



YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda

**to be held on Wednesday 10 October 2018 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

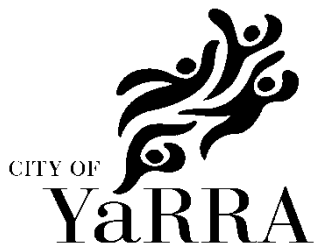
Rostered Councillor membership

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

- I. ATTENDANCE**
Nish Goonetilleke (Senior Statutory Planner)
Danielle Connell (Senior Co-Ordinator Statutory Planning)
Cindi Johnston (Governance Officer)
- II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**
- III. CONFIRMATION OF MINUTES**
- IV. COMMITTEE BUSINESS REPORTS**

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



Guidelines for public participation at Internal Development Approval Committee meetings

POLiCY

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	PLN17/1061 - 93-97 Webb Street, Fitzroy - Part demolition and use and development of the land for the construction of a mixed use building (permit required for dwelling use) and a reduction in the car parking requirements.	5	50
1.2	PLN17/1113 - 81-89 Queens Parade, Fitzroy North – Construction of an 8 storey building (including stair enclosure to the roof, plus basement levels), use part of the land for a residential hotel (Serviced apartments), alteration of access to a Road Zone (category 1), reduction in car parking associated with a residential hotel (serviced apartments), supermarket and offices (permit not required for supermarket or office uses). (CONFIDENTIAL ITEM) LATE ITEM - Details to come		

1.1 PLN17/1061 - 93-97 Webb Street, Fitzroy - Part demolition and use and development of the land for the construction of a mixed use building (permit required for dwelling use) and a reduction in the car parking requirements.

Executive Summary

Purpose

1. This report provides an assessment of planning permit application PLN17/1061 and recommends approval, subject to conditions. The application proposes the part demolition of the existing building and development of the land for a 7 storey building (plus 2 levels of basement levels with 22 car spaces) containing 16 dwellings and 1 office (158sqm) fronting Webb Street and nine (9) four (4) storey townhouses fronting the eastern laneway and Charles Street.

Key Planning Considerations

2. Key planning considerations include:
 - (a) clause 22.02 - Development Guidelines for Sites Subject to the Heritage Overlay;
 - (b) clause 22.05 – Interface uses policy;
 - (c) clause 34.01 – Commercial 1 Zone;
 - (d) clause 43.01 – Heritage Overlay;
 - (e) clause 52.06 – Car parking;
 - (f) clause 53.06 – Live music and entertainment noise;
 - (g) clause 55 – Two or more dwellings on a lot; and
 - (h) clause 58 – Apartment developments.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic context;
 - (b) Dwelling use;
 - (c) Built form, Heritage and Urban design;
 - (d) Clause 55 and 58 (Rescode);
 - (e) Car & Bicycle parking/traffic/access/layout; and
 - (f) Objector concerns.

Objector Concerns

4. A total of 62 objections were received to the application, these can be summarised as:
 - (a) Increased traffic and pressure on public transport, on-street car parking and infrastructure;
 - (b) Amenity impacts (including overlooking, reduced privacy and daylight, increased security risks and overshadowing (including to plants) and obstruction of views);
 - (c) Negative impact on heritage character of area;
 - (d) Excessive height/visual bulk;
 - (e) Construction issues (including property damage, vibration, dust, noise and disruption to nearby business operations);
 - (f) Limit development potential of nearby properties; and
 - (g) Loss of artwork on the existing western wall.

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 the following key recommendations:

- (a) Plans amended to show the changes shown on the submitted sketch plans, as follows:

Townhouses

- (i) Increased setbacks of third floor east wall;
- (ii) Increased setbacks of roof terraces from east and west boundaries;
- (iii) Overall reduction in height by 0.7m;
- (iv) New privacy screens to roof terraces; and
- (v) Colour palette lightened to the northern, western and eastern walls.

Apartment building

- (vi) Setbacks of the south-east and south-west corners of the 5th and 6th floor increased as well as north-west and north-east corners; and
- (vii) Lightening of the western boundary wall material at first to fourth floor.

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TITLE: Senior Statutory Planner
TEL: 92055016

1.1 PLN17/1061 - 93-97 Webb Street, Fitzroy - Part demolition and use and development of the land for the construction of a mixed use building (permit required for dwelling use) and a reduction in the car parking requirements.

Trim Record Number: D18/160145

Responsible Officer: Senior Coordinator Statutory Planning

Proposal: Part demolition and development of the land for a maximum 7 storey building (plus basement levels), use of the land as dwellings, with a reduction in the car parking requirement associated with office and dwellings

Existing use: Office building

Applicant: OP Webb Pty Ltd

Zoning / Overlays: Commercial 1 Zone and Heritage Overlay

Date of Application: 11 December 2017

Application Number: PLN17/1061

Planning History

1. There is no planning history for the subject site.

Background

2. The application was received by Council on 11 December 2017, with additional information received on 9 March 2018. The application was subsequently advertised on April 2018 by way of 1010 letters sent to the surrounding area and 3 signs at the site, with 62 objections received.
3. A planning consultation meeting was held on the 12 June 2018 and was attended by the applicant, 7 objectors and Council officers and applicant representatives. In response to issues raised by objectors and referral comments, the applicant submitted sketch plans dated 9 July 2018 (corrected on 26 September 2018).
4. The sketch plans show the following changes:
 - (a) Revised sectional shadow diagrams to the Patterson's building, and
 - (b) Revised perspectives.

Townhouses

- (c) The third floor eastern wall and the eastern roof terrace wall of townhouse 1, 3, 5 and 7 splayed allowing for 0m setback on the southern end and 1.5m setback on the northern end of the splay,
- (d) The setback of the second and third floor western walls of townhouses 1, 3, 5 and 7 increased by 0.3m,
- (e) Overall reduction in the height of townhouse 1-8 by 0.7m through a reduction in the roof terrace wall heights,
- (f) New privacy screens on the south and west side of the roof terraces to townhouses 1-8 and the east side of the terraces to townhouse 1-4,
- (g) The setback of the roof terrace western walls of townhouse 1, 3, 5 and 7 increased by 0.94m,
- (h) The setback of the roof terrace western walls of townhouse 2, 4, 6 and 8 increased by approx. 0.3m,
- (i) Reduction in the size of the proposed roof terrace of townhouse 1, 3, 5 and 7 from 24sqm to 19sqm,

- (j) Reduction in the size of the proposed roof terrace of townhouse 2, 4, 6 and 8 from 24sqm to 22sqm, and
- (k) The colour palette lightened to the western and eastern wall of townhouses 1-8.

Apartment building

- (l) The setback of the south-east corner of the fifth and sixth floor and roof above increased to allow a minimum setback of 5.169m to Webb Street boundary, a minimum setback of 3.084m to the eastern boundary,
 - (m) The setback of the south-west corner of the fifth floor and sixth floor and roof above increased to allow a minimum setback of 5.075m to Webb Street boundary and a minimum setback of 2.6m to the western boundary,
 - (n) The setback north-west and north-east corner of the fifth, sixth floors and roof above increased to allow a minimum setback of 3.165m to the eastern boundary and 3.695m to the western boundary, and
 - (o) The lightening of the western boundary wall material at first to fourth floor.
5. The assessment of the application will be based on the advertised/decision plans with conditions requiring that the changes shown on the sketch plans (dated 26 September 2018) are formalised.

Planning Scheme Amendments

Amendment VC148

- 6. On 31 July 2018, Planning Scheme Amendment VC148 was gazetted by the Minister for Planning. Amongst other changes the amendment has deleted the State Planning Policy Framework (SPPF) and has replaced it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19 of the Scheme.
- 7. The introduction of VC148 amended Clause 52.06 (Car parking) so that the car parking rates of Column B applies if any part of the subject site is identified as being within the Principal Public Transport Network Area (PPTN).
- 8. The subject site is located within the PPTN Area and, therefore, the Column B car parking rates apply to this planning permit application which means there is no longer a requirement to provide any visitor car parking spaces as part of the proposal.

The Proposal

- 9. The application proposes the part demolition of the existing building and development of the land for a 7 storey building (plus 2 levels of basement levels with 24 car spaces) containing 16 dwellings and 1 office (158sqm) fronting Webb Street and nine (9) four (4) storey townhouses (and 14 car spaces) fronting the eastern laneway and Charles Street, with a reduction in the car parking requirement associated with the office. More specifically:

Demolition

- 10. The existing garage door and window openings (bricked-in) to Chares Street are to be removed with the remainder of the façade retained.
- 11. The existing windows, part of the brick work on the western side of the façade and roller door to the Webb Street frontage are to be removed.
- 12. The majority of the eastern wall to the laneway is to be removed apart from the southern and northern ends.

13. Demolition of the western boundary wall abutting Union Club Hotel (shown on floor plan) and the northern section abutting No. 96 Charles Street apartments.
14. The entire existing roof form is to be removed.

Townhouses

15. A total of nine (9) four (4) storey townhouses are proposed along the northern and eastern boundaries with an office and 7 storey apartment building along Webb Street. The townhouses would have a west-east orientation, with 8 having roof terraces. All would have individual vehicle access from the eastern laneway. Pedestrian access to townhouse 1-8 would be provided via a first floor walkway (above the garages) along the western boundary, with townhouse 9 accessing directly from Charles Street. The townhouses would have a maximum height of 13.3m.

Townhouse 1-8

Ground floor

16. The floor layout of townhouse 1-8 mirror each other on all floors, apart from townhouse 1, 3, 5 and 7 having two car spaces each and the remaining townhouses each having one. The use of the second rooms at ground floor to townhouse 2, 4, 6 and 8 is not marked on the plans. However, the rooms can clearly be used as another bedroom and therefore will be included as such. The townhouses will be built to the west boundary and with eastern garage doors and east walls setback 1m from the eastern laneway.

First floor

17. The first floors would accommodate a bedroom with ensuites. Setbacks from the west boundary range from approx. 1.9m to 2.2m and accommodates the pedestrian walkway for townhouse 1-8 accessed from Charles Street. This varied western setback is due to the west boundary being slightly angled. The east wall would be built to the boundary, apart from an approx. 1m wide x 1.8m deep window recess on the north-east corner of each townhouse.

Second floor

18. The second floors would accommodate 2 bedrooms and a bathroom. Setbacks to the west boundary range from approx. 1m to 2.6m. The east wall would be built to the boundary, apart from an approx. 1m wide x 1.8m deep window recess on the north-east corner of each townhouse (mirroring these setbacks on the level below).

Third floor

19. The third floors would accommodate living and kitchen areas. The east wall would be built to the boundary, apart from an approx. 1m wide x 1.8m deep window recess on the north-east corner of each townhouse (mirroring the setbacks on the level below).
20. The west wall would have varied setbacks. Townhouse 1, 3, 5 and 7 have similar setbacks ranging from approx. 1m to 1.8m, with a further recess on their north-west corner. The western walls of townhouse 2, 4, 6 and 8 rake back from the level below allowing for maximum setback of between approx. 2.8m and 3.8m, with further recess on their north-west corner.

Roof terraces

21. Each dwelling will be provided with a 24sqm roof terrace. The east wall would be built to the boundary, apart from an approx. 1m wide x 1.8m deep recess on the north-east corner of each townhouse. The terraces are setback between approx. 4.8m to 5.8m from the west boundary.

Townhouse 9

Ground floor

22. Townhouse 9 fronts Charles Street. The ground floor façade would accommodate a living room, dwelling entry and the entry gate to the pedestrian walkway to townhouse 1-8. This dwelling is consequently setback between approx. 2m and 4m from the western boundary to accommodate the pedestrian entry to dwelling 1-8 with two visitor bicycle spaces provided inside the gate. The remainder of this level is built to the northern and western boundary, with the existing walls retained (apart from the new garage door to the eastern laneway). Two car spaces would be provided accessed from the eastern laneway.

First floor

23. The first floor accommodates the living area and would be built to the east boundary, setback approx. 1.9m from the west boundary and 3.2m from Charles Street. An 18sqm terrace is located in this setback.

Second floor

24. The second floor would accommodate two bedrooms with ensuites and would be built to the east boundary, setback approx. 1.9m from the west boundary and 3.2m from Charles Street.

Third floor

25. The third floor would accommodate two bedrooms with ensuite and walk-in-robe and is contained within a raked roof form. This raking form results in sloped new facade wall to Charles Street upper levels ranging in height from a minimum of 8.8m (east side) to a maximum 12.4m (west side). This floor would be built to the east boundary, setback approx. 1.9m from the west boundary and 3.2m from Charles Street.

Colours and materials

26. Light and dark grey brick finishes alternating between each townhouse are proposed to the east wall. Light and dark grey metal cladding finishes alternating between each townhouse are proposed to the west wall. A dark grey brick finish is proposed to the new Charles Street wall.

Apartment building

27. The apartment building is proposed to be 7 storeys over two basement levels and fronts Webb Street. The building will have an overall maximum height of 24.4m to the top of the sixth floor. The fourth floor podium will have a maximum height of 18.76m.

Basement levels

28. The basement is generally positioned beneath the footprint of the apartment building. Basement 2 contains 9 car spaces accessed by a car lift. It also contains a services area, a 13,000ltr water tank, 1 motorbike space and is accessed by a lift and stairs. Basement 1 contains 15 car spaces also accessed by car lift, 1 motor bike space and with stair and lift access.

West and north wall

29. The west wall will be built to the west boundary for a distance of 12m with the reminder (toward Webb Street) setback approx.1.5m between ground and fourth floor. The setbacks to the west boundary at floor 5 and 6 will be between approx. 1.8m and 2.8m.
30. The north wall adjacent to the boundary wall on the apartment building at No.174 Gore Street will be setback between 0.39m and 0.99m from ground to floor six.

Ground floor

31. The ground floor contains a 25.5sqm services area, a 158sqm office, the apartment entry lobby (with water metres cupboard and mail boxes), 26 bicycle spaces and the car lift platform.
32. New full height glazing would be installed to the existing Webb Street openings with a solid wooden door providing access to the car stacker. A new roller door is proposed to be installed to part of the office frontage to the laneway in the existing wall.

First floor

33. Four apartments are proposed at first floor. Two of them would be 1 bedroom with the remaining two being 2 bedrooms. Terraces would run around the east and south side of the existing building allowing for the dwellings to be setback to the existing walls/boundaries by 2m and 2.5m. The existing parapets would act as terrace walls ranging in height from 1m to 2m.

Second, third and fourth floor

34. The apartment layout would mirror each other on these floors. Each level would have one apartment with 3 bedrooms and two apartments with 2 bedrooms. The eastern 2 bedroom apartments would be provided with an 8sqm terrace fronting the eastern laneway. The 2 bedroom apartments fronting Webb Street would have 14sqm terraces. The three-bedroom apartments fronting Webb Street would have 11sqm terraces. These levels would be setback approx. 1m from the east boundary and 1.45m from Webb Street with terraces to Webb Street floors 2 - 4 recessed a further 2m.

Fifth and sixth floor

35. The fifth floor would have two apartments each with 2 bedrooms and with a 3 bedroom penthouse proposed at floor six. The walls at these levels have an irregular layout. Setbacks to the east boundary would range from 2.5m to 3.16m. Setbacks to the west boundary would range from 1.7m to 2.79m. Setbacks to Webb Street would range from approx. 3.45m to 3.85m.

Materials

36. Wall materials would be a dark grey brick finish to floor 1 to four, with glazed finishes to the fifth and sixth floors overlaid by external horizontal venetian style blinds. New terrace balustrades would be black steel pickets.

Existing Conditions

Subject Site

37. The subject site is located on the north side of Webb Street and on the south side of Charles Street, generally east of Gore and west of Smith Streets in Fitzroy. The site has an L-shape configuration with a frontage of 23.1m to Webb Street, a frontage of 13m to Charles Street and a maximum depth of 63.4m, yielding an area of approximately 989m². The site is currently developed with two, single storey warehouse style buildings used as offices.

Surrounding Land

38. The site is located within a Commercial 1 Zone, noting that the site is west of the Smith Street Activity Centre with a range of commercial and residential land uses.

West- Union Hotel

39. To the west is the side of the Union Club Hotel which is located in a Neighbourhood Residential Zone – Schedule 1. The hotel abuts the wider section of the subject site (Webb Street end) and adjoins the boundary for a distance of 18.36m. The hotel is a 2 storey red brick building and is setback from the shared boundary with the subject site approximately 5m at ground floor with a courtyard located in this setback. At first floor the hotel setback is staggered at approx. 5m (on the southern end of the shared boundary) and 12m (on the northern end). Within the 5m setback area is an approximately 2m wide terrace which overhangs the ground floor courtyard. The operator has confirmed that this first-floor terrace is not accessible to the public and is generally used as a staff break area and for storage.
40. The 12m setback area is occupied by a large first floor terrace that is built to the shared boundary and overhangs the courtyard below. This terrace has an approx. 3m wide open-sided roof structure which adjoins the shared boundary with subject site. The hotel operates licence permits operation until 1am every day, except 11pm on Sundays with a maximum of 150 patrons (liquor licence no. 31915127). The courtyards operate until 11pm every night, except for 1am on the day before ANZAC Day. The operator has confirmed that music in the indoor and outdoor areas is played at background levels. The operator also confirmed amplified acoustic live music sessions are regularly held on Saturday and Sunday afternoons inside the building. Music is played beyond background levels at these times.

West- No.96 Charles Street apartment building

41. The reminder of the western boundary is occupied by a part 3 and part 5 storey residential building with a three storey frontage to Gore Street and a four storey frontage to Charles Street (approved under planning permit PL06/1016).
42. This building presents as six stories opposite the subject site with the basement level being located at ground level and adjoins the western boundary wall of the subject site. At the north end along the shared boundary, the building is setback 5.6m from Charles Street with upper level balconies located within this setback. The building then extends to the shared boundary for two levels with a balcony to the boundary at floor 2. The remaining 5 levels of the building is setback 3.1m from the shared boundary with ground floor open space (above the elevated basement) for four dwellings located in this setback. The four levels above containing four dwellings on each level, each have a balcony setback 2.6m from the shared boundary. Living areas and bedrooms face the subject site on all levels.

South

43. To the south, across Webb Street, are 1 and 2 storey dwellings. The dwellings are early Victorian (albeit some have been altered) and some also present bluestone plinths to the street (as with the dwellings in Charles Street) due to the land falling from west down to the east. A first floor balcony (above a dwelling garage) is located opposite the site. Further east between Little Smith Street and Smith Street a mixture of double storey commercial buildings and a single storey dwelling fronting Webb Street.

East

44. To the east of the subject site, across a 3.5m to 3.7m wide lane, is the rear of buildings fronting Smith Street. The buildings range from 2 to 5 storeys in height. On the corner of Web Street and Smith Street is a two storey *individually significant* heritage building formerly used as a bank (No. 171 Smith Street). The building is now used as a shop and tavern (Sandy V's) at ground floor and office at first floor.
45. This site has a large courtyard to the rear which is used for car parking and storage. The clothes shop occupies most of the ground floor with the tavern located along a narrow strip adjoining the north boundary. The tavern has a small open courtyard at the Smith Street frontage with the remainder of the tavern located at ground floor within a two storey building. The tavern was approved under planning permit PLN16/1134, has a total floor area of 41sqm, a maximum patron capacity of 38 and closes at 11pm Monday to Sunday. Permit conditions require that music from the tavern comply with State Environment Protection Policy- Control of Music Noise from Public Premises (SEPP N-2).
46. Adjacent to this building is Patterson's building which has shops at ground floor fronting Smith Street and dwellings over four floors above (under planning permit PLN12/0521). Based on the endorsed plans for planning permit PLN12/0521, adjoining the rear laneway to the rear are ground floor services/bicycle storage areas. At first floor 3 units adjoin the rear laneway, all with a balcony each servicing living areas and fronting the laneway. Each balcony is serviced by two openings in the existing boundary wall. The remaining opening (third opening from the south) accommodates a bedroom window.
47. At second floor, the south-west corner of the building is occupied by large unroofed balcony (with south-facing windows/doors accessing the balcony). Three windows on the south end of the laneway service a living area and a bedroom, with the two northern openings servicing a balcony to a living area. At third floor there are two small unroofed balconies located on the south-east corner of the building. Three windows on the south end of the laneway service a living area and a bedroom, with the two northern opening to the laneway servicing a balcony to a living area. All the balconies on floor 1 to 3 facing the laneway are overhung by the level above and enclosed by side walls. The fourth floor is an addition to the building with unroofed balconies adjoining the full laneway frontage.
48. Adjoining the Patterson's building to the north is a restaurant with single storey built form adjoining the rear laneway. To the north of the restaurant is a Cabaret Club with two storey built form adjoining the laneway. The club has operating hours until 1m Sunday to Wednesday and 3am Thursday to Saturday and a maximum patron capacity of 100 patrons (Licence No. 32261987). The operator has confirmed that the Cabaret only operates from ground floor with the business office and staff areas at first floor. The stage is located approximately 3m from the rear boundary with performers change room located on the rear boundary at ground floor.
49. To north of the Cabaret Club are three, two storey commercial properties fronting Smith Street occupied by either shops or restaurants. None of these properties have an interface with the rear laneway. Two dwellings that front Charles Street are located to the rear of these three commercial properties. The double storey wall of the westernmost of these Victorian era dwellings adjoins the rear laneway. This dwelling has one window fronting the laneway at ground floor and three at first floor. A small services yard to the rear adjoining the lane with ground floor windows facing the yard which is entirely roofed with corrugated Perspex.

North

50. The opposite side of Charles Street is occupied by single storey dwelling and a double storey side wall of a shop with frontage to Smith Street (with a storage yard to rear).

51. The site is well serviced by public transport and services, with a tram route servicing Smith Street and a range of services and facilities given Smith Street is an Activity Centre including shops, offices and restaurants.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

52. The subject site is zoned Commercial 1.
53. The use of the site as dwellings requires a planning permit under clause 34.01-1 of the Yarra Planning Scheme as the ground floor frontage exceeds 2m.
54. The use of the site for office does not require a planning permit under clause 34.01-1 of the Yarra Planning Scheme as there is no specified amount of floor area in the Schedule.
55. Under clause 34.01-4 of the Scheme, a permit is required to construct a building or construct or carry out works.
56. Clause 34.01-4 states that a development must meet the requirements of Clause 58.
57. Decision guidelines for both use and buildings and works are contained at Clause 34.01-8. These decision guidelines also list Clause 55 as a relevant decision guideline for the townhouses.

Overlays

Heritage Overlay (HO334- South Fitzroy Precinct)

58. Clause 43.01-1 (Heritage Overlay) states that a planning permit is required to demolish or remove a building and construct a building or construct or carry out works.

City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time)

59. The building on the subject site is located within Schedule 334 and identified as 'contributory' to this precinct as outlined in the incorporated document.

Particular Provisions

Clause 52.06 - Car Parking

60. Pursuant to Clause 52.06-2, the car parking spaces required under Clause 52.06-5 must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the number of car parking spaces required under this clause.
61. It is noted that the introduction of VC148 amended Clause 52.06 so that the car parking rates of Column B applies if any part of the land is identified as being within the Principal Public Transport Network Area. The subject site is within this area and therefore the Column B car parking rates apply to this planning permit application.
62. The Clause 52.06-5 requirements, the proposal provision and the subsequent shortfall are shown in the table below:

Use	Bedrooms/ Floor Area	Rate	No. required	No. proposed	Reduction sought
Apartments and townhouses	2 x 1 bedroom dwellings	1 space per 1 bedroom dwelling	2	1	1
	10 x 2 bedroom apartment	1 space per 2 bedroom dwelling	10	15	0 (+5)
	13 x three-bedrooms or more apartment/townhouses	2 spaces per 3 bedroom or more dwelling	26	22	4
	158 sqm of Office	3 per 100sqm nett floor area	4	0	4
Totals			42	38	4

Clause 52.34 – Bicycle Facilities

63. Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
64. As the floor area of the office does not exceed 300 square metres, no bicycle parking is required for the office. No end of trip facilities (i.e. showers or change rooms) are required by the Scheme as the leasable floor areas of the office do not trigger any bicycle parking spaces.
65. The Clause 52.34-5 requirements are shown below:

Use	Number/ Floor Area	Rate	No. required
Dwelling	25 dwellings	Residential – 1 to each 5 dwellings	5
		Visitor – 1 to each 10 dwellings	2
Totals			7

66. With 26 bicycle parking spaces proposed to the apartment building, and a bike space in each of the garages to the townhouses, the statutory rate is exceeded.

Clause 53.06 – Live music and entertainment noise

67. The purpose of this clause is;
- (a) *To recognise that live music is an important part of the State's culture and economy.*
 - (b) *To protect live music entertainment venues from the encroachment of noise sensitive residential uses.*
 - (c) *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*
 - (d) *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*

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

68. Pursuant to clause 55 of the Scheme this provision applies to an application to construct or extend two or more dwellings on a lot. A development must meet the objectives of Clause 55 but does not need to meet the standard.

Clause 58 - Apartment developments

69. This clause applies as the development is for the construction of an apartment development. A development should meet all the standards and must meet all the objectives.

General Provisions

Clause 65 – Decision Guidelines

70. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. This clause notes *'because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause'*.

Clause 65.01 – Approval of an application or plan

71. *Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*

- (a) The matters set out in section 60 of the Act.*
- (b) The Municipal Planning Strategy and the Planning Policy Framework.*
- (c) The purpose of the zone, overlay or other provision.*
- (d) The orderly planning of the area.*
- (e) The effect on the amenity of the area.*
- (f) The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Planning Policy Framework (PPF)

72. Relevant clauses are as follows:

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

73. The objective is:

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

Clause 11.03 (Planning for Places)

Clause 11.03-1S Activity Centres

74. The relevant objectives of this clause include:

- (a) To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.*

Clause 13.05-1S Noise abatement

75. The relevant objective of this clause is:

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

Clause 13.07 Amenity

Clause 13.07-1S Land use compatibility

76. The objective of this clause is:

- (a) *To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.*

Clause 15.01-1S Urban design

77. The relevant objective of this clause is:

- (a) *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Clause 15.01-2S Building design

78. The relevant objective of this clause is:

- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

Clause 15.01-4S Healthy neighbourhoods

79. The objective is:

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

Clause 15.01-4R Healthy neighbourhoods - Metropolitan Melbourne

80. The strategy is:

- (a) *Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.*

Clause 15.01-5S Neighbourhood character

81. The relevant objective of this clause is:

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

Clause 15.02 Sustainable Development

Clause 15.02-1S Energy Efficiency

82. The objective of this clause is:

- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

Clause 15.03 Heritage

Clause 15.03-1S – Heritage conservation

83. The objective of this clause is:

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

84. Strategies include:

- (a) *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- (b) *Provide for the protection of natural heritage sites and man-made resources.*
- (c) *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- (d) *Encourage appropriate development that respects places with identified heritage values.*
- (e) *Retain those elements that contribute to the importance of the heritage place.*
- (f) *Encourage the conservation and restoration of contributory elements of a heritage place.*
- (g) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- (h) *Support adaptive reuse of heritage buildings where their use has become redundant.*

Clause 16.01 Residential Development

Clause 16.01-1S – Integrated housing

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

Clause 16.01-1R – Integrated housing- Metropolitan Melbourne

86. Strategies for this clause are:

- (a) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*
- (b) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*

Clause 16.01-2S Location of residential development

87. The objective of this clause is:

- (a) *To locate new housing in designated locations that offer good access to jobs, services and transport.*

88. Relevant strategies for this clause are:

- (a) *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.*
- (b) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- (c) *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
- (d) *Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.*
- (e) *Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-2R – Housing opportunity areas- Metropolitan Melbourne

89. Relevant strategies for this clause are:

- (a) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*
- (b) *Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:*
 - (i) *In and around the Central City.*
 - (ii) *Urban-renewal precincts and sites.*
 - (iii) *Areas for residential growth.*
 - (iv) *Areas for greyfield renewal, particularly through opportunities for land consolidation.*
 - (v) *Areas designated as National Employment and Innovation Clusters.*
 - (vi) *Metropolitan activity centres and major activity centres.*
 - (vii) *Neighbourhood activity centres - especially those with good public transport connections.*
 - (viii) *Areas near existing and proposed railway stations that can support transit oriented development.*
- (c) *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.*

Clause 16.01-3S – Housing diversity

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

91. Strategies of this policy are:

- (a) *Ensure housing stock matches changing demand by widening housing choice.*
- (b) *Facilitate diverse housing that offers choice and meets changing household needs through:*
 - (i) *A mix of housing types.*
 - (ii) *Adaptable internal dwelling design.*
 - (iii) *Universal design.*
- (c) *Encourage the development of well-designed medium-density housing that:*
 - (i) *Respects the neighbourhood character.*
 - (ii) *Improves housing choice.*
 - (iii) *Makes better use of existing infrastructure.*
 - (iv) *Improves energy efficiency of housing.*
- (d) *Support opportunities for a range of income groups to choose housing in well-serviced locations.*
- (e) *Ensure planning for growth areas provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.*

Clause 16.01-3R – Housing diversity - Metropolitan Melbourne

92. The strategy of this policy is:

- (a) *Create mixed-use neighbourhoods at varying densities that offer more choice in housing*

Clause 16.01-4S – Housing affordability

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

Clause 18.01 Integrated Transport

Clause 18.01-1S – (Land use and transport planning)

94. The objective of this clause is:

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

Clause 18.02 Movement Networks

Clause 18.02-1S – Sustainable personal transport

95. The relevant objectives of this clause is:

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

Clause 18.02-2S Public Transport

96. The objective of this clause is:

- (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Clause 18.02-2R Principal Public Transport Network

97. A relevant strategy of this clause is to:

- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Clause 18.02-4S – Car Parking

98. The objective of this clause is:

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

99. A relevant strategy is:

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

Local Planning Policy Framework (LPPF)

Clause 21.04-1 Accommodation and Housing

100. The objectives of this clause are:

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

Clause 21.04-2 Activity Centres

101. The relevant objectives of this clause are:

- (a) *To maintain the long term viability of activity centres.*

102. A relevant strategy is:

- (a) *Permit residential development that does not compromise the business function of activity centres.*

Clause 21.05-1 Heritage

103. 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.

104. Relevant objectives include:

- (a) *Objective 14 To protect and enhance Yarra's heritage places:*
 - (i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
 - (ii) *Strategy 14.2 Support the restoration of heritage places.*
 - (iii) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
 - (iv) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
 - (v) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
 - (vi) *Strategy 14.8 Apply the Development Guidelines for Heritage Places policy at clause 22.02.*

Clause 21.05-2 – Urban design

105. The relevant objectives of this clause are:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra;*
- (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
 - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 - 1. Significant upper level setbacks*
 - 2. Architectural design excellence*
 - 3. Best practice environmental sustainability objectives in design and construction*
 - 4. High quality restoration and adaptive re-use of heritage buildings*
 - 5. Positive contribution to the enhancement of the public domain*
 - 6. 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;*
 - (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*

- (ii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*
- (f) *Objective 22 - To encourage the provision of universal access in new development.*

Clause 21.05-4 Public environment

106. 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 28.2 Ensure that buildings have a human scale at street level.*
 - (ii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
 - (iii) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
 - (iv) *Strategy 28.8 Encourage public art in new development.*

Clause 21.06 – Transport

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

Clause 21.06-1 – Walking and cycling

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

- (a) *Objective 30 - To provide safe and convenient bicycle environments:*
 - (i) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*
- (b) *Objective 32 - To reduce the reliance on the private motor car.*
- (c) *Objective 33 - To reduce the impact of traffic.*
 - (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

Clause 21.07-1 Environmental Sustainability

109. The relevant objectives of this clause are:

- (a) *To promote environmentally sustainable development.*

Clause 21.08 Neighbourhoods

110. Clause 21.08-7 of the Scheme describes the Fitzroy neighbourhood as *'a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial industrial activities.'*

111. The Figure 18 - Built Form Character Map: Fitzroy shows the subject site located within the heritage overlay. The guiding urban design principle is to *'ensure that development does not adversely affect the significance of the heritage place'*.

Relevant Local Policies

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay

112. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause includes to conserve Yarra's natural and cultural heritage, to conserve the historic fabric and maintain the integrity of places of cultural heritage significance, to retain significant view lines to, and vistas of, heritage places and to preserve the scale and pattern of streetscapes in heritage places.

Clause 22.05 Interface Uses Policy

113. This policy applies to applications for use or development within Commercial 1 Zones (amongst others). The objectives 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 and to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

Clause 22.07 Development Abutting Laneways

114. This policy applies to applications for development that are accessed from a laneway or has laneway abuttal. The objectives of this policy include to provide an environment which has a feeling of safety for users of the laneway, to ensure that development along a laneway acknowledges the unique character of the laneway, to ensure that where development is accessed off a laneway, all services can be provided to the development and to ensure that development along a laneway is provided with safe pedestrian and vehicular access.

Clause 22.12 Public Open Space Contribution

115. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution. However considering the size of the site, it is not practical to provide the preferred area of land and therefore cash will be required.

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

116. This policy applies to applications for new buildings and aims to achieve the best practice water quality performance objectives and to promote the use of water sensitive urban design, including stormwater re-use.

Clause 22.17 Environmentally sustainable Development

117. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.
The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Advertising

118. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* (the Act) by way of 1010 letters sent to the surrounding property owners/occupiers and by three signs (one to the laneway, Webb Street and Charles Street).
119. A total of 62 objections were received to the application, these can be summarised as:
- (a) Increased traffic and pressure on public transport, on-street car parking and infrastructure;

- (b) Amenity impacts (including overlooking, reduced privacy and daylight, increased security risks and overshadowing (including to plants) and obstruction of views);
- (c) Negative impact on heritage character of area;
- (d) Excessive height/visual bulk;
- (e) Construction issues (including property damage, vibration, dust, noise and disruption to nearby business operations);
- (f) Limit development potential of nearby properties; and
- (g) Loss of artwork on the existing western wall.

120. The grounds of objection will be considered and addressed as relevant throughout the 'Officer Assessment' section of this report.

Referrals

121. The following referrals were carried out on the advertised plans:

Advertised plans

122. *Internal departments*

- (a) Heritage;
- (b) Engineering Services Unit;
- (c) Waste Services; and
- (d) ESD Advisor.

123. *External consultants*

- (a) Urban Design (Hansen Consultants);
- (b) Acoustic (SLR Consultants); and
- (c) Traffic engineers (Cardno Consultants).

124. Referral comments are attachments to this report.

Sketch plans

125. Following the receipt of the sketch on 10 July 2018, additional comments were sought from the following referrals:

126. *Internal departments*

- (a) Heritage advisor; and
- (b) ESD Advisor.

127. *External consultants*

- (a) Urban Design (Hansen Consultants).

128. The referral comments for these plans are attachments to this report. It was not required to re-refer the sketch plans to the remaining units as the plans/proposed conditions largely addressed their concerns.

OFFICER ASSESSMENT

129. The considerations for this application are as follows, as required:

- (a) Strategic context;
- (b) Dwelling use;

- (c) Built form, Heritage and Urban design;
- (d) Clause 55 and 58 (Rescode);
- (e) Car & Bicycle parking/traffic/access/layout; and
- (f) Objector concerns.

Strategic context

130. The proposal satisfies the various land use and development objectives within the PPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development within a well-resourced inner-urban environment.
131. State and Local Policies (such as clause 16.01-2S) encourage the concentration of development near activity centres and intensifying development on sites well connected to public transport such as the subject site. It is clear that this part of Fitzroy is undergoing change and there is strong policy support for increased density in this area as shown through Clause 16.01-1S (amongst others).
132. In this instance the site is located close to several public transport options with trams operating along Smith Street to the immediate east, as well as further south on Gertrude Street and west on Brunswick Street. Bicycle tracks along Wellington Street and Brunswick Street cater for better connected journey for cyclists. This ensures efficient use of infrastructure and supports Council's preference that established residential areas experience residual increases in population and density. Locating such a development in this area also satisfies the objectives of clauses 11.02-1S, 11.03-1 and 18.01-1S of the Scheme.
133. The site is located in an area suitable for redevelopment, with a proposed built form that generally responds to the diverse pattern of urban form in the neighbourhood and with limited off-site amenity impacts (as will be discussed in detail later in this assessment). The importance of urban consolidation, which clauses 16.01-2S and 21.04-1 (amongst others) encourage, was raised in the Tribunal decision *NJJJKT v Whitehouse CC* [2008] VCAT 1410, where Senior Member Liston stated:
- [14] I think there needs to be a greater emphasis on the importance of metropolitan policies in relation to urban consolidation, housing diversity, and affordability. I do not say that neighbourhood character is of less importance, rather I say that in each decision consolidation diversity and affordability need to be at the forefront of our thinking, and not merely a background hum.
134. The C1Z which applies to the site is readily acknowledged as a zone capable of accommodating a greater density and higher built form, subject to individual site constraints. It is noted that policy support for more intensive residential development needs to be balanced with built form and heritage guidance at clauses 15.03, 21.05-1 and 21.05-2 of the Scheme. These policies call for development that responds to the surrounding context with regard to urban character and cultural heritage. More specifically, Council's local policy at Clause 22.02 seeks to maintain and conserve the significant historic character of the area.
135. As will be discussed in detail within this report, it is considered that the proposal sufficiently achieves State and local policy guidance in relation to high quality developments and protection of heritage values. It is on this basis that the submitted proposal should be supported.

Dwelling use

136. The use of the site as a residential building is supported by both State and Local policy, as outlined previously, and promotes urban consolidation near a MAC that is well serviced by existing infrastructure and services. Ordinarily dwellings are an as-of-right use within the C1Z, except where they have a frontage at ground floor exceeding two metres, which is the case for the proposed development.
137. The appropriateness of the dwelling use requires consideration against Council's Interface Uses Policy at clause 22.05 (*Interfaces Use policy*). For new dwellings, this policy requires consideration of building design to ensure that the ongoing viability of surrounding industrial and commercial properties is not impacted through the introduction of dwellings. Specifically, the policy outlines recommendations for dwelling design to incorporate measures to protect future residents from noise, fumes, vibration, light spillage and other likely disturbances. The current uses around the site are not thought to have any unreasonable light spill, fume or vibration impacts on the proposal. The proximity of the site to two taverns and a cabaret club does raise concerns in relation to noise impacts on the proposed dwellings. This item will be discussed in greater detail later in this assessment.
138. A more detailed discussion regarding the internal amenity of the proposed dwellings will be undertaken within the Clause 55 and 58 assessments, however strategically the provision of dwellings in the proposed location is accorded with a high level of policy support, particularly as it immediately interfaces with Neighborhood Residential zones to the north, south and west. The site use for dwellings provides an appropriate transition in uses to these more sensitive residential zones.

Built form, Heritage and Urban design

139. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are provided at Clause 15 (*Built Environment and Heritage*), Clause 21.05 (*Built Form*), Clause 22.02 (*Development Guidelines for Sites subject to the Heritage Overlay*) and Clause 22.07 (*Development Abutting Laneways*) as well as *Standard B1 – Neighbourhood Character* within Clause 55 and *Standard D1 – Urban context* within Clause 58 of the Yarra Planning Scheme. As supplementary guidance, the Department of Environment, Land, Water and Planning's *Urban Design Guidelines for Victoria* (UDGV) and *Apartment Design Guidelines for Victoria* (ADGV) are also of relevance.
140. All of the provisions and guidelines support development that responds to the existing or preferred neighbourhood character. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationship to nearby buildings. This assessment will also consider the building design response to ESD and noise considerations with applicable policy Clause 22.16 (*Stormwater Management*), clause 22.17 (*Environmentally Sustainable Development*) and clause 53.06 (*Live music and entertainment noise*).

Context

141. The existing character of the surrounding area is somewhat varied, with the majority of built form along Smith Street single to triple-storey in height with taller historic buildings including the Patterson's Building to the immediate east at four storeys (with a fifth level added). The Smith&Co/Coles development on the opposite side of Smith Street has a 3 to 7 storey street walls with recessed levels above.
142. Whilst it is acknowledged that this application would be one of the highest developments in the immediate area (apart from the Smith&Co/Coles development), it is clear that the wider Fitzroy neighbourhood is undergoing change, with strong state policy support for increased density in this neighbourhood. Considering the strategic direction of the C1Z to encourage higher density developments, the expectation is for intensive development of the subject site and surrounding land within the Smith Street MAC is anticipated.

143. Within the decision *Daniel Stevens (Zero Nine Pty Ltd) v Yarra CC* [2011] VCAT 467 (this decision relates to No. 105-107 Johnston Street Collingwood), the following comments were made in relation to developments in commercial areas (previously called business zones):

[16] However it needs to be said that (for the reasons set out above) there is very strong strategic policy support for this Business 1 zoned land to be developed more intensively over the longer term.

[17] In this situation where not just the subject land but the other nearby properties are going through a transition period where considerably more intensive built form can be expected in the future, I accept that it would be an inappropriate and overly timid planning outcome to temper the new built form on the subject land by reference to the more low key current situation at the rear of the other nearby properties.

144. Based on this context, the addition of this higher built form is considered to be an acceptable outcome, subject to further considerations.

Demolition

145. Prior to ascertaining if the proposed buildings are acceptable, one must consider if the demolition satisfies Council's policy. The subject site is graded as being 'contributory' within the Fitzroy South Heritage Overlay Precinct (HO334). Council's heritage advisor has confirmed that the extent of demolition proposed to the Charles Street and Webb Street facades is respectful of the original fabric.
146. The demolition to Charles Street reinstates the original building openings that have been unsympathetically bricked in. Council's heritage advisor has also supported the extent of demolition to the eastern laneway wall stating the wall does not make a significant contribution to the heritage character of the area. Further the existing roof forms are not visible in the streetscape and are not contributory features and so their removal is acceptable.

Heritage and Urban Design

147. The site is currently underutilised given its location within a Commercial 1 Zone and adjacent to a MAC. It would be a reasonable expectation that this site would experience intensification in use and development, particularly as along this strip, it is one of the few larger sites. Any development on this site must strike the appropriate balance between the competing heritage and urban consolidation objectives.

Heritage and Urban Design (Height, Scale, Massing and Setbacks) Townhouses

148. Neither Council's heritage advisor nor the external urban design advice have objected to the townhouses. Council's heritage advisor is supportive of the setback of the townhouse to the heritage Charles Street wall.
The townhouse behind this wall has been sensitively designed by not incorporating a roof top terrace (as proposed to the remaining townhouses), and a raking roof to minimise the bulk and visual impact of this dwelling on the heritage façade.
149. The remaining townhouses at four storeys (with roof top terraces) are a modest built form typology in a Commercial 1 Zone. The height and massing of this buildings have been restrained to ameliorate amenity impacts to the Patterson's building dwellings and the 6 storey residential building to the west at No.96 Charles Street (aka 174 Gore Street).

This lower built form typology also ensures a reasonable amenity to the lower levels of the proposed townhouses. This could not be achieved had the design attempted to replicate the height and setbacks of the Paterson's Building and the apartments to the west.

150. Given the capacity of the site to accommodate higher built form typologies given its location in a Commercial 1 Zone, the restrained height and setbacks proposed are very responsive to the specific site constraints. For these reasons, the height, scale and massing of the townhouses are acceptable from both a heritage and urban design perspective.
151. This is further supported by the fact the urban design and heritage design advice did not request changes to the proposed townhouses, apart from the urban design advice seeking overlooking screens to be reduced in height to improve outlook to the west. In response to this advice the previously solid overlooking screens have been replaced with perforated metal. This will improve the sense of space and outlook of the terrace while also addressing overlooking concerns (subject to detail of the screens being provided). Finally, the sketch plans provide further setbacks from the east and west boundary and a reduced height, mitigating any concerns relating to the scale and massing of the townhouses.

Apartment building

152. Strategy 17.2 at clause 21.05-2 of the Scheme states that development within activity centres should generally be no more than 5-6 levels 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 and provision of affordable housing.
153. At a height of seven storeys and located just outside the Activity Centre, the recommended height of new built form is not met. However as discussed earlier, given the emerging tall built character along Smith Street and Wellington Street (and the streets in between them), there is insufficient contextual justification to argue that the additional height cannot be reasonably considered. Further, the additional features that would allow the consideration of a higher building have also been achieved, with the proposal making a positive contribution to the enhancement of the public domain, as well as best practice environmental sustainability objectives in design, high architectural design excellence and upper level setbacks (as will be discussed in detail later in this assessment).
154. In contexts where a site is within a Commercial 1 Zone, adjacent to a MAC and also within a heritage overlay, one must consider the balancing of the competing heritage and urban consolidation policy directives, together with the existing and emerging character of the area. Whilst heritage concerns may limit some expectations of intensity, it doesn't necessarily mean that the site is unsuitable for redevelopment. Comments were made by the Tribunal with the *Rescom QOD Lennox Street Pty Ltd v Yarra CC* [2013] VCAT 1799 (Rescom 2013) decision which further expanded upon this point:

[41] The decision guidelines of the Heritage Overlay require consideration of whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place; and whether it will adversely affect the heritage significance. Mr McCarthy said the proposed building is like no other new building in the precinct and I agree with him.

However, that does not mean it is not in keeping with the adjacent buildings and the precinct; and it does not mean the new building will adversely affect the heritage significance. In my opinion, the term "in keeping with" does not mean new development should be more of the same; and it does not mean there cannot be differences in setbacks, height, shape or materials and finishes.

[42] ..

The Heritage local planning policy does not seek additions and new works to be invisible, but rather to respect the significance of the place.

- [43] The new building overall is unashamedly modern. The chosen architectural presentation is bold and dominant because of the façade detailing, dark colours and materials. The proposed building may well be different in these aspects to the existing buildings, but it does not automatically mean the proposed building adversely affects the significance of the Richmond Hill (north) heritage precinct.

[Emphasis Added]

155. Council's heritage advisor has indicated that while the setbacks of new built form to Webb Street is acceptable, the height of floors 5 and 6 are unacceptable and should be deleted. The advisor has argued the proposed apartment building should not exceed the height of the Patterson's building and the Charles Street apartments, and so allows for the *individually significant* Patterson's building to remain the dominant contributor to the heritage streetscape. However, given the separation of the proposed development from Patterson's, it is not considered the additional height proposed would detrimentally impact the contribution this building makes to the heritage street.
156. Had the proposed apartments a direct abuttal the Patterson's building, there may be stronger justification to require the height be tempered. But given the Patterson's building faces Smith Street, while the proposed apartment building is to face Webb Street and not immediately opposite the Patterson building it is difficult to reasonably argue the proposed height at only approx. 5m taller than the Patterson's building, will detrimentally impact on the heritage contribution the Patterson's building makes to the heritage precinct.
157. Further the Patterson's building has an individually significant grading while the subject site is contributory, with relevant policies anticipating taller built form typologies can be contemplated on contributory sites. To argue that this proposal must match the height of the Patterson's building is not reasonable, as it is effectively imposing the extra policy restrictions applicable to individually significant sites onto a contributory site.
158. Requiring new buildings to respond to existing individually significant buildings would be reasonable in instances where views to the individually significant building frontage would be impeded. With the proposed apartment building to be located to the rear and south of the Patterson's building, it will not block any views of the individually significant frontage nor the side wall of Patterson's when viewed from Smith Street. Some views of the rear of Patterson's will be prevented when approaching from Gore Street. However, requiring the deletion of two levels to protect the views of the rear an individually significant building is not considered reasonable, particularly when all the principal direct and oblique views of the Patterson's building from Smith Street will not be impacted.
159. Given its setback from Smith Street, the new apartment building will be obscured by the existing buildings fronting Smith Street when viewed from the east and west side of Smith Street (apart from the intersection with Webb Street where the building will come into view). This lack of visibility of the building within the Smith Street heritage streetscape is also in compliance with heritage policy objectives.
160. Views from the intersection of Gore Street and Webb Street are also considered acceptable. The western boundary wall will only be two levels above the Union Hotel with the upper setbacks reducing the visual impact of floor 5 and 6 to an acceptable level when viewed from the residential areas to the west.
161. Finally, in relation to the height and setbacks, subject to the changes shown on the sketch plans the external urban design advice has supported the top two levels as follows:

- (a) *A review of the amended plans demonstrates a design proposition with significant upper level setbacks, high architectural quality and positively contributes to the public realm that should be rewarded with an additional 1 storey - as is invited in the relevant provisions of the scheme.*
- (b) *Our previous advice recommended that there is contemplation for a commensurate mid-rise form (up to 6-7 storeys). However – this was on the basis that there were increased upper level setbacks, particularly taking into account the site's infill characteristics (as opposed to a corner location).*
- (c) *The amended plans have been refined to minimise the visibility of the upper levels from the street. It has done so by trimming the previous jagged corners of the upper levels, which accentuated the mass and juttied out above the mid-rise section of the proposal. In this midblock context, the presentation of the 'base' should be more dominant which will reinforce the anticipated urban hierarchy and legibility of the centre. The profile of the upper levels also draws people's eyes down towards the lower levels –which is a positive (as demonstrated below). We consider this is an apt response within the Smith Street Activity Centre...*
- (d) *Having inspected the amended plans against the Yarra Planning Scheme, we are satisfied that the proposed development represents a design response that should be rewarded with an increase in development scale (to 7 storeys).*

Architectural Quality

- 162. Given the height and massing have been discussed at length above, the architectural quality really comes down to the materials and finishes, fenestration patterns and the ability to combine the various components of the building into a cohesive design.
- 163. Policy at clause 15.01-2S encourages high standards in architecture and urban design. The proposed design is considered overall to be of a high architectural standard, offering a modern built form that revitalises the existing frontage to the street. The design response of the apartment building is such that it provides articulation to all façades through the inclusion of windows and inset balconies with a combination of materials as well as setbacks for the upper levels. The townhouse (sketch plans) present a multifaceted setback to the laneway allowing a visually interesting finish. Further these aspects of the proposal have been supported by the heritage advisor.
- 164. The external urban design advice has also commended the architectural quality as follows:
 - (a) *It has been well established at the Tribunal that architectural design excellence is not about individual taste for architectural styles, rather the architectural composition and functional aspects.*
 - (b) *We are generally supportive of the proposed massing strategy to the Webb Street frontage which has adopted a 4 parts approach which has been articulated so that it does not present an overwhelming scale. The ground floor is a heritage form, comprising active uses and an appropriate level of street engagement. Through the use of a rebate level above with incidents of shade and shadow gives a sense of visual depth and distinction between the heritage form and new upper levels. The mid-section has been designed with a defined street wall of brick vertical division reflecting the vertical rhythm of the heritage building at ground level. The upper reaches present as a light weight material comprising metal cladding and extensive glazing arranged with a series of angular edges to provide a more subservient appearance from the lower levels. It is our opinion that the relationship between the different parts fits together as a coherent whole.*

165. As mentioned earlier, the increased setback to floor 5 and 6 have been supported by the urban designers. Further they, along with Council's heritage advisor recommended the western boundary wall be a lighter colour. This change has been adopted in the sketch plans although there is nothing to break up the mass. The heritage advisor requested that floor 1-4 to Webb Street and the front wall of townhouse 9 be a red brick finish complimenting the red brick on the existing façade. However, policy discourages mimicking heritage fabric so it is considered better to contrast the brick colour so that the new addition is clearly distinguishable as non-original heritage fabric, a design approach that is specifically encouraged by clause 22.02. The lighter colour shown in the sketch plans is less of a stark contrast and so will sit more comfortably with the heritage fabric and will be required by way of condition.
166. The advisor also requested the wooden batten screens, the external blinds to floor 5 and 6 and the perforated metal screens be removed as they tend to gather dirt/deteriorate over time. With the batten screens located on the west wall of the townhouses and perforated screens on the townhouses roof terraces, they will not be highly visible and are acceptable for this reason. Given the setback and the height above street level of the floor 5 and 6 external blinds, they will not be prominent element and are acceptable. A condition will also require detail of the fire booster cupboard to Charles Street to ensure a visually compatible finish.

Public realm, light and shade and pedestrian spaces

167. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the proposal represents an improvement in streetscape, public space quality and perceived safety.
168. The construction of a residential building with an office, dwellings and pedestrian entry areas located along the street frontages is an improvement on the streetscape compared to existing conditions which are largely blank walls, roller doors and vehicle crossings. Additionally, the proposal will be removing the redundant vehicle crossing to Charles Street and reconstructing the footpath. The applicant has also agreed to reconstruct the lane. All of these improvements satisfy public realm, pedestrian spaces and street and public space quality policies at clauses 15.01-2S, 18.02-1S and 21.05-2.
169. Now turning to shadows to the public realm. The proposal would result in shadows cast across Webb Street at 9am and noon, with shadow substantially moved off the opposite footpath by 1pm. After 2pm all additional shadow is limited to the street. Further the shadow path moves throughout the day and so only shades part of the opposite side of Webb Street at these times.
170. An objector raised concern regarding the shadow impact of the apartment building on the vine growing on the wall on the opposite side of Webb Street. The streetscape sectional shadow diagrams show only part of the vine is affected between 10am and noon, and so this is not anticipated to have a detrimental impact.

Environmentally Sustainable Design

171. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes which reduce residents and visitors from relying on private vehicles. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.
172. Council's ESD officer has reviewed the applicant submitted ESD advice and outlined the following application ESD commitments and application ESD deficiencies;

ESD Commitments:

- (a) *An average 6.5 Star average NatHERS rating equivalent for all dwellings. A 10% improvement on the minimum NCC required energy efficiency requirements in non-residential areas.*
- (b) *A STORM rating of 103% has been received which relies on a minimum of 699m2 of roof connected to a 13,000 litre tank and connected to toilets in dwellings with 35 occupants for flushing.*
- (c) *A 5kWp solar photovoltaic system to contribute to common area electricity consumption.*
- (d) *5 Star gas instantaneous hot water to apartments.*
- (e) *4 Star reverse cycle heating/cooling.*
- (f) *Energy efficient lighting system comprising LEDs and sensor controls at least 20% better than NCC minimum standard.*
- (g) *26 secure bike parking spaces have been provided, including 6 on ground hoops for apartments, plus an additional 2 hoops at the rear of the development for visitors.*

ESD Deficiencies:

- (h) *Daylight to proposed dwellings is only just satisfactory. The impact on adjoining developments (both 175 Smith St & 166 Gore St) is unacceptable, as demonstrated by the submitted daylight report. Recommend complete redesign of the development to be more responsive to access to daylight in dwellings of adjoining developments. Recommend greater side setback to eastern boundary (166 Gore St) to mirror setbacks down to ground level. Recommend introduction of a setback at ground level to laneway (western side) and/or reduce the height of the townhouses, to increase access to daylight to both proposed and adjoining dwellings.*
- (i) *Most dwellings have good access to natural ventilation, except apartments 1.03 and 1.04. Recommend redesign apartments 1.03 and 1.04 to setback the bedroom glazing by <0.5m to assist create an air pressure differential between bedroom and living room windows and enable natural ventilation through the dwelling.*
- (j) *Please provide completed energy report (JV3 or equivalent) demonstrating how these non-residential energy efficiency targets have been met prior to occupation.*
- (k) *BESS report relies on all toilets across the development being connected to rainwater for flushing. Please update to confirm that all toilets are connected to rainwater for flushing.*
- (l) *There are large areas of east and west facing glazing exposed to summer sun angles and unwanted summer heat gain. External blinds to upper east and west facing glazing will assist. Please provide additional thermal energy analysis to demonstrate that cooling loads to all dwellings are lower than 30MJ/m2 without relying on tinted glazing that will exacerbate daylight issues.*
- (m) *External clothes drying facilities have been included in the BESS energy section and are required to validate the BESS report, but are not visible on plans. Please clearly mark the clothes drying racks/lines on architectural drawings.*
- (n) *The four Innovation credits in BESS are not considered innovative and should be removed. All entered materials and management practices are considered commonplace and not innovative. Please update BESS report removing these from the Innovation section.*

173. All of these recommendations/deficiencies bar two have been translated into conditions. The condition relating to the removal of the 'innovation' credits from the BESS is not a significant issue and is not considered warranted. Council's ESD officer has also provided supplementary advice stipulating this is acceptable.
174. The ESD officer suggested two windows be setback 0.5m to improved cross-ventilation. The applicant has requested that the permit condition allow for the windows to be setback between 0.25m and 0.5m to allow them some flexibility in this regard. Council's ESD officer has agreed to this.
175. Council's ESD officer raised significant concerns with the extent of the reduction in daylight shown in the daylight modelling documentation to the lower levels of the Patterson's building and the No.96 Charles Street apartments (ESD officer confirmed that the 166 Gore Street referred to in his comments is an incorrect address).
176. The submitted sketch plans allow for further setbacks to both of these buildings, along with a lightening of the colour palette of the proposed walls to improve light access. The ESD officer has reviewed these plans and indicated that they are likely reach the target daylight factor standards to approximately 50% of the floor area. On this basis the ESD officer is satisfied the sketch plans satisfactorily address this concern.

Off-site amenity to nearby dwellings

177. The policy framework for amenity considerations is contained within the decision guidelines of the Commercial 1 Zone, clause 15.01-2S (*Building Design*), clause 22.05 (*Interface uses policy*) and the UDG. Whilst Clause 22.05 applies to this proposal, the policy is mainly centred on impacts from a mixture of uses, eg commercial use impacts onto residences, or new dwelling impacts onto commercial areas. However this is not the instance in this case with regards to the surrounding residences, particularly given the proposed office use is unlikely to generated unreasonable off-site amenity impacts.
178. The noise, overshadowing, overlooking, shadowing and daylight access to windows issues will be discussed in detail in the Rescode assessments. The remaining off-site amenity impacts outlined in the policy above is limited to visual bulk and equitable development.

Visual Bulk

179. In terms of visual bulk impacts to nearby dwellings, with the Patterson's building and No. 96 Charles Street being located opposite the townhouses, the proposal (subject to the changes in the sketch plans) would not have unreasonable visual bulk impacts to these dwellings. The setback of the upper levels and the separation offered by Gore Street is thought to reduce visual bulk to an acceptable level to the dwellings on the opposite side of Gore Street.

Equitable Development

180. With No.96 Charles Street apartments and the Patterson's building already being developed, equitable development considerations to these buildings is not a relevant consideration. The external urban designers raised concerns in relation equitable development opportunities for No.171 Smith Street (to the east of the proposed apartment building) and the Union Hotel. After further consideration, the urban designers provided further comments saying this issue is no longer a concern.

181. As the Union Hotel is located in a Neighbourhood Residential Zone (max 9m in height) and being '*individually significant*' to heritage overlay, this site is unlikely to be intensively developed, thus removing equitable development concerns. In relation to No.171 Smith Street, given the presence of large balconies on the south wall of the Patterson's building, these structures will temper the development potential of No.171 Smith Street. With intensive building form outcomes unlikely to the rear at this site for this reason, this site also does not present equitable development concerns.
182. Final equitable development considerations relate to the three buildings adjoining the eastern laneway to the north of the Patterson's building. Given the small area and width of these sites, they are unlikely to experience intensive development. Further with the proposed four storey townhouses located opposite, this lower built form typology does not present significant constraints on the future development potential of these sites.

Noise

183. The proposal is unlikely to result in unacceptable noise emissions to any nearby commercial or residential properties given the compatible residential uses and as-of-right office use. Based on the context of the land within a C1Z and the nature of existing uses on abutting sites, the dwelling use is not considered to result in unreasonable noise impacts. A services zone is located on the roof of the apartment building and the car lift proposed at ground floor. A condition would require that the noise and emissions from mechanical equipment must comply at all times with the State Environment Protection Policy – *Control of Noise from Commerce, Industry and Trade* (SEPP N1).

Live Music and Entertainment Noise and patron noise

184. With the Union Hotel adjoining the site to the west, a small tavern to the east at No. 171 Smith Street and a cabaret club at No. 185 Smith Street, patron and music noise to the proposed development is a concern. The operator of the Union Hotel has confirmed that live music is played at hotel. The applicant submitted an acoustic report to address these nearby noise issues. The bar at No.171 Smith Street has not been assessed and this will be addressed by way of condition. While Council's acoustic engineer was satisfied the proposal could be made compliant, it was requested the following items be clarified and addressed:
185. *Union hotel*
- (a) *Confirmation from the venue that the assessment was conducted on a night representative of typical worst case noise emissions.*
 - (b) *What music levels are used for predicting impacts? Are the levels presented in Table 4 of the report used, or have they been adjusted in any way and if so, how? This information should be transparent because it has implications for the venue and their future operations.*
 - (c) *Acoustic advice should be provided in the report for façade wall constructions to the affected apartments. Even masonry walls have potential to contribute to internal levels if appropriate linings and insulation are not used.*
186. *Bar 86*
- (a) *The assessment has been carried out on a single Saturday night, for which high background noise levels have been identified. Unless a supporting statement is provided by the venue operator indicating that the night in question is typical of their worst case noise impacts, we recommend that long term noise logging or a series of attended measurements over different nights be conducted to quantify worst case impacts, and*
 - (b) *There are a number of additional apartments in the development that are in close proximity to those at which non-compliance has been identified. This means that any reduction in noise limits, or increase in music emissions is likely to result in more apartments requiring an internal SEPP N-2 assessment.*

- (c) *The venue appears to operate up to 3 am. Background noise levels at 3 am (and subsequent noise limits) could be lower than those measured at 1 am.*

187. These concerns will be addressed by way of condition. Council's acoustic advisor has indicated that this further information may result in increased levels of acoustic glazing and an acoustic treatment to the western boundary wall, however this would not result in a significant redesign of the building. The applicant is agreeable to conditions to this effect.

Development Abutting Laneways

188. The proposal is considered to meet a number of the clause 22.07-3 (Development Abutting Laneways) policy objectives in that:

- (a) Traffic impacts on the laneway have been assessed by Council's internal and external traffic engineers and found to be satisfactory;
- (b) Any lighting to the garages will be appropriately baffled, subject to condition ensuring light spill is avoided;
- (c) Access arrangement have been assessed by Council's internal and external traffic engineers and multiple movements will not be required; and
- (d) The applicant has agreed to rebuild the lane as Council's engineers raised concerns that the laneway would be damaged during construction (particularly the basement construction). This upgrade of the lane on completion of the development allows for a significant public realm improvement for the benefit of local community.

Clause 55 (Rescode) and 58 (Apartment Development)

189. Clause 55 (ResCode) provides an assessment tool for the appropriateness of the design of two or more dwellings on a lot (ie the townhouses). Clause 58 (Apartment Development) provides an assessment tool for the appropriateness of the design of the apartment building. Both Clause 55 and 58 contain a number of the same standards (including the same objectives and decision guidelines) and so the following will assess these standards for both the townhouses and apartments together. The relevant Clause 55 standards are identified as the 'B' standards with Clause 58 identified as the 'D' standards. The remaining clause 55 and 58 standards will then be assessed separately.

190. Given the site's location within a built-up inner-city residential area, strict application of the standard is not always appropriate. The relevant test is whether the proposal meets the objectives. The following provides an assessment against the relevant standards of ResCode and shows the proposal achieves a reasonable level of compliance with relevant objectives.

Clause 55 and 58

Standard B1 – Neighbourhood Character and Standard D1 – Urban context

191. These standards encourage proposed developments to respond to the existing neighbourhood character or to contribute to a preferred neighbourhood character of the area. An assessment of the proposed townhouses and apartments in relation to neighbourhood character has been carried out in the previous *Built form, Heritage and Urban design* assessment and found the proposal provides an appropriate design response to respect both the existing and preferred neighbourhood character.

Standard B2 and D2– Residential Policy

192. As discussed previously in the *Strategic context* assessment the proposed townhouses and apartments achieve a reasonable level of consistency with State and Local planning policies contained within the Scheme, including relevant components of the MSS. Accordingly, the proposed development is considered to adequately respond to the requirements of this Standard.

Standard B3 and D3– Dwelling Diversity

193. These standards seek, *“to encourage a range of dwelling sizes and types in developments of ten or more dwellings”*. With 2 x 1, 10 x 2 and 13 x 3 bedroom dwellings proposed across the development, the proposal complies with these standards.

Standard B4 and D4 – Infrastructure

194. The development is located within an existing established commercial/residential area. There is no evidence to suggest that the proposed development would unreasonably overload the capacity of these existing services. The proposed development would be readily connected to the required utility services and infrastructure which are present at the site.
195. Furthermore, the application has been referred to Council’s Engineering Services Unit who has not objected to this aspect of the proposed development. As such, the standards and their objectives are met.

Standard B5 and D5 – Integration with the street

196. Townhouse 9 will be oriented to Charles Street and the apartments to Webb Street in compliance with policy objectives. The residential entries to Charles Street and Webb Street along with the ground floor office and windows and terraces facing the street on the levels above will allow for passive surveillance and activation to the street. Further the removal of the existing garage door and its replacement with a habitable room will improve the interface on this frontage. High front fences are not proposed in further compliance with policy objectives. As will be discussed, a condition will require the gate to the townhouse entry walkway to be visually permeable.

Standard B12 and D9 – Safety

197. The Standards are as follows:
- (a) *Entrances to dwellings should not be obscured or isolated from the street and internal accessways.*
 - (b) *Planting which creates unsafe spaces along streets and accessways should be avoided.*
 - (c) *Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.*
 - (d) *Private spaces within developments should be protected from inappropriate use as public thoroughfares.*
198. With the pedestrian entry to townhouse 9 located on Charles Street and the apartment building on Webb Street, they will be clearly visible from the street. The pedestrian entry from Charles Street to townhouses 1-8 will also be visible from Charles Street. However material details of this door are not provided. Of concern is the door would have a very solid finish making it more difficult to identify the entry from the public domain.
199. A condition will require that the entry gate is visually permeable which will ensure visitors to the site will also be able to see the walkway to these dwellings, making the townhouse access clearly identifiable from the public domain. A condition will also require that the entry area behind the gate and the walkway are appropriately illuminated to further facilitate public access at night. A further condition will require the entries to the apartment building and townhouse 9 are appropriately illuminated.

200. The small size of the planter beds to the townhouse 1-8 walkway will prevent large areas of landscaping creating unsafe spaces. No private spaces within the development will be used as public thoroughfares. Accordingly, the standard is met (subject to condition).

Standard B13 and D10- Landscaping

201. Small landscaping beds are proposed inside the pedestrian entry area and along the edges of the walkway to townhouse 1-8. While the landscape areas are not large and no landscaping areas are proposed to the apartment building, landscaping is not typical of the immediate commercial context and is considered to be acceptable in this regard. Further the existing building does not allow for any landscape areas and so the proposal improves existing conditions in this respect.

Standard B14 and D11– Access

202. This standard encourages the number and design of vehicle crossovers to respect the character of the area through minimising the width of crossover to a maximum of 40% of the frontage. In compliance, no crossovers are proposed to Charles Street. An existing crossover to Charles Street will become redundant and the Right-of-Way to its east will be utilised for its access instead. This is a significant improvement on existing conditions.
203. An existing 3.8m wide crossover to Webb Street will be removed and replaced by a 3m wide crossover further west. This width is less than the 40% stipulated by the standard. However, the plans do not clearly show the reinstatement of the crossovers as footpath. A condition will require this detail, with a further condition requiring the demolition plans be updated to show the removal of existing crossovers.

Standard B15 and D12– Parking location

204. The proposal includes two basement levels for the apartment building with cars accessing parking via a car lift. There is stair or lift access from the parking spaces up to the ground floor or to upper level apartments. In each instance, mechanical equipment associated with car parking is not located abutting any habitable rooms.
205. In compliance, the garages to the townhouses are directly accessible to the interior of the dwellings ensuring reasonable and convenient access. The garages doors ensure the parking areas would be reasonably secure. This complies with the objective and the standard.

Standard B23 and D15 – Internal views

206. This standard stipulates *windows and balconies should be designed to prevent overlooking of more than 50 percent of the private open space of a lower -level dwelling directly below and within the same development.* The layout of the proposed townhouses do not allow for internal views, apart from between the roof terraces (as a result of the roof sketch plans reducing the height of the terrace screens by 0.7m). The sketch plans also show perforated overlooking screens will be provided to the south side of the terraces to prevent internal views. However, the sketch plans do not clearly identify the height or level of transparency of the screens. A condition will require this detail to ensure compliance is achieved.
207. In relation to the apartment building, the east, west and south-facing balconies and windows being stacked above or cantilevering over each other allow for general compliance with this standard. However the penthouse will overlook the terraces on the level below, with the north-facing floor 5 and 6 windows overlooking the townhouse roof terraces. This will be addressed by way of condition.

Remaining clause 55 (Rescode) standard applicable to the townhouses.

Standard B6 – Street setback

208. With the existing wall to Charles Street being retained, this standard is not applicable to the townhouse development.

Standard B7 – Building height

209. The total overall building height of 12.6 metres is proposed (subject to sketch plans). This is in excess of the maximum 9 metres prescribed by the standard. However, given the position of the townhouses in a Commercial 1 Zone where more robust built forms are anticipated, this non-compliance is considered acceptable. Further given the much taller buildings in the immediate context (Patterson's building to the east and No.96 Charles Street to the west) the non-compliant building height will not appear out of context.

Standard B8 – Site coverage

210. The site coverage for the townhouses is proposed to be 100% which does not comply with the maximum 60% recommended by the standard. The decision guidelines of the standard require consideration of the existing site, the site coverage of adjacent sites and the effect of visual bulk and whether this is acceptable in the neighbourhood context.
211. The site retains the existing contributory building which responds to the heritage context. Further with very high site coverages being typical of the immediate context, the proposed non-compliance is considered acceptable. For example, the Patterson's building has 100% site coverage, and with No.96 Charles Street and the Union Hotel being in the region of 95% and so the proposal will not be an anomaly in the area. Further this portion of the site currently has 100% site coverage and so the proposal will improve existing conditions through the pedestrian entrance from Charles Street.
212. Issues in relation to visual bulk/building modulation associated with high site coverage have been discussed previously in the *Built form, Heritage and Urban design* assessment with the townhouses considered to be acceptable in this regard.

Standard B9 – Permeability

213. The townhouses do not allow for any permeable surfaces apart from a small garden bed adjacent to the pedestrian gate accessing the walkway to dwellings 1-8. However, as the existing building does not allow for any permeable surfaces, this non-compliance is considered acceptable. The proposal also complies with Clause 22.16 Stormwater Management (WSUD) and meets the required on-site stormwater treatment as demonstrated by achieving 103% STORM rating.

Standard B10 – Energy efficiency

214. This standard requires:
- (a) *buildings should be orientated to make appropriate use of solar energy,*
 - (b) *sited and designed to ensure that the energy efficiency of existing dwellings is not unreasonably reduced.*
215. The shadow diagrams submitted with the proposal demonstrate that the roof terraces will receive access to sunlight throughout the day, in compliance with policy objectives. The shadow diagrams show the east-facing windows will receive access to sunlight in the morning between 10am and noon. The west-facing windows will receive access to sunlight between approx. noon and 2pm with the upper level windows receiving sun later in the afternoon.

This is considered sufficient to allow for reasonable internal amenity, particularly as the third floor living areas have east and west-facing windows and will receive direct sun in both the morning and afternoon.

216. The impact of the proposed development on neighbour's energy efficiency will be discussed in the following Standard B19 (*Daylight to existing windows*) and Standard B21 (*Overshadowing*) assessments.

Standard B11 – Open Space

217. No communal open space is proposed.

Standard B17 – Side and rear setbacks

218. This standard stipulates the following:

“A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- (a) *At least the distance specified in a schedule to the zone, or*
- (b) *If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres”.*

219. Of relevance is the western wall (based on the sketch plans as these increase setbacks). It is noted that the wall heights are taken from the pedestrian walkway level on the west side (above the garages) instead of from natural ground level. This is acceptable as the No. 96 Charles Street ground level open space on the shared boundary is also elevated above their basement carpark and with this open space being approx. 0.5m higher than the pedestrian walkway at the subject site. The following table identifies the variations required:

Boundary	Setback required	Setback provided (Sketch plans)	Compliance
Second floor west			
5.26m high (Type A)	1.77m	1.3m-1.9m	Partial compliance
6.83m high (Type B)	1.96m	1.3m-1.9m	No
Third floor western wall and roof terrace max 9.9m high	4.9m	5.1m-5.8m	Yes

220. A variation in the above standard for the second-floor west wall is considered acceptable as it is located opposite the 5 storey wall of the apartment building to the west. Given the presence of the retained boundary wall, only the top 6m of the wall will be visible above the existing wall. Given the majority of the upper parts of these visible walls rake away from the shared boundary, they are not considered to have unreasonable visual bulk impact. Further with only townhouse 1 and 2 being non-compliant with the standard and the remaining complying, on-balance the non-compliance is considered acceptable. Further the following shadow and daylight to windows assessments demonstrates the proposed townhouses amenity impact to the apartments opposite is acceptable. While the plans are to scale, the plans do not clearly show setbacks, a condition will require this detail.

Standard B18 – Walls on boundaries

221. This standard stipulates the following:

'The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.'

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length greater than 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot'.

222. Of relevance is the four storey eastern wall (12.6m). The wall height and length do not comply with the standard. The standard provides the following relevant decision guidelines to assess non-compliances:

- (a) *The extent to which walls on boundaries are part of the neighbourhood character.*
- (b) *The impact on the amenity of existing dwellings.*
- (c) *The width of the lot.*
- (d) *Whether the wall abuts a side or rear lane.*

223. The wall length is an existing condition which will be maintained. The proposed non-compliant wall height is considered acceptable given its location in a Commercial 1 Zone where more robust built form typologies are expressly anticipated by the Scheme. Tall boundary walls are characteristic of the neighbourhood as demonstrated by the much taller Patterson's Building located on the opposite side of the lane boundary.

224. The standard also anticipates that where walls adjoin the lane, this can justify the non-compliance with the standard, with this laneway measuring 3.5m to 3.7m in width. Further the sketch plans provide a splay to every second townhouse to a maximum setback of 1.5m to the third floor and roof terrace walls to further articulate and ameliorate visual bulk. The sketch plans also significantly lighten the colours of these walls to reduce bulk and amenity impacts.

225. For these reasons the proposed non-compliant wall is considered acceptable. Further as will be discussed in detail in the following Standard B19 (*Daylight to existing windows*) and Standard B21 (*Overshadowing*) assessments the wall will not generate detrimental amenity impacts to the residential properties opposite in the Patterson Building and the dwelling opposite (fronting Webb Street).

Standard B19 – Daylight to existing windows

226. This standard stipulates the following:

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window.

227. Based on a maximum wall height of 9.59m to the west, a minimum separation of 4.7m is required to habitable room windows opposite. In compliance, a minimum separation of 5.9m is provided to nearest habitable room windows to the west (No.96 Charles Street).

228. The dwelling across from townhouse 9 on the opposite side the eastern laneway has a first floor stained glass window on the boundary and one at ground floor. With a maximum wall height of 8.8m proposed, a separation of 4.4m is required, with an approx. 3.5m separation

provided by the laneway. As the existing boundary wall in this position measures 6.3m in height, the proposed increased wall height is not considered to generate detrimental amenity impacts on these windows beyond existing conditions.

229. There is an existing first floor window located above this dwelling's rear courtyard. Measuring approximately from the floor level of this room, the proposed wall opposite would measure approx 10m with a required setback of 5m. In compliance the setback would be approx. 5.4m. There are also ground floor windows inside the courtyard with the proposed 5.4m setback to these windows not complying with the standard. However, as these windows are located in close proximity to their own boundary fence and are covered by perspex roofing, these windows would not currently enjoy a high level of amenity. Given this and that the proposed eastern wall will be setback approx. 5.8m from these windows, it is considered that the proposed wall would not have a detrimental impact.
230. Based on a maximum wall height of 12.6m to the east (sketch plans), a minimum separation of 6.3m is required to habitable room windows opposite in the Patterson's building. However as there are no ground floor windows on the Patterson's building it is appropriate to take the measurement of the proposed eastern wall height from first floor. At a maximum height of approx. 10m a 5m separation is required to the nearest habitable first floor room window opposite. The windows located opposite are setback a minimum of approx. 3.7m (boundary wall windows) and 5.2m (windows recessed in balconies). The position of the walls opposite the windows recessed in the balconies complies with the standard.
231. In relation to the non-compliant setbacks to the windows on the boundary wall, given the position of these windows in a Commercial 1 Zone it is not considered reasonable to require full compliance with the standard. Further, subject to the sketch plans, the increased setback splays to a maximum of 1.5m to the third and second floor of every second townhouse allows for portions of the walls to achieve compliance with the standard. The lighter colour palette of the walls opposite these windows will also improve daylight access. Council's ESD officer has also indicated that the rooms will receive adequate daylight in accordance with BESS requirements.
232. The remaining windows on the opposite side of the laneway service commercial buildings and so this standard is not applicable to them.

Standard B20 – North-facing windows

233. There are no north-facing windows located within 3 m of the townhouses, in compliance with the standard.

Standard B21 – Overshadowing

234. The submitted shadow plans show three small areas of additional shadowing in the region of 2sqm each which will affect only ground floor courtyards adjoining the western boundary at No.96 Charles Street. As these open space areas are unaffected by additional shadow from the proposal for the remainder of the day, this additional shadowing is considered acceptable.
235. The sectional shadow diagrams (sketch plans) demonstrate the impact to the balconies on the Patterson's building to the east. The diagrams show that none of the balconies are affected by additional shadow as a result of the proposal at noon and enjoy full sun until this time. By 1pm additional shadow will extend into the first floor balconies and for the remainder of the afternoon. However, the existing conditions shadows show that by 2pm these balconies are partially shaded by the existing wall at the subject site and are fully shaded by 3pm. For this reason, the additional shadow experienced beyond existing conditions between 1pm and 2pm is considered an acceptable impact (particularly given the Commercial zoning of the land).

236. The second floor balconies will be affected by additional shadow at 2pm and 3pm as a result of the development. As they are not affected by additional shadow before this time, the proposed additional shadowing is acceptable. The diagrams demonstrate the third floor balconies will be marginally affected by 3pm and are unaffected by additional shadow before this time. Given this limited impact, the additional shadow is considered acceptable.

Standard B22 – Overlooking

237. The above standard requires that any habitable room windows or balconies be located or designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres.
238. It appears that the windows adjacent to the lane for No. 104 Charles Street may be overlooked by the townhouses. A condition will address this. The plans (including sketch plans) show the eastern windows to level one, two and three of townhouse 1, 2, 3 and 4 will be treated with non-removable film and the east side and south side of the terraces treated with overlooking screens. However the height of the film and screens or the transparency of the screens has not been noted. This will be addressed by way of condition.
239. Similarly, the transparency to the western second floor timber batten overlooking screen, the sill height of the third floor west-facing windows and the height and transparency of the wet-facing terrace privacy conditions have not been noted. A condition will address this to ensure compliance.

Standard B24 – Noise impacts

240. As previously discussed, a revised acoustic report will be required to ensure the townhouses are adequately protected from the cabaret club at No. 185 Smith Street. With no large plant areas proposed to the townhouses, it is not necessary to require protection to nearby dwellings.

Standard B25 – Accessibility

241. With the townhouses 1-8 having first floor entries accessed via steps, they would not be easily accessible to people with limited accessibility. Given all of the apartments are accessible by lift, this area of non-compliance is on-balance considered acceptable.

Standard B26 – Dwelling entry

242. Subject to conditions discussed earlier, the dwelling entries will be easily identifiable from Charles Street and provide a sense of address.

Standard B27 – Daylight to new windows

243. All of the proposed windows will face an area with a minimum space of 3sqm and minimum dimension of 1m clear to the sky, in compliance with the standard.

Standard B28 – Private open space

244. Standard B28 generally requires that:

..a dwelling or residential building should have private open space consisting of:

- (a) *An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or*

- (b) *A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or*
- (c) *A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.*

245. All of the roof terraces (sketch plans) and the terrace to unit 9 complies with this requirement.

Standard B29 – Solar access to open space

246. The shadow diagrams demonstrate that the roof terrace will have ample access to sunlight throughout the day. The width of the terraces also complies with this standard. The northern orientation of the terrace to townhouse 9 along with its low northern balustrade allow for compliance with this standard.

Standard B30 – Storage

247. The standard requires that all dwellings are provided with 6 cubic metres of externally accessible storage. The plans do not show storage areas. The applicant has confirmed that this standard can be complied with through the provision of under stair and/or above bonnet storage. A condition will require this detail.

Standard B31 – Design detail

248. This standard requires material details, façade articulation and garage presentation respect the existing character of the area. These issues have been discussed in detail in the report. That assessment demonstrates the proposal complies with the design detail objectives of this standard, subject to clarification of materials.

Standard B32 – Front fences

249. No front fences are proposed.

Standard B33 – Common property

250. The common property pedestrian walk-way is appropriately located to allow for its efficient management, in compliance with this standard.

Standard B34 – Site Services

251. There is ample ground floor space to accommodate bins and meters etc on site.

Standard B35 – B49. Energy efficiency

252. These standard are only relevant to apartment developments in Residential Zones.

Remaining Clause 58 standards – Apartments

Standard D6 – Energy efficiency

253. The development is orientated to make use of solar energy through its numerous west and east-facing windows. A large number of dwellings have multiple aspects to receive daylight with this also facilitating cross-ventilation.

254. The proposed apartment building will not unreasonably impact the energy efficiency of the existing dwellings in the Patterson's building and No. 96 Charles Street as they are not shadowed by the apartment building. A roof top dwelling has been approved to the Union Hotel. However as this development has not been constructed, it is not appropriate to require the proposed apartment building is re-designed in light of this approval (as the dwelling may not be constructed).
255. Regardless of this, with this dwelling being located at the second floor and the western boundary wall being two storeys higher, it is not considered this will generate excessive visual bulk. A terrace for this dwelling is proposed adjacent to this boundary wall but will be unaffected by additional shadow as a result of the proposal in the afternoon, which is considered an acceptable outcome.
256. As outlined previously the proposal complies with the relevant NaTHERS requirements of this standard. As already outlined, a condition can be included on the permit for an updated Sustainability Management Plan (SMP) which will include a number of improvements as outlined by Council's ESD Advisor. This will improve the energy efficiency of the development. These have already been discussed.

Standard D7 – Communal open space

257. This Standard only applies to developments which propose forty (40) or more dwellings.

Standard D8 – Solar access to communal open space

258. With no communal open space proposed, with standard is not applicable.

Standard D10 – Landscaping

259. Whilst the apartment building does not provide for landscaping or a canopy tree as required by the standard, this is acceptable as the existing building occupies 100% of the site. As such the proposal will not change the existing landscape character of this portion of the site, which is considered acceptable for this reason.

Standard D13 – Integrated water and stormwater management

260. The advertised application proposed the installation of a rainwater collection tank which would be connected to all toilets within the development. The STORM report provided with the advertised application achieved a score of 103%, which is in line with the policy direction under clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)*. This complied with the objective and the standard, subject to a condition showing the rain tank will be connected to toilets.

Standard D14 – Building setbacks

261. This Standard aims to avoid direct views into habitable room windows and private open space of new and existing dwellings, thereby reducing the reliance on screening to inhibit these views. Of concern is overlooking to the approved (but not constructed) roof top dwelling at the Union Hotel. However with no windows proposed to the western boundary wall and the height of floor 5 and 6 in combination with their setback will prevent unreasonable overlooking of the proposed terrace and windows should this dwelling be constructed.
262. Similarly, of concern is overlooking from the east side of floor 5 and 6 to the open space areas and habitable room windows on the south-west corner of the Patterson's building, particularly as the plans do not clearly articulate proposed overlooking treatments. However it is considered appropriate the level 5 terraces be treated as they are located closer.

The same issue existing for the proposed east-facing windows and balconies on floor 1-4. This will be addressed by way of condition to ensure that unreasonable overlooking is mitigated.

Standard D16 – Noise impacts

263. The proposed development would not be located in proximity to a noise influence area specified in Table D3 to this Standard. According to VicRoads, Smith Street is not a road that generates in excess of 40,000 Annual Average Daily Traffic Volume, thus does not meet the threshold for a noise influence area in Table D3 of this Standard. As discussed previously an acoustic report will be required via condition to protect the proposed apartment building from nearby tavern noise.

Standard D17 – Accessibility objective

264. To ensure the design of dwellings caters for people with limited mobility, the Standard notes that at least 50% of new dwellings should provide:

- (a) *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;*
- (b) *A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area;*
- (c) *A main bedroom with access to an adaptable bathroom;*
- (d) *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.*

265. The applicant has submitted apartment layout diagrams that show a total of 10 apartments (1.01, 1.02, 1.03, 2.01, 3.01, 4.01, 2.03, 3.03, 4.03 and 5.01) will have the ability to meet the design requirements for accessible living. This equates to 62% of the apartments.

Standard D18 – Building entry and circulation

266. The proposed entry to the apartment building is clearly visible along Webb Street. The wide entry lobby at ground floor will provide shelter for residents. Within the development, apartments will have their own entry at each level which will be directly accessible from the lift or stairs.

Standard D19 – Private open space

267. Of relevance to this development, a dwelling should provide balconies meeting the dimensions outlined in Table 5 of this Standard. This table specifies that:

- (a) *A two bedroom dwelling should have access to a balcony with a minimum area of 8sqm and minimum dimension of 2m, with convenient access from a living room*
- (b) *A three (or more) bedroom dwelling should have access to a balcony with a minimum area of 12sqm and minimum dimension of 2.4m, with convenient access from a living room.*

268. One bedroom apartments will have a balcony area of 14 square metres with a width of 2.5 metres. Two bedroom apartments will have a balcony area of at least 8 square metres with a minimum width of 2 metres. Three bedroom apartments will have a balcony area of at least 13 square metres with a minimum width of 2.4 metres. All of the proposed balconies comply with this standard.

Standard D20 – Storage

269. Of relevance to this development, the total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table 6 of this Standard. This table specifies that:

- (a) A two bedroom dwelling should have a total minimum storage volume of 14 cubic meters with a minimum storage volume within the dwelling of nine cubic meters.
- (b) A three (or more) bedroom dwelling should have a total minimum storage volume of 18 cubic meters with a minimum storage volume within the dwelling of 12 cubic meters.

270. The following table demonstrates the storage provisions for the apartments. While some minor non-compliances are proposed, in general the storage provision is met or exceeded and so is considered acceptable.

The provision of storage area is described in the table below.

Apt	Total Required (internal)	Proposed Total (internal where external storage provided)	Compliance
1.01	14 (9)	13	Minor Variation – exceeds internal provision
1.02	14 (9)	12.6 (9.1)	Minor Variation – exceeds internal provision
1.03	10 (6)	11.6	✓
1.04	10 (6)	13.3 (9.8)	✓
2.01, 3.01, 4.01	14 (9)	11.5 (8)	Minor Variation
2.02, 3.02, 4.02	18 (12)	17.8 (14.3)	✓
2.03, 3.03, 4.03	14 (9)	36.6	✓
5.01	14 (9)	15.3	✓
5.02	14 (9)	15	✓
6.01	18 (12)	40.4	✓

Standard D21 – Common property

271. The common property areas within the development are generally clearly delineated and would not create areas which were difficult to maintain into the future. The lobby and vehicle access areas are cohesive with the overall building design and are therefore considered to be in line with the objectives of this Standard.

Standard D22 – Site services

272. Services are located in different locations within the site with some facing the street and some being internal. Locations are all easily accessible and maintained. The location of mailboxes are provided in the lobby.

Standard D23 – Waste and recycling

273. The applicant's Waste Management Plan (WMP) prepared by One Mile Grid and dated 29/11/2017 has been found to be satisfactory by Council's Waste Management Unit. This document will be endorsed to form part of the permit.

Standard D24 – Functional layout

274. This Standard requires that main bedrooms should have a minimum width of 3m and minimum depth of 3.4m, with other bedrooms to be 3m x 3m in dimensions (any wardrobes should be additional to this). Living area dimensions (excluding dining and kitchen areas) should have a minimum width of 3.6m and minimum area of 12sqm.
275. All main bedrooms have a minimum width of 3 metres and depth of 3.4 metres and all secondary bedrooms have a minimum width and depth of 3 metres. All apartments will meet the minimum living area dimensions of 10 square metres for one bedroom dwellings and 12 square metres for two or more bedroom dwellings. Accordingly the standard is met.

Standard D25 – Room depth

276. This standard requires that single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. All apartments will have a minimum ceiling height of 2.9 metres. The maximum room habitable room depth is therefore calculated at 7.25 metres for single aspect rooms. The depth of open living/kitchen plans to the rear of kitchen metres for all single aspect habitable room windows comply with this maximum.

Standard D26 – Windows

277. All habitable rooms within the proposed development contain a window within an external wall to the building, with no reliance on 'borrowed light' for any habitable rooms. Apartments 2.03, 3.03 and 4.03 have a small secondary area with a width of 1.2 metres and depth of 0.9 metres, in compliance with the standard specifying a maximum depth of 1.5m time the width of the window.
278. Whilst some habitable room windows are located beneath a balcony overhang associated with dwellings above, these overhangs are a maximum of only 2m wide and so would not unreasonable affect amenity. Additionally, the windows allowing for light access to be maximised.

Standard D27 – Natural ventilation

279. The standard requires that at least 40 percent of dwellings should be provided with effective cross-ventilation that has a maximum breeze path through the dwelling of 18m and a minimum breeze path of 5m. The information provided by the applicant demonstrates that 68% of the apartments (1.01, 1.02, 2.01, 3.01, 4.01, 2.02, 3.02, 4.02, 5.01, 5.02 and 6.01) will have effective cross ventilation with a maximum breeze path of 18 metres, in compliance with the standard.

Car & Bicycle parking/traffic/access/layout

280. Under clause 52.06 of the Scheme, the applicant is seeking a car parking reduction for 4 car spaces as outlined within the table included in the *Particular Provisions* section earlier in the report. The rates referred to the internal and external engineers are no longer applicable (Amendment VC148 which reduced car parking rates). However as both engineers ultimately supported the proposed car parking reduction at a higher rate, it was not considered necessary to seek further comments from them in this regard.
281. Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard to the assessment requirements of Clause 52.06-6.

Given the proposal exceeds the requirements for the provision of car space for the dwellings and only a reduction sought of 4 spaces sought for the office, consideration will be limited to the demand generated by the office use.

Parking Demand for Office Use.

282. As outlined by Council's traffic engineers, parking associated with office type developments is generally long-stay parking for employees and short-term parking. In practice, the parking demand generated by the office is expected to be lower than the statutory parking rate of 3 spaces per 100sqm of floor space, since the area has very good access to public transport services. Council's Engineers highlighted that Council often approves small scale office developments with no on-site car parking. This is based largely on the inner-city location of these offices and the proximity they have to public transport. The proposed office has a similar context and the provision of no on-site parking for the proposed office use is considered appropriate.
283. The external engineers suggested that Council require a car parking survey be done to demonstrate available car parking in the area, with a view to further justifying the proposed car parking reduction. However given the high provision of car parking and with a reduction of only 4 car spaces required, it is not considered justified to require this. Further the removal of the crossover to Charles Street will also potentially allow for an additional on-street car space to further compensate for the proposed reduction.

Traffic

284. The traffic report submitted with the advertised application adopts a rate of 4 trips per day for the townhouse and 3 for the apartments resulting in a total of 81 movements from the site. The internal and external engineering referral comments indicated that this number is not unduly high and should not adversely affect the traffic operation of the Right-of-Way, Charles Street and Webb Street.
285. In terms of the car lift and its associated queuing analysis, the applicant's traffic report states the proposed car lift is capable of servicing a vehicle every 136 seconds. Both the internal and external engineering referral comments indicated that this ensure cars will not need to queue in Charles street for long periods of time to gain access to the car lift and should not adversely affect the traffic operation of Webb Street.

Access and Layout

286. The proposal includes a car lift for the apartment building accessed from Charles Street and individual garages for each of the townhouses accessed from the Right-of -Way. The access arrangements were found to be satisfactory to Council's and the external traffic engineers.
287. The functionality of all car spaces was deemed to be acceptable. The engineers raised concerns with minor non-compliance with relevant standards but ultimately determined these were acceptable and did not require that they be addressed by way of conditions, apart from the following the headroom clearance to the Webb Street access and column depths and setback to be noted on the plans.

Bicycle parking and facilities

288. With 26 bicycle spaces to the apartment building and each of the townhouses has a bike space in the garage proposed and with 7 required, the proposal far exceeds the Scheme requirements in this regard. The bicycle spaces will be easily accessible to residents. Two visitor spaces are available inside the entry gate to the townhouses and 20 spaces available at ground floor for the apartments; this will also cater to the needs of visitors cycling to the site.

Other

289. Council's Senior Traffic Engineer has recommended the inclusion of a number of conditions relating to civil works to, road protection, impacts on assets, vehicle crossings and drainage and replacement of removed street line markings, car parking sensors and signs. Relevant conditions will be included, with the applicant consenting to them, some of which are improvements to Council's assets.
290. Council's engineers requested clarification on the proposed office roller door to the laneway, given the office does not show any car spaces inside. The applicant confirmed the roller door is to allow for the office to be opened to laneway during the warmer months (not for vehicle access). This is acceptable and should the area be used for parking in the future, this would require an amendment to the permit and would be further considered as part of that process.
291. The engineers requested that the light globes to the street lights be replaced to prevent light nuisance to the proposed dwellings. However, as these lights are not Council assets, it is not appropriate to require this. Council's engineers also provided non-planning related advice. However as the advice is non-planning related, it is not necessary to comment further on these items.

Objector concerns

292. The following objector concerns have been considered throughout this report:
- (a) Increased traffic and pressure on public transport, on-street car parking and infrastructure;
 - (b) Amenity impacts (including overlooking, reduced privacy and daylight, increased security risks and overshadowing (including to plants));
 - (c) Negative impact on heritage character of area;
 - (d) Excessive height/visual bulk; and
 - (e) Limit development potential of nearby properties.
293. The remaining concerns will now be addressed:
- (a) obstruction of views,
 - (i) the Planning Scheme does not offer any protection of views. As such this is not a planning related matter.
 - (b) Construction issues (including property damage, vibration, dust, noise and disruption to nearby business operations); and
 - (i) Condition 25, 26 and 27 requiring the submission of Construction Management Plan and associated documents adequately addresses these issues.
 - (c) Loss of artwork on the existing western wall.
 - (i) The wall in question is part of the western wall which faces into the ground floor beer garden of the Union Hotel. A mural has been recently painted on this wall. The applicant has explained that the wall is structurally unsound and so it is their preference to remove it. As the wall is a side wall and not an ornate principal heritage façade, there is no policy support to require its retention.

Conclusion

294. The amendments comply with the relevant elements of the Yarra Planning Scheme and are supported. The amendment necessitates amendments to the permit preamble and conditions as per below.

RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN17/1061) for part demolition and the use and development of the land for the construction of a mixed-use building (permit required for dwelling use), and a reduction in the car parking requirement at 93-97 Webb Street, Fitzroy 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 Jackson Clements Burrows Architects, dated 01/03/2018 (SK0-002, SK0-201, SK0-202, SK0-203, SK2-104, SK2-205, SK2-206, SK1-101, SK1-100, SK1-102, SK1-103, SK1-104, SK1-105, SK1-106, SK1-107, SK1-108, SK1-109, SK2-101, SK2-102, SK2-103, SK2-104, SK3-101, SK3-102, SK3-105, SK3-106, SK3-107, and SK10-101 inclusive) but amended to include:
 - (a) all details as shown in the sketch plans (received by Council on 26th September 2018) as follows;

Townhouses

 - (i) Increased setbacks of third floor east wall;
 - (ii) Increased setbacks of roof terraces from east and west boundaries;
 - (iii) Overall reduction in height by 0.7m;
 - (iv) New privacy screens to roof terraces; and
 - (v) Colour palette lightened to the proposed northern, western and eastern walls.

Apartment building

 - (vi) Setbacks of the south-east and south-west corners of the 5th and 6th floor increased as well as north-west and north-east corners; and
 - (vii) Lightening of the western boundary wall material at first to fourth floor.

But further modified to show the following:

- (b) Demolition plans updated to show removal of existing vehicle crossings and the partial demolition of the existing western wall;
- (c) Notations showing re-instatement of vehicle crossovers with footpath and kerb and channel;
- (d) Details of lighting to walkway and dwelling entries of townhouse 1-8;
- (e) Detail the material finishes of any services cupboards and new windows to the ground floor Webb Street and Charles Street facades and to be compatible with the original heritage fabric;
- (f) All setbacks shown from boundaries on all floor plans;
- (g) Detail the material finish to the pedestrian entry door from Charles Street to the walkway for dwelling 1-8 demonstrating a visually permeable finish;
- (h) The townhouses to demonstrate compliance with the objectives of standard B22 (Overlooking) of clause 55 of the Scheme;
- (i) Further detail of overlooking treatments from the east side of the apartments building to limit overlooking to the Patterson's building dwellings/terraces in compliance with the objectives of standard D14 of clause 58 of the Scheme,
- (j) The western privacy screen to townhouse 1-8, the structures separating adjoining balconies on the apartment building and the windows and balconies to floor 5 and 6 of the apartment building to townhouse terraces to demonstrate compliance with the objectives of standard B23 of clause 55 and D15 (*Internal views*) of clause 58 of the Scheme;

- (k) the headroom clearance to the Webb Street vehicle access and basement column depths and setbacks to be noted on the plans;
 - (m) Any alterations to the development required by the updated Sustainable Management Plan at Condition 3; and
 - (n) Any alterations to the development required by the updated Acoustic Report at Condition 5.
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 Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by ADP Consulting dated 29 November 2017, but modified to include or show:
 - (a) A JV3 energy modelling report, demonstrating that the 10% energy efficiency target will be achieved;
 - (b) An external clothes drying rack for each dwelling;
 - (c) provide additional thermal energy analysis to demonstrate that cooling loads to all dwellings are lower than 30MJ/m² without relying on tinted glazing that will exacerbate daylight issues.
 - (d) redesign apartments 1.03 and 1.04 to setback the bedroom glazing between 0.25m to 0.5m to assist create an air pressure differential between bedroom and living room windows and enable natural ventilation, and
 - (e) confirmation toilets are connected to water tanks.
 4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 5. Before the development commences, an amended Acoustic Report Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Marshall Day Acoustics dated 24 January 2018, but modified to include or show:
 - (a) Background noise monitoring and SEPP N-2 noise limits relative to all nearby venues. The limits should be based on background noise levels conducted during the last hour of the venue operations and on the quietest nights that the venues operate;
 - (b) SEPP N-2 assessments of music for all venue operations. If based on one set of measurements only, confirmation should be provided by the venue operator that the assessment quantifies typical worst case noise impacts;
 - (c) An assessment of noise from the tavern at No.171 Smith Street (Sandy V's);
 - (d) Octave and music levels at a reference location used in assessments of music from all venues; and
 - (e) Acoustic specifications for façade walls as well as windows exposed to non-compliant levels of music and/or patron noise.

The acoustic report must make recommendations to limit the noise impacts (as necessary) inside the proposed dwellings and 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. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
8. As part of the ongoing consultant team, Jackson Clements Burrows Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath frontage to the site must be demolished and re-instated as standard footpath and bluestone kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) 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:
 - (a) at the permit holder's cost,
 - (b) to the satisfaction of the Responsible Authority.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the bluestone laneway to the east of the site must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
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;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
13. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian 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.
15. 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.
16. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

17. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, street line markings, car parking sensors, service structures or service pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
18. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
19. 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.
20. 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.
21. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
22. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

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

- (i) using lower noise work practice and equipment;
- (ii) the suitability of the land for the use of an electric crane;
- (iii) silencing all mechanical plant by the best practical means using current technology;
- (iv) fitting pneumatic tools with an effective silencer;
- (v) other relevant considerations.

23. During the construction:

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

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.

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

26. Before the building is occupied, any new wall/garage doors located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

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

28. 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;
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

29. This permit will expire if:

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

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

Notes:

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

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

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

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

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

All future property owners, residents, 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.

CONTACT OFFICER: Laura Condon
TITLE: Senior Statutory Planner
TEL: 92055016

Attachments

- 1 PLN17/1061 - 93 - 97 Webb St, Fitzroy - Decisions Plans - Part1.
- 2 PLN17/1061 - 93 - 97 Webb St, Fitzroy - Decision Plans - Part2.
- 3 PLN17/1061 - 93 - 97 Webb St, Fitzroy - Decision plans - Part3.
- 4 PLN17/1061 - 93 - 97 Webb St, Fitzroy - Sketch Plans.
- 5 PLN17/1061 - 93 - 97 Webb St, Fitzroy - Subject site.
- 6 PLN17/1061 - 93 - 97 Webb St, Fitzroy - Heritage advice (Decision plans)
- 7 PLN17/1061 - 93 - 97 Webb St, Fitzroy - Heritage advice (Sketch plans).
- 8 PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Decision plans).
- 9 PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Sketch plans).
- 10 PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (Decision plans).
- 11 PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (Sketch plans).
- 12 PLN17/1061 - 93 - 97 Webb St, Fitzroy - Acoustic advice.
- 13 PLN17/1061 - 93 - 97 Webb St, Fitzroy - External Engineering advice.
- 14 PLN17/1061 - 93 - 97 Webb St, Fitzroy - Council's Engineering advice.
- 15 PLN17/1061 - 93 - 97 Webb St, Fitzroy - Waste Management advice.

Attachment 1 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Decisions Plans - Part1.

93 WEBB ST, FITZROY 3065

TOWN PLANNING - RFI RESPONSE
01/03/2018



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Attachment 1 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Decisions Plans - Part1.

OVERLOOKING SCREENING
93 WEBB STREET

1400MM HIGH OVERLOOKING
SCREEN TO L4 OF PATERSONS
BUILDING

1200MM HIGH PROJECTING
HORIZONTAL BLADE TO PREVENT
VIEWS DOWN TO L3 OF PATERSONS
BUILDING

1700MM HIGH MESH SCREEN TO
PREVENT VIEWS ACROSS TO L3 OF
PATERSONS BUILDING

1200MM AND 1400MM HIGH
PROJECTING HORIZONTAL BLADES
TO PREVENT VIEWS DOWN TO L2 OF
PATERSONS BUILDING

1450MM HIGH OVERLOOKING
SCREEN TO L1 OF PATERSONS
BUILDING

POS AT L4 OF PATERSONS BUILDING

POS AT L3 OF PATERSONS BUILDING

POS AT L2 OF PATERSONS BUILDING

POS

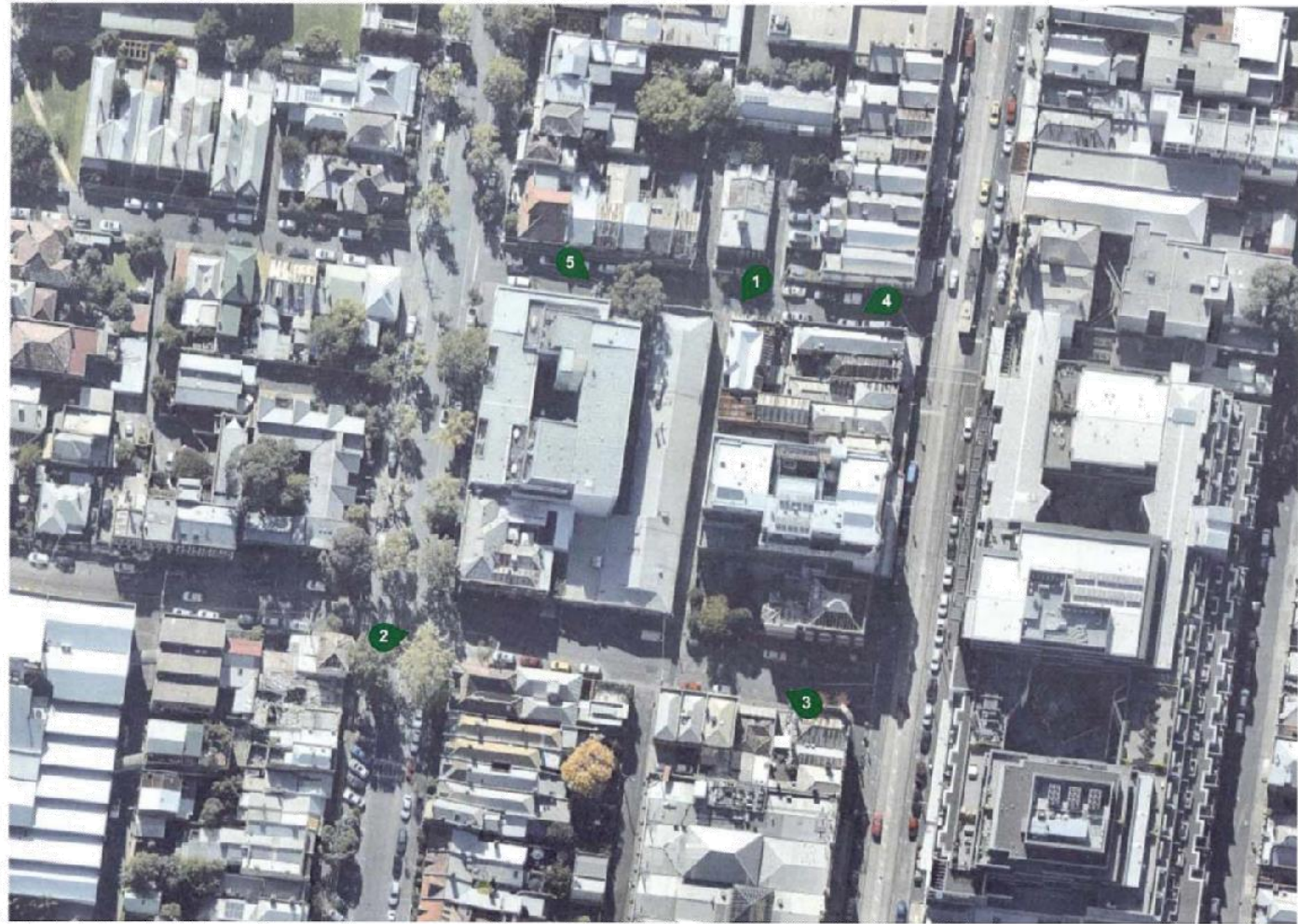
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93 WEBB ST FITZROY
TOWN PLANNING - RE-DEVELOPMENT
05.02.2018

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RENDER LOCATION PLAN
93 WEBB STREET



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93 WEBB ST FITZROY
TOWN PLANNING - RPT RESPONSE
01.10.2017

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PERSPECTIVES
VIEW FROM CHARLES STREET



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93 WEBB ST FITZROY
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04.03.2017

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PERSPECTIVES
VIEW FROM CORNER OF WEBB & GORE STREET



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95 WEBB ST FITZROY
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PERSPECTIVES
VIEW FROM CORNER OF WEBB AND SMITH STREETS

5



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Attachment 1 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Decisions Plans - Part1.

PERSPECTIVE VIEWS
VIEW FROM CORNER OF CHARLES STREET & SMITH STREET



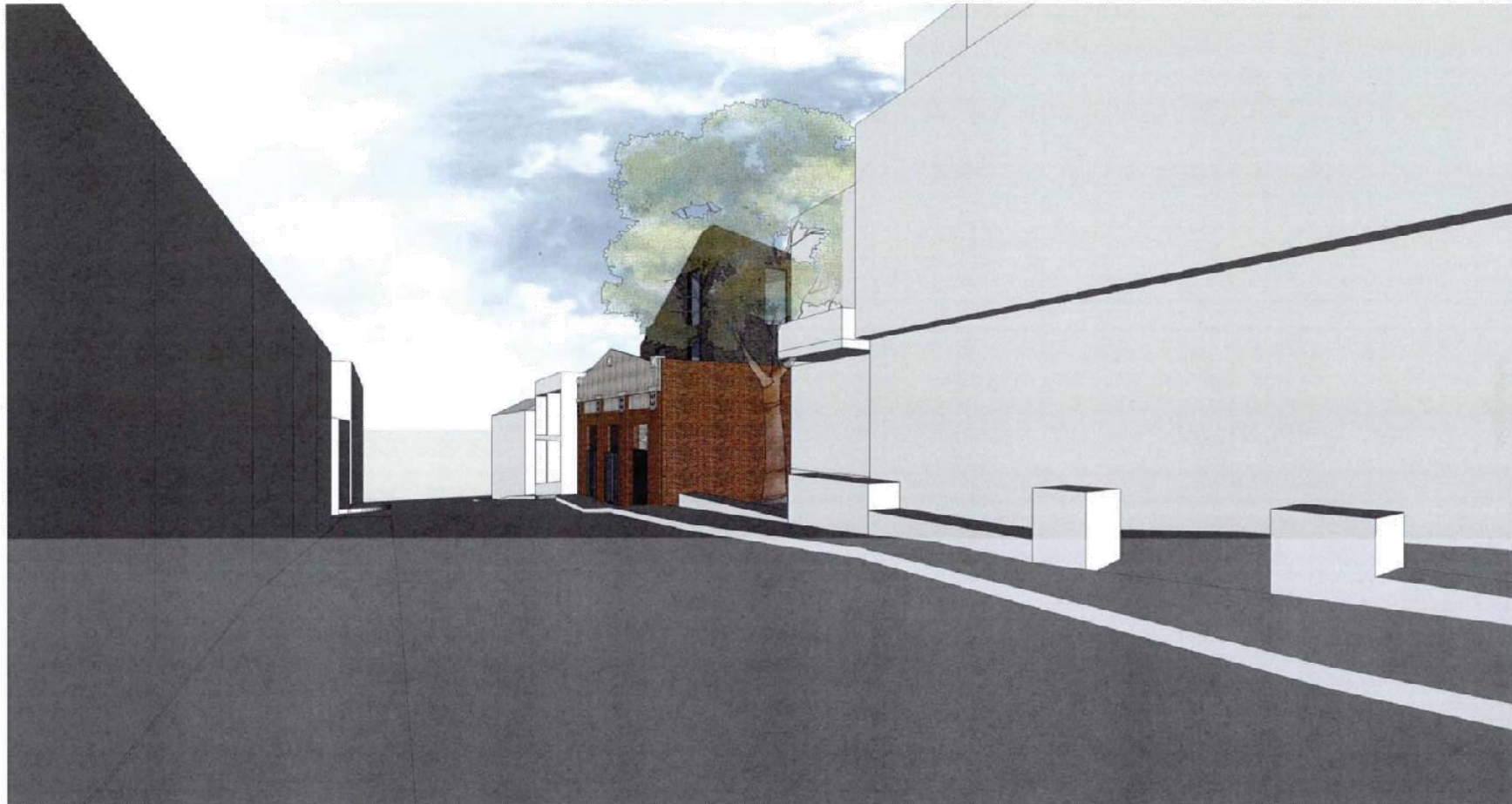
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93 WEBB ST FITZROY
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PERSPETIVE VIEWS
VIEW FROM 93 CHARLES STREET



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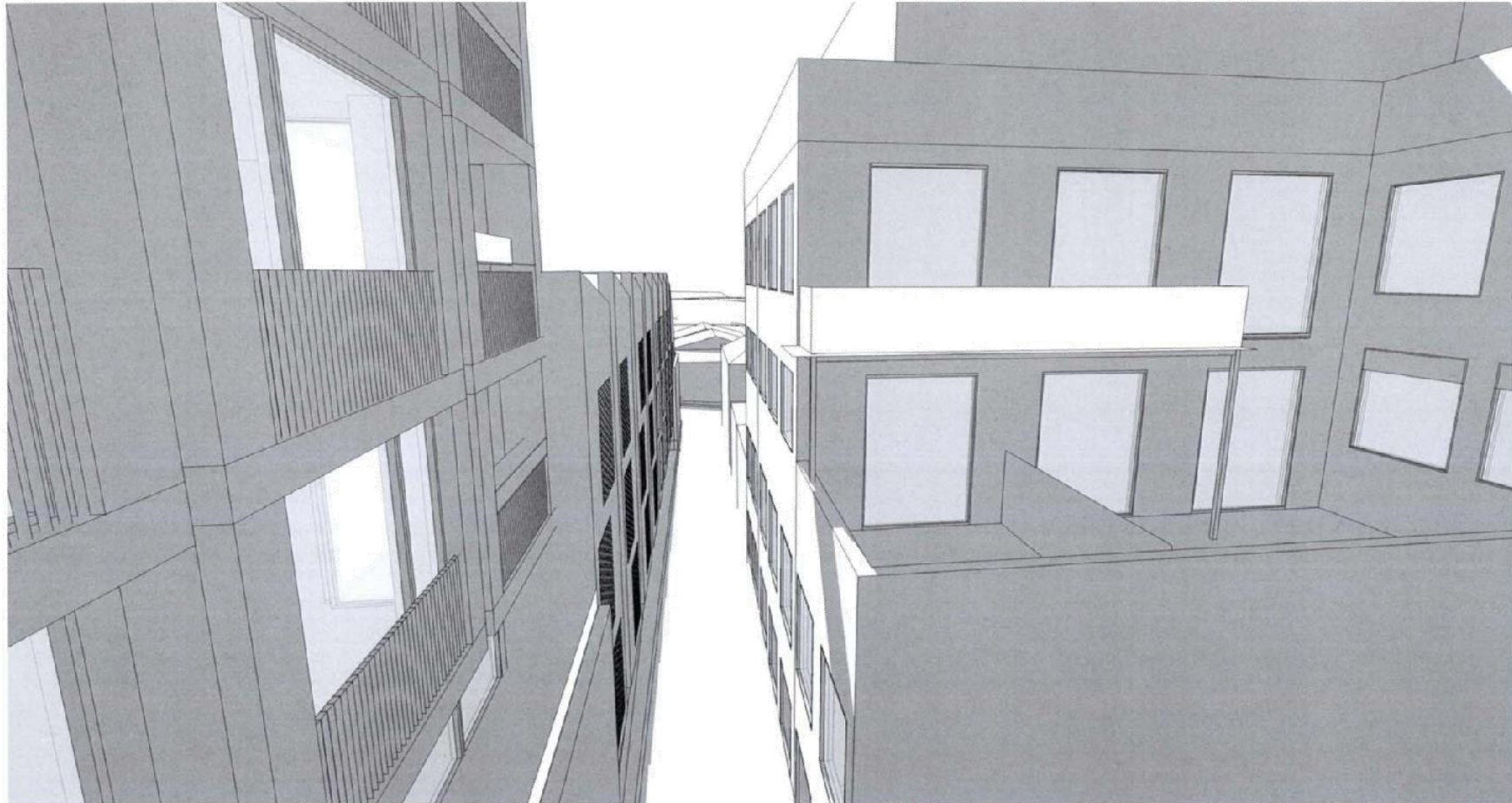
93 WEBB ST FITZROY
TOWN PLANNING - RP RESPONSE
01.03.2017

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NEW SHADOWS
12 MIDDAY

8



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NEW DEVELOPMENT SHADOWS



EXISTING SHADOWS

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NEW SHADOWS
1PM

9



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63 WEBB ST FITZROY
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NEW DEVELOPMENT SHADOWS



EXISTING SHADOWS



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NEW SHADOWS
2PM

10



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NEW DEVELOPMENT SHADOWS

EXISTING SHADOWS

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NEW SHADOWS
3PM

11



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NEW DEVELOPMENT SHADOWS

EXISTING SHADOWS

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WEBB STREET TOWNHOUSES & APARTMENTS

93 WEBB STREET, FITZROY

FOR TOWN PLANNING

DRAWING NO.	DRAWING TITLE	SCALE
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TP0-001_EXISTING SITE PLAN		1:500
TP0-002_EXISTING SITE SURVEY PLAN		1:200
TP0-003_EXISTING SITE/DEMOLITION PLAN		1:200
TP0-001_EXISTING ELEVATION NORTH		1:200
TP0-002_EXISTING ELEVATION EAST		1:200
TP0-003_EXISTING ELEVATION SOUTH		1:200
TP0-004_EXISTING ELEVATION WEST		1:200
TP1-101_BASEMENT PLAN		1:200
TP1-102_GROUND FLOOR PLAN_00		1:200
TP1-103_LEVEL 01 PLAN		1:200
TP1-104_LEVEL 02 PLAN		1:200
TP1-105_LEVEL 03 PLAN		1:200
TP1-106_LEVEL 04 PLAN		1:200
TP1-107_LEVEL 05 PLAN		1:200
TP1-108_LEVEL 06 PLAN		1:200
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TP2-103_ELEVATION_SOUTH		1:200
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TP3-102_SECTION BB		1:200
TP3-103_SECTION CC		1:200
TP3-105_SECTION DD		1:200
SK10-01_MATERIAL SCHEDULE		

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 17-075
 DATE
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SCALE
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PROJECT
 93 WEBB STREET
 FITZROY 3085 VIC
 STATUS
 TOWN PLANNING

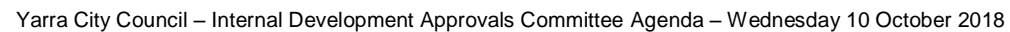
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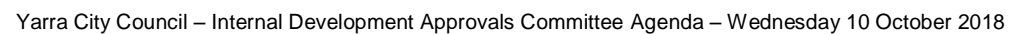
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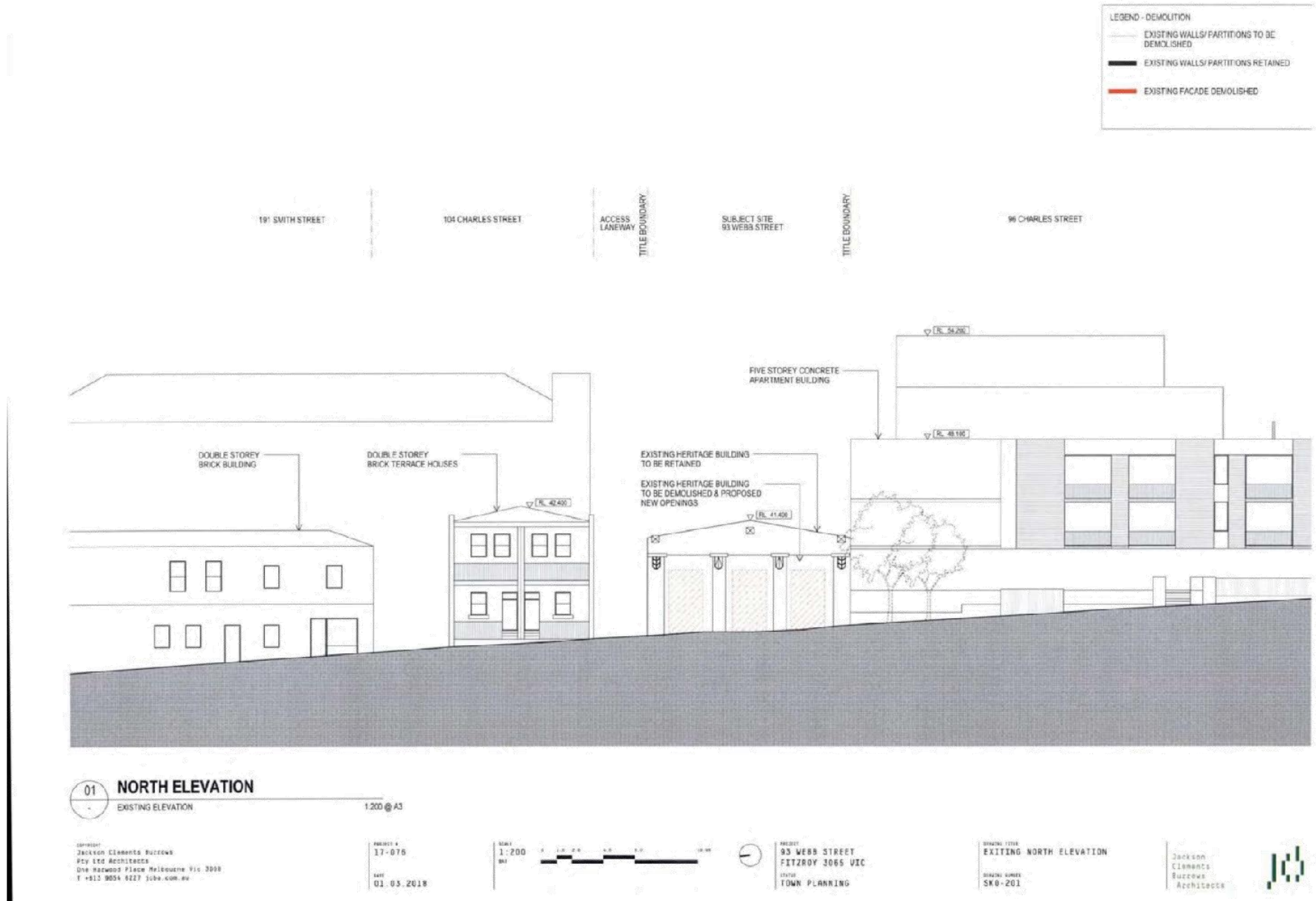
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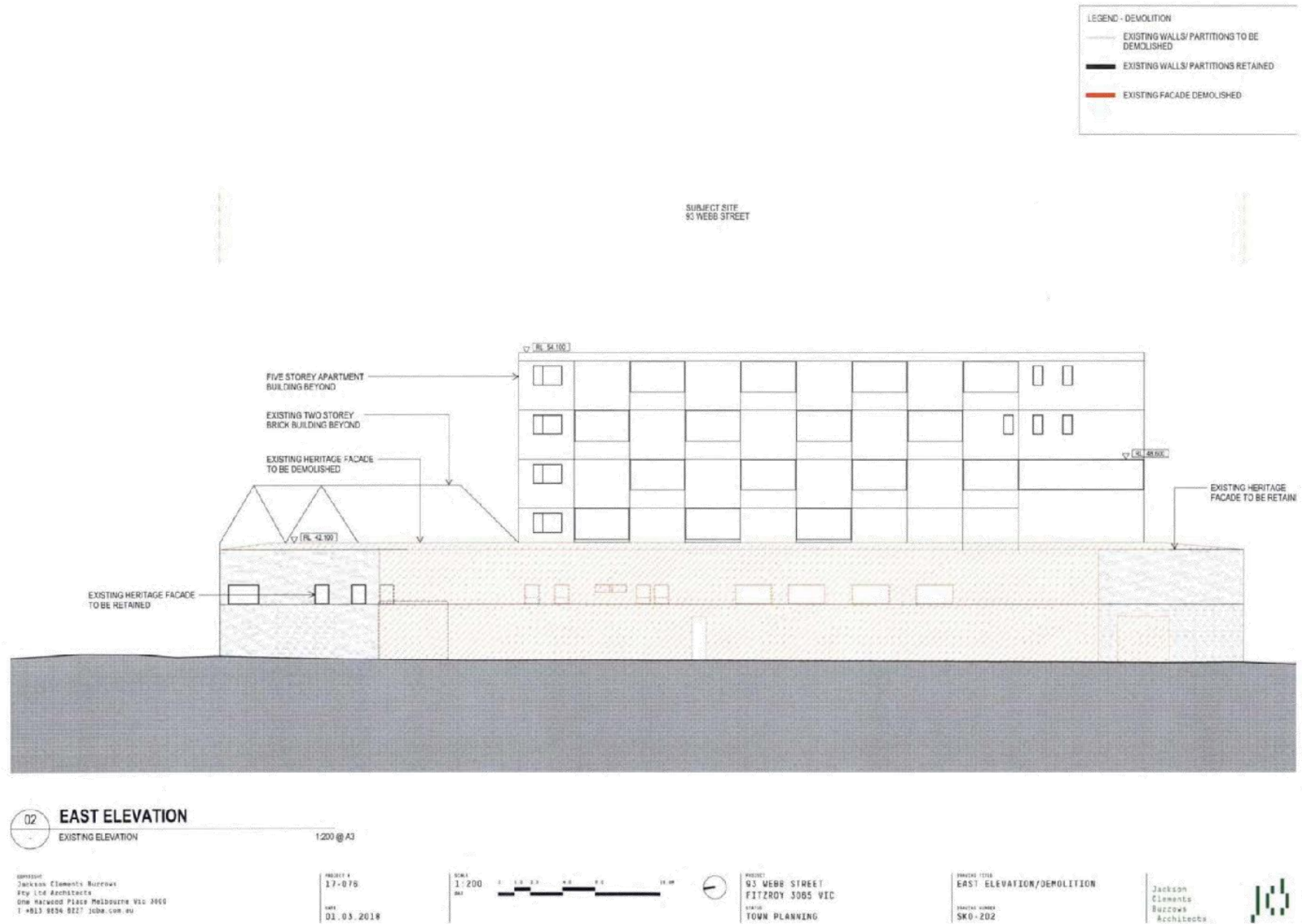


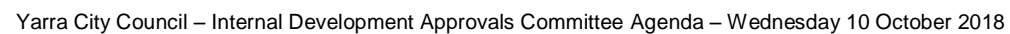


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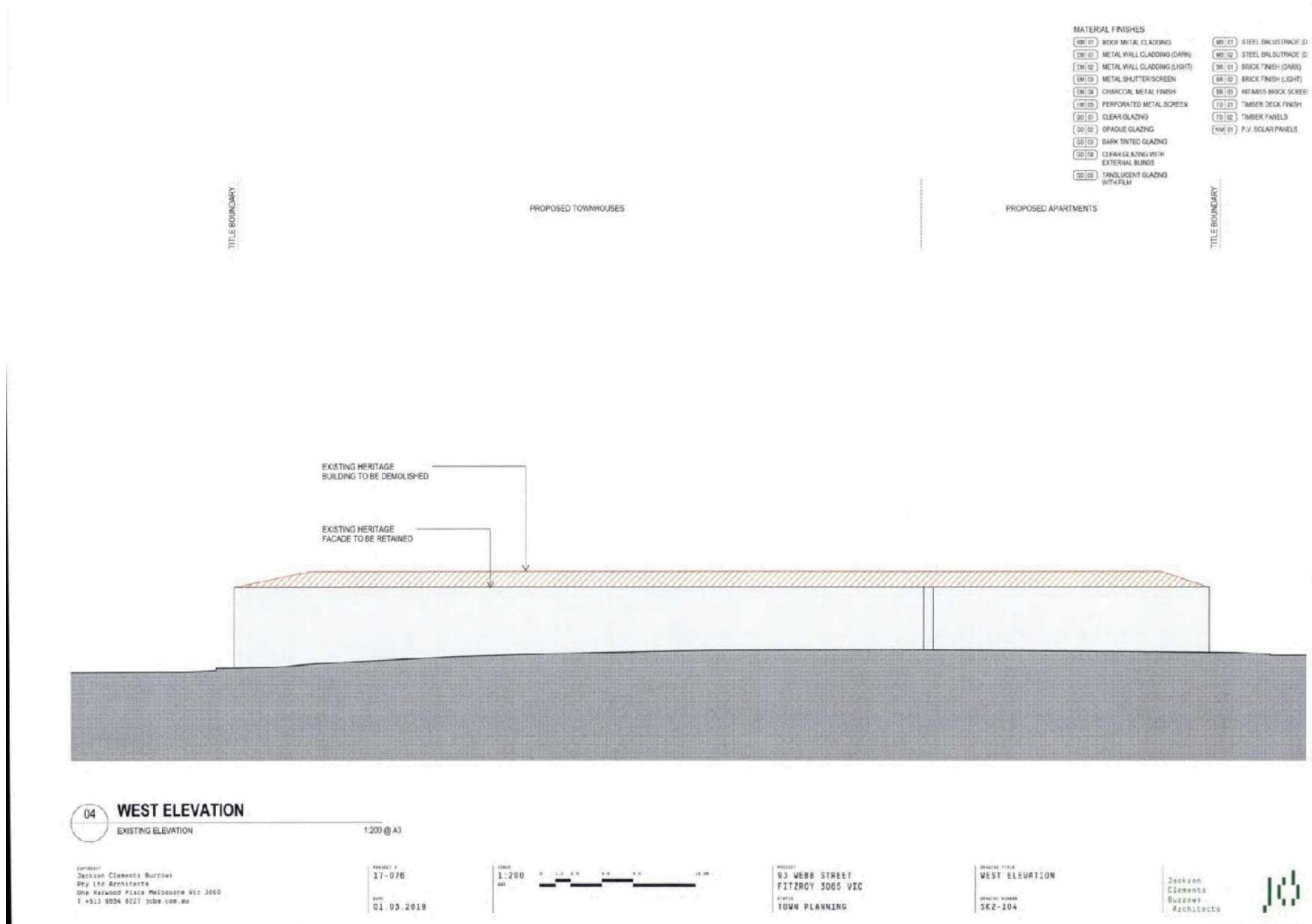


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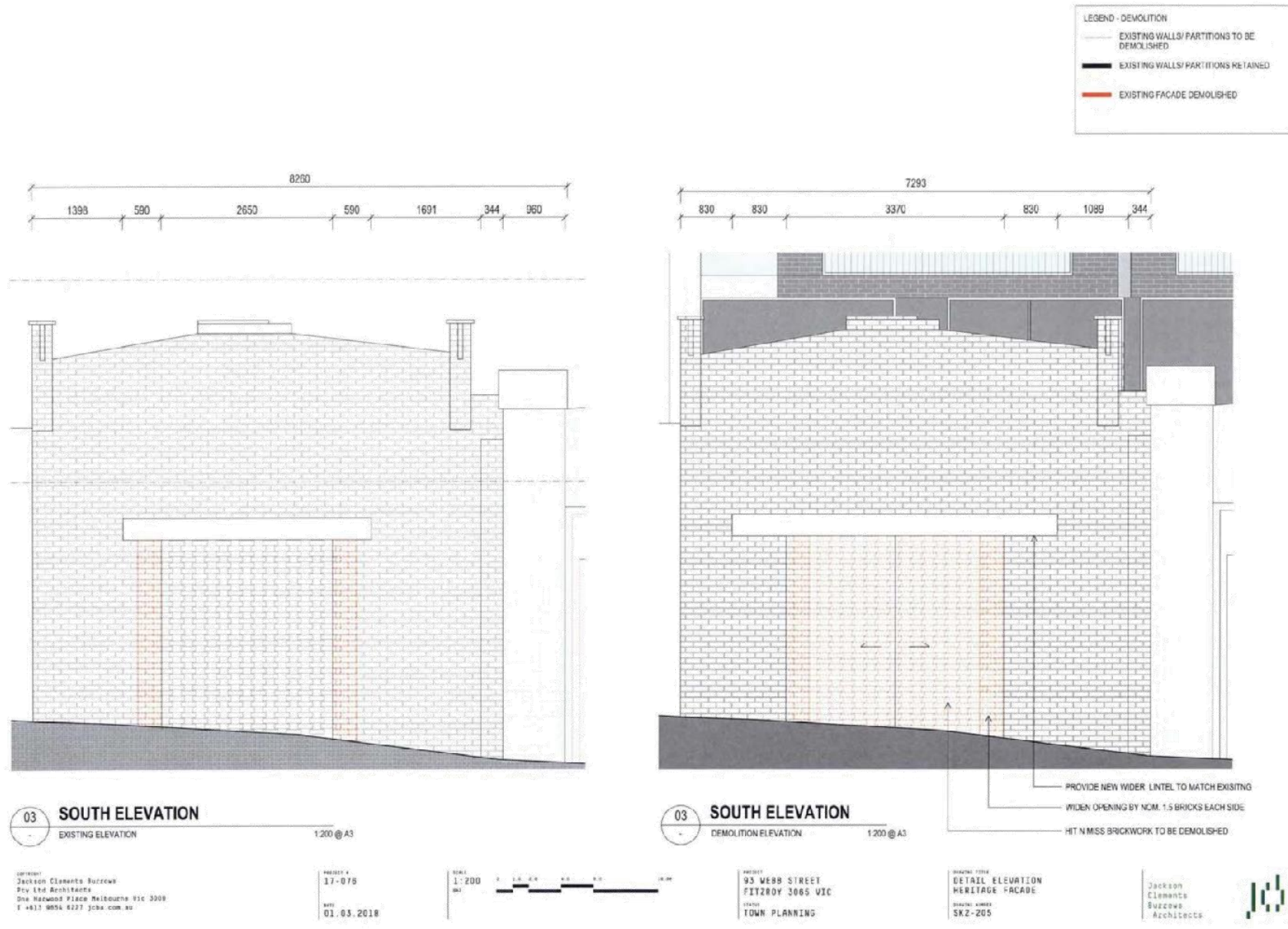




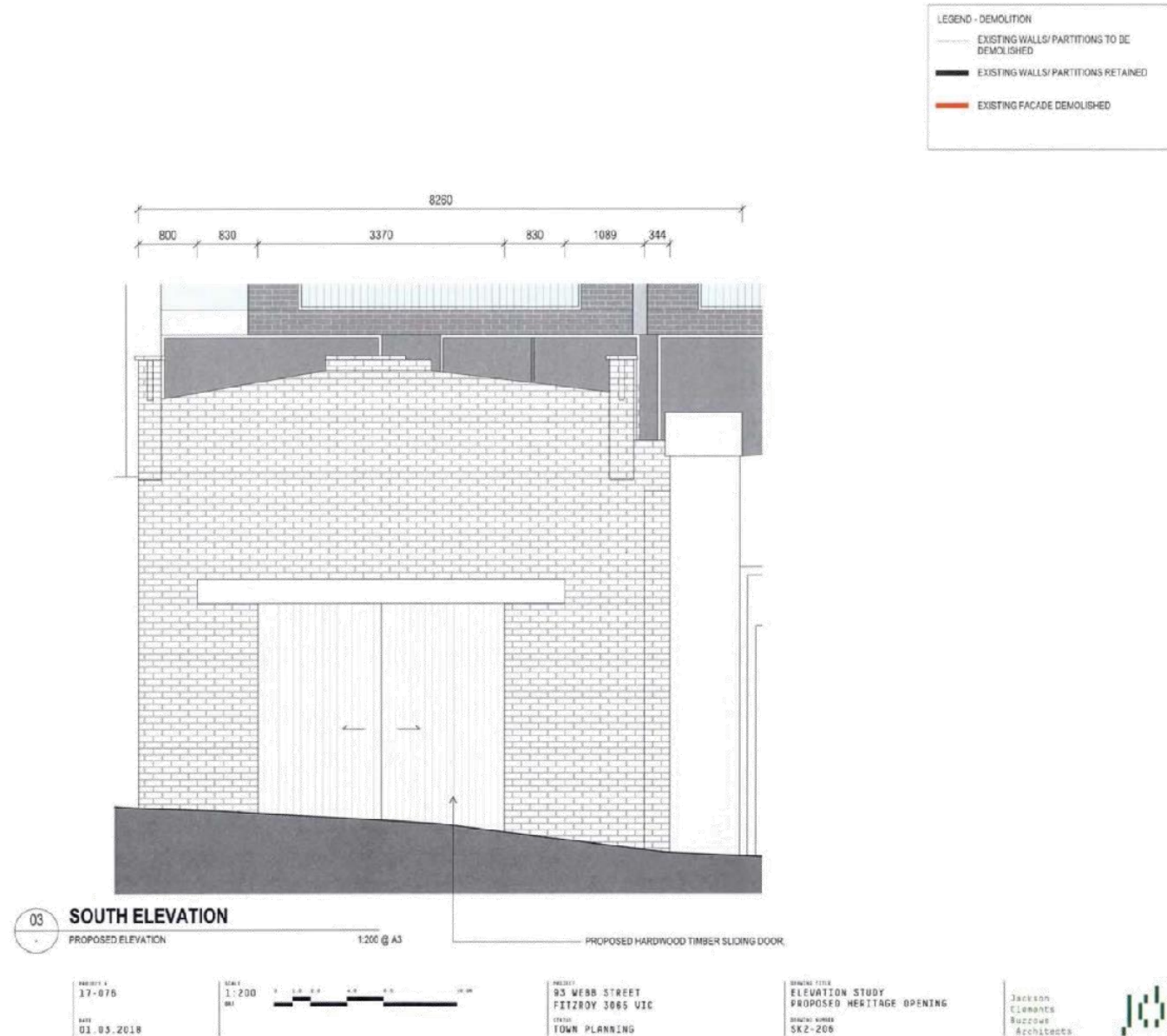
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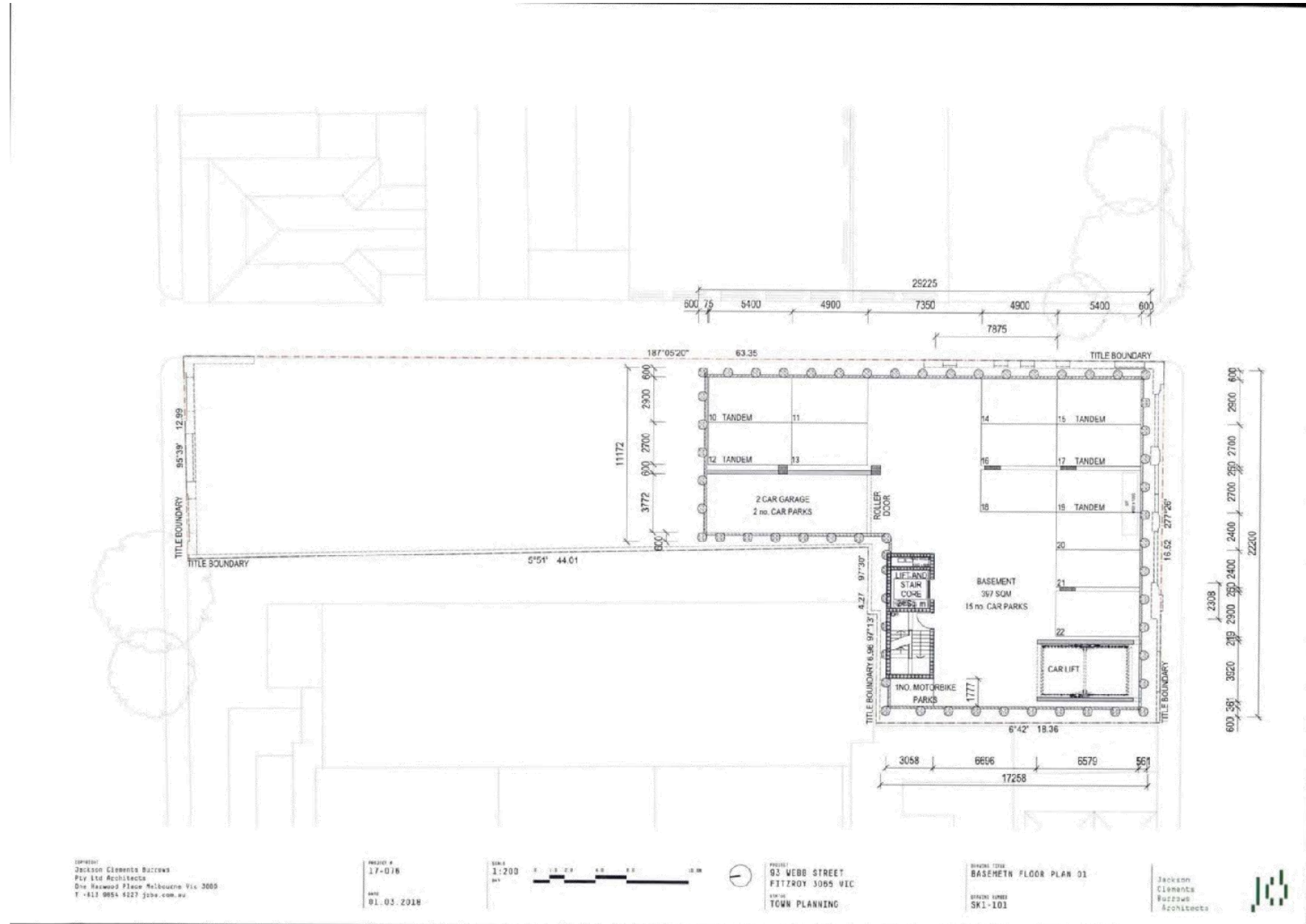
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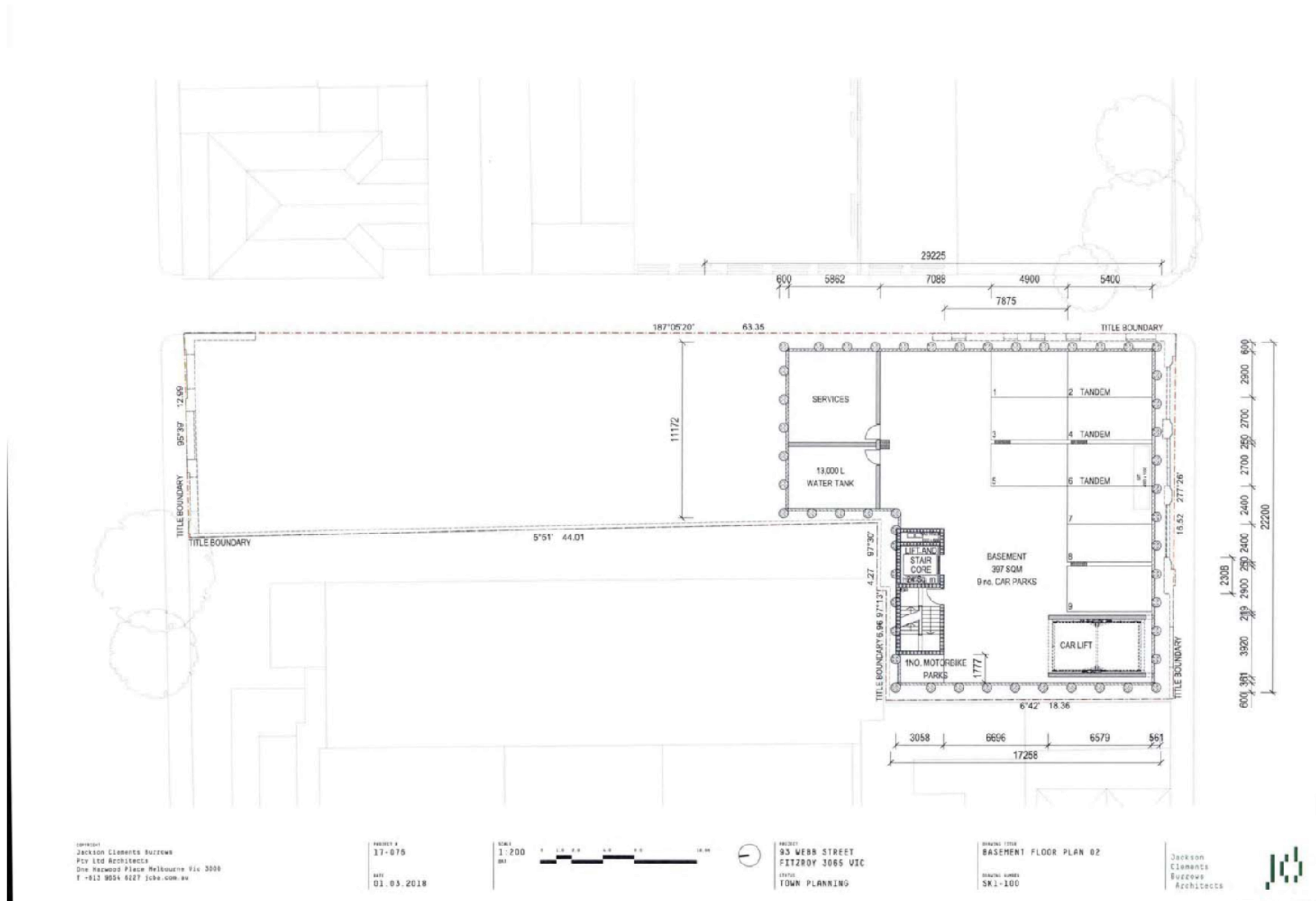
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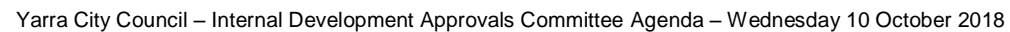


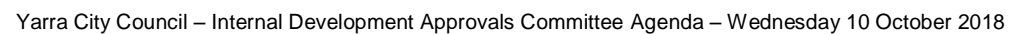
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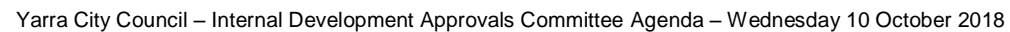


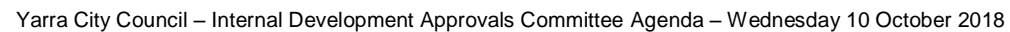
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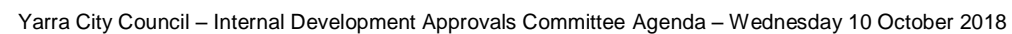


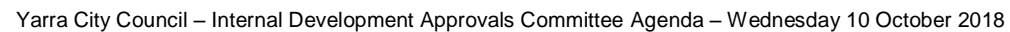




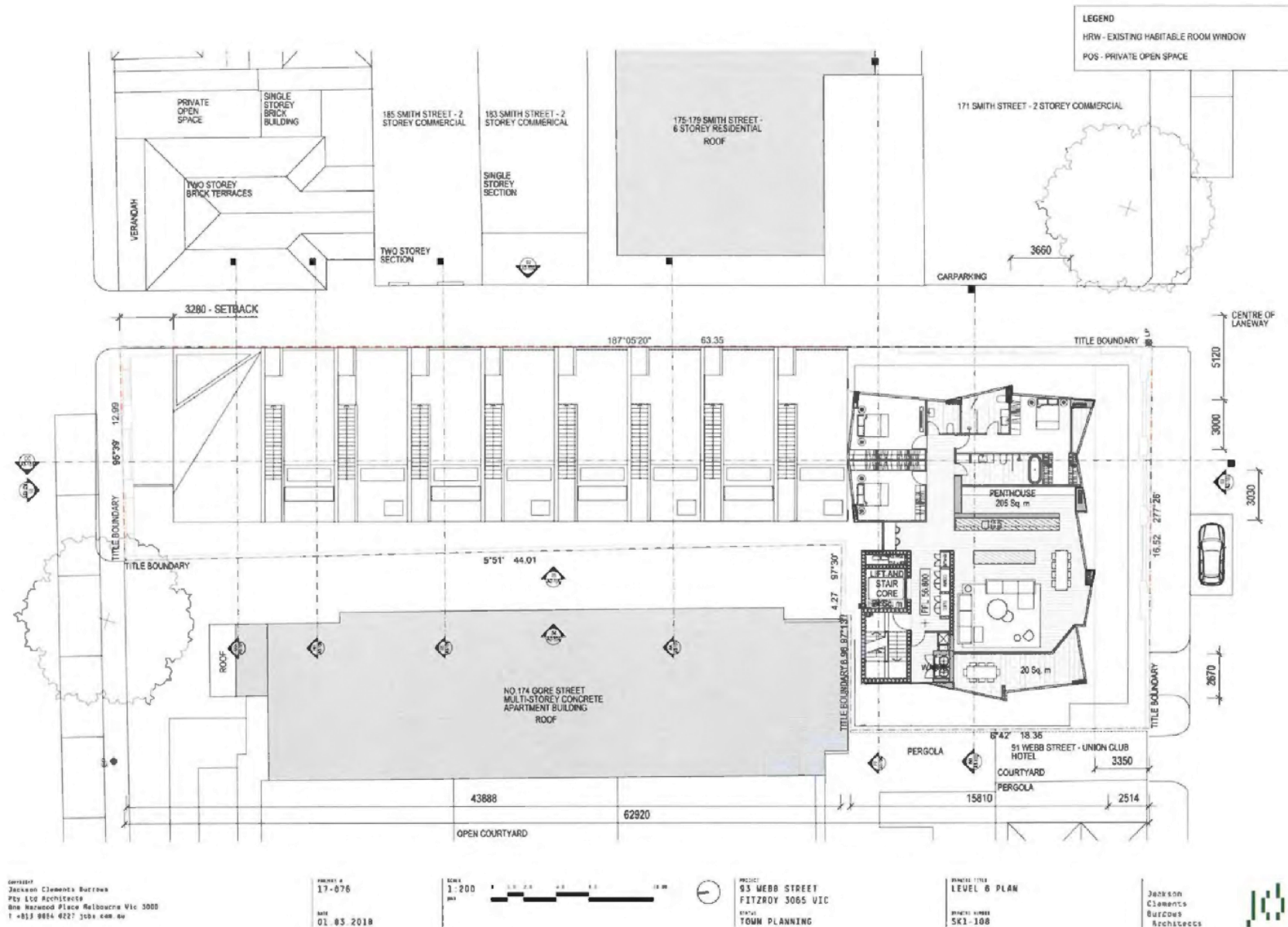


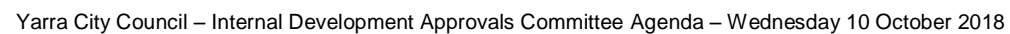






Attachment 2 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Decision Plans - Part2.





Attachment 2 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Decision Plans - Part2.



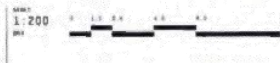
02 EAST ELEVATION

SK2-102 PROPOSED ELEVATION

1:200 @ A3

PROJECT
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T +613 8854 8227 jcbw.com.au

PROJECT #
17-076
DATE
01.03.2018

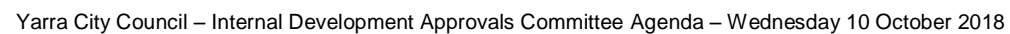


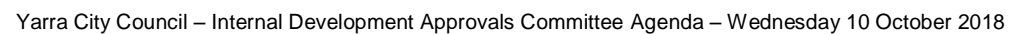
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FITZROY 3065 VIC
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TOWN PLANNING

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SK2-102

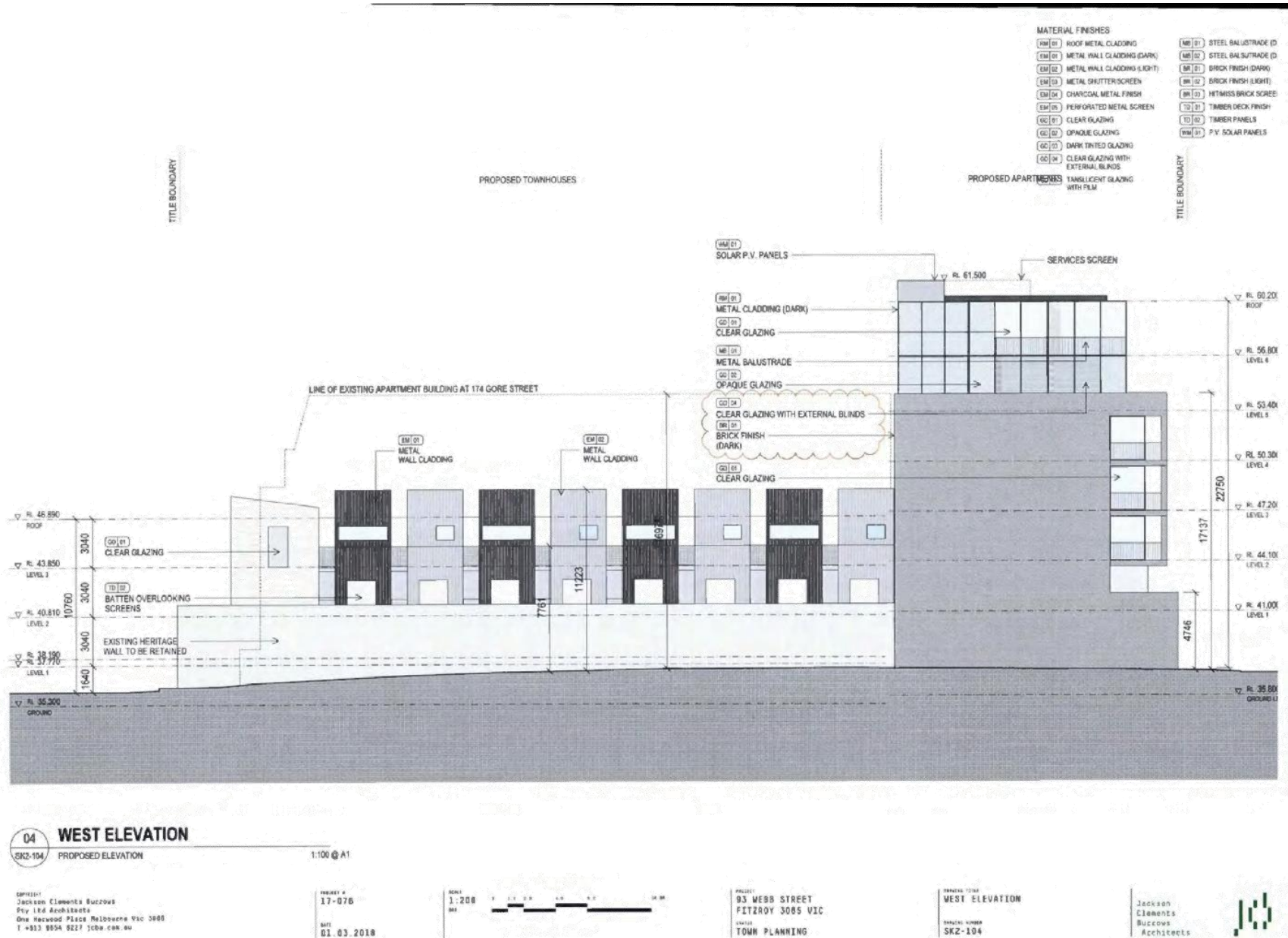
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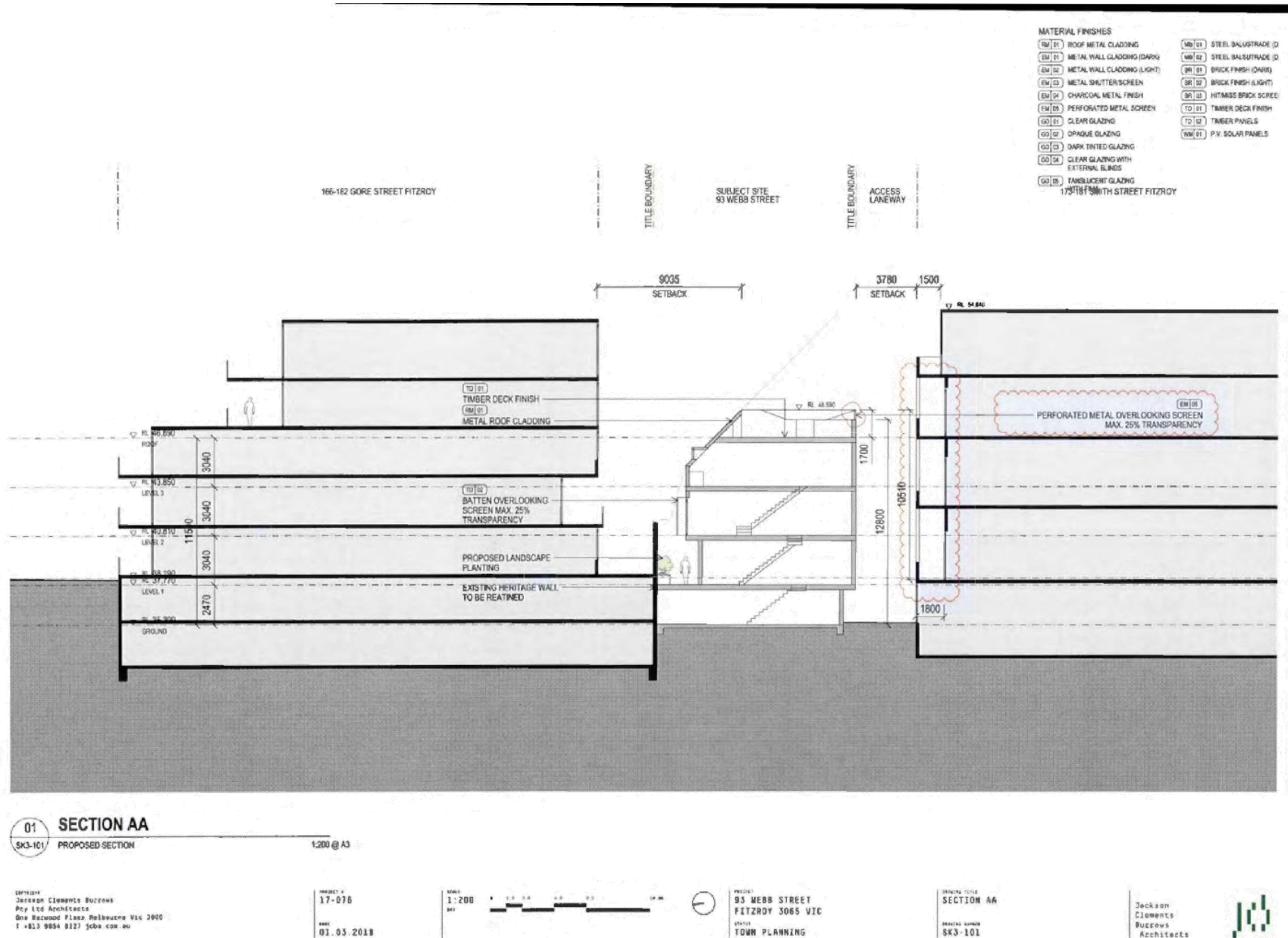




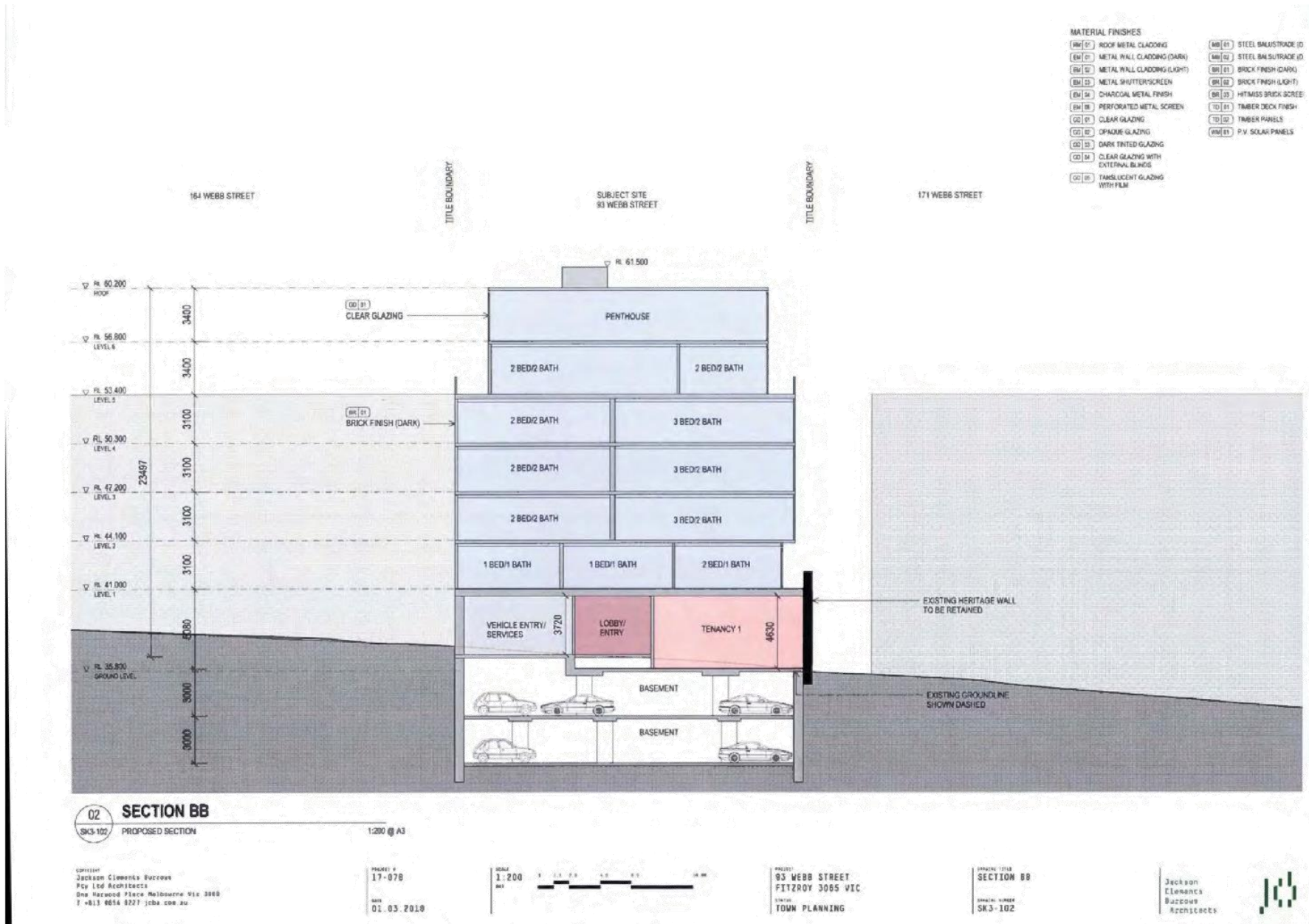
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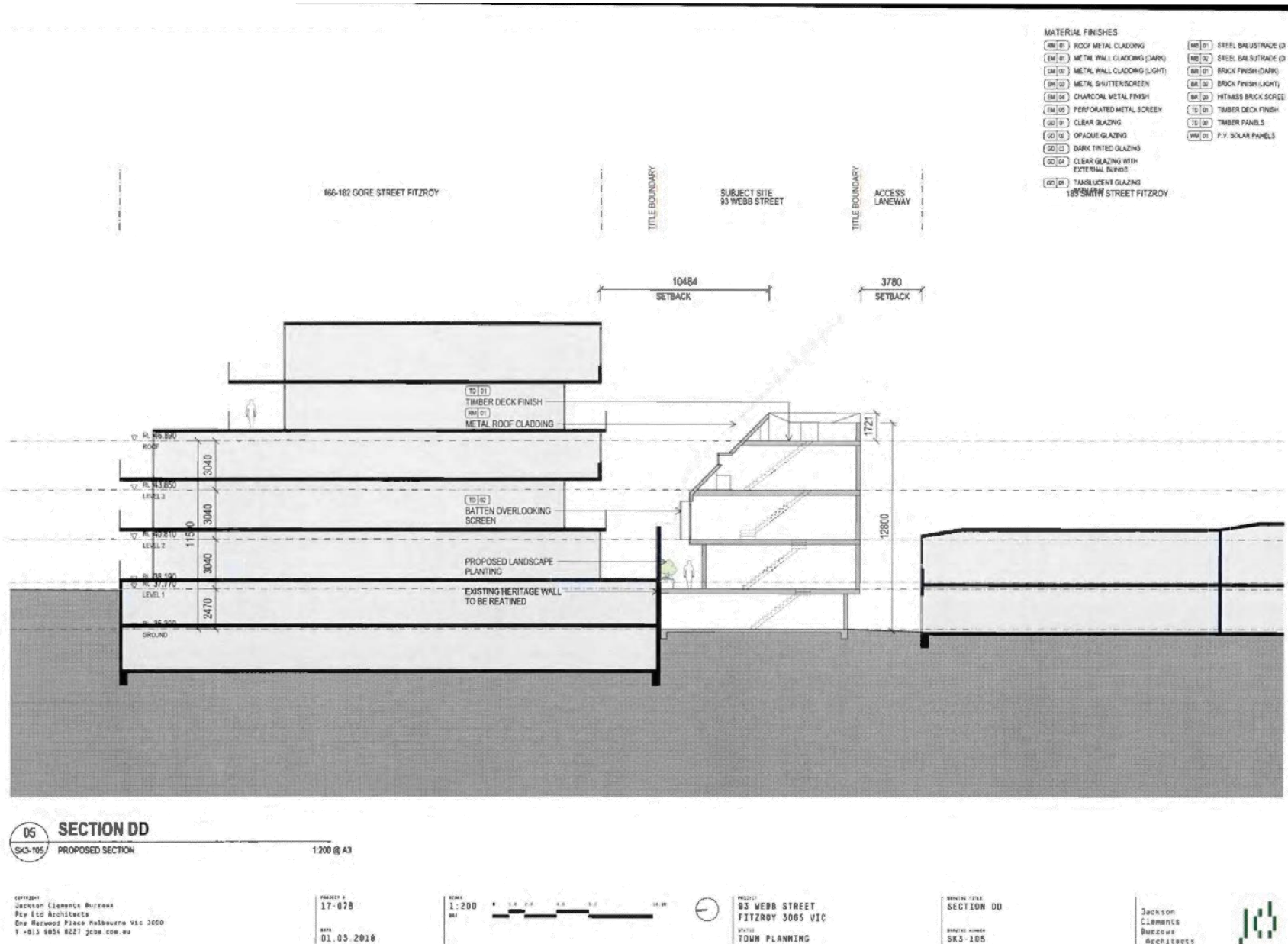
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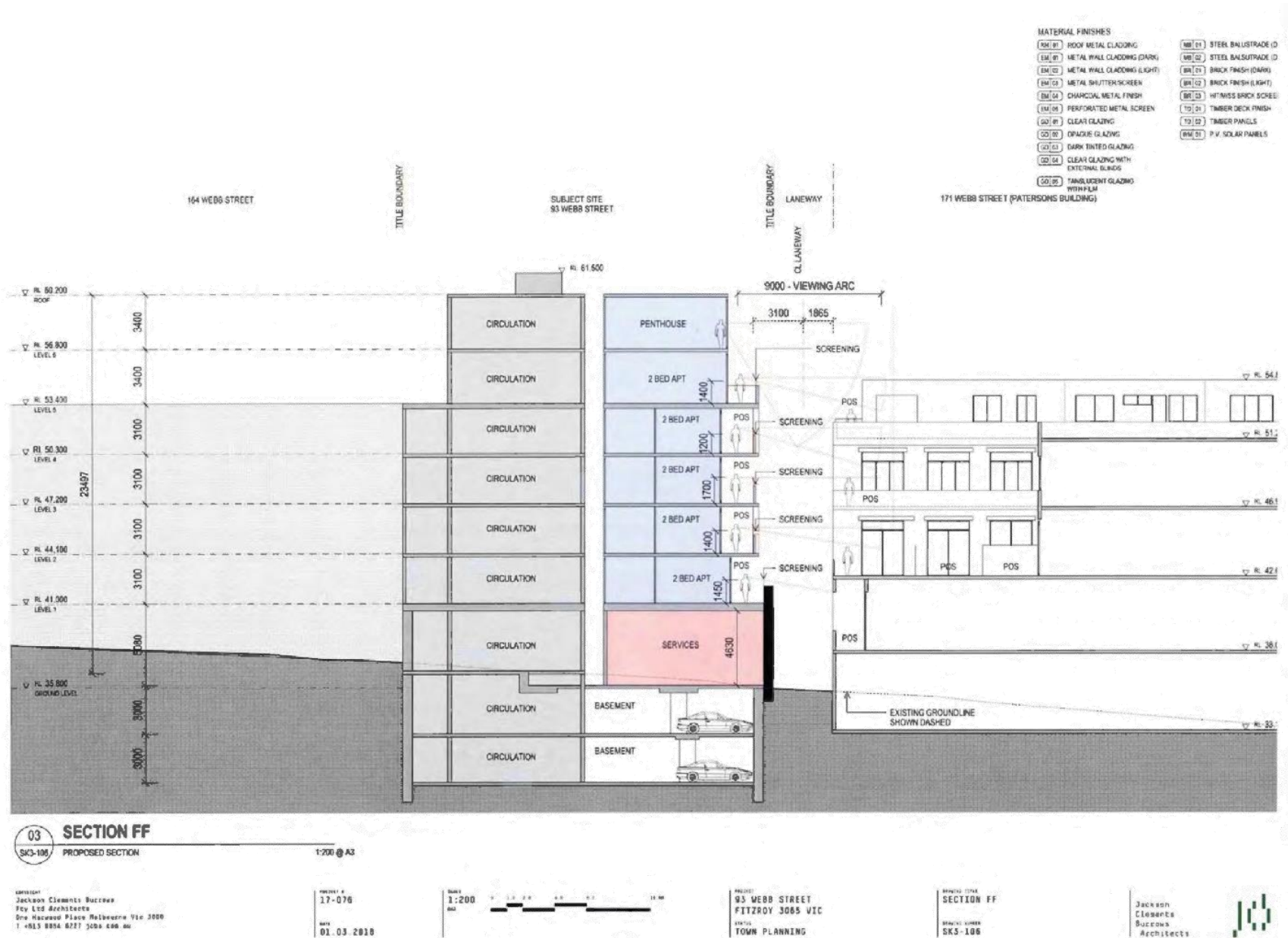
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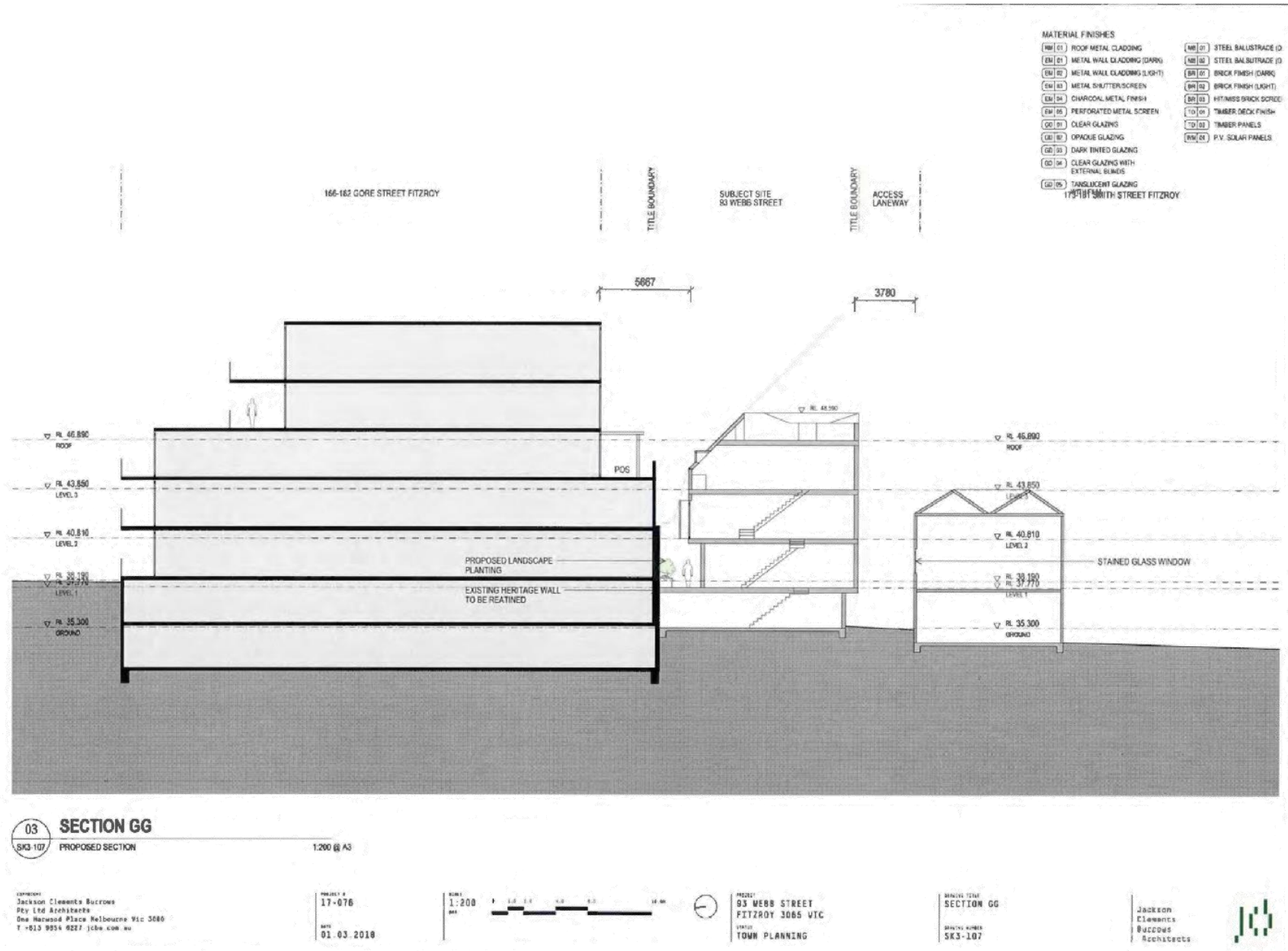
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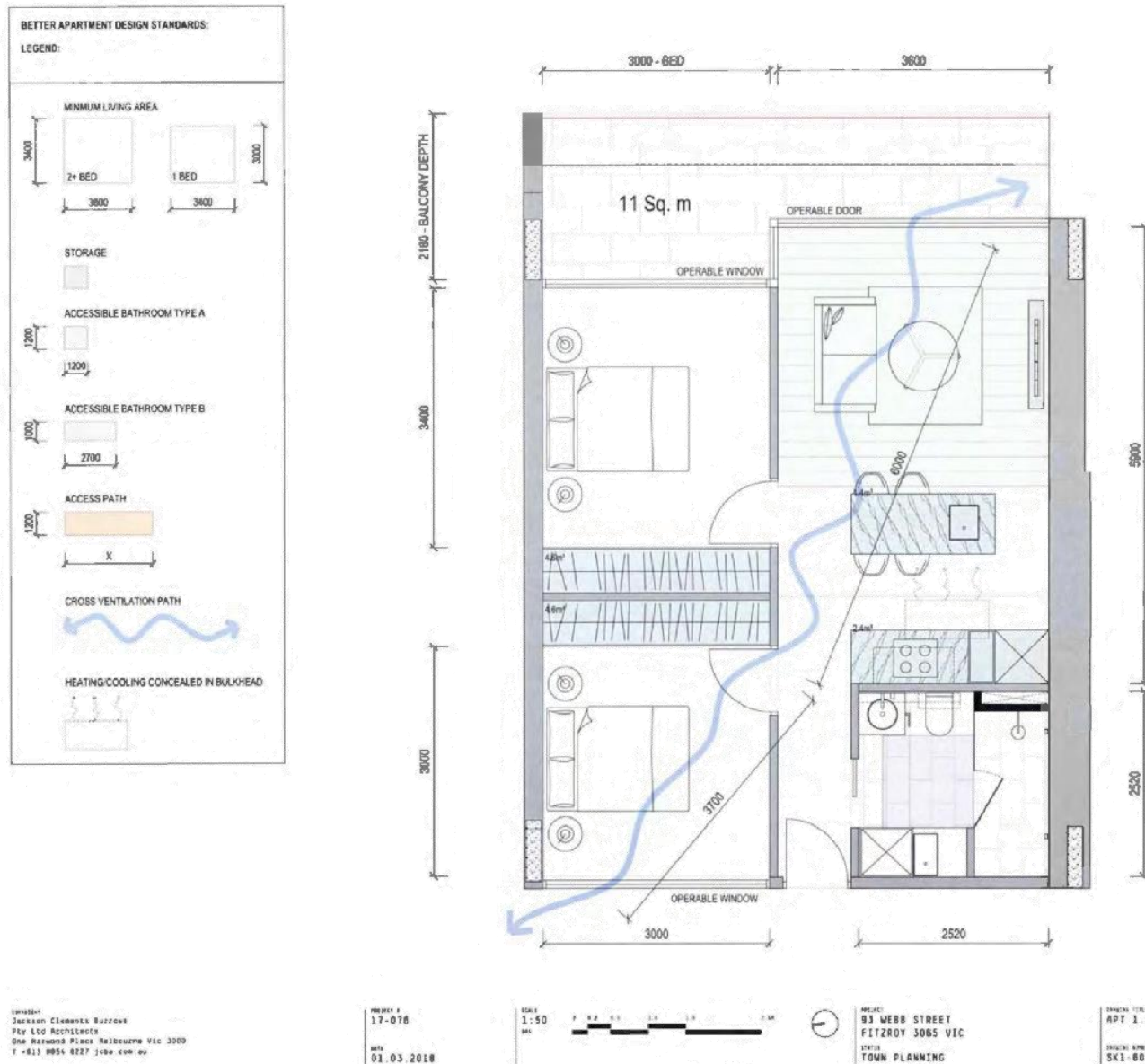
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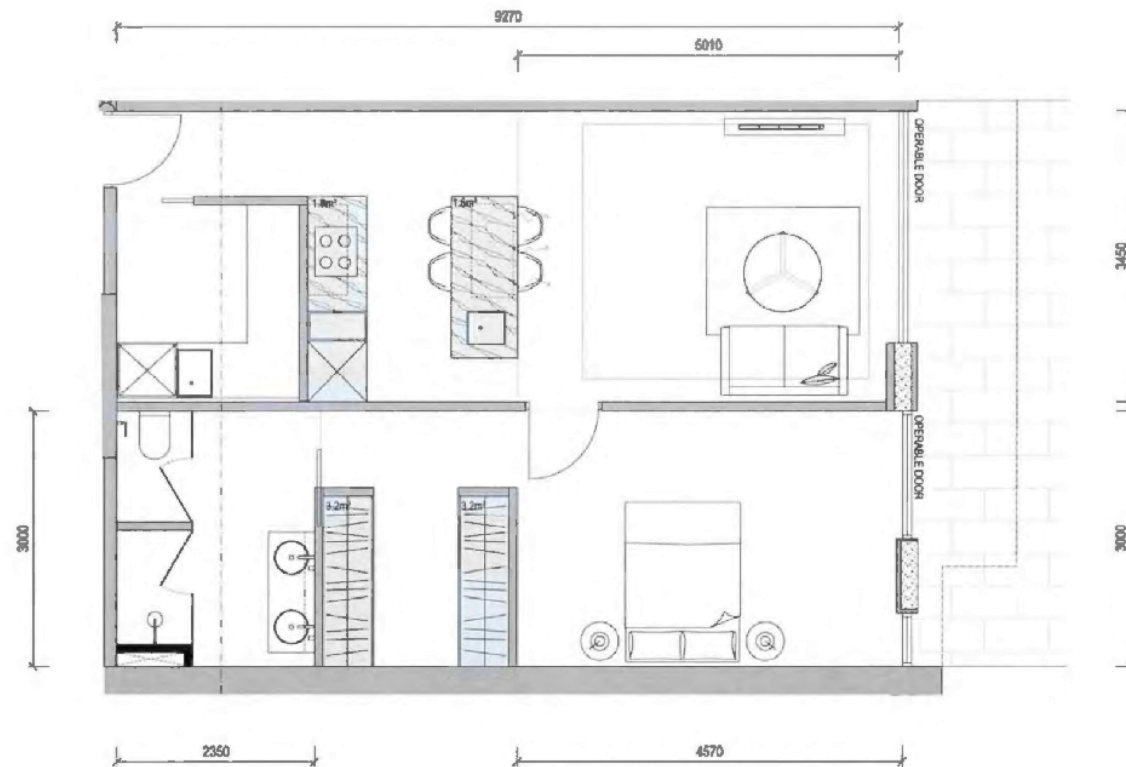
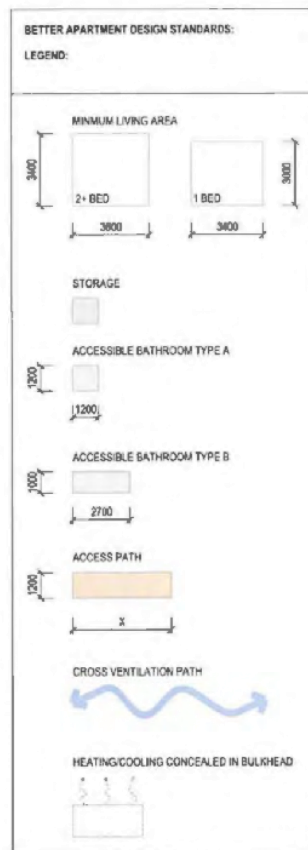
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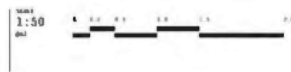


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PROJECT #
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 DATE
 01.03.2018



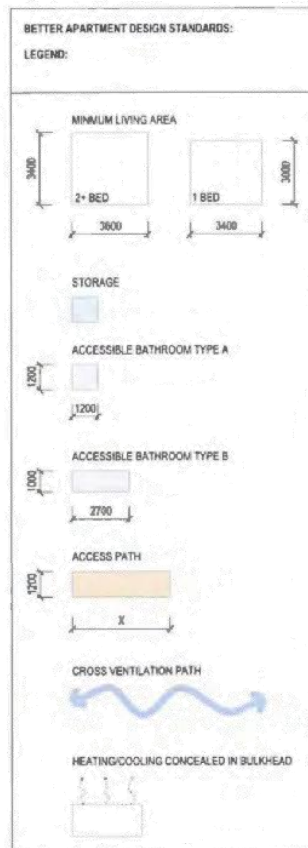
PROJECT
 93 WEBB STREET
 FITZROY 3065 VIC
 TOWN PLANNING

REVISION TITLE
 APT 1.04
 REVISION NUMBER
 SK1-604

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 Buccross
 Architects



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REPORT
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PROJECT #
17-076
DATE
01.03.2018

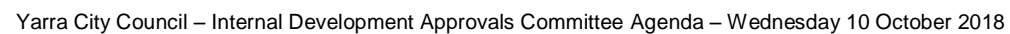
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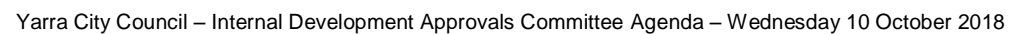
PROJECT
93 WEBB STREET
FITZROY 3065 VIC
APRIL
TOWN PLANNING

APRIL TITLE
APT 2.01 3.01 4.01
DRAWING NUMBER
SK1-605

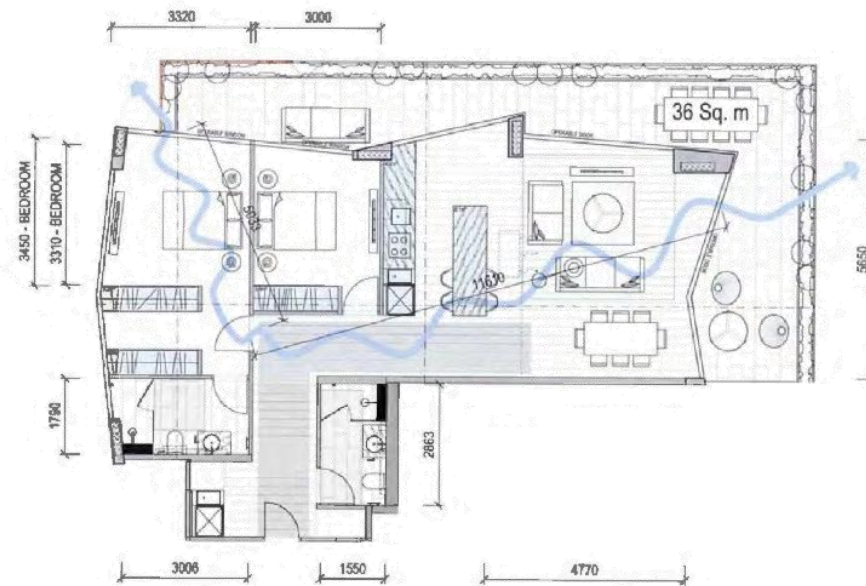
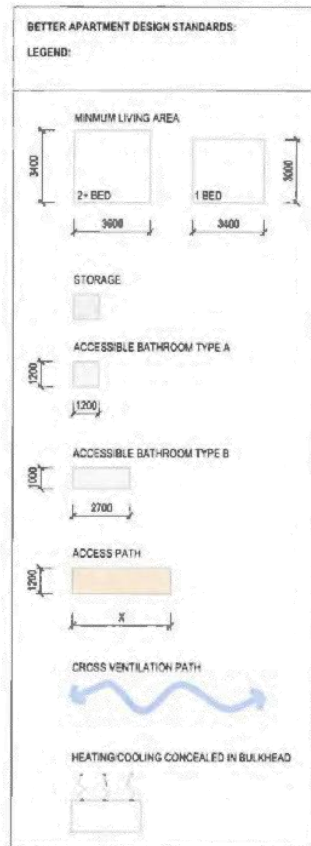
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Clements
Burgess
Architects





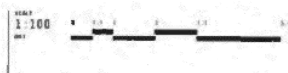


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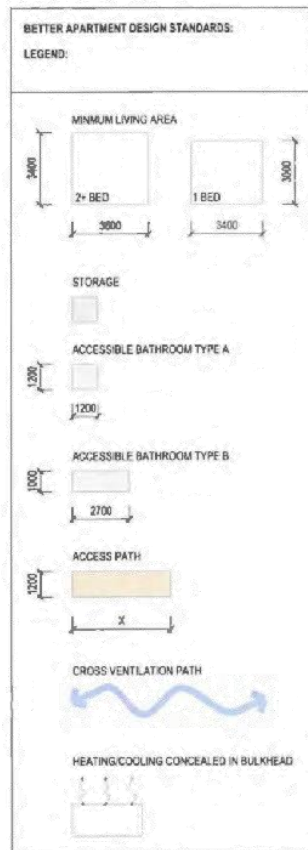
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FITZROY 3085 VIC
LAYOUT
TOWN PLANNING

APARTMENT TITLE
APT 5.01
CONTRACT NUMBER
SK1-608

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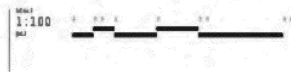


Attachment 2 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Decision Plans - Part2.



PROJECT:
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PROJECT #
17-076
DATE
01.03.2018



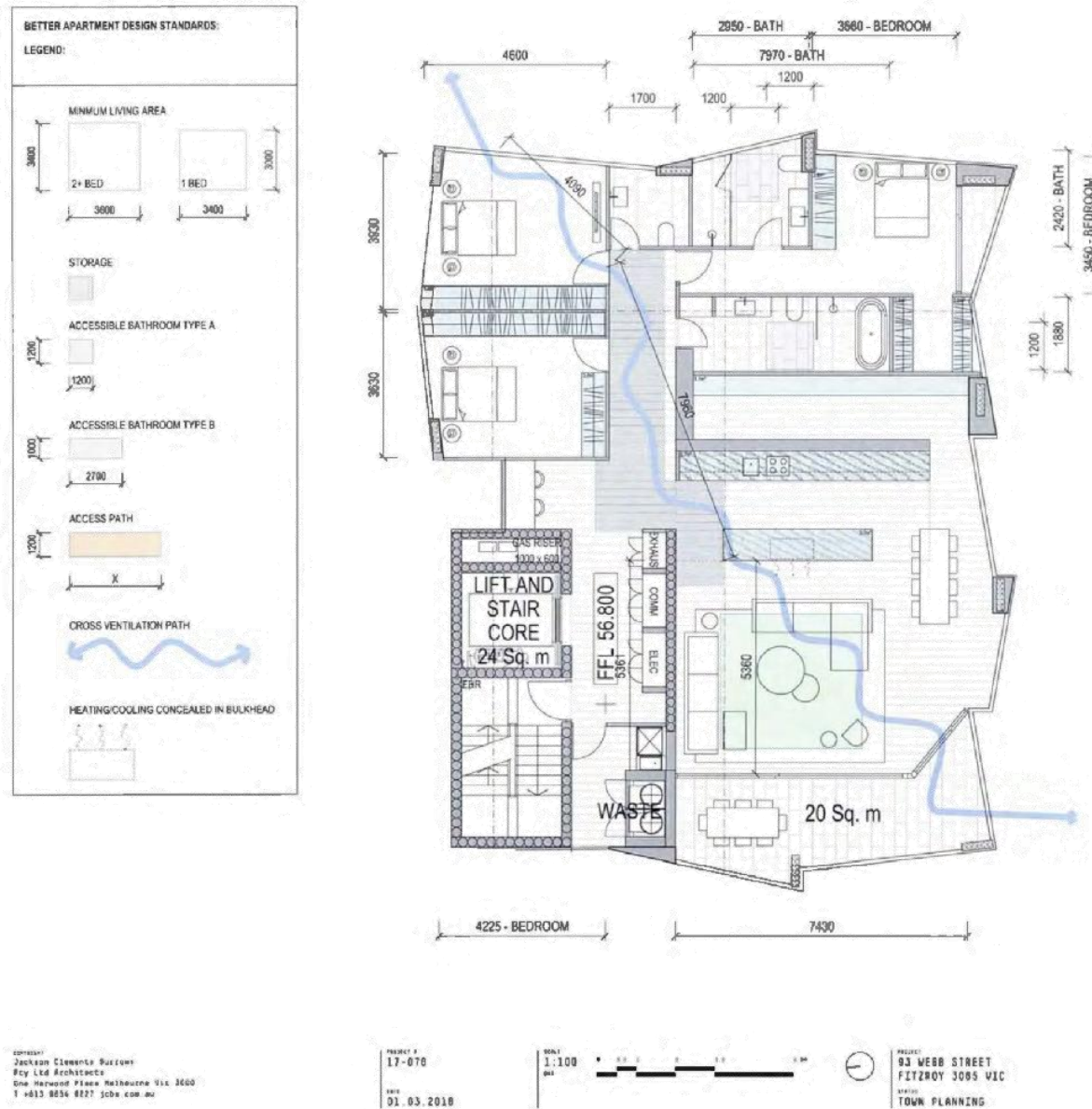
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FITZROY 3065 VIC
TOWN PLANNING

PROJECT NAME
APT 5-02
DRAWING NUMBER
SK1-609


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RM 01 ROOF CLADDING




EM 01 METAL WALL CLADDING (DARK)




EM 02 METAL WALL CLADDING (LIGHT)




EM 03 METAL SHUTTER/SCREEN




GO 01 CLEAR GLAZING




GO 02 TINTED GLAZING




MB 01 STEEL BALUSTRADE (DARK)




EM 05 PERFORATED METAL SCREEN




BR 01 BRICK FINISH (APARTMENTS)




BR 02 BRICK FINISH (LIGHT)




BR 03 BRICK FINISH (LIGHT 2)



TD 01 TIMBER DECK FINISH



TD 02 TIMBER PANELS



GO 04 CLEAR GLAZING WITH EXTERNAL BLINDS

MATERIAL FINISHES

RM 01 ROOF METAL CLADDING	MB 01 STEEL BALUSTRADE (DA
EM 01 METAL WALL CLADDING (DARK)	MB 02 STEEL BALUSTRADE (DA
EM 02 METAL WALL CLADDING (LIGHT)	MB 03 BRICK FINISH (DARK)
EM 03 METAL SHUTTER/SCREEN	MB 04 BRICK FINISH (LIGHT)
EM 04 CHARCOAL METAL FINISH	MB 05 HITPASS BRICK SCREEN
EM 05 PERFORATED METAL SCREEN	TD 01 TIMBER DECK FINISH
GO 01 CLEAR GLAZING	TD 02 TIMBER PANELS
GO 02 OPAQUE GLAZING	MM 01 P.V. SOLAR PANELS
GO 03 DARK TINTED GLAZING	
GO 04 CLEAR GLAZING WITH EXTERNAL BLINDS	
GO 05 TRANSLUCENT GLAZING WITH FILM	

PREPARED
 Jackson Clements Buccows
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PROJECT #
 17-076

DATE
 03.03.2018


SCALE
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PROJECT
 93 WEBB STREET
 FITZROY 3085 VIC
 TOWN PLANNING

DRAWING TITLE
 MATERIAL SCHEDULE

SHEET NUMBER
 SK10-101

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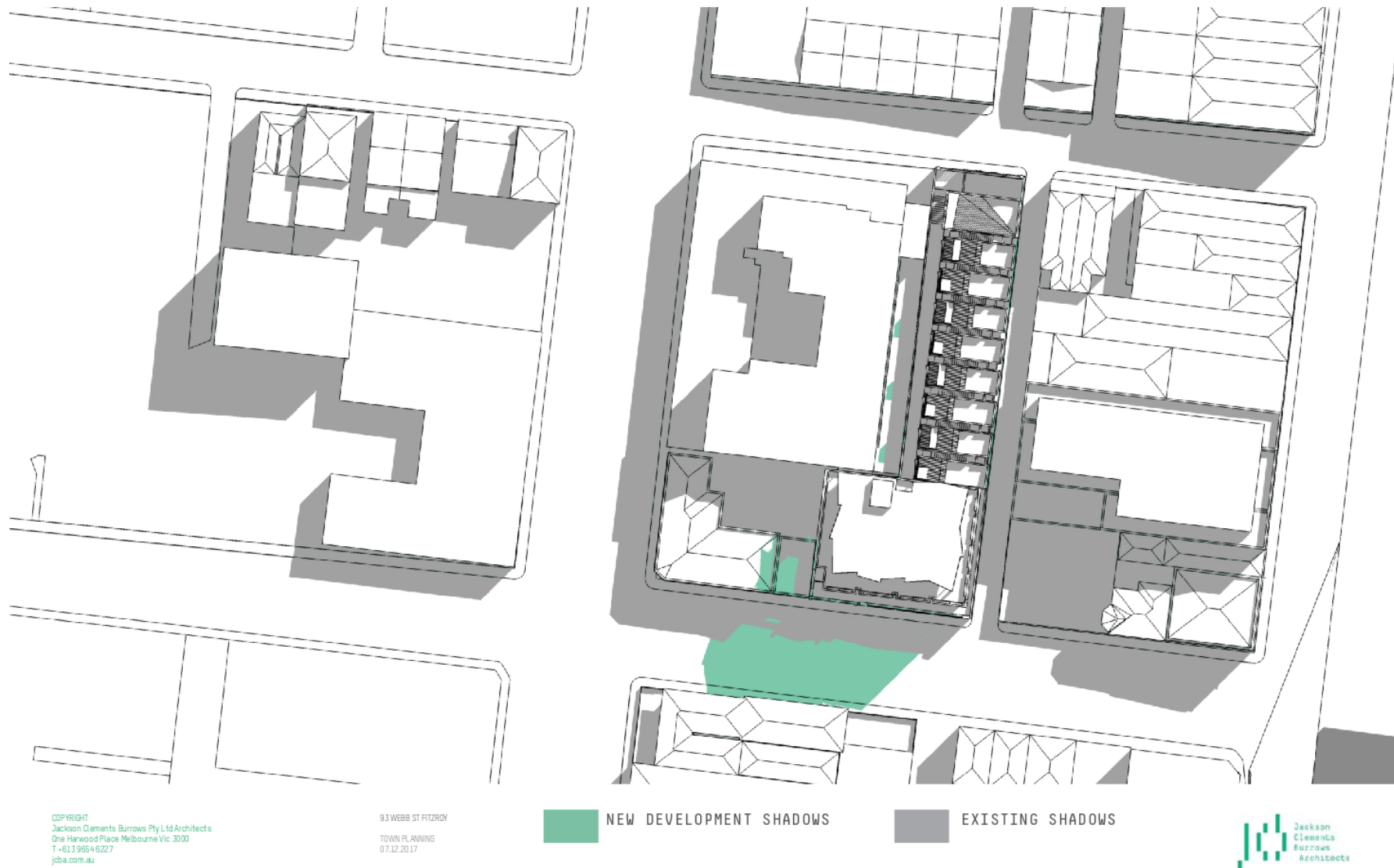


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SHADOWS SEPTEMBER 22ND

10AM SHADOWS

56

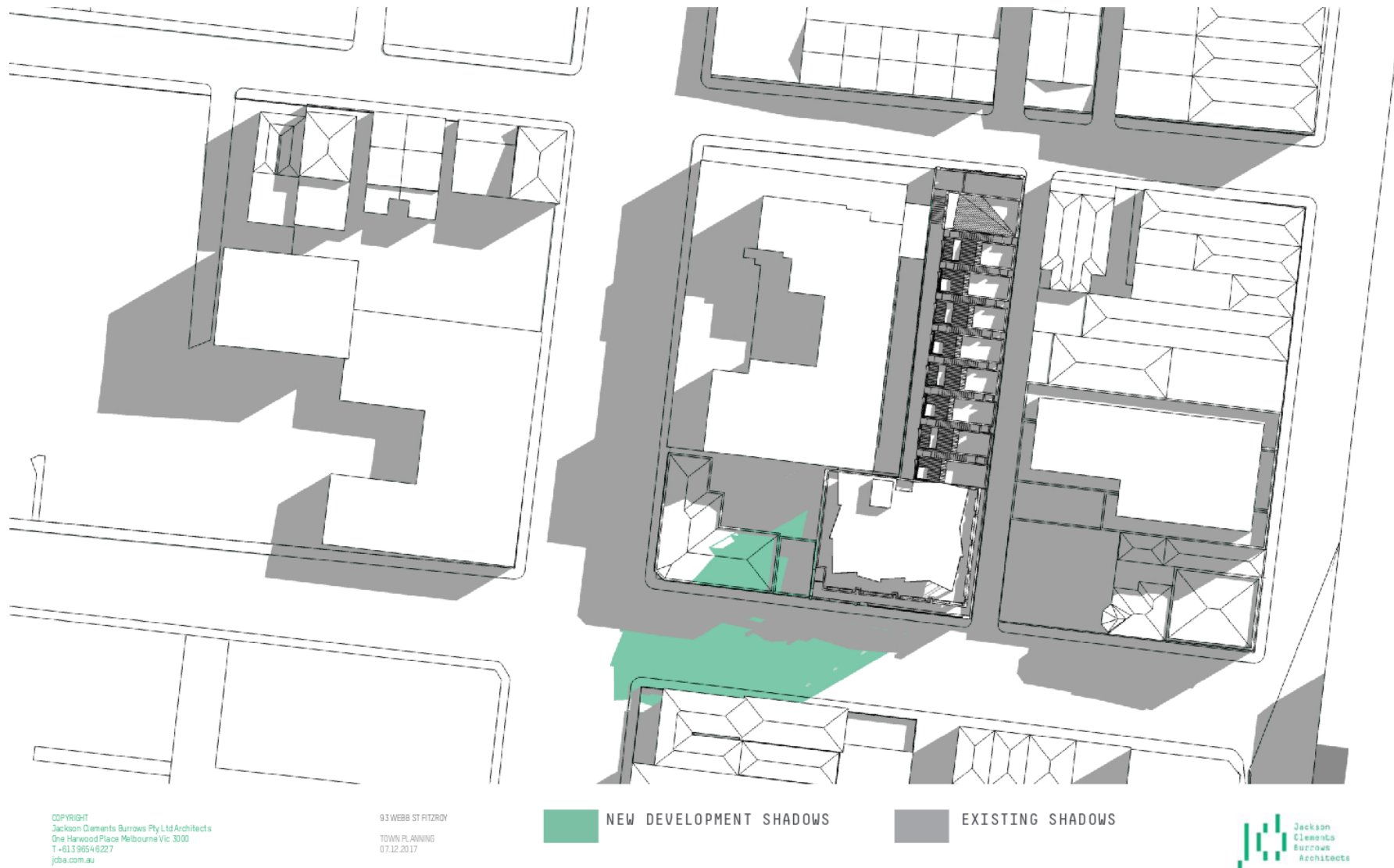


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SHADOWS SEPTEMBER 22ND

9AM SHADOWS

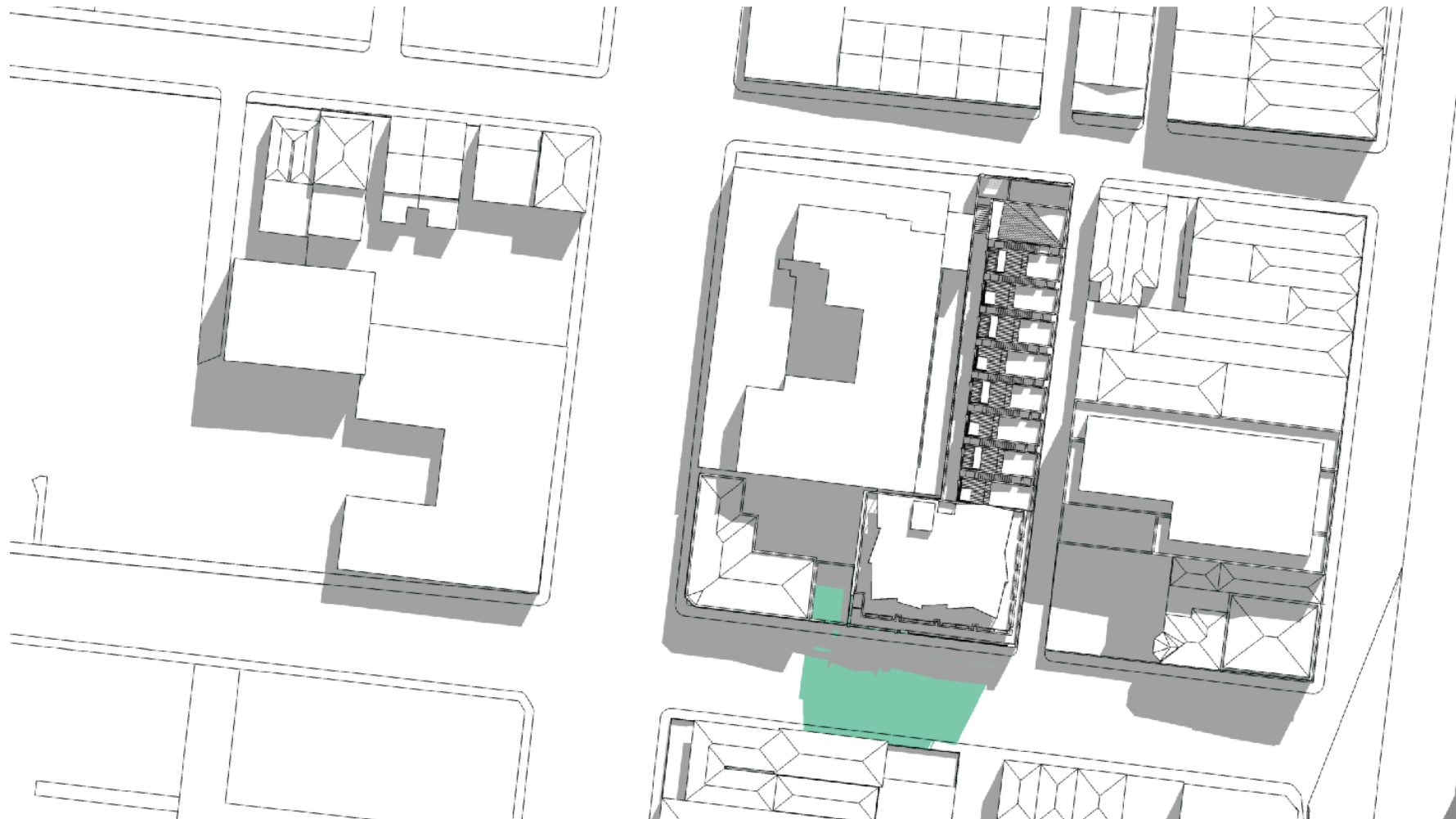
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SHADOWS SEPTEMBER 22ND
11AM SHADOWS

57



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NEW DEVELOPMENT SHADOWS

EXISTING SHADOWS

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SHADOWS SEPTEMBER 22ND
12PM SHADOWS

58



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NEW DEVELOPMENT SHADOWS



EXISTING SHADOWS

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SHADOWS SEPTEMBER 22ND
1PM SHADOWS

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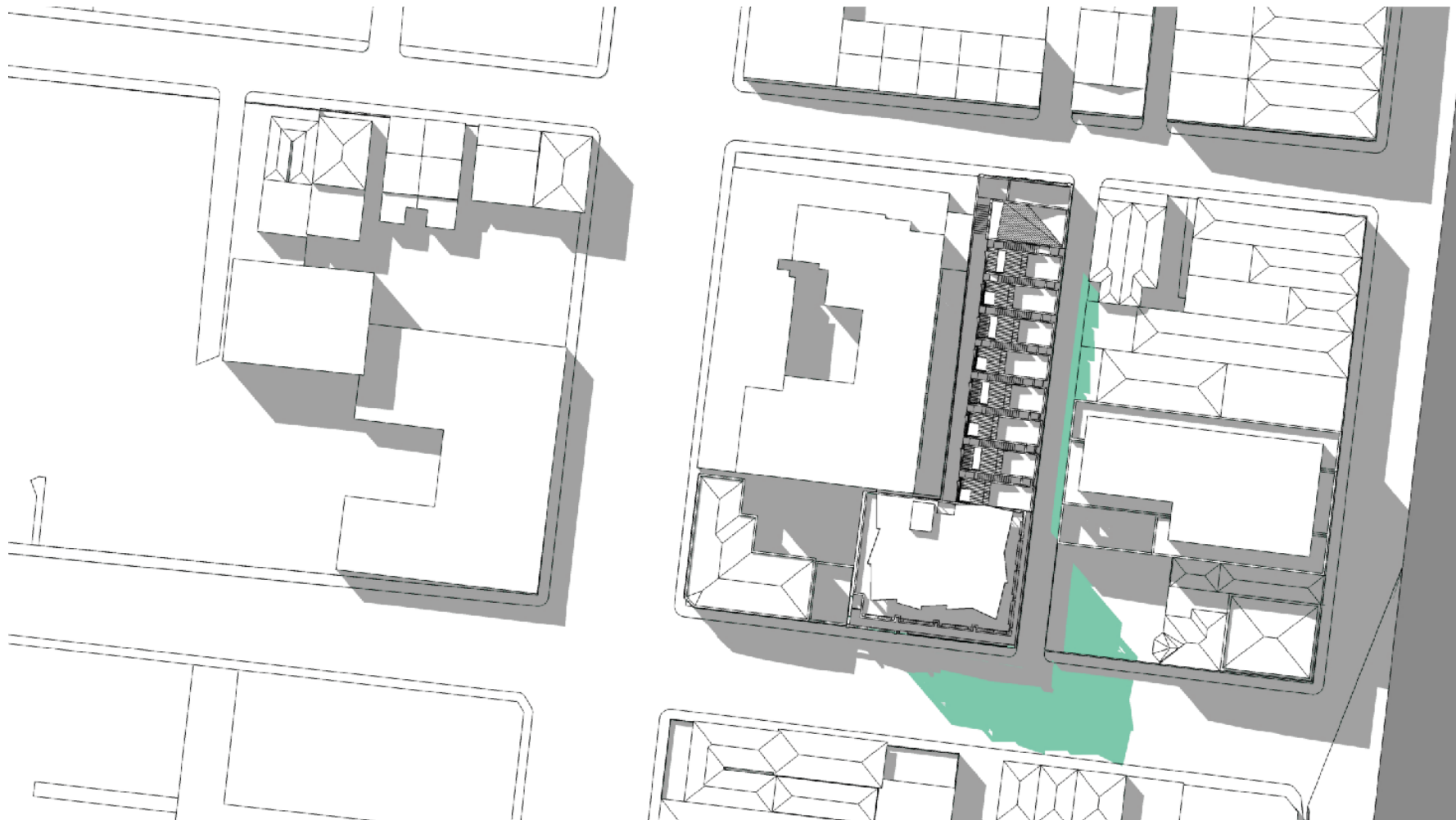
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SHADOWS SEPTEMBER 22ND
2PM SHADOWS

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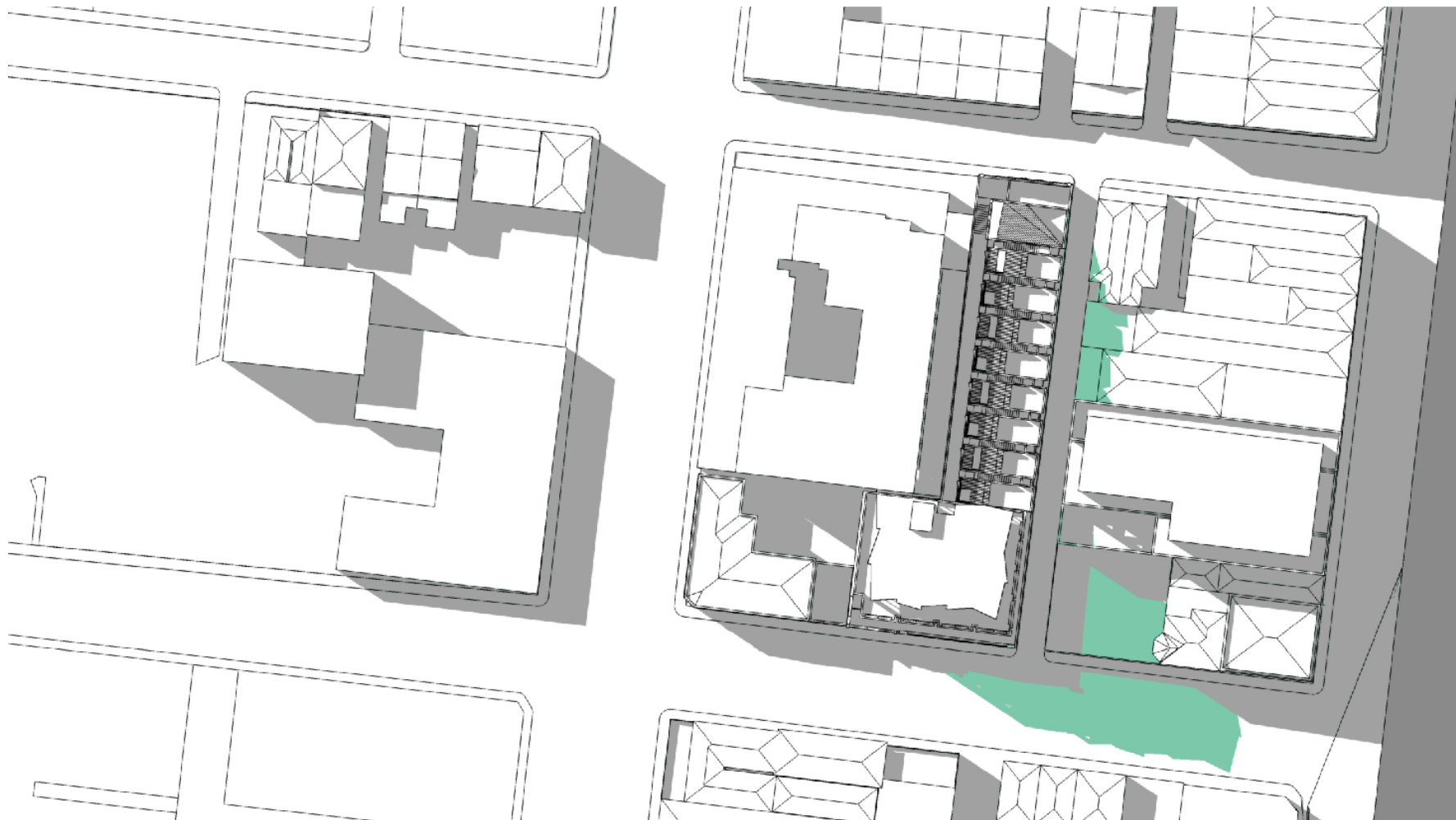
EXISTING SHADOWS

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SHADOWS SEPTEMBER 22ND
3PM SHADOWS

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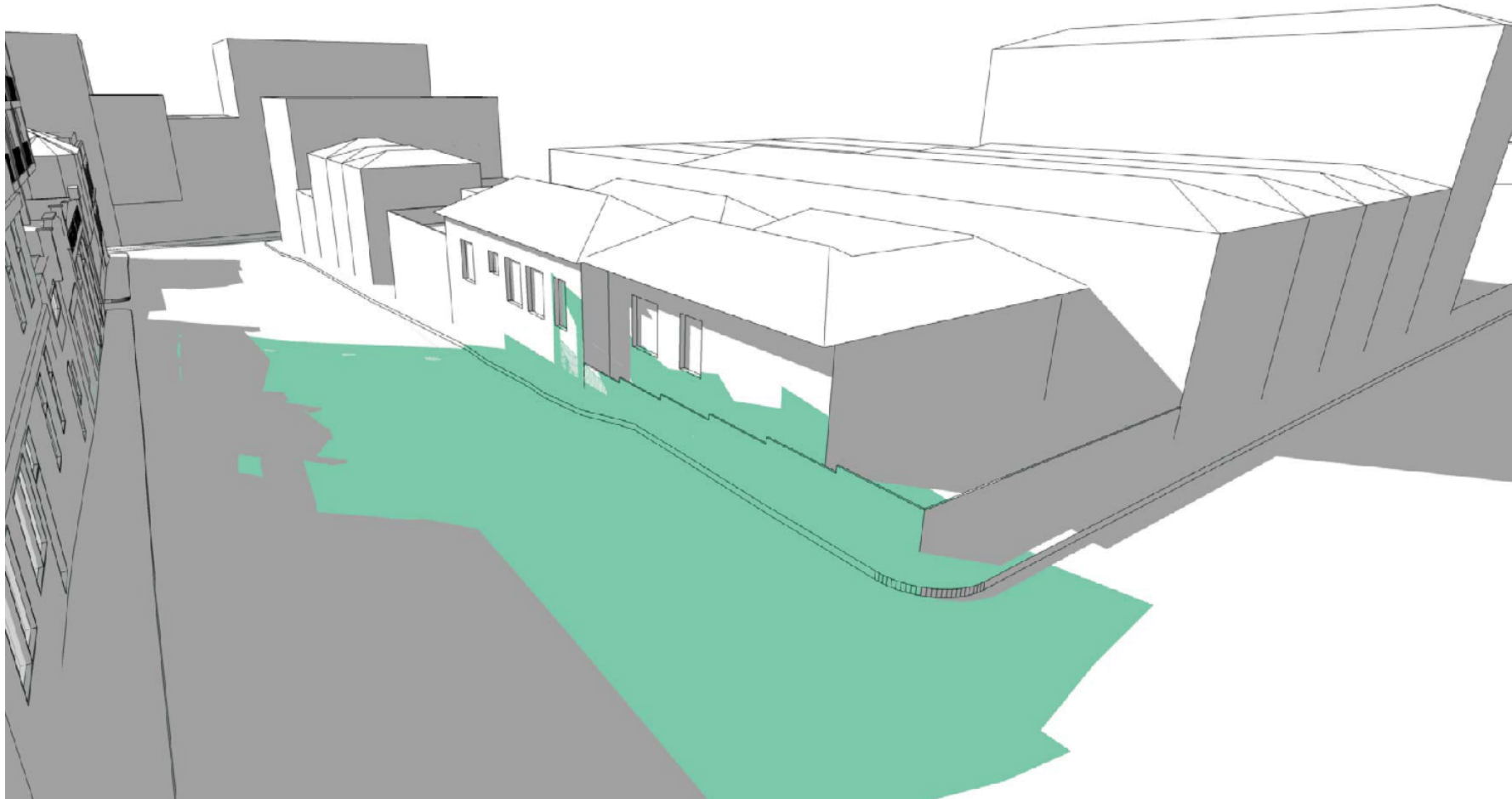
EXISTING SHADOWS

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SHADOWS SEPTEMBER 22ND
9AM SHADOWS

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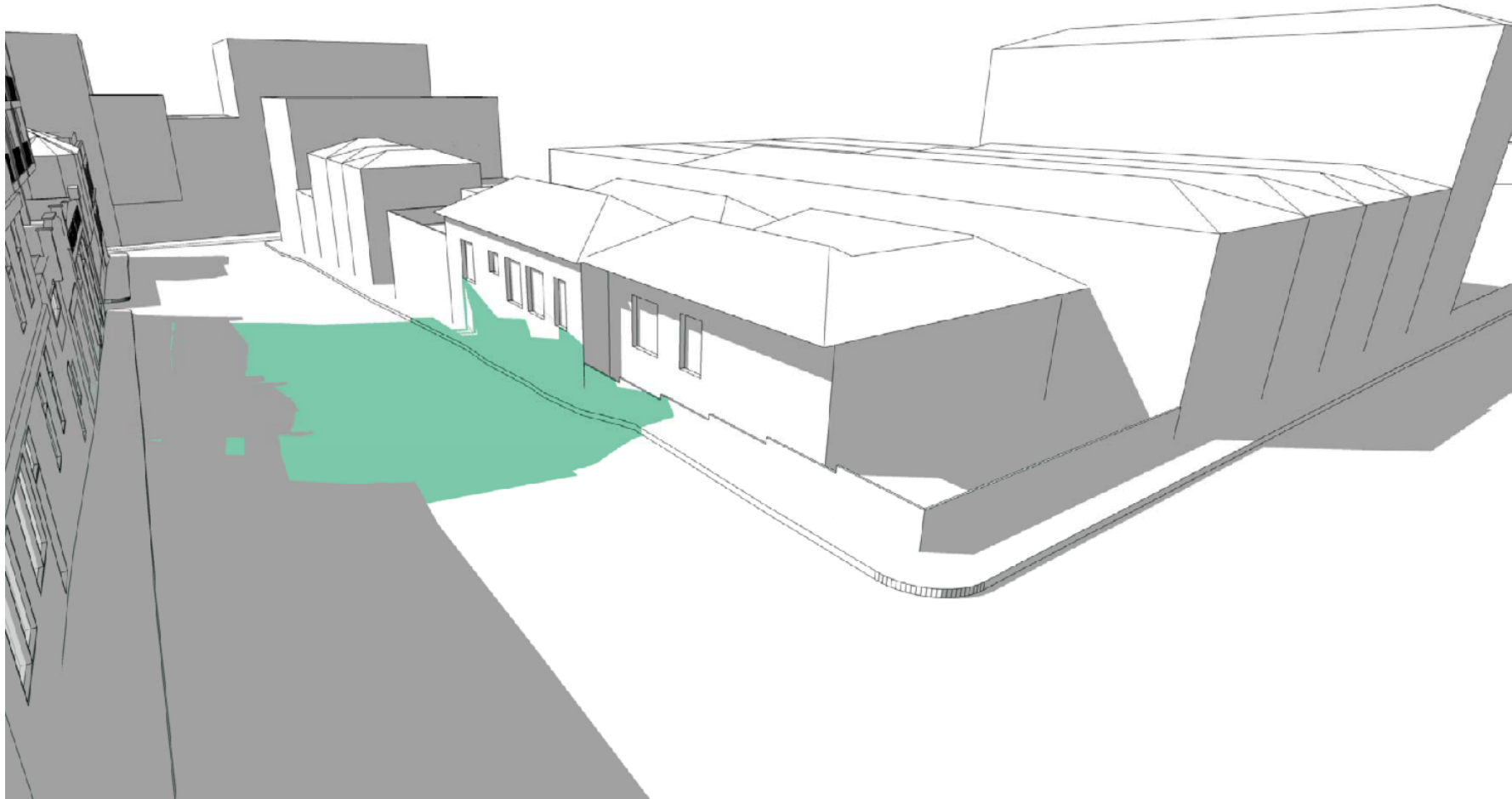
EXISTING SHADOWS

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SHADOWS SEPTEMBER 22ND
10AM SHADOWS

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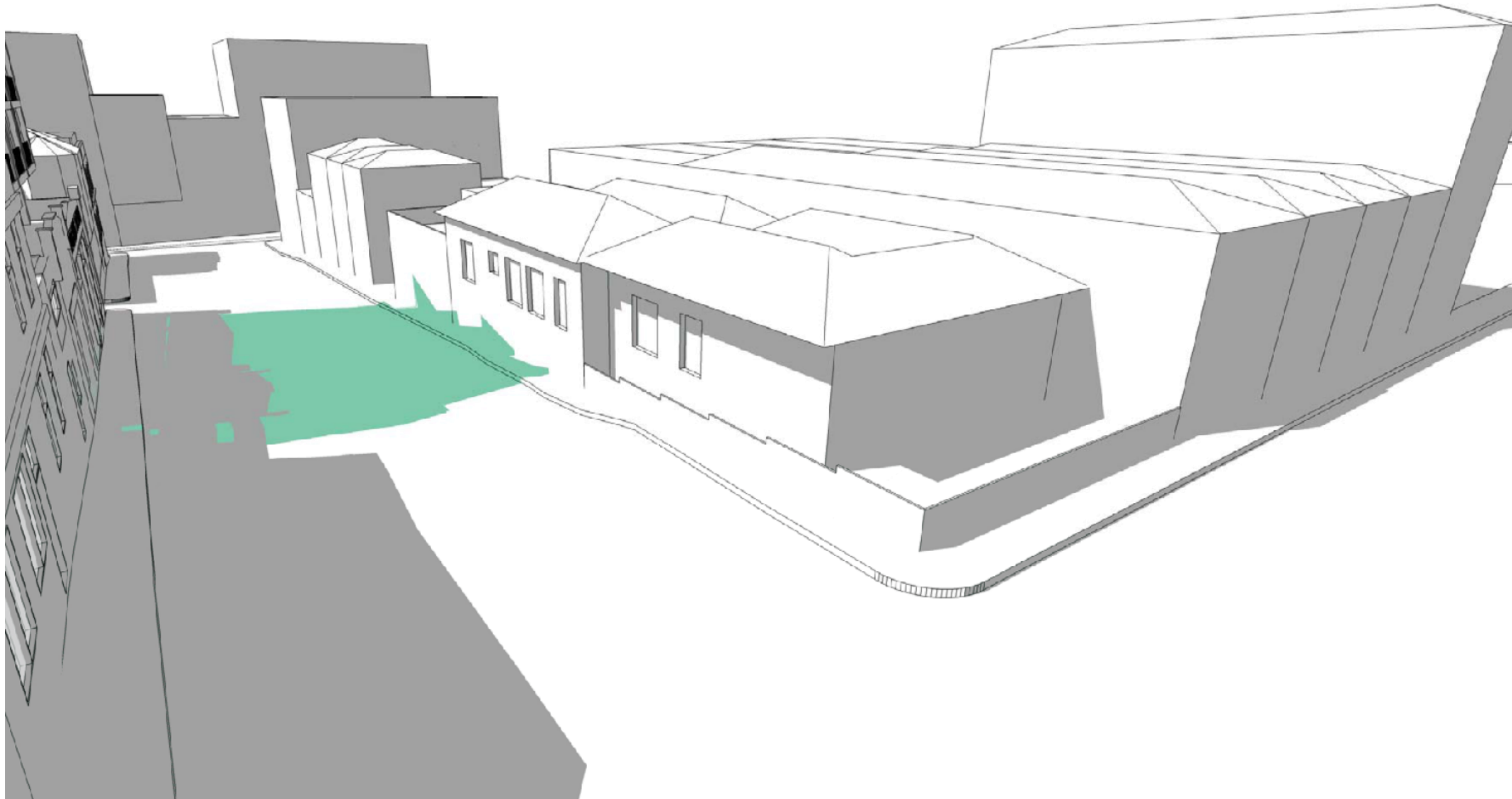
EXISTING SHADOWS

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SHADOWS SEPTEMBER 22ND
11AM SHADOWS

64



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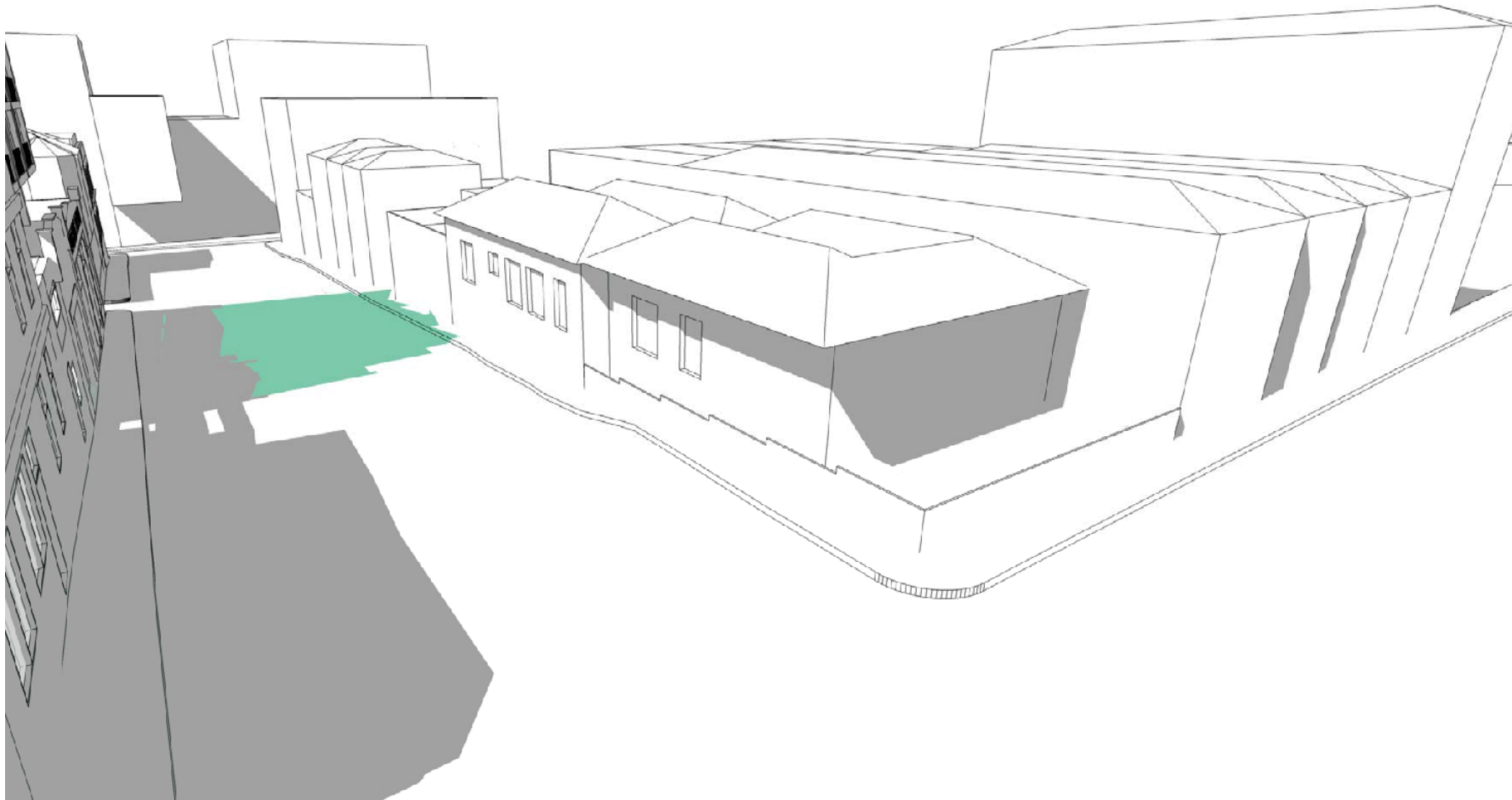
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SHADOWS SEPTEMBER 22ND
12PM SHADOWS

65



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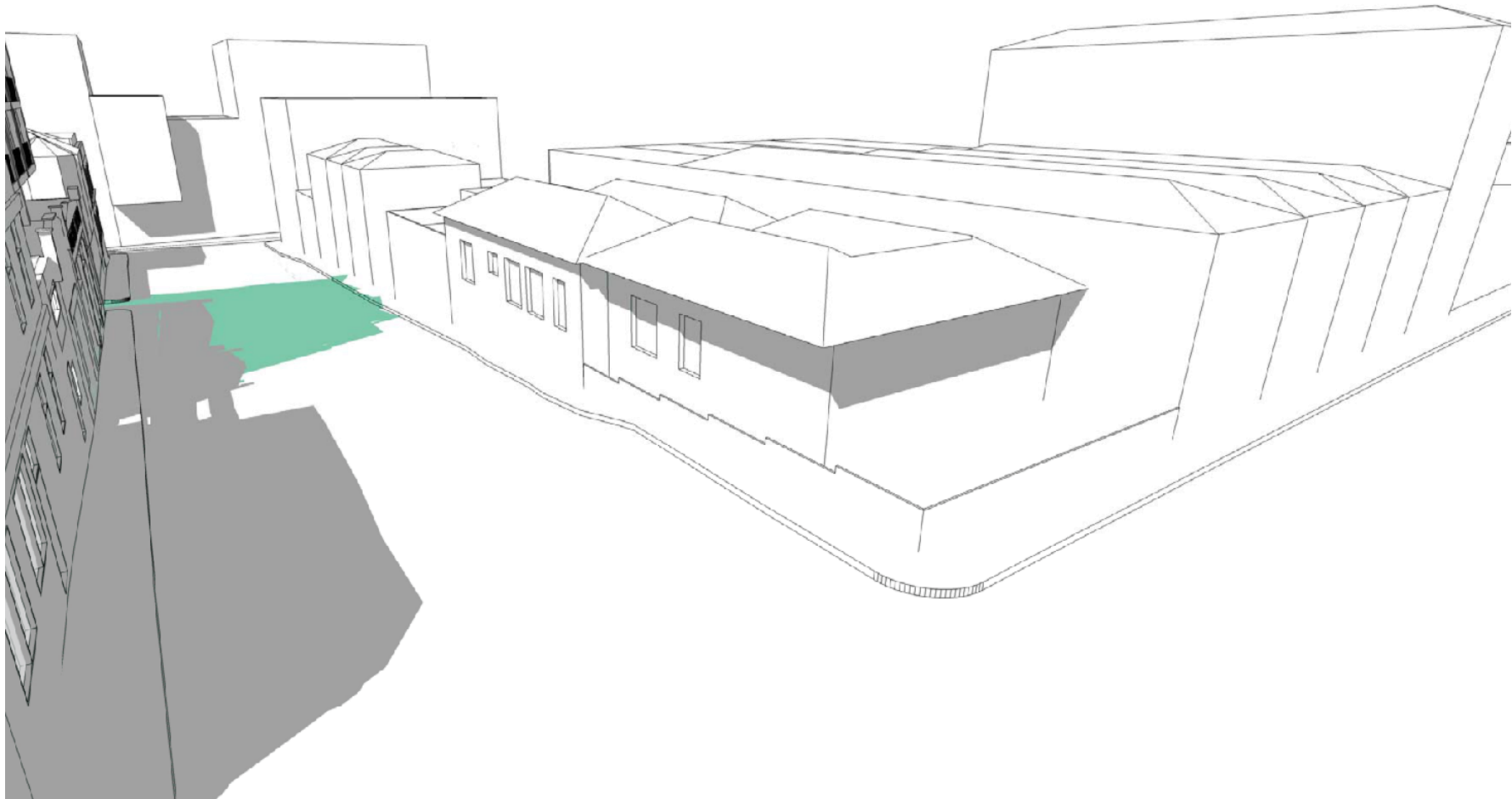
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SHADOWS SEPTEMBER 22ND
1PM SHADOWS

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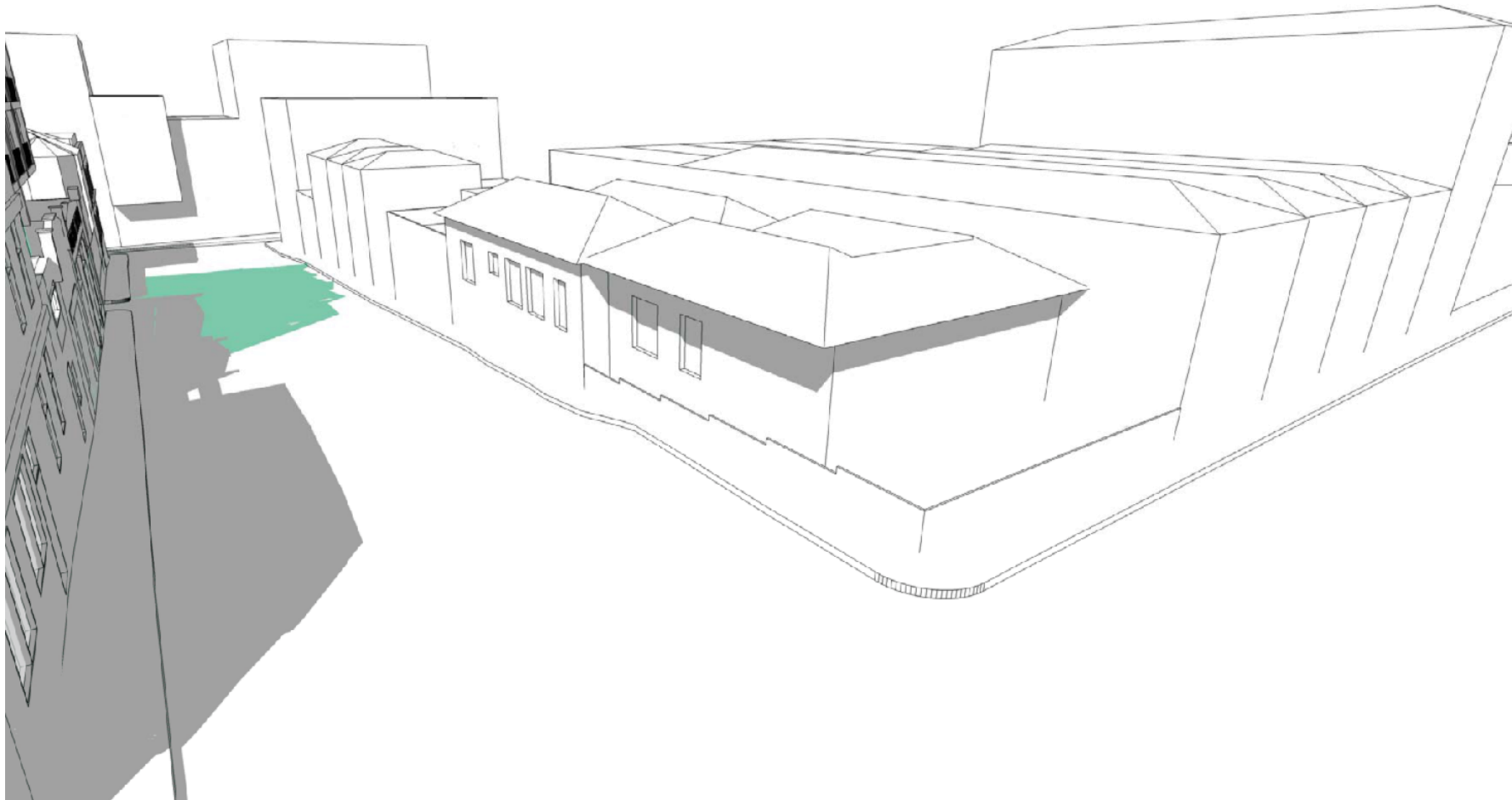
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SHADOWS SEPTEMBER 22ND
2PM SHADOWS

67



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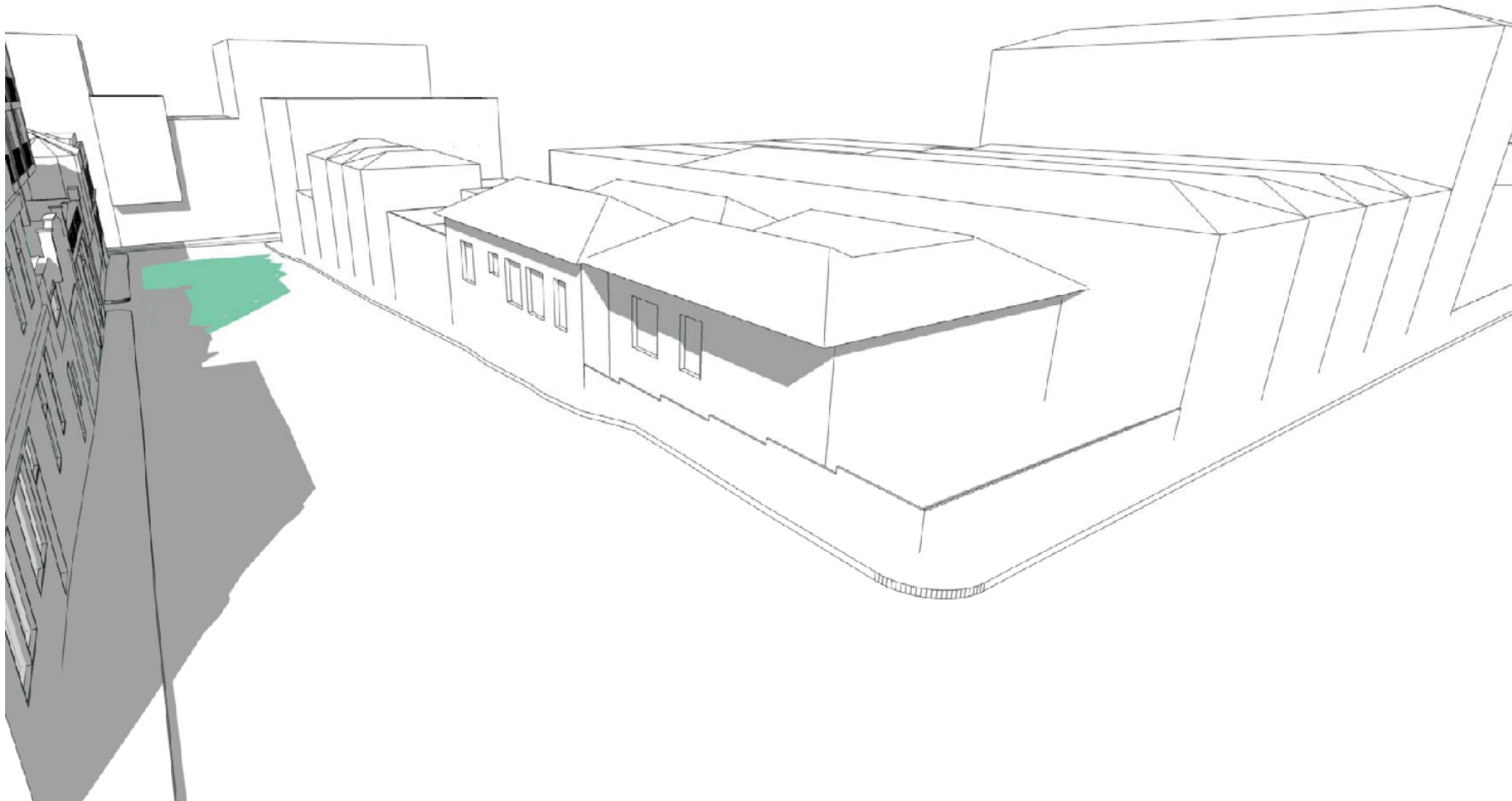
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SHADOWS SEPTEMBER 22ND
3PM SHADOWS

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NEW DEVELOPMENT SHADOWS

EXISTING SHADOWS

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SHADOWS SEPTEMBER 22ND
9AM SHADOWS

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NEW DEVELOPMENT SHADOWS

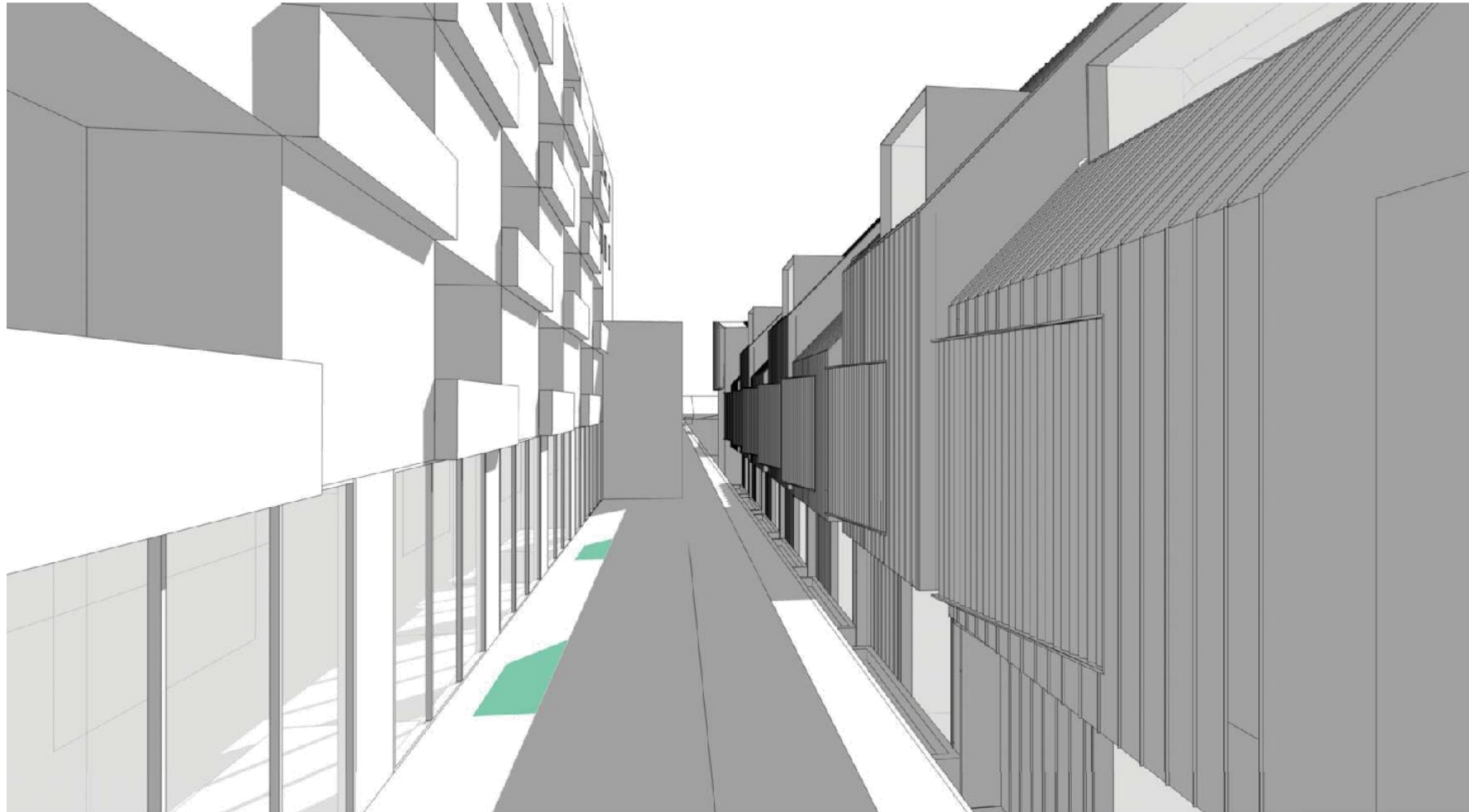
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SHADOWS SEPTEMBER 22ND
10AM SHADOWS

70



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NEW DEVELOPMENT SHADOWS
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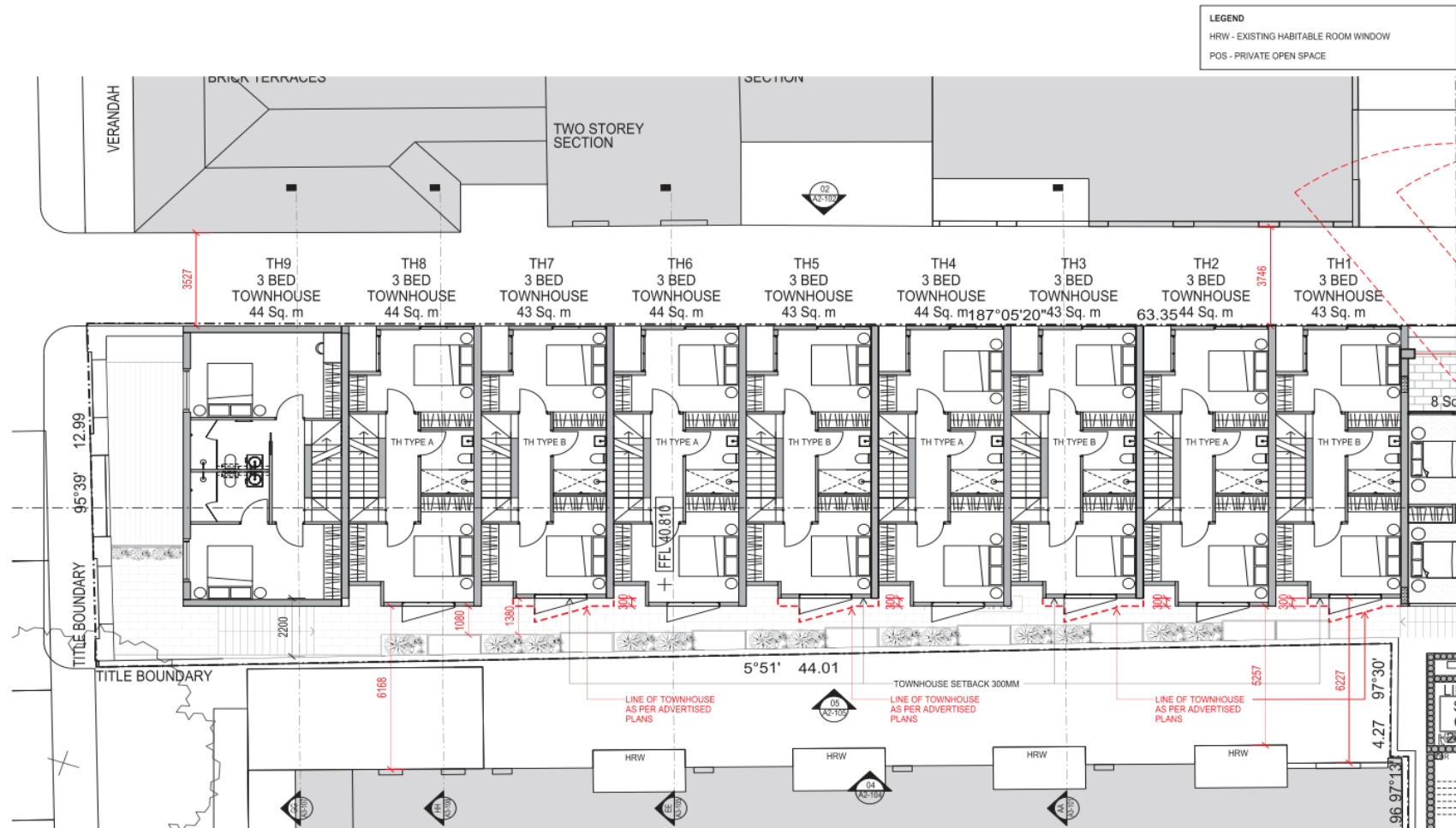
EXISTING SHADOWS

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TOWNHOUSE WEST FACADE
LEVEL 2

2



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93 WEBB ST, FITZROY 3065

TOWN PLANNING
26/09/2018



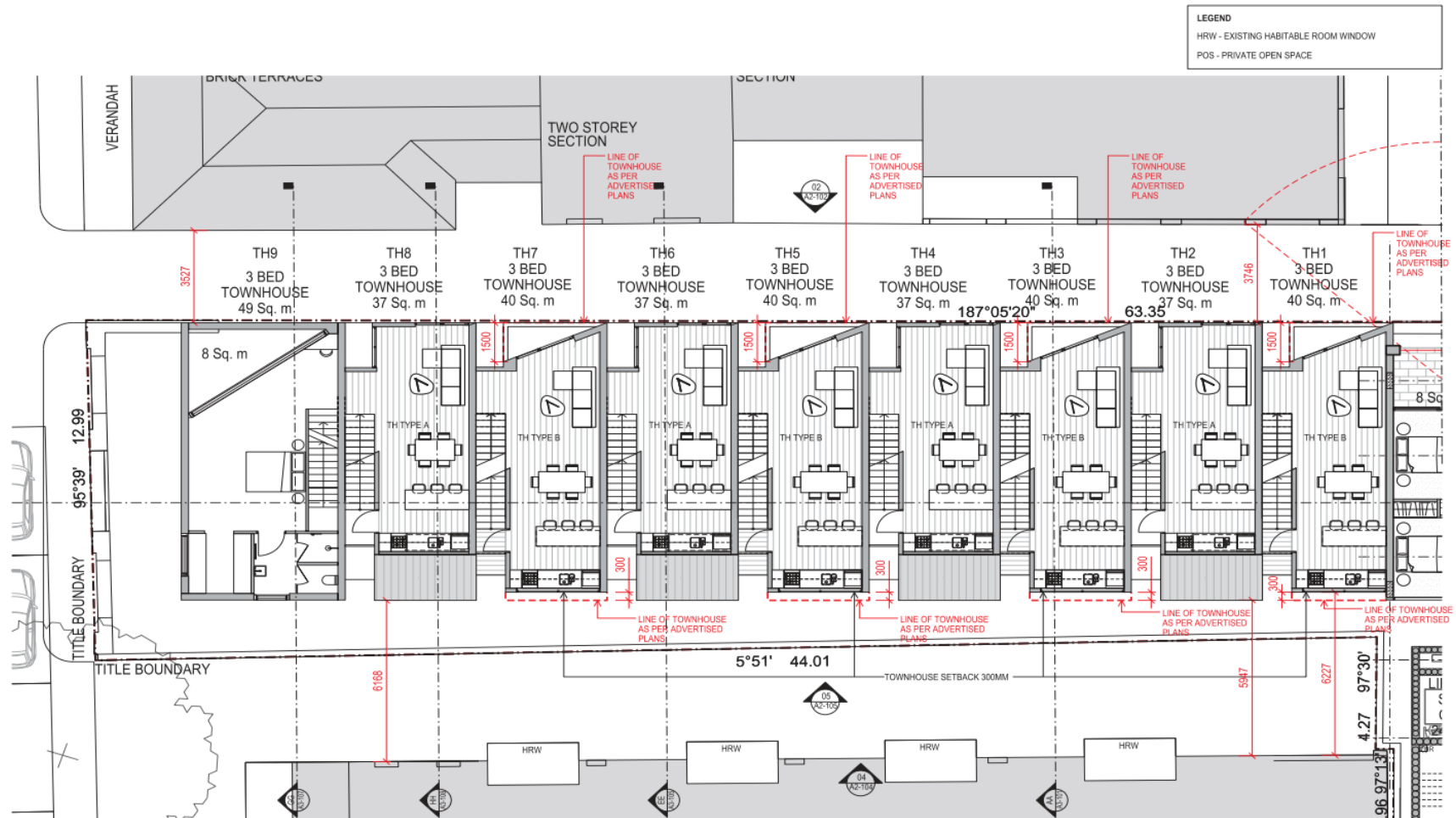
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TOWNHOUSE FACADE ARTICULATION
LEVEL 3

3



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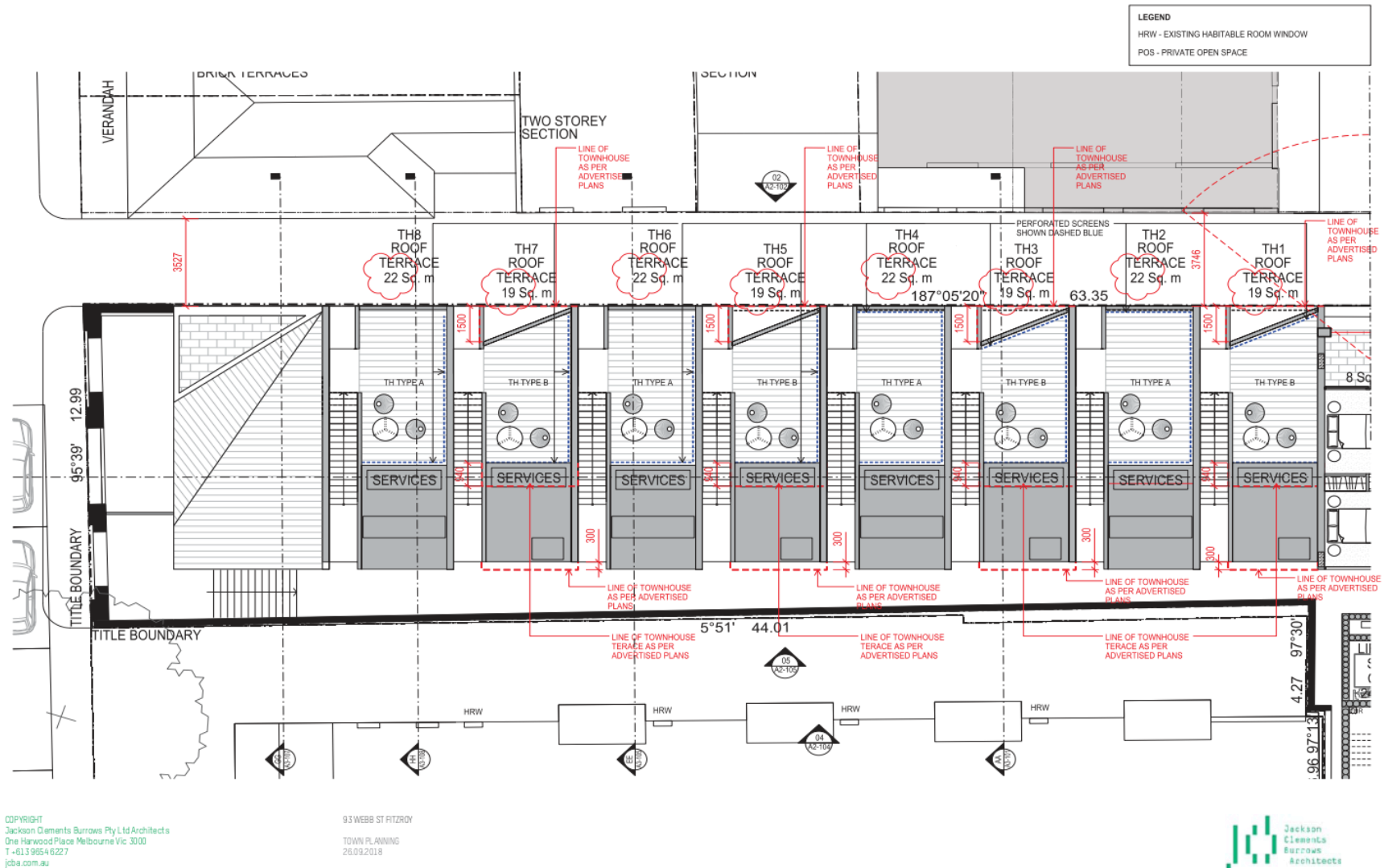
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TOWNHOUSE FACADE ARTICULATION
LEVEL 4

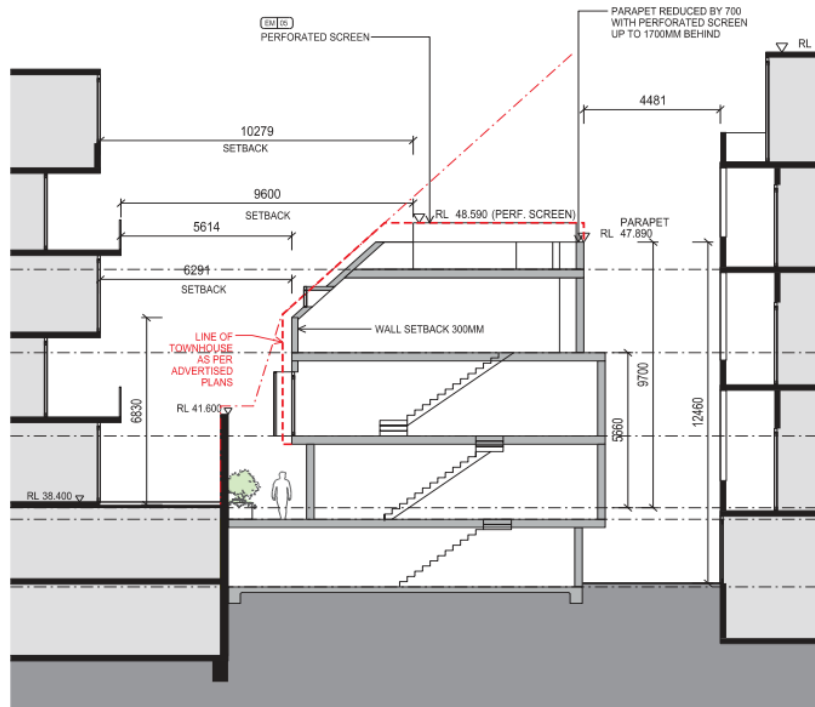
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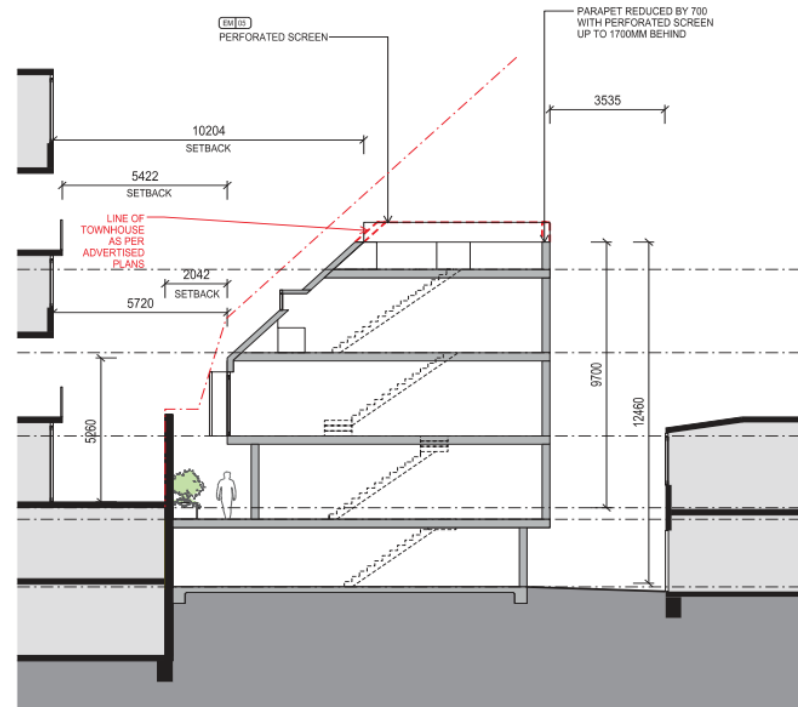
Attachment 4 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Sketch Plans.

TOWNHOUSE FACADE ARTICULATION & HEIGHT REDUCTION SECTION AA

5



01 SECTION AA
SK3-101 TOWNHOUSE TYPE B 1:200 @ A3



02 SECTION EE
SK3-101 TOWNHOUSE TYPE A 1:200 @ A3

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TOWNHOUSE REDUCTION

300MM WIDTH & 700MM HEIGHT REDUCTION DASHED RED

6



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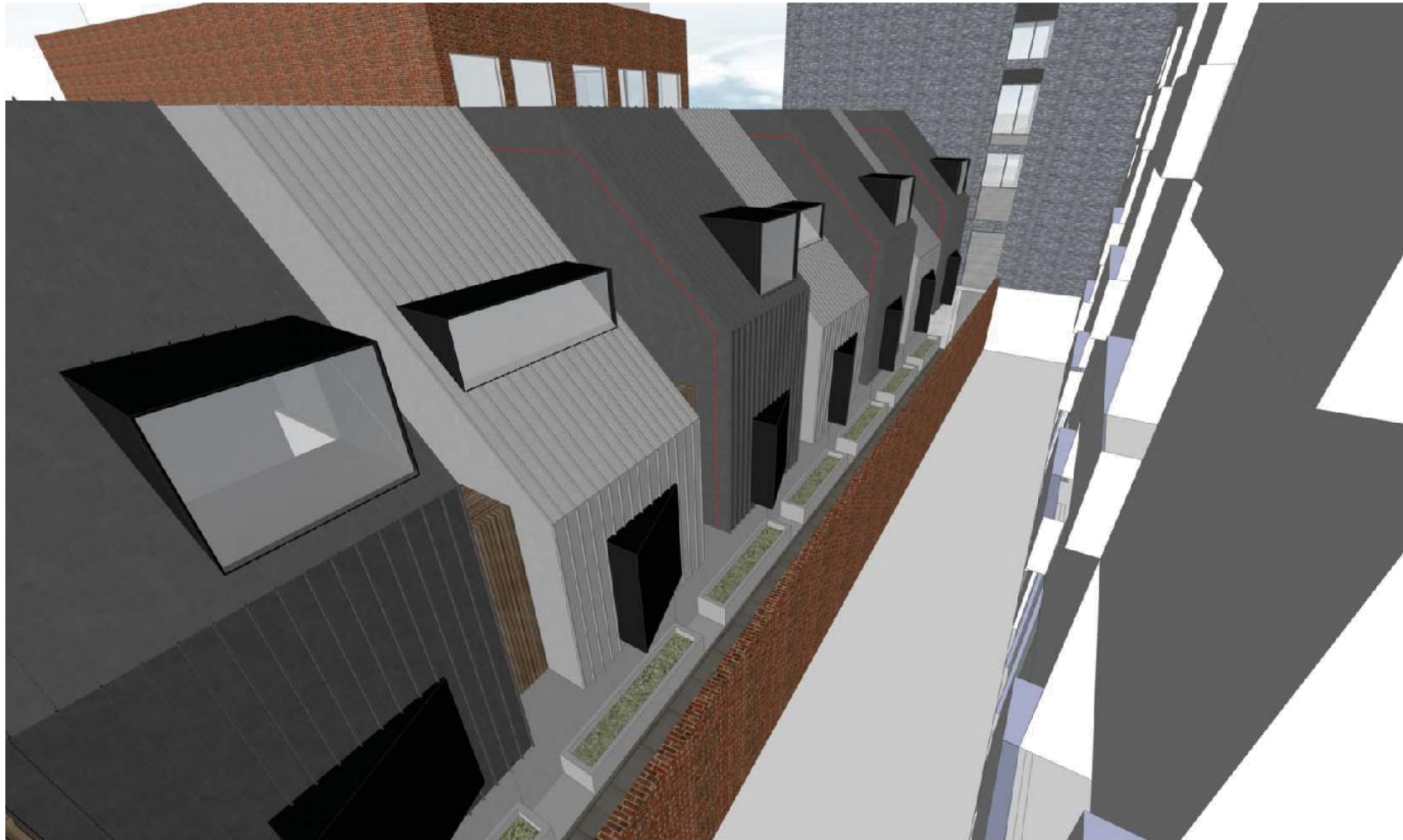


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TOWNHOUSE REDUCTION

300MM WIDTH & 700MM HEIGHT REDUCTION DASHED RED

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PERSPECTIVES

TOWNHOUSE WESTERN FACADE AS PER ADVERTISED PLANS

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PERSPECTIVES
TOWNHOUSE WESTERN FACADE FORM REDUCTION

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PERSPECTIVES

TOWNHOUSE WESTERN FACADE AS PER ADVERTISED PLANS

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PERSPECTIVES
TOWNHOUSE WESTERN FORM REDUCTION

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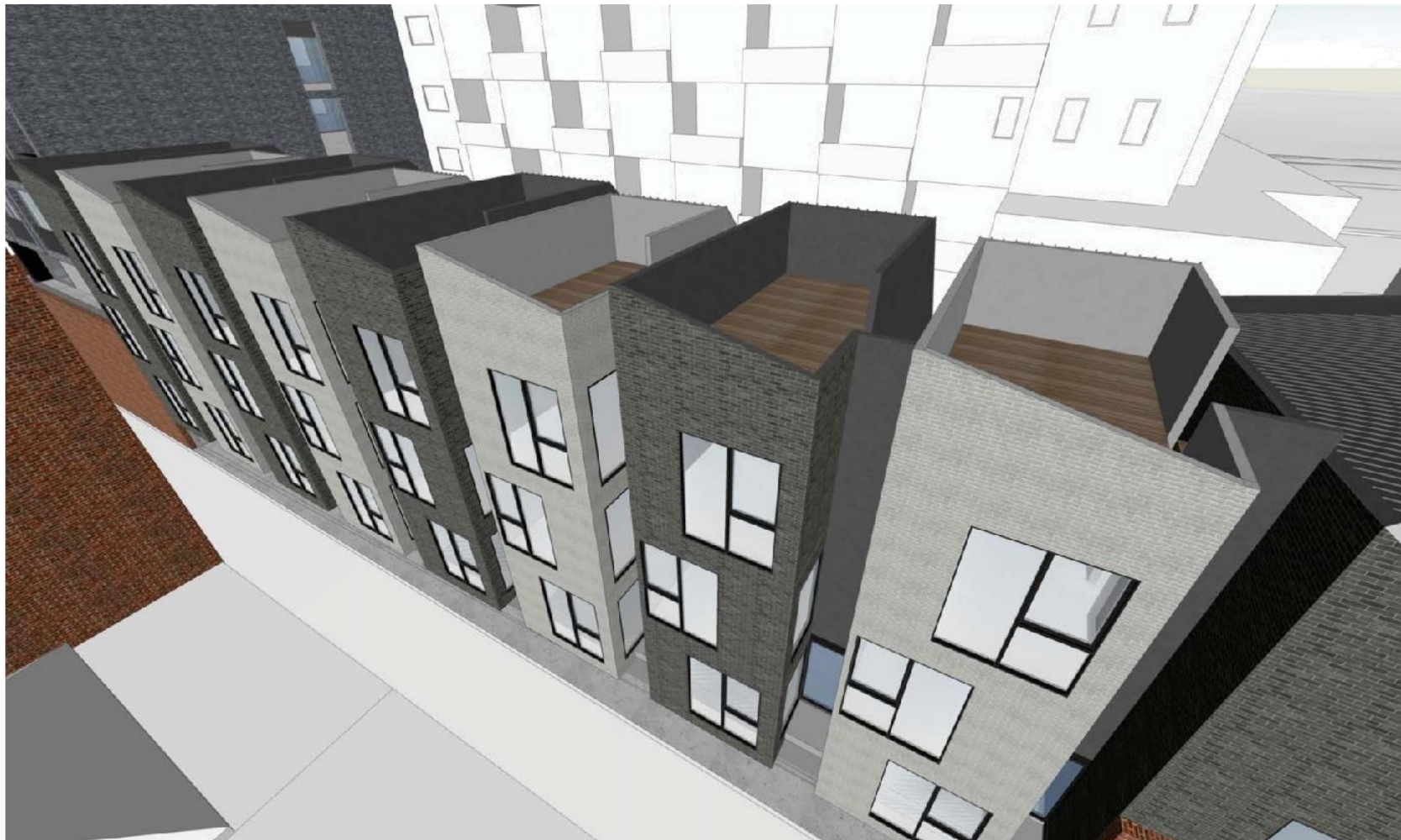


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PERSPECTIVES

TOWNHOUSE AERIAL VIEW AS PER ADVERTISED PLANS

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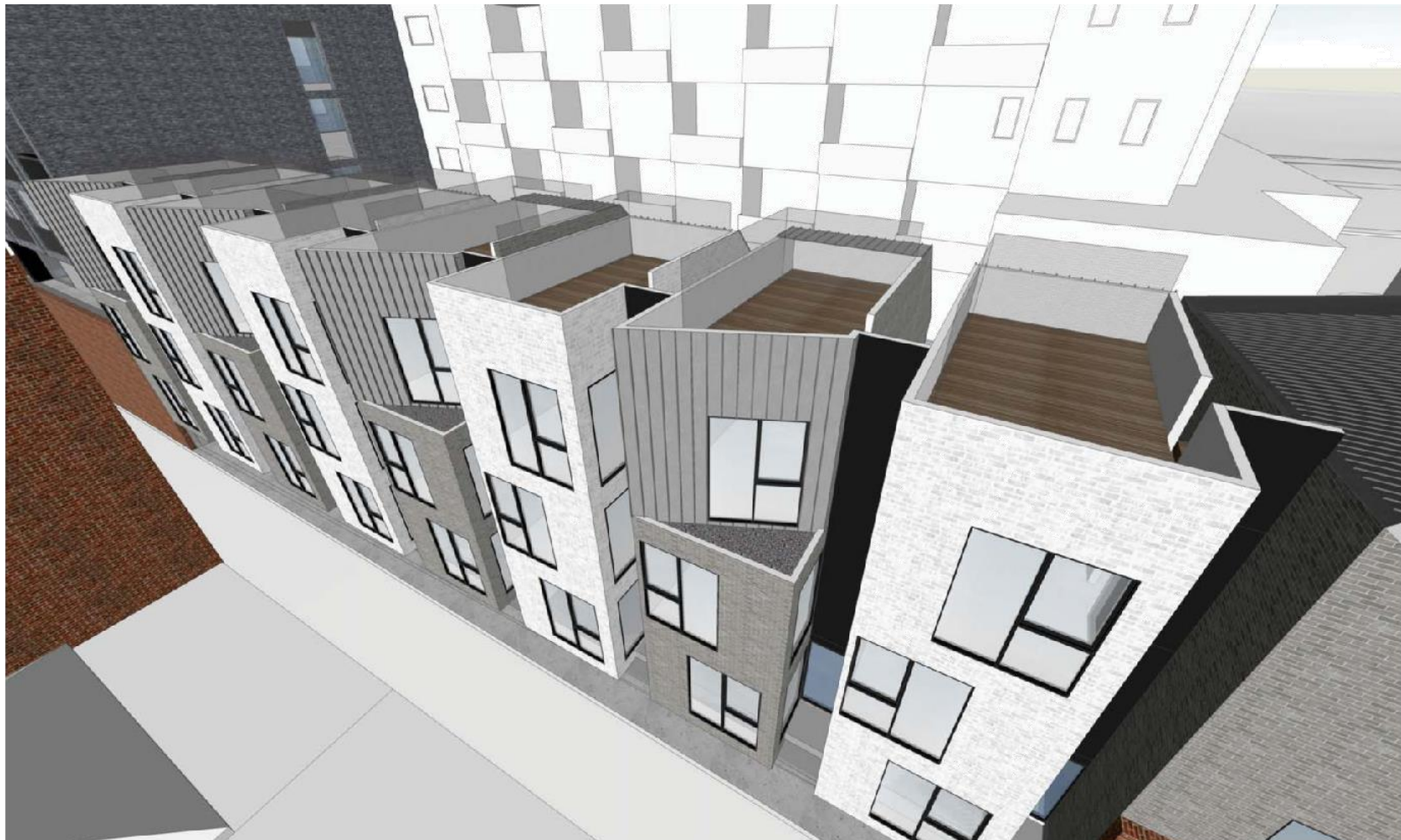
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PERSPECTIVES
TOWNHOUSE AERIAL VIEW FORM REDUCTION

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PERSPECTIVE VIEWS

VIEW FROM LANE LOOKING NORTH AS PER ADVERTISED PLANS

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PERSPECTIVE VIEWS

VIEW FROM LANE LOOKING NORTH FORM REDUCTION

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PERSPECTIVE VIEWS

VIEW FROM LANE LOOKING SOUTH AS PER ADVERTISED PLANS

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PERSPECTIVE VIEWS

VIEW FROM LANE LOOKING SOUTH FORM REDUCTION

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PERSPECTIVE VIEWS

VIEW FROM LANE AS PER ADVERTISED PLANS

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PERSPECTIVE VIEWS
VIEW FROM LANE FORM REDUCTION

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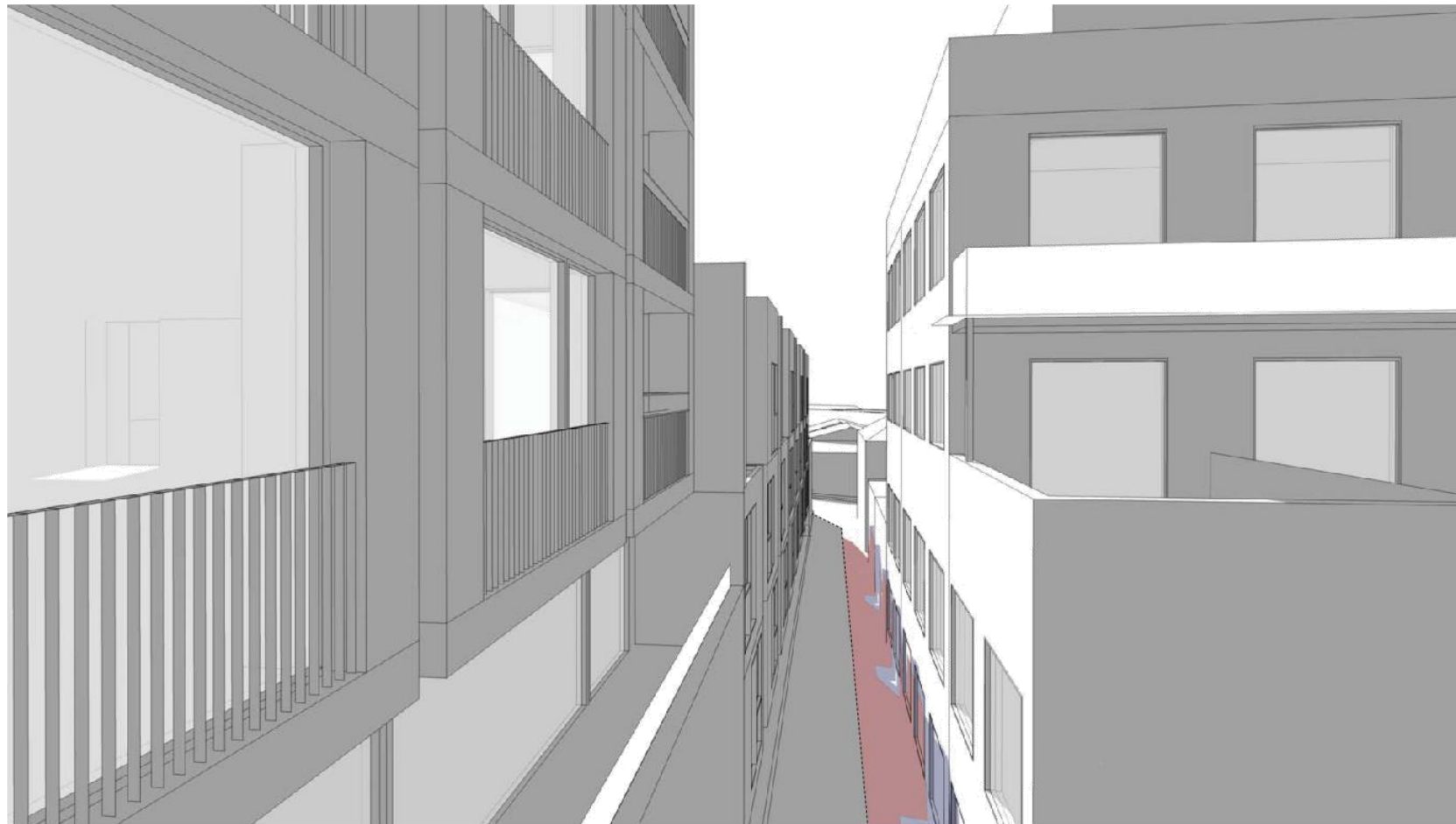
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Attachment 4 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Sketch Plans.

SHADOW ANALYSIS TOWNHOUSE LANE
1PM SEPTEMBER 22

20



PROPOSED DEVELOPMENT SHADOWS AS PER
ADVERTISED PLANS

PROPOSED DEVELOPMENT SHADOWS WITH
FORM REDUCTION

EXISTING SHADOWS

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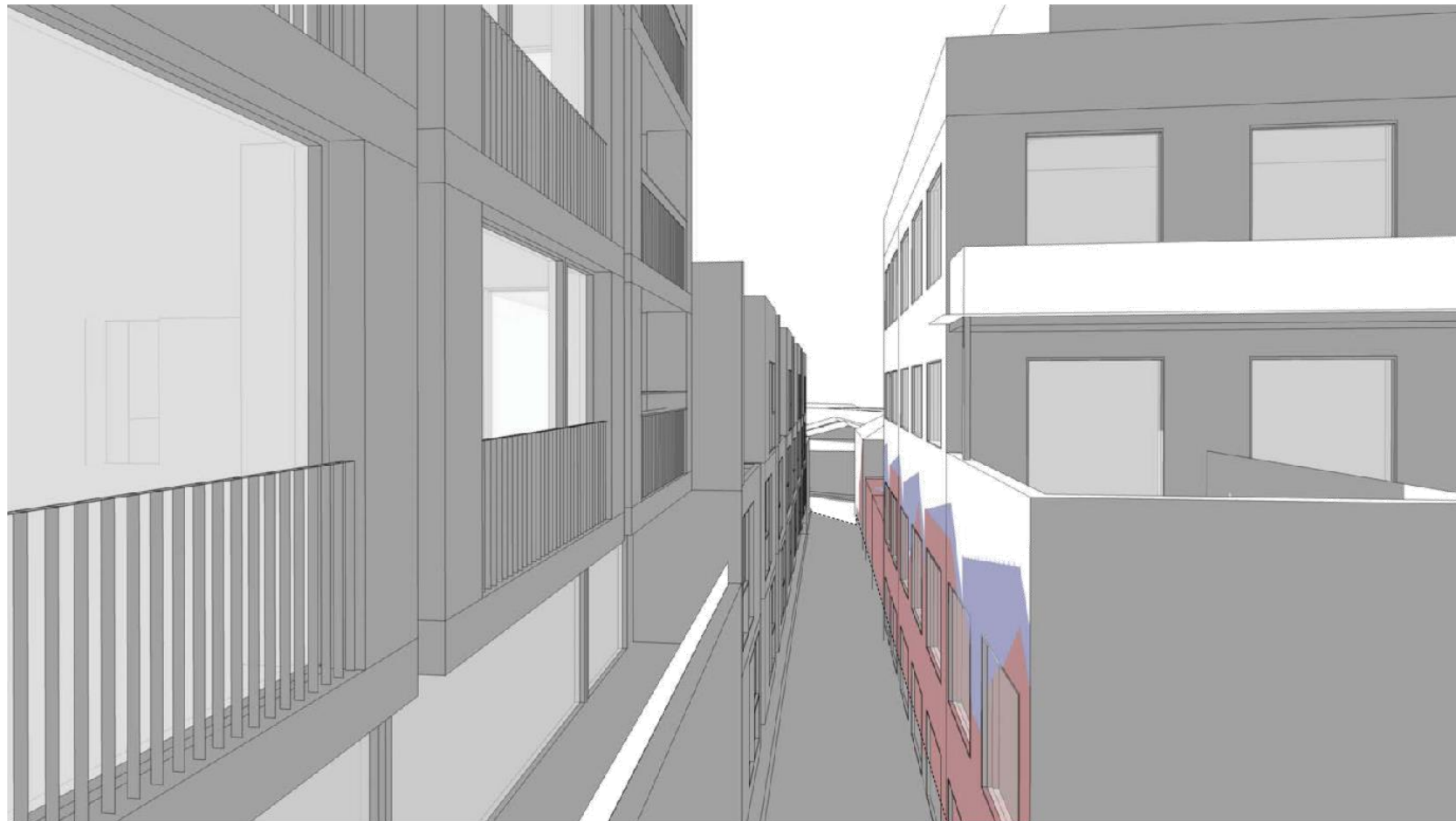
93 WEBB ST FITZROY
TOWN PLANNING
26.09.2018



Attachment 4 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Sketch Plans.

SHADOW ANALYSIS TOWNHOUSE LANE
2PM SEPTEMBER 22

21



PROPOSED DEVELOPMENT SHADOWS AS PER
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PROPOSED DEVELOPMENT SHADOWS WITH
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SHADOW ANALYSIS TOWNHOUSE LANE
3PM SEPTEMBER 22

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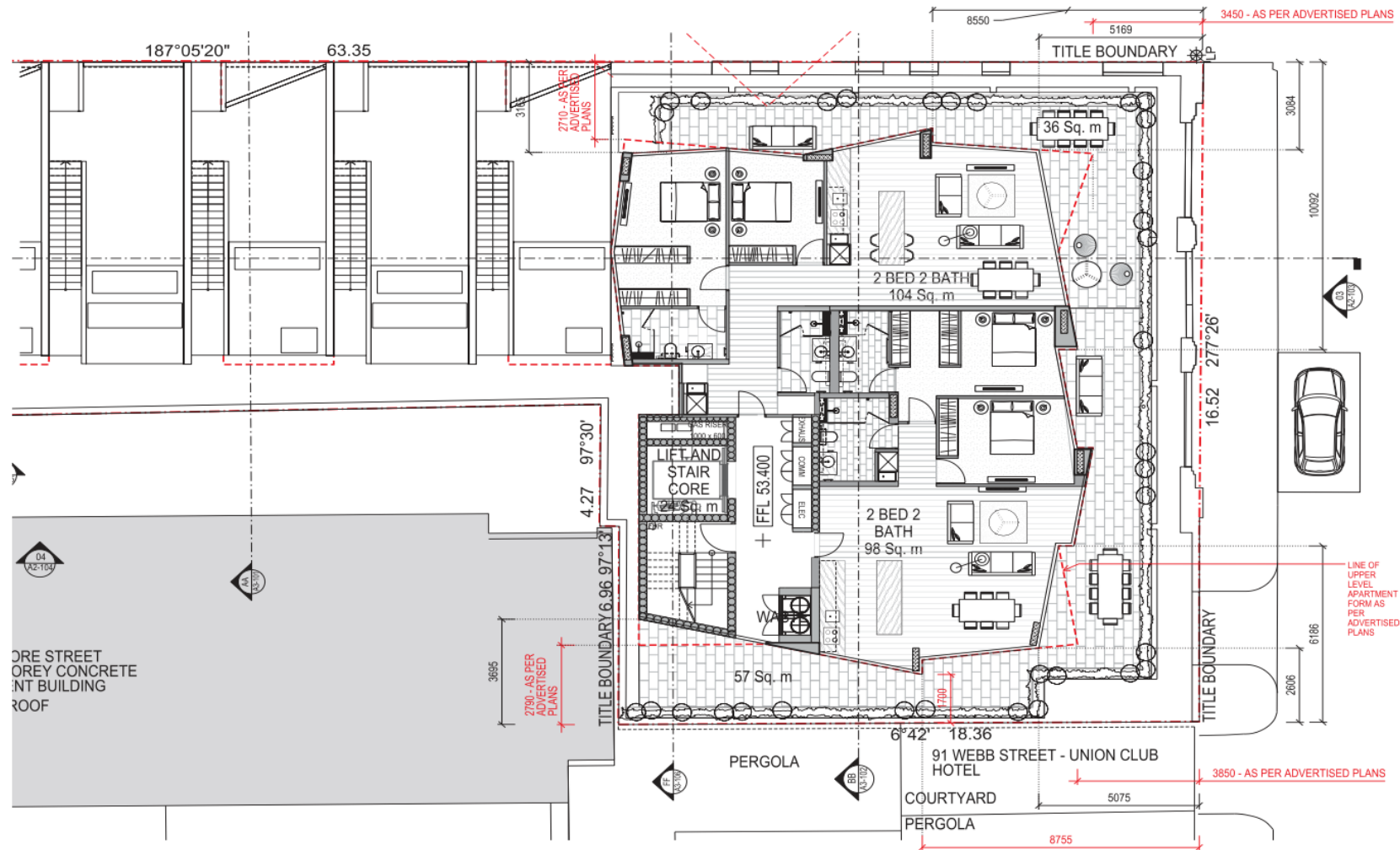
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APARTMENT FORM REDUCTION
LEVEL 5

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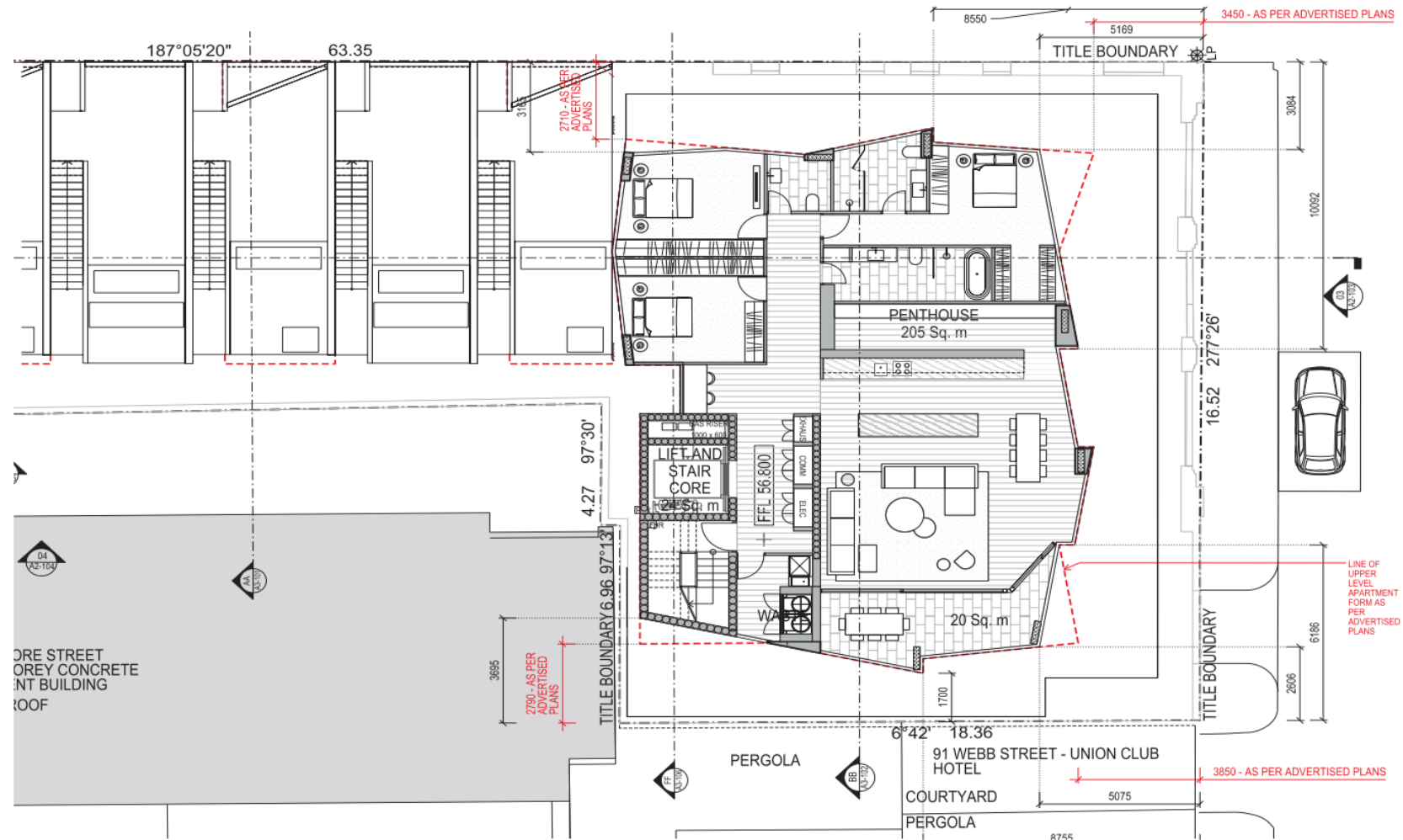
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APARTMENT FORM REDUCTION
LEVEL 5-6

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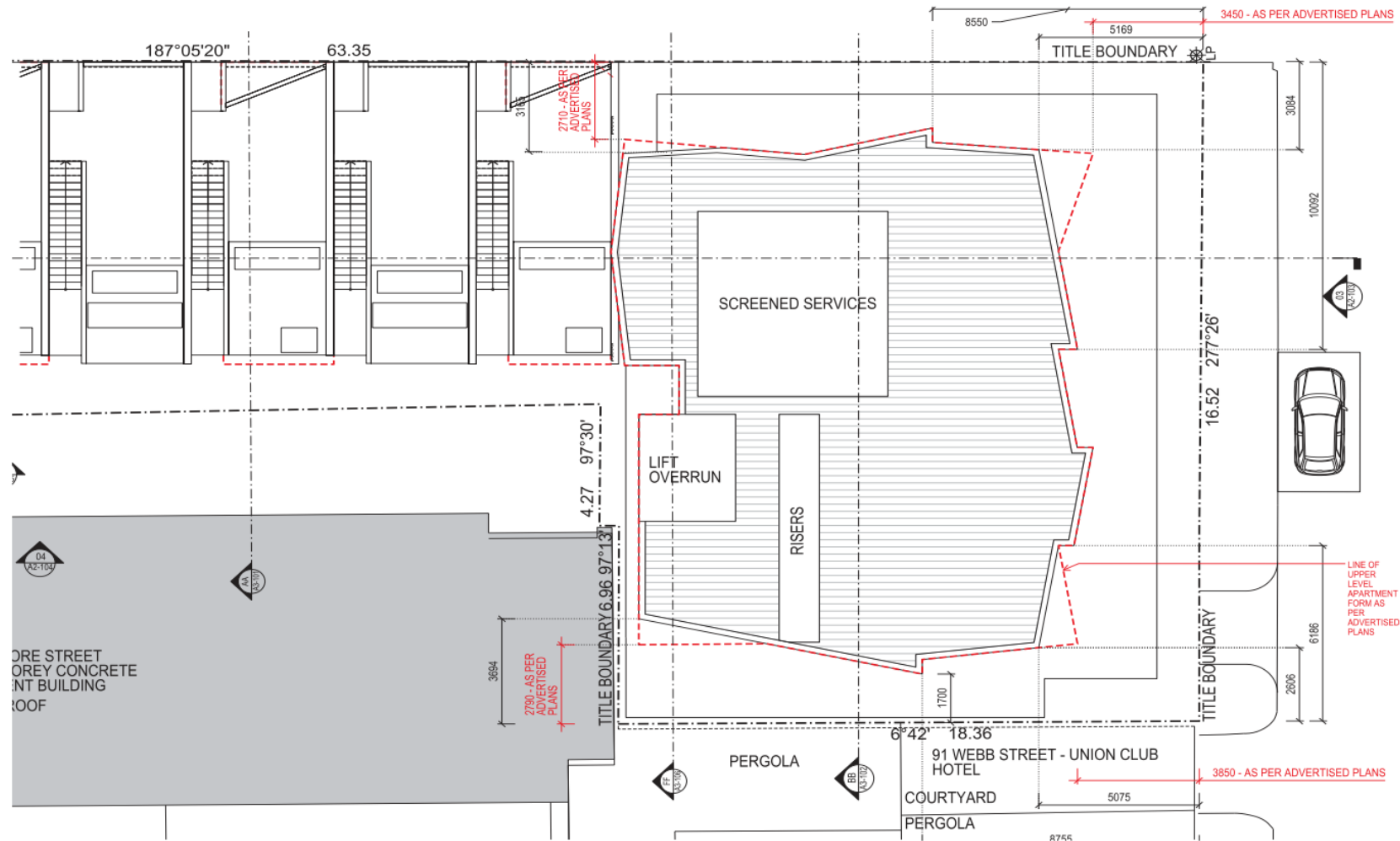
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APARTMENT FORM REDUCTION
ROOF

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PERSPECTIVE VIEWS

26

VIEW FROM CORNER OF WEBB STREET & GORE STREET AS PER ADVERTISED PLANS



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PERSPECTIVE VIEWS FORM REDUCTION

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VIEW FROM CORNER OF WEBB STREET & GORE STREET



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Attachment 4 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Sketch Plans.

PERSPECTIVE VIEWS

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VIEW FROM WEBB ST AS PER ADVERTISED PLANS



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TOWN PLANNING
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PERSPECTIVE VIEWS FORM REDUCTION
VIEW FROM WEBB ST

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Attachment 5 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Subject site.

93-97 Webb Street, Fitzroy



North



Attachment 6 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Heritage advice (Decision plans)

In addition No. 165 - 167 Smith Street, the Union bank on the corner of Webb Street is Individually significant and included on the Victorian heritage register and No. 169 - 171 Smith Street, also on the corner of Webb Street, is the National bank which is also Individually significant. These two buildings are local icons in Smith Street.



The two banks are those shown in red on the corner of Webb Street, south of Patersons.

Assessment of Proposed Works

Demolition

Retention of the Charles and Webb Street façades, albeit with further alterations, and demolition of the middle part of the building but retaining a portion of the east wall along the laneway at either end and the west wall is acceptable. The laneway (east) wall, other than for presenting an industrial appearance, makes no meaningful heritage contribution to the South Fitzroy Precinct or this part of it.

Built form (height/setbacks)

The two street façades will be retained as existing in terms of setbacks. At the Ground level there will be no setback along the lane which is as per existing conditions.

At Level 1 the setback from Charles Street will be 2.6 metres to the elevation and with a terrace behind the parapet of the retained façade. Along Webb Street the setback will be 2.5 metres

Attachment 6 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Heritage advice (Decision plans)

City of Yarra Heritage Advice

Application No.: PLN 17/1061
Address of Property: 93 Webb Street, Fitzroy
Planner: Sarah Thomas
Yarra Planning Scheme References: Clauses 43.01 and 22.02
Heritage Overlay No.: HO 334 **Precinct:** South Fitzroy

The site has an interface with HO 333 the Smith Street Precinct.

Level of significance

No. 94 – 97 Webb Street, Fitzroy, a factory/warehouse, constructed 1915 – 1925, is listed as Contributory.

(Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*, Rev. May, 2017)

Proposal

Demolition of the middle section of the existing building with the façades to Charles and Webb Streets retained and construction of a 9 level apartment block, above a 2 level basement, and 9 4-storey townhouses fronting the lane.

Drawing Numbers

69 pages of drawings, perspectives etc. Council date stamp 13 Mar 2018, prepared by Jackson Clements Burrows Architects.

Report to Council, prepared by Bryce Raworth, 28 November, 2017 with no Council date stamp.

Context Description

The site is located near the top of the infamous Collingwood Slope and runs between Charles Street and Webb Street. It borders a lane on the east side. The immediate area comprise mostly double storey heritage dwellings in Fitzroy. In the immediate vicinity is the Coles site in Smith Street which is 4 to 7 storeys (only 7 storeys are variously visible from Smith and Webb Streets). Opposite Coles is the Patersons Buildings at No. 173 – 181 Smith Street which is Individually significant and which has been redeveloped as residential apartments and which has been one of the historically tall buildings in Smith Street. The back of this building is visible on the skyline from Charles and Webb Streets. The history of development along Smith Street is different from the residential area in Fitzroy – Smith Street was an ambitious, self-confident shopping street with major emporia i.e. large buildings for their era, whereas Fitzroy developed as a single or double storey residential suburb.

On the corner of Charles and Gore Streets is a recent 4 – 5 storey (only 5 storeys are visible from any vantage point but there may be additional hidden storeys) development constructed on a former vacant site. This building has set a precedent for higher built form in this part of Charles and Gore Streets which is within residential Fitzroy.

These buildings are critical benchmarks to consider in the immediate context of the site.

Attachment 6 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Heritage advice (Decision plans)

from the outside face of the retained façade and 1.59 metres from the rear of the parapet and with a terrace located behind.

At Levels 2 and 3 the Charles and Webb Streets setbacks are generally similar in terms of effect.

At Level 4 the Webb Street setback is the same as below while the Charles Street setback is increased to approximately 8.3 metres.

At Level 5 the articulated apartment plan form commences with a slightly increased setback from below and with east and west setbacks. At Level 6 the setbacks appear to be slightly increased.

The height of the apartment component to Webb Street is 24.4 metres which appears to be 2 levels higher than the Patersons building. From the Charles Street end the top two levels are both higher than the Charles - Gore Street apartments. From Charles and Webb Street the top two levels are out-of-proportion and out-of-keeping with the proportions of the immediate area set by Coles, Patersons and the Charles Street apartments and the single and double storey heritage dwellings and the two banks. There is no sightline diagram so the visibility from Gore Street cannot be tested but it is probable that the top two levels will be visible above the Union Club Hotel. Instead of being "less apparent" these levels will be quite apparent and discordant. This will not be alleviated by the proposed setbacks or the design. They should be deleted. Any proposed building on this site should not be higher than the Paterson building or the Charles Street apartments, rather these should form a height datum beneath which any new built form should sit and nestle in back from the streetscape(s) with deeper setbacks.

I note that the west wall of the apartments will effectively be a backdrop to the Union Club Hotel and as designed it will be a blank masonry wall which will be visible from Webb and Gore Streets. This issue raised concerns in relation to the addition of levels above the Patersons warehouse on the corner of Smith and Moor Streets and which was, and is, highly visible from Gore Street, and even George Street, along Moor Street. Some attention should be paid to making this wall more attractive in terms of materiality and/or feature and not propose a painted piece of street art.

There are no heritage concerns with the townhouse envelopes although I would question the relevance of the sawtooth roof façade form in this location. Given the limited visibility of the top (parapets) due to the narrowness of the lane they are acceptable only for this reason.

Colours/materials

Despite the recommendation to delete the top two levels of the apartments, I note that they are proposed to have external blinds – where used in Yarra they appear out-of-keeping with the patterns of fenestration set by the clear glazed heritage windows and here they will not complement the more regular design of the levels below. The design of these levels is appropriate.

It is proposed to use dark brickwork which will be visible above the stripped Charles Street façade, presumed to be red brick, and also above the Union Club Hotel which is red brick. Given these two elements and the red brick used already on the Gore Street elevation of the Charles Street apartments, a red brick is preferred to provide some degree of continuity of tone and also to relate more to the face brickwork of the Fitzroy residential area. As shown in the perspective the paler brick on the Webb Street elevation appears to blend in acceptably but a sample should be provided for further approval.

I have been unable to find on the drawings exactly where the timber panels are proposed to be used. A precedent image of the building on the corner of Cambridge Street, Collingwood has been provided. The shutters on this building have begun to discolour and deteriorate and the timber cladding on the Charles and Gore Street elevations of the Charles Street apartments has deteriorated visibly to a considerable extent and has rotted in place. Experience on numerous sites in Yarra consistently shows that unpainted timber soon deteriorates if it is not maintained

Attachment 6 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Heritage advice (Decision plans)

and becomes unsightly. No unpainted timber is to be used anywhere where it is exposed to the weather or where it will be difficult to maintain in the future.

A similar experience has been found on numerous occasions with perforated metal mesh where it is not cleaned of urban detritus or where it corrodes. The materials need to be reconsidered.

Otherwise the palette of materials is acceptable although samples of all brickwork should be provided for further approval.

Vehicle Access

Vehicle access from the lane is acceptable.

Façade Works

Generally acceptable as the façades of themselves make only a minor contribution to the relevant streetscapes in heritage terms and they include non-heritage elements and have already undergone a degree of change.

Recommendation / Comments:

Not approved.

Delete two upper levels of the apartments so as to maintain the scale of the streetscape as set by the Patersons building and the Charles Street apartments. Any proposed building on this site should not be higher than these buildings, rather they should form a height datum beneath which any new built form should sit and nestle in, back from the streetscape(s) and with deeper setbacks.

Reconsider the treatment of the west wall of the apartments which will be visible behind the Union Club Hotel.

Prefer red brick rather than a dark brick for the north elevation and submit samples of all face brick proposed for further approval.

Delete external blinds, unpainted timber exposed to the weather and perforated metal. Consider where these might be proposed in relation to future access for maintenance.



Signed:

Robyn Riddett

Director – Anthemion Consultancies

Date: 4 June 2018.

Attachment 7 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Heritage advice (Sketch plans).

City of Yarra

Heritage Advice - Supplementary

Application No.: PLN 17/1061

Address of Property: 93 Webb Street, Fitzroy

Planner: Laura Condon

Yarra Planning Scheme References: Clauses 43.01 and 22.02

Heritage Overlay No.: HO 334 **Precinct:** South Fitzroy

The site has an interface with HO 333 the Smith Street Precinct.

Level of significance

No. 94 – 97 Webb Street, Fitzroy, a factory/warehouse, constructed 1915 – 1925, is listed as Contributory. (Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*, Rev. May, 2017)

Proposal

Demolition of the middle section of the existing building with the façades to Charles and Webb Streets retained and construction of a 9 level apartment block, above a 2 level basement, and 9 4-storey townhouses fronting the lane.

I provided advice previously on 4 June 2018. This advice is intended to be read in conjunction with the previous advice and not all information had been repeated here. This advice principally addresses changes made to the proposal.

Drawing Numbers

25 pages of drawings, perspectives etc. dated 09/07/2018 0, prepared by Jackson Clements Burrows Architects.

The previous drawings had Council date stamp 13 Mar 2018.

Context Description

The site is located near the top of the infamous Collingwood Slope and runs between Charles Street and Webb Street.

The buildings which are critical benchmarks to consider in the immediate context of the site are: the double storey heritage dwellings in Fitzroy; the 4 to 7 storeys Coles site in Smith Street; the Individually significant Patersons building at No. 173 – 181 Smith Street which has a residential apartment component while the heritage component is one of the historically tall buildings in Smith Street; the Individually significant Union Bank on the corner of Webb Street, which is included on the *Victorian Heritage Register* and the Individually significant National Bank also on the corner of Webb Street. The latter two buildings are local icons in Smith Street.

The site is located in somewhat of a transitional area between the residential streets of Fitzroy and Smith Street which was an ambitious, self-confident shopping street with major emporia i.e. large buildings for their era. This is a separate Heritage Overlay Area to the subject site.

Corner of Charles and Gore Streets

Patersons

Coles

The two banks

Delete external blinds, unpainted timber exposed to the weather and perforated metal. Consider where these might be proposed in relation to future access for maintenance.

Attachment 7 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Heritage advice (Sketch plans).

Demolition

Appears to be the same as previously which is acceptable.

Built form (height/setbacks)

The changed articulation of the eastern elevation of the townhouses at Level 3 is an aesthetic improvement.

The potential for an increased setback of 300 mm for the townhouses on the west side at Levels 2 and 3 would lessen the visual impact i.e. reduce the visual bulk slightly. (Refer to red line and annotation on "Townhouse façade articulation Level 3 drawing in the revised plans).

The setbacks at Level 1 to Webb and Charles Street are acceptable.

At Levels 2 and 3 the Charles and Webb Streets (north and south) setbacks are generally similar in terms of effect. They cantilever slightly over Level 1 by 1.59 metres with the setback of the main elevation being 1.45 metres from the property line. There is an additional setback of a rebate in the centre of the elevation of 2 metres s. The rebate neither adds nor detracts anything from a heritage perspective and all of this is acceptable.

At Level 4 the Webb Street setback is the same as below while the Charles Street setback of the townhouses (roof deck level) is increased to approximately 8.3 metres (compared with 2.6 metres at Level 3 below). This is acceptable

At Level 5 the articulated apartment plan form commences with a slightly increased setback from below, (ranging from 3.6 to 3.5 to 4 metres) and with east and west side setbacks. At Level 6 the setbacks are generally similar. Of themselves they are not unacceptable but in combination with the additional height of these levels they do not assist in reducing the visibility and/or visual bulk of Levels 5 and 6 which is the principal heritage concern.

Levels 5 and 6 have not been deleted as previously recommended. They are located at a critical interface with the low-rise residential area of Fitzroy as compared with the townhouses which have a much more discrete siting. The slight reduction in setbacks of Levels 5 and 6 as now proposed will have minimal effect (refer to the red line shown on Apartment form reduction Level 5 – 6. The proposed setbacks do little if anything to reduce the visibility and visual bulk and instead these levels attract attention as is evident in the revised comparative perspectives taken from the corner of Webb and Gore Streets. In this view the height exceeds that of the apartment building on the corner of Charles and Gore Streets which has set a precedent for being the highest building in the immediate residential vicinity of Fitzroy.

The changes made as shown in the comparative perspectives taken from Webb Street show Levels 5 and 6 as being overbearing and dominant. Levels 5 and 6 are 1½ - 2 levels higher than the Patersons development (Section FF) which is already the highest building, together with Coles, in this part of Smith Street. From Charles and Webb Streets the top two levels are out-of-proportion and out-of-keeping with the immediate area which predominantly contains the double-store, and single-storey, heritage dwellings and the two double-storey banks and the hotel.

Instead of trying to compete with and exceed the height of the high developments (Coles, Patersons and Charles - Gore Street apartments) the new building on this site should transition in height and seek to blend into the urban fabric as it exists and not seek to dominate it or draw attention or be the highest building. As stated previously the height of any new building should not exceed that of Patersons or the Charles – Gore Streets apartments as viewed from Gore or Webb Street.

As noted previously the west wall of the apartments will effectively be a backdrop to the Union Club Hotel and as designed it will be a blank masonry wall which will be visible from Webb and

Attachment 7 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Heritage advice (Sketch plans).

Gore Streets and it is likely to be visible along Webb Street from as far away as George Street (as are the upper levels of the Patersons warehouse on the corner of Moor and Smith Streets). I recommended that the treatment be reconsidered. Nothing has been provided which addresses this concern and again I request that attention is paid to making this wall more attractive in terms of materiality and/or feature and not include a painted piece of street art.

Colours/materials

No response has been provided in regard to the recommendation for red brick rather than a dark brick for the north elevation and no samples of face brick have been provided for further approval.

No response has been provided to the recommendation to delete external blinds, unpainted timber exposed to the weather and perforated metal.

Recommendation / Comments:

Not approved.

Demolition as proposed is acceptable.

Other than for materials as commented upon, the townhouse component is acceptable from a heritage perspective.

A satisfactory response to the heritage concerns expressed previously has not been provided, indeed no response to several concerns has been provided and a satisfactory response is required. My previous concerns remain, viz:

Delete two upper levels of the apartments.

Any proposed building on this site should not be higher than Patersons and the Charles and Gore Streets apartments. The apartment component should be visually lower than these.

Reconsider the treatment of the west wall of the apartments.

Prefer red brick rather than a dark brick for the north elevation.

Submit samples of all face brick proposed for further approval.

Delete external blinds, unpainted timber exposed to the weather and perforated metal. Consider where these elements might be proposed in relation to future access for maintenance.

A handwritten signature in black ink, appearing to read 'Riddett', is written over a light grey rectangular background.

Signed:

Robyn Riddett

Director – Anthemion Consultancies

Date: 21 September, 2018.

Attachment 8 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Decision plans).



The site has the following interfaces:

- To the immediate **south** is Webb Street, a 16m wide local street with parallel parking to both sides. There is no specific vegetation in the street. Directly across the road are 1-2 storey dwellings within the Neighbourhood Residential Zone.
- To the **east** is a 4m wide laneway which defines the eastern edge of the subject site. Further east fronting Smith Street is a variety of commercial buildings. Notably there is a 4 storey commercial/office building at 173 Smith Street ('Patterson' building). Balconies of this building are located facing the subject site. These properties are within the Commercial 1 Zone.
- To the **north** at Charles Street, a 10m wide local road with parallel parking both sides of the street, which comprises two 1 storey dwellings constructed on the opposite of subject site. Alongside is 3m bluestone laneway and a row of 2 storey dwellings. All of which are within the Neighbourhood Residential Zone.
- To the immediate **west** comprises a 2 storey commercial building ('Union Club Hotel') to the corner of Webb and Gore Streets within the Neighbourhood Residential Zone. To the immediate west at 174 Gore Street comprises a 5 storey residential building within the Mixed Use Zone.

Smith Street is typified and strongly defined by 2-4 storey commercial, industrial and office buildings. Further to the west is the residential hinterland of Fitzroy generally comprising 1-2 storey housing stock.

The site is strategically positioned and well serviced by local facilities and public transport being close to Route 86 tram and shopping precinct along Smith Street.



View of the subject site from Webb Street



View of residential property directly south of the site



View of the subject site from the Charles Street



View of east laneway facing to the north



View of property to the west of the site in Webb Street

Attachment 8 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Decision plans).



Urban Design Memo

To:	Sarah Thomas	Date:	25/05/2018
Company:	City Of Yarra	From:	Hansen Urban Design
RE:	93-97 Webb Street, Fitzroy		

Thank you for the opportunity to review the application package for the proposed 7 storey mixed use building at **93-97 Webb Street, Fitzroy**. We have reviewed the plans prepared by **Jackson Clements Burrows** architects, dated 1 March 2018 and inspected the site and the surrounds.

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 northern side of Webb Street and southern side of the Charles Street, Fitzroy. The site is L shaped and has a 16.52m frontage to Webb street, with a depth of 63.35 and a 12.99m frontage to the Charles street. Total site area of approximately 989m².

The site currently comprises a 1 storey commercial building, built to all site boundaries. To the immediate east of the building there is a bluestone laneway extending along the site and from the rear of properties fronting Smith Street.

The site comprises a slight fall from south to north. And the land also slopes down towards the east along both Webb and Charles Streets. The subject site and all surroundings are affected by a Heritage Overlay.



Site context

hansen partnership
melbourne | vietnam

level 4 138 exhibition st
melbourne vic 3000
t 03 9654 8844 f 03 9654 8088
e info@hansenpartnership.com.au
w hansenpartnership.com.au

urban planning | urban design | landscape architecture

Attachment 8 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Decision plans).



Planning and Design Framework

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

- *To create a 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.*

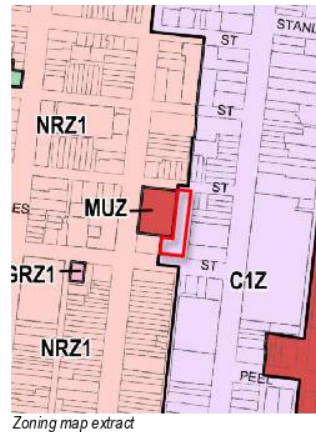
The site is affected by a Heritage Overlay (H0334 – South Fitzroy Precinct)

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 22.05 – Interface Uses Policy;
- Clause 22.07 – Development Abutting a Laneway; and
- Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay.

Other relevant documents:

- City of Yarra Urban Design Strategy (2011);
- City of Yarra Built form Review (2003);
- Victorian Urban Design Charter (2010);
- Urban Design Guidelines of Victoria (2017);
- City of Yarra Review of Heritage Overlay Areas (2007) Appendix 8; and
- Plan Melbourne.



Attachment 8 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Decision plans).



The Proposal

The proposed development comprises the construction of a mixed use building, comprising a part 7 storey form and part 4 storey form and retention of the existing heritage facades to both Webb and Charles Streets. Specifically, the proposal includes:

- The 4 storey form positioned to the northern part includes 9 attached townhouses;
- The 7 storey form positioned to the southern part and comprises 16 apartments and a ground level office;
- Retention and restoration of existing facades to Webb Street and Charlie Street;
- Retention of existing wall along the common boundary with 174 Gore Street;
- Main pedestrian access off Webb Street, to apartments;
- Pedestrian access of Charlie Street leading to an external walkway along the western boundary which provides access to the townhouses and links through to the apartment building;
- Vehicle access to 2 levels of basement (positioned below 7 storey form), via a car lift off Webb Street;
- Individual garages to each townhouse access along the laneway (to the east);
- 38 car spaces (14 spaces within the townhouses and 24 spaces located in the basement);
- 35 bicycle spaces (20 associated with the apartments, 9 associated with the townhouses and 4 associated with the office).
- A 158m² office space positioned to the corner of Webb Street and the laneway;
- An overall maximum building height of 24.6 (to RL 60.2)
- The 7 storey apartment form is massed with a 'negative' level (Level 1) which distinguishes the 3 levels (Levels 2-4) which present as a new rising form, with 2 lightweight levels above (Levels 6-7) which are set back further and treated with a primarily glazed façade;
- The 4 storey townhouses, rise 'sheer' to the laneway and comprise roof top terraces.



Photomontage along Webb Street facing to the north-west

Attachment 8 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Decision plans).



Urban Design Assessment

In summary, we consider that the subject site lends itself to **mid-rise infill development** due to its existing condition and locational attributes. However, we consider that the proposed **built form response is unacceptable** in its current form primarily due to the height and setbacks of the apartment form, equitable development opportunities and internal amenity.

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

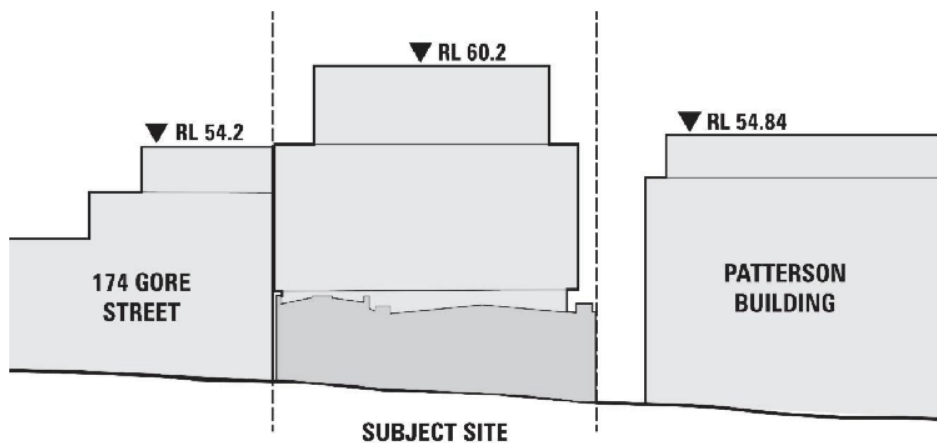
Strategic Context and Urban Form

Strategic planning policy recognises that Yarra has a distinct identity as a low-rise urban form with areas of higher development. This framework encourages a diversity of housing types at higher density in and around Activity Centres. The site is within the Smith Street Major Activity Centre.

Observation of existing and emerging development in the area reveals 2-4 storey commercial buildings, 1-2 storey dwellings with a more recent evolution of 5-6 storeys and a 6-8 storey building located 132-172 Smith Street (Smith & Co) - Coles.

While the subject site represents a reasonably sized parcel (989m²) with multiple street frontages (north and south), it still retains infill characteristics as it does not benefit from a corner location to warrant the proposed built form scale to serve the role of a local landmark.

It is noted that there is a gradual fall in land from east to west and the existing heights of neighbouring tall buildings, being the Patterson building rises to RL 54.84 and is positioned along the Smith Street spine, and the 5 storey development which holds the corner of Charles Street and Gore Street rising to RL 54.2 (174 Gore Street). The proposal at RL 60.2 projects approximately 6m above this existing height datum.



Existing heights of neighbouring tall buildings

Attachment 8 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Decision plans).



Development must respond to its context in terms of urban character, cultural heritage and surrounding landscape. In considering the height of the building, the urban design guideline at Clause 21.05-2 states that development on sites within Activity Centres such as this should generally be no more than 5-6 storeys unless specific benefits can be achieved. It is critical that the proposal be assessed against these benefit tests (although not exhaustive in particular circumstances), to determine a site-specific rationale for a building height.

The following assessment has been made:

- Significant upper level setbacks

Based on a review of development potential on adjoining sites, the principal corner site at the junction of Smith Street and Webb Street (171 Smith Street) should represent a more prominent form to 'mark' the corner (typically approved at 7 storeys on intersections along Smith Street). In this mid-block context, a 7 storey building would not be designating any significant urban place, and consequently undermines both the anticipated urban hierarchy and legibility of the Activity Centre.

Our concern lies with the visual prominence of the upper form when experienced from within the street. The upper levels will be clearly visible from the west along Webb Street, as shown in the photomontages. We appreciate that the upper levels may be concealed by the future development above the 'individually significant' building at 91 Webb Street (Union Club Hotel), however, we consider that there would be substantial street setbacks to be distinguishable from the original heritage form. The proposal will still be clearly 'read' as a 7 storey building along Webb Street, as illustrated below.



Proposal clearly read as a 7 storey, despite future development of the 'Union Club Hotel'

It is our recommendation that there is contemplation for a commensurate mid-rise form (up to 6-7 storeys), with increased setbacks to upper levels and/or reduction of height providing a befitting infill development commensurate with the morphology of the surrounding area.

Attachment 8 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Decision plans).

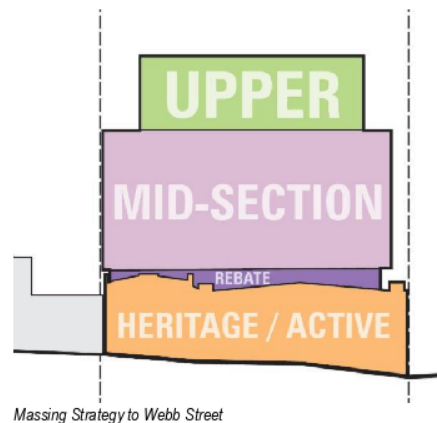


- Architectural design excellence

It has been well established at the Tribunal that architectural design excellence is not about individual taste for architectural styles, rather the architectural composition and functional aspects.

We are generally supportive of the proposed massing strategy to the Webb Street frontage which has adopted a 4 parts approach which has been articulated so that it does not present an overwhelming scale. The ground floor is a heritage form, comprising active uses and an appropriate level of street engagement. Through the use of a rebate level above with incidents of shade and shadow gives a sense of visual depth and distinction

between the heritage form and new upper levels. The mid-section has been designed with a defined street wall of brick vertical division reflecting the vertical rhythm of the heritage building at ground level. The upper reaches present as a light weight material comprising metal cladding and extensive glazing arranged with a series of angular edges to provide a more subservient appearance from the lower levels. It is our opinion that the relationship between the different parts fits together as a coherent whole.



However, we still consider that the upper element is too visible from the surrounding public realm and should be reduced to be largely concealed by the mid-section.

The presentation of a 5 storey 'sheer' dark brick wall on the western boundary, abutting the Union Club Hotel is problematic. The extent of blank walls on the boundary will present unreasonable visual bulk impacts and will be visually prominent in views along Webb Street from west of the site.

The proposal comprises a variety of dwelling typologies, including 16 apartments with a mix of 1, 2 and 3 bedroom apartments and 9 townhouses. In combination with the retention of the heritage facades, we consider that the proposal demonstrates architectural design excellence in terms of its architectural composition and functional aspects.

- Best practice environmental sustainability objectives in design and construction

The proposal adopts sustainability practices – subject to ESD referral.

- High quality restoration and adaptive re-use of heritage buildings

The proposal integrates with the existing heritage building – subject to heritage referral.

Attachment 8 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Decision plans).



- Positive contribution to the enhancement of the public domain

In comparison to the existing building, the proposed building provides a reasonable improvement to the public realm. Currently to Webb Street, at least half of the frontage is inactive comprising vehicle access and blank walls. Along Charles Street, the frontage is completely inactive with no windows or doors. The proposed office and conversion of the vehicle access to a residential lobby will improve this frontage. The additional doors and windows along Charles Street will facilitate activation and engagement along this street.

- Provision of affordable housing.

The combination of 1-3 bedroom apartments and townhouse within close proximity to community facilities may be sufficient – subject to planning officer.

Site Planning

The site plan has adopted a layout integrating with the existing heritage building which is a supportable response. We are supportive of the activated street frontages at ground floor to both streets and utilising the laneway for vehicle access to the townhouses. While there is a vehicle access point along Webb Street, this is positioned furthest from the commercial strip and leads to an underground basement which represents best practice as it allows for activation to the street.

Entrances to the townhouses and apartments is gained via both Webb Street and Charles Street, which are connected through a pedestrian link along the western boundary of the site at level 1.

We are supportive of the proposed townhouse arrangement with the provision roof-top terraces on narrow sites, which achieves the intent of the Activity Centre and allows equitable development opportunities. This layout allows for rooftop terraces to be used as private open space with convenient access from a living area. As a recommendation, we feel that these roof-top terraces should provide an outlook without the need for screening due to the 9m separation to the west.

Whilst the provision of the lift core is positioned to a logical position to the rear of the apartment building, a weakness in the floor layout lies in its orientation of apartments facing to the south – this will be discussed in more detail below.

The bicycle storage facilities are located in a suitable position on the ground level and within close proximity to the lift core. The location of services along the laneway is a positive.

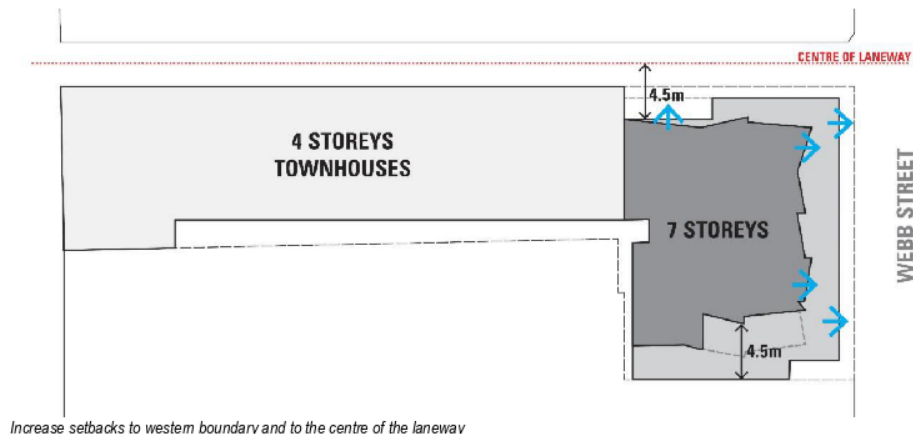
Interface Management & Equitable Development

We are generally supportive of the party-wall arrangements to the western boundary of the 5 storey 'podium/ base'. In this infill context, where side elevations are typically concealed by subsequent future redevelopment of neighbouring sites, we are concerned that the separation between future adjoining development does not maintain development equity and allow generous separation between buildings of the upper levels. In addition, we are uncomfortable that outlook is not provided to Apartments 2.01, 3.01 and 4.01. We would be supportive of the introduction of a setback of 4.5m to the western boundary and centre of the laneway for level 6 and 7 and Apartments 2.01, 3.01 and 4.01.

Attachment 8 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Decision plans).



In terms of the townhouses, we accept that the proposal does not provide a separation of 4.5m between adjoining future development. To the west, the proposal is in excess of the Clause 55 B17 (Side and rear setbacks) requirements. To the east, we are generally satisfied that this interface does not overlook onto the laneway (confirmation on privacy treatments along the entire eastern interface) and presents as a highly articulated, low scale building.



The shadow diagrams provided by the architect indicate that shadows at the equinox will fall over the building to the west and opposite side of the Webb Street. The appropriate test is to determine whether the amount of overshadowing is considered unreasonable. We do not find the shadowing of this dwelling unreasonable because the expectations of the adjoining site must be tempered by the fact that the site is within an Activity Centre. It is considered that the overshadowing is reasonable in this context.

Internal Amenity

Given the extra height sought within the rising form, it is regrettable to note that all apartments (except Apartments 2.01, 3.01 and 4.01 with no outlook) are facing to the south which is not ideal. We would suggest that the applicant investigate alternative options and/or improvements to Apartments 2.01, 3.01 and 4.01 (as mentioned above) which could also assist with the poor orientation of the apartments.

68% of dwellings (apartments and townhouses) will benefit from dual aspect with generous proportions and functional layout. This will ensure appropriate natural ventilation to these apartments and allow this to be effectively managed by its future residents.

Attachment 8 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Decision plans).



Conclusion

While the proposal presents a well resolved presentation to its interfaces with respect to architectural design excellence and contribution to the public domain we are **unsupportive** of the proposal and consider that **refinement is required** in order to achieve an appropriate urban design outcome for this site.

In summary we recommend that:

- Increased setbacks to upper levels and/or reduction of height of the apartment building to reduce the visual prominence of the upper levels.
- Provide roof-top terraces of the townhouses with an outlook (without the need for screening) to the west.
- Increase setback level 6 and 7 to 4.5m from the western boundary.
- Increase setback of Apartments 2.01, 3.01 and 4.01 to 4.5m from the centre laneway.
- Ensure there are privacy treatments along the entire eastern interface.
- Investigate alternative options to improve the orientation of the south facing apartments.

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

25 May 2018

Attachment 9 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Sketch plans).



The site has the following interfaces:

- To the immediate **south** is Webb Street, a 16m wide local street with parallel parking to both sides. There is no specific vegetation in the street. Directly across the road are 1-2 storey dwellings within the Neighbourhood Residential Zone.
- To the **east** is a 4m wide laneway which defines the eastern edge of the subject site. Further east fronting Smith Street is a variety of commercial buildings. Notably there is a 4 storey commercial/office building at 173 Smith Street ('Patterson' building). Balconies of this building are located facing the subject site. These properties are within the Commercial 1 Zone.
- To the **north** at Charles Street, a 10m wide local road with parallel parking both sides of the street, which comprises two 1 storey dwellings constructed on the opposite of subject site. Alongside is 3m bluestone laneway and a row of 2 storey dwellings. All of which are within the Neighbourhood Residential Zone.
- To the immediate **west** comprises a 2 storey commercial building ('Union Club Hotel') to the corner of Webb and Gore Streets within the Neighbourhood Residential Zone. To the immediate west at 174 Gore Street comprises a 5 storey residential building within the Mixed Use Zone.

Smith Street is typified and strongly defined by 2-4 storey commercial, industrial and office buildings. Further to the west is the residential hinterland of Fitzroy generally comprising 1-2 storey housing stock.

The site is strategically positioned and well serviced by local facilities and public transport being close to Route 86 tram and shopping precinct along Smith Street.



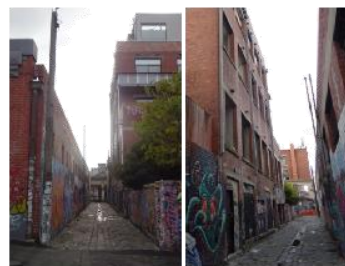
View of the subject site from Webb Street



View of residential property directly south of the site



View of the subject site from the Charles Street



View of east laneway facing to the north



View of property to the west of the site in Webb Street

Attachment 9 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Sketch plans).



Urban Design Memo

To:	Sarah Thomas	Date:	10/08/2018
Company:	City Of Yarra	From:	Hansen Urban Design
RE:	93-97 Webb Street, Fitzroy		

Thank you for the opportunity to continue to review the application package for the proposed 7 storey mixed use building at **93-97 Webb Street, Fitzroy**. We have reviewed the application plans prepared by Jackson Clements Burrows architects, dated 1 March 2018 and inspected the site and the surrounds. We provide you with an updated urban design review in response to our previous recommendations on the amended plans prepared by Jackson Clements Burrows architects dated 9 July 2018

Our assessment in relation to urban design matters, including a further consideration to our previous recommendations, is set down below.

Site and Context

The subject site is located on the northern side of Webb Street and southern side of the Charles Street, Fitzroy. The site is L shaped and has a 16.52m frontage to Webb street, with a depth of 63.35 and a 12.99m frontage to the Charles street. Total site area of approximately 989m².

The site currently comprises a 1 storey commercial building, built to all site boundaries. To the immediate east of the building there is a bluestone laneway extending along the site and from the rear of properties fronting Smith Street.

The site comprises a slight fall from south to north. And the land also slopes down towards the east along both Webb and Charles Streets. The subject site and all surroundings are affected by a Heritage Overlay.



Site context

hansen partnership
melbourne | vietnam

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e info@hansenpartnership.com.au
w hansenpartnership.com.au

urban planning | urban design | landscape architecture

Attachment 9 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Sketch plans).



Planning and Design Framework

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

- *To create a 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.*

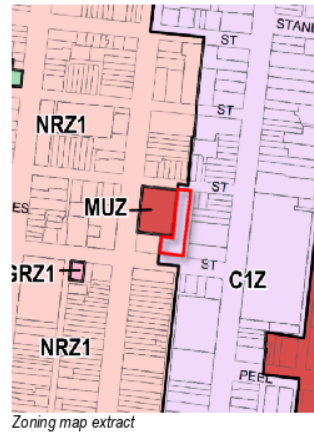
The site is affected by a Heritage Overlay (H0334 – South Fitzroy Precinct)

The following State and Local planning policies are considered relevant:

- 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 22.05 – Interface Uses Policy;
- Clause 22.07 – Development Abutting a Laneway; and
- Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay.

Other relevant documents:

- City of Yarra Urban Design Strategy (2011);
- City of Yarra Built form Review (2003);
- Victorian Urban Design Charter (2010);
- Urban Design Guidelines of Victoria (2017);
- City of Yarra Review of Heritage Overlay Areas (2007) Appendix 8; and
- Plan Melbourne.



Attachment 9 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Sketch plans).



The Proposal

The proposed development comprises the construction of a mixed use building, comprising a part 7 storey form and part 4 storey form and retention of the existing heritage facades to both Webb and Charles Streets. Specifically, the proposal includes:

- The 4 storey form positioned to the northern part includes 9 attached townhouses;
- The 7 storey form positioned to the southern part and comprises 16 apartments and a ground level office;
- Retention and restoration of existing facades to Webb Street and Charlie Street;
- Retention of existing wall along the common boundary with 174 Gore Street;
- Main pedestrian access off Webb Street, to apartments;
- Pedestrian access of Charlie Street leading to an external walkway along the western boundary which provides access to the townhouses and links through to the apartment building;
- Vehicle access to 2 levels of basement (positioned below 7 storey form), via a car lift off Webb Street;
- Individual garages to each townhouse access along the laneway (to the east);
- 38 car spaces (14 spaces within the townhouses and 24 spaces located in the basement);
- 35 bicycle spaces (20 associated with the apartments, 9 associated with the townhouses and 4 associated with the office).
- A 158m² office space positioned to the corner of Webb Street and the laneway;
- An overall maximum building height of 24.6 (to RL 60.2)
- The 7 storey apartment form is massed with a 'negative' level (Level 1) which distinguishes the 3 levels (Levels 2-4) which present as a new rising form, with 2 lightweight levels above (Levels 6-7) which are set back further and treated with a primarily glazed façade;
- The 4 storey townhouses, rise 'sheer' to the laneway and comprise roof top terraces.



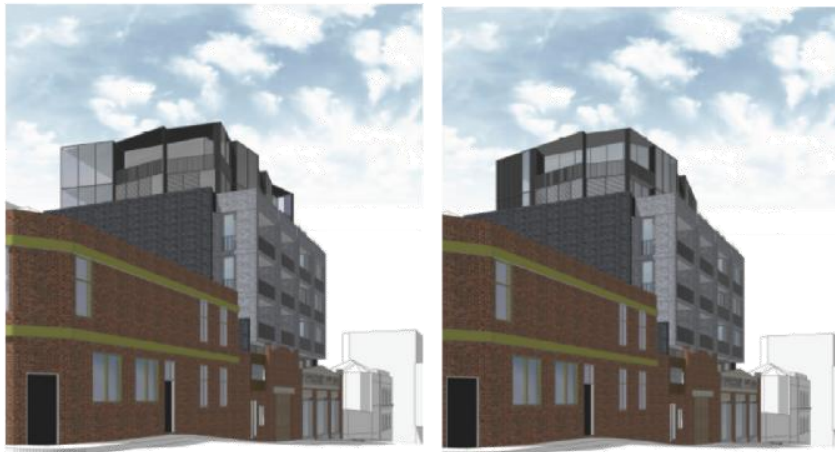
Photomontage of updated proposal along Webb Street facing to the north-west

Attachment 9 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Sketch plans).



Urban Design Assessment

In summary, we are supportive of the proposal in its current form which meets the tests as such to be rewarded with additional height. However, we consider that further minor refinements should be undertaken in relation to privacy and outlook (this could be dealt with through permit condition). A response to our previous recommendations is discussed as follows:



Previous application

Amended application

- Increased setbacks to upper levels and/or reduction of height of the apartment building to reduce the visual prominence of the upper levels.

The Yarra Planning Scheme seeks to maintain the City's urban character as a low-rise urban form (1-4 storeys) with pockets of higher development. Strategy 17.2 clearly contemplates that development on such sites for higher development (either on strategic redevelopment sites or within activity centre) should generally be no more than 5-6 storeys, unless specific benefits can be achieved. A review of the amended plans demonstrates a design proposition with significant upper level setbacks, high architectural quality and positively contributes to the public realm that should be rewarded with an additional 1 storey - as is invited in the relevant provisions of the scheme.

Our previous advice recommended that there is contemplation for a commensurate mid-rise form (up to 6-7 storeys). However – this was on the basis that there were increased upper level setbacks, particularly taking into account the site's infill characteristics (as opposed to a corner location).

Attachment 9 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Sketch plans).



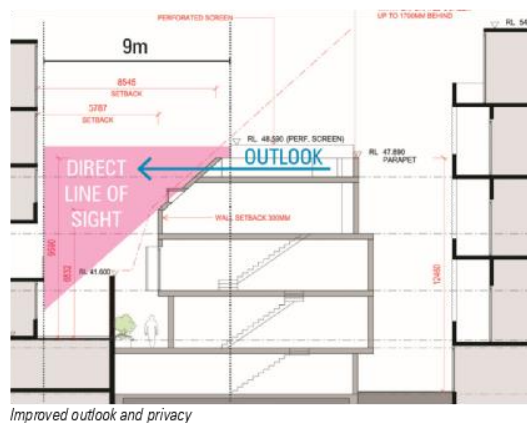
The amended plans have been refined to minimise the visibility of the upper levels from the street. It has done so by trimming the previous jagged corners of the upper levels, which accentuated the mass and jugged out above the mid-rise section of the proposal. In this mid-block context, the presentation of the 'base' should be more dominant which will reinforce the anticipated urban hierarchy and legibility of the centre. The profile of the upper levels also draws people's eyes down towards the lower levels—which is a positive (as demonstrated below). We consider this is an apt response within the Smith Street Activity Centre.



Comparison between the previous and current application

- Provide roof-top terraces of the townhouses with an outlook (without the need for screening) to the west.

In urban design terms, we consider that an outlook from dwellings is necessary to create a reasonable visual connection to the external environment. Due to the privacy treatments along the eastern boundary, we believe that an outlook could be achieved for future residents to the west through a slightly greater setback (in some cases) and removing the privacy screens—as shown the right.



Improved outlook and privacy

Attachment 9 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Sketch plans).



- Increase setback of level 6 and 7 to 4.5m from the western boundary.

We agree that the adjoining site being located within a Neighbourhood Residential Zone must not contain a building higher than 9m and 2 storeys. In this regard, we accept that the current setbacks to this adjoining property are considered appropriate.

- Increase setback of Apartments 2.01, 3.01 and 4.01 to 4.5m from the centre laneway.

Following the receipt of additional information from the applicant, we agree that the proposed apartment layout will not diminish the opportunity for development of the neighbouring sites in due course. The heritage significance of the host building at 175-179 Smith Street (Paterson Building) along with its recent refurbishment, we agree that the air space in front of these apartments will most likely remain in the future. In relation to 171 Smith Street, we agree that the future development on this site will be orientated to face Webb Street and that there is insufficient depth to accommodate a second apartment (which would face west). Therefore, we find the proposed arrangement equitable.

- Ensure there are privacy treatments along the entire eastern interface.

While, we are supportive of the views towards existing commercial building to the east, our concern lies with the townhouses facing the existing dwelling at 104 Charles Street—as shown to right and below. We are not convinced that these rooms are not habitable (this window was omitted from the survey plan), and for this reason, we suggest further investigations into the treatments of these windows.



View of existing windows from the laneway



Existing windows of dwelling within 9m of the proposal (shown in red)

Attachment 9 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External urban design advice (Sketch plans).



- Investigate alternative options to improve the orientation of the south facing apartments.

This was a suggestion as part of our previous advice – we are comfortable with the number of south facing apartments, particularly taking advantage of CBD views.

Conclusion

Having inspected the amended plans against the Yarra Planning Scheme, we are satisfied that the proposed development represents a design response that should be rewarded with an increase in development scale (to 7 storeys).

While we are pleased to provide our support for the proposal, we still have concerns with the following):

- Provide outlook to the west without the need for privacy screening; and
- Investigate screening treatment to the east, particularly towards the existing dwellings at 104 Charles Street.

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

10 August 2018

Attachment 10 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (Decision plans).

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



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Attachment 10 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (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, all **large** planning permit applications with Yarra City Council are required to include a Sustainable Management Plan (SMP). This application is a 'Large' planning application as it meets the category *Residential – ten or more dwellings*.

What is a Sustainable Management Plan (SMP)?

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

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

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

Assessment Process:

The applicant's town planning drawings provide the basis for Council's ESD assessment. Through the provided drawings and the SMP, Council requires the applicant to demonstrate best practice. The following comments are based on the review of the architectural drawings, prepared by Jackson Clement Burrows (drawings dated 01.03.18) and the accompanying SMP, prepared by ADP Consulting Engineers (Rev 2 29.11.17).

Attachment 10 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (Decision plans).**Sustainable Management Plan (SMP)**

Referral Response by Yarra City Council

**Assessment Summary:**

Responsible Planner:	Sarah Thomas		
ESD Advisor:	Euan Williamson		
Date:	23.04.2018	Planning Application No:	PLN17/1061
Subject Site:	93-97 Webb Street, FITZROY, VIC		
Site Area:	Approx. 993m ²	Site Coverage:	100%
Project Description:	7 storey building comprising townhouses, apartments and an office.		
Pre-application meeting(s):	No ESD involvement.		

This application does not meet Council's Environmental Sustainable Design (ESD) standards. Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.

Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are conditioned to be 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:

- An average 6.5 Star average NatHERS rating equivalent for all dwellings. A 10% improvement on the minimum NCC required energy efficiency requirements in non-residential areas.
- A STORM rating of 103% has been received which relies on a minimum of 699m² of roof connected to a 13,000 litre tank and connected to toilets in dwellings with 35 occupants for flushing.
- A 5kWp solar photovoltaic system to contribute to common area electricity consumption.
- 5 Star gas instantaneous hot water to apartments.
- 4 Star reverse cycle heating/cooling.
- Energy efficient lighting system comprising LEDs and sensor controls at least 20% better than NCC minimum standard.
- 26 secure bike parking spaces have been provided, including 6 on ground hoops for apartments, plus an additional 2 hoops at the rear of the development for visitors.

(2) Application ESD Deficiencies:

- Daylight to proposed dwellings is only just satisfactory. The impact on adjoining developments (both 175 Smith St & 166 Gore St) is unacceptable, as demonstrated by the submitted daylight report. Recommend complete redesign of the development to be more responsive to access to daylight in dwellings of adjoining developments. Recommend greater side setback to eastern boundary (166 Gore St) to mirror setbacks down to ground level. Recommend introduction of a setback at ground level to laneway (western side) and/or reduce the height of the townhouses, to increase access to daylight to both proposed and adjoining dwellings.
- Most dwellings have good access to natural ventilation, except apartments 1.03 and 1.04. Recommend redesign apartments 1.03 and 1.04 to setback the bedroom glazing by <0.5m to assist create an air pressure differential between bedroom and living room windows and enable natural ventilation through the dwelling.
- BESS report relies on all toilets across the development being connected to rainwater for flushing. Please update to confirm that all toilets are connected to rainwater for flushing.

(3) Outstanding Information:

- Please provide completed energy report (JV3 or equivalent) demonstrating how these non-residential energy efficiency targets have been met prior to occupation.

Attachment 10 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (Decision plans).

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



- There are large areas of east and west facing glazing exposed to summer sun angles and unwanted summer heat gain. External blinds to upper east and west facing glazing will assist. Please provide additional thermal energy analysis to demonstrate that cooling loads to all dwellings are lower than 30MJ/m² without relying on tinted glazing that will exacerbate daylight issues.
- External clothes drying facilities have been included in the BESS energy section and are required to validate the BESS report, but are not visible on plans. Please clearly mark the clothes drying racks/lines on architectural drawings.
- The four Innovation credits in BESS are not considered innovative and should be removed. All entered materials and management practices are considered commonplace and not innovative. Please update BESS report removing these from the Innovation section.

(4) ESD Improvement Opportunities:

- Recommend FSC accredited timber be specified for all timber used in this development.
- Consider concrete mixes with a minimum recycled/post industrial waste content.
- Consider environmentally certified PVC for all pipework, flooring, blinds and cables.
- Recommend a construction and demolition waste management plan be developed with a minimum 80% recycling rate.
- Please check Waste Management Plan for details of recycling and waste management.
- Recommend that an Environmental Management Plan be prepared by builder to manage and monitor activities undertaken during construction.

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 10 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (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 and Night Purging	Most dwellings have good access to natural ventilation, except apartments 1.03 and 1.04.	Recommend redesign apartments 1.03 and 1.04 to setback the bedroom glazing by <0.5m to assist create an air pressure differential between bedroom and living room windows and enable natural ventilation through the dwelling.	2
Daylight & Solar Access	Daylight to proposed dwellings is only just satisfactory. The impact on adjoining developments (both 175 Smith St & 166 Gore St) is unacceptable, as demonstrated by the submitted daylight report.	Recommend complete redesign of the development to be responsive to access to daylight in dwellings of adjoining developments. Recommend greater side setback to eastern boundary (166 Gore St) to mirror setbacks down to ground level and introduce a setback at ground level to laneway (western side) and/or reduce the height of the townhouses, to increase access to daylight to both proposed and adjoining dwellings.	2
External Views	External views from dwellings.	-	1
Hazardous Materials and VOC	Low VOC paints, varnishes, adhesives and sealants, wall and ceiling coverings.	-	1
Thermal Comfort	Good thermal comfort is determined through a combination of good access to ventilation, balanced passive heat gains and high levels of insulation. The application proposes for the office areas: - Mostly good natural ventilation - Some shading to assist manage heat gains. - Good energy efficiency standards.	Please refer to section on, <i>NCC Energy Efficiency Requirements Exceeded and Effective Shading</i>	1

*** Council Assessment Ratings:**

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

References and useful information:

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

Attachment 10 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (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	An average 6.5 Star average NatHERS rating equivalent for all dwellings. A 10% improvement on the minimum NCC required energy efficiency requirements in non-residential areas.	Please provide completed energy report (JV3 or equivalent) demonstrating how these non-residential energy efficiency targets have been met prior to occupation. <i>See also comments on shading below.</i>	3
Hot Water System	5 Star gas instantaneous hot water to apartments.	-	1
Peak Energy Demand	No specific information has been provided.	-	1
Effective Shading	There are large areas of east and west facing glazing exposed to summer sun angles and unwanted summer heat gain. External blinds to upper east and west facing glazing will assist.	Please provide additional thermal energy analysis to demonstrate that cooling loads to all dwellings are lower than 30MJ/m ² without relying on tinted glazing that will exacerbate daylight issues.	2
Efficient HVAC system	4 Star reverse cycle heating and cooling systems.	-	1
Efficient Lighting	Energy efficient lighting system comprising LEDs and sensor controls at least 20% better than NCC minimum standard.	-	1
Electricity Generation	A 5kWp solar photovoltaic system to contribute to common area electricity consumption.	-	1
Clothes Lines Drying Racks	External clothes drying facilities have been included in the BESS energy section and are required to validate the BESS report, but are not visible on plans	Please clearly mark the clothes drying racks/lines on architectural drawings.	3

*** Council Assessment Ratings:**

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

References and useful information:

SDAPP Fact Sheet: [2. Energy Efficiency](#)

House Energy Rating www.makeyourhomegreen.vic.gov.au

Attachment 10 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (Decision plans).

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 10 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (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	<p>The following WELS water efficiency standards have been specified:</p> <ul style="list-style-type: none"> • Showerheads: 3 Star <7.5l/m • Taps: 5 Stars • Toilets: 4 Stars • Urinals: 5 Stars • Dishwasher: 5 Stars 	-	1
Water for Toilet Flushing	Toilets will be connected to 13,000 litre rainwater tank for flushing.	BESS report relies on all toilets across the development being connected to rainwater for flushing. Please update to confirm.	2
Water Meter	Individual dwellings, office and all major uses of water (including rainwater tank) will be metered separately to assist with ongoing water management.	-	1
Landscape Irrigation	Drought tolerant vegetation in landscaping.	-	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 10 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (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 rating of 103% has been received which relies on a minimum of 699m ² of roof connected to a 13,000 litre tank and connected to toilets in dwellings with 35 occupants for flushing.	-	1
Discharge to Sewer	-	-	-
Stormwater Diversion	-	-	-
Stormwater Detention	-	-	-
Stormwater Treatment	-	-	-
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:

SDAPP Fact Sheet: [4. Stormwater Management](#)
 Melbourne Water STORM calculator www.storm.melbournewater.com.au
 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 10 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (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	No information has been provided.	-	1
Embodied Energy of Concrete and Steel	No information has been provided.	Consider concrete mixes with a minimum recycled/post industrial waste content.	4
Sustainable Timber	No information has been provided.	Recommend FSC accredited timber only throughout this development.	4
Design for Disassembly	No information has been provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	4
Others	No information has been provided.	Consider environmentally certified PVC for all pipework, flooring, blinds and cables	4

*** Council Assessment Ratings:**

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

References and useful information:

SDAPP Fact Sheet: [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 10 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (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.	-	1
Bike Parking Spaces	26 secure bike parking spaces have been provided, including 6 on ground hoops for apartments, plus an additional 2 hoops at the rear of the development for visitors.	-	1
End of Trip Facilities	No information has been provided.	-	1
Car Share Facilities	No information has been provided.	-	1
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:

SDAPP Fact Sheet: [6. Transport](#)

Off-setting Car Emissions Options www.greenfleet.com.au

Sustainable Transport www.transport.vic.gov.au/doi/internet/icy.nsf

Car share options www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/

Bicycle Victoria www.bv.com.au

Attachment 10 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (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	No specific information has been provided.	Recommend a construction and demolition waste management plan be developed with a minimum 80% recycling rate.	4
Operational Waste Management	General waste, recycling and organic waste management systems proposed.	-	1
Storage Spaces for Recycling and Green Waste	Areas for waste and recycling bins can be identified on the ground floor plans.	Please check Waste Management Plan for details of recycling and waste management.	3
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:

SDAPP Fact Sheet: [7. Waste Management](#)

Construction and Waste Management www.sustainability.vic.gov.au

Preparing a WMP www.epa.vic.gov.au

Waste and Recycling www.resourcesmart.vic.gov.au

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

www.environment.nsw.gov.au

Waste reduction in office buildings (2002) www.environment.nsw.gov.au

Attachment 10 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (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	Some planter boxes / landscaping will marginally improve the ecological value of this site.	-	1
Reclaiming Contamin. Land	No information has been provided.	-	NA
Green roof	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:

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

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

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 10 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (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 10 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (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 tuning of all major building services.	-	1
Building Users Guide	A Building Users Guide detailing the sustainability features of the building.	-	1
Contractor has Valid ISO14001 Accreditation	No information has been provided.	-	1
Construction Management Plan	No information has been provided.	Recommend that an Environmental Management Plan be prepared by builder to manage and monitor 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

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 11 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (Sketch plans).

- Removing the Innovation credits and reducing the BESS score a bit is also acceptable. As noted below the resulting BESS score will still be demonstrating best practice in ESD. I'm happy that the applicant will go ahead with the measures – as the measures are supported - it's just no points in BESS Innovation should be claimed as the measures aren't innovative. BESS doesn't have a materials section as yet to add these to but inclusion within the text of the SMP is suitable.

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

T (03) 9205 5366 **F** (03) 8417 6666

E Euan.Williamson@yarracity.vic.gov.au

W www.yarracity.vic.gov.au

Attachment 11 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - ESD advice (Sketch plans).



MeMO

TO: Laura Condon
cc:
FROM: Euan Williamson, ESD Advisor
DATE: 27.09.2018
FILE: 93-97 Webb Street, Fitzroy
SUBJECT: ESD response to Sketch Plans

Laura,

I've reviewed the amended sketch plans (prepared by Jackson Clements, Burrows Architects prepared 09.07.2018) and the letter from SJB Planning (dated 9th July).

In summary the amendments to the design have addressed my concerns over daylight access to existing dwellings on Gore and Smith St to a satisfactory level. Please note that in my previous advice I incorrectly referred to the adjoining building as 166 Gore Street, but the correct address is 9 Charles & 172-182 Gore Street.

- Most existing dwellings will have a small impact on their access to daylight by the proposal. The worst three dwellings on Level 1 of the Paterson's Building (Units 6, 7 & 8) will experience a significant reduction in access to daylight, but to a standard that is reasonable. I estimate, based on the building design changes, building separation and previous daylight assessment figures that these three dwellings will reach the target daylight factor standards to approximately 50% of the floor area.
- The building separation of 5.25m to the Paterson's building on the eastern side is close to 6m building separation standard recommended by BESS for buildings of this height, although the SJB Planning letter is measuring this from the glazing rather than the balcony edge.
- The raked walls on the western side will be adequate.
- I recommend that all changes in the without prejudice plans are implemented.
- I recommend further lightening of the colour palette of building materials (as suggested on page 12 of the SJB Planning letter) to further improve the daylight access outcome

Although the resulting daylight access outcome is not ideal, it is far from grounds for refusal.

Additional ESD Items

In addition to the issues regarding daylight, there are two other proposed changes that I note in response to my previous advice. This includes:

- A 250-500mm setback to the bedrooms of apartments 1.03 and 1.04 which will be effective in getting the ventilation to work in the dwellings that were highlighted in my referral advice.

Attachment 12 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Acoustic advice.

City of Yarra
93-97 Webb Street, Fitzroy
Development Application Acoustical Review

Job No: 640.10090.05560
Filename: 640.10090.05560 97 Webb St Fitzroy
20180916.docx
Date: 17 September 2018

- Music from inside the Union Club Hotel. MDA observe in Appendix A1 of their letter that the club does not appear to operate as a live music venue and that recorded music was being played during their assessment of music from the venue.
- Live music from Bar 86, at 185 Smith Street, Fitzroy.

Potential noise impacts from the site are identified as:

- Mechanical plant equipment serving the residential and non-residential components of the proposal
- Deliveries to the proposed commercial tenancy

SLR Comments: *The proposed use and potential noise impacts to the site have been identified.*

2 Background Noise Measurements

(Section 5.1 and Appendix D of the acoustic report)

Attended measurements of background noise were carried out between 12:48 am and 1:09 am Sunday 8 October 2017 (Saturday night). These measurements were conducted at the corner of Gore Street and Charles Street.

Additional measurements were conducted between 12:25 am and 12:40 am Sunday 20 January 2018 (Saturday night), in the alleyway [between the subject site and the rear of Bar 86] and close to Webb Street.

SLR Comments: *The measurement locations are reasonable. Some commentary should be provided regarding the source of the measured levels of noise, including whether there is any contribution from these or other venues.*

The measurements were all conducted on a Saturday night. If the venues operate on quieter nights of the week, background noise measurements should also be conducted on days representative of these operations. Our records suggest that background noise levels can be substantially lower in this area earlier in the week.

3 Union Club Hotel Music Noise

3.1 Legislative Requirements

(Appendix A of the MDA letter)

Music from the Union Club Hotel is proposed to be assessed in accordance with Clause 52.43 of the Yarra Planning Scheme, which deals with live music only. MDA indicate that this approach is not warranted on the basis of their observations and on-site measurements (during which they observed recorded music only), but has been undertaken on direction from the developer. This approach requires a conventional SEPP N-2 assessment of music to the subject development, and upgrades to the building façade to control noise ingress, in the instance that an exceedance of SEPP N-2 is determined.

SLR Comments: *We agree that assessment to Clause 52.43 is appropriate. We would not accept the venue being described as a non-live music venue on the basis of the evidence provided. While the venue website does not advertise live music, it includes photos of musicians performing (presumably in the venue). Some communication with the venue would be required to ascertain whether it provides live music at other times.*

Attachment 12 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Acoustic advice.



17 September 2018

640.10090.05560 97 Webb St Fitzroy 20180916.docx

City of Yarra
P.O. Box 168
Richmond VIC 3121

Attention: Laura Condon

Dear Laura

**93-97 Webb Street, Fitzroy
Development Application Acoustical Review**

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the commercial development proposed for 93-97 Webb Street, Fitzroy.

Details of the report are as follows:

- Title: 97 Webb Street, Fitzroy
- Reference: Rp 001 R04 20171111
- Date: 24 January 2018
- Prepared for: Outline Projects Pty Ltd
- Prepared by: Marshall Day Acoustics (MDA)

The report was updated to address Item 2 of a City of Yarra RFI dated 22 December 2017 (reproduced below):

2. Acoustic report modified to include an assessment of live music at the Union Club Hotel (where applicable), or any other live music entertainment venue within 50m of the site. The application may need to be amended to address clause 52.43 of the Scheme.

We have also been provided with a letter prepared by MDA and dated 24 January 2018, which outlines the purpose of the report.

1 Background Information

(Sections 1 to 3 of the report and MDA letter)

The proposal is for nine x four storey townhouses, a seven storey apartment building and a ground floor office space.

Potential noise impacts to the development are identified as:

- The beer garden associated with the Union Club Hotel, which is on the western boundary of the subject development.

SLR Consulting Australia Pty Ltd Suite 2, 2 Domville Avenue Hawthorn VIC 3122 Australia
T: +61 3 9249 9400 F: +61 3 9249 9499 E: melbourne@slrconsulting.com
www.slrconsulting.com ABN 29 001 584 612

Attachment 12 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Acoustic advice.

City of Yarra
93-97 Webb Street, Fitzroy
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It is also standard practice in the City of Yarra to consider music noise impacts from any existing venue to a new residential development, irrespective of whether the music is live or recorded.

3.2 Noise Limits

(Section 7.1 of the acoustic report)

SEPP N-2 external limits for the Union club Hotel have been calculated from the background noise measurements carried out on a Saturday night. The limits are presented in Table 6 of the report.

Where an exceedance of SEPP N-2 external limits has been identified, noise is proposed to be assessed to SEPP N-2 base noise limits internally.

SLR Comments: *Mid week operations, if they occur, are likely to be subject to lower external noise limits. These lower limits have the potential to increase the number of apartments at which internal assessments are required. However, for this part of the development (the south west corner), the number of apartments impacted is unlikely to change even if lower limits are identified, and for this reason it is not critical that midweek background noise monitoring is undertaken. The internal limits are independent of background noise levels.*

3.3 Union Club Hotel Noise Levels and Assessment

(Section 5.2 and Appendix D of the report)

Patron and music noise were measured in the outdoor areas of the Union Club Hotel on the night of Saturday 7 October 2017. The measurements are presented in Table 4 of the report and in Appendix D. The measured levels were 84 dBA Leq in the ground floor courtyard and 78 dBA Leq in the first floor deck.

Music noise to the development has been predicted using a 3-D noise modelling package. The predicted levels are presented in Table 9 of the report.

SLR Comments: *The measurements used to quantify noise from the outdoor areas appear to have been undertaken with the cooperation of the venue operator, however this should be confirmed. Where a venue's emissions are quantified by measurements conducted on one occasion only, we recommend that the venue operator confirm that emissions on the night are representative of typical worst case.*

Further information regarding the measured noise levels would be useful. We would like to know, for example, whether the noise was dominated by patrons or music, the patron capacity of the outdoor areas and whether they were fully occupied at the time of the assessment.

The report does not explicitly nominate the data used in predictions of music to the building façade, and it is unclear whether the levels presented in Table 9 have been used, or whether these have been adjusted to eliminate any contribution from patrons. Ask MDA.

3.4 Union Club Music Assessment

(Sections 7.2.1, 7.3, 7.4 and 9.0 of the report)

The predicted music levels at the façade of the development are compared with the SEPP N-2 noise limits in Table 9. Glazing upgrade treatments have been proposed for those apartments where the external SEPP N-2 limits are predicted to be exceeded (i.e. the apartments closest to the Union Hotel beer garden).

Attachment 12 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Acoustic advice.

City of Yarra
93-97 Webb Street, Fitzroy
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The recommended glazing systems, and the required octave band sound transmission losses, are provided in Section 9 of the acoustic report.

Advice pertaining to balcony balustrades and walls is included in Section 7.2.1

SLR Comments: *Our indicative calculations suggest that the glazing upgrade advice provided in the report is reasonable for controlling the predicted levels of music noise.*

There is no advice for façade wall constructions or ratings, and there is a risk that emissions via the western wall (overlooking the hotel), and via any lightweight walls in the southern façade if these are proposed, will contribute to music levels in bedrooms if some guidance is not provided by the consultant.

4 Patron Noise from the Union Club Hotel

(Section 8.0 of the report)

A theoretical assessment of patron noise has been conducted by MDA, taking into consideration the number of patrons outdoors and theoretical predictions of the noise produced. Sound power levels of 82 dBA Leq and 101 dBA L_{max} have been used for the rear courtyard of the venue, and 88 dBA Leq and 107 dBA L_{max} for the first floor courtyard.

The assumed sound power levels have been used to model patron noise to openable windows and balconies of the development. The predicted levels are provided in Table 16 of the report. The predicted patron noise levels are 10 dB lower than the predicted music levels.

Patron noise has been assessed to external targets of 'background + 5 dB', which is equal to 49 dBA Leq (based on background noise levels of 44 dBA measured late on a Saturday night).

Where an exceedance of the external limits has been identified, patron noise has been calculated to inside the apartments, taking into consideration the glazing upgrades proposed in Section 9 of the report and shown in Appendix G.

The internal levels have been assessed to the SEPP N-2 base noise limits in Table 17 of the report.

SLR Comments: *We agree that if the glazing upgrades proposed to control the predicted levels of music are implemented, patron noise will achieve the nominated internal targets. The sound power data that has been used in the assessment is lower than we would expect given the noise levels documented in Table 4 of the report, however as there is a large margin for compliance in the identified rooms, there is no imperative for the acoustical consultants to agree on this issue.*

5 Music from Bar 86

5.1 Legislative Requirements

(Appendix A of the MDA letter)

Bar 86 is identified as a live music venue by MDA and music from the Bar 86 is consequently proposed to be assessed in accordance with Clause 52.43 of the Yarra Planning Scheme.

SLR Comments: *Agreed.*

Attachment 12 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Acoustic advice.

City of Yarra
93-97 Webb Street, Fitzroy
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5.2 Noise Limits

(Section 7.1 of the acoustic report)

SEPP N-2 external limits for Bar 86 were calculated from background noise measurements carried out on a Saturday night. The limits are presented in Table 6 of the report.

If an exceedance of SEPP N-2 external limits is identified, noise is proposed to be assessed to SEPP N-2 base noise limits internally.

SLR Comments: *MDA indicate that background noise levels were measured between midnight and 1 am on Saturday night because music is typically loudest at this time on Saturday nights, and a Saturday night assessment will be representative of worst case impacts. While this is likely to be the case, we would still recommend that noise limits be determined for any events that take place earlier in the week, and for events later on a Saturday night (the venue operates until 3 am Friday and Saturday). Noise limits at these times may be substantially lower than those identified by MDA, and if that is the case operations at those times may result in a SEPPN-2 exceedance at a larger number of apartments than MDA have determined*

5.3 Bar 86 Noise Levels and Assessment

(Section 5.2 and Appendix D of the report)

Music was measured in the lane behind Bar 86 between 12:40 am and 12:55 am Sunday 20 January 2018 (Saturday night). The results are presented in Table 4 of the acoustic report.

Music noise from Bar 86 to the development has been predicted using a 3-D noise modelling package, and calibrated to the noise levels measured in the rear lane. The predicted levels are presented in Table 10 of the report.

SLR Comments: *Where a venue's emissions are quantified by measurements conducted on one occasion only, we recommend that the operator confirm that the emissions on the night are representative of typical worst case. If this is not practical or possible, we recommend that long term noise monitoring, or a series of attended measurements, is undertaken over a number of nights.*

Details of the internal layout of Bar 86 are not provided in the report, and it is unclear whether the measured noise levels are due to emissions from the ground or first floor. We would be particularly concerned to eliminate the roof of the venue as a source of noise, as emissions from the roof will not be accurately quantified by measurements conducted at 1.3 m above ground. Upper levels of the townhouses would be exposed to noise from the roof.

The predicted noise levels at the façade of the closest apartments on the first floor are 8 dB lower in the critical low frequency measurement bands, than the levels measured in the lane. This is a larger difference than we would expect between the two locations (which from our understanding of the site are only a couple of meters apart).

Attachment 12 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Acoustic advice.

City of Yarra
93-97 Webb Street, Fitzroy
Development Application Acoustical Review

Job No: 640.10090.05560
Filename: 640.10090.05560 97 Webb St Fitzroy
20180916.docx
Date: 17 September 2018

5.4 Bar 86 Music Assessment

The predicted music levels at the façade of the development are compared with the SEPP N-2 noise limits in Table 10. A 1 dB exceedance is identified at two apartments. An upgrade to achieve the SEPP N-2 base noise limits is proposed for the two apartments at which the exceedance is predicted

The recommended glazing systems, and the required octave band sound transmission losses, are provided in Section 9 of the acoustic report.

SLR Comments:

Our indicative calculations are consistent with MDAs, and we agree that if the recommended glazing performances detailed in Table 18 are achieved, the SEPP N-2 base noise limits will be met for the predicted music levels.

Acoustic advice is not provided for the façade walls, and we recommend that this be provided to ensure that these elements do not contribute to the internal noise levels.

6 Summary

A summary of our review of the acoustic report for 93-97 Webb Street is provided below.

Union Club Hotel

Music from the Union Club Hotel has been assessed in accordance with Clause 52.43 of the Yarra Planning Scheme. This approach requires a conventional external SEPP N-2 assessment to determine whether some action is necessary on the part of the developer to control noise ingress, and an internal SEPP N-2 assessment for these apartments where an external exceedance is identified.

Exceedances are predicted at all apartments potentially impacted by music noise, and substantial glazing upgrades have been proposed for these dwellings. While the assessment has not been carried out for mid-week operations when external noise limits may be lower, this is not of serious concern for this venue because noise to all the potentially impacted apartments has been assessed to the SEPP N-2 base noise limits (which are not dependent on background noise).

We recommend that the following issues are clarified or addressed:

- Confirmation from the venue that the assessment was conducted on a night representative of typical worst case noise emissions.
- What music levels are used for predicting impacts? Are the levels presented in Table 4 of the report used, or have they been adjusted in any way and if so, how? This information should be transparent because it has implications for the venue and their future operations.
- Acoustic advice should be provided in the report for façade wall constructions to the affected apartments. Even masonry walls have potential to contribute to internal levels if appropriate linings and insulation are not used.

Attachment 12 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Acoustic advice.

City of Yarra
93-97 Webb Street, Fitzroy
Development Application Acoustical Review

Job No: 640.10090.05560
Filename: 640.10090.05560 97 Webb St Fitzroy
20180916.docx
Date: 17 September 2018

Bar 86

Music from Bar 86 has also been assessed in accordance with Clause 52.43 of the Yarra Planning Scheme. Our concern with the assessment to this venue is that it may not have picked up all the apartments at which SEPP N-2 external exceedances occur. This is due to a combination of the following:

- The assessment has been carried out on a single Saturday night, for which high background noise levels have been identified. Unless a supporting statement is provided by the venue operator indicating that the night in question is typical of their worst case noise impacts, we recommend that long term noise logging or a series of attended measurements over different nights be conducted to quantify worst case impacts, and
- There are a number of additional apartments in the development that are in close proximity to those at which non-compliance has been identified. This means that any reduction in noise limits, or increase in music emissions is likely to result in more apartments requiring an internal SEPP N-2 assessment.
- The venue appears to operate up to 3 am. Background noise levels at 3 am (and subsequent noise limits) could be lower than those measured at 1 am.

For the above reasons we recommend that operations at Bar 86 be more fully investigated, and that assessments be provided for earlier in the week and later on Friday and Saturday nights. This approach is recommended to ensure that all apartments at which there will be a SEPPN-2 external exceedance are identified. We would also like to see further documentation / justification for the large noise reduction predicted between the measurement location and the closest apartment windows.

Regards,



Dianne Williams
Associate - Acoustics

Checked/
Authorised by: JA

Attachment 13 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External Engineering advice.V180503:JH
8 June 2018

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- > Along Charles Street a permit zone is currently installed along the northern side operating at all times. The onemilegrid report infers that only ticketed parking exists in the vicinity of the site;
- > Cardno notes that the location of share cars outlined within Figure 9 of the onemilegrid report is dated, however a review of current share car locations in the vicinity of the site indicates that there is a similar amount, if not slightly more at present; and
- > Overall, the existing traffic volumes outlined in Section 2.6 of the onemilegrid report appear consistent with the expected volumes and speeds within the vicinity of the site.

The development schedule shown in onemilegrid's has been reproduced in Table 1, and is an accurate representation of the proposed development as shown in the drawings provided by Jacksons Clements Burrows Architects. Based on a detailed review of these drawings, Cardno confirms that a total of **38 car parking spaces** are provided with the following allocation and location:

- > 24 car spaces and 2 motorbike spaces for 16 apartment dwellings in a two-storey basement car park to be serviced by a car lift accessed via Webb Street; and
- > 14 car spaces provided in private garages to be accessed via the access laneway for 9 townhouse dwellings.

However, Cardno's observation of the secure bicycle parking plans on the ground floor of the proposed development indicate that bicycle parking supply in the apartment building has been overstated by 1 space as 24 spaces. Cardno has counted a total of **23 bicycle parking spaces** proposed for use by resident, visitors and office staff.

The adequacy of the proposed car and bicycle parking provision will be discussed in the later stages of this letter.

Bicycle Parking Considerations

Overall, Cardno generally agrees with the onemilegrid assessment of Bicycle Parking within the proposed development, with the exception of the following:

- > We disagree with the onemilegrid's assessment of the bicycle requirement under Clause 52.34 of the Yarra Planning Scheme that has excluded the townhouse development.. We believe that the nine (9) townhouse dwellings, being five storeys high including roof terrace generate, generate a requirement of two (2) spaces for residents and one (1) space for visitors;
- > However, the spaces required to meet these requirements have been provided with two visitor bicycles spaces provided within the Charles Street foyer, and one (1) formal bicycle parking space within each townhouse garage;
- > Vertical rails appear to be spaced in accordance with Figure 2.1 of AS2890.3:2015 which indicates a compliant spacing of 500 mm between rails; and
- > Additionally, Cardno agrees with the apartments & office assessment, however note again that Cardno understands a total of 23 bicycle parking spaces have been proposed, not 24 as stated in the report.

Car Parking Considerations

Statutory Car Parking Requirements

It is agreed that, based on the size and number of the proposed uses as outlined within Table 8 of the onemilegrid report that the proposed development generates the statutory requirement to provide a total of **48 car parking spaces**, comprised of:

- > 18 spaces for residents of the proposed townhouse dwellings in the development;
- > 20 spaces for residents of the proposed apartment dwellings in the development;
- > 5 spaces for visitors to dwellings within the development; and
- > 5 spaces for the office component of the development.

Given the proposed car provision and allocation of on-site car parking, Cardno confirms that the application seeks a statutory car parking *reduction* for a total of **15 spaces**. A reduction in car parking associated with the following uses are sought:

- Townhouses – 4 spaces;

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Attachment 13 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External Engineering advice.

Our Ref: V180503: JH
Contact: Eric Kydd

8 June 2018

City of Yarra
PO Box 168
RICHMOND VIC 3121

Attention: Sarah Thomas

Cardno Victoria Pty Ltd
ABN 47 106 610 913

Level 4
501 Swanston Street
Melbourne VIC 3000
Australia

Phone: + 61 3 8415 7777
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www.cardno.com.au

Dear Sarah,

**CITY OF YARRA DEVELOPMENT REVIEW
93-97 WEBB STREET, FITZROY
PEER REVIEW - TRAFFIC ENGINEERING SERVICES**

This letter has been prepared to review the proposed development at 93-97 Webb Street, Fitzroy, including the transport impact assessment prepared by onemilegrid (Ref: 179618TIA001-C-F, dated 29 November 2017) and development plans prepared by Jacksons Clements Burrows Architects (Project #17-076, dated 1 March 2018).

This letter will review the proposed development in the context of the above documentation. We note that any components of the onemilegrid report that have not been directly addressed in this letter are items that Cardno is otherwise supportive of.

Peer Review of Traffic Engineering Assessment

Existing Conditions & Proposed Development

A summary of the proposed development has been included in Table 1 and is based on town planning drawings prepared by Jacksons Clements Burrows Architects dated 1 March 2018.

Table 1 – Development Schedule

Use	Description	Number of Dwellings / Size
Townhouses	3 Bedroom Dwellings	9
Residential Apartments	1 Bedroom Dwellings	2
	2 Bedroom Dwellings	10
	3 Bedroom Dwellings	4
Office	1 no. Tenancy	158 sq m

Cardno is of the opinion that, based on observations drawn from a site inspection conducted on 1 May 2018 the existing conditions section of the report is generally accurate and reflective of the current operation of the site and its surrounds. This is inclusive of existing land uses and the road network surrounding the site.

We do however note the following observations in regard to Section 2 – Existing Conditions of the onemilegrid report:

- > Based on Cardno's site observation, it is unlikely that up to 5 informal 'jockey' spaces could be provided at the Webb Street car park access;
- >

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- Apartments – 1 spaces;
- Visitors – 5 spaces; and
- Office – 5 spaces.

Car Parking Demand Assessment

Residential Demand

It is agreed that the site has excellent access to public transport, with a number of sustainable transport options available within the immediate vicinity of the site.

The report recognises that resident parking demands are, in part, dependent on parking provisions. Cardno agrees with this sentiment, particularly in an area such as the subject site, where on-street parking in the vicinity is restricted to short durations.

Additionally the report acknowledges that given the proposed uses, apartment and townhouses, the anticipated demand will likely be lower with reference to 2016 ABS Census Data. Cardno has undertaken an independent review of City of Yarra ABS data, applying rates for semi-detached terrace houses of two or more storeys to townhouses and rates for flats, units or apartments with four or more storeys to apartments.

Our analysis is generally consistent with the assessment of onemilegrid with some minor discrepancies identified, outlined in Table 2 below.

Table 2 – ABS Car Ownership Statistics (2016 Census - City of Yarra)

Type of Dwelling	Number of Cars	onemilegrid Identified Rates	Cardno Identified Rates
3 Bedroom Semi-detached, terrace house or townhouse	Average cars per dwelling	1.44	1.48
	Percentage dwellings with 1 or less cars	56%	55%
1 Bedroom Flat, Unit or Apartment	Average cars per dwelling	0.71	0.74
	Percentage dwellings with 0 cars	38%	34%
2 Bedroom Flat, Unit or Apartment	Average cars per dwelling	0.95	0.92
	Percentage dwellings with 0 cars	-	27%
3 Bedroom Flat, Unit or Apartment	Average cars per dwelling	1.21	1.02
	Percentage dwellings with 0 cars	-	27%

Table 2 indicates that both set of ABS rates are very similar and we consider that onemilegrid's use of Census Data to determine the anticipated demand of car parking within the proposed development to be appropriate.

Furthermore, the onemilegrid report acknowledges the provision of share cars in close proximity to the site promotes reduced car ownership for residents. Cardno considers this to be a relevant factor in this instance.

Accordingly, Cardno supports onemilegrid's assessment that residential parking provision of 38 spaces is adequate to support the demand. *Cardno believes the 33 spaces noted at the end of Section 7.3.1 in the report to be a typo and should be adjusted to read 38 spaces as outlined in Table 9 of the report.*

Residential Visitor Demand

To address residential visitor demand onemilegrid's report provides two separate assessment methodology which Cardno considers to be conflicting but nonetheless supported.

Method 1: onemilegrid used empirical evidence of an apartment complex located at 1 Roy Street, South Melbourne. Based off this case study, onemilegrid applies rates of 0.05 spaces per dwelling in business hours and 0.1 spaces per dwelling on evenings and weekends generating parking demands for 3 and 1 visitor spaces on weekends and weekdays respectively.

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Cardno supports the use of these rates given the similar locations, as our own internal surveys indicate similar rates.

Method 2: The onemilegrid report states that irrespective of not being subject to a parking overlay, the Column B rate of the planning scheme should apply to the proposed development for visitor parking as the *'intention of Column B is to take into account activity centres where parking is shared through a variety of uses.'* onemilegrid considers that the subject site is located within the Smith Street Activity Centre and as such considers that whilst a parking overlay has not been applied, these rates are applicable. Under this assumption no visitor parking is required on-site.

The second method essentially argues that, given the context of the Smith Street Activity Centre, the parking overlay rates should be applied. Cardno believes that whilst this is a valid point in the context of an activities centre, the first assessment would be more appropriate.

Office Demand

The onemilegrid report suggests that given surrounding parking being highly time or permit restricted, parking for employees will be unattractive compared to other transport modes. As discussed, the site has excellent accessibility to alternative modes of transport. Cardno is supportive of this assessment in this context that employee parking will not be required on-site.

Furthermore, onemilegrid acknowledges that the existing use of the site allows for a parking credit of 10 spaces based off an expected demand for 1.5 spaces per 100 square metres of office and warehouse with 5 informal spaces currently provided on-site. Overall, Cardno is supportive of this credit and believes that the low rate results in a conservative parking credit for the site regardless of whether the 5 informal spaces can realistically be provided.

Other Considerations

The onemilegrid report includes the Smith Street Activity Centre Structure Plan dated June 2008 that was not ultimately adopted. Given the date, and that it was not adopted, Cardno does not support the intentions associated with this plan.

However, Cardno supports onemilegrid's interpretation of the more recent City of Yarra Parking Management Strategy which encourages reduced parking or no car parking developments for sites in close proximity to public stops. This strategy endorses onemilegrid's assessment of the site overall, particularly the car parking associated with the office use.

Summary

Cardno has identified a number of differences within the car parking assessment, however overall endorses the car parking allocation and reduction requested by onemilegrid in their car parking assessment. We note the following for your consideration:

- > The onemilegrid report states that 3 and 1 visitor car parking spaces will be generated on weekends and weekdays respectively. Cardno also reasons that 3 visitor spaces may be generated on weekday evenings. We note that no evidence has been provided to show that these spaces can be accommodated on-street, instead it is argued that Column B rates should apply as the Smith Street Activity Centre meets the intentions of these rates.
- > Car parking associated with the office use is not required as employees will use other modes to travel to work. Cardno supports this view, acknowledging the existing credit to the use of the site. However, the report did not comment on the impact of visitors parking demand generated by the offices component.

Further Measures

Cardno is of the opinion that there is some reliance on on-street parking by visitors to both the office and residential components of the development. To address this, we believe that it would be appropriate to request a parking survey within the vicinity of the site, that will provide an indication of when and where available parking is located, and if this is satisfactory to accommodate the expected demand.

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**Car Parking Layout and Access Arrangements**

In general, Cardno agrees with the design assessment conducted by onemilegrid, however note a number of differences outlined in the following sections within Section 4 – Design Considerations of the onemilegrid report with reference to the drawings provided by Jackson Clements Burrows Architects and swept paths provided in Appendix A of the report:

Townhouse Car Parking

It is understood that 14 car parking spaces are provided for townhouses within garages in either single or tandem arrangements. It is noted that internally each garage provides sufficient room to house the appropriate number of spaces and is generally in accordance with the planning scheme requirements.

Cardno notes the following regarding townhouse car parking design as follows:

- > SK2-102 shows a headroom clearance of 2.075m to the garages for the townhouses, which does not provide sufficient headroom clearance of 2.2 metres according to AS/NZS 2890.1:2004 or 2.1m to Clause 52.06;
- > Swept paths within the garage overlap a staircase, clarification should be sought to establish minimum clearance heights at overlaps. Given the size of the B85 vehicle, Cardno believes that clearance will be satisfactory for most vehicles, and could be avoided with a corrective manoeuvre;
- > Clearance to car parking spaces within garages has been provided in line with Diagram 1 of Clause 52.06 of the Planning Scheme;
- > Cardno supports onemilegrid's assessment that the slight stair intrusion bringing the width to 3.151 metres (it is understood that the 3.25 metres discussed in the report is a typo) is acceptable given the width of the remaining garage and that the affected space is the tandem (least used) car parking space;
- > Swept paths provided show that entry and exit from each car park can be achieved in a satisfactory manner with a maximum of one corrective manoeuvre for some movements if required; and
- > Whilst Clause 52.06 specifies that pedestrian splays be provided at the exit lane, this strictly does not apply to the laneway which is an accessway. A corner splay should be considered at the corner of Charles Street and Webb Street within the site's building footprint to ensure sight lines can be improved. However, this is not possible as the heritage façade will be retained by the developer. The garages fronting onto this laneway will likely increase the level of traffic activity on the laneway.

Apartment Car Parking

It is understood that 24 car parking spaces are provided for apartments within two basement levels to be accessed by car lift in either single or tandem arrangements.

Car Lift / Access

Access to the car lift is proposed off Webb Street and provides sufficient room to accommodate a standard B99 vehicle. The onemilegrid report acknowledges that vehicles may be required to prop on Webb Street when the lift is already in use. Cardno agrees that the dimensions and layout of Webb Street, including parking restrictions in the vicinity are appropriate to allow for approaching vehicles to prop on-street until the lift is available.

Cardno generally supports onemilegrid's car lift operation assessment. Given many of the parameters used by onemilegrid are unknown, Cardno completed an independent car lift assessment for comparison assessment that found a 98th percentile queue length of 0.84 vehicles. This queue length is very similar to the 0.88 vehicle queue length determined by onemilegrid.

It is noted that both of these figures rely on the traffic generation rates that have been adopted with a rate allocated per dwelling as opposed to the number of car spaces provided. This type of assessment is usually considered conservative as these rates tend to be associated with a parking dispensation. However, the car parking supply for the apartments is greater than the Planning Scheme Requirement and as such may generate slightly more trips and hence a longer 98th percentile queue.

Car Park Design

Cardno notes the following regarding apartment car parking design as follows:

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Attachment 13 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - External Engineering advice.

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- > The car parking layout has been designed generally in accordance with the Planning Scheme. The report notes that two car spaces on each level have been designed with a width of 2.4 metres, length of 5.4 metres and an aisle of at least 7.8 metres. Similarly, Cardno considers these car spaces appropriate given the access, small number and location in a private car park;
- > Cardno notes that car parking spaces located at the aisle ends have not been provided with a 1 metre aisle extension as required by AS/NZS 2890.1:2004 for public use. However, being a private car park, the swept paths provided are considered acceptable; and
- > The tandem garages is only 10.3 metres in length, comprising two standard 4.9 metre length spaces and 500mm in length between as per Planning Scheme Requirements. However, it is considered that given that the garage is contained within a roller door this provision may be inadequate as any overhang will prohibit the door from closing.

Traffic Impact

Generation Rates

The onemilegrid report refers to 'surveys undertaken by other traffic engineering firms' that show the daily traffic generation rates to construct a summary of typical traffic generation rates for a variety of dwelling types shown in Table 11 of the report. The rates are similar to traffic generation rates typically adopted by Cardno.

Cardno supports onemilegrid's expectation that the generation rates will be towards the lower end of the provided ranges. Further, we note that the rates adopted for peak hour are 0.44 vph for the townhouses and 0.33 vph for the apartments. These rates actually corresponds to the middle to upper end of traffic generation rates for these uses and as such represent a conservative assessment.

Webb Street

As noted previously the apartment car park is serviced by a car lift creating a 98th percentile queue length in the order of 0.88 vehicles. onemilegrid's assessment that *'it is not expected that there will be vehicles waiting in Webb Street to utilise the lift'* is generally supported by Cardno and verified by our own assessment. However, we expect that vehicles will on occasion be required to prop temporarily on Webb Street, and understand that the width provided will be sufficient for this purpose.

Cardno supports onemilegrid's assessment that one movement every 12 minutes during the peak hours is not expected to have any material impact on the surrounding road network.

Laneway Access

Cardno supports the view that the laneway has capacity to cater for the additional generation of traffic within the laneway caused by the occupation of townhouses. Further, we agree that there is excess capacity able to cater for further development as required.

We note, that the additional width provided in the enclave of the townhouses may provide a future passing area within the laneway if a similar development and setback is constructed on the east side of the laneway. Cardno is of the opinion that if any difficulties arise in the operation of the laneway, it is considered that a one-way street could easily be implemented along its length.

We trust you find the above information satisfactory. Please feel free to get in touch should you require further clarification.

Yours sincerely,

Eric Kydd
Senior Engineer
for Cardno
Direct Line: +61 3 8415 7523
Email: Eric.Kydd@cardno.com.au

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Attachment 14 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Council's Engineering advice.

MEMO

To: Sarah Thomas
From: Mark Pisani
Date: 31 May 2018
Subject: Application No: PLN17/1061
 Description: Office and Residential Development
 Site Address: 93-97 Webb Street, Fitzroy

I refer to the above Planning Application received on 9 April 2018 and the accompanying report prepared by One Mile Grid traffic engineering consultants in relation to the proposed development at 93-97 Webb Street, Fitzroy. Council's Civil Engineering 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	2	1 space per dwelling	2	1
Two-bedroom dwelling	10	1 space per dwelling	10	15
Three-bedroom dwelling*	13	2 spaces per dwelling	26	22
Residential visitors	25 dwellings	1 space per 5 dwellings	5	0
Office	158 m ²	3.5 spaces per 100 m ² of net floor area	5	0
Total			48 Spaces	38 Spaces

* Includes 9 townhouse type dwellings.

The development would have a parking shortfall of five resident spaces, five residential visitor spaces and five office parking spaces. To reduce the number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction must be accompanied by a Car Parking Demand Assessment.

Car Parking Demand Assessment

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

- *Parking Demand for Dwellings.* Four of the three-bedroom dwellings (townhouses) would be provided with one space each. One of the one-bedroom dwellings would not be provided with any on-site car parking. One Mile Grid traffic engineering consultants have sourced car ownership data for the Fitzroy area from the 2016 ABS Census. The data recorded that three-bedroom townhouse type dwellings in Yarra would have an average car ownership of 1.44 cars per dwelling. The nine proposed townhouses would be provided with 14 spaces (a

Attachment 14 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Council's Engineering advice.

parking rate of 1.55 spaces per dwelling). The on-site parking provision for the three-bedroom townhouses is consistent with the statistical average across Yarra. This on-site car parking provision is considered appropriate.

The provision of no on-site parking for one of the one-bedroom dwellings is also considered appropriate.

- *Parking Demand for the Two-Bedroom Dwellings.* Fifteen on-site spaces have been allocated to the 10 two-bedroom dwellings, thus exceeding the minimum requirements of Clause 52.06-5. Five two bedroom dwellings would be allocated to two spaces per dwelling (in tandem arrangements). Generally, on-site parking should be provided at rates that do not exceed the statutory requirement. In this case, the on-site basement car park has been designed with nine tandem parking arrangements. There is no objection to the provision of two spaces each for five of the two-bedroom dwellings.
- *Parking Demand for Residential Visitors.* Peak parking for residential visitors generally occurs on weekday evenings and at weekends. Applying an established empirical peak residential parking rate of 0.12 spaces per dwelling for the 25 dwellings would result in a peak parking demand of three spaces. During normal business hours, the visitor parking rate would be much less than the 0.12 spaces per dwelling. Off-peak visitor parking would be around 0.07 spaces per dwelling, which would result in one to two spaces.

The applicant proposes to accommodate all residential visitor parking off-site, since the site would contain a car lift to service the basement car parks - not practical for use by residential visitors. In addition, the car parking off the north-south aligned Right of Way is contained within individual garages, leaving very little opportunity to provide dedicated on-site parking for 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 arrangements cannot practically allow for residential visitor parking to be accommodated on the property. In the context of the surrounding area, the demand of one to three residential visitor parking spaces off-site should not be detrimental to existing on-street parking conditions in the area.

- *Parking Demand for Office Use.* Parking associated with office type developments is generally long-stay parking for employees and short term parking (say up to two hours' duration) for customers and clients. The actual parking demand generated by the office is expected to be lower than the statutory parking rate of 3.5 spaces per 100 square metres of floor space, since the area has very good access to public transport services.

Throughout the municipality, Council has, in recent times, approved small scale office developments with no on-site car parking. The following table lists some sites that have been approved with no on-site car parking:

Development Site	Approved Office Parking Rate
Collingwood	
86 Smith Street PLN16/0216 issued 15 April 2016	96 m ² Reduction: 3 spaces
187-195 Langridge Street PLN17/0867 issued 19 January 2018	470 m ² Reduction: 16 spaces
Cremorne	
46A Stephenson Street PLN17/0017 issued 8 August 2017	55 m ² Reduction: 1 space
Richmond	
19 David Street PLN17/0395 issued 15 April 2016	175 m ² Reduction: 6 spaces

Attachment 14 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Council's Engineering advice.

The provision of no on-site parking for the proposed office use is considered appropriate, having regard to the site's accessibility to public transport services and its proximity to Melbourne.

- *Availability of Public Transport in the Locality of the Land.* The site is within walking distance of tram services operating along Smith Street, Brunswick Street and Nicholson Street. Parliament railway station could also be reached by foot.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- *Availability of Car Parking.* One Mile Grid had conducted on-street parking occupancy surveys back in October 2015. The data from these surveys would be considered outdated. Although on-street parking demand in the area is high, the short-stay parking overflow from the site could be accommodated on-street. The introduction of parking sensors along Smith Street and Gertrude Street ensure that short-stay parking regularly turns over in the nearby activity centres.
- *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 on-site car parking would potentially discourage private motor vehicle ownership and use.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking associated with the dwellings, office and visitor parking spaces is considered appropriate in the context of the development and the surrounding area. The short-stay parking overflow generated by the site could be accommodated on-street without adversely impacting on existing parking conditions in the area.

The Civil Engineering unit has no objection to the reduction in the car parking requirement for this site.

TRAFFIC GENERATION**Trip Generation**

The traffic generation for the site adopted by One Mile Grid consultants is as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Townhouses (9 dwellings)	4.0 trips per dwelling per day Peak hour volume is 10% of daily traffic volume	36	4	4
Flats (15 dwellings)	3.0 trips per dwelling per day Peak hour volume is 10% of daily traffic volume	45	5	5
Total		81	9	9

The traffic volumes generated by the site are not unduly high and should not adversely impact on the traffic operation of the nearby streets.

Directional split assumptions in each peak hour –

- AM Peak – 80% outbound (7 trips), 20% inbound (2 trips); and
- PM Peak – 40% outbound (4 trips), 60% Inbound (5 trips).

Attachment 14 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Council's Engineering advice.**DEVELOPMENT LAYOUT DESIGN****Layout Design Assessment**

JCB Architects Drawing Nos. SK1-100, SK1-101, SK1-102, SK2-102, SK2-103, SK3-102 and SK3-106
dated 1 March 2018

Item	Assessment
Access Arrangements	
Development Entrance – Webb Street	The single doorway width of 3.4 metres for the development entrance via Webb Street satisfies <i>Design standard 1 – Accessways</i> of Clause 52.06-9.
Visibility – Webb Street	Sight triangles cannot be practically provided for this doorway. It is agreed that vehicles exiting the lift would proceed from rest (not dissimilar to a car exiting a garage). Motorists would exercise additional care when entering Webb Street. The non-compliance of this item is considered acceptable in this circumstance.
Individual Garages – North-South aligned Right of Way	The widths of the individual garages range from 4.095 metres to 4.25 metres and are considered satisfactory.
Headroom Clearance	The headroom clearances of the garage doorways (2.075 metres) fall short of the minimum 2.1 metres required by <i>Design standard 1</i> . The headroom clearance of the doorway off Webb Street has not been dimensioned on the drawings.
Car Parking Modules	
At-grade Parking Spaces	The dimensions of the at-grade parking spaces (2.7 metres by 4.9 metres) satisfy <i>Design standard 2: Car parking spaces</i> .
Tandem Parking Sets	The 10.3 metre lengths of the tandem parking sets satisfy <i>Design standard 1</i> .
Aisles	Aisle widths range from 6.4 metres to 7.875 metres and satisfy <i>Table 2: Minimum dimensions of car parking spaces and accessways</i> of Clause 52.06-9.
Column Depths and Setbacks	Not dimensioned on the drawings.
Clearances to Walls	Spaces adjacent to walls have been widened to accommodate the required 300 mm clearance and satisfy <i>Design standard 2</i> .
Motorcycle Parking Spaces	The dimensions of the motorcycle spaces (1.777 metres by 3.058 metres) satisfy the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Garages	The dimensions of the single and tandem garages satisfy AS/NZS 2890.1:2004.
Car Lift	
Car Lift Model	The development would be using the IdealPark IP1-HMT V08 hydraulic car lift. The model selected would have a width of 3.0 metres and a length of 6.5 metres and can accommodate the B99 design vehicle.

Attachment 14 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Council's Engineering advice.

Item	Assessment
Performance of Car Lift	<p>The PM peak hour would be the critical time for the operation of the car lift. In this case, the car lift would be servicing the parking for the flat type dwellings (15 No.), with a peak inbound volume of 5 trips.</p> <p>The proposed car lift is capable of servicing 21.8 vehicles per hour, based on a total service time of 165 seconds, derived our own calculation*. By conservatively assuming a total inbound volume of 5 vehicles per PM peak hour wishing to access the basements, the utilisation ratio for the car lift (usage/capacity) would be 0.23 (5 vehicle trips per hour/21.8 vehicles per hour).</p> <p>To determine the storage queue of the car lift, guidance is sought from the Australian/New Zealand Standard AS/NZS 2890.1:2004. The mechanical device such as this car lift should have sufficient vehicle storage to accommodate the 98th percentile queue (the queue that will be exceeded on 2% of occasions). By knowing the utilisation ratio of the car lift (in this case, 0.23), the 98th percentile queue length can be calculated.</p> <p>Queue Length, $N = (\text{Log}_n \text{Pr}(n > N) / \text{Log}_n \rho) - 1$ $\text{Pr}(n > N) = \rho^{N+1}$ where $\rho = r / s$ (utilisation factor) $\rho = \text{average arrival rate} / \text{average service rate}$ $= 5 / 21.8$ $= 0.23$</p> <p>$N = (\text{Log}_n 0.02 / \text{Log}_n 0.23) - 1$ $= 1.66 \text{ car lengths, say } 2 \text{ cars}$</p> <p>The 98th percentile queue length for the car lift during the PM peak hour would be two car lengths. The queue length also includes a car inside the car lift. The queueing of vehicles external to the property need to be reviewed in context. In the unlikely event of a vehicle queued in Webb Street, the operation of Webb Street should not be adversely impacted on.</p>
Other Items	
Vehicle Turning Movements – Via Webb Street	The swept path diagrams for the B99 design vehicle entering and exiting the car lift via Webb Street are considered satisfactory.
Vehicle Turning Movements – Via Right of Way	The swept path diagrams for the B85 design vehicle entering and exiting the garages via the Right of Way are considered satisfactory.
Vehicle Manoeuvrability – Basement Car Parks	The swept path diagrams for the B85 design vehicle entering and exiting the parking spaces and car lift are considered satisfactory.

* Calculation of car lift service time:

- Time to arrive at lift – 5 seconds
- Time for door to open – 5 seconds
- Time for car to drive into lift – 10 seconds
- Activate lift – 5 seconds
- Time for lift descent – 40 seconds (6.0 m/0.15 m/s)
- Time for door to open – 5 seconds
- Time for car to exit lift – 10 seconds
- Time for door to close – 5 seconds
- Time for lift ascent – 80 seconds (6.0 m/0.075 m/s)
- **Total time taken –165 seconds**

Attachment 14 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Council's Engineering advice. Design Items to be Addressed

Item	Details
Headroom Clearance – Webb Street Access	To be dimensioned on the drawings.
Column Depths and Setbacks	To be dimensioned on the drawings.
Roller Door off Right of Way	Applicant to provide clarification regarding the purpose of the roller door off the Right of Way for the office use. Is it intended for vehicular use?

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.

RECONSTRUCTION OF NORTH-SOUTH ALIGNED RIGHT OF WAY

A site inspection of the north-south aligned bluestone Right of Way abutting the eastern boundary of the property revealed that it is in a poor condition. The pavement contains a number of irregularities, depressions and areas of heaving. The excavation of the basement and the construction of the new building would further impact on the Right of Way. Once the development is operational, residents from the townhouses would be the principal users of this road. It is necessary that once all development works have been completed, the Permit Holder must reconstruct the length of the Right of Way to ensure that it has a high level of serviceability in accommodating daily, repetitive vehicular loadings.

ENGINEERING CONDITIONS

Civil Works

Upon the completion of all building works and connections for underground utility services,

- The kerb and channel along the property's Webb Street and Charles Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The footpath along the property's Webb Street and Charles Street frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council.
- The new vehicle crossing on the north side of Webb Street must be constructed in accordance with Council's Standard Drawings, Council's *Infrastructure Road Materials Policy* and engineering requirements. The vehicle crossing must satisfy the ground clearance requirements for the B99 design vehicle.
- All redundant vehicle crossings surrounding the site must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.
- The north-south aligned Right of Way, between Charles Street and Webb Street, must be fully reconstructed to Council's satisfaction and in accordance with Council's *Infrastructure Road Materials Policy*. The Right of Way reconstruction works are to be funded by the Permit Holder.

Attachment 14 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Council's Engineering advice.

- The vehicle crossings servicing the Right of Way at both the Webb Street and Charles Street ends must be demolished and reconstructed to Council's satisfaction. Materials to be used must comply with Council's *Infrastructure Road Materials Policy*. The vehicle crossing must satisfy the vehicle ground clearance requirements for the B99 design vehicle.

Public Lighting (On Roads)

- The existing public lights in Webb Street (pole No. 21889) and Charles Street (pole No. 21911) are to be replaced with alternative luminaires to avoid light spillage into the habitable windows of new development. These public lighting works must be done to the satisfaction of the relevant power authority and Council and at the Permit Holder's cost.

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.

Construction Management Plan

- A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.

Impact of Assets on Proposed Development

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

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.
- Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
- The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

**Attachment 14 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Council's Engineering advice.
NON-PLANNING ADVICE FOR THE APPLICANT**

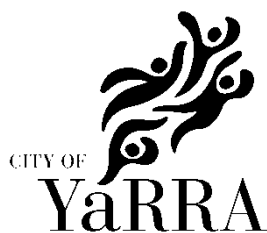
Item	Details
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the <i>Building Regulations</i> 2006 from Yarra Building Services unit. Any stormwater drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the <i>Local Government Act</i> 1989 and Regulation 610.
Sewer Vents – Right of Way	The existing sewer vents the west side of the Right of Way (abutting the eastern boundary of the site) could potentially be problematic for residents of the upper levels of the new building. The developer should liaise with the relevant water authority regarding the sewer vents and ascertain any clearances required from windows. If the vents are still active, measures should be taken by the developer to ensure that fumes do not waft into the new building.
Discharge of Water from Development	<ul style="list-style-type: none"> Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains. Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines. Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority. Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.
Road Reinstatements	All road pavement reinstatements must be consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement.
Redundant Pits and Services	Redundant pits/services to be removed and Council assets to be reinstated.
Electrical Pole at south-east Corner of Site	<p>The existing electrical pole (pole No. 21889) at the south east corner of the site abuts the property boundary and would be impacted on with the reconstruction of the Right of Way. The Permit Holder must liaise with the relevant power authority regarding "No Go Zone" requirements and the civil works in the Right of Way.</p> <p>The condition of the pole may require replacement and an alternative location – subject to approval of property owners of affected properties and Council.</p>

Attachment 14 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Council's Engineering advice.



Existing electrical pole (No. 21889) at south east corner of site. Luminaire must be replaced to avoid light spillage into habitable windows. The pole may also require replacement and relocation (subject to approval by affected property owners and Council).

Attachment 15 - PLN17/1061 - 93 - 97 Webb St, Fitzroy - Waste Management advice.



Contract Management/Waste comments

PLN17/1061- 93-97 Webb Street, Fitzroy

City Works have been in discussions with the WMP author and has altered their previous advice. The waste management plan for 93-97 Webb St, Fitzroy by One Mile Grid and dated 29/11/2017 is satisfactory from a City Works branch's perspective.

Regards,

Patrick Orr

Contract Management Officer

City Works

Yarra Operations Depot, Clifton Hill