space	The dimensions of the dedicated accessible car parking space satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009. The shared area has not been depicted on the drawings.
Vehicle Turning Movements into Accessible Parking Space	Vehicle swept path movements into this space have not been provided.
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 10 and satisfies <i>Design standard 3: Gradients</i> .
Accessway Ramp Grades	The grades and transition grades for the accessway ramp satisfy <i>Design standard 3</i> . The transition grade of 1 in 8 at the base of the ramp has not been dimensioned. The changes in grade also satisfy <i>Design standard 1</i> .
Mechanical Parking	
Mechanical Parking Devices	The car stackers to be used are the Klaus Trendvario 4300 shuffle type car stacker and the combination Trendvario with the Trendvario 4000 stacker. The model types to be selected should have useable platform widths of no less than 2.4 metres. The devices can accommodate car s of up to 5.2 metres.
Vehicle Turning Movements	The swept path diagrams provided by GTA Consultants for the B85 design vehicle indicate that vehicle turning movements into and out individual stacker platforms are considered satisfactory.
Vehicle Height Clearance	The devices can accommodate at 25% of spaces with vehicle height clearances of at least 1.8 metres as per <i>Design standard 4: Mechanical Parking</i> .

Attachment 12 - Traffic Engineering Unit comments**Design Items to be Addressed**

Item	Details
Vehicle Crossing	The electrical pole and the tram overhead cable pole must be relocated away from the development entrance. The crossing must satisfy Council's engineering requirements and VicRoads' geometric requirements.
Development Entrance – Vehicle Turning Movements	The applicant must provide swept path diagrams using the B99 design vehicle to demonstrate that cars can enter and exit the proposed development entrance via St Georges Road.
Visibility Splay	There is no objection to the installation of a convex mirror at the development entrance to assist exiting motorists viewing the footpath to the south of the site. The mirror must be installed within the property and not on the road reserve.
Transition Grade at Base of Ramp	Must be dimensioned on the drawings prior to endorsement.
Shared Area for Accessible Car Parking Space	The shared area adjacent to the dedicated accessible parking space must be line marked. It is noted that the irregular corner of the basement wall would be partially contained within the shared zone.

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.

ENGINEERING CONDITIONS

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

Civil Works

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's St Georges Road frontage 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.

Attachment 12 - Traffic Engineering Unit comments

Road Asset Protection

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

Right of Way adjacent to the Development

- Upon the completion of all building works and connections for underground utility services, the area/s of any damage caused development works and service trenches in relation to the development along the abutting Right of Way must be reconstructed full width to Council's satisfaction and at the Permit Holder's expense.

NON-PLANNING ADVICE FOR THE APPLICANT

Legal Point of Discharge

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

Protection of Basement

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

The developer needs to ensure that the basement car park and any portions of the development at or below natural surface level have a level of protection to minimise the seepage of subterranean water (groundwater) or any rainfall run-off from penetrating the walls or floors of the site.

The excavation for the basement would be to a depth of in excess of 6.0 metres and it is possible that groundwater would be encountered.

In the event that any 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.

Vehicle Crossing – Cross Sectional Drawing

The applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings) of the St Georges Road road profile (from the central tram reservation to the property line). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The existing road profile of St Georges Road and the ramp inside the property (for the first 2.0 metres) must be accurately drawn. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.

Attachment 12 - Traffic Engineering Unit comments

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 13 - Public Transport Victoria comments



File: FOL/17/2187
DOPT: 2017/0023
Your ref: PLN16/0741

Mr Patrick Sutton
Statutory Planning Department
Yarra City Council
PO Box 168
RICHMOND VIC 3121

Info@yarracity.vic.gov.au

PO Box 4724
Melbourne Victoria 3001
Australia
Telephone 1800 800 007
ptv.vic.gov.au
DX 210018

Dear Mr Sutton,

YARRA PLANNING PERMIT APPLICATION NO.: PLN16/0741

ADDRESS: 378-390 St Georges Road Fitzroy North

PROPOSAL: Development of the land for 79 new dwellings within a seven-storey building (plus a basement level) including three shop premises, variation of access in a road zone category 1, associated demolition works and reduction in car parking and loading bay requirements.

Thank you for your letter dated 3 January 2017 referring the above application to Public Transport Victoria pursuant to Section 55 of the Planning and Environment Act 1987. The correspondence was received on 4 January 2017.

As you may be aware, tram services operate along St Georges Road, directly in front of the site. Therefore, during the construction phase of the development, public transport infrastructure and services need to be protected to minimise damage or delays.

The plans and supporting documents have been reviewed in the context of the site and the surrounding area. PTV considers that the proposed access to the development is suitable given it restricts vehicle movements to left-in, left-out only, which will minimise delays to tram services.

Therefore, 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** being placed on any permit issued:

1. The permit holder must take all reasonable steps to ensure that disruption to tram operation along St Georges Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen days (14) prior.
2. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.
3. Prior to the occupation of the development, all works outlined on the endorsed plans restricting vehicle access/egress to left in/left out only, must be completed, with associated signage, to the satisfaction of the Public Transport Victoria at the full cost to the permit holder.

Attachment 13 - Public Transport Victoria comments

It is requested that a copy of Council's decision be forwarded to Public Transport Victoria at your earliest convenience.

Should you have any queries regarding the above, please contact Elana Savini on 8392 7989.

Yours sincerely



LINDSAY MCINTYRE
Senior Lawyer

07 / 07 / 2017

CC: Permit Applicant: mathew@messageconsultants.com

Attachment 14 - Open Space Unit comments



Memo

To: Patrick Sutton

Cc:

From: Carrie Lindsay

Date: 16/01/2017

Subject: PLN16/0741 – 378-390 St Georges Road, Fitzroy North

diverse

vibrant

exciting

inclusive

Dear Patrick,

Please find comments below in reference to the landscape plan prepared by John Patrick (dated December 2016) for the development at 378-390 St Georges Road, Fitzroy North.

Central Courtyard Space

- Provide details of the proposed raised planters, including irrigation, drainage and proposed growing media.
- Ensure shade tolerant species are proposed, as the shadow diagrams indicate significant overshadowing of this open space.
- The proposed *Pyrus calleryana* 'Capital' are a tall tree to be planted in only 1 meter depth growing media – consider anchoring, so that they remain upright.

Planting plan

- The *Ulmus parvifolia* 'Burnley Select' proposed for the private open space area is located too close to the property boundary with 1 Bundarra Street.

A planting plan is required showing:

- Details of raised planters, including planter box materials and dimensions, mulch layer, filter media, irrigation method, drainage system, root barrier / water proofing layer.
- Plant schedule indicating botanical and common names, quantities, pot size, mature height and spread of species proposed.
- Ensure shade tolerant species are proposed, as the shadow diagrams indicate the private open space areas are overshadowed for most of the day.

Street trees

The plans indicate that the existing street trees will be retained and protected, however since the existing building canopy is being removed there is opportunity for a more substantial street tree to be planted. The attached plan shows the removal of the existing street trees and the possible location of three *Tristaniopsis*

Attachment 14 - Open Space Unit comments

'Luscious" (Water Gum spp). Council contractors would carry out these works at the cost of the developer (approximately \$2,000).

Please let me know if you have any queries or require any further information.

Kind regards,

Carrie Lindsay
Coordinator Open Space Planning and Design

-
- 1.2 9-11 Peel Street, Collingwood - PLN10/1003.01 - Section 72 amendment to the permit and endorsed plans to allow the restaurant use at the first floor of the building (including associated sale and consumption of liquor); increase the number of patrons allowed on the premises from 90 to 140; modify the hours of operation of the restaurant (and for the associated sale and consumption of liquor); allow a reduction in the car parking requirement associated with the increase in patrons**
-

Executive Summary

Purpose

1. This report provides Council with an assessment of an application to amend planning permit PLN10/1003 and recommends approval subject to 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 32.04 – Mixed use zone;
 - (f) clause 52.06 – Car parking;
 - (g) Planning Scheme Amendment C209.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Use of land for a restaurant including the sale and consumption of liquor;
 - (b) Car parking and traffic; and
 - (c) Objector concerns.

Objector Concerns

4. Fourteen (14) objections were received to the application, these can be summarised as:
 - (a) Amenity impacts (music and patron noise, anti-social behaviour, rubbish, footpath obstructions);
 - (b) Impacts on traffic and car parking;
 - (c) Not an appropriate use for the site off Smith Street;
 - (d) Lack of sound attenuation.

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

1.2	9-11 Peel Street, Collingwood - PLN10/1003.01 - Section 72 amendment to the permit and endorsed plans to allow the restaurant use at the first floor of the building (including associated sale and consumption of liquor); increase the number of patrons allowed on the premises from 90 to 140; modify the hours of operation of the restaurant (and for the associated sale and consumption of liquor); allow a reduction in the car parking requirement associated with the increase in patrons
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Trim Record Number: D17/132361
 Responsible Officer: Coordinator Statutory Planning

Proposal:	9-11 Peel Street, Collingwood - PLN10/1003.01 - Section 72 amendment to the permit and endorsed plans to allow the restaurant use at the first floor of the building (including associated sale and consumption of liquor); increase the number of patrons allowed on the premises from 90 to 140; modify the hours of operation of the restaurant (and for the associated sale and consumption of liquor); allow a reduction in the car parking requirement associated with the increase in patrons
Existing use:	Restaurant (Lazer Pig Pizza Parlour) on ground floor only. First floor is currently used for accommodation (shared housing). Existing liquor licence 31822803 applies to the site.
Applicant:	The Umpire Strikes Back C/O On Tap Liquor Consulting
Zoning / Overlays:	Mixed Use Zone/Heritage Overlay (Schedule 318), Environmental Audit Overlay
Date of Application:	9 February 2017
Application Number:	PLN10/1003.01

Planning History

1. Planning Permit No. 991780 was issued on 23 June 2000 for *the use of the premise as a place of assembly (night club/bar)*, between 7am to midnight on Mondays, between 7am to 1am (the following day) on Tuesdays to Saturdays and between 10am and 1am (the following day) on Sundays.
2. An On-Premises Liquor Licence (Licence No. 31822803) which was originally obtained as part of the night club operation exists for the site, and is still valid. The licence contains the following conditions:
 - (a) 240 patron maximum capacity.
 - (b) Trading hours:
 - Sunday: 10.00am – 1.00am (the following morning)
 - Monday (not being Anzac Day): 7.00am – 12 midnight
 - Good Friday & Anzac Day: 12.00 noon -11.00pm
 - On any other day: 7.00am - 1.00am the following morning including the mornings of Good Friday & Anzac Day
 - (c) Special condition requiring no person other than the licensee or a member of the staff of the licensee shall be permitted to enter or remain in the back yard of the licensed premises.

The present use of the land currently operates under this liquor licence obtained from the Victorian Commission for Gambling and Liquor Regulation (VCGLR). While the liquor licence includes all internal areas of the existing building the use of the land for a restaurant requires

a planning permit and therefore the use for a restaurant, where liquor is sold and consumed, is restricted to the hours and areas as shown on Planning Permit PLN10/1003 and the endorsed plans.

3. Planning Permit Application No. 000224 for *use of the premise for a back packers lodge* was refused on 09 February 2001 as the application did not comply with the requirement of the Section 54 of the *Planning and Environment Act 1987* (further information request).
4. Planning Permit No. 000122 was issued on 12 August 2002 for *the painting of window mouldings and installation of external commercial signage*.
5. Planning Permit No. PLN10/1003 was issued on 21 December 2011 for the *use of the ground floor as a restaurant; buildings and works, and a waiver of the car parking requirement, and a reduction in the bicycle requirement of the Yarra Planning Scheme*. The permit requires no alcohol to be served prior to 11.00am on any day and allows the following hours of operation for the restaurant, as follows:
 - (a) Sunday – Wednesday 8.00am – 11.00pm
 - (b) Thursday 8.00am – 12 midnight
 - (c) Friday – Saturday 8.00am – 1.00am (the following day)
6. Planning Permit No. PLN13/1013 was issued on 26 May 2014 for the *development of the land for buildings and works (construction of a single-storey coolroom) associated with the existing ground floor restaurant*.
7. Planning Permit No. PLN14/0139 was issued on 1 May 2014 for the *development of the land for the construction and display of a business identification sign (internally illuminated)*.

Background

8. The application was received by Council on 9 February 2017. Following the submission of further information, the application was advertised and fourteen (14) objections were received.
9. In response to the objections received and concerns raised in the referral responses, a formal amendment pursuant to Section 57A of the *Planning and Environment Act 1987* **(the Act)** was made on 2 August 2017 to amend the overall patron numbers and restaurant hours.
10. The Section 57A amendment application now proposes the following:
 - (a) increase the number of patrons allowed on the premises from 90 to 140;
 - (b) increase the hours of operation of the restaurant from:
 - (i) Sunday: 10am – 12 Midnight;
 - (ii) Monday, Tuesday & Wednesday (Not being ANZAC Day): 9am – 11pm;
 - (iii) Thursday: 9am – 12 Midnight.
 - (iv) Friday & Saturday: 9am – 1am the following morning including Good Friday and ANZAC Day.
 - (v) Good Friday & Anzac Day: 12noon – 11 p.m.
 - (c) The application still proposes the following:
 - (i) increase the hours for the sale and consumption of liquor so it could commence at 9am rather than 11am.
 - (ii) allow a reduction in the car parking requirement associated with the increase in patrons.
11. A consultation meeting was held on 22 August 2017 and attended by the applicant, Council officers and six objectors. All objectors were notified by way of letter about the Section 57A amendment to the application prior to the consultation. During the meeting the applicant advised they were willing to provide a Noise, Amenity and Patron Management Plan and also

undertake an acoustic assessment of the premises to identify any noise sources/potential noise attenuation measures. It is understood the applicant is currently preparing these documents to be submitted to meet conditions of permit, if a permit were to issue.

12. Following receipt of the Section 57A Amendment the application was re-referred to Council's Social Planning unit.

Existing Conditions

Subject Site

13. The subject site is located on the southern side of Peel Street, at the eastern side of its intersection with Little Oxford Street in Collingwood. The site is rectangular in shape with a frontage to Peel Street of 12.55m, depth of 24.92m; yielding a total site area of approximately 313sqm. A Right-of-Way (ROW) abuts the site to the south.
14. Developed on site is a two storey Victorian-era building of heritage significance, formerly the Star Hotel. The building is constructed hard-edged to Peel Street and Little Oxford Street, with only a small courtyard located at the rear of the site. Currently there is a shipping container used as a coolroom located in the rear courtyard.
15. The venue currently benefits from a liquor licence (31822803) that allows patron numbers, hours, and licensed area beyond that approved under the current planning permit. As per the planning permit, the venue 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 also a condition stating that liquor cannot be served prior to 11am on any day.
16. The first floor is currently used for accommodation (shared housing), with access via an external stair from the rear courtyard. The basement is used for storage purposes associated with the restaurant and considered to be ancillary to the use of the land for a restaurant.

Surrounding Land

17. The subject site is located in an area of mixed uses including a vast array of commercial and entertainment uses on Smith Street, which is 70 metres to the west of the site. The Smith Street Activity Centre serves multiple roles for local residents, whilst attracting visitors from a larger catchment. The commercial nature of the precinct extends into Peel Street to the east, with a mix of commercial and residential uses.
18. 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.
19. The immediate surrounds are as follows:

North

20. Directly opposite the site to the north, 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.

21. To the north-west of the site on the opposing corner of Peel and Little Oxford Streets, 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.
22. 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 No. 114 Smith Street.
23. 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

24. To the east of the site 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. Each residence appears to have a small area of secluded private open space located at the rear of the properties, abutting the Right of Way.
25. 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.

West

26. To the west of the subject site is Little Oxford Street. A two storey commercial building is located on the opposite side of Little Oxford Street and fronts on to Peel Street. On this corner of Little Oxford and Peel Streets is a café use, a Notice of Decision to Grant a Planning Permit for the *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)* was issued on 24 August 2017. A retail premises used for a bicycle shop (Tokyo Bike), is located in the same building as the café but further west.
27. 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 the 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.

South

28. Abutting the subject site to the south is a one-way Right-of-Way, accessed from Oxford Street. Beyond this is a modern two storey office building at No. 65-71 Oxford Street. Entries appear to be possible from both the Oxford Street and Little Oxford Street frontage.
29. To the south of these buildings at No. 61-62 Oxford Street is a double storey building that is used for an office. The office is sited to the Oxford Street boundary with a large area of open space to the rear, interfacing with Little Oxford Street.

30. Opposite No. 65-71 Oxford Street, on the west side of Little Oxford Street, are three, three-storey townhouses built to all boundaries that are associated with the larger overall site at 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.
31. 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.

Licensed Premises

32. 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. 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.
 - (c) 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.
 - (d) A Notice of Decision to Grant a Planning Permit was issued on 24 August 2017 in respect to No. 7 Peel Street. The Notice of Decision is in respect to a 15 patron café/tavern trading until 1am Friday and Saturday, 12pm on Thursdays and 11pm every other day. This venue is located in the Commercial 1 Zone, approximately 10 metres to the west of the site.



Figure 1: Site and surrounds

The Proposal

33. The application to amend planning permit PLN10/1003 seeks to amend the permit and endorsed plans to:
- (a) allow the restaurant use (and sale and consumption of liquor by association) to include the first floor (205sqm) of the building;
 - (b) increase the number of patrons allowed on the premises from 90 to 140;
 - (c) modify the hours of operation of the restaurant and for the sale and consumption of liquor,
 - (d) FROM:
 - (i) Sunday: Wednesday 8am – 11pm;
 - (ii) Thursday: 8am – 12 midnight;
 - (iii) Friday: Saturday 8am – 1am the following morning.
 - (e) TO:
 - (i) Sunday: 10am – 12 Midnight;
 - (ii) Monday, Tuesday & Wednesday (Not being ANZAC Day): 9am – 11pm;
 - (iii) Thursday: 9am – 12 Midnight.
 - (iv) Friday & Saturday: 9am – 1am the following morning including Good Friday and ANZAC Day.
 - (v) Good Friday & Anzac Day: 12noon – 11 p.m.
 - (f) allow a reduction in the car parking requirement associated with the increase in patrons.

Legislation Provisions

34. *The amendment has been requested pursuant to Section 72 of the Planning and Environment Act 1987 (the Act). Section 72 of the Act states:*
- (1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
 - (2) This section does not apply to—*
 - (a) a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
 - (b) a permit issued under Division 6.*
35. Planning Permit PLN10/1003 was issued on 21 December 2011 and was not issued at the direction of the Tribunal or under Division 6 of the Act.
36. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.

Planning Scheme Provisions

Zoning

Mixed Use Zone

37. Pursuant to clause 32.01-2 of the Yarra Planning Scheme (**the Scheme**) the use of the site as a 'restaurant' (nested within 'food and drinks premises') is not a section 1, permit not required use, as the leasable floor area exceeds 150 square metres. Therefore the extension

of the use to include the first floor (205sqm) requires a permit. The ground floor of the restaurant has already received planning permission.

Overlays

Heritage Overlay – Schedule 318

38. The application does not propose any buildings and works and therefore the provisions of this overlay are not triggered.

Environmental Audit Overlay

39. 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

40. Pursuant to clause 52.06-2, before the floor area of an existing use is increased 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).
41. The table at Clause 52.06-5 specifies the number of car spaces required. The table states that a restaurant use generates a requirement for 0.4 car space per patron. Accordingly, 20 car parking spaces for the increase of 50 patrons are required.
42. The use previously required a reduction of 54 car parking spaces for 90 patrons. This is due to the restaurant rate at the time of the previous approval requiring 0.6 spaces per patron (the current rate being 0.4 spaces per patron).
43. Having regard to the above and with no on-site car parking provided, a planning permit is required for full reduction of the car parking requirements associated with the increase in patrons.

Clause 52.27 – Licensed premises

44. A permit is not required for the proposed amendment in accordance with the requirements of clause 52.27. A permit is not required to use land to sell or consume liquor if the following apply:
- (a) *The area that liquor is allowed to be consumed or supplied under a licence is to be increased.*
 - (b) *To a variation that reduces the hours of trading allowed under a licence.*
 - (c) *To a variation that reduces the number of patrons allowed under a licence.*
45. The venue currently benefits from a liquor licence (31822803) that allows patron numbers, hours, and licensed area beyond that approved under the current planning permit. Therefore a variation to the licence is not required as part of the planning permit amendment application.
46. The liquor licence allows a maximum 240 patrons whilst the planning permit restricts the restaurant to allowing 90 patrons only. The liquor licence includes all internal areas of the building whilst presently the planning permit restricts the restaurant to the ground floor only. The liquor licence allows closing hours of 1am (the following day) on all days but Monday, when the closing time is 12 midnight. The planning permit presently restricts the restaurant to

operate until 11pm Sunday to Wednesday, 12pm on Thursdays and 1am on Fridays and Saturdays.

Clause 52.34 – Bicycle Facilities

47. Pursuant to clause 52.34-1, before the floor area of an existing use is increased the number of bicycle parking spaces required under Clause 52.34-4 must be provided.
48. For a restaurant the requirement is 1 space to each 100sqm of floor area available to the public for employees, and 2 spaces plus 1 to each 200sqm of floor area available to the public if the floor area available to the public exceeds 400sqm.
49. Clause 52.34-1 states that *where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.*
50. With regard to the above, the extension of the restaurant use to include the first floor (205sqm) requires two employee spaces and two visitor spaces. No reduction has been sought and only three spaces are shown within the rear courtyard. It may form a condition of permit that four spaces be provided to ensure the provisions of clause 52.34 are met.

General Provisions

Clause 65 – Decision Guidelines

51. 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)

52. Clause 13.04-1 (Noise abatement) objective is:
 - (a) *To assist the control of noise effects on sensitive land uses.*
53. 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)

54. 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'.*
55. 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)

56. 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.*

Local Planning Policy Framework (LPPF)

Clause 21.03 – Vision

57. The following is offered in this clause:

In the City of Yarra in 2020:

Land Use

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

Clause 21.04-3 – Industry, office and commercial

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

Clause 21.08-5 Neighbourhoods (Collingwood)

59. 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.*

60. Within Figure 13 of Clause 21.08-5, the subject site is identified as being in proximity to the Smith Street Major Activity Centre.

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

61. 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.

62. 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

63. 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.

64. 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.*

65. 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]

66. 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

67. 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.

68. An independent planning panel, appointed by the Minister for Planning (**Minister**) considered the amendment in June 2012 and recommended that it be abandoned.

69. 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

70. 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.

71. Relevant to this application the policy:
 - (a) 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.
 - (b) Policy regarding cumulative impacts is now provided.
72. The policy has recently been heard before a planning panel in April of this year. The panel report has been publically released and Council has adopted the amendment resulting in the amendment being a “seriously entertained” document. The amendment will now be submitted to the Minister for Planning for review and final approval.

Advertising

73. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987 (the Act)* by way of 441 letters sent to the surrounding property owners/occupiers and by two signs (one to each of the frontages to Peel and Little Oxford Streets).
74. Fourteen objections were received to the application, these can be summarised as:
 - (a) Amenity impacts (music and patron noise, anti-social behaviour, rubbish, footpath obstructions);
 - (b) Impacts on traffic and car parking;
 - (c) Not an appropriate use for the site off Smith Street;
 - (d) Lack of sound attenuation.
75. Following the submission of amended plans pursuant to Section 57A of the Act on 2 August 2017, the application was not re-advertised under the provisions of Section 57B of the Act as the amendments were granted a discretionary exemption at Council's Development Assessment Panel meeting held on 28 July 2017. It was considered that the proposed changes would not cause increased detriment to any persons as the amendments made reduced the intensity of the proposed use.
76. It is noted all objector parties were made aware of the formal amendments made to the application by way of letters provided in conjunction with the consultation invitation.

Referrals

77. External Referrals

- (a) None.

78. Internal Referrals

- (a) Community Amenity Unit (based on original proposal);
- (b) Social Planning Unit (based on amended proposal);
- (c) Engineering Unit (based on original proposal).

79. Referral comments are attachments to this report.

OFFICER ASSESSMENT

80. In assessing this application, the primary planning considerations are:
 - (a) Use of land for a restaurant including the sale and consumption of liquor;
 - (b) Car parking and traffic; and
 - (c) Objector concerns.

Use of the land for a restaurant including the sale and consumption of liquor

81. The sale and consumption of liquor from the first floor does not require a planning permit as the provisions of clause 52.27 (Licensed premises) are not triggered because the area that liquor is allowed to be consumed or supplied in under the existing liquor licence (controlled by the VCGLR) will not be increased, nor will the trading hours or patron numbers. As previously discussed the existing liquor licence allows trading hours, patron numbers and a licenced area beyond what the restaurant use allows.
82. With regard to this it is noted that in this instance the use of the land for a restaurant is intrinsically associated with the sale and consumption of liquor. Any increase in patron numbers, hours of operation and extent of the use as shown on any planning permit or endorsed plans will essentially result in changes to the operation of the sale and consumption of liquor from the venue.
83. To evaluate the appropriateness of the amendment in terms of a licensed restaurant use, clause 22.05 (Interface Uses Policy) and clause 22.09 (Licensed Premises Policy) contain the relevant policy guidelines.

Location and access

84. The proposed amendments are generally considered to be consistent with relevant provisions of the State and Local Planning Policy Frameworks in relation to economic development, and will not impact on the orderly planning of the area in regards to the location and access of the venue. The hours of operation and patron numbers will be discussed in more detail later in this report.
85. The State and Local Planning Policy Frameworks encourage the sustainability of commercial uses. These policies seek 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, provided that a balance is achieved in relation to off-site amenity impacts.
86. The previous decision regarding the use of the ground floor found that the strategic land use policy contained within the Scheme, particularly within the Mixed Use Zone (MUZ), supported the use of the land for a restaurant. In particular, the MUZ encourages a range of residential, commercial, industrial and other uses with complement the mixed use function of the area.
87. The site is 70m to the east of Smith Street, opposite land included in the Smith Street Major Activity Centre and within proximity to Gertrude Street, Johnston Street and the major thoroughfares of Victoria Parade and Hoddle Street. Whilst on the periphery of the Activity Centre, the location of the site ensures that the commercial use has good access to a range of services, infrastructure and public transport.
88. The application concerns the extension of the use to include the first floor (liquor licence already in place with the VCGLR) due to the proposed increase in patron numbers. The proposed increase in use is not out of keeping with surrounding uses in the area.
89. There are a number of licensed premises within the immediate area, including within the Mixed Use Zone to the east. The licensed premises include the Grace Darling Hotel, 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.

90. Council notes the three sites to the east are residential. The current uses directly opposite the subject site within the MUZ to the north and north-west and Commercial 1 Zone to the west 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 a café where a recent NOD has been issued for a tavern use including the sale and consumption of liquor.
91. This maintains support for the extension of the use to include the first floor at this location. It is also noted that Council's Draft Licenced Premises Policy (Amendment C209) acknowledges that the MUZ has a strategic role to play in allowing a range of land uses, specifying that licenced premises be located such that they are not located in Residential zones, with the exception of the MUZ.
92. The entrance to the premises will continue to be from the corner of Peel and Little Oxford Streets. Due to the nature of the use, as a restaurant, 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 with appropriate practices in place. This will be discussed later in this report in regards to a Noise and Amenity Action Plan.
93. 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 60 metres of the premises. Additionally, a park is located across the road.
94. The site is in a location that is home to a range of commercial uses, interspersed with residential uses. It is noted that the closest residential properties to the subject site is its immediate neighbour to the east, and further to the south-east (approximately 15 metres away). It is considered that the location of the restaurant, with regard to the proposed inclusion of the first floor in the operation, is acceptable so long as the intensification does not result in unreasonable off-site amenity impacts to surrounding land. This will be discussed further later in this report.
95. Council's Social Planning Unit have reviewed the revised proposal and advised the overall patron numbers and revised hours are considered more appropriate with regard to the surrounding context of the site. The Social Planning Unit recommended the applicant consider an 11pm closing time for Sunday, rather than the 12 midnight closing time proposed, but did not reject the application on this basis. The hours of operation will be discussed in greater detail later in this report.
96. It is noted that the plans submitted with the application include a basement plan. The basement is currently, and proposed to be, used for storage purposes only and is considered to be ancillary to the use of the land as a restaurant. The Section 57A Amendment removed the red line from the basement area. As the restaurant is not proposed to be used by patrons it can form a condition of permit that the basement plan be annotated to state it is to be used for storage purposes only to ensure greater certainty to the future use of the basement.
97. It is considered that the extension of the restaurant use to include the first floor and area for the service and consumption of liquor as a result, is appropriate, based on the factors outlined above. The proposal is generally compliant with Council's vision and neighbourhood strategies in that the proposal will provide ready access to a use that serves the needs of the local community and will not prejudice the needs of the surrounding activity centres, as identified in Clauses 21.03 and 21.08 of the Scheme.

Hours of Operation

98. The application seeks to modify the current hours for the restaurant use to cover both the ground and proposed first floor. The modified hours are as follows:

	Existing Hours	Proposed Hours	Change to hours
Monday	8am to 11pm	9am to 11pm	1 hour reduction in AM
Tuesday	8am to 11pm	9am to 11pm	1 hour reduction in AM
Wednesday	8am to 11pm	9am to 11pm	1 hour reduction in AM
Thursday	8am to 12 midnight	9am to 12 midnight	1 hour reduction in AM
Friday	8am to 1am (the following day)	9.00am to 1am (the following day)	1 hour reduction in AM
Saturday	8am to 1am (the following day)	9.00am to 1am (the following day)	1 hour reduction in AM
Sunday	8am to 11pm	10am to 12 midnight	2 hour reduction in AM 1 hour extension in PM

99. In addition to the above, the application seeks to delete Condition 4 to allow the service of alcohol from 9am, in lieu of 11am.
100. Both Council's Community Amenity Unit and Social Planning Unit have raised no concern with the modification of Condition 4 to allow the service of alcohol from 9am. It is considered appropriate to delete the condition so that the hours for the service of liquor are restricted to the proposed operating hours of the restaurant, from 9AM Monday to Saturday and from 10AM on Sundays.
101. The reduction in hours in the morning is also considered acceptable and will not have any impact on the amenity of the surrounding area.
102. Current and proposed licenced premises policy in accordance with clause 22.09 and Council's Draft Licenced Premises Policy (Amendment C209) specify a closing time for the sale and consumption of liquor of 11pm and 10pm respectively for venues in the Mixed Use Zone. The extension of the restaurant hours until 12 midnight on Sundays (liquor licence allows for 1am) therefore requires demonstration that the amenity of the area would not be adversely affected (this is also discussed further under the headings of Noise and Noise and Amenity Action Plan). The hours are considered appropriate given the location of the site in proximity to the Smith Street Major Activity Centre and due to the fact that the windows of the first floor are all oriented to face land in the MUZ used for commercial purposes, or, land located within the Commercial 1 Zone where amenity expectations are significantly lower than what would be expected for land within other residential zones.
103. All activity is wholly contained within the building, with the exception of the ingress and egress of patrons from Peel Street and smokers using the outdoor ash tray. It is noted the ash tray (affixed to the Peel Street façade) was approved as part of the original application and is sited toward Little Oxford Street, closer to the Commercial 1 Zoned properties, to ensure an adequate buffer between the smoking receptacle and residential properties is provided.
104. A Noise and Amenity Action Plan (NAAP) may be required by way of permit condition to ensure that details of patron management on site, and those exiting the site, are provided for in a document that is enforceable. The site currently does not operate with a NAAP and the implementation of one would be an improvement to the accountability of the venue in regards to noise and amenity concerns. With regard to this it is considered patrons would have limited opportunity to cause undue detriment to the surrounding properties, particularly, the residential properties located to the immediate east and south due to the nature of the restaurant use associated primarily with the service of food and proposal contained within the existing building.
105. If a permit were to issue Condition 7 is recommended to be updated to reflect the modified hours applied for.

Patron Numbers

106. A maximum of 140 patrons is proposed, an additional 50 patrons on top of the approved 90 patrons . 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 well in excess of the patrons proposed (238 patrons).
107. The application is for a restaurant use, and as such the focus is on the consumption of food and not alcohol. It is noted that 140 seats are proposed across the ground and first floor resulting in all patrons being able to be seated. This is well in excess of the requirement to provide seating to at least 75% of patrons, which would be required had the Applicant applied for a Café and Restaurant Liquor Licence (and not continued use of their existing On-Premises Licence).
108. Council's Social Planning Unit requested that the proportion of seating be enforced via a condition on any planning permit issued to ensure that a high percentage of seating is retained in the restaurant. It is considered that as the submitted plans show 140 seats Condition 2 and 3 of the existing permit would require the applicant to amend the plans to provide less seating if they were to provide less.
109. Council's Community Amenity Unit commented that no complaints have been received against the operation of the site since 30 June 2016, indicating that previous complaints received in 2014, 2015 and 2016 have been addressed.
110. Given the increase in the number of patrons is by 50 only and additional floor area is being provided with adequate seating, it is considered that the additional patrons will be manageable on site and not adversely affect the amenity of the surrounding area. If a permit were to issue, Condition 14 should be amended to reflect the increased patron numbers.

Noise

111. Council's Social Planning Unit raised concerns with an on-premises licence type which may allow the venue to play recorded music or have live music at levels higher than background level outside of ordinary trading hours, due to the location of the site in the Mixed Use Zone.
112. It is noted the planning permit already restricts music to be at background level only, Condition 17 states that *no amplified music may be played, with the exception of background music, to the satisfaction of the Responsible Authority*. This condition removes any ambiguity from the type and level of music allowed on site.
113. Condition 6 of the planning permit requires the following:

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.*

114. 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. The condition would apply to the first floor if an amended permit were to issue.

115. Condition 18 requires compliance with 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).
116. No acoustic report was required as part of the application due to the first floor of the venue being fully enclosed without any outdoor seating. During the consultation forum the applicant advised that they would be willing to undertake an acoustic assessment to identify any potential noise sources and noise attenuation measures that could be installed to mitigate issues of noise.
117. With regard to the above the following could form a condition of permit:

Before the commencement of the use of the first floor, increase in patron numbers and modified hours of operation, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:

- (a) Patron and music noise from the use of the first floor for a restaurant and impact to surrounding residential properties.*
- (b) Amelioration measures to manage these noise impacts if required.*

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

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

118. It is noted that Council's Community Amenity Unit recommended that no background music be played after 12.30am. This would only apply to the use of the land on Friday and Saturday nights when the use is open past 12.30am. The operating hours of the venue until 1am on Fridays and Saturdays was considered in the initial approval and were deemed to be acceptable.
119. The proposed condition outlined above requiring an acoustic report to be submitted has the ability to assess the noise emanating from the first floor, including from 12.30am onwards. With this condition in place it is considered that any noise from 12.30am would be assessed as part of the overall report and any amelioration measures to manage noise impacts (including background music) will be implemented, if required. It is unnecessary to condition background music to stop after 12.30am on Fridays and Saturdays as the proposal, subject to conditions, will satisfactorily ensure the first floor use will not be detrimental to the surrounding residential amenity.
120. With the above conditions in mind it is considered that the proposal provides an adequate response to the Mixed Use Zone, adjoining residential land uses and proximity to a Major Activity Centre.
- Noise and Amenity Action Plan*
121. Clause 22.09-3.6 notes that all licenced premises should comply with a detailed Noise and Amenity Action Plan (NAAP). As part of this application a NAAP has not been submitted, this accords with Council's Draft Licenced Premises Policy (Amendment C209), where the requirement for a NAAP does not apply to a permit application for a restaurant due to the low impact nature of the use.

122. During the consultation forum the applicant advised they would be willing to provide a Noise, Amenity and Patron Management Plan to alleviate concerns raised in regards to patron management and offsite amenity issues. Whilst not strictly required it can form a condition of permit that a detailed NAAP (considered to provide the same information as a Noise, Amenity and Patron Management Plan) be provided to address these issues.
123. A NAAP is considered to be satisfactory in mitigating negative anti-social behaviours associated with the venue. The NAAP, if endorsed, becomes a legal document that can be enforced if the use operates outside of the parameters stated within the NAAP. The current use has not been operating with a NAAP in place. A NAAP will create certainty with the operation of the venue including key aspects that could impact on the surrounds including waste management and complaints handling.
124. 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. The following conditions are recommended should an amended permit be issued:

Before the commencement of the use of the first floor, increase in patron numbers and modified hours of operation, a Noise and Amenity Action Plan must be submitted to and approved by the Responsible Authority. When approved, the Noise and Amenity Action Plan will be endorsed and will form part of this permit. The Noise and Amenity Action Plan must include, but not be limited to, those matters outlined at Clause 22.09-4.3 of the Yarra Planning Scheme.

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

125. It is noted existing permit Condition 16 requires:

Patrons must be advised to take account the needs of local residents for peace and quiet after 10.00pm on any day, by displaying a prominent notice on all exits, and menus with words to the effect of "Please respect our neighbours and leave the area quietly", to the satisfaction of the Responsible Authority.

126. This will remain on the planning permit.
127. In addition to these measures, 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.
128. The venue currently has a licenced footpath trading area along the Peel Street frontage. The approval of this trading area is not part of the planning process and governed by Council's Community Amenity Unit. It is noted that Council's Footpath Trading Policy requires a minimum width between the building and trading area be provided to ensure a walkway is clear and free of obstructions for pedestrians. This is the responsibility of Council's Community Amenity Unit to enforce and ensure all footpath trading areas provide the appropriate clearances. Nevertheless, these considerations fall outside of the planning permit process which deals only with liquor licencing within Title boundaries.
129. Council's General Local Law governs matters relating to noise, obstructions and littering of public land and it is considered unreasonable for the subject premises to govern these matters in relation to the Peel Street park.
130. Regarding waste management, permit condition 11 required a waste management plan to be submitted prior to the commencement of the ground floor restaurant use. This has not been

submitted and remains outstanding. A condition 1 requirement can require the waste management plan be provided with any amended plans.

131. Based on the above, the proposed restaurant use extending to the first floor is considered appropriate without causing unreasonable amenity impacts on the surrounding neighbourhood.

Cumulative impact

132. An additional application requirement contained within Council's Draft Licensed Premises Policy (Amendment C209) and not covered above is the cumulative impact of existing licensed premises and the proposed amendments to the use, and associated sale and consumption of liquor, on the amenity of the surrounding area. It is acknowledged that the mix of licensed premises in an area can influence potential cumulative impacts.
133. 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.
134. 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.
135. 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

136. 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 amendments to the venue achieve a maximum score of 4 on Friday and Saturday and a score of 3 on Sundays to Thursdays thus would be a venue of potential risk, Fridays to Saturdays and as such, a cumulative impact assessment is warranted.
137. 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*
138. 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

139. 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.*
140. A survey of licenced premises within a 500m radius of the subject site conducted by the applicant revealed that there were 107 licenced premises in existence including the subject site. 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. Of these 55, 2 operate with a BYO licence, 9 with a General Licence, 5 with a Late Night (General) Licence, 7 with a Late Night (On-Premises) Licence, 17 with an On-Premises Licence and 15 with a restaurant and Café Licence.
141. The proposed extension of the floor area, increase in patron numbers and modification of operating hours associated with a licensed restaurant use is considered appropriate within an area where hotel and tavern style venues with a capacity of over 100 patrons dominates after 11pm. As previously outlined, the Grace Darling Hotel (300 patrons) and the Peel Hotel (540 patrons) effectively “bookend” Peel Street. With closing hours of 1AM on Friday and Saturday (Grace Darling Hotel) and 24 hour trading (Peel Hotel) the restaurant use will offer variation in night time venues. This is considered to be a positive cumulative impact, where groups or couples can congregate at the subject venue with a primary focus on food, away from larger venues that have a focus on vertical drinking.
142. The option to disperse to a larger venue with later closing hours is available to patrons of the restaurant. In addition to the Grace Darling and Peel Hotel’s there are other numerous venues predominately located in Smith Street, and others in the surroundings including Le Bon Ton in Gipps Street, that are open on Fridays and Saturdays past 1am.
143. 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

144. 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.
145. As previously outlined, the licensed premises which operate beyond 1am are predominately located along the Smith Street spine. 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 (other than local residences who may visit the restaurant).
146. 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.
147. Based on the location of the subject site within proximity to an activity centre, the use of the land for a food focus, rather than a drinking focus, and the likely dispersal routes to be used, it is not considered that the extension of the use to include the first floor and increase in patron numbers will create unreasonable additional impacts within the surrounding area.

Impact mitigation

148. To ensure a venue is managed appropriately, and as discussed previously, it can form a condition of permit that a Noise and Amenity Action Plan be submitted for endorsement purposes to ensure negative anti-social behaviours associated with the venue at mitigated.

Car parking and traffic

149. The proposed increase in patron numbers to 140 from 90 would result in an additional statutory car parking requirement of 20 car parking spaces. With no car parking provided on site the applicant seeks a waiver of the additional car parking requirements.
150. 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

151. The Applicant provided a traffic report prepared by Apex Engineers who carried out a car parking availability survey within a 400m radius (5 minute walking catchment) of the subject site. The survey was undertaken on a Saturday during the hours of 7pm and 10pm which is considered to represent anticipated peak parking demand for the venue being a restaurant use.
152. At any one time a minimum of 79 car parking spaces was recorded to be present in the immediate vicinity. This data demonstrates that there is adequate short stay car parking available within the immediate vicinity to absorb the reduction of car parking sought.
153. In addition to the above findings, Council's Engineering Services Unit commented that it would be highly likely that the premises would attract visitors already in the area engaged in other activities and business and also residents from the surrounding area. Smith Street is an established Activity Centre where a range of restaurants, bars, taverns and other entertainment venues operate.

154. The Engineering Unit also confirmed that based on empirical data collected over time in the area, typically licensed venues 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 ten spaces would be generated, in lieu of 20.
155. 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.
156. 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. 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 provision of no car parking is typical of a commercial precinct.
157. 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, residents and visitors and is close to public transport, thereby limiting pressure on existing parking resources.

The availability and proximity of alternative transport options

158. 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.
159. In proximity to the subject site is various bus services along Johnston Street and Victoria Parade, a 750metre/9 minute or 500metre/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.
160. 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.
161. As previously outlined empirical data demonstrates that a licenced venue 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.
162. Given the site's location in proximity to 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.
163. Council's Engineering Unit commented that the site has excellent exposure to high pedestrian numbers and the anticipated patrons of the restaurant would either be pedestrians or patrons who would have parked in the area to also engage in other business and activities.
164. The proposed use is required to provide bicycle parking in accordance with the Scheme as no reduction has been applied for. The original approval granted a waiver of the bicycle parking requirements for the ground floor. The proposal to extend the use to the first floor will require an additional four bicycle parking spaces. Three bicycle spaces are shown to be in the rear courtyard area. It may form a condition of permit that four bicycle parks be provided to ensure compliance with the requirements of clause 52.34.

165. It is noted that the plan does not show the existing coolroom located in the rear courtyard. It may form a condition of permit that the ground floor plan be updated to show the coolroom to ensure that access to both the bicycle racks and coolroom do not conflict with each other.
166. 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.).
167. Given the location of the subject site, alternative transport options are an attractive means of transport.

Objector Concerns

Amenity impacts (music and patron noise, anti-social behaviour, rubbish, footpath obstructions).

168. This concern has been discussed at paragraphs 98 – 131 and 144 – 147 of this report.

Impacts on traffic and car parking;

169. This concern has been discussed at paragraphs 149 - 167 of this report.

Not an appropriate use for the site off Smith Street;

170. This concern has been discussed at paragraphs 84 - 97 of this report.

Lack of sound attenuation.

171. This concern has been discussed at paragraphs 111 - 131 of this report.

Conclusion

172. 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 an Amended Planning Permit PLN10/1003 be issued to allow the sale and consumption of liquor and restaurant use at the first floor of the building; increase the number of patrons allowed on the premises from 90 to 140; modify the hours of operation of the restaurant and for the sale and consumption of liquor; allow a reduction in the car parking requirement associated with the increase in patrons, at 9-11 Peel Street, Collingwood, in accordance with the decision plans and subject to the following conditions:

Conditions (amended or new conditions in bold)

1. **Before the commencement of the use of the first floor, increase in patron numbers and modified hours of operation, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:**
 - (a) **Four bicycle spaces in the rear courtyard area.**
 - (b) **An annotation on the basement plan indicating it will be used for storage only.**

(c) The location of the existing coolroom in accordance with the endorsed plans to planning permit PLN13/1013.

(d) A Waste Management Plan in accordance with the requirements of Condition 11.

Endorsed plans

2. All uses must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Use

4. **Deleted.**
5. The use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by way of emission of noise or other nuisances, to the satisfaction of the Responsible Authority.
6. The amenity of the area must not be detrimentally affected by the use 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.

Hours of operation

7. **Unless with the prior written consent of the Responsible Authority, the restaurant use may only occur during the following hours:**
 - (a) **Sunday: 10am – 12 Midnight;**
 - (b) **Monday, Tuesday & Wednesday: 9am – 11pm;**
 - (c) **Thursday: 9am – 12 Midnight;**
 - (d) **Friday & Saturday: 9am – 1am the following morning.**
8. Unless with the prior written consent of the Responsible Authority, the courtyard located to the east of the building must not be used after 10.00pm on any day, and its entry must also remain closed.
9. No person other than staff of the restaurant shall be permitted to enter or remain in the back yard of the premises.
10. Unless with the prior written consent of the Responsible Authority, the courtyard located at the rear of the building must not be used by staff after 10.00pm on any day, and its entry must also remain closed.

Waste management

11. Prior to the commencement of the use, the Permit holder must submit (in consultation with Council) a waste management plan. The plan must be to the satisfaction of the Responsible

Authority. Once to the satisfaction of the Responsible Authority, the waste management plan will be approved and must be complied with.

12. Rubbish, including bottles and packaging material, must at all times be screened from external view (except for when collection is to occur the following morning).
13. No emptying of bottles (glass) into garbage bins is permitted after 10.00 pm on any night, or before 8.00 am on any day.

Patron numbers

14. **No more than 140 patrons may be on the premises at any one time, unless with the prior written consent of the Responsible Authority.**

Staff numbers

15. No more than 10 staff may be on the premises at any one time, without the prior written consent of the Responsible Authority.

Patron management

16. Patrons must be advised to take account the needs of local residents for peace and quiet after 10.00pm on any day, by displaying a prominent notice on all exits, and menus with words to the effect of "Please respect our neighbours and leave the area quietly", to the satisfaction of the Responsible Authority.

Amenity

17. No amplified music may be played, with the exception of background music, to the satisfaction of the Responsible Authority.
18. Management of the restaurant must ensure that the level of noise emitted from the premises must not exceed:
 - (a) the permissible noise level from mechanical equipment as specified in the State Environment Protection Policy N-1 Control of Noise Industrial, Commercial and Trade Premises within the Melbourne Metropolitan area; and
 - (b) the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N2.
19. **Before the commencement of the use of the first floor, increase in patron numbers and modified hours of operation, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:**
 - (c) **Patron and music noise from the use of the first floor for a restaurant and impact to surrounding residential properties.**
 - (d) **Amelioration measures to manage these noise impacts if required.**

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

20. **The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**
21. **Before the commencement of the use of the first floor, increase in patron numbers and modified hours of operation, a Noise and Amenity Action Plan must be submitted to and approved by the Responsible Authority. When approved, the Noise and Amenity Action Plan will be endorsed and will form part of this permit. The Noise and Amenity Action Plan must include, but not be limited to, those matters outlined at Clause 22.09-4.3 of the Yarra Planning Scheme.**
22. **The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

Deliveries

23. All delivery and collection of goods associated with the business must be conducted between 8.00 am and 6.00 pm Monday to Friday.

Expiry

24. **This permit will expire if the use of the first floor, increase in patron numbers and modified hours of operation are not commenced within two (2) years from the date of the amended permit.**

The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within 3 months afterwards.

NOTE: These premises will be required to comply with the *Health Act* 1958. No Fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5166.

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

NOTE: **All future property owners, business owners and employees within the use approved under this permit will not be permitted to obtain employee or visitor parking permits.**

CONTACT OFFICER: Michelle King
TITLE: Senior Statutory Planner
TEL: 9205 5333

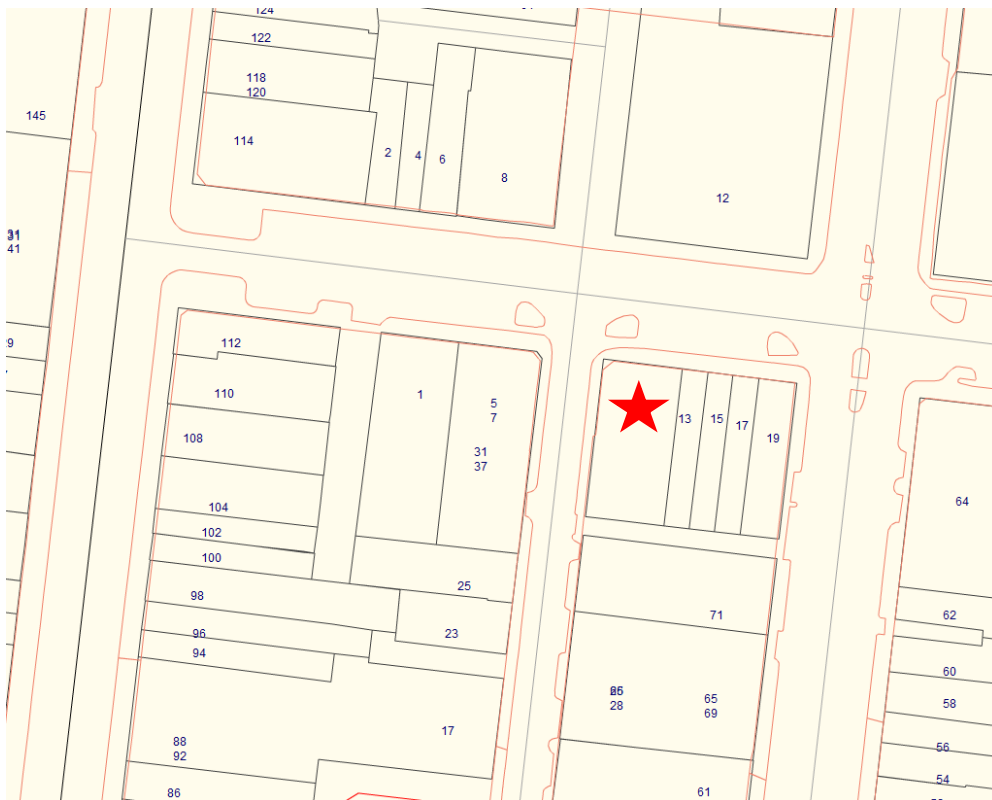
Attachments

- 1 PLN10/1003.01 - 9-11 Peel Street, Collingwood - Site Plan
- 2 PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Plans
- 3 PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission
- 4 PLN10/1003.01 - 9-11 Peel Street Collingwood - Social Planning Comments (S57A)
- 5 PLN10/1003.01 - 9 - 11 Peel Street Collingwood - Engineering comments
- 6 PLN10/1003.01 - 9-11 Peel Street Collingwood - Community Amenity Unit Comments

Attachment 1 - PLN10/1003.01 - 9-11 Peel Street, Collingwood - Site Plan

ATTACHMENT 1

SUBJECT LAND: 9-11 Peel Street, Collingwood



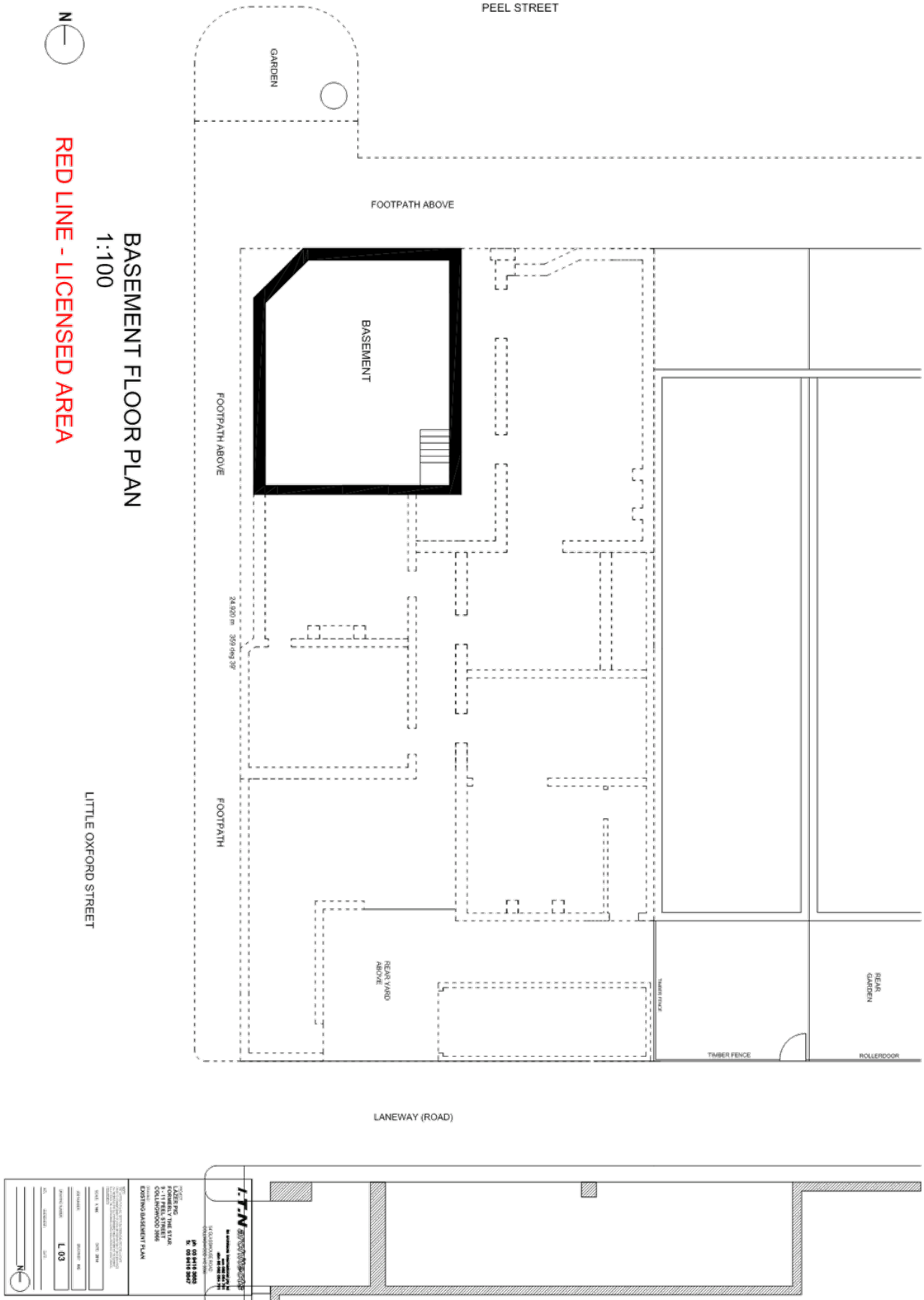
Attachment 1 - PLN10/1003.01 - 9-11 Peel Street, Collingwood - Site Plan

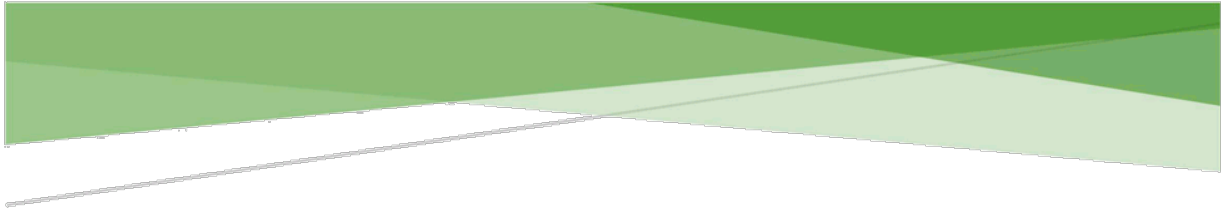
 **Subject Site**





Attachment 2 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Plans





SUBMISSION; PLANNING PERMIT APPLICATION

9-11 Peel Street Collingwood

Abstract

A detailed written submission and assessment relevant to the planning permit application for the proposed liquor licence arrangements at 9-11 Peel Street Collingwood

Our reference: 3977645
On Tap Liquor Pty Ltd
PO Box 7
Ballan, Vic, 3342
(03) 5368 1881

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enquiries@ontapliquor.com.au

Submission; Planning Permit Application

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9-11 Peel Street Collingwood

Contents

Table of Figures.....	4
Introduction.....	5
Executive Summary.....	5
Project Outline:.....	5
Background.....	6
Supporting Documents.....	7
Subject Site.....	8
Address:.....	8
Street Address:.....	8
Title Details.....	8
Land Description.....	8
Registered Proprietor.....	9
Encumbrances, Caveats & Notices.....	9
Diagram Location.....	9
Activity in The Last 125 Days.....	9
Locality.....	9
Venue size.....	9
Site Context.....	10
The Proposal.....	12
Specific Permit Amendments Sought.....	12
Amend the permit preamble.....	12
Remove Condition 4.....	12
Amend Condition 7.....	12
Amend Condition 14.....	12
Amend the endorsed plans.....	12
Type of Liquor Licence.....	14
Day to Day Venue Operation.....	14
Venue Capacity and Seating Arrangements.....	15
Capacity.....	15
Standard Seating Arrangements.....	15

Page 1

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission**Submission; Planning Permit Application**

□□□

Staffing	15
Maximum Staff Numbers.....	15
Staff Training.....	16
Waste Management.....	16
Planning Policy Context.....	17
The Site.....	17
The Zone	17
Overlays.....	17
Car Parking.....	18
Municipal Strategic Statement.....	18
21.02.....	18
21.03.....	18
21.04.....	19
21.08.....	20
Local Planning Policies	22
22.09.....	22
Permit Triggers.....	23
Clause 52.06.....	23
Clause 52.27	24
Assessment	25
Cumulative Impact:.....	26
100 Metre Radius:	26
500 Metre Radius:	27
Amenity.....	32
Noise.....	32
Hours of Operation.....	32
Compatibility with Surrounding Land Uses	33
Safety and Health.....	33
Extent of Planning Considerations	33
Cumulative Impact.....	34
Assessment.....	34
Transport and dispersal.....	34
Road Access	34
Car Parking	35
Access to Public Transport.....	35

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission**Submission; Planning Permit Application**

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Assessment.....	35
Impact mitigation	35
In House Mitigation Measures.....	35
Local Laws.....	35
Other Legislation	35
Assessment.....	36
Conclusion	36
Car Parking Demand Assessment.....	37
Car Parking Provision Requirements.....	37
Public Transport Assessment	37
Trains:	37
Bus:	37
Nightrider Bus:	38
Taxi & Uber:	38
Active Transport Assessment.....	39
Walkability & Transit Rating	39
Travel Time Maps.....	42
Additional Active Transport Considerations.....	43
Appropriateness of Providing Fewer Spaces than the Likely Parking Demand.....	43
Adequacy of Car Parking.....	45
Additional Parking Reduction Measures.....	45
Other Considerations:	45
Conclusion	47

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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Table of Figures

Figure 1 - Map view of locality.....	8
Figure 2 - Street view	8
Figure 3 - Satellite view of locality	10
Figure 4 - Site Context.....	10
Figure 5 - Planning Image.....	11
Figure 6 - Existing Endorsed Plans	13
Figure 7 - Proposed Ground Floor Red Line Plan.....	14
Figure 8 - Proposed First Floor Red Line Plan.....	14
Figure 9 - Property Zone.....	17
Figure 10 - Strategic Framework Plan.....	19
Figure 11 - Neighbourhood Map – Collingwood.....	22
Figure 12 - Licenses within 100 metres	26
Figure 13 - Licenses within 500 metres	27
Figure 14 – Public Transport Network.....	37
Figure 15 – Walkability Rating.....	39
Figure 16 - Transit Score	40
Figure 17 - Walkscore Methodology	41
Figure 18 – Walking Map (20 minute radius).....	42
Figure 19 - Bicycle Map (20 minute radius).....	42
Figure 20 – Nearby Amenities.....	43
Figure 21 - Go Get Car Share	44
Figure 22 - FlexiCar Car Share.....	44
Figure 23 – Car Ownership Rates.....	46

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission**Submission; Planning Permit Application**

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Introduction**Executive Summary**

This document provides a detailed written assessment of the proposed amended and updated liquor licensing arrangements at 9-11 Peel Street Collingwood, taking into account the decision guidelines of Clause 52.27 of the relevant Planning Scheme. The analysis concludes that the proposed amendments to the current licensing arrangements will not unreasonably impact the surrounding area due to its appropriate site and proximity to other existing liquor outlets.

Project Outline:***Site:***

<i>Address:</i>	9-11 Peel Street, Collingwood
<i>Property Description:</i>	Lot 1 on Title Plan 821336Y
<i>Title Restrictions:</i>	None affecting proposal
<i>Property Size:</i>	312 square metres (approx.)
<i>LGA:</i>	City of Yarra
<i>Current Use:</i>	Licensed Restaurant (90 patrons)
<i>Property Owners:</i>	Annie Mulga Venture Pty Ltd of Level 1, 54 Hartley Street Alice Springs

Planning Scheme:

<i>Relevant Planning Scheme:</i>	Yarra Planning Scheme
<i>Property Zone:</i>	Mixed Use Zone
<i>Property Overlays:</i>	Environmental Audit Overlay Heritage Overlay

Application Overview:

<i>Client:</i>	The Umpire Strikes Back Pty Ltd
<i>Proposal:</i>	Amendment of conditions of existing planning permit (PLN10/1003)
<i>File Reference:</i>	3977645
<i>Responsible Consultant:</i>	James Robson
<i>Responsible Consultant</i>	5368 1881
<i>Contact:</i>	apps@ontapliquor.com.au

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission**Submission; Planning Permit Application**

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Background

The venue subject to this report is an existing food and drink (restaurant) premises located within the Collingwood business precinct. Planning permission is sought from the responsible authority, the City of Yarra, to allow for some amendments to be made to the existing planning permit number PLN10/1003. The venue currently operates under an existing liquor licence. The conditions associated with that liquor licence are as follows:

TYPE OF LICENCE

This licence is an on-premises licence and authorises the licensee to supply liquor on the licensed premises for consumption on the licensed premises during the trading hours specified below.

AMENITY

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

The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No.N-2.

MAXIMUM CAPACITIES

240 Patrons.

SPECIAL CONDITIONS

No person other than the licensee or a member of the staff of the licensee shall be permitted to enter or remain in the back yard of the licensed premises.

TRADING HOURS

Sunday Between 10 a.m. and 1 a.m. the following morning.

Monday (not being Anzac Day) Between 7 a.m. and 12 midnight.

Good Friday & Anzac Day Between 12 noon and 11 p.m.

On any other day Between 7 a.m. and 1 a.m. the following morning including the mornings of Good Friday & Anzac Day

APPROVALS/CONSENTS

Section 9(1)(b)/9A(1)(b)/11A(3)(b) Footpath/External area. The licensee is authorised to supply liquor on premises, other than the licensed premises, authorised by the Victorian Commission for Gambling and Liquor Regulation and shown on the approved plan during the hours specified below for consumption on those premises.

On any day Between 12 noon and 11pm

It is unclear as to why the conditions between the planning permit and liquor licence differ so greatly. On Tap Liquor Consulting have been engaged by the venue proprietor to assist with the planning permit application process relevant to obtaining the appropriate planning permissions associated with the proposal. The proposed operation of the venue has been reviewed, in conjunction with the surrounding land use and mix, to ascertain the appropriate licensing arrangements and to ensure the long term viability of the venue. It is our submission

Page 6

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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that the proposal is appropriate on the subject site, taking into account an extensive review of the site and surrounding area and detailed within this submission

Supporting Documents

The following supporting documents form part of this application:

1. Floor plans
2. Full property title (less than 3 months old)
3. Planning Property Report

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

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Subject Site

Address:

Street Address:

The address of the venue is 9-11 Peel Street Collingwood, which is on the southern side of Peel Street

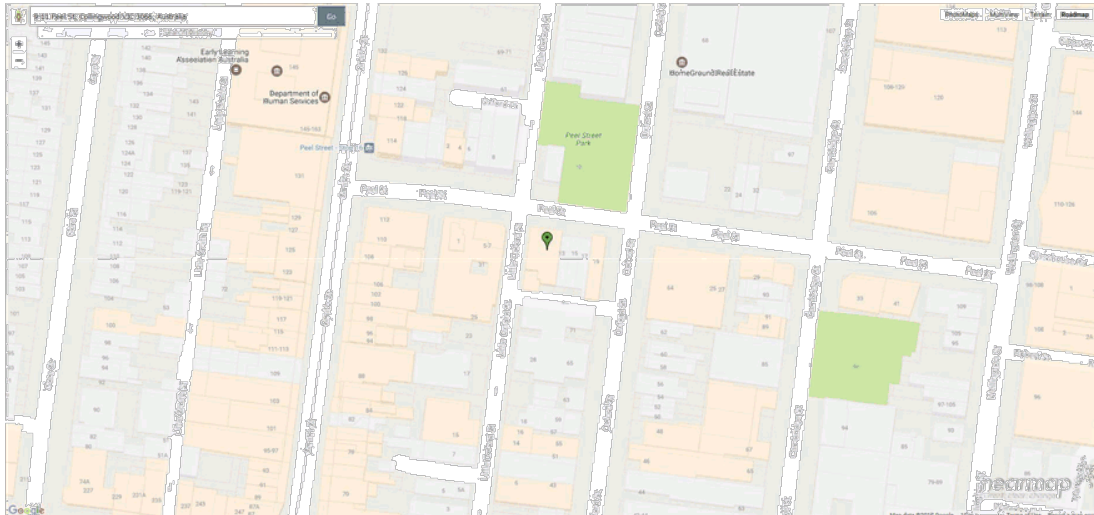


FIGURE 1 - MAP VIEW OF LOCALITY

The site currently consists of a fully operational restaurant on the ground floor, with accommodation facilities on the first floor.



FIGURE 2 - STREET VIEW

Title Details

Land Description

Lot 1 on Title Plan 821336Y (formerly known as part of Portion 52 Parish of Jika Jika).

Project ID: 3977645 Venue Address: 9-11 Peel Street, Collingwood

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Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

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Created by Application No. 023960 06/06/1973

Registered Proprietor

Estate Fee Simple

Sole Proprietor

Annie Mulga Venture Pty Ltd of Level 1 54 Hartley Street Alice Springs NT, 0870, AF654832N 15/02/2008

Encumbrances, Caveats & Notices

Mortgage AF858163U 21/05/2008 - National Australia Bank Ltd

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under diagram location below.

Diagram Location

See TP821336Y For Further Details and Boundaries

Activity in The Last 125 Days

NIL

A recent copy of the title is attached to this application for your reference.

Locality

The subject site is known as 9-11 Peel Street Collingwood and is located on the southern side of Peel Street at the corner of Little Oxford Street. The area contains a mix of land uses including, but not limited to, entertainment, residential and commercial. The venue is currently utilised as a 90 seat licensed restaurant.

Venue size

The size of the subject property is approximately 312 square metres

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

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Site Context

The subject site is a rough rectangular shape and has a main street frontage to Peel Street. This street frontage is approximately 12 metres in length.



FIGURE 3 - SATELLITE VIEW OF LOCALITY

The surrounding land use is a mix of commercial venues. Peel Street runs east/west directly to the north of the property, whilst Little Oxford Street abuts the western boundary and runs north south.

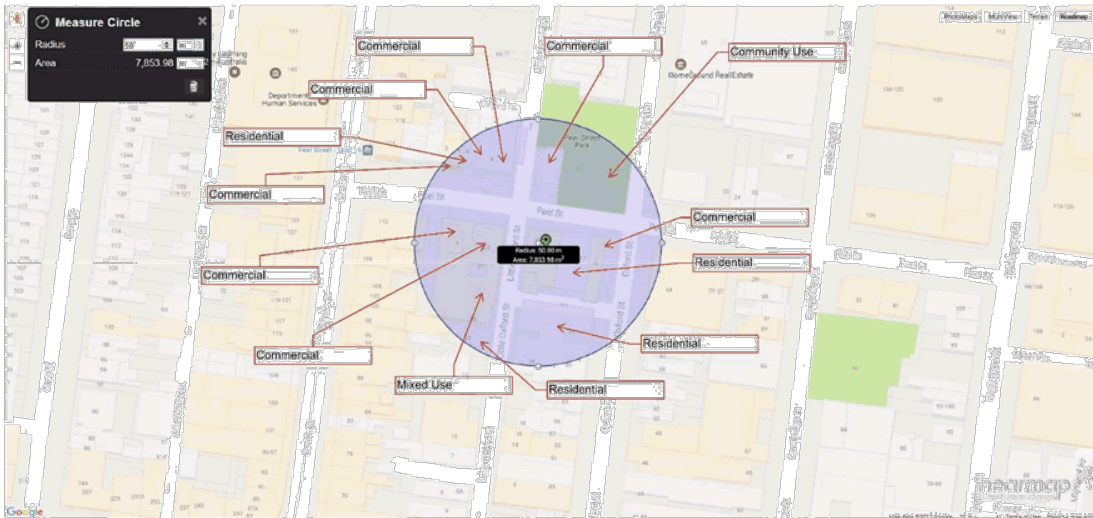


FIGURE 4 - SITE CONTEXT

<i>Abutting Properties:</i>	
<i>Address:</i>	<i>Current Use:</i>
13 Peel Street, Collingwood	Residential

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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Existing levels of amenity in the surrounding area is consistent with mixed use, commercially focused area. As the area is directly adjacent to a major activity centre, levels of activity are generally high, and are expected to increase with further development within the surrounding space. Impacts from traffic noise, and other amenity concerns, will likely continue to be well managed within the local area.

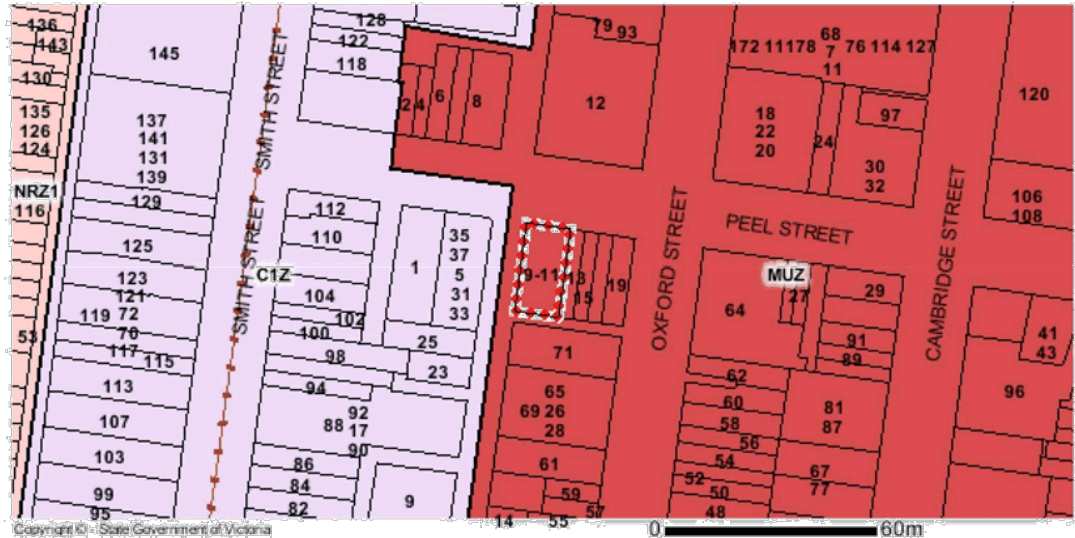


FIGURE 5 - PLANNING IMAGE

There are a number of sensitive uses nearby, including residentially utilised properties and 'Peel Street Park'. It is not expected that the proposed planning permit amendments will affect these nearby sensitive uses. The nearest residentially zoned land is some 140 metres west.

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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The Proposal

This applicant proposes to amend the existing planning permit in place at the venue as per the following.

Specific Permit Amendments Sought

The following provides the specific amendments sought to the planning permit:

Amend the permit preamble

The preamble currently reads *'Use of the ground floor as a restaurant; buildings and works, and a waiver of the car parking requirement, and a reduction in the bicycle requirements of the Yarra Planning Scheme'*

As the venue operator is proposing to amend the red line plan attached to the permit to include the first floor of the venue, it is proposed that the preamble be amended to read *'Use of the ground and first floor as a restaurant; buildings and works, and a waiver of the car parking requirement, and a reduction in the bicycle requirements of the Yarra Planning Scheme'*

The ongoing operation of the business is not expected to drastically change, the operator is merely wishing to extend the venues ability to trade into the first-floor area.

Remove Condition 4

Condition 4 on the current permit reads *'No liquor may be served from the premises before 11am on any day'*. It is proposed to remove this condition in order to allow for the sale and consumption of liquor from 9am.

Amend Condition 7

The applicant proposes that the permitted trading hours on the planning permit be amended to read as follows:

Sunday	Between 10 a.m. and 12 Midnight.
Monday, Tuesday & Wednesday	Between 9 a.m. and 11pm. (Not being ANZAC Day)
Thursday	Between 9 a.m. and 12 Midnight.
Friday & Saturday	Between 9 a.m. and 1 a.m. the following morning including Good Friday and ANZAC Day.
Good Friday & Anzac Day	Between 12 noon and 11 p.m.

Amend Condition 14

The applicant seeks to increase the number of patrons permitted within the premises given the proposed extension of the red line plan into the first floor. A building surveyor report has been obtained suggesting that the building can cater for 238 patrons, however the applicant proposes a maximum patron capacity of 140 patrons.

Amend the endorsed plans

As indicated, the operator wishes to extend the venue to within the first-floor area. As such, the proposed red line plan will need to be updated.

Page12

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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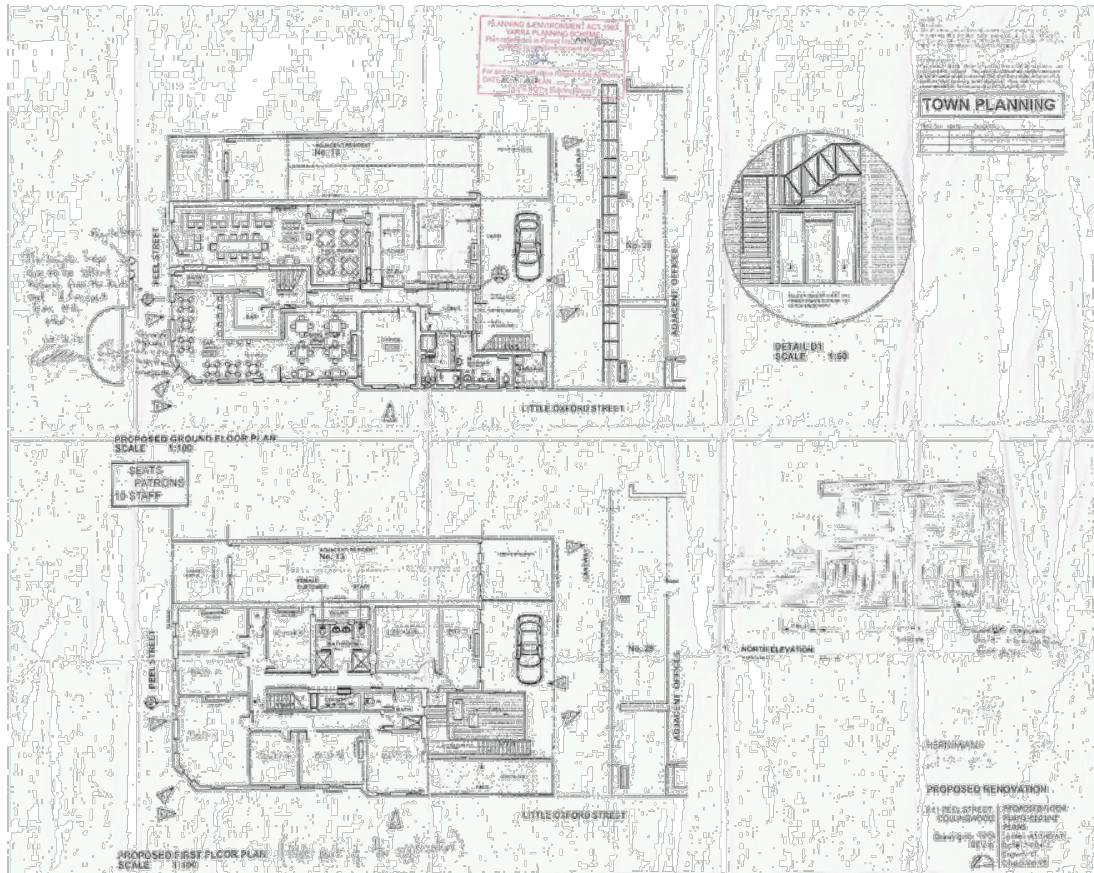


FIGURE 6 - EXISTING ENDORSED PLANS

When designing the 'red line' area, consideration has been given to the proposed ongoing operation of the venue. It has been designed with the view that it covers areas to suit the needs of the business but is manageable from a compliance perspective. The proposed updated red line plan covers both the ground floor and first floor.

Submission; Planning Permit Application

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FIGURE 7 - PROPOSED GROUND FLOOR RED LINE PLAN

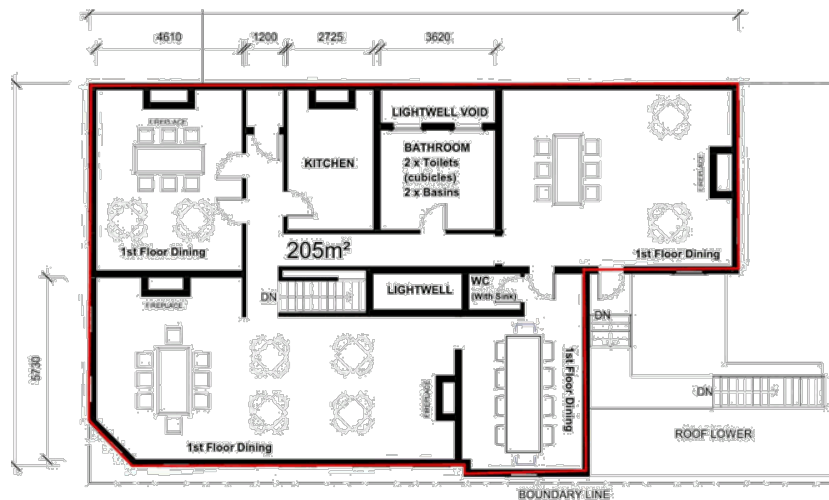


FIGURE 8 - PROPOSED FIRST FLOOR RED LINE PLAN

Please refer to the attached scale plans for further information.

Type of Liquor Licence

The existing category of liquor licence (On Premise) is not being amended under this proposal.

Day to Day Venue Operation

It is not proposed that the day to day operation of the venue will change as a result of this proposal

Submission; Planning Permit Application

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Venue Capacity and Seating Arrangements

Capacity

The applicant proposes a maximum patron capacity of 140. A building surveyor report has been obtained which supports this proposed number.

Standard Seating Arrangements

The following figure shows the 'every day' seating layout, although this is subject to change depending on the need at the time.

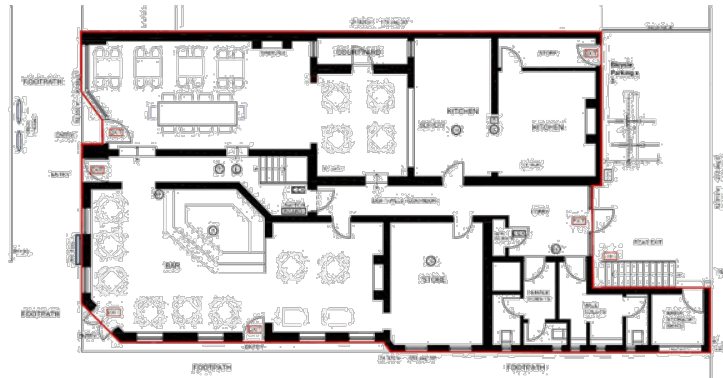


FIGURE 9 - PROPOSED GROUND FLOOR PLAN

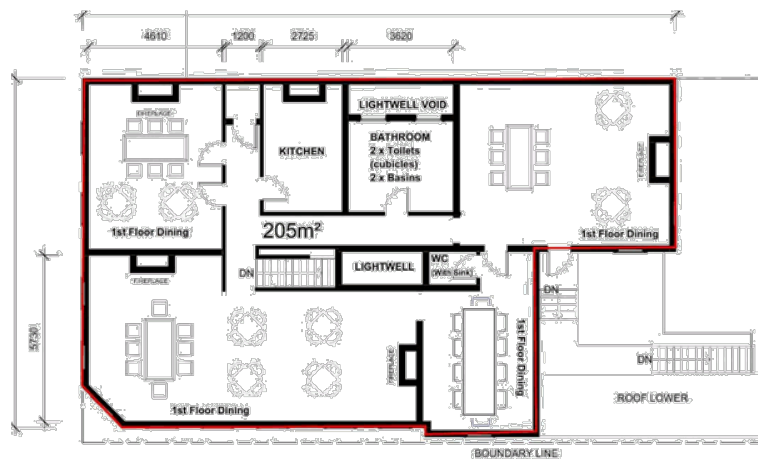


FIGURE 10 - PROPOSED FIRST FLOOR PLAN

Staffing

Maximum Staff Numbers

The maximum number of staff at the premises at any given time is not permitted to exceed 10 under the current planning permit. It is not expected to exceed that number as a result of this proposal.

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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Staff Training

To ensure full compliance with the provisions of the Liquor Control Reform Act 1998 (the Act), the licensee will ensure that the Responsible Service of Alcohol (RSA) provisions of the Act are adhered to with all staff involved with the sale/supply of liquor to be over the age of 18 and RSA trained. An appropriate RSA training register will also be maintained as required by the Act. Staff will also be subject to an appropriate staff induction program upon commencement.

Waste Management

Waste management arrangements at the venue are not expected to be altered as a result of this proposal.

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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Planning Policy Context

The Site

The subject premises is located within an established commercially focused Mixed Use zone, with good access to roads, shops, public transport and other services:

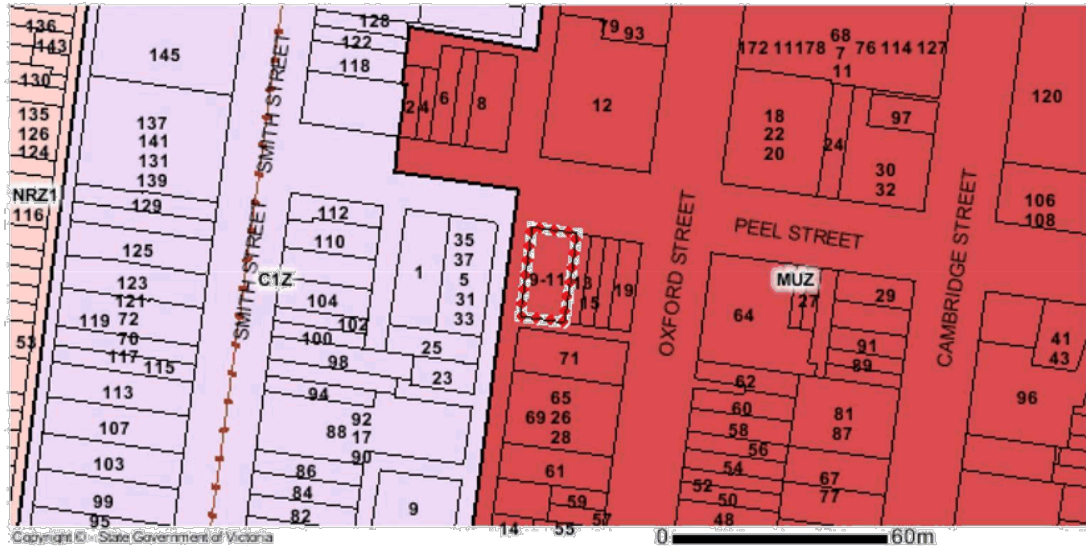


FIGURE 11 - PROPERTY ZONE

The Zone

The subject property is zoned Mixed Use Zone (MUZ)

The purpose of this zone is:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

To provide for housing at higher densities.

To encourage development that responds to the existing or preferred neighbourhood character of the area.

To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Overlays

The following overlays are relevant to the site, however have no effect on this proposal;

1. Environmental Audit Overlay (EAO)
2. Heritage Overlay (HO)

Project ID: 3977645 Venue Address: 9-11 Peel Street, Collingwood

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Car Parking

The venue currently has car parking dispensation associated with 90 patrons. Additional car parking waiver is being sought as part of this application and this report includes a car parking demand assessment commencing at page 36.

Municipal Strategic Statement

The Municipal Strategic Statement provides an overview of the mission, goals, objectives and strategies of the responsible authority in relation to managing land use and change. Of particular importance to this proposal are the following:

21.02

Clause 21.02 sets out the profile of the City of Yarra and suggests that some 4,500 businesses operate within Yarra, employing about 55,000 people, reflecting a significant local economy that has transformed itself from its historical industrial base to a sophisticated business and service economy. Yarra has also become a preferred location for many smaller and medium sized businesses, particularly those in computer technology, marketing and design. This trend is expected to continue.

Activity centres

Yarra's vibrant Major Activity Centres, being the retail strip centres of Brunswick, Smith, Victoria and Swan Streets and Bridge Road, are a powerful economic engine for the municipality, and in varying degrees draw on tourists and destination shoppers from overseas, interstate and country Victoria as well as Greater Melbourne.

These activity centres are a vital part of Yarra's culture and continue to evolve. The past two decades has seen a virtual reinstatement of their regional service role, a function which they had commanded through the late nineteenth and early twentieth century prior to the car based suburbanisation of Melbourne. However this regional role is no longer driven by mainstream retail operations. Rather it is driven by the aggregation of niche offerings in fashion, hospitality, entertainment, and homewares. Yarra's activity centres rely on their regional function with a high proportion of retail turnover coming from outside the municipality. Yarra also has a range of Neighbourhood Activity Centres which play an important local role.

It is noted that the subject venue is not located on Smith Street, however it is situated directly adjacent to that major activity centre.

21.03

Clause 21.03 sets out the Vision for the City of Yarra. Parts of this clause relevant to this application are:

- ☐ Yarra will have increased opportunities for employment.
- ☐ The complex land use mix characteristic of the inner City will provide for a range of activities to meet the needs of the community.
- ☐ Yarra's exciting retail strip shopping centres will provide for the needs of the local residents, and attract people from across Melbourne.

The subject premises is located directly adjacent to a major activity centre (Smith Street):

Page 18

Submission; Planning Permit Application

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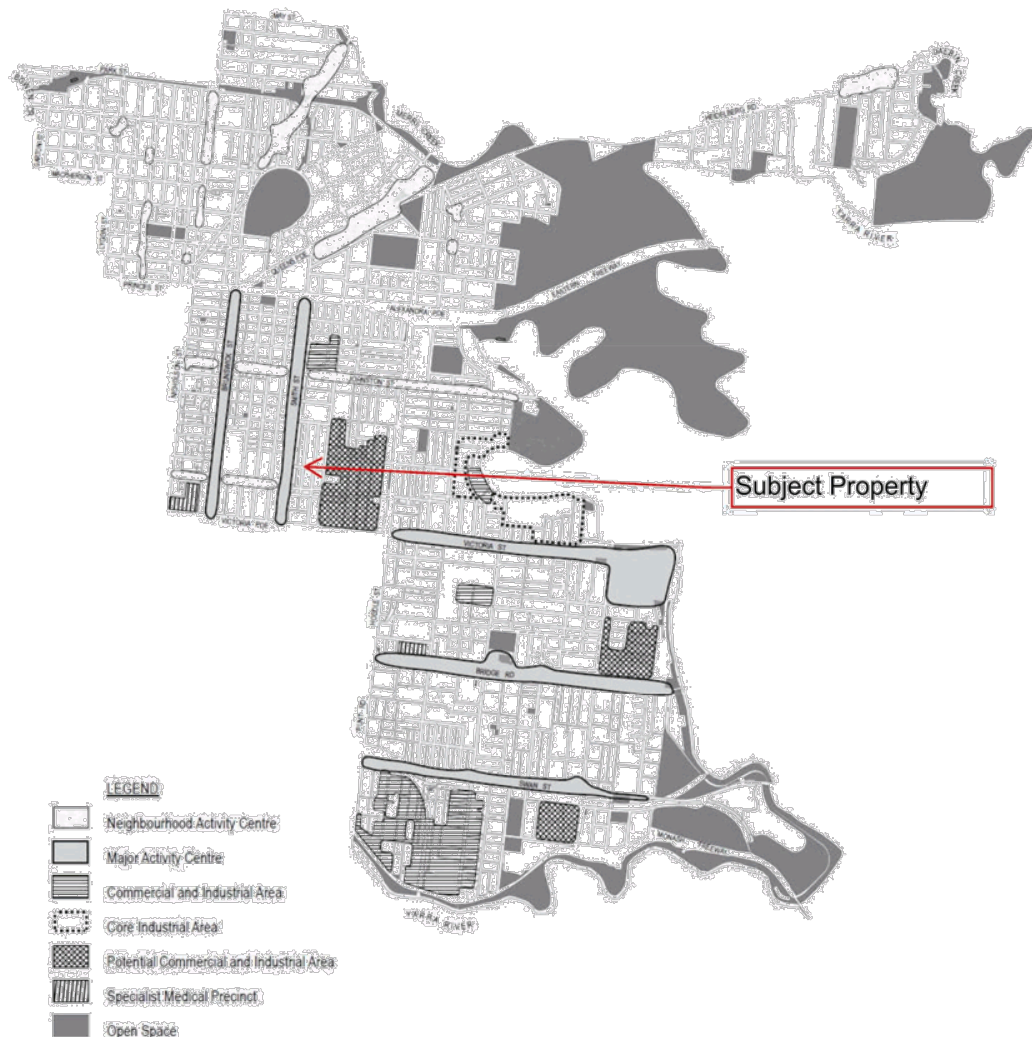


FIGURE 12 - STRATEGIC FRAMEWORK PLAN

21.04

Clause 21.04 sets out the Land Use for the City of Yarra. Parts of this clause relevant to this application are:

21.04-2 Activity centres

Activity centres in Yarra have a retail, hospitality, and service focus. Because of the pattern of development in the municipality, almost all residents are within 400m of an activity centre. The provision of local services is therefore important for maintaining the character of activity centres as local destinations.

The presence of service, retail and entertainment uses creates active and vibrant activity centres with good access to services and facilities, which is an important attribute of the municipality.

Under Melbourne 2030 Yarra has five Major Activity Centres with a regional retail and entertainment focus. These are Swan, Victoria, Smith and Brunswick Streets and Bridge Road. Yarra also has a number of neighbourhood activity centres which serve local needs. While the Major Activity Centres will continue to be

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission**Submission; Planning Permit Application**

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supported to grow and prosper, the need for the provision of shops and services to provide for local day-to-day needs must be met in all activity centres.

The activity centres are almost all centred around elongated commercial strips stretched out along Yarra's main roads and feeder roads. Abutting uses along the length of the strips are generally residential, creating interface conflicts where some uses are not well managed or inappropriate uses are permitted.

The Business 1 Zone footprint of existing activity centres should remain unchanged as there is scope for further development of the centres to meet projected demand. For example, some centres have discontinuities in their retail or service frontages and there may be existing built stock and land parcels which are underutilised.

Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.

Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.

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.

Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.

Objective 5 - To maintain the long term viability of activity centres.

Strategy 5.1 Limit expansion of the Business 1 Zone and new parcels of Business 1 zoning.

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

Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.

21.08

Clause 21.08 sets out the Neighbourhoods for the City of Yarra. Parts of this clause relevant to this application are:

Collingwood

Much of Collingwood is industrial in character with the residential precincts surrounded by or interspersed with industrial buildings.

North of Johnston Street, the residential area is late Victorian and Edwardian retaining some of its original weatherboard cottage character. South of Johnston Street is a large area of public housing generally comprising large blocks of apartments set in grounds.

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. The most outstanding feature of the precinct is the Foy and Gibson complex of retail and warehouse of buildings which belong to the suburb's commercial past. The buildings have large dominating built forms with rhythmic facade design. They are imposing and visually cohesive.

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

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission**Submission; Planning Permit Application**

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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.

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. The southern precinct, south of Gertrude Street is home to an array of galleries and clothing stores.

The Gipps Street industrial precinct is characterized by traditional manufacturing, service activities and a considerable portion of activity related to the textile, clothing and footwear sector. The precinct provides the opportunity for a wide range of small to medium businesses to operate in a location that is relatively unconstrained by sensitive uses. To allow flexibility for large sites which may have difficulty in finding new industrial tenants, rezoning to Business 3 will be supported. This will enable the area to retain an industrial character but evolve to provide a wider range of employment opportunities including service business and offices uses. Any change of use should consider opportunities for improvement to the public domain.

Total population: 5,500 (2006 Census)

Total area: 129Ha

Total dwellings: 3,036 (2006 Census)

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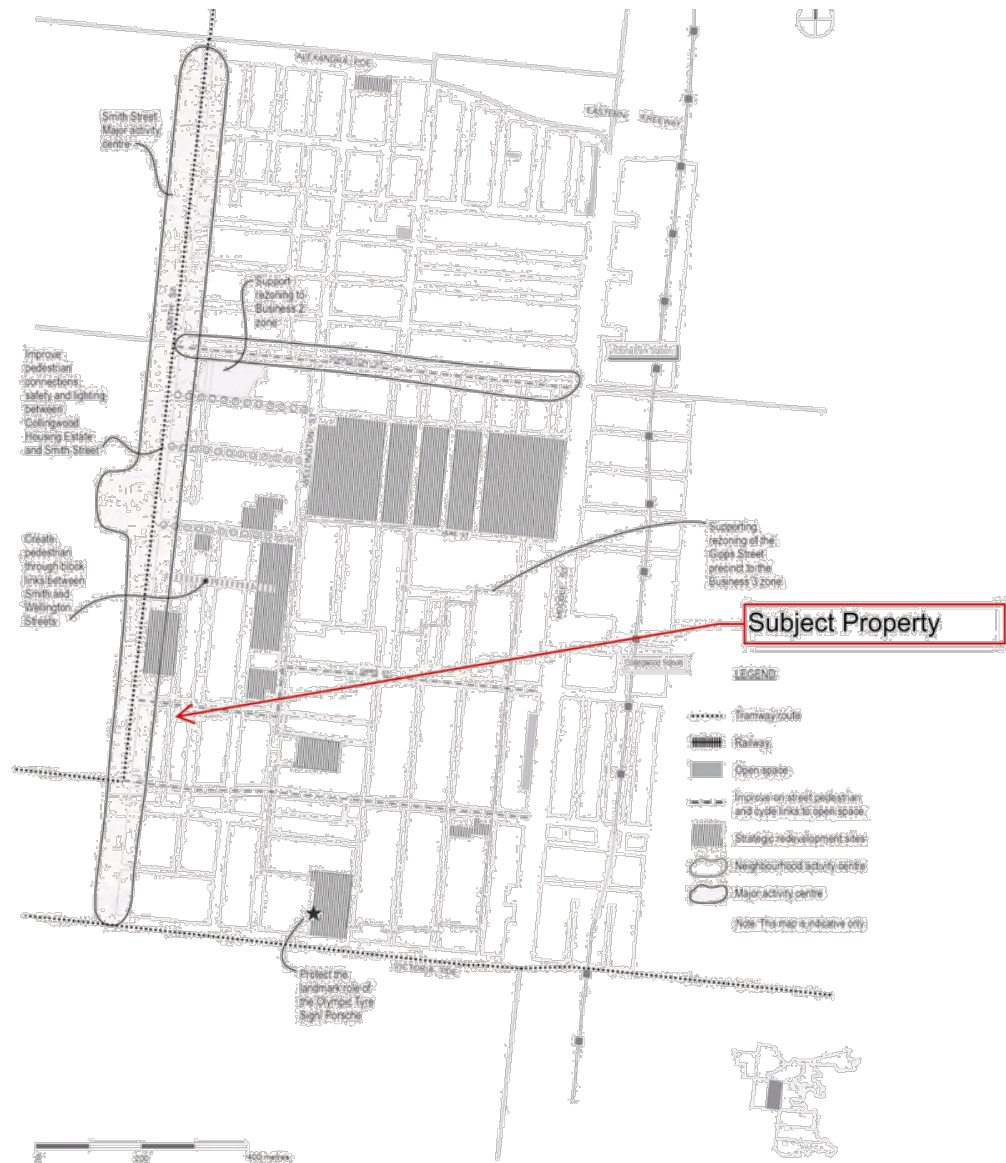


FIGURE 13 - NEIGHBOURHOOD MAP – COLLINGWOOD

Local Planning Policies

22.09

Clause 22.09 of the Yarra Planning Scheme applies to all applications for new licensed premises. For the purpose of that policy, licensed premises include food and drink premises which encompasses the current proposal.

Project ID: 3977645 Venue Address: 9-11 Peel Street, Collingwood

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The objectives of clause 22.09 are as follows:

To effectively manage the location, operation and hours of trade of licensed premises, in order to protect the amenity of nearby properties and areas.

To protect residential and other commercial uses from excess noise, traffic and car parking issues.

To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.

Clause 22.09 suggests that considerable tensions have developed between licensed premises and residential and other commercial land uses. These tensions relate to impacts on the amenity of the area – noise, hours of operation and car parking – as well as patron behaviour off the premises and waste management. The MSS seeks to achieve a reduction in the incidence of tension between business and residential activities and to minimise amenity impacts of retail, entertainment and arts uses on nearby residential properties and areas.

As part of this clause, applications are required to consider:

- ☐ Location and Access
- ☐ Hours of Operation
- ☐ Patron Numbers
- ☐ Noise
- ☐ Car Parking
- ☐ Noise and Amenity Action Plans

Permit Triggers**Clause 52.06**

A permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 as the applicant is unable to provide the required number of spaces on site.

Parking requirements for the premises have been determined in accordance with Clause 52.06 of the Victorian Planning Provisions (VPP). The proposed land use (restaurant) is a standalone use as defined within the table accompanying this clause. Accordingly, Clause 52.06 stipulates a parking requirement of 0.4 car spaces for each patron permitted within the restaurant.

Applying this rate to the proposed maximum capacity of 140 patrons leads to a required parking provision of 56 spaces. Allowance for 90 patrons (36 parking bays) already exists at the premises, as such, the required dispensation associated within this application will be 20 car parking spaces. This application therefor seeks a dispensation of 20 car parking spaces. In reality however, parking demands may be noticeably lower when considering the factors outlined within this report. Nonetheless, the subject site cannot provide additional car parking bays on site, leading to a parking shortfall of 20 car spaces.

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:

- ☐ The Car Parking Demand Assessment.
- ☐ Any relevant local planning policy or incorporated plan.
- ☐ The availability of alternative car parking in the locality of the land, including:
- ☐ Efficiencies gained from the consolidation of shared car parking spaces.
- ☐ Public car parks intended to serve the land.

Page 23

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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- On street parking in nonresidential zones.
- Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre.
- Any car parking deficiency associated with the existing use of the land.
- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge
- Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing
- businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a
- quality/positive urban design outcome.
- Any other matter specified in a schedule to the Parking Overlay.
- Any other relevant consideration.

An ample car parking demand assessment can be provided subsequent to this report, however it is considered that existing parking provision apply and that there is ample parking within the area that can accommodate the requested operation.

Clause 52.27

The decision guidelines under Clause 52.27 of the Planning Scheme indicate that a planning permit application associated with a liquor licence must be assessed against the following:

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

The Department of Community and Planning *Practice Note (61) – Licensed Premises: Assessing Cumulative Impact* describes cumulative impact as:

‘The positive and negative impacts that can result from clustering a particular land use or type of land use. Potential cumulative impact from a cluster of licensed premises will vary between locations, depending on the

Page24

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

□□□

mix and number of venues and whether the area is a destination for activities associated with the supply of alcohol. Cumulative impact is a product of the number and type of venues present, the way they are managed, and the capacity of the local area to accommodate those venues.¹

In accordance with the decision guidelines, the following matters have been considered in this assessment:

1. The Subject Site
2. The details of the proposal
3. The relevant planning policy context
4. Surrounding land, its use mix, and its existing amenity
5. Existing licenses within the area
6. Transport and dispersal to and from the area
7. Any associated or potential impact mitigation.

It is considered that the analysis provided under the above headings will satisfy the requirements of the decision guidelines of Clause 52.27 for this application.

Assessment

It is considered that the proposed use and associated liquor licence is consistent with the relevant State and Local policy framework that looks to encourage growth and development with this area.

It is widely accepted that licensed premises contribute to the vibrancy and economic strength of a municipal district, and that well managed licensed premises contribute positively to the surrounding area.

¹ Practice Note (61) – Licensed Premises: Assessing Cumulative Impact – Department of Community Planning

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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Cumulative Impact:

100 Metre Radius:

The following image shows a radius of 100 metres from the subject site, and the locations of licensed venues within that radius:

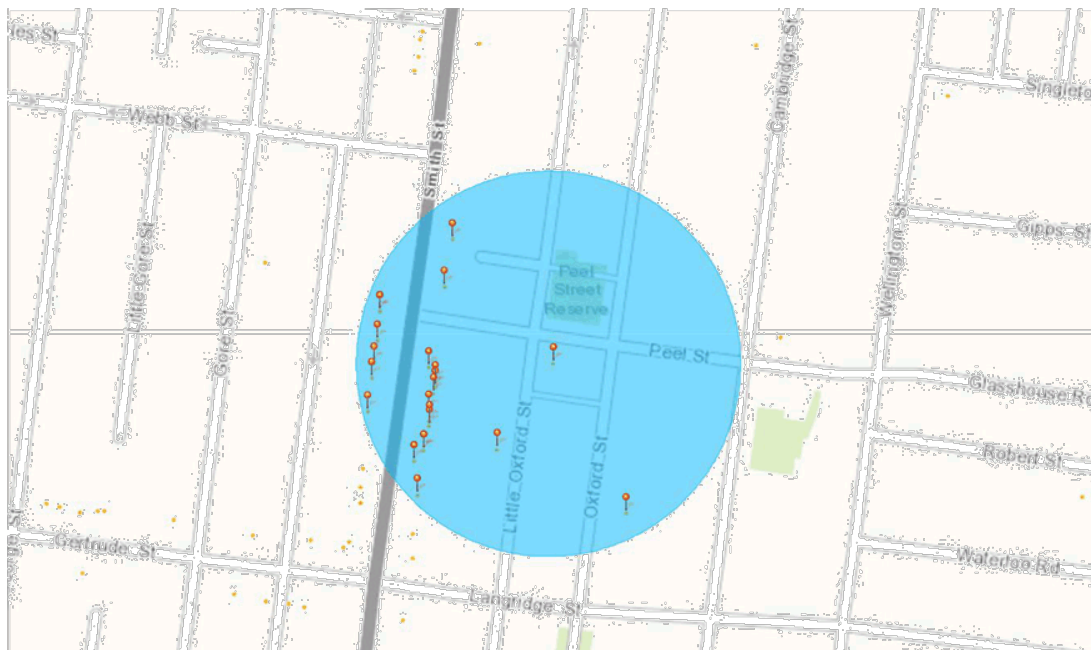


FIGURE 14 - LICENSES WITHIN 100 METRES

The following table is a breakdown of the licenses within the 100 metre radius:

Licence #	Licence Type	Premises Name	Address	Suburb	Maximum capacity	Hours
31278999	BYO Permit	THE SOCIAL STUDIO	126 SMITH STREET	COLLINGWOOD	N/A	11pm
31906348	General Licence	GRACE DARLING HOTEL	114 SMITH STREET	COLLINGWOOD	300	1am
31850018	Late night (on-premises) Licence	CAZ REITOP'S DIRTY SECRETS	80 SMITH STREET	COLLINGWOOD	60	3am
32258667	On-Premises Licence	HUXTABURGER & BILLS BAR	104 SMITH STREET	COLLINGWOOD	48	1am
31820097	On-Premises Licence	GRUMPY'S GREEN	125 SMITH STREET	FITZROY	120	1am
32334138	On-Premises Licence	BAR SK	90 SMITH ST	COLLINGWOOD	70	1am
32296699	On-Premises Licence	SHIMBASHI JAPANESE SOBA & SAKE BAR	131-133 & PART OF 135 SMITH STREET	FITZROY	65	11pm
32273219	On-Premises Licence	WABISABI	94 SMITH STREET	COLLINGWOOD	N/A	1am
32065501	Packaged Liquor Licence	BLACKHEARTS & SPARROWS WINE PURVEYORS	123 SMITH STREET, GROUND FLOOR	FITZROY	N/A	11pm
32227373	Restaurant and cafe Licence	MADRAS BROTHERS	129 SMITH STREET	FITZROY	136	1am
32224715	Restaurant and cafe Licence	THE MEATBALL & WINE BAR	98 SMITH STREET	COLLINGWOOD	87	1am

Project ID: 3977645 Venue Address: 9-11 Peel Street, Collingwood

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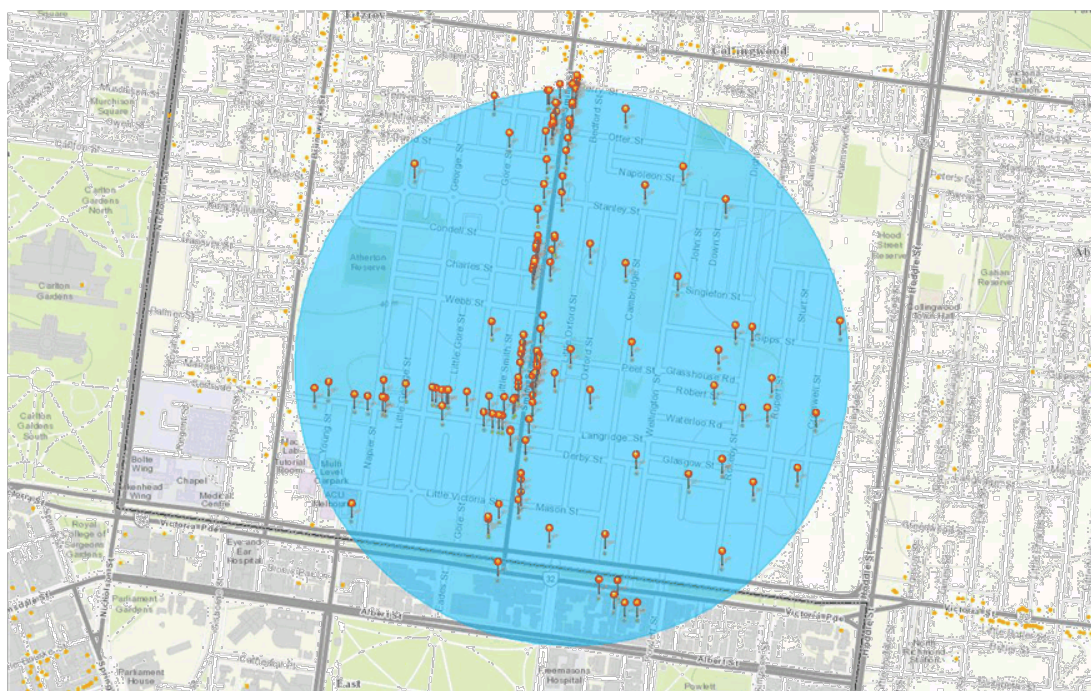
Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission**Submission; Planning Permit Application**

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32302741	Restaurant and cafe Licence	HUXTABURGER & BILLS BAR	106 SMITH STREET	COLLINGWOOD	19	1am
32237166	Restaurant and cafe Licence	COPACABANA INTERNATIONAL	135-139 SMITH STREET	FITZROY	N/A	3am
32250740	Restaurant and cafe Licence	CHALAWAN	102 SMITH STREET	COLLINGWOOD	42	11pm
32230669	Restaurant and cafe Licence	KINYOUBI IZAKAYA	117 SMITH STREET	FITZROY	41	11pm
32291982	Restaurant and cafe Licence	BOWL BOWL DUMPLING	88 & 88A SMITH STREET	COLLINGWOOD	61	11pm
32329808	Restaurant and cafe Licence	BIGGIE SMALLS	86 SMITH STREET	COLLINGWOOD	32	1am
32295253	Restaurant and cafe Licence	LEE HO FOOKS	92 SMITH STREET	COLLINGWOOD	45	11pm
32324769	Restaurant and cafe Licence	SOUTH OF JOHNSTON	46 OXFORD STREET	COLLINGWOOD	60	11pm
32300480	Restaurant and cafe Licence	EASY TIGER SMITH ST	96 SMITH STREET	COLLINGWOOD	95	12am
32304141	Restaurant and cafe Licence	MAJOR TOM COLLINGWOOD	SHOP 5, 108 SMITH STREET	COLLINGWOOD	97	1am

500 Metre Radius:

The following image shows a radius of 500 metres from the subject site, and the locations of licensed venues within that radius:

**FIGURE 15 - LICENSES WITHIN 500 METRES**

The following table is a breakdown of the licenses within the 500 metre radius:

Project ID: 3977645 Venue Address: 9-11 Peel Street, Collingwood

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Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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Licence #	Licence Type	Premises Name	Address	Suburb	Maximum capacity	Hours
31278999	BYO Permit	THE SOCIAL STUDIO	126 SMITH STREET	COLLINGWOOD	N/A	11pm
31268148	BYO Permit	N&J THAI CAFE	261A SMITH STREET	FITZROY	N/A	10pm
31245221	BYO Permit	COCONUT PALMS RESTAURANT	183 SMITH STREET	FITZROY	N/A	1am
31263384	BYO Permit	NO PREMISES NAME GIVEN	197 SMITH STREET	FITZROY	N/A	11.30pm
31284005	BYO Permit	KONJO ETHIOPIAN RESTAURANT & CRAFT	20 SMITH STREET	COLLINGWOOD	N/A	11pm
31909362	General Licence	NAPIER HOTEL	210 NAPIER STREET	FITZROY	140	1am
31906348	General Licence	GRACE DARLING HOTEL	114 SMITH STREET	COLLINGWOOD	300	1am
31901699	General Licence	NO PREMISES NAME GIVEN	211 GERTRUDE STREET	FITZROY	290	1am
31956212	General Licence	COMPTOIR CELLARS	SHOP 2, 58 STANLEY STREET	COLLINGWOOD	45	11pm
31915703	General Licence	THE VINE COLLINGWOOD	59 WELLINGTON STREET	COLLINGWOOD	114	1am
31955402	General Licence	MEATSMITH HERITAGE BUTCHER, WINE MERCHANT & CHARCUTIER	273 SMITH STREET	FITZROY	40	11pm
31915127	General Licence	UNION (BAR & GRILL) CLUB HOTEL	164 GORE STREET	FITZROY	150	1am
31911872	General Licence	THE GERTRUDE HOTEL	148 GERTRUDE STREET	FITZROY	260	1am
31951864	General Licence	GERTRUDE ST ENOTECA	229 GERTRUDE STREET	FITZROY	N/A	1am
31956335	General Licence	AUYANG LIQUOR	290 SMITH STREET	COLLINGWOOD	20	11pm
31921178	General Licence	THE FITZROY BEER GARDEN	243-245 GERTRUDE STREET	FITZROY	156	1am
31901550	General Licence	THE BRITISH CROWN HOTEL	14-18 SMITH ST	COLLINGWOOD	449	1am
31921576	Late night (general) Licence	YAH YAH'S	99 SMITH STREET	FITZROY	250	5am
31900627	Late night (general) Licence	BADEN POWELL HOTEL	61 VICTORIA PARADE	COLLINGWOOD	200	3am
31913646	Late night (general) Licence	THE PEEL HOTEL	113 WELLINGTON STREET	COLLINGWOOD	540	24hour
31906005	Late night (general) Licence	LE BON TON	51 GIPPS STREET	COLLINGWOOD	240	7am
31921869	Late night (general) Licence	SIRCUIT BAR	103-105 SMITH STREET	FITZROY	460	3am
31822748	Late night (on-premises) Licence	MR SCRUFFS	60 SMITH STREET	COLLINGWOOD	120	3am
32261490	Late night (on-premises) Licence	WET ON WELLINGTON	162 WELLINGTON STREET	COLLINGWOOD	N/A	7am
31850018	Late night (on-premises) Licence	CAZ REITOP'S DIRTY SECRETS	80 SMITH STREET	COLLINGWOOD	60	3am
32256013	Late night (on-premises) Licence	GREENWOOD LOFT	83-87 SMITH STREET, LEVEL 1	FITZROY	100	4am
32261987	Late night (on-premises) Licence	THE 86 BAR	185 SMITH STREET	FITZROY	100	3am
32206482	Late night (on-premises) Licence	FORESTER'S BEER & MUSIC HALL	64 SMITH STREET	COLLINGWOOD	400	4am

Page28

Project ID: 3977645 Venue Address: 9-11 Peel Street, Collingwood

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Submission; Planning Permit Application

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32260274	Late night (on-premises) Licence	THE NOBLE EXPERIMENT	284 SMITH STREET	COLLINGWOOD	120	3am
36053190	Limited Licence	ORGANIC WHOLE FOODS	277 SMITH STREET	FITZROY	N/A	11pm
36140507	Limited Licence	JUNIOR SPACE	65 SMITH ST	FITZROY	N/A	9pm
36137287	Limited Licence	12 SMITH STREET	12 SMITH STREET	COLLINGWOOD	N/A	11pm
36124365	Limited Licence	EPWORTH FREEMASONS	PART OF EPWORTH FREEMASONS, 320 VICTORIA PARADE	EAST MELBOURNE	N/A	9pm
36098328	Limited Licence	GERTRUDE CONTEMPORARY ART SPACES	200 GERTRUDE STREET	FITZROY	N/A	8.30pm Fridays
36129292	Limited Licence	AUNT MAGGIE'S FITZROY	SUITE 1.02, GROUND FLOOR, 188-196 GERTRUDE STREET	FITZROY	N/A	8pm
36140078	Limited Licence	GERTRUDE CONTEMPORARY ART SPACES	GROUND FLOOR, 44 GLASSHOUSE STREET	COLLINGWOOD	N/A	9pm
32243866	On-Premises Licence	ARCHIE'S ALL DAY	GROUND FLOOR, 189 GERTRUDE STREET	FITZROY	50	1am
32283769	On-Premises Licence	LA NICHE CAFE	67 SMITH STREET	FITZROY	46	11pm
32269537	On-Premises Licence	KENT ST	201 SMITH STREET	FITZROY	140	1am
32290009	On-Premises Licence	GLASSWORKS CAFE	PART OF 23-25 GIPPS STREET	COLLINGWOOD	66	7pm
32258667	On-Premises Licence	HUXTABURGER & BILLS BAR	104 SMITH STREET	COLLINGWOOD	48	1am
32284919	On-Premises Licence	TRIPPY TACO	238 GERTRUDE STREET	FITZROY	33	1am
31820160	On-Premises Licence	THE PANAMA DINING ROOM AND BAR	2ND FLOOR, 231 SMITH STREET	FITZROY	200	1am
32297807	On-Premises Licence	CHARCOAL LANE	136 GERTRUDE STREET	FITZROY	N/A	11pm
32319934	On-Premises Licence	ROCK SALT & VINEGAR	258 SMITH STREET	COLLINGWOOD	20	11pm
32262072	On-Premises Licence	ANADA BAR & RESTAURANT	197 GERTRUDE STREET	FITZROY	N/A	1am
32323381	On-Premises Licence	BEACH BURRITO COMPANY	230-232 GERTRUDE STREET	FITZROY	170	1am
32322327	On-Premises Licence	RUPERT ON RUPERT	73 RUPERT STREET	COLLINGWOOD	145	12am
31821051	On-Premises Licence	LADRO GERTRUDE	224 GERTRUDE STREET	FITZROY	78	1am
31820097	On-Premises Licence	GRUMPY'S GREEN	125 SMITH STREET	FITZROY	120	1am
32334138	On-Premises Licence	BAR SK	90 SMITH ST	COLLINGWOOD	70	1am
32296699	On-Premises Licence	SHIMBASHI JAPANESE SOBA & SAKE BAR	131-133 & PART OF 135 SMITH STREET	FITZROY	65	11pm
32245494	On-Premises Licence	THE EVERLEIGH MELBOURNE	LEVEL 1, 150-156 GERTRUDE STREET	FITZROY	85	1am
32263476	On-Premises Licence	DEELISH	288 SMITH STREET	COLLINGWOOD	N/A	1am
32333328	On-Premises Licence	SCHOOL HOUSE STUDIOS	81 RUPERT ST	COLLINGWOOD	256	12am
32264016	On-Premises Licence	MR WOW'S EMPORIUM	97B SMITH STREET	FITZROY	197	1am
32273219	On-Premises Licence	WABISABI	94 SMITH STREET	COLLINGWOOD	N/A	1am
32284943	On-Premises Licence	PIXEL ALLEY	95 SMITH STREET	FITZROY	100	1am
32064571	Packaged Liquor Licence	HINOKI	279 SMITH STREET	FITZROY	N/A	7pm

Page29

Project ID: 3977645 Venue Address: 9-11 Peel Street, Collingwood

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Submission; Planning Permit Application

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32064806	Packaged Liquor Licence	EAST MELBOURNE IGA & LIQUOR	SHOP 4, 412-442 VICTORIA PARADE	EAST MELBOURNE	N/A	11pm
32055182	Packaged Liquor Licence	SMITH STREET CELLARS	195 SMITH STREET	FITZROY	N/A	11pm
32065501	Packaged Liquor Licence	BLACKHEARTS & SPARROWS WINE PURVEYORS	123 SMITH STREET, GROUND FLOOR	FITZROY	N/A	11pm
32053025	Packaged Liquor Licence	GERTRUDE STREET BOTTLE SHOP	169 GERTRUDE STREET	FITZROY	N/A	11pm
32021052	Packaged Liquor Licence	BWS - BEER, WINE, SPIRITS	243 SMITH STREET	FITZROY	N/A	11pm
32050700	Packaged Liquor Licence	MW WINES	125 CAMBRIDGE STREET	COLLINGWOOD	N/A	6pm
32064042	Packaged Liquor Licence	PETER WATSON AUSTRALIA	23 ROBERT STREET	COLLINGWOOD	N/A	4pm
32000860	Packaged Liquor Licence	SUTHERLANDS FINE WINES	31 VICTORIA PARADE	COLLINGWOOD	N/A	11pm
32065789	Packaged Liquor Licence	LIQUORLAND	SHOP 2, 132-172 SMITH STREET	COLLINGWOOD	N/A	11pm
32239037	Restaurant and cafe Licence	ARCADIA CAFE/RESTAURANT	193 GERTRUDE STREET	FITZROY	N/A	11pm
32254508	Restaurant and cafe Licence	GLUTTONY ITS A SIN	278 SMITH STREET	COLLINGWOOD	N/A	11pm
32239590	Restaurant and cafe Licence	TOKUSHIMA JAPANESE RESTAURANT	70 SMITH STREET	COLLINGWOOD	N/A	11pm
32227373	Restaurant and cafe Licence	MADRAS BROTHERS	129 SMITH STREET	FITZROY	136	1am
32321606	Restaurant and cafe Licence	MAJORMAJOR	5 SMITH STREET	FITZROY	40	11pm
32299029	Restaurant and cafe Licence	NO PREMISES NAME GIVEN	270 SMITH STREET	COLLINGWOOD	40	10pm
32224715	Restaurant and cafe Licence	THE MEATBALL & WINE BAR	98 SMITH STREET	COLLINGWOOD	87	1am
32302741	Restaurant and cafe Licence	HUXTABURGER & BILLS BAR	106 SMITH STREET	COLLINGWOOD	19	1am
32334374	Restaurant and cafe Licence	HOTEL JESUS	174 SMITH STREET	COLLINGWOOD	102	1am
32238829	Restaurant and cafe Licence	SOUBAR	153 GERTRUDE STREET	FITZROY	135	1am
32254045	Restaurant and cafe Licence	PEKO PEKO	199 SMITH STREET	FITZROY	45	11pm
32309604	Restaurant and cafe Licence	AKASIRO	106 CAMBRIDGE STREET	COLLINGWOOD	20	11pm
32335736	Restaurant and cafe Licence	SOY SAUCE CLUB	8 SMITH ST	COLLINGWOOD	30	11pm
32237166	Restaurant and cafe Licence	COPACABANA INTERNATIONAL	135-139 SMITH STREET	FITZROY	N/A	3am
32229359	Restaurant and cafe Licence	HARRY MONTY FLAVOR	199 GERTRUDE STREET	FITZROY	35	11pm
32310485	Restaurant and cafe Licence	PABU GRILL & SAKE	190 SMITH STREET	COLLINGWOOD	60	12am
32312801	Restaurant and cafe Licence	NEKO NEKO	SHOP 1, 83 SMITH STREET	FITZROY	24	1am
32289058	Restaurant and cafe Licence	NO PREMISES NAME GIVEN	20 OTTER STREET	COLLINGWOOD	N/A	11pm

Page30

Project ID: 3977645 Venue Address: 9-11 Peel Street, Collingwood

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Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission**Submission; Planning Permit Application**

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32250740	Restaurant and cafe Licence	CHALAWAN	102 SMITH STREET	COLLINGWOOD	42	11pm
32335956	Restaurant and cafe Licence	CAFE ROSAMOND	REAR 191A SMITH ST	FITZROY	20	11pm
32230669	Restaurant and cafe Licence	KINYOUBI IZAKAYA	117 SMITH STREET	FITZROY	41	11pm
32291982	Restaurant and cafe Licence	BOWL BOWL DUMPLING	88 & 88A SMITH STREET	COLLINGWOOD	61	11pm
32306630	Restaurant and cafe Licence	TRIPPY TACO	234 GERTRUDE STREET	FITZROY	30	1am
32336758	Restaurant and cafe Licence	FONDA SMITH	236 & 238 SMITH STREET	COLLINGWOOD	140	12am
32329808	Restaurant and cafe Licence	BIGGIE SMALLS	86 SMITH STREET	COLLINGWOOD	32	1am
32332932	Restaurant and cafe Licence	DE CLIEU	187 GERTRUDE ST	FITZROY	70	11pm
32242658	Restaurant and cafe Licence	FITZROY TASTY ROOSTER	265 SMITH STREET	FITZROY	66	11pm
32330930	Restaurant and cafe Licence	NANDO'S FITZROY SMITH STREET	281 SMITH STREET	FITZROY	61	10pm
32313857	Restaurant and cafe Licence	JIMMY GRANTS	113 ST DAVID STREET	FITZROY	40	11pm
32290978	Restaurant and cafe Licence	SMITHWARD BAR	48A SMITH STREET	COLLINGWOOD	17	11pm
32315053	Restaurant and cafe Licence	MASAK MASAK	230 SMITH STREET	COLLINGWOOD	50	10pm
32335346	Restaurant and cafe Licence	PREGO AMICO	205 SMITH ST	FITZROY	29	11pm
32309997	Restaurant and cafe Licence	BELLE'S DINER	GROUND FLOOR, 150-156 GERTRUDE STREET	FITZROY	82	1am
32244537	Restaurant and cafe Licence	MR BULGOGI	189 SMITH STREET	FITZROY	50	11pm
32295253	Restaurant and cafe Licence	LEE HO FOOKS	92 SMITH STREET	COLLINGWOOD	45	11pm
32324769	Restaurant and cafe Licence	SOUTH OF JOHNSTON	46 OXFORD STREET	COLLINGWOOD	60	11pm
32300480	Restaurant and cafe Licence	EASY TIGER SMITH ST	96 SMITH STREET	COLLINGWOOD	95	12am
32304141	Restaurant and cafe Licence	MAJOR TOM COLLINGWOOD	SHOP 5, 108 SMITH STREET	COLLINGWOOD	97	1am
32322432	Restaurant and cafe Licence	XE OM	194 SMITH STREET	COLLINGWOOD	50	1am

In addition to these 108 licenses, there are a further 14 renewable limited licenses which allow for the home delivery of liquor with meals (and operate in conjunction with a restaurant/café licence already listed), allow for internet sales only, or are associated with catering companies. These 14 renewable limited licenses are not considered as relevant in relation to this assessment. The two pre-retail licenses located within the 500 metre radius are also not considered relevant. 2 of the above venues have 2 licenses included within the table.

In assessing the proposed premises, and considering the requirements of Practice Note 61, it is indicated that there are 106 other existing licensed premises within the study area (within a 500m radius). The venue subject to this application report is the 107th licensed venue within the study area.

Page 31

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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The existing licensed premises in the surrounding area are part of a 'cluster' of licensed venues, however this cluster is contained within the Smith Street entertainment precinct. It is not out of the ordinary for such a centre to have a cluster of licensed venues.

It is suggested that the variations of the subject licence would not create an unreasonable cumulative impact for the surrounding areas, given its close proximity to the Smith Street activity centre.

In light of this, it is our view that in this instance, the development of the proposed liquor licence on this site will not meet the saturation point where the benefits of the development will be outweighed by harm.

Amenity

Amenity is described under the Liquor Control Reform Act 1998 as being:

*'The quality that the area has of being pleasant and agreeable'*²

With this in mind, the factors that should be considered in determining whether to grant the proposed licensed arrangements, and which may detract from or be detrimental to the amenity of the area include:

1. Noise levels
2. Hours of operation
3. Compatibility with surrounding land use
4. Safety and health
5. Extent of planning considerations
6. The potential cumulative impact of an additional licensed venue

Most Councils and Government agencies recognise the importance of licensed premises in a municipality in contributing to the vibrancy and economic strength of the municipality. There are, however, common problems that can accompany licensed premises such as the off-site amenity impacts including noise on other nearby uses and the problems which occur when these uses begin to affect retailing vibrancy and economic viability of an area.

Noise

The proposed amendments to the existing on premises licence are associated with an existing licensed venue, operating within typical trading hours which do not extend past 1am. Noise is not likely to be an issue given the nature of the use, the proposed operating hours, and the surrounding commercial land.

It is unlikely that the proposal will cause congregation at closing time due to the nature of the use, or result in significant patron movement from the venue to other licensed premises. Noise impacts associated with patrons will not be significant, given the existing controls in place on the planning permit.

Hours of Operation

The hours of operation proposed do not increase existing permitted trading hours at the venue and do not extend beyond 1am. These hours are not contrary to state government or City of Yarra policy which discourages trading hours beyond 1am. The surrounding land comprises of a number of uses, some with liquor licenses with varying hours.

² Liquor Control Reform Act 1998

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

□□□

It is noted that there are a number of 'Late Night' licenses within the area as it stands and nearby Smith Street is well known for its extensive night life.

Compatibility with Surrounding Land Uses

As previously identified, the site is located within the mixed-use zone, directly adjacent to the Smith Street Activity centre. The land surrounding the venue comprises of a number of commercial uses, with retail and entertainment being the predominant activity. It is not considered that the proposed liquor licence will have an unreasonable impact on the amenity of the surrounding land.

It is generally accepted that a diversity of land uses and activities can result in increased amenity and vibrancy in an area. It is submitted that the mix of uses within the subject area may help to mitigate potential harm and reduce the potential for the proposed liquor licence having an unreasonable negative impact on the amenity of the surrounding area.

Safety and Health

Research indicates that an increase in the number of licensed premises within an area may result in additional alcohol-related assaults. Research also reveals that patron capacity is a contributing factor in calculating the level of risk a licensed premise poses and that late-night trading contributes to increased alcohol consumption and increased violence. This proposal relates to an existing restaurant premises, and the hours proposed are not considered as 'Late Night' or 'High Risk'.

Well managed licensed premises generally present a low risk of adverse impacts, whereas there is a high risk of adverse impacts on safety and amenity from large licensed premises, operating late at night. The design of a licensed premise can be an important contributor to anti-social behavior and violence. Good venue design of licensed premises plays an important role in reducing the opportunity for anti-social behavior fueled by alcohol.

Research reveals that there is an association between violence occurring outside a premise with large numbers of people congregating and competing for resources such as fast food and transport. This proposal is not expected to create a congregation spot given the proposed use. Common Victoria Police assault data may suggest that the density of packaged liquor outlets is associated with assaults³, however there is no direct evidence to suggest there is a causal relationship between the number of licensed outlets and violence or assaults.

Extent of Planning Considerations

VCAT decisions, such as *The Hunt Club Commercial Pty Ltd v Casey City Council* red dot decision, identify that planning is primarily concerned with use, development and protection of land use, and not with addressing all perceived community and social issues. Within the order, Deputy President Mark Dwyer states:

*'As a matter of general public principle, a broad concern about the social harm caused by alcohol, the accessibility of alcohol in the community generally, or the potential for the abuse or misuse of alcohol, will rarely (if ever) be a relevant planning consideration in the exercise of discretion for a particular licensed premises under clause 52.27.'*⁴

³ 'Alcohol Outlet Density and Assault: A Spatial Analysis' – Livingstone, 2008

⁴ *The Hunt Club Commercial Pty Ltd v Casey City Council*

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

□□□

Although it is suggested that there is a correlation between licensed venues and health and anti-social behavior, the legal framework of the Planning and Environment Act 1987 does not provide scope for assessment of these issues outside of the parameters of considering cumulative impacts associated with the proposed liquor licence.

Cumulative Impact

The Department of Community and Planning Practice Note (61) – *Licensed Premises: Assessing Cumulative Impact* describes cumulative impact as:

‘The positive and negative impacts that can result from clustering a particular land use or type of land use’⁵

It is understood that the potential for cumulative impact from a cluster of licensed premises can vary due to varying conditions of locations, the variety and number of venues and destination points for activities associated with the supply of alcohol. The Practice Note explains that:

‘Cumulative impact is a product of the number and type of venues present, the way they are managed, and the capacity of the local area to accommodate those venues.’⁶

The practice note describes negative cumulative impacts including noise and anti-social behavior, infrastructure capacity problems, safety issues and crime, whereas positive cumulative impacts can be increased vitality, economic benefits, status in an entertainment destination, improved customer choice and increased ability to manage impacts. An area may reach ‘saturation point’ where an additional premise, or type of premises, will lead to negative impact on the surrounding area.

The subject liquor licence does not propose trading hours past 1am, and a mix of various licence types exist within the study area. It is considered that appropriate impact mitigation can occur at the venue through adherence to the requirements of local planning controls, local laws and the Liquor Control Reform Act.

Assessment

It is the view of On Tap Liquor Consulting that the proposal will provide a positive cumulative impact on the surrounding area as:

1. The proposal may provide for additional employment opportunities in the area as a result of the increased viability of the premises.
2. The proposal will provide economic benefits to the surrounding area
3. The proposal will add to the vibrancy of the surrounding area by adding a further choice in venues
4. The proposal suits the intended use of the mixed-use zone in which the venue is situated

Transport and dispersal

Road Access

The subject site is in close proximity to a number of main roads that provide convenient and accessible connections between the surrounding areas and the subject site. These include:

1. Smith Street (north/south)
2. Langridge Street (east/west)
3. Victoria Parade (east/west)

⁵ Practice Note (61) – Licensed Premises: Assessing Cumulative Impact – Department of Community Planning

⁶ Practice Note (61) – Licensed Premises: Assessing Cumulative Impact – Department of Community Planning

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

□□□

4. Wellington Street (north/south)

These arterial and main roads form a connected higher order road network that provides convenient access between the subject site and the wider region. There is no negative impact expected on local streets from the proposed licensed premises.

Car Parking

Please refer to car parking demand assessment further into this report.

Access to Public Transport

Please refer to car parking demand assessment further into this report.

Assessment

It is considered that the proposed location and operating hours are unlikely to contribute to any problems for patron dispersal. The majority of patrons leaving the proposed liquor outlet will leave the area during reasonable hours using private vehicle or public transport.

Impact mitigation

In House Mitigation Measures

There are a number of strategies proposed which can to be implemented in order to mitigate the potential negative impacts of this proposal. These are detailed as follows:

1. The layout and design of the premises has taken into account good urban design and safe design principles in order to improve perceptions of safety
2. The provision of adequate on site toilets and rubbish disposal
3. Reasonable opening and closing hours.

Local Laws

Drinking alcohol in unlicensed areas on the streets of the City of Yarra at any time of the day is banned. On 1 December 2009, Council implemented the 'Consumption of Liquor in Public Places Local Law' which bans the drinking of alcohol in public areas. The ban does not apply in local parks and gardens, where the drinking of alcohol is allowed from 9am-9pm.

The local law was introduced to help curb alcohol-related violence and self-harm, particularly in Yarra's many entertainment precincts. Police can issue a \$100 fine to people who do not follow a police direction to cease consuming alcohol, or seal a container of alcohol, or pour out the alcohol, or surrender any opened container of alcohol.

Other Legislation

It is considered that appropriate impact mitigation can occur at the venue through adherence to the requirements of local planning controls, local laws and the Liquor Control Reform Act.

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission**Submission; Planning Permit Application**

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Assessment

It is submitted that the in-house impact mitigation measures, coupled with enforcement of Council's local laws and other legislative controls will ensure that the impacts of the proposed venue on the surrounding community are reasonable and are in balance with the positive economic, employment and vitality impacts of the development.

It is not considered that the proposed licensed venue will result in any negative cumulative impact. Considering the surrounding uses, particularly the industrial and commercial uses, the overall impact of the proposed development is likely to enhance the character and vitality of the area.

Conclusion

This assessment relates to an existing licensed food and drink (restaurant) premises at 9-11 Peel Street Collingwood. This report and assessment has shown that the proposed licence arrangements will not unreasonably impact the surrounding area.

Key findings of the assessment include:

1. It is recognised that there is some evidence to suggest that, in some instances, the availability of liquor can have a negative impact on local communities
2. It is, however, ultimately, up to an individual, and individual communities, to obtain a balance between the benefits brought by the physical availability of alcohol and the subsequent costs to public health, safety and amenity
3. The Victorian government, through the inception of practice note 61, utilises a 'count per land area' method when assessing the potential for negative impacts of a proposed licensed venue. This includes:
 - a. A cumulative impact assessment area of a 500m radius out from the subject land
 - b. A 'cluster' of licensed premises being three or more with a radius of 100m from the subject land or 15 or more with a radius of 500m from the subject land.
4. It is submitted that proposal in this instance is consistent with the policy context of the Municipal Strategic Statement which acknowledges that licensed premises contribute to the vibrancy and economic strength of the municipality and that well managed licensed premises contribute positively to the activity, appearance, character, and image of the area
5. It is submitted that the proposed licence will not create an unreasonable cumulative impact for the surrounding areas.
6. The hours of operation in this instance are not excessive and are not contrary to state government or Council policy. It is not expected that the hours of operation will attribute to unreasonable noise or nuisance given the proposed use
7. It is not expected that the proposal is likely to contribute to any problems for patron dispersal.
8. It is considered that mitigation measures, including adherence to local laws, planning provisions and the Liquor Control Reform Act, will ensure that the impacts of the proposal on the surrounding community are reasonable and are in balance with the positive economic, employment and vitality impacts of the development.

Page 36

Submission; Planning Permit Application

□□□

Car Parking Demand Assessment

Car Parking Provision Requirements

Parking requirements for the premises have been determined in accordance with Clause 52.06 of the Victorian Planning Provisions (VPP). The proposed land use (restaurant) is a standalone use as defined within the table accompanying this clause. Accordingly, Clause 52.06 stipulates a parking requirement of 0.4 car spaces for each patron permitted within the restaurant.

Applying this rate to the proposed maximum capacity of 140 patrons leads to a required parking provision of 56 spaces. Allowance for 90 patrons (36 parking bays) already exists at the premises, as such, the required dispensation associated within this application will be 20 car parking spaces. This application therefor seeks a dispensation of 20 car parking spaces. In reality however, parking demands may be noticeably lower when considering the factors outlined within this report. Nonetheless, the subject site cannot provide additional car parking bays on site, leading to a parking shortfall of 20 car spaces.

Public Transport Assessment

The locality surrounding the subject premises was reviewed as it relates to public transport. Specifically, the area was assessed for public transport options likely to be utilised by patrons attending the proposed restaurant. It was noted that the venue is within close proximity to an array of public transport options as the following image shows:

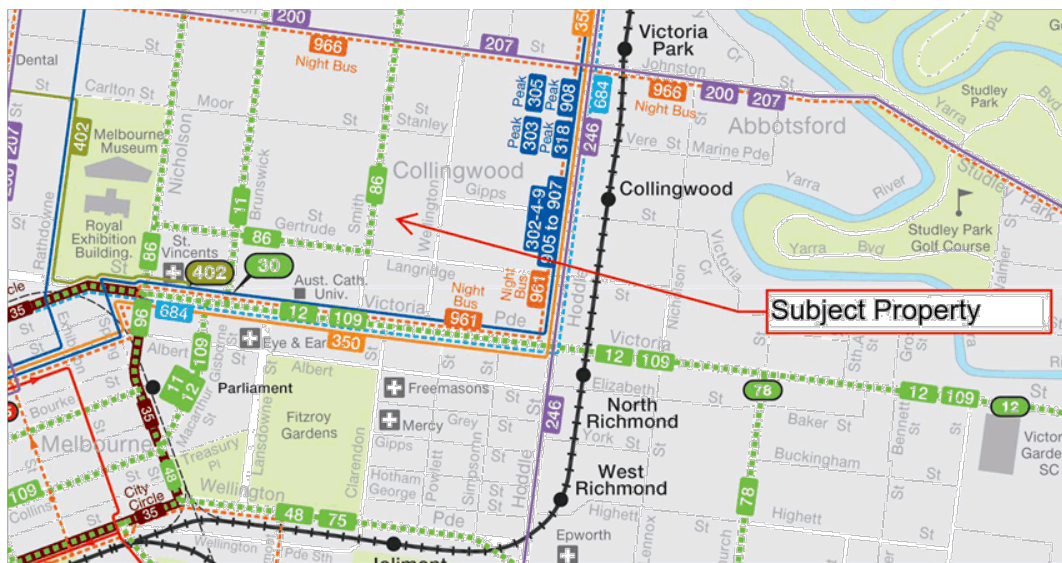


FIGURE 16 – PUBLIC TRANSPORT NETWORK

The following public transport options are available within close proximity of the site:

Trains:

The area subject to this report is serviced by a number of nearby railway stations, including Collingwood, North Richmond, West Richmond and Victoria Park.

Bus:

Ample bus options are available with many nearby routes running regularly. Despite the bus routes servicing

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

□□□

the precinct being of high quality, buses are treated very much secondary to trains within the precinct. Buses play an integral part in the movement of the public in that the routes are designed to flow into residential areas allowing for effective transportation of public from commercial areas directly into residential zones.

Nightrider Bus:

The Nightrider bus follows a specified route which takes in nearby areas. This bus is specially designed to allow for the movement of public from the late-night entertainment areas to specified suburban areas.

Taxi & Uber:

Being that the area is within close proximity to a major activity centre (Smith Street), taxis, as well as Uber services are, in general terms, readily available throughout the area.

Submission; Planning Permit Application

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Active Transport Assessment

A car parking demand assessment should also take into account the likely generation of active transport to the venue. When the venue is in full operation, and as is generally the case for small scale restaurants, it would be a reasonable expectation that the venue will attract patrons from within surrounding neighborhoods and nearby businesses. In addition to this, and given the locations close proximity to entertainment and business precincts, it is likely that Active Transport would be the dominating trip type for patrons. It is fair to suggest that this active transport would replace a considerable portion of vehicle trips to the venue.

The author has utilised the 'WalkScore' website tool to ascertain the likelihood of Active Travel to the venue from surrounding areas. The WalkScore website provides a 'walkability' assessment of a locality taking various factors which promote walking, specifically pedestrian generating developments and associated infrastructure, into account when providing that score.

Walkability & Transit Rating

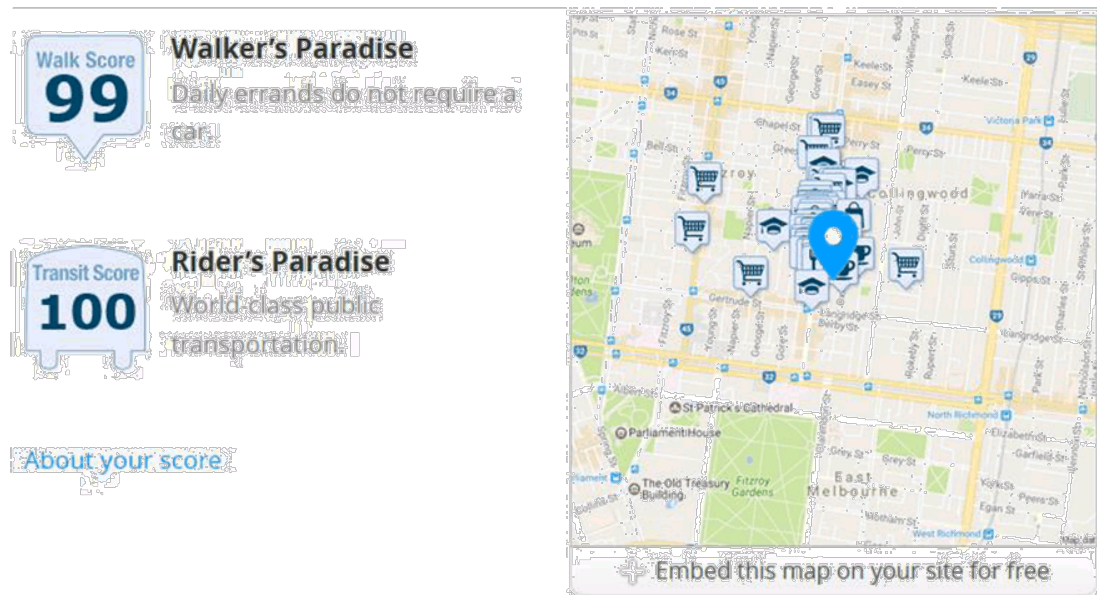


FIGURE 17 – WALKABILITY RATING

WalkScore has provided a score of 99% walkability to the subject site and has categorised the area as a 'Walkers Paradise'. It has also specified that daily errands do not require a car as they can be accomplished on foot. This is as a result of ample businesses in the immediate area servicing daily needs. As is evident in the above image, the walkscore website has also ranked the locality as a 'Riders Paradise' with 'world class public transportation' in the vicinity.

The following additional images are taken directly from the WalkScore site:

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Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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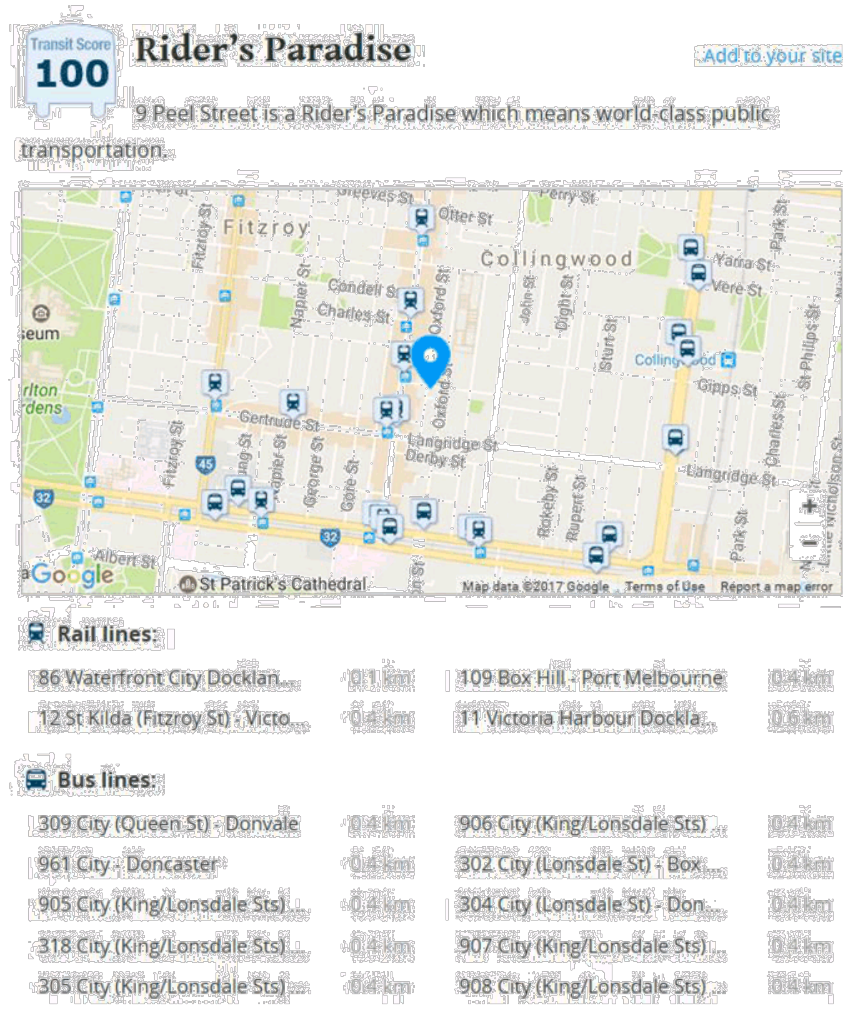


FIGURE 18 - TRANSIT SCORE

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application
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FIGURE 19 - WALKSCORE METHODOLOGY

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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Travel Time Maps

The walkscore website also allows users to calculation how far afield one can travel by car, bus, bike and foot from a particular address.

The following images provide a breakdown of this feature in terms of traveling by foot and traveling by bicycle.

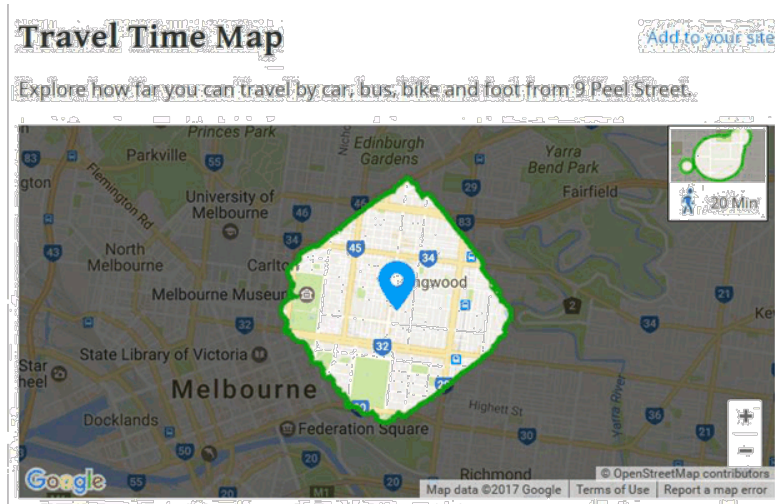


FIGURE 20 – WALKING MAP (20 MINUTE RADIUS)

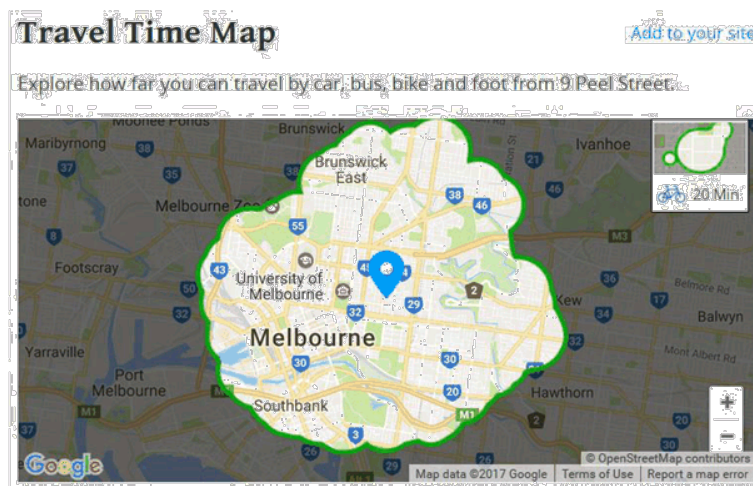


FIGURE 21 - BICYCLE MAP (20 MINUTE RADIUS)

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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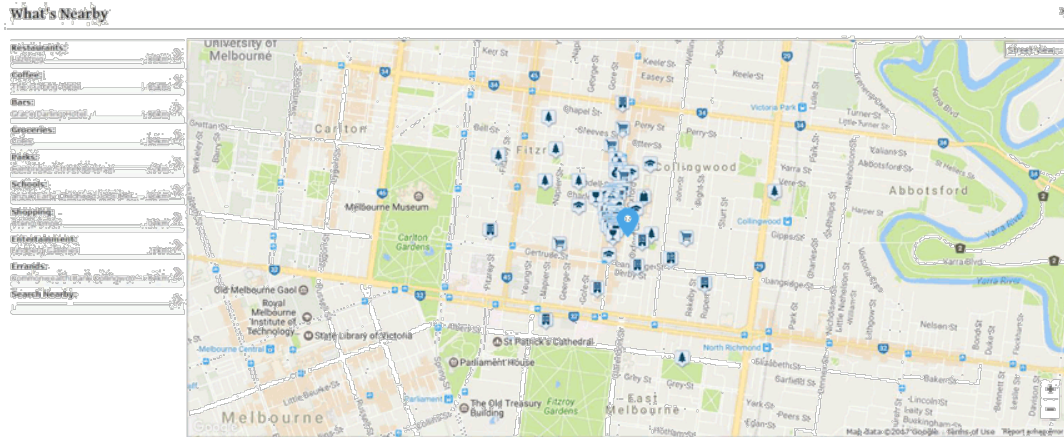


FIGURE 22 – NEARBY AMENITIES

Additional Active Transport Considerations

The following factors should also be considered when assessing the Active Transport generation within the area:

1. Being that the area is a well-known and vibrant business district, located within close proximity to an array of amenities and entertainment venues, taxis are, in general terms, readily available throughout the area.
2. Given the densely organised retail/commercial nature of the subject site and surrounding area, which includes restaurants, bars, retail outlets and other entertainment centres nearby, it is anticipated that a large portion of the patrons to the proposed venue will also be visiting these surrounding centres. Therefore, the additional parking demand generated exclusively due to the subject proposal will be minimal (if not negligible) – due to these high number of anticipated cross purpose trips.

The above factors significantly contribute to a much-reduced parking demand for the subject proposal.

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.*
Peel Street contains 2P parking restrictions between 7.30am and 5.30pm. The on-street parking during the day time would have a high-turnover and demand would also be high. The majority of streets in the surrounding area similarly restricted. The demand for on-street parking throughout much of Collingwood is generally high, and it is likely that staff members and patrons would choose to make other travel arrangements such as catch public transport.
- *Access to or Provision of Alternative Transport Modes.*
The site has very good access to public transport and connectivity to the on-road bicycle network. Carshare pods are readily available throughout the immediate area through both 'Go Get' and 'Flexicar' and provide an alternative mode of transportation for residents and visitors:

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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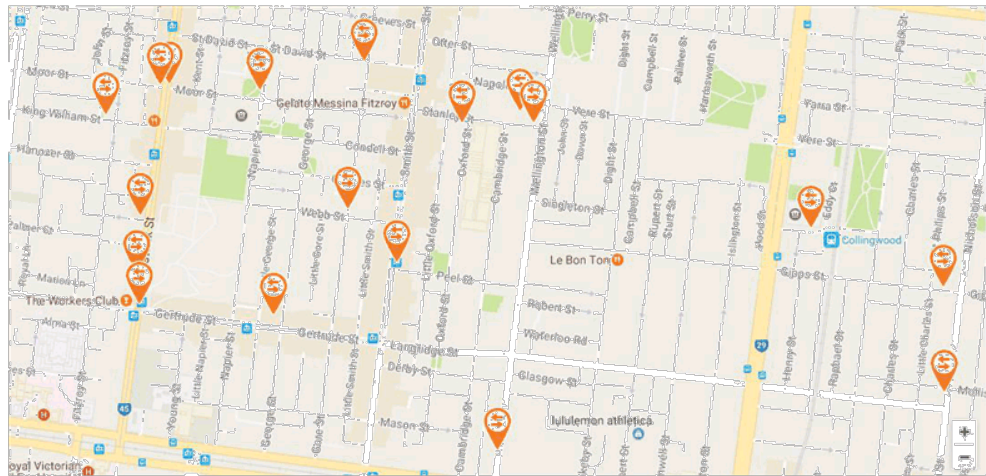


FIGURE 23 - GO GET CAR SHARE

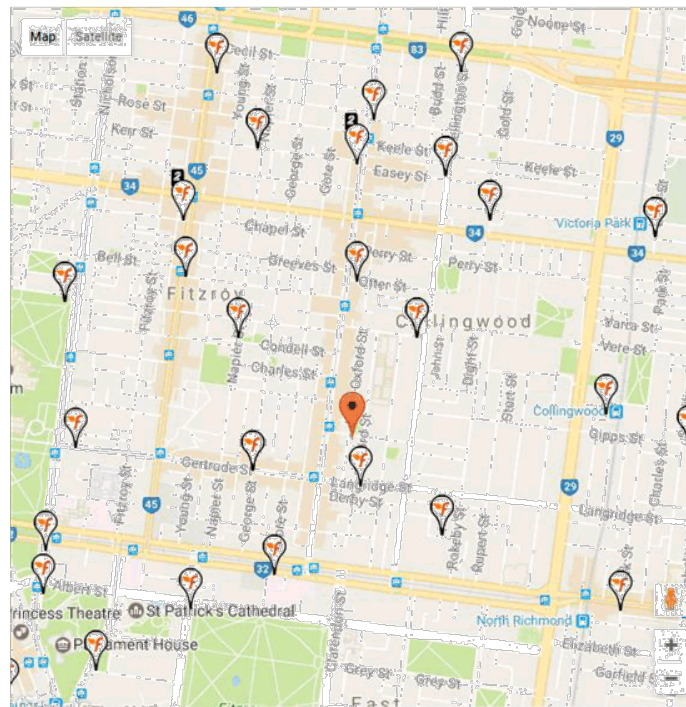


FIGURE 24 - FLEXICAR CAR SHARE

- *Convenience of Pedestrian and Cyclist Access to the Land*
Pedestrians and cyclists should be able to access the site conveniently by using the existing infrastructure in front of the site and the surrounding streets. It is highly probable that some visitors to the site would

Project ID: 3977645 Venue Address: 9-11 Peel Street, Collingwood

© On Tap Liquor Pty Ltd

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Submission; Planning Permit Application

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either live or work locally. Access to the on-road bicycle network is relatively good, particularly along the adjacent major transportation network.

- *The Likelihood of Multi-Purpose Trips within the Area.*
The site is positioned within mixed use retail precinct. It is likely that some visitors and customers would already be in the area attending other venues, restaurants, retail venues and cafes at this busy activity centre.
- *Other Relevant Considerations.*
The surrounding area contains a number of other retail and hospitality focused venues, many without on-site car parking. Patrons attending the site would likely visit other venues whilst in the area. Some patrons might also attend sporting events or concerts at the multitude of event spaces and precincts nearby such as the museum, Fitzroy Gardens or other nearby attractions.

Another factor which would influence the amount of parking generated by the site is monitoring and enforcement of drink driving laws by Victoria Police. The patrons who intend to imbibe alcohol could choose to use alternative forms of transport or to arrange travel to the site by taxi or private driver services.

Adequacy of Car Parking

The waiver of parking associated with the development is considered appropriate. The high level of parking that takes place in the Collingwood area, combined with the stringent enforcement of drink-driving laws and very good accessibility to public transport services, would result in a lower parking demand for the proposed development.

Additional Parking Reduction Measures

In addition to any available on and off street parking within the surveyed area, certain measures could be enacted to alleviate parking demands. These measures could include, but are not limited to, the following:

1. Provision of information in relation to parking availability in the area and other transport modes available to access the site, within the venue website;
2. Provide information in the form of posters/leaflets of nearby public transport options; and
3. Promote active/public travel to staff through reward programs.

Engaging in such efforts will help reduce overall parking impacts.

Other Considerations:

Other considerations that should be looked at as part of any car parking demand assessment are as follows:

- *The variation of car parking demand likely to be generated by the proposed use over time.*

It is anticipated that a steady stream of customers will attend the site over time with peaks at certain times such as lunch and dinner. Initially it is a usual occurrence that a higher number of people may attend the site with the use being 'new', however the numbers of people attending the site over time will generally remain fairly steady. Additional regular customers may be established mixed with alternate customers. It is not anticipated that a significant, maximum number of people will attend the

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission

Submission; Planning Permit Application

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site each day at any one time and stay for a length of time that would cause detriment to the surrounding area.

- *The short-stay and long-stay car parking demand likely to be generated by the proposed use.*

All car parking demand generated by the use of the site will be relatively short-stay only. Car parking will be required for a length of time that allows patrons to dine comfortably; this can be estimated anywhere from 30 minutes to an hour or 2 and is dependent on the size of the group.

- *The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.*

Analysis of the car ownership of the households in Collingwood in 2011 compared to the City of Yarra shows that 57.7% of the households owned at least one car, while 26.2% did not, compared with 70.5% and 20.1% respectively in the City of Yarra.

Of those that owned at least one vehicle, there was a smaller proportion who owned just one car; a smaller proportion who owned two cars; and a smaller proportion who owned three cars or more.

Overall, 40.6% of the households owned one car; 14.1% owned two cars; and 3.0% owned three cars or more, compared with 44.1%; 21.6% and 4.8% respectively for the City of Yarra.

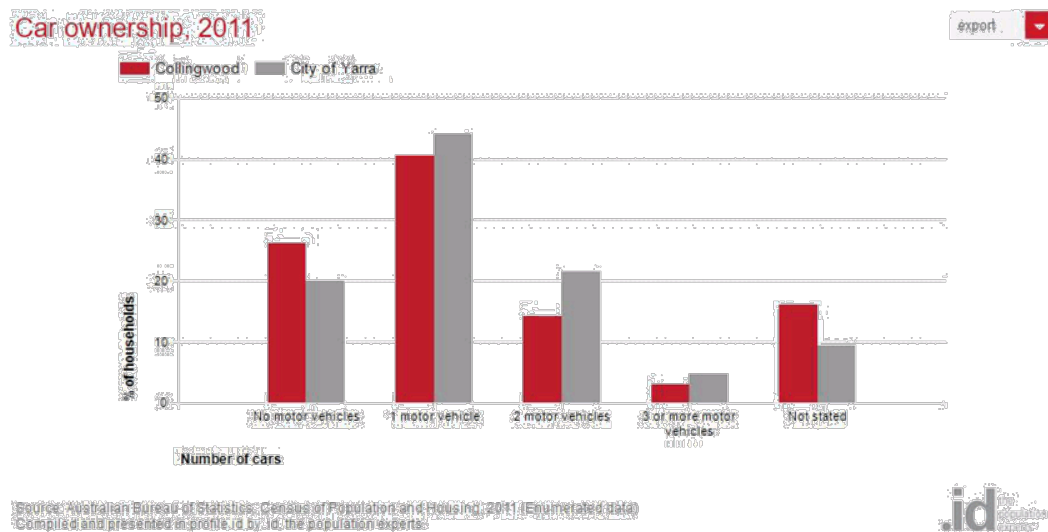


FIGURE 25 – CAR OWNERSHIP RATES

- *The Potential Effects on the surrounding area*

This Car Parking Demand assessment has shown that overall no significant detrimental impact will be caused as a result of the reduction in car parking onsite. Provisions of on street car parking within the surrounding local street network including along Peel Street and Smith Street, as well as the proximity of public transport (bus, train and tram) to the site, and the accessibility of the site to pedestrians and

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission**Submission; Planning Permit Application**

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cyclists will result in no significant detrimental impact to the surrounding area including existing residents.

The majority of other business owners/operators along Peel Street and Smith Street do not meet the requirements for car parking provisions under the Planning Scheme. This is not an uncommon element for this style of commercial area.

There are no known streets in residential zones specifically managed for non-residential parking. It is considered that car parking in residential zones surrounding the venue that are intended for use by the residents will not be lost as a result of this proposal. In general, the peak times of service at the subject site will include lunch time and dinner time. Lunch hours are when most residents are out at their place of employment and do not require many/any car spaces to remain available for their use. Dinner peak time hours generally commence after the majority of residents will have returned home from work meaning that the demand for on street car parking by residents has mostly already been satisfied before most customers arrive to the area to visit the subject site.

Given the nature of the development, it would be impractical to provide additional parking spaces associated with the proposed premises.

It is unlikely that the shortfall in onsite parking numbers will adversely impact on the economic viability of the activity centre. This commercial hub is quite vibrant and increasingly further with popularity. There is ample on street car parking available along Peel Street and Smith Street and within nearby surrounding streets, various modes of public transportation (bus, train and tram) are available in the area. The subject site is directly adjacent to an activity centre which is likely to expand over the coming years. Venues such as this proposal will add to the vibrancy of the area, most of which will require some form of parking dispensation.

Existing parking restriction signs are in place across the immediate area limiting the time that customers can leave their vehicles.

It is considered that there will be minimal impact on the local amenity, including pedestrian amenity and the amenity of nearby residential areas as a result of the lack of onsite car parking provisions. The site remains open and accessible to pedestrians and cyclist, public transport services the area including bus tram and train, and ample provisions of on street car parking are available within the local street network. Customers attending the site will generally be spread out across the hours of operation, thus the demand for parking is unlikely to be at a premium.

In addition to this, land sizes in the general vicinity are small limiting the provision of any onsite car parking. The intended use of the area by the planning scheme is mixed use (including commercial) including for entertainment purposes. It is unlikely that any unfair distribution of equity will transpire as a result of this proposal.

The character of the surrounding area is well established including ample provisions of on street car parking lining Peel Street, Smith Street and nearby streets. The proposed reduction in car parking provisions will not cause any additional detriment to the character or urban feel of the area.

Conclusion

Traffic volumes and flow to the site and area are not expected to be significantly impacted on by the proposal. The subject site is positioned within a cluster of 'like' operations which may lead to people carrying out multiple activities in addition to attending the site.

Attachment 3 - PLN10/1003.01 - 9-11 Peel Street Collingwood - S57A Planning Submission**Submission; Planning Permit Application**

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The constraints set by the parameters of the site makes it difficult, if not impossible, to provide any additional car parking on site. The site is well serviced by public transport (bus/train/tram routes) and remains open and accessible to pedestrian and cyclists alike. In addition, ample on street car parking provisions are available within the surrounding local street network including along Peel Street and Smith Street. The lack of onsite car parking provisions is not an unfamiliar element within a commercial zone with most businesses along Peel Street, Smith Street and surrounding areas not able to provide car parking provisions onsite.

Generally peak times at the restaurant will include lunch time – a time when many of the surrounding residents will be out at their place of employment and not requiring on street car parking, and dinner time where customers will arrive at the site at a time that is generally after most residents have returned home from work whereby they have already satisfied the demand for on street car parking for residents. Therefore, it is not considered that the reduction of required car parking spaces will cause any additional detriment to the surrounding area or impact on the availability of on street car parking within the area, in particular for existing residents.

In addition, the availability of the various transport and parking options within close proximity to the site, coupled with extensive walkability of the area, draws a positive outcome for attendance to the site contributing to the hopeful and intended success of the business.

The hours of operation, as well as staff and seating numbers are similar to that of other restaurants, cafes and bars in the area. The site is nestled within a well-established commercial hub surrounded by well-established residential areas. These two different zoning disciplines have co-existed for many years with a general harmonious outlook. It is considered that the parking dispensation proposal will have minimal impact on the nearby residential areas.

Attachment 4 - PLN10/1003.01 - 9-11 Peel Street Collingwood - Social Planning Comments (S57A)



MEMO

TO: Michelle King, Senior Statutory Planner
 FROM: Erika Russell, Senior Planner (Community Health and Safety)
 DATE: 25 August 2017
 ADDRESS: 9-11 Peel Street, Collingwood
 APPLICATION NO: PLN10/1003.01
 DESCRIPTION: Section 72 amendment to the permit and endorsed plans (this referral relates to the 57a amendment)

Social Policy and Research has been requested to make comments on the proposal, specifically the changes proposed under the 57a amendment. The comments in this referral are in addition to the referral comments made on 1 June 2017.

PROPOSAL

Key changes proposed as part of the 57a amendment are:

- 140 patrons rather than 200 as previously proposed.
- Revised hours
 from:
 - Sunday Between 10am and 1am the following morning
 - Monday (not being Anzac Day) Between 9am and 12 midnight
 - Good Friday & Anzac Day Between 12 noon and 11pm
 - On any other day Between 9 am and 1 am the following morning including the mornings of Good Friday & Anzac Day
 to:
 - Sunday Between 10am and midnight
 - Monday, Tuesday and Wednesday (not being Anzac Day) Between 9am and 11pm
 - Good Friday & Anzac Day Between 12 noon and 11pm
 - Thursday Between 9am and 12 Midnight
 - Friday and Saturday Between 9am and 1am the following morning (including Good Friday and ANZAC Day)

COMMENTS

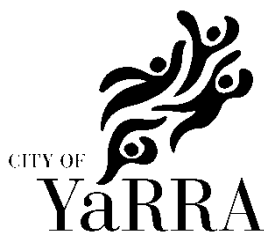
- The original referral comments raised concerns with the proposed patron numbers and hours, noting that a large patron capacity is proposed and the suitability of this in the Mixed Use Zone, combined with increased hours to 1am six days a week is questionable given the potential impact on nearby residential dwellings (potentially relating to both on and

Attachment 4 - PLN10/1003.01 - 9-11 Peel Street Collingwood - Social Planning Comments (S57A)

offsite impacts). It was also noted that the increase in hours to 1am is not supported in the existing licensed premises policy or the Council's revised draft licenced premises policy (which is now adopted by Council).

- A maximum of 140 patrons combined with the reduced hours is considered to more appropriately respond to the context of the site, however 11pm for Sunday night rather than midnight should be considered by the applicant. Council's recently adopted revised licenced premises policy has preferred hours of no later than 10pm in the Mixed Use Zone. 11pm would be consistent with the existing approved hours for Monday to Wednesday.
- As noted previously:
 - The proportion of seating should be enforced via a condition on any planning permit issued due to the on-premises licence type. This is particularly necessary as an on-premises liquor licence does not have to make reference to a seating ratio requirement (unlike a Restaurant and café licence).
 - 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 zoning of the land, careful consideration should be given to music related amenity impacts and conditions to reduce such impacts.
 - To provide greater certainty in the event of further amendments, hours should be specified on the planning permit for the sale and consumption of liquor.
 - It is unclear whether the proposal includes the basement to be licenced. It appears that this area is to be used for storage and therefore it should not be included as a licensed area, despite being so under the liquor licence. This will assist in ensuring that it will not be used as part of the restaurant use.

Attachment 5 - PLN10/1003.01 - 9 - 11 Peel Street Collingwood - Engineering comments



MEMO

To: James Sutherland
From: Artemis Bacani
Date: 8 June 2017
Subject: Application No: PLN10/1003.01
 Description: Amendment – Licensed Restaurant; Reduction in the Car Parking Requirement
 Site Address: 9-11 Peel Street, Collingwood

I refer to the above application to amend Planning Permit PLN10/1003.01 received on 9 May 2017 and the accompanying Parking Impact Assessment report prepared by Apex Engineers in relation to the proposed development at 9-11 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
Licensed Restaurant	110	0.4 spaces to each patron permitted	44	0

A reduction of 44 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 Restaurant.*

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 where travel to a venue as a driver ranged from 11% to 20% of patrons surveyed. 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 indicated that the parking generated by that venue was 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 licensed restaurant would equate to 22 spaces (on the assumption that the venue was operating at full capacity of 110 patrons).

Attachment 5 - PLN10/1003.01 - 9 - 11 Peel Street Collingwood - Engineering comments

The streets surrounding the site are covered with time based parking restrictions (1/4P, 1P, 2P, and 2P (Paid)).

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 restaurant is positioned near the Smith Street and Gertrude Street Activity Centres. It is highly likely that patrons to the restaurant 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 restaurant'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.*
Apex Engineers 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. The extent and duration of the survey was considered reasonable for this proposal.

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 is a narrow rectangular parcel of land that 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 restaurant, particularly if they intend to consume alcohol. Patrons would be inclined to travel to and from the site with public transport, taxis and private driver services.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of car parking spaces associated with the restaurant is considered appropriate in the context of the site and the surrounding area. The operation of this restaurant 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 5 - PLN10/1003.01 - 9 - 11 Peel Street Collingwood - Engineering comments

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 6 - PLN10/1003.01 - 9-11 Peel Street Collingwood - Community Amenity Unit Comments

TO: James Sutherland
cc:
FROM: Steve Alexander
DATE: 11/05/17
APPLICATION: PLN10/1003.01
SUBJECT: Amenity Enforcement Referral

Dear James,

Thank you for your referral dated 9 May 2017 in relation to 9-11 Peel Street Collingwood.

The Compliance Branch has received the following complaints:

- 30/06/2016 (After-hours noise complaint, noise from cleaners and staff after closing time).
- 31/08/2015, (Noisy patrons out on the footpath).
- Between 23/12/14 and 17/4/2015, (Excessive footpath trading breach x 3).

All of the above matters we investigated and resolved immediately. There was no escalated enforcement action taken.

Although the Compliance branch has not received any recent noise amenity concerns given the significant increase in numbers and the location being a mixed use zone I recommend tight conditions in relation to noise, allowing for background music only and no music after 12.30am.

In addition the branch does not have any concern with the proposed change of licence hour of 9am.

Should you wish to discuss the application further, please feel free to contact me on 9205-5166.

Regards,



Steve Alexander
Coordinator – Civic Compliance

1.3 88 Elizabeth Street, Richmond - PLN17/0119 - Development of the land for the construction of two triple-storey dwellings and a reduction in the car parking requirement.

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for 88 Elizabeth Street, Richmond. The report recommends approval of the application, subject to a number of conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 15.01-1 – Urban Design;
 - (b) Clause 21.05 – Built Form;
 - (c) Clause 22.07 – Development Abutting Laneways;
 - (d) Clause 22.10 – Built Form and Design Policy;
 - (e) Clause 22.13 – Residential Built Form;
 - (f) Clause 32.08 – General Residential Zone (Schedule 2);
 - (g) Clause 55 – Two or more dwellings on a lot (ResCode);
 - (h) Clause 52.06 – Car Parking.

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's concerns.

Objector Concerns

4. Nine objections were received to the application, these can be summarised as:
 - (a) Neighbourhood character (to Elizabeth Street and the rear ROW);
 - (b) Potential off-site amenity impacts (overshadowing, overlooking, visual bulk, loss of daylight);
 - (c) Excessive site coverage and height;
 - (d) Lack of compliance with Rescode standards (walls on boundaries, setbacks);
 - (e) Lack of on-site car parking.

Conclusion

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

CONTACT OFFICER: Lara Fiscalini
TITLE: Senior Statutory Planner
TEL: 9205 5372

1.3 88 Elizabeth Street, Richmond - PLN17/0119 - Development of the land for the construction of two triple-storey dwellings and a reduction in the car parking requirement.

Trim Record Number: D17/126970

Responsible Officer: Principal Statutory Planner

Proposal:	Development of the land for the construction of two triple-storey dwellings and a reduction in the car parking requirement.
Existing use:	Single dwelling
Applicant:	Cam Kieu Vi
Zoning / Overlays:	General Residential Zone (Schedule 2)
Date of Application:	15 February 2017
Application Number:	PLN17/0119

Planning History

1. A Notice of Refusal to Grant Planning Permit PLN14/0130 was issued by Council on 6 May 2015 for the development of the land for construction of a new three storey dwelling at 88 Elizabeth Street based on the following grounds:
 - (a) *The proposed development does not satisfy the requirements of Clause 54.03-2 (Building Height), Clause 54.03-3 (Site Coverage), Clause 54.04-1 (Side and Rear Setbacks), Clause 54.04-2 (Walls on Boundaries), Clause 54.04-3 (Daylight to Existing Windows), and Clause 54.04-5 (Overshadowing) of the Yarra Planning Scheme.*
 - (b) *The proposed development will create inequitable opportunities for redevelopment of the adjacent property to the west in the future and indicate an overdevelopment of the site.*
 - (c) *The proposed stormwater management provisions do not satisfy the recommendations of local planning policy Clause 22.16 (Stormwater Management – Water Sensitive Urban Design) of the Yarra Planning Scheme.*
2. The main differences between the previous application and the current application are outlined below;
 - (a) Setbacks from the secluded private open space (SPOS) to the east have substantially increased at ground, first and second-floor, with no boundary wall proposed directly adjacent to any of this area;
 - (b) Setbacks at first and second-floor have increased from the western boundary;
 - (c) The façade setback at the second-floor has been increased from the front boundary;
 - (d) The overall height of the dwelling has been reduced from 9.7m to 8.8m.

Background

3. The application was lodged on 15 February 2017, with additional information submitted on 19 April 2017. The application was subsequently advertised, with 9 objections received.
4. A Consultation Meeting was held on 20 June 2017, where the key issues raised in the objections were discussed with the Permit Applicant, Objectors and Planning Officers present.
5. On 25 August 2017, the Applicant submitted amended plans under Section 57A of the *Planning and Environment Act 1987* (The Act). These plans show the following changes;
 - (a) The dimensions of the proposed screen in front of the dwelling façade reduced, with the overall screen design decreased in scale and the transparency of the screen

- increased;
- (b) The 1.7m high screen associated with the roof deck of dwelling 2 set back from the southern boundary by 1m and 1.85m (previously on-boundary), with the western edge of the screen altered to a curved design;
- (c) Portions of brickwork altered to a metal finish (at the rear of the site).

6. The amended plans were not re-advertised. The application was granted a discretionary exemption at Council's Development Assessment Panel meeting held on 12 September 2017 as it was considered that the amendments would not result in any increased material detriment to surrounding sites. The amended plans were circulated to all objectors prior to the meeting and are attached as the decision plans to this report.

Existing Conditions

Subject Site

7. The subject site is located on the southern side of Elizabeth Street, to the west of Lennox Street and east of Shelley Street, in Richmond. A 3.9m wide right-of-way (ROW) is located to the rear. The site is rectangular in shape, with a frontage of 9.14m, depth of 30.96m and total site area of 295.8sqm.
8. The site is developed with a single-storey, brick dwelling with a hipped tiled roof. The dwelling is set back 2.2m from the street, 1m from the east boundary and 5.2m from the south boundary, and is constructed along the west boundary for its entire length, with a 5m high brick parapet wall extending along this interface.
9. Secluded private open space (SPOS) is provided to the rear of the dwelling, with this space fully finished in concrete. A detached carport, accessed via the adjacent ROW, is located in the south-east corner of the site. A roller door, brick fence and section of wire fence, extending to a maximum height of 4.7m, are located along the site's rear (southern) boundary.
10. A low solid, brick fence extends along the front boundary, with opaque glass bricks substituted as windows within the dwelling façade. The front entrance is located beneath a canopy abutting the eastern boundary. There is no vegetation within the site's front setback.



Figure 1 – Subject dwelling

11. The site is not encumbered by any restrictive covenants.

Surrounding Land

12. Elizabeth Street is predominantly residential, with a built form scale ranging from single to triple-storey in height. A mixture of building designs are found in the street, including traditional, single-storey dwellings and more contemporary double to triple-storey townhouses and apartments. Elements of higher built form are clearly visible to the east and west, in the form of multi-storey public housing and commercial buildings.
13. No. 90 Elizabeth Street to the east is developed with two double-storey townhouses. The dwelling immediately adjacent to the subject site is set back 2.4m from the street and is constructed to the common boundary at ground floor. The first-floor is set back approximately 1m from the common boundary, with four windows addressing the subject site at this level. The main area of SPOS is located to the rear of the dwelling. A carport extends along the rear boundary of both of the adjacent sites to the east. A 1.2m high fence, composed of render and metal, extends along the front boundary of these townhouses.
14. No. 86 Elizabeth Street to the west is developed with a single-storey, red-brick dwelling. The dwelling is set back 3.4m from the street and 1.15m from the common boundary with the subject site, with three habitable room windows addressing the 5m high parapet wall along this boundary.
15. A carport is attached to the rear of the dwelling, extending across the entire rear yard and resulting in almost 100% site coverage. Vehicle access to the property is via the adjacent ROW. A 1.7m high fence, composed of brick and metal pickets, extends along the site's front boundary.
16. To the south, beyond the ROW, are the rear SPOS areas of dwellings fronting Garfield Street. Many of these dwellings are provided with vehicle access from the ROW, with roller doors and boundary fences a characteristic of this laneway. A number of structures are located within the areas of SPOS to the south.
17. To the north, beyond Elizabeth Street, are single-storey, brick dwellings.



Figure 2 – adjacent sites

18. The subject site is located within close proximity to tram and train services including the North Richmond Train Station located approximately 280m north-west of the site. The Victoria Street Major Activity Centre (MAC) is located 260m north of the site, where tram services are provided, with additional tram services available along Church Street, approximately 200m to the east. There are also a range of uses including restaurants, bars, offices and taverns. Hoddle Street, a major arterial road is located 320m west of the site.

The Proposal

19. The proposal seeks to demolish the existing dwelling and construct two, triple-storey dwellings. Dwelling 1 will address Elizabeth Street, and will provide two bedrooms, with dwelling 2 set behind the front dwelling and providing five bedrooms. Both dwellings will be accessed from Elizabeth Street.

Ground level

20. Dwelling 1 will be set back 2.75m from the front boundary, with a blockwork screen located 1.2m in front of the façade and set back 1.55m from the front boundary. The screen has a number of irregular openings, a pitched and angled roof form and extends to a height of 6.9m. The porosity of the screen is not specified in the application.
21. A central entrance door opens directly into the main dining/kitchen space of Dwelling 1. A separate storage room, accessed externally from the façade and a laundry will encompass the remainder of the ground floor, with this level constructed to the eastern boundary.
22. The entrance for Dwelling 2 will be located on the western side of the façade, with an internal hallway extending along the western boundary. The kitchen/dining room will be directly behind the dividing wall with Dwelling 1 (with potential access between dwellings recognised for future use of the development). This dwelling is provided with a lift, along with two bedrooms and a bathroom at ground level.
23. Dwelling 2 will extend along the full length of the western boundary, with an open, outdoor courtyard to the east. This courtyard is proposed to be dual usage, with space provided for a vehicle. A 2m high solid masonry fence will extend along the boundary adjacent to this SPOS.
24. A garage will be located in the site's south-east corner, with 6 cubic metres of storage provided in this space.

First-floor

25. Dwelling 1 will be set back 2.75m from the front boundary, with a balcony encroaching 1.2m into this space, directly behind the blockwork screen.
26. A living room, bedroom and bathroom will be located at this level, with this dwelling constructed to the eastern boundary and set back 1.15m from the western boundary.
27. Dwelling 2 will contain a living room, laundry, two bedrooms and a bathroom at this level, with the eastern wall set back above the ground floor courtyard.
28. This level will abut the western and southern boundaries, with a first-floor terrace extending along the western boundary. A 1.7m high privacy screen, with 25% transparency, is proposed to extend along the entire length of this terrace (14.7m), directly along the western boundary.

Second floor

29. Dwelling 1 will be set back 4.45m from the front boundary, with a 1.7m wide balcony encroaching into this space. This balcony will be accessed from the master bedroom, with a walk-in-robe and ensuite also at this level.
30. The second floor of dwelling 1 will be set back 1.2m from the eastern boundary and 1.15m from the west.
31. Dwelling 2 will contain the master bedroom and ensuite at this level, with access to a roof terrace at the rear. This dwelling will abut the eastern boundary for a combined length of 9.78m (including the bedroom and roof terrace) with the remaining wall set back 4.5m from this boundary.
32. The western wall will be set back 3.05m and 2.05m from the western boundary, with the roof terrace abutting this boundary for a length of approximately 6m.
33. The roof terrace will be set back 1m and 1.85m from the site's rear boundary, with the western edge of the terrace in a curved design. A 1.7m high privacy screen (with maximum 25% transparency) will extend along the southern edge of the terrace.

General

34. A separate bin-storage enclosure and mail-box will be provided for each dwelling, with separate pedestrian gates proposed within the front fence.
35. A 1.77m high masonry blockwork fence will extend along the front boundary. The porosity of the fence is not specified in the application.
36. A 2,000L rainwater tank is proposed within the ground floor courtyard
37. The maximum height of the dwellings is 8.8m.
38. Materials will include;
 - (a) light grey concrete blocks – main façade and majority of walls;
 - (b) dark grey concrete blocks – screen;
 - (c) red brickwork – areas of the façade and blockwork front fence;
 - (d) grey metal cladding – second-floor façade.

Planning Scheme Provisions

Zoning

General Residential Zone (Schedule 2)

39. Pursuant to clause 32.08-2 of the Yarra Planning Scheme (the Scheme), a planning permit is not required to use the site for dwellings.
40. Pursuant to clause 32.08-6 of the Scheme, a planning permit is required to construct two or more dwellings on a lot.
41. Pursuant to Clause 32.08-9 of the Scheme;
 - (a) A building must not be constructed for use as a dwelling that:
 - (i) exceeds the maximum building height specified in a schedule to this zone; or
 - (ii) contains more than the maximum number of storeys specified in a schedule to this zone.
 - (b) If no maximum building height or maximum number of storeys is specified in a schedule to this zone:
 - (i) the building height must not exceed 11 metres; and
 - (ii) the building must contain no more than 3 storeys at any point.

42. Schedule 2 of the Zone states that a building must not be constructed for use as dwellings that exceed 9m in height.
43. Pursuant to Clause 32.08-14, the maximum building height requirements of Clause 32.08-9 introduced by Amendment VC110 does not apply to a planning permit application for the construction of dwellings lodged before the approval date of Amendment VC110. As the Section 57A amended plans were formally lodged on 25 August 2017 (after the approval date of 27 March 2017) the application is not exempt from the requirements at clause 32.08-9 and the mandatory height controls apply.

Overlays

44. N/A

Particular Provisions

Clause 52.06 (Car Parking)

45. Clause 52.06-2 requires that before a new use commences, the number of car spaces specified under Clause 52.06-5 must be provided. Clause 52.06-3 states that a permit is required to reduce the number of car spaces required under this clause.
46. The Clause 52.06-5 requirements, the proposal provision and the subsequent shortfall are shown below.

Use	Bedrooms/ Area	Rate	No. required	No. proposed
Residential	1 x 2 bedroom dwelling	1 space per 1 and 2 bedroom dwelling	1	0
C	1 x 5 bedroom dwelling	2 spaces per 3 or more bedroom dwelling	2	2
47. With two on-site car parking spaces proposed for Dwelling C			2	
/ Totals			3	2

Clause 55 – Rescode

48. The development must meet the requirements of Clause 55.

General Provisions

Clause 65 – Decision Guidelines

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

State Planning Policy Framework (SPPF)

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

Clause 11 – Settlement

51. *Planning is to recognise the need for, and as far as practicable contribute towards (as relevant);*
- (a) *Diversity of choice.*
 - (b) *Adaptation in response to changing technology.*
 - (c) *Economic viability*
 - (d) *A high standard of urban design and amenity.*
 - (e) *Energy efficiency.*
 - (f) *Accessibility*
 - (g) *Land use and transport integration*

52. *Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.*

Clause 11.02 – Urban growth

53. *The objective of this clause is: to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Clause 11.04-2 – Housing Choice and Affordability

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

Clause 11.04-4 – Liveable Communities and Neighbourhoods

55. *The objective of this clause is: to create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.*

Clause 15 – Built Environment and Heritage

Clause 15.01-1 – Urban design

56. *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

57. *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

58. *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

59. *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

60. *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

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

Clause 18.02-1 - Sustainable personal transport

62. The objective of this clause is '*to promote the use of sustainable personal transport*'.

Local Planning Policy Framework (LPPF)

63. 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

64. 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

65. Built form in the municipality is characterised by low-rise urban form with pockets of higher development, which distinguishes Yarra from adjoining municipalities. In managing the City's built form, development that builds upon Yarra's existing sense of place is to be encouraged alongside new development that aspires to high quality architectural design, environmental sustainability and public domain enhancements. This clause incorporates the following objectives to achieve this:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra;*
- (b) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
- (c) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*

Clause 21.06 – Transport

Clause 21.06-1 – Walking and cycling

66. 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

67. The relevant objective of this clause is:

- (a) *Objective 34 To promote ecologically sustainable development:*

Clause 21.08 Neighbourhoods

68. Clause 21.08-09 – North Richmond (north of Bridge Road). Figure 22 of this clause identifies this site as '*Inner Suburban Urban Residential*'.

Relevant Local Policies

Clause 22.07 – Development Abutting Laneways

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

Clause 22.10 – Built Form and Design Policy

69. 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 Policy

70. The relevant built form character type relating to the subject site is “Inner Suburban Urban Residential”.
71. 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.*
72. Clause 22.13-3.3 notes the applicable design responses for development within “Urban Residential” areas;
- (a) *Maintain the existing pattern of front setbacks (zero front setback often includes ground floor verandah insets).*
 - (b) *Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.*
 - (c) *Orient buildings at right angles to the street frontage.*
 - (d) *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)

73. This policy applies to applications for new buildings and recognises that increased development can result in greater hard surface area and changes to the volume, velocity and quality of stormwater drainage into natural waterways.

Clause 22.17 Environmentally Sustainable Development

74. The overarching objective outlined at Clause 22.17-2 is;

- (a) *That development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.*

75. To assess the energy efficiency of the development, a Sustainable Design Assessment is required to be submitted.

Advertising

76. The application was advertised under the provisions of Section 52 of the Act with 19 letters sent to surrounding owners and occupiers and two signs displayed on site.

77. Council received a total of 9 objections to the application. The grounds of objection are summarised as follows;

- (a) Neighbourhood character (to Elizabeth Street and the rear ROW);
- (b) Potential off-site amenity impacts (overshadowing, overlooking, visual bulk, loss of daylight);
- (c) Excessive site coverage and height;
- (d) Lack of compliance with Rescode standards (walls on boundaries, setbacks);
- (e) Lack of car parking provided.

78. A Consultation Meeting was held on 20 June 2017, where the key issues raised in the objections were discussed with the Permit Applicant, Objectors and Planning Officers present.

79. On 25 August 2017, the Applicant submitted amended plans under Section 57A of the *Planning and Environment Act 1987* (The Act). These plans show the following changes;

- (a) The dimensions of the proposed screen in front of the dwelling façade reduced, with the overall screen design decreased in scale and the transparency of the screen increased;
- (b) The 1.7m high screen associated with the roof deck of dwelling 2 set back from the southern boundary by 1m and 1.85m (previously on-boundary), with the western edge of the screen altered to a curved design;
- (c) Portions of brickwork altered to a metal finish.

80. The amended plans were not re-advertised. The application was granted a discretionary exemption at Council's Development Assessment Panel meeting held on 12 September 2017 as it was considered that the amendments would not result in any increased material detriment to surrounding sites. The amended plans were circulated to all objectors prior to the meeting and are attached as the decision plans to this report.

Referrals

External Referrals

81. No external referrals were required.

Internal Referrals

82. The application was referred to Council's Urban Design and Engineering Services Units, with referral comments attached to this report.

OFFICER ASSESSMENT

83. This assessment will be framed around the following:

- (a) Clause 55 Assessment (incorporating an assessment against relevant local policies);

- (b) Car parking and,
- (c) Objector concerns.

Clause 55 – ResCode

B1 – Neighbourhood character objectives

84. The existing character surrounding the site is mixed with regards to design, style and scale, with traditional dwellings and contemporary townhouses interspersed and higher elements of built form visible further to the east and west. The site is located in an area undergoing change, being within proximity to the Victoria Street MAC and unencumbered by a heritage overlay.
85. The size and location of the subject site provides an appropriate response for the construction of two dwellings and higher built form coverage. Properties generally have minimal front and side setbacks and many have boundary-to-boundary construction at ground level, with minimal side setbacks above.
86. The development proposes a ‘false façade’ in the form of a dark grey blockwork screen, with the screen located 1.2m in front of the actual façade. The original design of the screen was symmetrical and rectangular, and presented as visually bulky and overwhelming within the streetscape (figure 3).

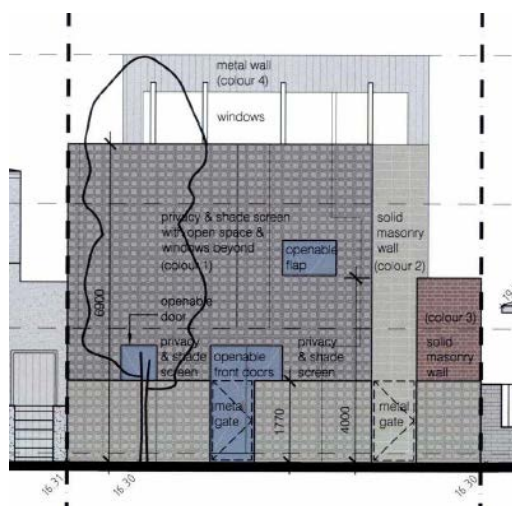


Figure 3 – Previous design response

87. This design was referred to Council's Urban Design Unit, with the following changes recommended;
 - (a) *The façade requires more openings, or a clear distinction between the two levels; integration with the street is lacking.*
 - (b) *The transparency of the blockwork should be confirmed – bigger openings are preferred.*
88. The amended decision plans have incorporated some changes into the modified design. The screen was provided with more openings, and reduced in height, with the original symmetrical design altered to incorporate a number of angles. The transparency of the blockwork has been increased. The amended design is portrayed in figure 4.

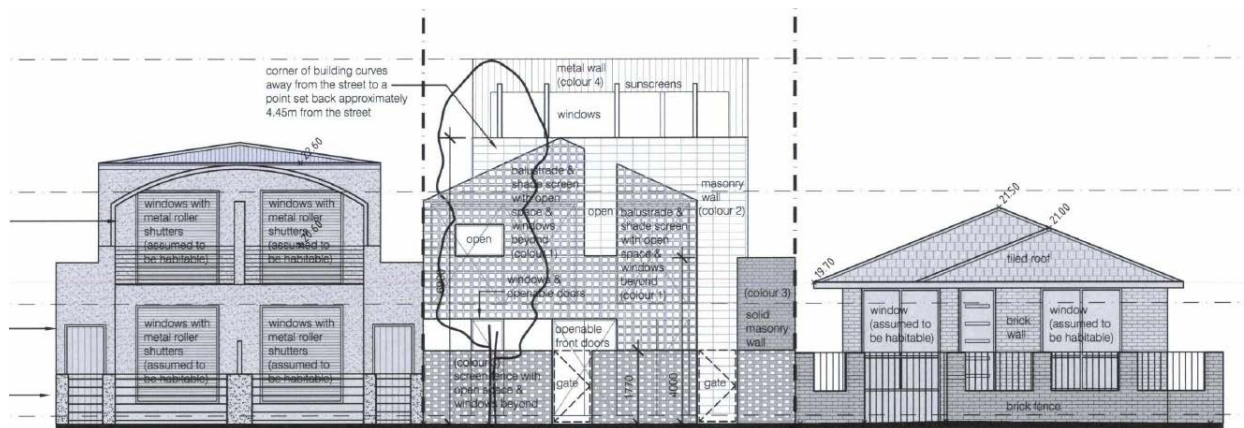


Figure 4 – Current design response

89. The new design reflects proportions and design elements found in more traditional dwellings, including the existing dwelling on the site, and is a more sympathetic response within the adjacent streetscape. Additional views to the façade are provided and integration with the street is improved. The amended design was re-referred for Urban Design comments, who acknowledged that the changes contributed to a better outcome and were largely supported. One additional change that was recommended was for the colour of the screen blockwork (dark grey) to match the light grey bricks proposed for the façade behind. This would assist in integrating the two walls and reducing the impact of the screen within the streetscape. If a planning permit is to issue, this alteration can be required via a condition.

90. The proposal responds appropriately to the height of the townhouses to the east and incorporates setbacks to the top-most level from both side boundaries, thereby providing a degree of articulation that assists in reducing the bulk of the building when viewed from Elizabeth Street.

The location and design of the screen presents a double-storey façade and maintains a lower presence within the streetscape, with the setback from the western boundary allowing for an appropriate transition in height to the abutting single-storey dwelling. The lighter grey shade proposed for the upper levels also assists in reducing the visual presence of the higher elements within the facade.

91. The flat roof form is acceptable for a contemporary development, with the hipped design of the screen referencing more traditional roof designs in the area.

92. Council's Urban Design comments raised concerns with the proposed front fence, noting that it should be '*reduced to a maximum of 1.5m, with the material altered to be different to the blockwork design of the façade*'. They stated that '*there is excessive use of blockwork within the design*'. Whilst some higher front fences are visible along the southern streetscape, the majority of these have a relatively open and transparent design. The proposed front fence is quite solid, with limited views available to the façade. This element will be discussed in detail under Standard B32 (Front fence objective).

93. The southern wall of Dwelling 2 will be double-storey in scale, directly abutting the ROW, with the roof terrace set back 1m and 1.85m from this interface. A roller door will be located at ground level, with this element referencing the predominant characteristic of the laneway. Whilst there are currently no double-storey walls constructed directly to this ROW, there are visible elements of higher built form associated with double-storey dwellings addressing Elizabeth Street.

94. The separation provided by the 3.9m wide ROW will assist in reducing off-site amenity impacts to the southern sites and limit visual impacts from the laneway and adjacent dwellings. A separate entrance will be provided for occupants of Dwelling 2, with views to the laneway possible from both levels of this dwelling. The design response will provide an

environment which has a feeling of safety for users of the laneway, whilst providing safe pedestrian and vehicle access. This is consistent with objectives outlined at Clause 22.07 (Development Abutting Laneways) of the Scheme.

95. Based on the above, the proposed development will adequately respect the existing and emerging neighbourhood character and is in accordance with the objectives and the decision guidelines outlined at Clause 22.13-3.2 (Inner Suburban Residential) and Clause 22.13-3.3 (Urban Residential) of the Scheme.

B2 – Residential policy objectives

96. The subject site is located within proximity to the Victoria Street MAC, with the development of the site resulting in efficient use of existing infrastructure and supporting an increase in population in established areas, consistent with Clause 21.04-1 of Council's MSS. The objectives of the Standard are met.

B3 – Dwelling diversity objective

97. This Standard does not apply to developments with less than 10 dwellings.

B4 – Infrastructure objectives

98. The proposal is located within an area with existing utility services and infrastructure, with the site already accommodating one dwelling which is connected to all necessary services. The objectives of the Standard are met.

B5 – Integration with the street objective

99. The development will be oriented to Elizabeth Street, with the amended design of the façade screening allowing for good integration with the streetscape. This integration could be further enhanced through an increased porosity of the screen, allowing more interaction with the dwelling façade whilst still providing a degree of shade and privacy. If a planning permit is to issue, a condition can require this change.
100. The entrances to both dwellings will be visible within the development's façade and the objective of the Standard will be met.
101. A 1.77m high front fence is proposed, with the fence to be composed of blockwork. The height of this fence will inhibit views to the façade to a degree. This element will be discussed in detail under Standard B32 (Front fence objective).

B6 – Street setback objective

102. The ground floor façade of the dwelling to the east is set back 2.4m from the front boundary, with the front entrance porch set back 2m from this interface. The façade of the western dwelling is set back 3.4m and 4.5m from the street. The predominant sections of both facades equates to an average setback distance of 2.9m.
103. The screening element in front of Dwelling 1 is proposed to be set back 1.5m from the site's front boundary, with the true façade set back 2.75m. The front entrance to Dwelling 2 will be set back 1.5m from the street, with the first-floor terrace associated with this dwelling directly above the front entrance, also with a setback of 1.5m from the street.
104. This Standard notes that if there is an existing building on both the abutting allotments facing the same street, the development should be set back the average distance of the setbacks of these facades. The 1.5m setback of the screen does not meet the Standard.

105. The actual façade setback of 2.75m is very close to achieving the 2.9m setback required. Whilst the screen will project further forward, this is an acceptable outcome if the following changes are made;
- (a) The front entrance to Dwelling 2 set back in line with the façade, to 2.75m, so as to create a better transition with the deeper setback (4.5m) of the entrance door to the west;
 - (b) The first-floor terrace above this entrance set back in line with the façade of the dwelling to the west (4.5m), again to improve the transition with the single-storey dwelling to the west and ensure that the higher built form does not overwhelm the deeper setback within the adjacent site.
106. When these changes are incorporated, a variation to the Standard is acceptable, particularly given the context of the site, the increased porosity of the screen to reduce the visual impact of this element (via a condition) and the prevalence of double-storey facades nearby with limited front setbacks, as can be seen in figure 5 below. The double-storey scale of the screen will reference the height of these adjacent facades and will integrate well with this existing pattern.



Figure 5 – adjacent dwellings to the east

107. The changes can be required via permit conditions, should one be issued. On this basis, the objective of the Standard is met.

B7 – Building height objective

108. Pursuant to Clause 32.08-9 and Schedule 2 of the Scheme, a building must not be constructed for use as dwellings that exceed 9m in height. The maximum height of the development is 8.8m; thereby meeting this mandatory height.
109. Clause 22.13-3.3 (Urban Residential) seeks the following design response in this area:
- (a) *Where the general pattern of development includes gaps between building, include a setback on at least one side of the building*
 - (b) *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.*
110. In this instance, while the proposed triple-storey development is located adjacent to a single-storey dwelling to the west, the setbacks provided from the western boundary and the lighter shade of the second-floor façade provide a good degree of articulation that relates the taller building to the scale of its surrounds and assists in diminishing visual bulk. The design is considered to be consistent with the provisions outlined above and the Standard is met.

B8 – Site coverage objective

111. The site coverage of the development will be approximately 77%, thereby exceeding the 60% coverage recommended by the standard. The previously refused application associated with this site proposed site coverage of 82%; this outcome was considered

excessive and formed part of the grounds for refusal, however in that instance the high site coverage resulted in other, unreasonable off-site amenity impacts to adjacent sites. The current design has amended the building envelope of the development; thereby reducing associated amenity impacts, and ensuring that the contexts of adjoining sites have been taken into consideration.

112. On this basis, the proposed coverage of 77% is considered acceptable, given the design of the development and the similar degree of built form coverage exhibited on adjoining land.
113. Figure 6 demonstrates the high site coverage found in sites to the west, from 78-86 Elizabeth Street. Structures extend to the rear boundaries of these sites, with the only areas of open space limited to the front setbacks. The proposed development provides less built form coverage than these sites. The objective of the Standard is met.



Figure 6 – adjacent sites to the west

B9 – Permeability objectives

114. The development will provide 15% permeability, which falls short of the minimum 20% requirement of the Standard. This variation is considered reasonable given the inner-city context of the site and low permeability levels provided to other residential developments in the immediate area. The front yard and outdoor courtyard are indicated as being permeable, which assists in maximising permeability levels within the site. The actual permeable materials have not been specified on the drawings; this can be required via a condition, if a planning permit is to issue.
115. Efforts have been made to reduce the impacts of the shortfall of permeable surfaces by proposing the installation of a 2,000L rainwater tank, which will increase the capacity of the site to absorb run off and allows captured water to be re-used. Details of how the water will be used have not been provided clearly on the drawings, however a STORM assessment has been submitted, with a STORM rating of 105% achieved. The BESS report suggests that the tank will be connected to toilets and laundries. If a planning permit is to issue, a condition can confirm this outcome, with all details to be notated on relevant plans.

B10 – Energy efficiency objectives

116. The proposal will achieve a good level of energy efficiency, with the following commitments outlined in the Sustainable Design Assessment (SDA) submitted with the application;
 - (a) A BESS report with a score of 72% (with 70%+ considered Excellent);

- (b) A 2,000 litre rainwater tank, with a condition ensuring that this tank will be connected to toilets and laundries;
- (c) A STORM rating of 105%, consistent with objectives outlined at Clause 22.16 (Stormwater Management);
- (d) Water and energy efficient fixtures and fittings;
- (e) Cross-ventilation opportunities are provided at all levels, with the majority of windows to be operable;
- (f) Double-glazing will be provided for all living areas and bedrooms, thereby increasing the thermal efficiency of the dwellings;
- (g) A northern orientation will be provided for dwelling 1, with areas of the roof terrace associated with dwelling 2 also receiving good solar access.

117. The BESS report also included a number of commitments as follows;

- (a) External clothes lines;
- (b) A green roof;
- (c) One bicycle space per dwelling;
- (d) Adjustable external screening to the east, west and north-facing windows.

118. These features are not clearly shown on the plans. If a permit is to issue, a condition will require the inclusion of these measures on all relevant drawings. It is noted that the BESS report also states that 50% of living areas are provided with northern orientations; this is not correct and should be amended in the report. A condition will require this, should a permit issue.

119. It is not considered that the energy efficiency of the adjacent sites will be unreasonably impacted by the proposed development. Overshadowing to areas of SPOS within sites to the south will be discussed in detail later within this assessment.

120. Subject to the conditions discussed above, the proposed development satisfies the requirements of Clause 22.17 (Environmentally Sustainable Development) and accords with the design objectives and guidelines of Clause 22.10-3.5 (Environmental Sustainability) of the Scheme.

B11 – Open space objective

121. This standard does not apply as no public or communal open space is proposed.

B12 – Safety objective

122. The entrances to both dwellings will be clearly visible from Elizabeth Street, with the openings in the screen ensuring that they will not be obscured or isolated from the street. The objective of the Standard will be met.

B13 – Landscaping objectives

123. The drawings do not specify whether landscaping is proposed within the front setback; however the Clause 55 assessment submitted with the application states that the new design will provide a landscaped front yard that softens the relationship of the proposed building with the street. The BESS report submitted also references the provision of a 'green roof'. Details of this roof are not provided, with a condition requiring clarification of this feature.

124. Whilst landscaping is not a character of the streetscape, vegetation within the front setback would be welcomed and would soften the blockwork and masonry proposed. If a planning permit is to issue, a condition can be added to request details and clarification of landscaping proposed at the front of the site. On this basis, the objective of the Standard will be met.

B14 – Access objectives

125. This standard seeks to ensure that the number of vehicle crossovers respects the character of the street, whilst maximising the retention of on-street car parking spaces. The proposed development will continue to utilise the rear ROW for vehicle access, with a 3.75m wide roller door provided. This will ensure that no on-street car parking spaces on Elizabeth Street will be affected.
126. Council Engineers assessed the proposed vehicle access to the site, and noted that from a 3.94m wide ROW, the doorway width of 3.75m is considered insufficient to allow a B85 design vehicle to enter and exit the garage. To provide sufficient access, this door should be widened to a minimum of 3.9m. This change can occur via a permit condition, should a permit be issued.

B15 – Parking location objectives

127. The on-site car parking spaces are located in a tandem arrangement at the rear of the site and will be accessed from the ROW. Both of these parking spaces are allocated to Dwelling 2, with one located undercover. The overall length of the spaces is 12.6m. *Design standard 2 – Car parking spaces* at Clause 52.06-9 specifies that car spaces in carports must be at least 6m long and 3.5m wide, and where parking spaces are provided in tandem, an additional 500mm in length must be provided between each space. This design standard also notes that where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.
128. The internal dimensions and design of the proposed car spaces largely achieve these provisions, with the exception of the width of the undercover space. The location of the storage space for dwelling 2 encroaches into the envelope, reducing the width to 3.2m. The layout of the proposed parking spaces was referred to Council Engineers, who raised no issue with the slight reduction in width for a portion of this space. This outcome is acceptable and the objective of the Standard is met.

B17 – Side and rear setbacks objective

Eastern elevation

129. The setback of Dwelling 1 from the eastern boundary is outlined below.

Wall location	Wall height	Setback required	Setback provided	Complies?
Second-floor	8.1m-8.8m	3.19m-3.89m	1.2m	No

130. This wall is set back from a ground floor boundary wall, with a first-floor wall on the adjacent site set back 1m from the shared boundary. This equates to a gap of 2.2m between the dwellings. As modest setbacks from side boundaries are a consistent characteristic within the streetscape, this outcome is acceptable. Views to the wall will be clearly available from Elizabeth Street; again this is a characteristic of the neighbourhood and is an acceptable response.
131. The wall will be located opposite a number of windows within the first-floor of the adjacent dwelling, however it has been confirmed (via endorsed plans for 90 Elizabeth Street) that these windows are primarily associated with non-habitable rooms and will not be adversely affected by the presence of a new wall in this location. As can be seen in the image below, two of the windows are hallway windows, with the living room window a secondary feature. The living room relies on a large north-facing window for outlook and daylight.

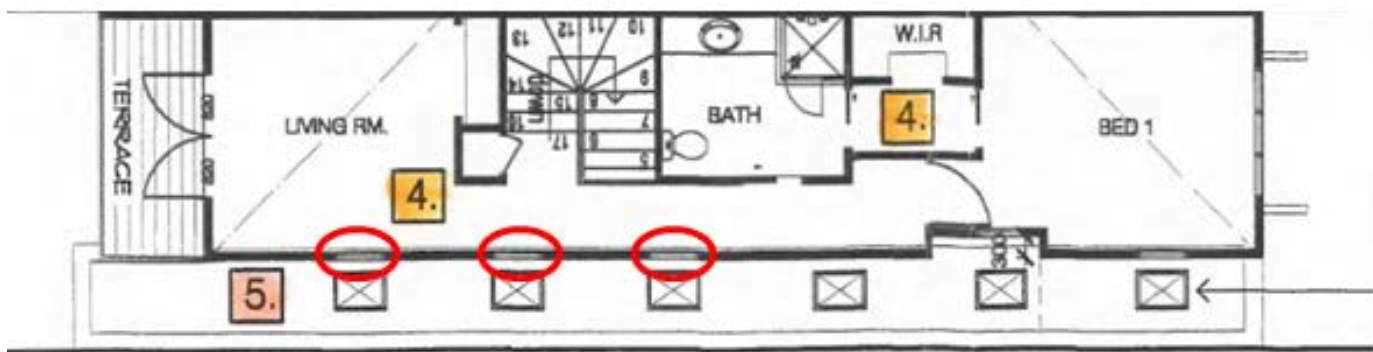


Figure 7 – First-floor layout – 90 Elizabeth Street

132. Based on this context, a variation to the Standard is considered acceptable.
133. The setback of Dwelling 2 from the eastern boundary is outlined below and complies with the Standard.

Wall location	Wall height	Setback required	Setback provided	Complies?
Ground-second floor	8.8m	3.89m	4.5m	Yes

Western elevation

134. The setback of Dwelling 1 from the western boundary is outlined below.

Wall location	Wall height	Setback required	Setback provided	Complies?
Second-floor	8.8m	3.89m	1.15m	No

135. As with the eastern wall of this dwelling, the lack of compliance with the Standard is considered acceptable, with the proposed setback not resulting in any unreasonable amenity impacts to the western dwelling, and the modest side setback a common characteristic of the streetscape. This entire length of wall will be located opposite a blank, ground floor wall, with no windows addressing the new built form and no views available from any area of SPOS.
136. The degree of setback provided is similar to those provided at first-floor within the dwellings to the east (see figure 8). Based on this context, a variation to the Standard is considered acceptable.



Figure 8 – 90-92 Elizabeth Street

137. The various setbacks of Dwelling 2 from the western boundary are outlined below.

Wall location	Wall height	Setback required	Setback provided	Complies?
First-floor	5.1m	1.45m	2.05m	Yes
Staircase from first to second-floor	7.08m	2.89m	2.05m	No
Second-floor privacy screen to terrace walkway	6.7m	1.93m	3.05m	Yes
Second-floor privacy screen to hallway	8.8m	3.89m	3.05m	No
Second floor wall adjacent to lift	8.8m	3.89m	1.15m	No

138. The non-compliant sections of wall are mostly located behind a 4.6m high privacy screen that extends along the western boundary. Whilst the design of the adjacent dwelling to the west (with deep eaves and windows currently addressing a 5m high wall) ensure that views to this wall would be limited (if non-existent); the location of the privacy screen further restricts any views to the new walls. Daylight impacts to these existing windows will be addressed later within this assessment. Based on this context, a variation to the Standard is considered acceptable.

Southern elevation

139. The second-floor of Dwelling 2 will be set back 1m and 1.85m from the site's southern boundary. This setback will allow for a degree of visual relief from the double-storey boundary walls below, and articulate the rear presentation of the site to an acceptable degree.

B18 – Walls on boundaries objective

140. To comply with this standard, any new wall on the east or west boundary should not exceed 15.24m in length (10m for the southern boundary) or an average of 3.2m in height, with no part higher than 3.6m unless abutting a higher existing or simultaneously constructed wall.

Eastern boundary

141. The existing boundary walls associated with 90 Elizabeth Street are shown on the eastern elevation; to alleviate confusion and ensure that clear images of the proposed walls are available; a condition can require these walls to be shown in a less visible, dashed format, if a planning permit is to issue.
142. Two sections of wall associated with both dwellings will extend along the eastern boundary at ground, first and second-floor; one for a length of 16.5m and the second 6.5m in length (total length of 23m). These walls will range in height from 4.4m to 8.6m. Whilst the length and height of these walls do not comply with the Standard, this outcome is largely acceptable, with only 1.3m (or 6%) of the wall length not abutting existing walls on the neighbouring site. With the majority of these walls constructed directly to existing walls, visibility will be restricted and amenity impacts will be alleviated to a reasonable degree.
143. It is noted that the first-floor component of one of these walls is associated with a privacy screen to bedroom 2 in Dwelling 2 (north-facing window). This privacy screen is full height, composed of blockwork and projects 0.8m in front of the bedroom window. Given the location of the screen, clear views will be available from the adjacent area of SPOS. This element is considered to be a visually bulky response to overlooking; a less intrusive screen design could be affixed to the window, negating the necessity for a boundary wall adjacent to the SPOS of 90 Elizabeth Street and subsequently reducing visual impacts from the adjacent

site. If a planning permit is to issue, a condition can require the removal of this screen, along with the 0.8m length of boundary wall associated with the screen, and the provision of an alternative measure to alleviate overlooking from this bedroom.

144. The removal of this screen and the section of boundary wall will impact the size of the roof terrace above. This is not considered to be of great consequence, with a substantial roof area dedicated to this terrace. A further condition can require this section of roof terrace to be reduced in depth from 4.68m to 3.88m, with no part of the terrace to project beyond the adjacent garage, if a permit is to issue.
145. At second-floor (given the previous condition) the length of wall along this boundary will be 9.08m, with wall heights ranging from 7m to 8.8m. The reduction in size of the roof terrace will ensure that all of these walls will directly abut existing ground floor walls along the boundary.

Whilst the height of the walls will allow views to these levels, visibility of the walls will be restricted by this direct abuttal, amenity impacts will be managed and a variation to the Standard is considered acceptable.

Western boundary

146. Walls associated with both dwellings will extend along the ground floor boundary for a length of 29.2m, the first-floor boundary for a combined length of 26.3m and the second-floor boundary for a length of 6.7m. A 5m high wall currently extends along approximately 23m of this boundary.
147. The new walls will range in height from 4.6m (where associated with the privacy screen at first-floor), to 7.4m (privacy screen at second-floor).
148. As the 4.6m high section of wall will replace the existing 5m high section of wall along this boundary, no additional impacts will occur to the adjacent dwelling and a variation to the Standard is acceptable.
149. The higher section of wall is not located adjacent to any windows or sensitive interfaces within the site to the west, with the high level of built form coverage within this neighbouring site limiting views to the new section of wall. There will be negligible amenity impacts caused by the non-compliant height of this wall and a variation to the Standard is acceptable.

Southern boundary

150. A wall will extend along the full length of the southern boundary at ground and first-floor, to a maximum height of 5.9m (with the exception of a small central planter box which will sit 1m off the boundary). The height and location of this wall has been discussed in Standard B1 (Neighbourhood character), and assessed against Clause 22.07 (Development Abutting Laneways), and found to be an acceptable outcome, with built form abutting rear boundaries a characteristic of the adjacent ROW.
151. The separation provided by the 3.9m wide ROW will assist in reducing off-site amenity impacts to the southern sites and will limit visual impacts from the laneway and adjacent dwellings. The length and height of this wall is acceptable and the objective of the Standard is met.

B19 – Daylight to existing windows objective

East

152. The plans indicate that four first-floor windows are located within the dwelling to the east; these windows are assumed to be habitable on the decision plans, however the previously

discussed endorsed plans for 90 Elizabeth Street (at figure 7) show that two of the windows are non-habitable, with the southern-most window associated with a bedroom and the northern-most window with a living room. Both the bedroom and living room have larger, alternative light sources available.

153. Whilst a new boundary wall is proposed opposite these windows at first-floor, the existing 1m setback will maintain a lightcourt with a minimum area of 3sqm and minimum dimension of 1m clear to the sky, thereby meeting the first section of this Standard.
154. To achieve the remainder of the Standard, any new wall opposite these windows should be set back at least half the height of the proposed wall. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.
155. A diagram has been provided by the applicant, demonstrating the setback of the new wall opposite these windows. As can be seen, the height of the new wall when measured from the first-floor level is 4.8m; with the diagram indicating that a setback of 2.4m is achieved.

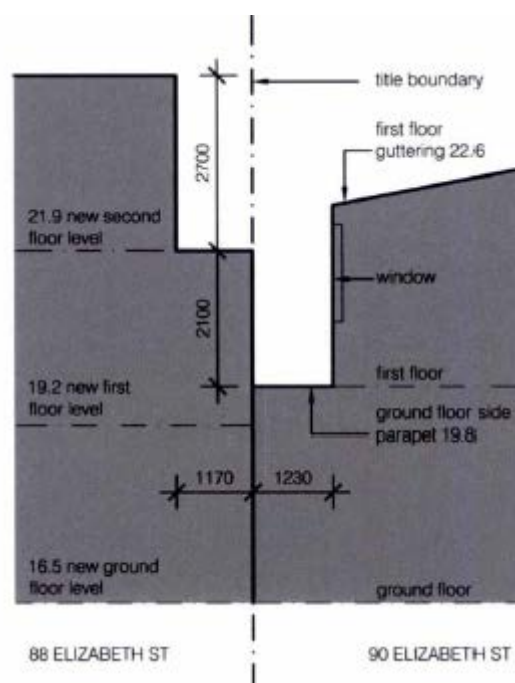


Figure 9 – wall set back from eastern dwelling

156. Based on the dimensions outlined in this diagram, the Standard is met.

West

157. Three ground floor windows, also assumed to be habitable, are located within the dwelling to the west. All of these windows are set back 1.15m from the shared boundary, are located underneath an eave and are directly oriented towards an existing solid brick wall, ranging in height from 4.8m to 5m.
158. A 4.6m high wall and 25% transparency privacy screen will be constructed opposite two of these windows, directly to the boundary. Whilst a light court of 3sqm by 1sqm will be provided, the height of the wall opposite the windows will not meet the remainder of the Standard (a 2.3m setback should be provided). However, given the existing context of these windows and the lack of additional amenity impacts the new wall and privacy screen will provide, this outcome is acceptable, with the transparency of the privacy screen an improvement on the current solid wall. The lack of impacts is demonstrated in Figure 10.
159. Also proposed opposite the two northern-most windows are a lift and the second-floor of Dwelling 2. These walls extend in heights to 7.8m and 8.8m (although are shown on figure

10 as a maximum height of 8.1m). Views to all of these higher elements will be obscured by the wall and privacy screen extending along the boundary, as demonstrated in figure 10. The set back of these elements, also demonstrated as 3.05m in figure 10, will ensure that they will have no additional impact on the degree of daylight accessing the windows. This outcome was confirmed by Council's ESD Advisor.

160. A wall ranging in height from 3.5m to 5.3m will be located adjacent to the southern-most window, with this wall extending along the boundary opposite a section of the window for a length of 1.3m. The remaining section of window (1.1m) will be opposite two higher walls, one at a height of 5.1m, the second wall a maximum height of 6.7m. These walls are set back 3.2m and 4.2m respectively from the window, thereby meeting the Standard.
161. The section of wall along the boundary is unlikely to cause a noticeable difference to daylight, given the existing context of the solid brick boundary wall and the overhang of the eaves. The objective of the Standard is met.

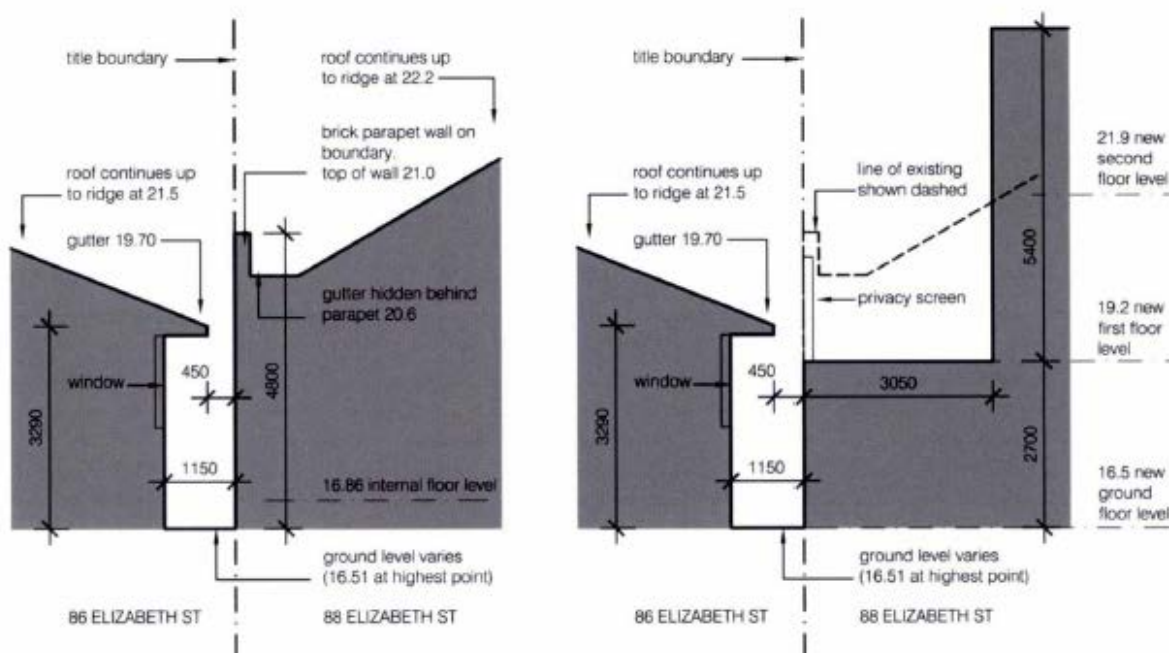


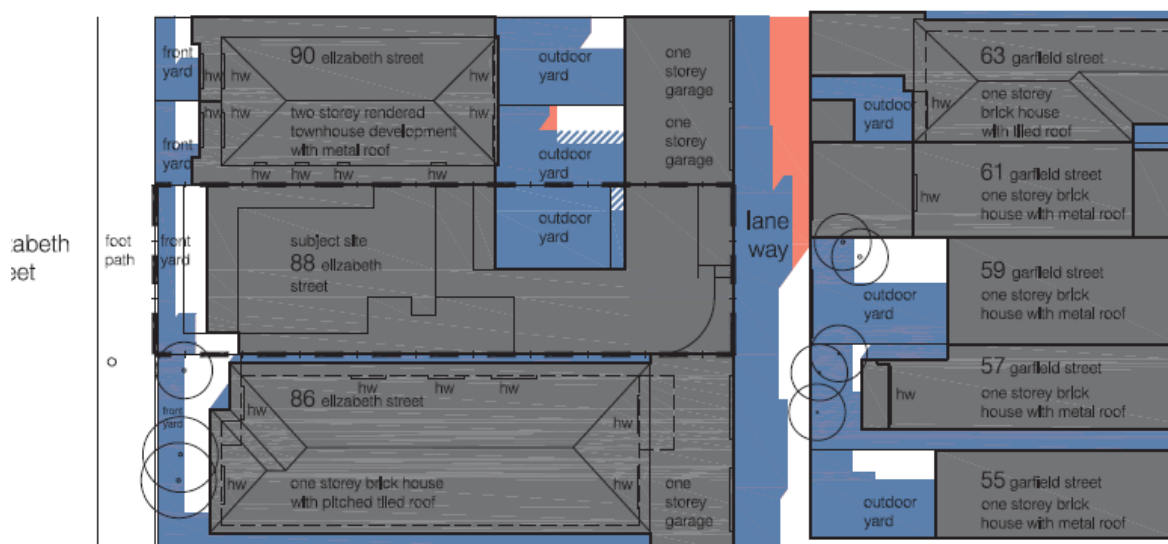
Figure 10 – Existing and proposed conditions to the west

B20 – North-facing windows objective

162. There are no north-facing windows within 3m of the site's southern boundary.

B21 – Overshadowing open space objective

163. The context and layout of built form within the sites to the east and west, along with the separation provided by the ROW to the south, will ensure that there is minimal additional overshadowing experienced within any areas of SPOS throughout the day as a result of the development of the site.
164. At 9am and 12midday, all additional shadows will fall within the rear ROW. At 3pm, the shadow plans indicate that the SPOS at 90 Elizabeth Street will receive more solar access overall than is currently available to this site, thereby providing improved conditions within this site and ensuring that the objective of the Standard is met. This outcome is demonstrated in Figure 11 on the following page.



proposed shadow diagram
3pm 22 September

- Existing areas of shadow that are maintained in the proposed design are coloured solid blue as above.
- Existing areas of shadow that are changed to sunlight as a result of the proposed design are coloured with a diagonal blue cross hatch.
- Any additional shadows as a result of the proposed design are coloured red.

B22 – Overlooking objective

165. All potential overlooking opportunities have been addressed through the provision of privacy screening, with a maximum transparency of 25%. Views to the eastern SPOS will be restricted at first-floor through the use of full height screens, with a condition requiring one of the screens (north-facing bedroom screen) to be substituted for a less visually intrusive overlooking measure. The alternative treatment must meet this Standard.
166. Views from the roof terrace have been suitably restricted to the eastern SPOS through the provision of 1.7m high privacy screens, with maximum transparencies of 25%. There are no further potential views to the east from habitable room windows, ensuring the Standard is met.
167. The two west-facing areas of SPOS at first and second-floor have been screened with a 1.7m high screen, with a maximum transparency of 25%. This will ensure that no unreasonable views are available into the western site and the Standard will be met.

B23 – Internal views objective

168. The design of the two dwellings ensures that there are no internal overlooking opportunities available, although it is noted that a solid wall is not shown between the two dwellings. This is due to the anticipated future use of the dwellings as one residence, however as this application is for two dwellings, they should be divided as such. A permit condition can ensure this occurs, if one is to issue.

B24 – Noise impacts objective

169. Any noise generated by the two dwellings will be residential in nature; it is not considered that the proposed development of the site will generate unreasonable noise impacts on surrounding sites. The Scheme does not include reference to applicable noise control legislation, instead the *Environment Protection (Residential Noise) Regulations 2008* is the relevant legislation regarding residential noise impacts and how they can be controlled.

B25 – Accessibility objective

170. The dwelling entries of the ground floor of both dwellings will be accessible to people with limited mobility, with an internal lift arrangement proposed for dwelling 2, further increasing the accessibility of this dwelling. The Standard will be met.

B26 – Dwelling entry objective

171. The entrances to the two dwellings will be clearly visible and easily identifiable and will provide a sense of personal address for each residence. A degree of shelter and transitional space will be provided around each entrance. The objective of the standard is met.

B27 – Daylight to new windows

172. The majority of new habitable room windows will receive adequate daylight in accordance with the Standard, being oriented to face an outdoor space clear to the sky with a minimum area of 3sqm and minimum dimension of 1m.
173. Part of the north-facing windows associated with Dwelling 1 at first-floor will sit behind the façade screen, with an area of 1.2m provided between the windows and the screen. The second-floor plan indicates that a sun-shade will sit above this space, thereby inhibiting daylight to the adjacent windows. Given the height of the screen, it is considered that this element will already provide effective shade to the first-floor balcony, and the sun-shading is not required. The removal of this covering will increase the degree of daylight able to access the living room of Dwelling 1, with a condition already requiring the porosity of the screen to be a minimum of 50%. If a planning permit is to issue, this alteration can be facilitated via a permit condition.
174. Whilst a sunscreen also sits above part of the second floor façade balcony, the north-facing windows at this level are not located behind the façade screen and ample daylight will access the adjacent rooms.
175. The ground-floor south-facing kitchen and dining room windows of Dwelling 2 are set back 1.2m from a privacy screen; given the lack of sectional detail provided with the application, it is unclear how high this screen is. However, as the first-floor plan indicates that a full-height screen will be located adjacent to the south-facing living room window, it is assumed that the screen extends to this level, resulting in a double-storey screen set back 1.2m from the ground floor windows.
176. This outcome is not considered acceptable, limiting daylight to the ground floor kitchen and dining area to an unreasonable degree. The removal of the first-floor full height screen, and replacement of this screen with an alternative overlooking measure, would increase daylight to the kitchen below, as well as improving the outlook from this room. Preferably the ground floor screen would also be removed, however as long as this setback area is not covered; an increased degree of daylight will be able to access the kitchen windows. If a planning permit is to issue, a condition can require the removal of the first-floor, south-facing privacy screen associated with the living room of Dwelling 2, with this screen to be replaced with an alternative overlooking measure to meet Standard B22 (Overlooking). An internal elevation/section will also be request via a condition on any permit issued.

B28 – Private open space objective

177. The dwellings will have the following access to SPOS;
- (a) Dwelling 1;
 - (i) First-floor - 7.56sqm balcony, with a width of 1.2m;
 - (ii) Second-floor - 10.5sqm balcony, with a width of 1.7m
 - (b) Dwelling 2;
 - (i) Ground-floor – 29.7sqm dual-usage courtyard;
 - (ii) First-floor – 25sqm terrace;
 - (iii) Roof-terrace – Approximately 65sqm.
178. The first-floor balcony for Dwelling 1 falls slightly short of the 8sqm referenced in the Scheme; as does the depth of this balcony (less than 1.6m). This outcome is not acceptable and will not provide sufficient usable open space with convenient access from the living room for this dwelling. If a permit is to issue, compliance with the Standard can be required via a condition. This will need to be achieved without further reducing the setback from the street, as this would result in increased visual bulk. As a result it is expected that the first-floor will need to be set back further to achieve this outcome.
179. Dwelling 2 is provided with three generous and usable areas of SPOS. Whilst the ground floor courtyard is considered to be 'dual usage' and will also provide space for a car park; two additional areas (one with convenient access from the first-floor living room) will be accessible and will provide sufficient open space for the recreational needs of future occupants. With regards to this dwelling, the Standard is met.

B29 – Solar access to open space objective

180. The balconies for Dwelling 1 will receive filtered northern sunlight. The removal of the sunshade above the first-floor balcony via a condition will increase solar access to this space.
181. The location of the roof terrace for Dwelling 2 will also receive northern sunlight to access this space. The objective of the Standard will be met.

B30 – Storage objective

182. There are designated internal storage spaces for each dwelling, with 6 cubic metres of secure storage provided at ground floor for Dwelling 1 and within the garage for Dwelling 2. The Standard is met.

B31 – Design detail objective

183. The proposed development is contemporary in design and incorporates modern materials, with the flat roof form referencing existing contemporary dwellings in the area and considered appropriate for a modern building.
184. The building's façade is articulated through the use of the screen, differing setbacks and a variety of materials. This response breaks up the overall massing of the design and ensures that the objective of the Standard is met.

B32 – Front fences objective

185. A 1.77m high front fence is proposed, with the fence to be composed of blockwork, thereby matching the front screen. Council's Urban Design Unit recommended that a lower fence should be provided, to allow for increased integration with the street, and for an alternative material to be used. In the amended plans, the colour of the bricks proposed for the fence is red.

186. The heights of the abutting front fences are 1.2m to the east and 1.7m to the west. Policy at Standard B32 notes that a front fence should not exceed 1.5m in height. Reducing the fence to 1.5m would provide a good transition in height between the two adjacent fences, whilst complying with policy provisions and increasing positive integration with the street. If a planning permit is to issue, this alteration can be facilitated via a condition.
187. Whilst the original Urban Design advice recommended that a different material be used for the fence, it is subsequently acknowledged that the introduction of a new type of material may result in an overly busy appearance. The red-brick colour of the fence is different to that proposed for the grey façade screen, providing a point of difference between these elements. The reduced height of the fence to 1.5m will also reduce the prominence of blockwork. This outcome is considered acceptable and based on the condition; the objectives of the Standard will be met.

B33 – Common property objective

188. There is no common property proposed as part of the development.

B34 – Site services objectives

189. Separate mail-boxes are provided for each dwelling, with dedicated bin-storage areas located within the site's front setback. These are appropriately located for convenient access. The Standard is met.

Car Parking

190. The development requires a reduction of one car parking space in conjunction with the two bedroom dwelling. With regards to car parking demand for a two-bedroom dwelling, car ownership data for Richmond from the 2011 Census conducted by the Australian Bureau of Statistics suggests that there is a strong market for dwellings that do not contain any on-site parking. Since the dwelling will not have any car parking provided, it would appeal to persons who do not own a car. It is noted also that the occupants of the new dwellings will not be eligible to apply for on-street residential and visitor car parking permits.
191. The surrounding area is blanketed in time-restricted parking, predominantly limited to 2P parking. Whilst this would allow regular visitor parking opportunities within proximity to the site, it will further dissuade potential occupants from owning a car.
192. The site is in a good location for a dwelling with no on-site car parking, being within walking distance of tram services operating along Victoria Street, and the North Richmond railway station. The site also has very good connectivity to the on-road bicycle network. Pedestrians and cyclists should be able to access the site conveniently. A condition has required the provision of at least one bicycle parking space per dwelling to be shown on the plans, consistent with the BESS report.
193. From a traffic engineering perspective, the waiver of one car space for this proposal is considered appropriate in the context of the development and the surrounding area. Engineering Services has no objection to the reduction in the car parking requirement for this site.

Objector concerns

194. Concerns raised in the objections have either been discussed previously throughout this report, or are addressed below.

Neighbourhood character (to Elizabeth Street and the rear ROW);

195. The character of the surrounding neighbourhood and the dwelling's integration with this is discussed in paragraphs 84-95 of this report.

Potential off-site amenity impacts (overshadowing, overlooking, visual bulk, loss of daylight);

196. These elements have been discussed in detail in the following paragraphs;

- (a) Overshadowing – 163 & 164
- (b) Overlooking – 165-167
- (c) Visual bulk – 102-106
- (d) Loss of daylight – 152-161.

Excessive site coverage and height;

197. The proposed height and built form coverage of the development has been addressed in paragraphs 108-113.

Lack of compliance with Rescode standards (walls on boundaries, setbacks);

198. Setback Standards have been discussed in paragraphs 129-139, with walls on boundaries addressed at 140-151.

Lack of car parking provided.

199. The car parking provision has been discussed in paragraphs 190-193 of this report.

Conclusion

200. 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 PLN17/0119 for development of the land for the construction of two triple-storey dwellings and a reduction in the car parking requirement at 88 Elizabeth Street, Richmond, 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 prepared by Justin Mallia Architecture, received by Council on 25 August 2017, but modified to show:
 - (a) The colour of the blockwork screen amended to match the proposed colour of the masonry façade (Colour 2 – light grey bricks) with the porosity of this screen to be a minimum of 50%;
 - (b) A notation on the ground floor plan confirming that the rainwater tank will be connected to toilets and laundries within the development;
 - (c) The following elements outlined within the BESS report to be shown on the plans;
 - (i) External clothes lines;
 - (ii) A minimum of one bicycle parking space per dwelling;
 - (iii) The type of permeable surfaces proposed;
 - (iv) Details of the proposed green roof (if proposed);
 - (v) Adjustable external screening to the east, west and north-facing windows.
 - (d) The garage door increased in width to a minimum of 3.9m;
 - (e) The front entrance to Dwelling 2 set back a minimum of 2.75m from the northern (front) boundary;
 - (f) The first-floor terrace above the entrance to Dwelling 2 setback in line with the façade

- of 86 Elizabeth Street (i.e. 4.5m from the northern (front) boundary);
 - (g) The dimensions of the windows on the eastern elevation to match the dimensions shown on the floor plans;
 - (h) The first-floor, north-facing balcony of Dwelling 1 to have a minimum depth of 1.6m, without reducing the setback from Elizabeth Street;
 - (i) A separating wall between Dwelling 1 & Dwelling 2 at all levels;
 - (j) North and south elevations/sections within the internal courtyard of Dwelling 2;
 - (k) The reference to the existing boundary walls associated with 90 & 86 Elizabeth Street to be shown in a dashed format on the proposed east and west elevations (with the subject building behind clearly shown);
 - (l) The removal of the following first-floor, full-height privacy screens and associated sections of wall/screens along the eastern boundary. Alternative overlooking measures affixed to the windows and lower in height must be provided, with these measures to comply with Standard B22 (Overlooking) of the Yarra Planning Scheme;
 - (i) North-facing screen to Bedroom 2 of Dwelling 2;
 - (ii) South-facing screen to the living room of Dwelling 2;
 - (m) The section of roof terrace of Dwelling 2 abutting the eastern boundary reduced in depth from 4.68m to 3.88m (i.e. so it does not project north of the existing garage at 90 Elizabeth Street);
 - (n) The removal of the sun-shading located above the first-floor balcony of Dwelling 1;
 - (o) The front fence reduced to a maximum height of 1.5m.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the development commences, an amended BESS Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended BESS Report will be endorsed and will form part of this permit. The amended BESS Report must be generally in accordance with the BESS Report prepared by Justin Mallia and dated 27 January 2017, but modified to show:
 - (a) The removal of the statement that indicates that 50% of living areas face north;
 - (b) Details of the green roof (or removal of this element from the report if not to be included).
 4. The provisions, recommendations and requirements of the endorsed BESS Report must be implemented and complied with to the satisfaction of the Responsible Authority.
 5. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
 - (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) indicate the location of all areas to be covered by lawn or other surface materials; and
 - (c) provide a specification of works to be undertaken prior to planting, 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, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

7. Before the 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.
8. 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.
9. 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.
10. 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.
11. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the

- Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

12. 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 maybe 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.

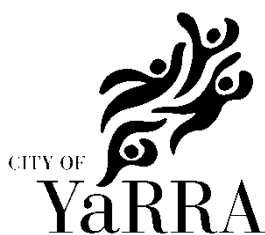
All future property owners, residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

CONTACT OFFICER: Lara Fiscalini
TITLE: Senior Statutory Planner
TEL: 9205 5372

Attachments

- 1** PLN17/0119 - 88 Elizabeth Street Richmond - Engineering comments
- 2** PLN17/0119 - 88 Elizabeth Street, Richmond - Urban Design comments
- 3** PLN17/0119 - 88 Elizabeth Street, Richmond - Decision Plans

Attachment 1 - PLN17/0119 - 88 Elizabeth Street Richmond - Engineering comments



MEMO

To: Lara Fiscalini
From: Artemis Bacani
Date: 12 September 2017
Subject: Application No: PLN17/0119
 Description: Residential – Reduction in the Car Parking Requirement
 Site Address: 88 Elizabeth Street, Richmond

I refer to the above Planning Application received on 11 September 2017 in relation to the proposed development at 88 Elizabeth Street, Richmond. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION**Proposed Development**

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Two-bedroom dwelling	1	1 space to each dwelling	1	0
Five-bedroom dwelling	1	2 spaces to each dwelling	2	2
Total			3	2

A reduction of one car space is sought by the applicant.

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

Car Parking Demand Assessment

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

- *Parking Demand for the One-Bedroom Dwelling.*
The proposal would result in a shortfall of one resident space. The car ownership data for Richmond from the 2011 Census conducted by the Australian Bureau of Statistics suggests that there is a strong market for dwellings that do not contain any on-site parking. Since the dwelling will not have any car parking provisions, the dwelling would appeal to persons who do not own a car.
- *Availability of Public Transport in the Locality of the Land.*
The site is within walking distance of tram services operating along Victoria Street, and the North Richmond railway station.

Attachment 1 - PLN17/0119 - 88 Elizabeth Street Richmond - Engineering comments

- *Multi-Purpose Trips within the Area.*

Visitors to the site might combine their visit with other activities or business whilst in the area.

- *Convenience of Pedestrian and Cyclist Access.*

The Victoria Street activity centre would have a very high serviceability for pedestrians. The site has very good connectivity to the on-road bicycle network. It is highly probable that some visitors to the site would either live or work locally. Pedestrians and cyclists should be able to access the site conveniently.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- *Availability of Car Parking.*

The surrounding area is blanketed in time restricted parking, which frequently turns over. Visitors to the site should be able to find an on-street parking space in the surrounding road network.

- *Other Relevant Considerations.*

The 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 one car space for this proposal is considered appropriate in the context of the development and the surrounding area.

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

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Access via Right of Way	Access to the garage will continue off the Right of Way. A site inspection revealed that the Right of Way is 3.94 metres wide. The Right of Way can be accessed from Lennox Street and Shelley Street.
Garage Doorway Width and Vehicle Turning Movements	The width of the proposed garage doorway is 3.75 metres. Off a 3.94 metre wide Right of Way, the doorway width of 3.75 metres is considered insufficient to allow a B85 design vehicle to enter and exit the garage. The doorway width is insufficient for a B85 design vehicle. The doorway must be widened to at least 3.9 metres (please see graph for derivation of minimum allowable design width). The graph was derived from AS/NZS 2890.1:2004 - Section 5.4 Design of Enclosed Garages.
Headroom Clearance	A minimum headroom clearance of 2.3 metres has been provided at the doorway to satisfy <i>Design standard 1 – Accessways</i> .

Attachment 1 - PLN17/0119 - 88 Elizabeth Street Richmond - Engineering comments

Layout Design Assessment

Item	Assessment
Car Parking Module	
Tandem Parking Spaces	The internal dimensions of the tandem parking spaces satisfy <i>Design standard 2 – Car parking spaces</i> .

Capital Works Programme

A check of the Capital Works Programme for 2017/18 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.

ENGINEERING CONDITIONS

Civil Works

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Elizabeth Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's cost.
- Any damage to the Right of Way during the construction works must be repaired to the satisfaction of Council and at the Permit Holder's cost.

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.

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.

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.

Attachment 1 - PLN17/0119 - 88 Elizabeth Street Richmond - Engineering comments

Clearances from Electrical Assets

Overhead power lines run along the south side of Elizabeth Street, close to the property line.

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

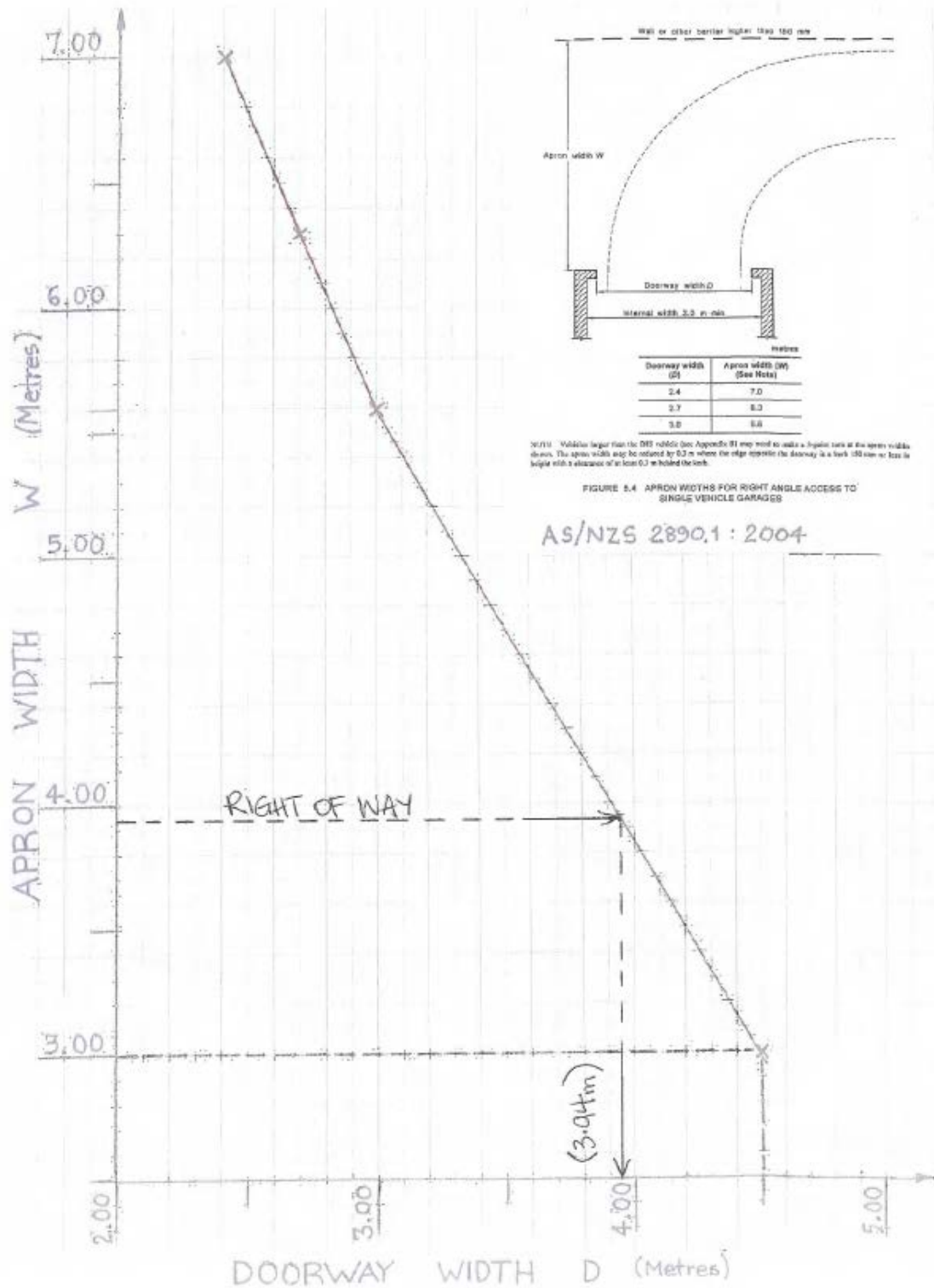
<http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 1 - PLN17/0119 - 88 Elizabeth Street Richmond - Engineering comments

Blue Squares



Attachment 2 - PLN17/0119 - 88 Elizabeth Street, Richmond - Urban Design comments



Date: 13 September 2017

Property Address: 88 Elizabeth Street, Richmond

Application No: PLN17/0119

Re-referral comments based on Section 57A plans submitted 25 August 2017.

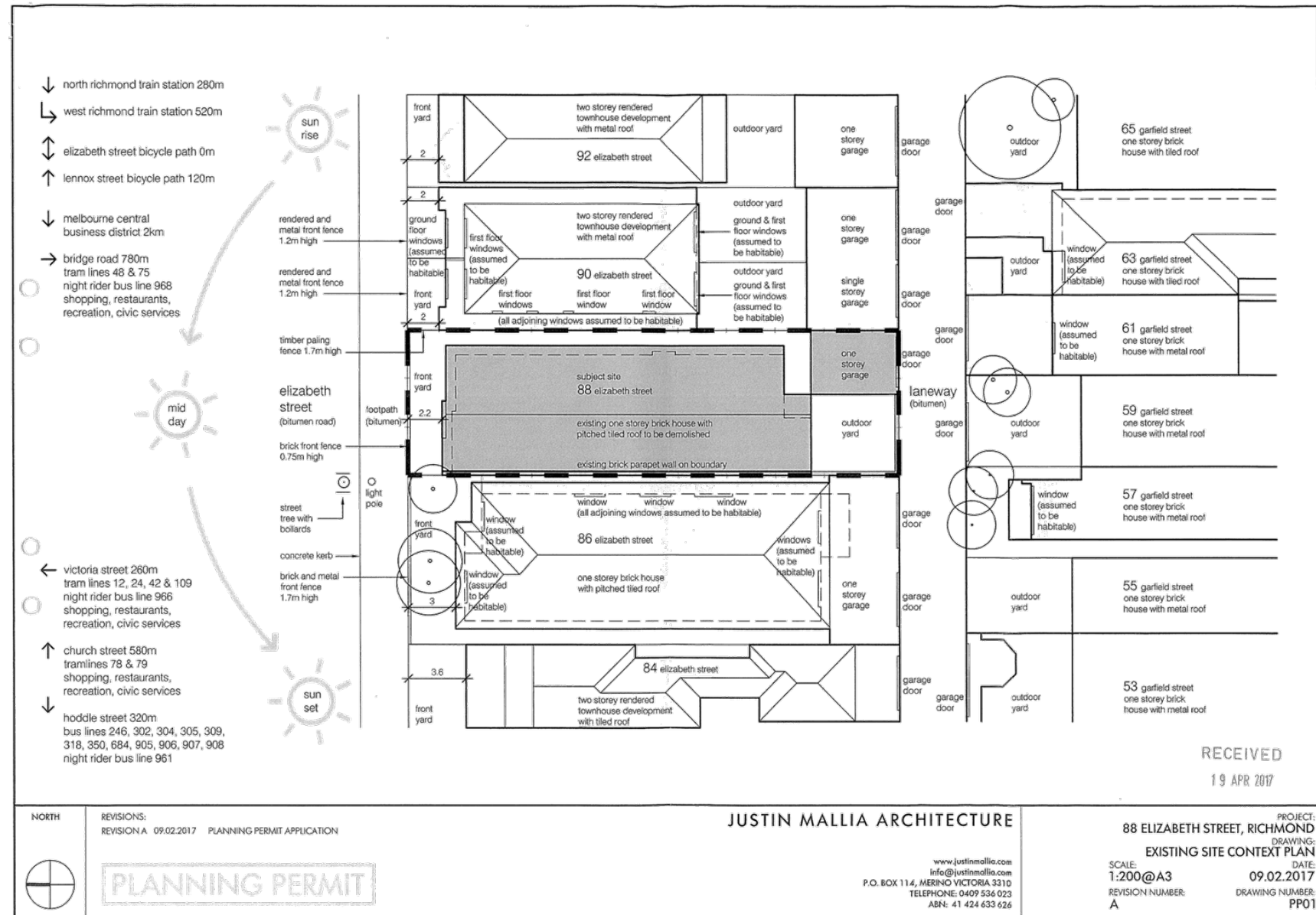
COMMENTS:

In reviewing the changes, the amended design of the façade screen is an improved outcome, allowing additional views to the actual façade.

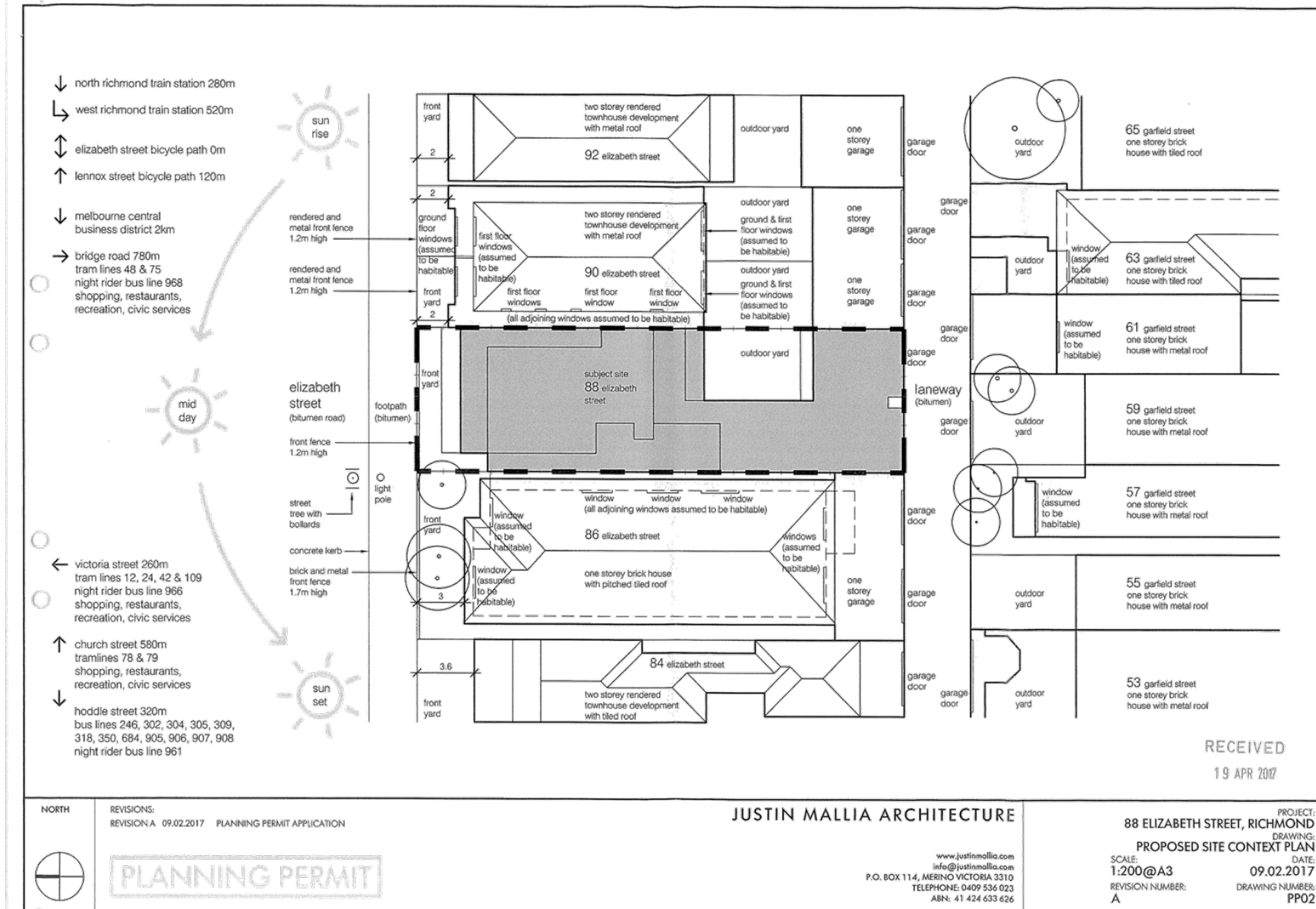
The integration of the screen and façade would be further improved if the colours were the same – 'light grey'.

The fence should still be reduced to 1.5m. The alternative colour of blockwork used for the fence is acceptable.

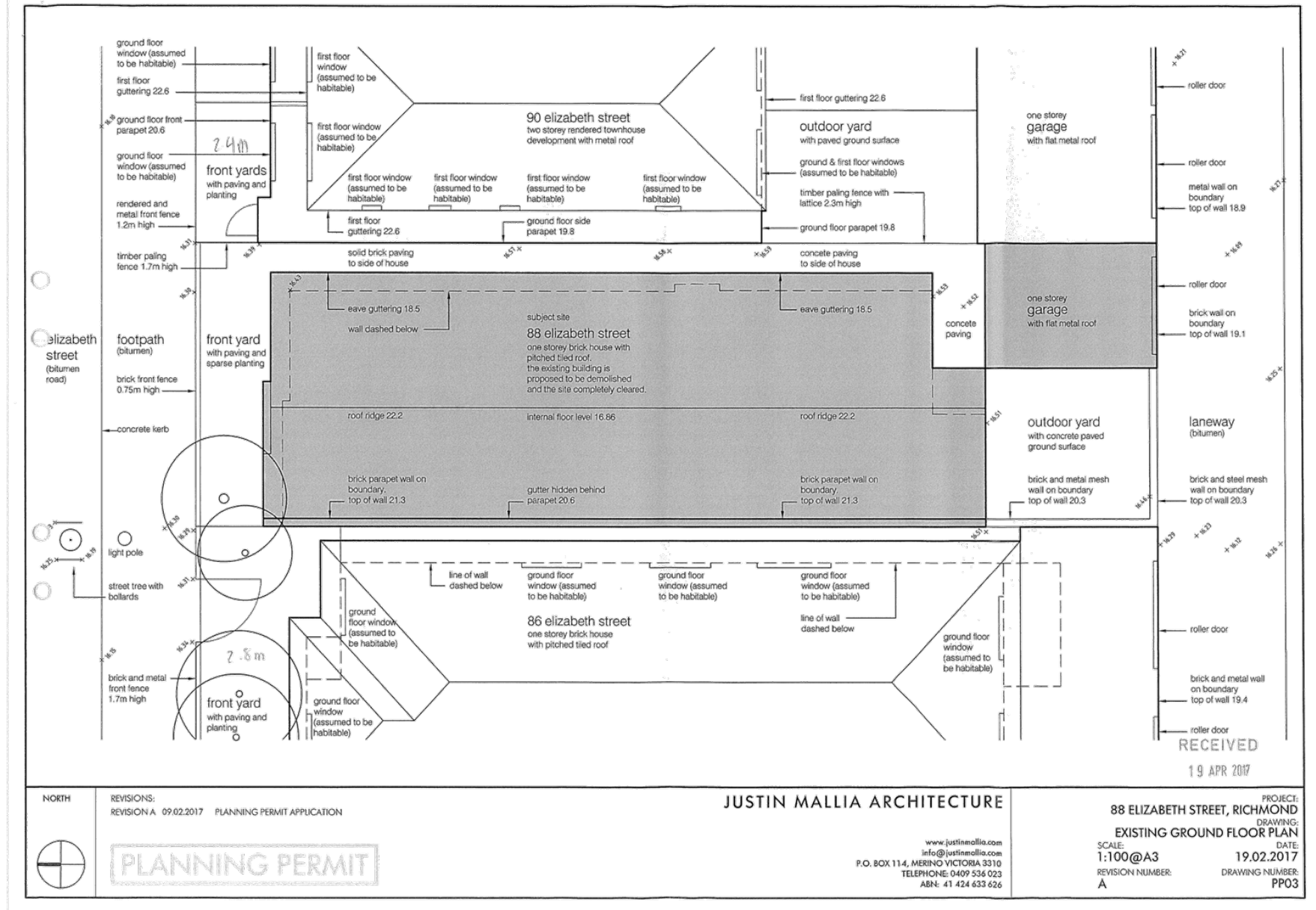
Attachment 3 - PLN17/0119 - 88 Elizabeth Street, Richmond - Decision Plans



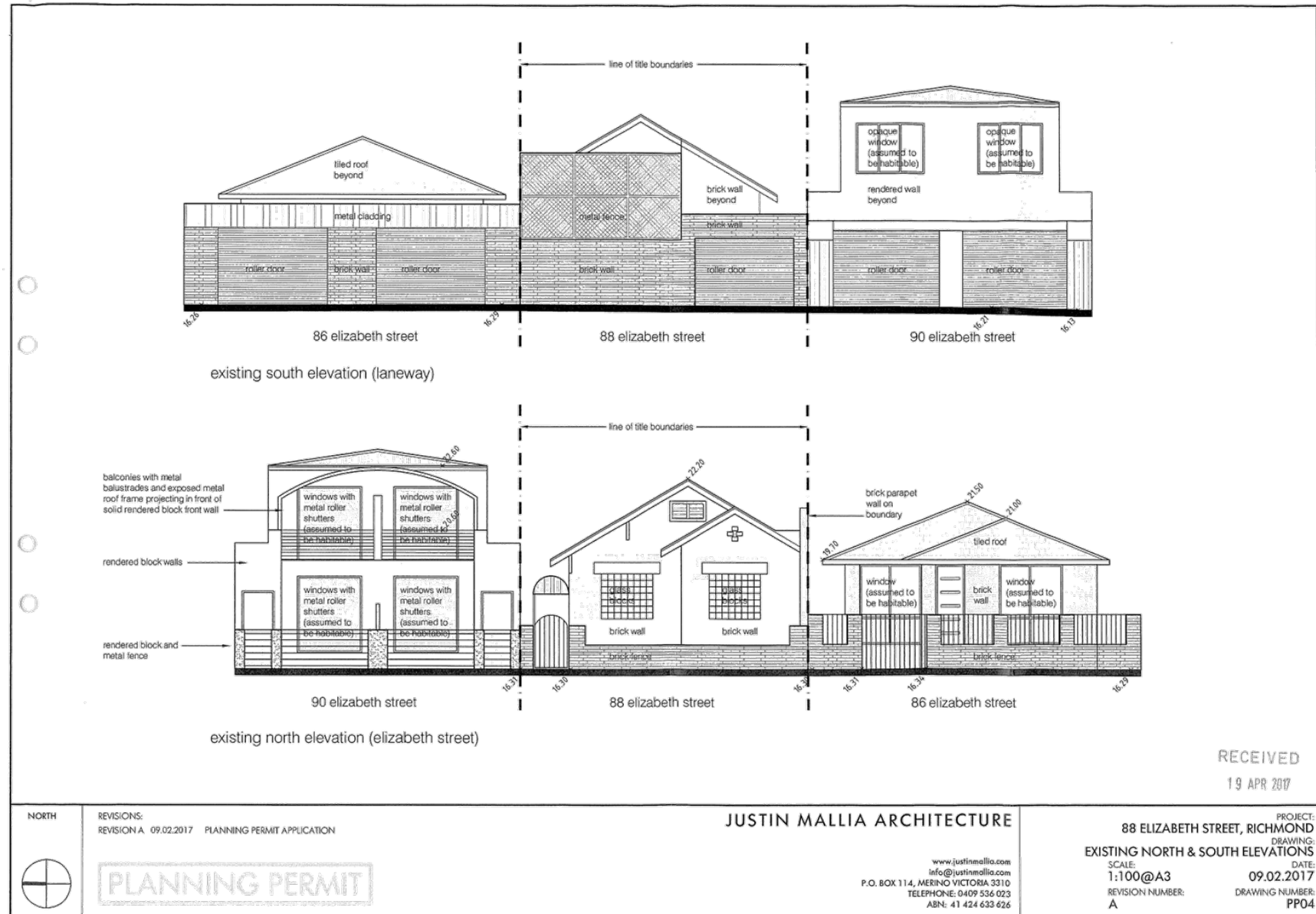
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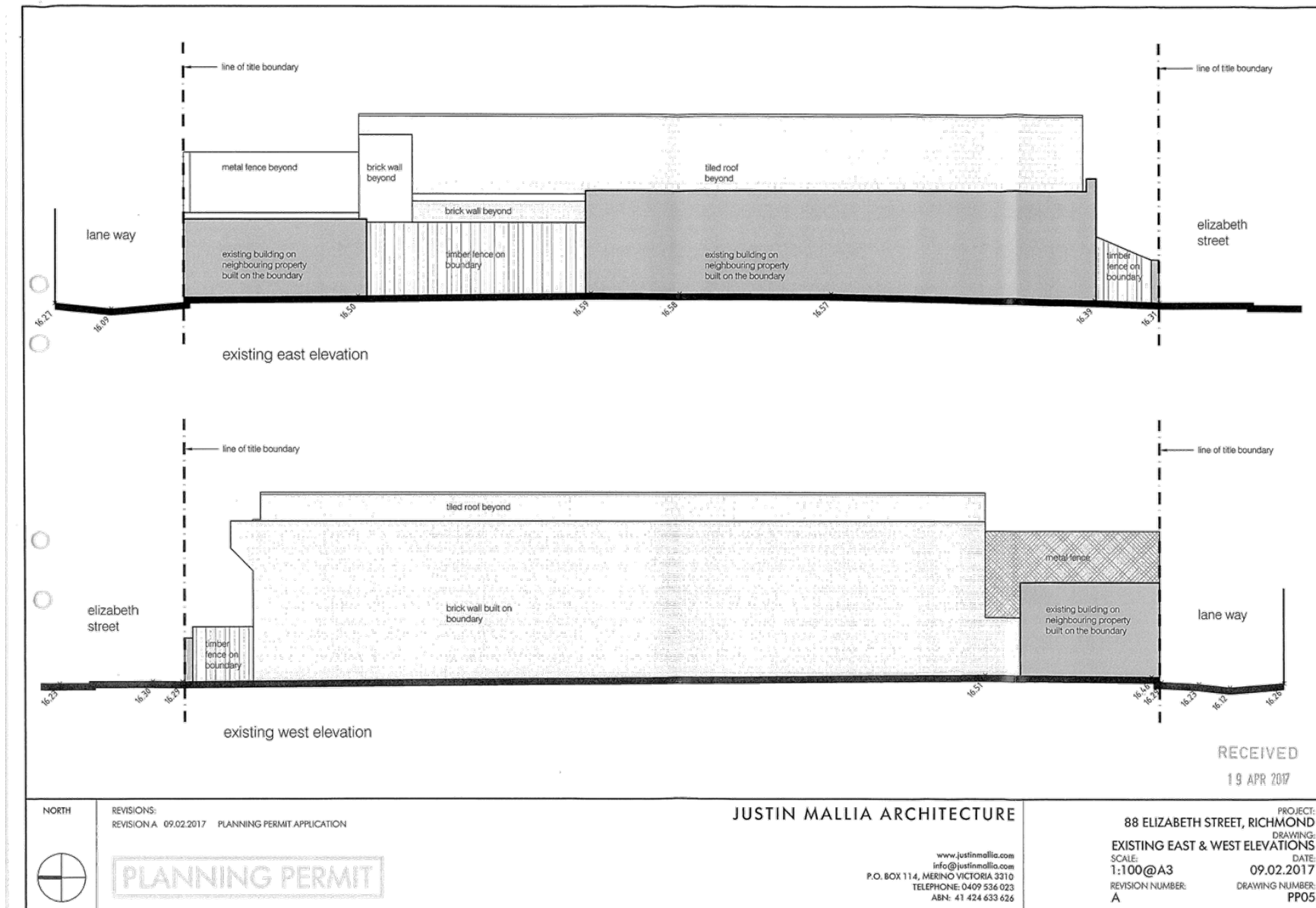
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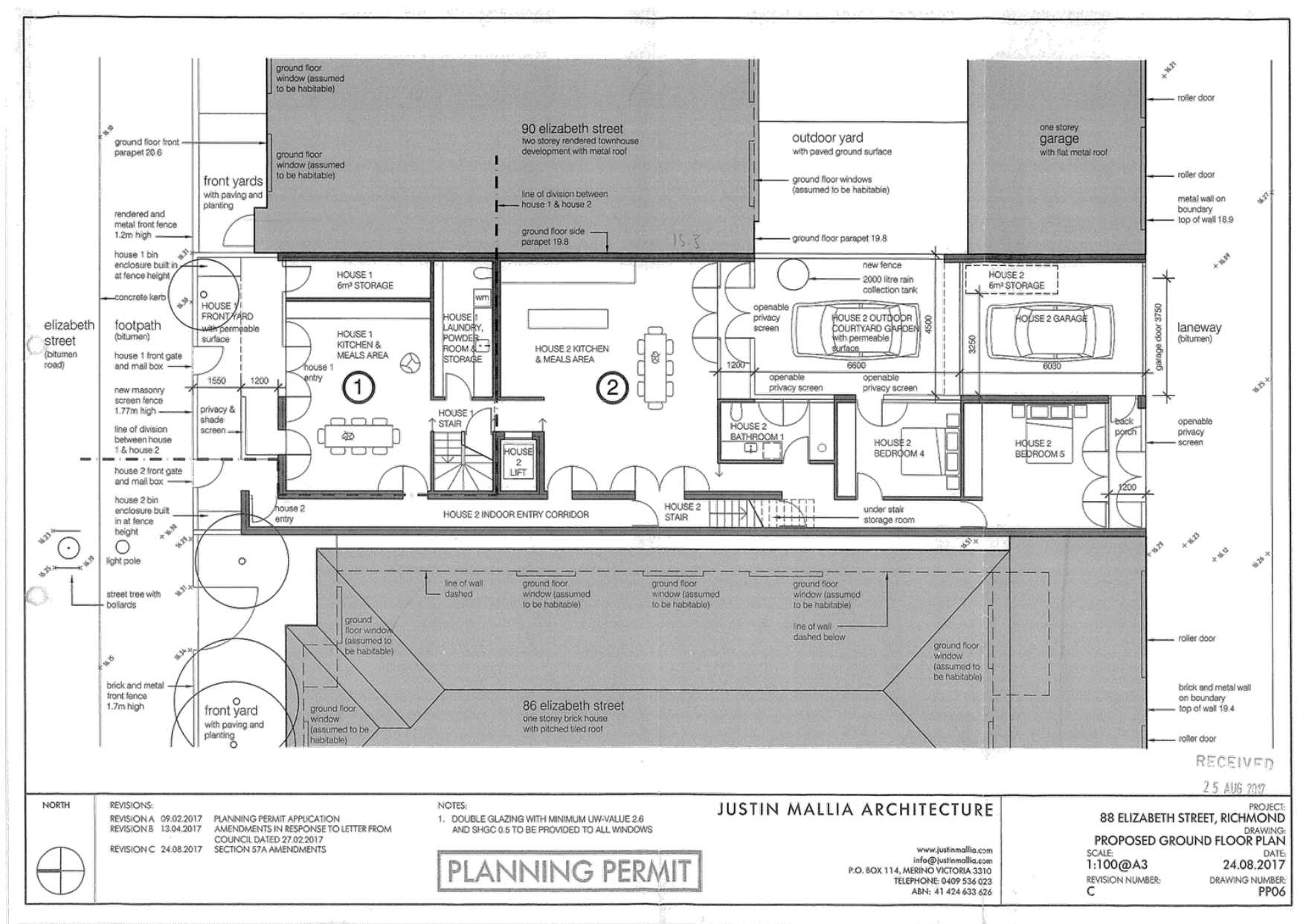
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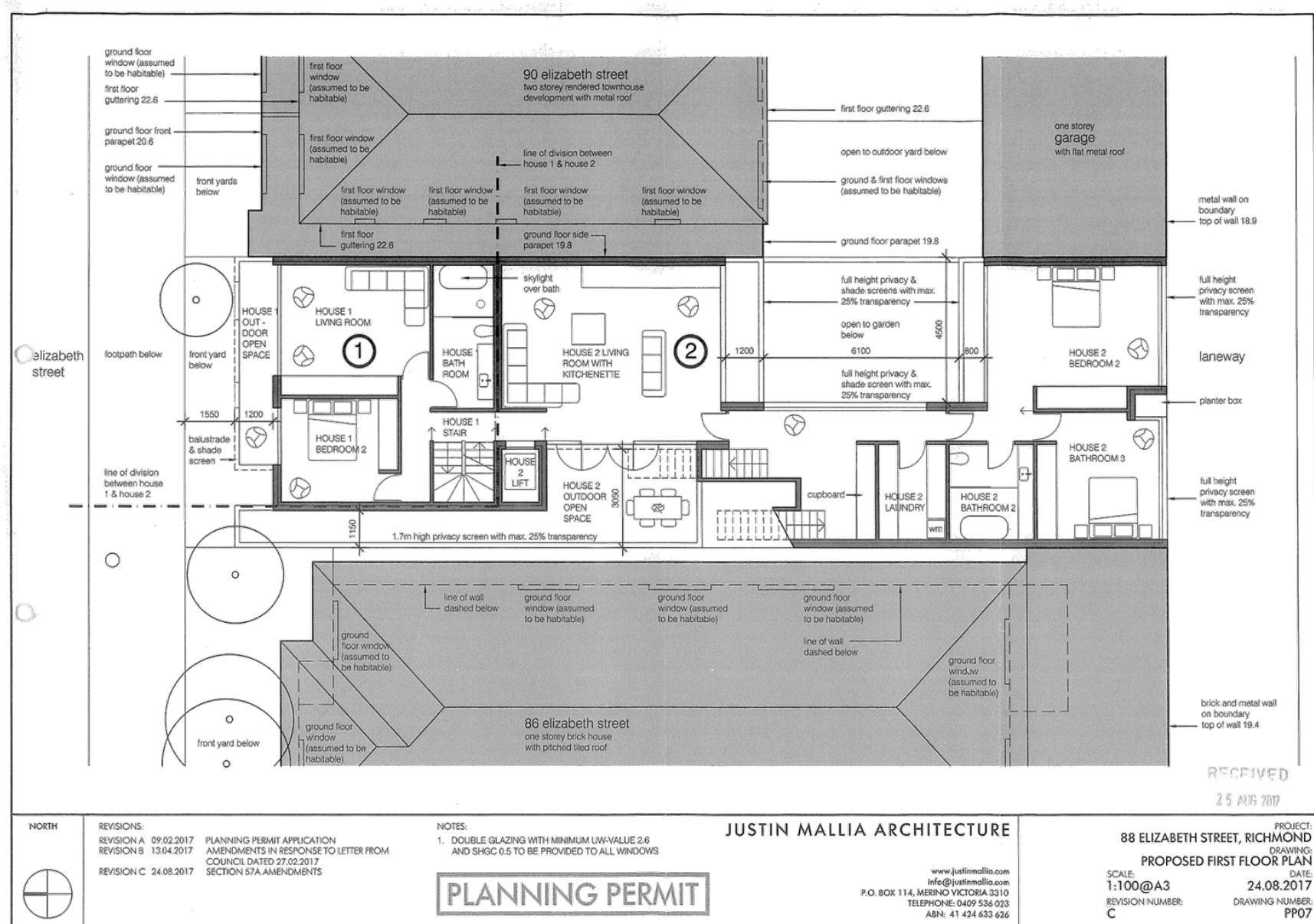
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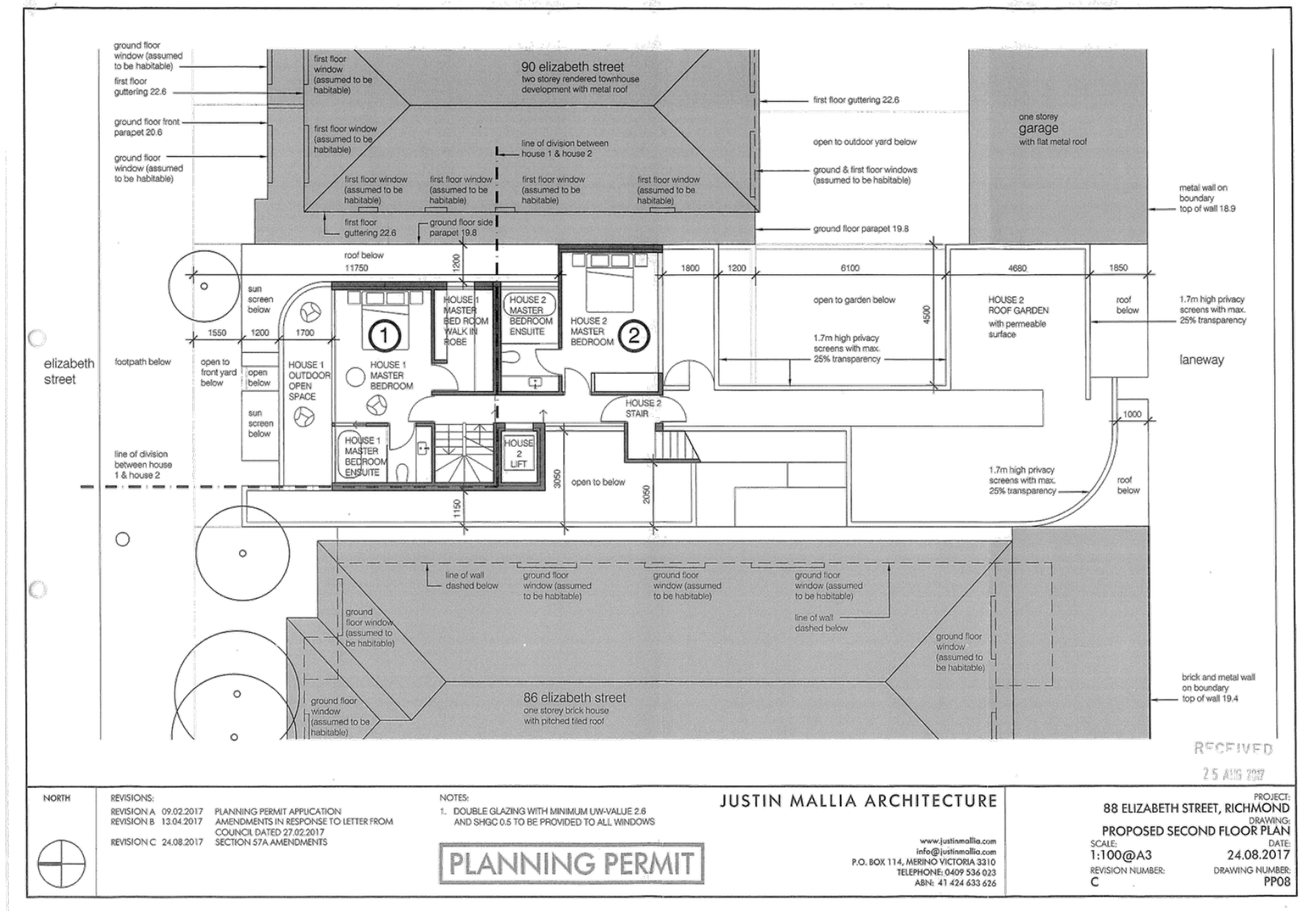
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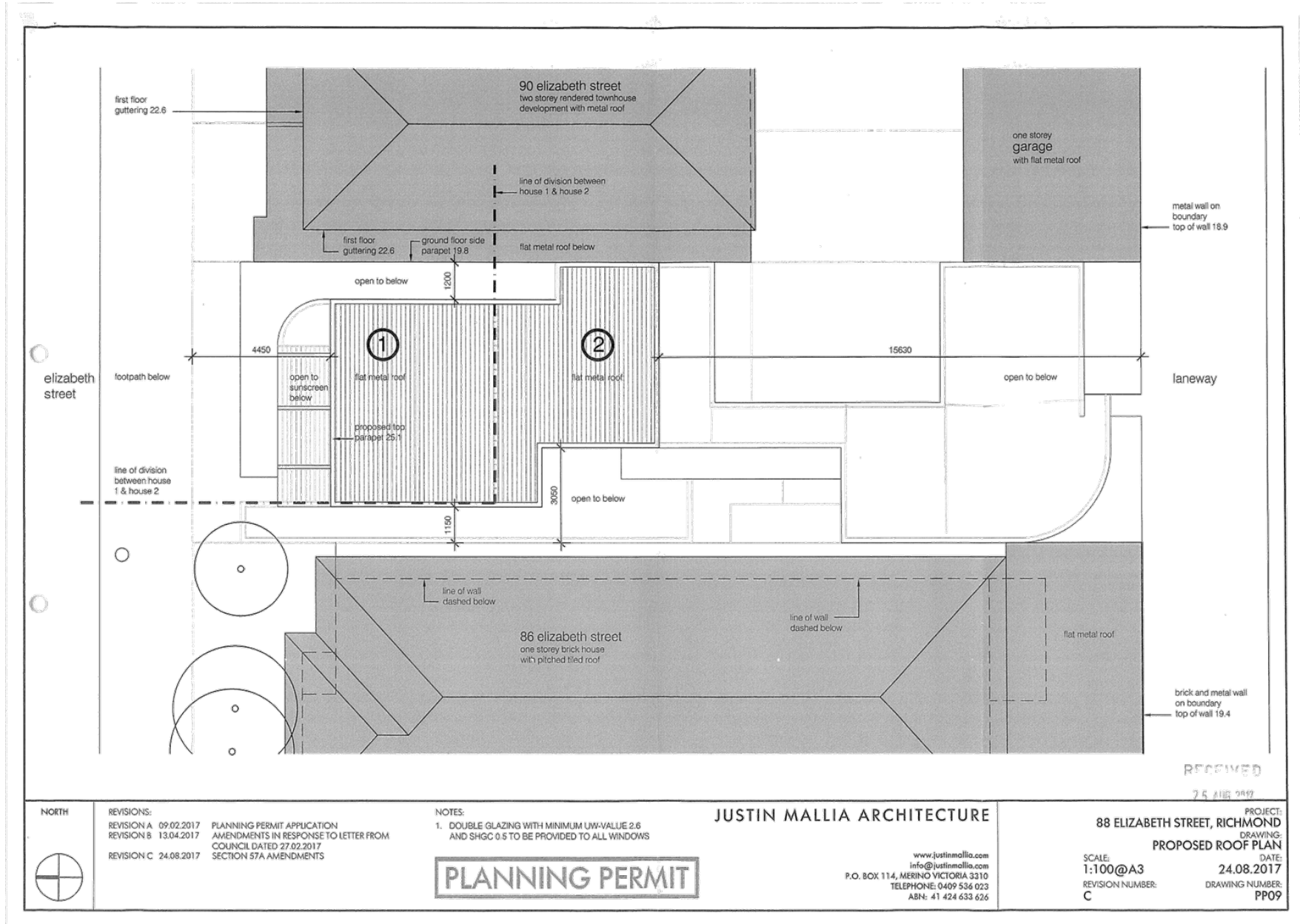
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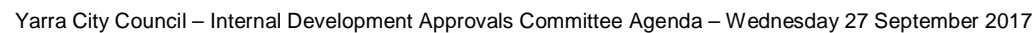


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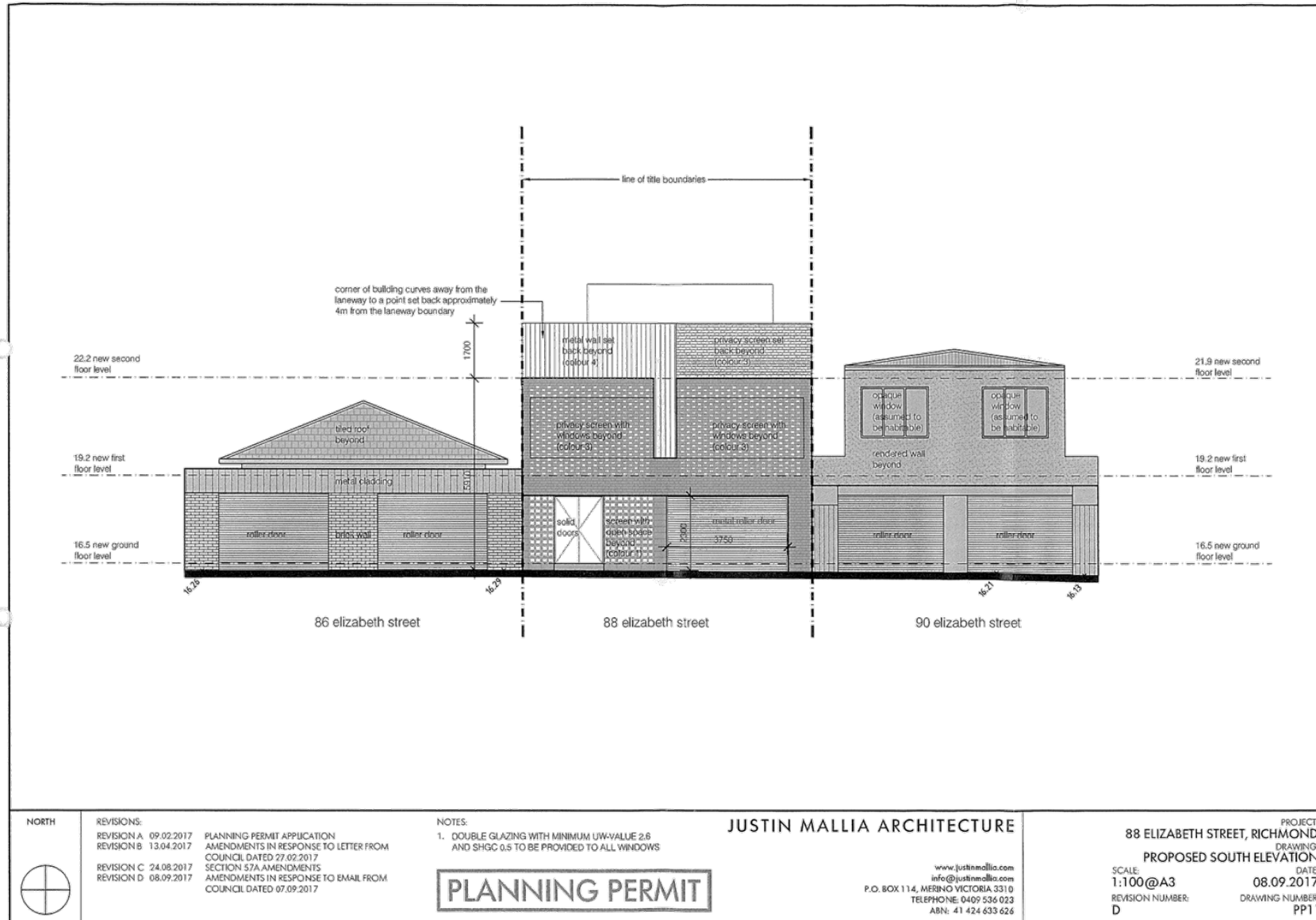


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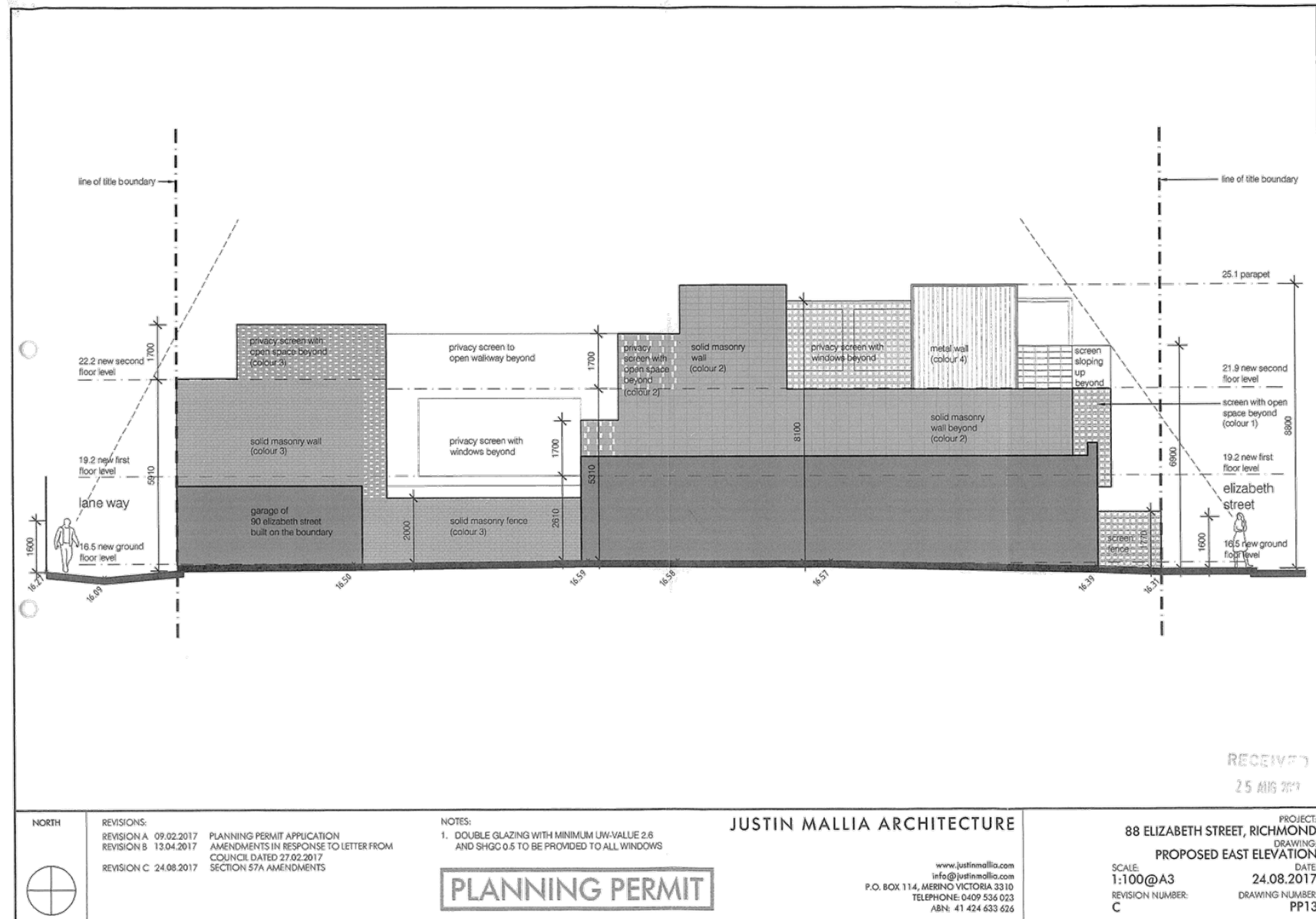




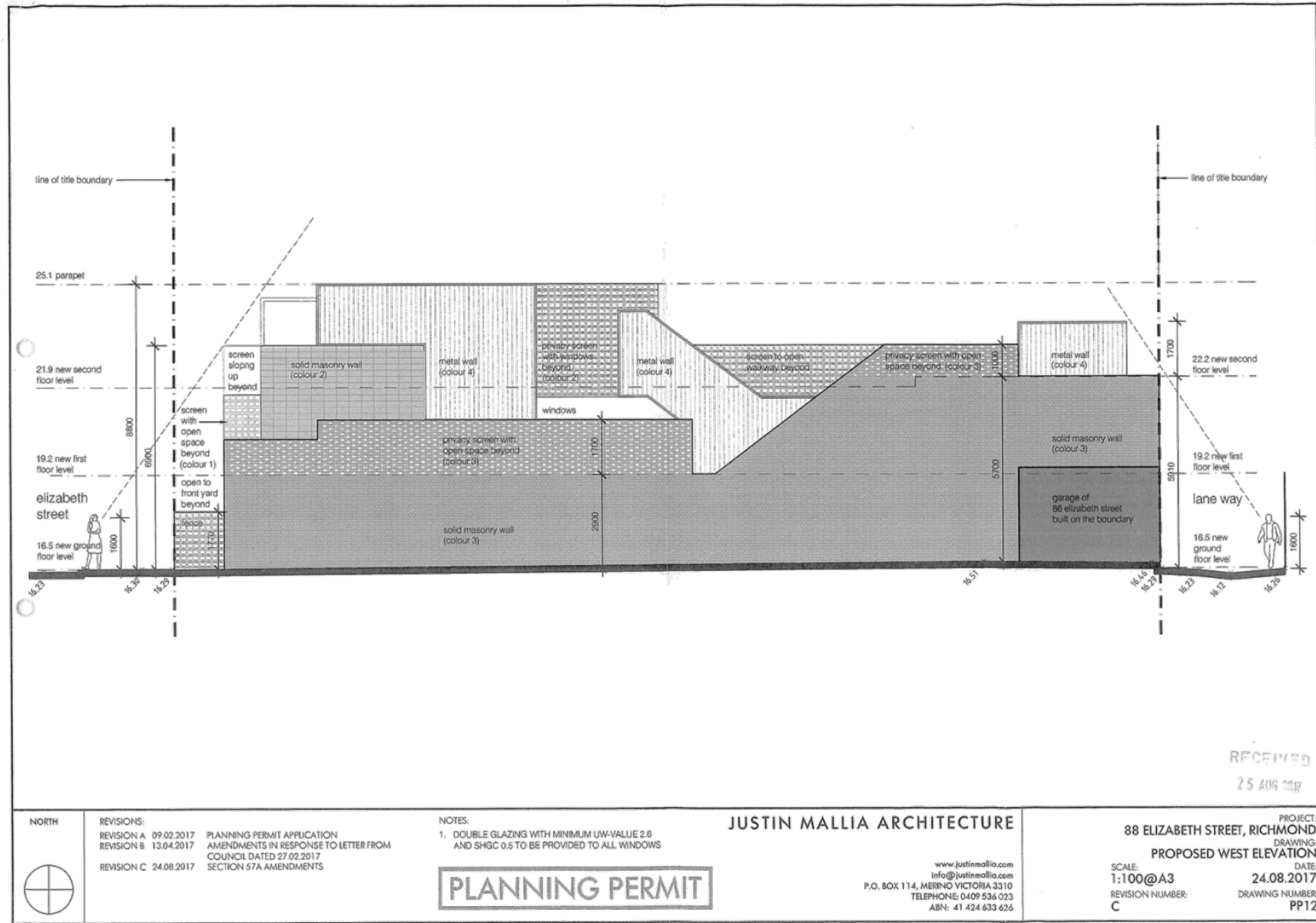
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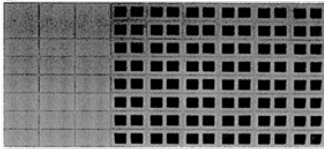
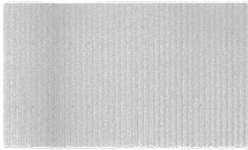

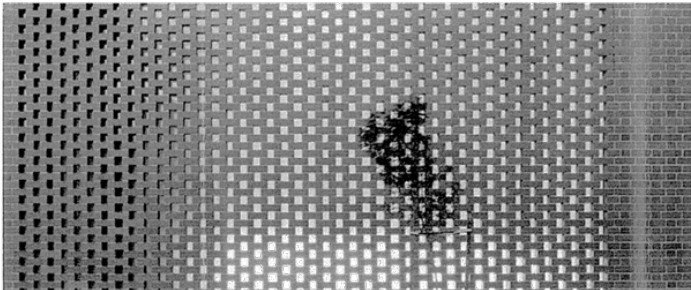

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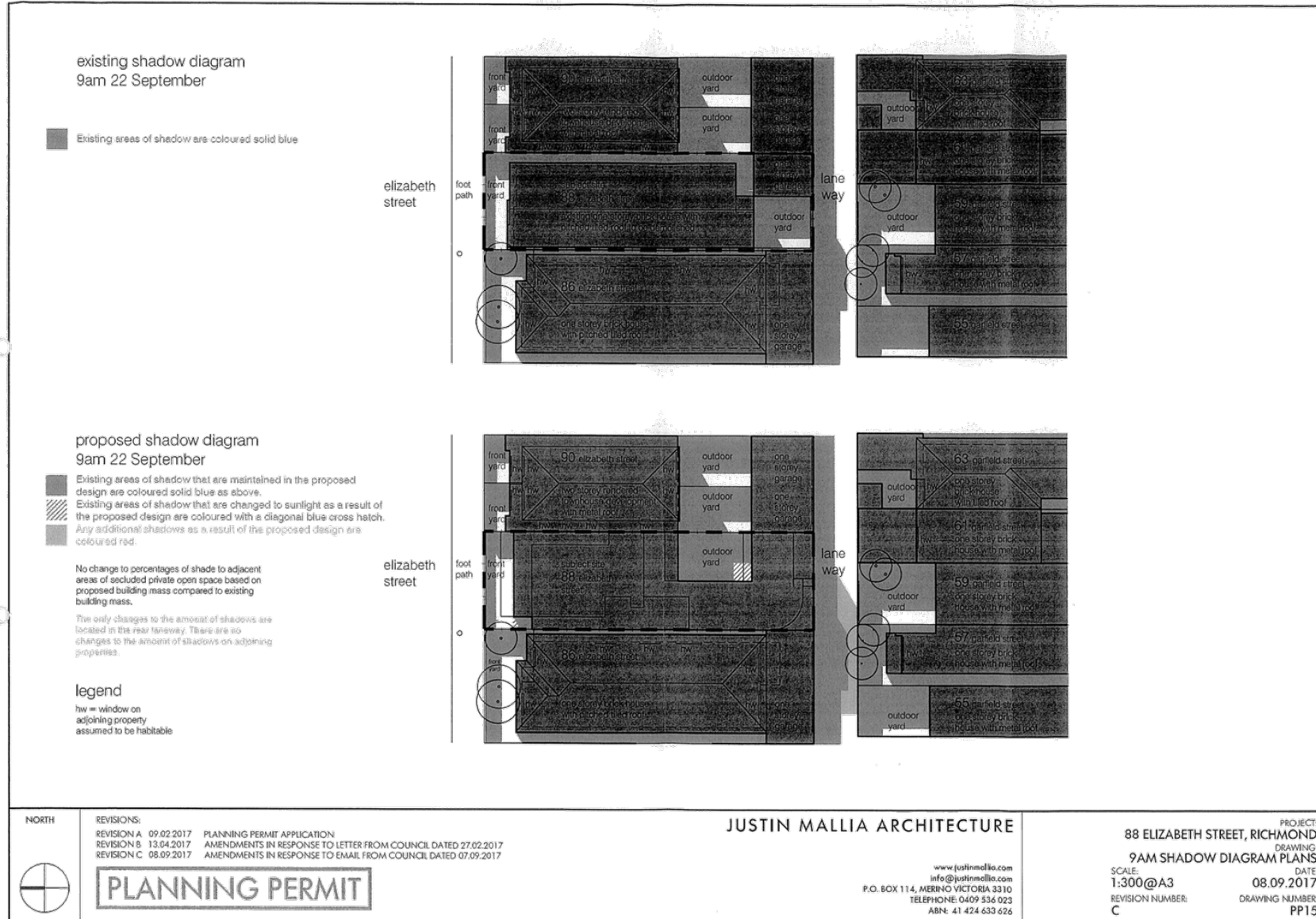
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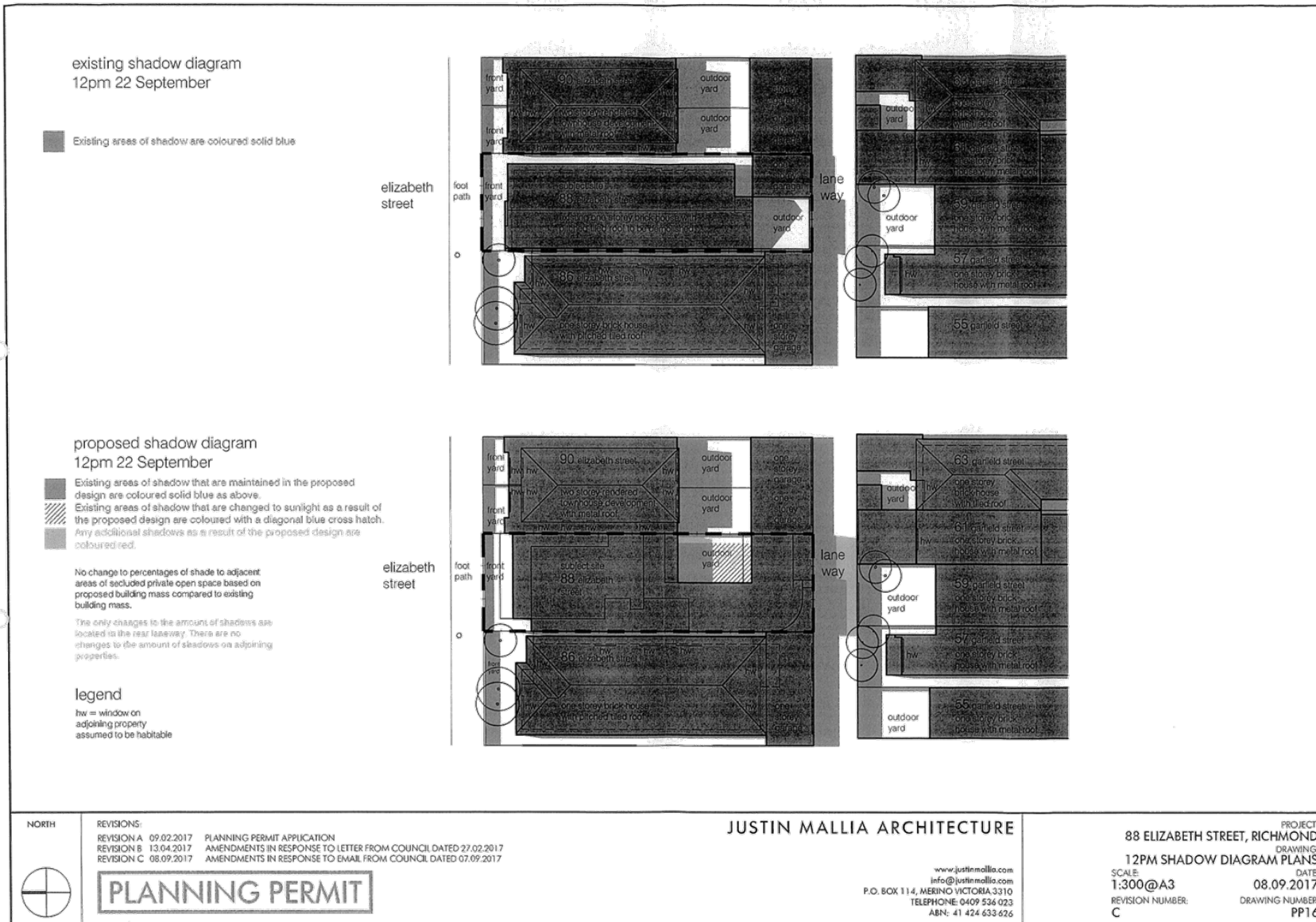
Attachment 3 - PLN17/0119 - 88 Elizabeth Street, Richmond - Decision Plans

 <p>colour 2 = light grey concrete blocks</p>				 <p>colour 4 = grey metal cladding</p>			
 <p>colour 1 = dark grey concrete blocks</p>				 <p>colour 3 = red bricks</p>			
<p>NORTH</p> 				<p>REVISIONS:</p> <p>REVISION A 09.02.2017 PLANNING PERMIT APPLICATION</p>			
<p>PLANNING PERMIT</p>				<p>JUSTIN MALLIA ARCHITECTURE</p> <p>www.justinmallia.com info@justinmallia.com P.O. BOX 114, MERINO VICTORIA 3310 TELEPHONE: 0409 536 023 ABN: 41 424 633 626</p>			
				<p>RECEIVED</p> <p>19 APR 2017</p>			
				<p>PROJECT: 88 ELIZABETH STREET, RICHMOND</p> <p>DRAWING: PROPOSED MATERIALS</p> <p>SCALE: -</p> <p>REVISION NUMBER: A</p> <p>DATE: 09.02.2017</p> <p>DRAWING NUMBER: PP14</p>			

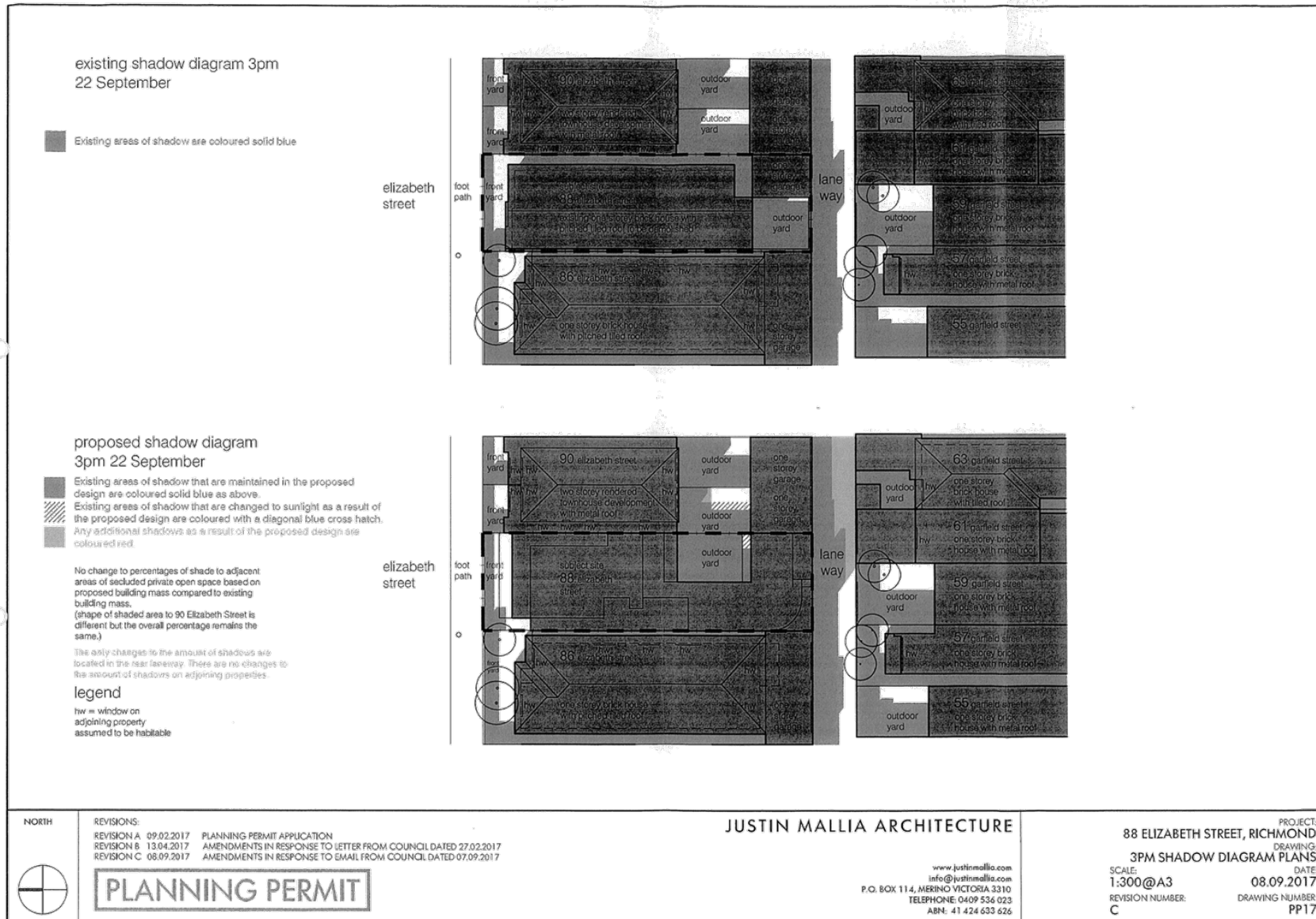
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Attachment 3 - PLN17/0119 - 88 Elizabeth Street, Richmond - Decision Plans



-
- 1.4 104 Nicholson Street, Abbotsford - Planning Permit Application No. PLN12/1128.01 - Amendment to the permit and plans to allow for an increase to the maximum number of employees associated with the existing warehouse; re-location of the existing loading bay; an associated further reduction of car parking; and external alterations to the building.**
-

Executive Summary

Purpose

1. This report provides Council with an assessment of the proposed Planning Permit Amendment Application PLN12/1128.01 at 104 Nicholson Street, Abbotsford.

Key Planning Considerations

2. Key planning considerations include:
 - (a) clause 22.05 – Interface Uses Policy
 - (b) clause 22.10 – Built Form and Design Policy;
 - (c) clause 33.03 – Industrial 3 Zone;
 - (d) clause 52.06 – Car Parking; and
 - (e) clause 52.37 – Loading and Unloading of Vehicles.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Car parking;
 - (b) Increase to staff numbers; and
 - (c) Buildings and works.

Objector Concerns

4. Six (6) objections were received to the application, these can be summarised as:
 - (a) Increased demand for on-street car parking spaces.
 - (b) The proposal may further contribute to illegal parking problems.

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: Madeleine Moloney
TITLE: Statutory Planner
TEL: 92055009

1.4 104 Nicholson Street, Abbotsford - Planning Permit Application No. PLN12/1128.01 - Amendment to the permit and plans to allow for an increase to the maximum number of employees associated with the existing warehouse; re-location of the existing loading bay; an associated further reduction of car parking; and external alterations to the building.

Trim Record Number: D17/133765

Responsible Officer: Principal Statutory Planner

Proposal:	Amendment to the permit and plans to allow for an increase to the maximum number of employees associated with the existing warehouse; re-location of the existing loading bay; an associated further reduction of car parking; and external alterations to the building.
Existing use:	Warehouse
Applicant:	La Marzocco Australia C/- Open Creative Studio
Zoning / Overlays:	Industrial 3 Zone No overlays applicable
Date of Application:	19/04/2017
Application Number:	PLN12/1128.01

Planning History

1. Planning permit PLN12/1128 was issued on 28 June 2013 for *use of the land as a warehouse and associated reduction of the car parking requirement; and development of the land for works to the rear car parking area.*
2. This application seeks to amend the planning permit (and associated endorsed plans).
3. The use approved by the permit is in operation and works approved under the original planning permit (installation of wheel stops) have been completed.

Background

4. The application was lodged on 19 April 2017. Following submission of further information, the application was advertised in June 2017. Six (6) objections were received to the application.
5. A consultation meeting was held on 22 August 2017. The meeting was attended by the applicant and Council officers. All objectors were sent an invitation to the meeting, however, none attended.

Existing Conditions

Subject Site

6. The subject site is located on the south-east corner of Nicholson Street and Gipps Street, Abbotsford and has a rear frontage to Little Nicholson Street.
7. It comprises a generally rectangular shaped lot with site boundary lengths as follows:
 - (a) Nicholson Street (west boundary) - 13.56m;
 - (b) Gipps Street (north boundary) – 40.24m;
 - (c) Little Nicholson Street (east boundary) – 14.78m; and
 - (d) South boundary - 40.23m.

8. The overall land size is approximately 570m².
9. The site is developed with a single storey, brick warehouse which is built to the front and both side boundaries and has a rear setback of approximately 5.4m. The open area at the rear provides five (5) car parking spaces, with access provided via a concrete apron along the length of the eastern boundary (from Little Nicholson Street) and a vehicle crossover from Gipps Street.
10. The vehicle crossover to Gipps Street also provides access to a larger roller door along the northern façade, towards the rear of the building, which currently provides access to the internal loading bay of the building.
11. The main pedestrian access to the site is from the splayed entry at the Nicholson Street and Gipps Street corner, with a secondary rear pedestrian access from the car parking area.
12. The warehouse (used for storage and wholesale of coffee machines) is mostly occupied by storage and loading areas and has a showroom along the Nicholson Street frontage.
13. As per the certificate of title provided, no restrictive covenants or other restrictions apply to the subject site.

Surrounding Land

14. The subject site is surrounded by an eclectic mixture of uses, including commercial, residential and light industrial premises.
15. Built form is similarly mixed. Land to the north and west has a predominance of one to two storey Victorian and Edwardian period dwellings (reflecting its inclusion within the Charles Street heritage precinct) and a mostly fine-grained pattern of subdivision (with the exception of some more recent apartment developments). To the south and east built form reflects the industrial zoning of the land, with larger lots and hard-edged development of up to three storeys and a more utilitarian built form character.
16. In terms of immediate site context to the subject site:
 - (a) To the north of the subject site is Gipps Street, and on the opposite side are dwellings fronting Nicholson Street;
 - (b) To the south is a two storey masonry building fronting Nicholson Street, with open car parking provided within its front setback. This building is the northernmost of four commercial/industrial buildings of similar appearance and design and is currently used as a commercial kitchen (catering company).
 - (c) To the east is Little Nicholson Street, a 5m wide local street which appears and functions as a laneway, providing access to properties fronting Victoria Crescent and Nicholson Street. On the opposite side is a three-storey office/warehouse building, with open car parking at roof level. The building directly abuts Little Nicholson Street and Gipps Street and extends through to Victoria Crescent. Vehicle entry is provided via a number of roller doors to Little Nicholson Street (including one directly opposite the subject site).
 - (d) To the west (on the south-west corner of Gipps Street and Nicholson Street) is an apartment building (up to five storeys) which has been constructed within the last 5 years (under planning permit PL08/0909). The development provides a basement car park accessed from Gipps Street.
17. The site is well serviced by public transport with the Victoria Street tramline (routes 12 and 109) within walking distance (approximately 485m to the south) and the nearest railway station (Collingwood) being approximately 315m to the north-west. Hoddle Street,

approximately 390m to the west, has several bus services. The Victoria Street Major Activity Centre is the closest activity centre to the site, with the Johnston Street Neighbourhood Activity Centre being located at a somewhat greater distance (approximately 580m to the north).

The Proposal

18. The application proposes an amendment to the permit and plans to allow for an increase to the maximum number of employees associated with the existing warehouse; re-location of the existing loading bay external to the building; an associated further reduction of car parking; external alterations to the building and internal layout changes. Details are as follows:

Modified permit conditions

- (a) Condition 3 of the permit is sought to be modified to allow for a maximum of 13 staff on-site (increased from 3);

Layout changes

- (b) Re-location of the internal loading bay to the north-east corner of the site, external to the building. The new loading bay is to measure 7.8m long by 5.46m wide and replaces three existing car parking spaces.
- (c) Modified internal layout, the key changes being:
- (i) A new ancillary office area in the north-east corner of the building (replacing the former loading bay) of approximately 13sqm.
 - (ii) A new ancillary “testing” area approximately central to the building (for testing of stock);
 - (iii) Deletion of the “spare parts” area at the front of the building, with the showroom being expanded accordingly;
 - (iv) Provision of 6 bicycle racks internal to the building (already installed), increased from the 3 shown on the original endorsed plans; and
 - (v) Increase to the net floor area of the warehouse by 31.2sqm (from 406sqm to 437.2sqm) as a result of the removal of the internal loading bay.

Reduction of car parking

- (d) An additional reduction of three car parking spaces is sought. This is associated with the removal of three spaces from the rear car parking area to accommodate the new loading bay (the small increase to net floor area does not trigger the requirement of any additional car parking).

Development

- (e) A new roller door is proposed to be installed to the rear (eastern) façade (2.7m high by 2.84m wide) adjacent the re-located loading bay, including the associated infill of an existing rear window.
- (f) Installation of wheel stops to the rear loading bay.

Legislation Provisions

19. The amendment has been requested pursuant to Section 72 of the *Planning and Environment Act 1987* (the Act).
20. Section 72 of the Act states:
- (a) *A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*

- (b) *This section does not apply to—*
- (i) *a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
 - (ii) *a permit issued under Division 6.*

21. The original permit PLN12/1128 was issued on 28 June 2013 and was not issued under Division 6 of the Act.
22. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.

Planning Scheme Provisions

Zoning

Industrial 3 Zone

23. The relevant purposes of the Industrial 3 Zone are:
- (a) *To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.*
 - (b) *To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.*
 - (c) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*
24. Pursuant to the table to Clause 33.03-1 of the Yarra Planning Scheme (the Scheme), a planning permit is required for a warehouse (other than mail centre). Decision guidelines are at clause 33.03-2 of the Scheme.
25. Pursuant to Clause 33.03-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works. Decision guidelines are at clause 33.03-4 of the Scheme.

Particular Provisions

Clause 52.06 – Car Parking

26. Clause 52.06-2 of the Scheme requires that before the floor area or site area of an existing use is increased, or an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority. However, pursuant to clause 52.06-3 a permit can be issued to reduce this requirement.
27. Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the use's parking requirements are as follows:

Use	Statutory Parking Rate	Net floor area of warehouse	No. Spaces Required	No. Spaces Provided	Reduction Required
Warehouse (existing/ approved)	2 to each premises plus 1.5 to each 100sqm of net floor area	406sqm	8	5	3

Warehouse (proposed)	As above	437.2sqm	8	2	6
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28. The original application approved a reduction of three spaces. The amendment proposes removal of three existing car parking spaces, hence an additional reduction of three (3) spaces is required (for a total reduction of six (6) spaces).

Clause 52.07 – Loading and Unloading of Vehicles

29. Pursuant to clause 52.07 of the Scheme no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:
- Space is provided on the land for loading and unloading vehicles as specified in the table at clause 52.07.*
 - 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.*
 - The road that provides access to the loading bay is at least 3.6 metres wide.*
30. The table to clause 52.07 requires that where the floor area of a building is 2,600sqm or less in a single occupation, a loading bay must have a minimum area of 27.4 sqm, minimum length of 7.6m and minimum width of 3.6m.
31. The works proposed are directly associated with the storage of goods and with modified loading bay arrangements – hence this clause is applicable to the application.
32. However, as the premises is approximately 475sqm (gross floor area), and the new loading bay meets the above access and minimum dimension requirements, the loading bay requirements clause 52.07 of the Scheme are satisfied by the proposal.

Clause 52.34 -Bicycle Parking

33. Clause 52.34-3 of the Scheme specifies how many bicycle parking spaces are required for a use. The proposed plans show an increase to on-site bicycle parking from three (3) to six (6) spaces.
34. The table below shows the requirements for an industry (which includes a warehouse).

Proposed Use	Rate for Employee	Rate for Visitor	No. Required	No. Provided
Industry	1 to each 1000 sqm of net floor area	None	0	6 (in excess of requirements)

As outlined in the above table, the proposal is not required to provide any bicycle parking in association with the proposed use and thus goes beyond the requirements of clause 52.34 of the Scheme.

General Provisions

35. The Decision Guidelines outlined in 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 the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision. An assessment of the application against the relevant sections of the Scheme is offered further in this report.

State Planning Policy Framework (SPPF)

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

Clause 15.01-1 – Urban design

37. The objective of this clause is:

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

Clause 15.01-2 – Urban design principles

38. The objective of this clause is:

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

Clause 15.03-2 – Aboriginal Cultural Heritage

39. The objective of this clause is:

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

40. The subject site is within an area of cultural heritage sensitivity as described in the Aboriginal Heritage Regulations 2007.

41. Pursuant to Section 6 of the Aboriginal Heritage Regulations (2007), a cultural heritage management plan is required for an activity if all or part of the activity area for the activity is an area of cultural heritage sensitivity; and all or part of the activity is a high impact activity.

42. Notwithstanding the above, a cultural heritage management plan is not required for the proposed because the development (*the exterior alteration of a building and other minor works associated with an existing high impact activity*) are exempt activities, as set out at Division 2 of Part 2 of the Aboriginal Heritage Regulations (2007).

Clause 17: Economic development

43. The provisions of clause 17 of the Scheme seek to foster economic prosperity for and within communities.

Clause 17.01-1 Business

44. 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 – Transport

45. The provisions of clause 18 of the Scheme seek to ensure an integrated and sustainable transport system.

Clause 18.01-1 – Land use and transport planning

46. 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

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

Clause 18.02-2 – Cycling

48. The objective of this clause is *to integrate planning for cycling with land use and development and encourage as alternative modes of travel.*

Local Planning Policy Framework (LPPF)

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

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

50. Clause 21.03 outlines strategic objectives for land use, built form, transport and environmental sustainability within the City. Strategies to achieve the objectives are set out in the following clauses of the MSS. Figure 1 – Strategic Framework Plan within this clause designates the site as being part of/adjacent to the core industrial area of the City of Yarra.

Clause 21.04 – Land use

Clause 21.04-1 – Accommodation and Housing

51. Relevant objectives of this clause are:
(a) *To reduce potential amenity conflicts between residential and other uses.*
52. The following strategies are of relevance:
(a) *Apply the Interface Uses policy at clause 22.05*

Clause 21.04-3 - Industry, office and commercial

53. This clause notes that the commercial and industrial sectors within Yarra underpin a sustainable economy and provide employment, with the decline in manufacturing activity creating an opportunity for service businesses which has maintained employment levels within Yarra.
54. The relevant objective is: *To increase the number and diversity of local employment opportunities.*

Clause 21.05 - Built Form

Clause 21.05-2 – Urban design

55. The relevant objective is: *To ensure that new development contributes positively to Yarra's urban fabric.*

Clause 21.05-3 – Built Form Character

56. This clause encourages new development to respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity. The subject site is located within a 'non-residential' area as identified within *Figure 6 – Built form character map Abbotsford* at clause 21.08-1. The relevant objective is:

- (a) *To improve the interface of development with the street in non-residential areas.*

Clause 21.06 – Transport

57. This clause builds upon the Objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.
58. The following objectives are relevant:
- (a) *To provide safe and convenient bicycle environments*
 - (b) *To reduce the reliance on the private motor car.*
 - (c) *To reduce the impact of traffic.*
 - (d) *Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

Clause 21.08 – Neighbourhoods

59. The subject site is located within the neighbourhood of Abbotsford, in accordance with Clause 21.08-1 of the Scheme. This clause includes the following description of the neighbourhood: *Abbotsford is a highly varied neighbourhood with a substantial number of industrial and commercial buildings of various types and eras. The residential precincts are surrounded by industrial development located in the vicinity of Hoddle Street and the Yarra River.* The built form strategy in Figure 6 of this clause for non-residential areas is: *Improve the quality of the environment and the interface of development with the street.*

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

60. This policy applies to applications for use or development within Industrial Zones (amongst others).
61. The policy comprises various considerations and decision guidelines for non-residential use and development located near residential properties relating to overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the amenity of nearby residential properties.

Advertising

62. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act 1987* (the Act) with 84 letters sent to surrounding owners and occupiers, and two signs displayed on site. Six (6) objections were received.
63. The objector concerns can be summarised as follows:
- (a) Increased demand for on-street car parking spaces.
 - (b) The proposal may further contribute to illegal parking problems.

Referrals

External Referrals

64. The application was not required to be referred to any external referral authorities under the provisions of the Scheme.

Internal Referrals

65. The application was referred to Council's Engineering Services Unit in relation to the proposed loading bay arrangements and additional reduction of car parking. Their response is attached in the appendices to this report and will be addressed within the assessment.

OFFICER ASSESSMENT

Car parking

66. Pursuant to clause 52.06 of the Scheme, the proposed warehouse use, providing 2 car parking spaces, necessitates an additional 3 car parking space reduction (total of six space reduction) due to removal of three spaces to accommodate the loading bay.
67. Clause 18.02-5 (Car parking), clause 21.06 (Transport) and clause 52.06 (Car parking) of the Scheme will be used to frame this car parking assessment.
68. Collectively, the provisions of the Scheme noted above seek to produce balanced transport and parking outcomes by requiring uses and developments to provide adequate amounts of vehicle parking on-site. Relevant considerations are addressed below.

The car parking demand assessment

69. While the number of staff is proposed to increase, the car parking rate for a warehouse is based on its net floor area and thus the additional staff does not increase the statutory demand for car parking. The proposed floor plan layout is consistent with the continued operation of the premises as a warehouse, with only 10% of the net floor area of the building dedicated to office space, reflecting its ancillary role.
70. The car parking demand associated with the warehouse is likely to be less than that stated under the Scheme for the following reasons:
- (a) The site has good access to public transport, thus reducing reliance on car parking for both staff and customers.
 - (b) The site has good access from cycling routes and the provision of six (6) bicycle racks on-site (increasing from 3 to account for the additional staff) would encourage staff to utilise bicycles for their commute.
 - (c) The paucity of medium and long-term car parking in the vicinity would encourage staff to consider alternative travel arrangements.
 - (d) The demand for visitor parking would not increase as a result of the amendment.
 - (e) The business actively encourages staff to use alternative transportation – providing 5 bikes for staff use for site visits and meetings.

The availability of alternative car parking in the locality of the land.

71. On-street car parking is located along both Gipps and Nicholson Streets. Car parking is generally restricted during typical business hours with very few unregulated parking bays in the immediate vicinity. Nicholson Street has short to medium term restricted parking (2-4 hours typically). Gipps Street has mostly short-term parking (1-2 hours) on both sides, with a small number of unrestricted parking spaces on the southern side of the street, to the east of Little Nicholson Street.
72. Availability of longer-term on-street car parking in the locality of the site is extremely limited due to demand from existing businesses and residents, particularly during normal business hours.
73. As per Council's Engineering Services Unit's advice, short term car parking availability in the area could continue to cater for any visitors to the site, whereas staff requiring long-term car parking would be aware of the lack of availability of long-term car parking and would generally need to seek alternative transportation (public transport, cycling or walking).

74. Council's Engineers have confirmed that an additional reduction of three spaces would not adversely impact the existing on-street parking conditions in Nicholson Street and Gipps Street.

On street parking in residential zones in the locality of the land that is intended to be for residential use.

75. There is a small section of permit-only parking (approximately 4 bays) on the western side of Gipps Street, just south of the subject site which would help to offset any additional demand from the subject site.
76. In addition, car parking demand from staff and visitors of the warehouse will be limited to weekday business hours (i.e. 9am to 5pm) during which time a portion of the existing residents would likely be at work, freeing up some on-street parking within the vicinity. There would be no car parking demand from the use during peak residential and residential visitor parking demand which is typically in the evening and on weekends.
77. Furthermore, visitors to the warehouse who cannot park on-site would likely utilise short term car parking (1-2 hours) in the vicinity which has a greater turnover and availability appropriate for this use. Given the nature of the use (warehouse which includes only wholesale of goods) the number of visitors to the site would be relatively low.

The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.

78. The site has an overall size of approximately 570sqm and built form comprises approximately 85% of the site, with only the rear car parking area remaining undeveloped. The net floor area provides approximately 437sqm of warehouse space.
79. The applicant has submitted that the relocation of the loading bay external to the building (replacing three car parking spaces) is required to ensure that larger delivery trucks do not block the footpath.
80. While the site could allocate space internal to the building in lieu of the internal loading bay, this is considered to be unnecessary given the site's locational advantages (as previously described) in relation to public transport and cycling accessibility and that provision of parking must be balanced with other strategic objectives such as the promoting employment and supporting business.
81. The applicant has advised that in addition to one larger delivery per week, a range of smaller delivery vehicles may require the loading bay from time-to-time and therefore the possibility of also using the loading bay for car parking outside delivery times is impractical in this instance.
82. It is noted that proposed floor plans no longer stipulate the net floor area of the warehouse. This information has been provided on a separate plan but to ensure it is included on endorsed plans this information should be transferred to the floor plan (as per the format of the current endorsed plan).

The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.

83. The re-location of the loading bay (resulting in removal of car parking spaces) will improve pedestrian amenity by ensuring that delivery trucks do not block the footpath.
84. In addition, Council's Engineers have required that the redundant crossover to the Gipps Street frontage (servicing the existing loading bay) be removed and the kerb re-instated. This will further improve conditions for pedestrians. A condition will be included to this effect.

85. Council's engineers have also noted that the advertised floor plans (the decision plans) indicated that length of the existing rear car parking spaces do not provide the minimum 5.4m depth of car parking spaces according to the Australian Standard. The applicant has since confirmed that the correct depth of the spaces is 5.46m. A condition on the plans will therefore require that floor plans be updated to show that the rear car parking spaces have a minimum length of 5.4m.

Access to or provision of alternative transport modes to and from the land.

86. The site is well serviced by public transport. The following public transport modes are within a reasonable (walking distance) proximity to the subject site:
- (a) Hoddle Street bus services (approximately 390m to the west);
 - (b) Collingwood Train Station (approximately 315m to the north-west);
 - (c) Victoria Street tram services (approximately 485m to the south); and
 - (d) Johnston Street bus services (approximately 580m to the north).
87. Bicycle parking on-site has been increased by 3 parking spaces to 6 since the original grant of the permit and – in excess of bicycle parking requirements under clause 52.34 of the Scheme for a warehouse of this size (which requires none). Furthermore, staff/visitors are actively encouraged to cycle by the provision of 5 bicycles to attend at site visits and meetings.
88. Formal on-road cycling routes along Gipps Street, Nicholson Street and Victoria Crescent, and other informal bike routes nearby, provide good cyclist access to the subject site which reduces impediments to commuting or attending the site by cycle.
89. In addition, car share pods (two of which are within a 300m distance of the subject site) are also available in the vicinity, and these may be utilised by staff attending meetings if it is not feasible to cycle, thereby reducing the need for staff to drive to work for this purpose.

Local traffic management in the locality of the land.

90. Council's Engineering Services Unit has found the design and access of the re-located loading bay to be acceptable and did not raise any concerns in regards to traffic generation.
91. Given the overall small scale of the use, the proposed changes to the use, layout and car parking reduction would not be anticipated to detrimentally impact traffic conditions in the area.

Increase to staff numbers

92. As detailed in the proposal section, the original permit approved a maximum of 3 staff on-site at any one time. This is now sought to be increased to 13.
93. The relevant decision guideline of the Industrial 3 Zone is: *The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.*
94. The Interface Uses Policy at clause 22.05 is most relevant local policy to frame assessment of the proposed increase to staff number, particularly as the considerations overlap with the relevant decision guideline of the Industrial 3 Zone.
95. The nearest residences are located on the north-east and south-west corners of Gipps Street and Nicholson Street, each at a distance of approximately 20m from the subject site.

96. In relation to the interface uses policy at clause 22.05 – which considers potential impacts on nearby residences - the increase to staff numbers would not be anticipated to result in an unreasonable amenity impacts, such as noise, light spill or waste, to surrounding residential areas given that:
 - (a) Residences are separated by local roads of 20m width which would provide a buffer to direct impacts;
 - (b) The frequency of large deliveries is only once per week (this appears to have increased from once per month when compared to information submitted with the original application);
 - (c) At least part of the staff increase would pertain to the expanded office area which would not create any noise impacts;
 - (d) The hours of operation (unchanged) are restricted to typical business hours (9am to 5pm) and thus lightspill is not a relevant consideration.
 - (e) 2X 1100L bins are depicted to be stored within the building on the proposed floor plans which ensures that waste will be stored away from view from surrounding residential properties.
 - (f) Existing conditions pertaining to protection of amenity and ensuring that the site is in compliance with SEPP N-1 (relating to commercial/industrial noise) will be retained on any amended permit.
97. It is noted that the amended floor plan has omitted a previous notation that indicated that no servicing or maintenance was to be undertaken on-site (in relation to the coffee machines). A condition will require that this notation is re-instated to ensure that these activities are still excluded from the use.
98. Overall, subject to the above condition, it is considered that the increase to staff numbers is acceptable having regard to relevant policy, in particular, potential amenity impacts.

Buildings and Works

99. The proposed buildings and works are limited to installation of a new roller door to the rear (eastern) façade (including infill of an existing window) facing Little Nicholson Street and installation of wheel stops to the new loading bay.
100. The decision guidelines for buildings and works in the Industrial 3 Zone (at clause 33.03-4) and the built form and design policy at clause 22.10 are most relevant to the assessment of this component of the proposal.
101. The decision guidelines of the Industrial 3 Zone include consideration of:
 - (a) Streetscape character;
 - (b) Built form; and
 - (c) Loading and service areas.
102. The most relevant policy of clause 22.10 are those pertaining to urban form and character, street and public space quality (at clause 22.10-3.3 and 22.10-3.4, respectively) which include objectives that seek to ensure that developments provide a positive and visually interesting elevation to the street and where visible from the public domain. Of note, clause 22.10-3.4 encourages new development to *provide a reasonable level of transparent treatment (eg. windows, voids etc) within the front and side street elevations.*
103. The proposed external alterations are works are considered to be appropriate given that:
 - (a) The commercial/industrial built form character of the immediate context (to the north and east) is dominated by hard-edged developments with little glazing;
 - (b) The rear façade faces onto Little Nicholson Street which has the appearance and function of a laneway, including multiple roller doors and otherwise mostly solid façades at ground level therefore the installation of the roller door is in keeping with the existing character;
 - (c) The wheel stops will have negligible impact on the appearance of the site.

- (d) The works (both roller door and wheel stops) facilitate the safe and orderly function of the re-located loading bay and ensure that loading and unloading can be undertaken wholly within the site and will not obstruct the footpath.

104. Overall, it is considered that the proposed works respond adequately to the built form policies and decision guidelines and can be supported.

Objector Concerns

105. The above assessment has already addressed a number of the objector concerns, as follows:

- (a) Increased demand for on-street car parking spaces (see paragraphs 69 – 91).

106. The remaining concerns are addressed below:

The proposal may further contribute to illegal parking problems.

107. The amendment seeks to alleviate this problem by re-locating the loading bay to the rear of the site, external to the building, to ensure there is capacity for large delivery trucks will be able to unload wholly within the site. Any other illegal parking would continue to be enforced by Council's Parking Services Unit.

Conclusion

108. The proposal demonstrates a good level of compliance with the policy requirements outlined in the Yarra Planning Scheme, and should be supported subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN12/1128.01 for an amendment to the permit and plans to allow for an increase to the maximum number of employees associated with the existing warehouse; re-location of the existing loading bay; an associated further reduction of car parking; and external alterations to the building at 104 Nicholson Street, Abbotsford. The following changes will be made to the planning permit preamble and conditions:

Permit preamble modified to read:

Use of the land as a warehouse and associated reduction of the car parking requirement; and development of the land for works to the rear car parking area and external alterations to the existing building.

New condition 1 inserted as follows (with all other conditions retained and renumbered accordingly):

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 (submitted to Council on 1 June 2017 and 9 June 2017) but modified to show:

- (a) The rear car parking spaces dimensioned to confirm they have a minimum length of 5.4m.
- (b) Re-instatement of the notation to the proposed floor plan confirming no servicing or maintenance to be conducted on-site.
- (c) Net floor area of the warehouse notated on the proposed floor plan.

New condition to be inserted as condition 3 (with remaining conditions renumbered accordingly) as

follows:

Within 2 months of the completion of the development, 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.

Existing condition 2 (new condition 4) to be amended to read:

No more than 13 staff members are permitted to be on-site at any one time.

Existing condition 9 (new condition 11) to be amended to read:

This permit will expire if any of the following occur:

- (a) The development is not commenced within two (2) years from the date of this amended permit;
- (b) The development is not completed within four (4) years from the date of this amended permit.

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

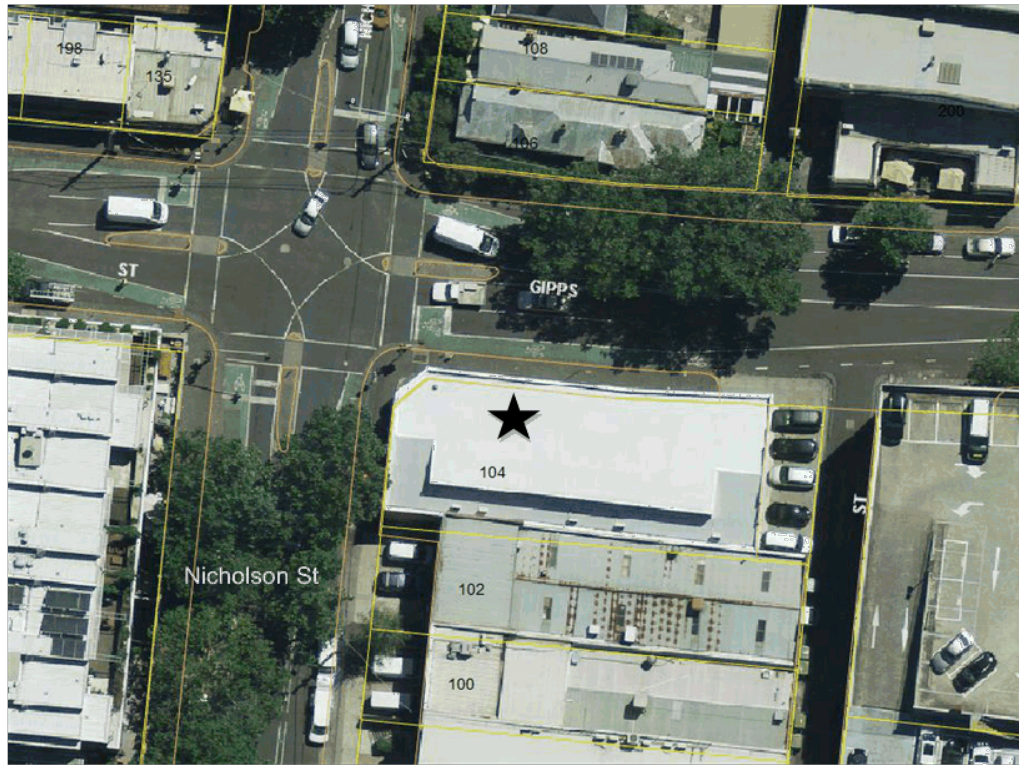
CONTACT OFFICER: Madeleine Moloney
TITLE: Statutory Planner
TEL: 92055009

Attachments

- 1 PLN12/1128.01 - 104 Nicholson Street Abbotsford - Site Plan
- 2 PLN12/1128.01 - 104 Nicholson Street Abbotsford - Decision Plans
- 3 PLN12/1128.01 - 104 Nicholson Street Abbotsford - Engineering Comments
- 4 PLN12/1128 - 104 Nicholson Street Abbotsford - Planning Permit
- 5 PLN12/1128 - 104 Nicholson Street Abbotsford - Endorsed Plans (Scanned)

Attachment 1 - PLN12/1128.01 - 104 Nicholson Street Abbotsford - Site Plan

SUBJECT LAND: 104 NICHOLSON STREET, ABBOTSFORD

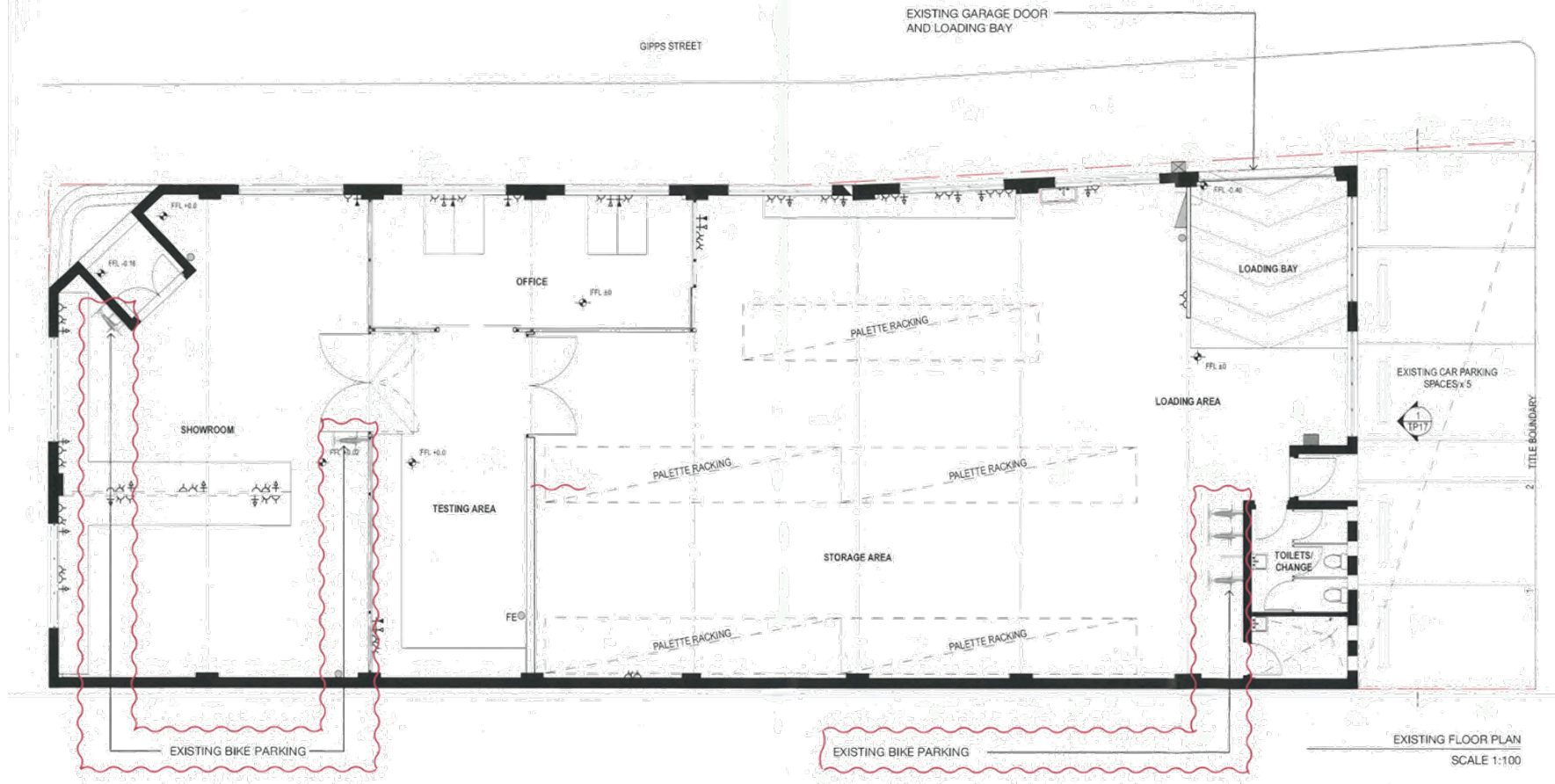


↑ North

★ Subject Site

Attachment 2 - PLN12/1128.01 - 104 Nicholson Street Abbotsford - Decision Plans

3.1 - Existing Floor Plan



LA MARZOTTO

PROJECT
DRAWING
ADDRESS
CLIENT

LOADING BAY RELOCATION
EXISTING FLOOR PLAN
104 NICHOLSON STREET, ABBOTSFORD
LA MARZOTTO



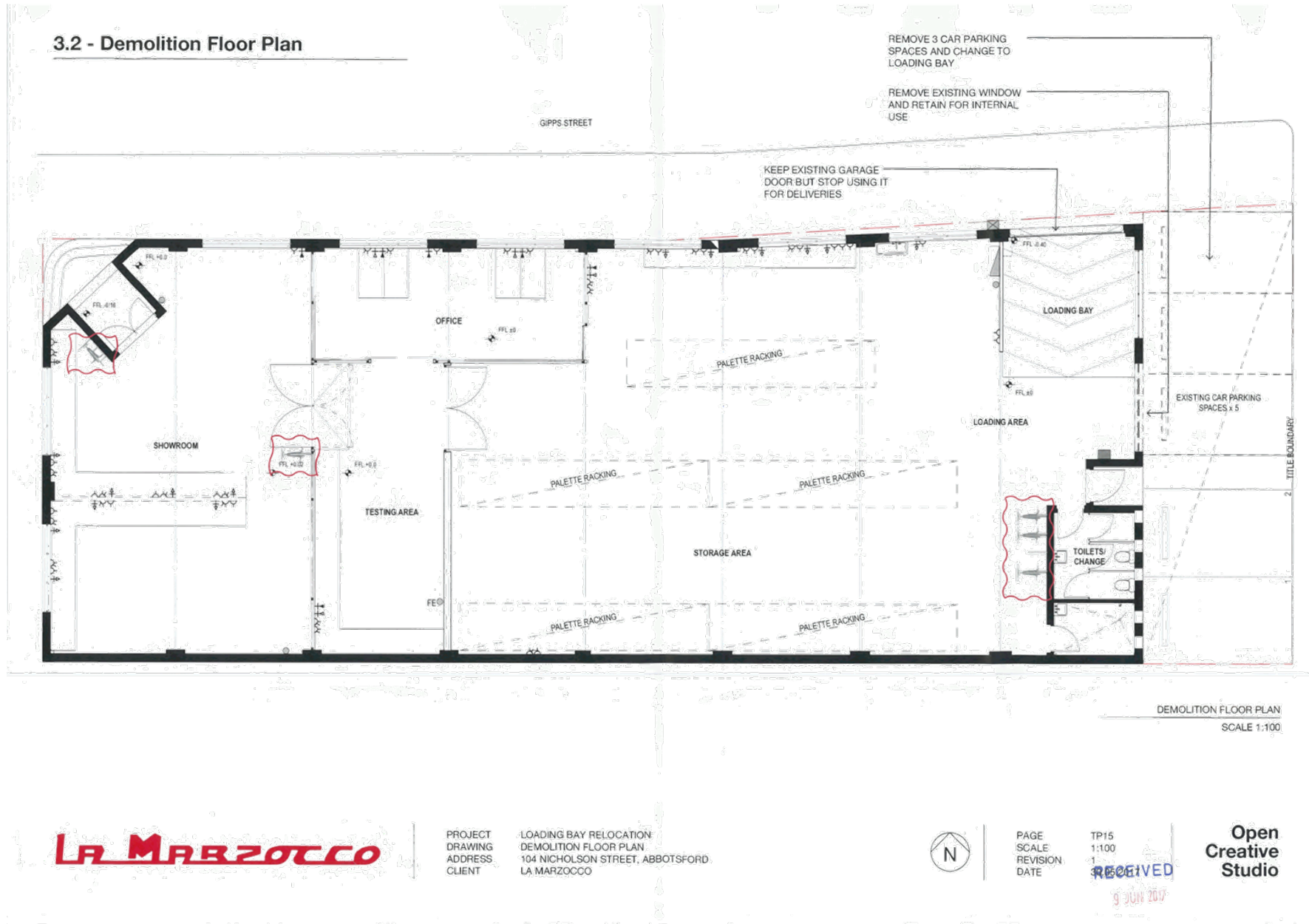
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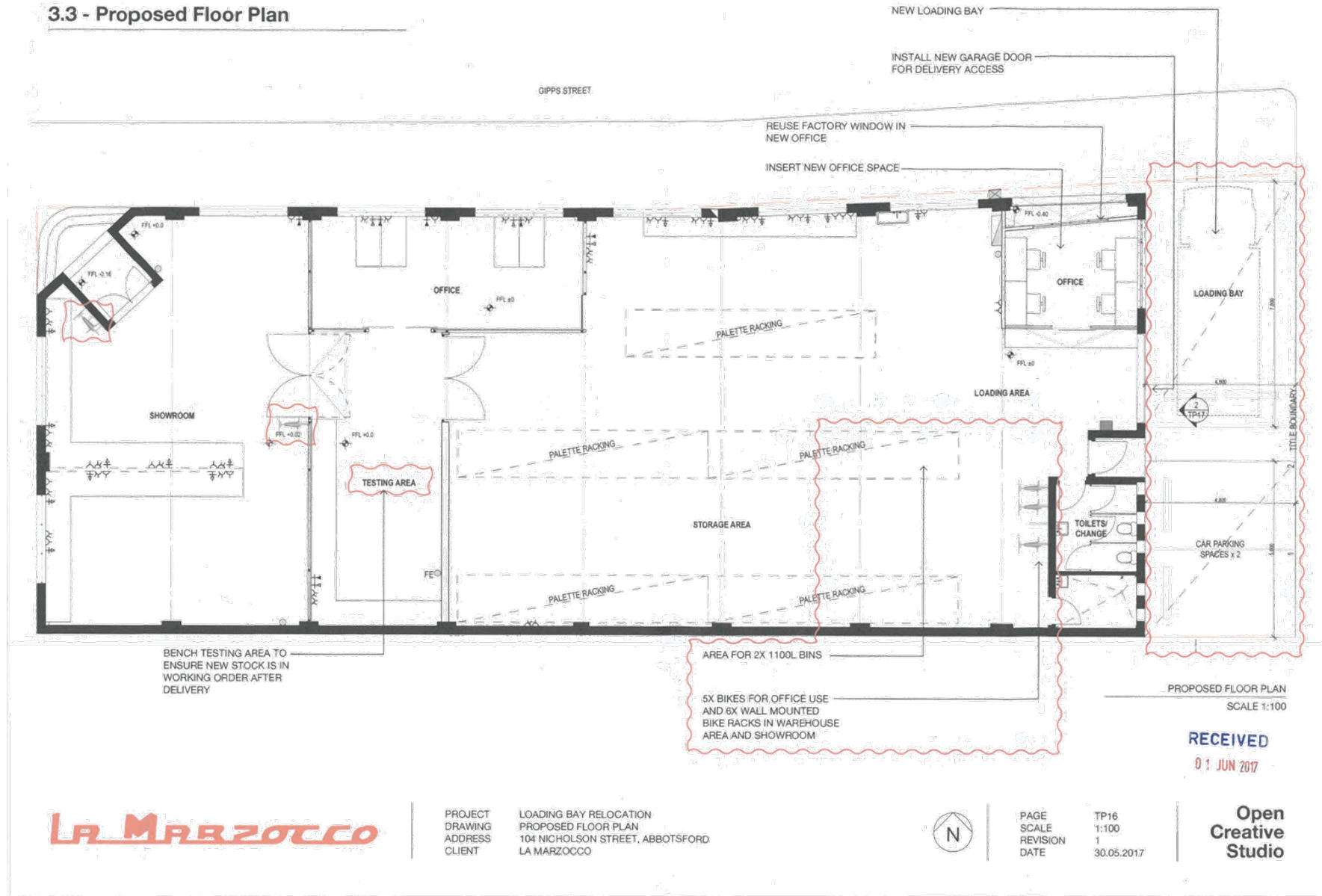
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Attachment 2 - PLN12/1128.01 - 104 Nicholson Street Abbotsford - Decision Plans



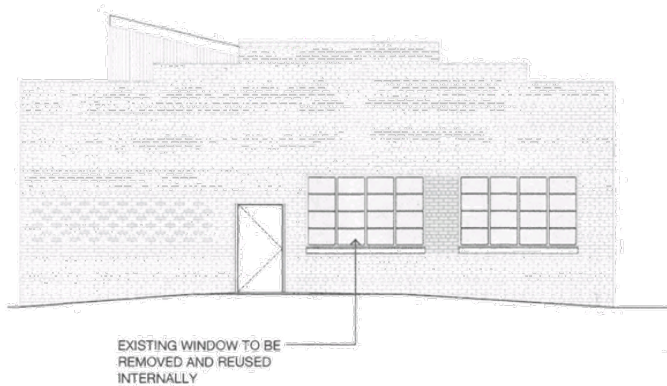
Attachment 2 - PLN12/1128.01 - 104 Nicholson Street Abbotsford - Decision Plans

3.3 - Proposed Floor Plan

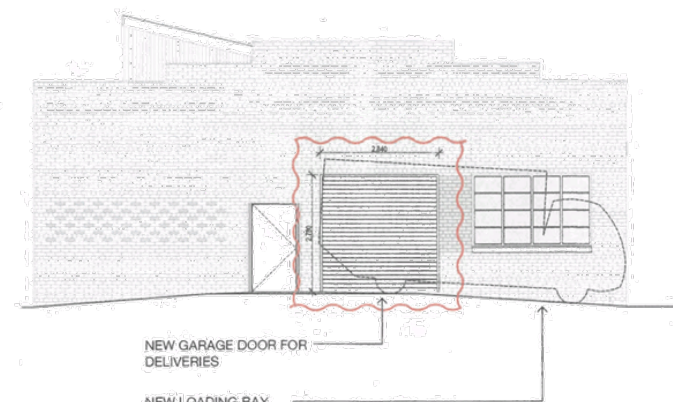


Attachment 2 - PLN12/1128.01 - 104 Nicholson Street Abbotsford - Decision Plans

3.4 - Existing and Proposed East Elevation



EXISTING EAST ELEVATION
SCALE 1:100



NEW GARAGE DOOR FOR
DELIVERIES

NEW LOADING BAY
TO ACCOMMODATE A
12 TONNE TAUTLINER
SIDE ENTRY DELIVERY
TRUCK

PROPOSED EAST ELEVATION
SCALE 1:100

RECEIVED
01 JUN 2017

LA MARZOCCO

PROJECT LOADING BAY RELOCATION
DRAWING EXISTING AND PROPOSED EAST ELEVATION
ADDRESS 104 NICHOLSON STREET, ABBOTSFORD
CLIENT LA MARZOCCO

PAGE TP17
SCALE 1:100
REVISION 1
DATE 30.05.2017

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Attachment 2 - PLN12/1128.01 - 104 Nicholson Street Abbotsford - Decision Plans

3.5 - Proposed Building Areas



SHOWROOM - 98.8m²

OFFICE - 44.4m²

STORAGE AREA - 182m²

LOADING AREA - 52.4m²

TOILET AND SHOWER - 12.1m²

TESTING AREA - 38.9m²

NET FLOOR AREA - 437.2m²

LA MARZOCCO

PROJECT: LOADING BAY RELOCATION
DRAWING: PROPOSED BUILDING AREAS
ADDRESS: 104 NICHOLSON STREET, ABBOTSFORD
CLIENT: LA MARZOCCO

PAGE: TP18
SCALE: 1:100
REVISION: 0
DATE: 30.05.2017

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01 JUN 2017

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Attachment 3 - PLN12/1128.01 - 104 Nicholson Street Abbotsford - Engineering Comments



MEMO

To: Madeleine Moloney
From: Artemis Bacani
Date: 10 August 2017
Subject: Application No: PLN12/1128.01
 Description: Amendment - Warehouse
 Site Address: 104 Nicholson Street, Abbotsford

I refer to the above application to amend Planning Application PLN12/1128.01 received on 20 July 2017 in relation to the proposed development at 104 Nicholson Street, Abbotsford. 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
Warehouse	437.2 m ²	2 spaces to each premises plus 1.5 spaces to each 100 m ² of net floor area	8	2

Since a reduction of three spaces has been approved for the existing planning permit, a further reduction of three spaces is sought by the applicant.

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

Car Parking Demand Assessment

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

- *Short-stay and Long-stay Car Parking Demand for the Warehouse Use.*
 Parking associated with warehouse type developments is generally long-stay parking for employees and short-stay parking for customers and clients. The surrounding streets near the site have a mixture of 1P, 2P, and 4P parking restrictions. Employees from the site would be aware of the lack of long-stay parking in the surrounding area and instead would commute to the site by alternative transportation modes such as taking public transport or riding a bicycle or walking to the site.
- *Availability of Public Transport in the Locality of the Land.*
 The site is within walking distance of tram services operating along Victoria Street. Bus services operate along Hoddle Street and rail services can be obtained from Collingwood railway station.

Attachment 3 - PLN12/1128.01 - 104 Nicholson Street Abbotsford - Engineering Comments

- *Multi-Purpose Trips within the Area.*

Clients and visitors to the development could 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.*

Nicholson Street and Gipps Street contain 1P, 2P, and 4P parking restrictions. Although the on-street parking demand in the area is high, previous observations have indicated that clients and visitors to the development should be able to find a short-stay parking space near 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 use.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of three parking spaces associated with the warehouse use is considered appropriate in the context of the development and the surrounding area. The waiving of the parking should not result in an adverse impact on existing on-street parking conditions in Nicholson Street and Gipps Street.

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

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Vehicle Crossing	Not shown on the drawings.
Loading Area Roller Door	The dimension of the roller door is 2.84 metres wide by 2.78 metre high and is considered satisfactory to perform the unloading/loading of goods.
Loading Bay	
<p>The dimension of a 12 Tonne Tautliner has been referenced from www.directcouriers.com.au website. According to the information on the website, a 12 Tonne Tautliner has a length of 7.2 metres and width of 2.4 metres.</p> <p>The width of the loading bay/length of the car spaces is shown on the drawings as 4.8 metres.</p> <p>The applicant has confirmed that the width of the loading bay/length of the car spaces is actually 5.46 metres measured between the edge of the eastern building wall and the western edge of Little Nicholson Street.</p> <p>The 5.46 metre wide by 7.8 metre long loading bay is considered adequate to accommodate a 12 Tonne Tautliner delivery truck.</p>	

Attachment 3 - PLN12/1128.01 - 104 Nicholson Street Abbotsford - Engineering Comments
Design Items to be Addressed

Item	Details
Vehicle Crossing	The applicant must amend the drawings and show the correct dimensions of the loading bay/car spaces.

ENGINEERING CONDITIONS

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

Redundant Vehicle Crossing

- The redundant vehicle crossing along the Gipps Street road frontage must be demolished and reinstated with paving and kerb and channel to Council's satisfaction and at the Permit Holder's cost.

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 4 - PLN12/1128 - 104 Nicholson Street Abbotsford - Planning Permit

Helping you understand your planning needs

PLANNING PERMIT

Permit No: PLN12/1128

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

ADDRESS OF THE LAND:
104 Nicholson St Abbotsford VIC 3067

THE PERMIT ALLOWS:
Use of the land as a warehouse and associated reduction of the car parking requirement, and development of the land for works to the rear car parking area.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
2. No more than 3 staff members are permitted to be on-site at any one time.
3. The use may only operate between the hours of 9:00am - 5:00pm, Monday to Friday.
4. The area set aside for car parking on the endorsed plans must be used for no other purpose and be maintained at all times to the satisfaction of the Responsible Authority.
5. The loading and unloading of vehicles must be carried out entirely within the site to the satisfaction of the Responsible Authority.
6. The loading bay must be kept clear at all times for reception of goods to the satisfaction of the Responsible Authority.
7. Noise emissions must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority.
8. The amenity of the area must not be detrimentally affected by the use 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

Date: 28 June 2013

Danielle Connell
Signature for the Responsible Authority

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

For more information call 9205 5555 or visit www.yarracity.vic.gov.au
Page 1 of 2

Attachment 4 - PLN12/1128 - 104 Nicholson Street Abbotsford - Planning Permit

(d) The presence of vermin.

9. This permit will expire if any of the following occur:

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

(b) The development is not completed within four (4) years from the date of this permit;

(c) The use is not commenced within two years from the date of this permit.

The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within 3 months afterwards.

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

Date: 28 June 2013


Danielle Connell
Signature for the Responsible Authority

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

Page 2 of 2

Attachment 4 - PLN12/1128 - 104 Nicholson Street Abbotsford - Planning Permit

PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

- * from the date specified in the permit; or

- * if no date is specified, from—

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

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

WHEN DOES A PERMIT EXPIRE?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHAT ABOUT APPEALS?

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

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

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

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

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

- * An application for review must also be served on the Responsible Authority. Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

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

Attachment 5 - PLN12/1128 - 104 Nicholson Street Abbotsford - Endorsed Plans (Scanned)

3.3 Proposed Floor Plan

