YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

to be held on Wednesday 21 November 2018 at 6.30pm in Meeting Rooms 1 & 2 at the Richmond Town Hall

Rostered Councillor membership

Councillor Stephen Jolly
Councillor Mike McEvoy
Councillor Mi-Lin Chen Yi Mei (substitute for Cr James Searle)

I. ATTENDANCE
Vicky Grillakis (Co-ordinator Statutory Planning)
Sarah Griffiths (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	PLN18/0172 - 622-642 Nicholson Street Fitzroy North - The construction of a ten storey building plus three basement levels and a roof top terrace, the use of the land as an office, medical centre, supermarket and a bottle shop, the sale of liquor for consumption off the premises, a reduction in the car parking requirement and alterations to the access to a road in a Road Zone, Category 1 by removing and altering crossovers to Nicholson Street.	5	43
1.2	115 Easey Street, Collingwood - PLN17/0655 - Full demolition of the existing dwelling and construction of three dwellings on a lot.	198	220
1.3	PLN17/0789 - 377 St Georges Road, Fitzroy North - Demolition of the existing building for the construction of a mixed-use multi-storey building, and use of the land for dwellings, with a reduction in the car parking requirement.	286	328
1.4	5 Park Drive, Clifton Hill - PLN17/0648 - Amendment to a Section 173 Agreement	397	410
1.5	37 - 39 Stewart Street - PLN16/0365.02 - Section 72 Amendment to extend the existing platform (with associated air conditioning units) on the western side of the existing building to a height of 8.3 metres.	479	491

1.1 PLN18/0172 - 622-642 Nicholson Street Fitzroy North - The construction of a ten storey building plus three basement levels and a roof top terrace, the use of the land as an office, medical centre, supermarket and a bottle shop, the sale of liquor for consumption off the premises, a reduction in the car parking requirement and alterations to the access to a road in a Road Zone, Category 1 by removing and altering crossovers to Nicholson Street.

Executive Summary

Purpose

1. This report provides Council with an assessment of planning permit application PLN18/0172 which seeks approval for the construction of a ten storey building plus three basement levels and a roof top terrace, the use of the land as an office, medical centre, supermarket and a bottle shop, the sale of liquor for consumption off the premises, a reduction in the car parking requirement and alterations to access to a road in a Road Zone, Category 1 by removing and altering crossovers to Nicholson Street.
2. As detailed in the assessment section, this report recommends approval of the proposed development subject to conditions, including a reduction in the overall height of the building to eight storeys through the deletion of two levels.

Key Planning Considerations

3. Key planning considerations include the following:
   (a) Land use (Clauses 11.01, 11.02, 11.03, 17.01, 17.02, 21.04 and 32.04 of the Yarra Planning Scheme).
   (b) Built form (Clauses 15.01, 21.05, 22.05, 22.07 and 22.10 of the Yarra Planning Scheme).
   (c) Off-site amenity impacts (Clauses 15.01, 22.05 and 22.10 of the Yarra Planning Scheme).
   (d) Internal amenity (Clauses 22.05 and 22.17 of the Yarra Planning Scheme).
   (e) Car and bicycle parking (Clauses 18.01, 18.02, 21.06, 52.06 and 52.34 of the Yarra Planning Scheme).
   (f) Licensed premises (Clauses 22.09 and 52.27).
   (g) Access to a Road Zone (Clause 52.29).

Key Issues

4. The key issues for Council in considering the proposal relate to the following:
   (a) Strategic justification.
   (b) Land Use.
   (c) Built form and design.
   (d) Equitable development.
   (e) Off-site amenity impacts.
   (f) Internal amenity.
   (g) Sustainable design.
   (h) Potentially contaminated land.
   (i) Car and bicycle parking.

(j) Traffic and access.

(k) Objector concerns.

Submissions Received

5. A total of 240 objections were received to the application, these can be summarised as follows:

   (a) Design and built form (including out of character, excessive height, bulk and scale and inappropriate materials and finishes).

   (b) Overdevelopment of the site.

   (c) Off-site amenity impacts (including overlooking, overshadowing, loss of daylight, glare from the proposed glazing, loss of views, wind impacts).

   (d) Increase in noise (traffic, people, outdoor areas/terraces, mechanical plant equipment, etc.).

   (e) Poor internal amenity.

   (f) Car parking, traffic and access including impractical turn table, lack of car parking on site, increased traffic, waste management issues.

   (g) Other (including setting a precedence, no community benefit, reduction in property values, impacts during construction).

Conclusion

6. Based on the following report, the proposal is considered to comply with the relevant planning policy in the Scheme and should be supported subject to the following key recommendations:

   (a) A reduction in the overall height of the building from 10 to eight stories through the deletion of two levels.

   (b) The eastern facade of the building with a reflectivity of no less than 0.5 or 50 per cent.

   (c) Restriction to the size of vehicles accessing the loading bay of the building to 12.5 metres in length or less (equating to medium rigid trucks or smaller).

   (d) Restriction to the number of loading vehicle events for trucks occurring each day, to no more than four.

CONTACT OFFICER: **Nikolas Muhllechner**
TITLE: **Principal Planner**
TEL: **9205 5456**

1.1 PLN18/0172 - 622-642 Nicholson Street Fitzroy North - The construction of a ten storey building plus three basement levels and a roof top terrace, the use of the land as an office, medical centre, supermarket and a bottle shop, the sale of liquor for consumption off the premises, a reduction in the car parking requirement and alterations to the access to a road in a Road Zone, Category 1 by removing and altering crossovers to Nicholson Street.

Trim Record Number: D18/177514
Responsible Officer: Senior Co-ordinator Statutory Planning

Proposal:	The construction of a ten storey building plus three basement levels and a roof top terrace, the use of the land as an office, medical centre, supermarket and a bottle shop, the sale of liquor for consumption off the premises, a reduction in the car parking requirement and alterations to the access to a road in a Road Zone, Category 1 by removing and altering crossovers to Nicholson Street.
Existing use:	Function centre operating in a four storey building.
Applicant:	Ratio Consultants
Zoning / Overlays:	Mixed Use Zone Environmental Audit Overlay
Date of Application:	16 March 2018
Application Number:	PLN18/0172

Planning History

1. Planning permit 2363 was issued by the City of Fitzroy on 3 November 1983 and allowed the construction a building on site and the use of the premises for the purpose of a showroom, warehouse and reception room with ancillary car park.
2. Planning permit 782 was issued by the City of Fitzroy on 14 December 1989 and allowed the display of two illuminated non-advertising signs.
3. Planning permit 955 was issued by the City of Fitzroy on 1 October 1990 and allowed the use of the ground floor of the building for the purpose of a restaurant.
4. Planning permit 956 was issued by the City of Fitzroy on 1 October 1990 and allowed the use the ground floor of the building for the purpose of a reception room.
5. Planning permit 2615 was issued by the City of Fitzroy on 18 January1994 and allowed the subdivision of the site into two (2) lots.
6. Planning permit 802 was issued on 19 February 1999 and allowed for the extension of hours of operation of receptions until 1:00am, seven days a week.
7. Planning permit 001550 was issued by Council on 6 June 2001 and allowed the construction of buildings and works to the existing reception centre and to waiver the associated car parking requirements. The permit was amended on 11 April 2002.
8. Planning permit PL07/0161 was issued on 6 August 2007 and allowed the consumption of alcohol in the covered outdoor area to the west (front) of the existing building, in conjunction with the existing liquor licence.
9. Planning permit application PL09/0455 sought approval for an extension to the office and function centre. This application lapsed as the further information was not submitted within the required timeframe.

10. Planning permit application PLN13/0442 was issued on 30 December 2013 for the use of part of the land as a place of assembly (community counselling centre) and a reduction in the associated car parking requirement.

11. Planning permit PLN15/0842 was issued on 11 January 2016 for the use of the land for an education centre and a reduction in the associated car parking requirement.

Background

12. This application was received by Council on 16 March 2018. Following the submission of further information the application was advertised in July and August 2018 and 240 objections were received.

13. A consultation meeting was not held for this application as it was considered that 240 objections would not be conducive to facilitating such as meeting.

Lodgment of sketch plans

14. In response to issues raised in the submitted objections, as well as issues raised by Council officers and in referral comments, a set of sketch plans prepared by Artisan Architects and dated 14 September 2018 (Attachment 4) were submitted to Council after the advertising period. The sketch plans show the following changes to the proposed development as depicted in the advertised plans:

    (a) An indicative layout of the ground floor tenancies.

    (b) Consolidation of the bicycle parking spaces within a designated room (basement level one).

    (c) Increased number of visitor bicycle hoops on the Nicholson Street footpath from nine hoops to twelve hoops.

    (d) Inclusion of a substation on basement level one in place of three car parking spaces.

    (e) Deletion of one medical consulting suite on the first floor and increased size of the medical centre waiting area.

    (f) Reduced height of the awning along Nicholson Street from 4 metres to 3 metres (minimum).

    (g) Provision of square shaped columns internally above the ground floor in lieu of round shaped columns.

15. The sketch plans have not been formally substituted pursuant to Section 57A of the *Planning and Environment Act 1987* within the application material but will be referred to for discussion purposes throughout the body of this report.

The Proposal

16. The application proposes the construction of a ten storey building plus three basement levels and a roof top terrace, the use of the land for office, medical centre, supermarket and a bottle shop, the sale of liquor for consumption off the premises, a reduction in the car parking requirement and alterations to the access to a road in a Road Zone, Category 1 by removing and altering crossovers to Nicholson Street.

17. The key elements of the proposed development as depicted in the plans (Attachments 2 and 3) are as follows:

    Use:

    (a) Ground floor supermarket (1,390 square metres) and a bottle shop (120 square metres), as well as a lift lobby area and loading bay. The supermarket is proposed to operate 24 hours a day, seven days a week. The bottle shop is proposed to operate 9:00am to 11:00pm, seven days a week. The bottle shop is proposed to be licensed to sell liquor for the consumption off the premises.

(b) First floor medical centre containing ten suites and a waiting area, accommodating ten medical practitioners, with operating hours between 8:00am to 10:00pm, seven days a week.

(c) The second to ninth floors consisting of office space with a total floor area of 7,615 square metres.

(d) The main pedestrian entrance to the lift lobby from the south of the Nicholson Street frontage, with separate entries to both the supermarket and bottle shop from Nicholson Street.

(e) A third floor terrace that wraps around the north, west and south of the upper level built form with a total area of 400 square metres and landscaping around the perimeter.

(f) The roof top terrace accessed via the lifts and stairwell with a communal open space of 404 square metres, landscaping around the perimeter of the open space and mechanical plant equipment.

Car Parking and Access:

(g) Vehicle access to the basement car parking gained via a modified 6.1 metre wide crossover to Nicholson Street. All other vehicle crossovers to Nicholson Street to be reinstated as footpath and kerb and channel.

(h) A total of 157 car parking spaces across three levels of basement, including 43 spaces on basement level one, 53 spaces on basement level two and 61 spaces on basement level 3.

(i) A loading bay for the supermarket and bottle shop is located in the north-east corner of the site. Vehicle access to the loading bay via the north-south laneway terminating to the east of the northern boundary and accessed via Bik Lane further north. A vehicle turntable in the loading bay allows vehicles to enter and exit the loading bay in a forward direction.

(j) On-site loading has not been provided for the office or medical centre components of the development given the nature of office use and medical centres. It is anticipated that loading associated with these uses will be infrequent and undertaken by smaller trucks/vans that can utilise car parking along Nicholson Street.

(k) Waste collection for the supermarket and bottle shop is proposed via the loading bay in the north-west corner, while waste collection for the office use and medical centre is proposed from basement level one next to the bin storage area.

(l) A total of 107 bicycle parking spaces provided across the three basement levels plus 18 visitor bicycle parking spaces within the footpath on Nicholson Street. End of trip facilities provided in the form of ten combined shower and change rooms across various levels of the building.

Built Form:

(m) The construction of a ten storey building plus three basement levels and a roof top terrace.

(n) Maximum building height of 42.671 metres to the top of the lift overrun.

(o) Building height to the parapet of the ninth storey of 40.220 metres at the north-west corner and 39.071 metres at the south-west corner.

(p) A three storey street wall to Nicholson Street with a height of 14.573 metres extending across the width of the site.

(q) The third floor and above setback 6 metres from the street wall and 3 metres from both the southern and northern (side) boundaries.

(r) To the eastern (rear) boundary, the ground floor is constructed on the boundary with a height between 5.3 metres and 6.42 metres. The first floor is setback 3.643 metres, the second floor is setback 7.643 metres, the third and fourth floors are setback 11.643 metres and the fifth to ninth floors are setback 13.643 metres.

(s) Materials and finishes including feature timber frames, light grey precast concrete with integrated pattern, dark grey precast concrete with integrated pattern, grey and white clear glazing, brickwork finish, Colorbond monument lightweight metal cladding, Colorbond monument laser cut metal screen, Colorbond monument powdercoated metal screen, Colorbond wallaby powdercoated metal screen, Dulux domino applied finish and natural white applied finish.

Environmental Sustainable Design:

(t) A 20 per cent improvement above the NCC energy efficiency requirements for heating and cooling.

(u) A STORM report with a 101 per cent STORM score that demonstrates best practice and relies on 1,207 square metres of roof connected to a 22,000 litre rainwater tank connected to toilet flushing for 380 occupants or equivalent.

(v) Good access to daylight to most areas in the proposed building.

(w) Operable windows allowing access to natural ventilation to most occupied spaces.

(x) A 14 kW solar photo voltaic array to contribute to onsite electricity demands.

(y) Energy efficient HVAC with a minimum COP of 3.74.

(z) Energy efficient lighting, 20 per cent improvement on NCC lighting power densities.

(aa) Water efficient fixtures and taps.

(bb) Water efficient landscaping.

Existing Conditions

Subject Site

18. The subject site (Attachment 1) is nominally rectangular in shape and located on the eastern side of Nicholson Street, approximately 24 metres north of Reid Street, in Fitzroy North. The site has a frontage to Nicholson Street of 45.55 metres, a depth along the southern boundary of 37.64 metres, a depth along the northern boundary of 41.28 metres and an overall area of approximately 1,834 square metres. The site slopes down from the rear north-east corner of the site to the front south-west corner by approximately 1.4 metres.

19. The subject site is currently developed with a four storey building that is primarily used as a function centre. The building has a porte cochere within its front setback, which is accessed via four crossovers to Nicholson Street. Additional car parking is accessed via the crossover to the south of the frontage, which provides access to the car park to the rear of the site at ground floor level.

20. The upper levels cantilever over the undercroft driveway and effectively form the porte cochere. The building provides limited fenestration to its façade, with glazed balustrades located close to the southern boundary. Landscaping, comprising shrubs and small palm trees in the ground are located around the porte cochere area.

21. The building is built to all its boundaries. The building steps down to the rear (east) of the site, with a boundary wall height of between 8.78 metres and 10.59 metres high along its eastern boundary.

22. The current liquor licence for the site is a restaurant and café liquor licence that authorises the licensee to supply liquor on the premises for consumption on the licensed premises with a maximum capacity of 936 patrons and trading hours up to 1:00am the following day, seven days a week.

23. The subject site consists of two allotments. The northern allotment is legally described as Lot 1 on Plan of Subdivision 332654X, while the southern allotment is legally described as Lot 2 on Plan of Subdivision 332654X. Both allotments have a party wall easement on their side of the common boundary between the two allotments in favour of the other allotment.

24. Lot 2 is affected by a Section 173 agreement, which requires car parking to be provided for the restaurant and reception room uses. As the two planning permits that allowed the use of the land for restaurant and reception room, respectively, could not be acted upon if this proposed development were approved and constructed, the Section 173 agreement has no bearing on this current application.



(Aerial imagery, July 2018)

Surrounding Land

25. The surrounding area contains a mix of uses, with predominantly commercial activity along the Nicholson Street spine and residential uses located to the east and west of the commercial spine.

26. The subject site is located within the Fitzroy North neighbourhood activity centre that includes properties on both sides of Nicholson Street between Reid Street to the south and Park Street to the north. The neighbourhood activity centre consists of a range of services and facilities, including retail, restaurants, services and offices along both sides of Nicholson Street.

27. The site is well serviced by public transport with the Nicholson Street tram line travelling in front of the site providing services between East Brunswick and St Kilda (via the city centre). The St. Georges Road tram is located approximately 430 metres away to the east and the Lygon street tram located approximately 700 metres away to the west.

28. To the immediate south of the subject site at 620 and 618 Nicholson Street is a pair of two attached single storey dwellings of the Victorian-era. The dwellings occupy approximately two-thirds of their respective sites with open space provided at the rear of the dwellings and informal car parking spaces accessed for a rear laneway.

29. Further south, at 612-616 Nicholson Street is a double storey Victorian-era commercial building located on the north-east corner with Reid Street. The ground floor is currently occupied with two separate restaurants with service areas located to the rear of the building.

30. On the south-east corner of Nicholson Street and Reid Street at 600 Nicholson Street is a five storey apartment building with a three storey street wall with a height of 15 metres and an overall height of 19.79 metres.

31. To the rear (east) of 612-616 Nicholson Street and abutting the southern portion of the rear boundary of the subject site is a 3.26 metre wide north-south laneway. The laneway commences at Reid Street in the south, extends along the rear boundaries of 612 to 620 Nicholson Street as well as the southern 10.06 metres of the rear boundary of the subject site before coming to an end at a dog leg in the rear boundary of the subject site.

32. To the east of the north-south laneway at 7-11 Reid Street is a six storey building with a height of 19.64 metres to the top of the parapet. The building contains ground floor commercial uses facing Reid Street, apartments at the rear of the ground floor and apartments on all upper floor levels. Apartments on each floor have courtyards or balconies abutting the laneway opposite the rear boundary of the subject site, separated by the width of the north-south laneway.

33. To the east of the subject site at 4 Bik Lane and to the north of the six storey building facing Reid Street is a mixed use development consisting of a seven storey apartment building opposite the subject site, with a height of 22.05 metres to the top of the parapet. Apartments are orientated facing the subject site on each floor with courtyards on the ground floor abutting the rear boundary of the subject site and balconies on the upper floors setback between 1.5 metres and 3.5 metres from the common boundary. The seven storey apartment building sits opposite the majority of the rear boundary of the subject site and extends further north, to the north-east of the subject site.

34. Further east is a four storey component of the apartment development at 4 Bik Lane, with low-rise traditional residential properties further east in Batman Street affected by a heritage overlay.

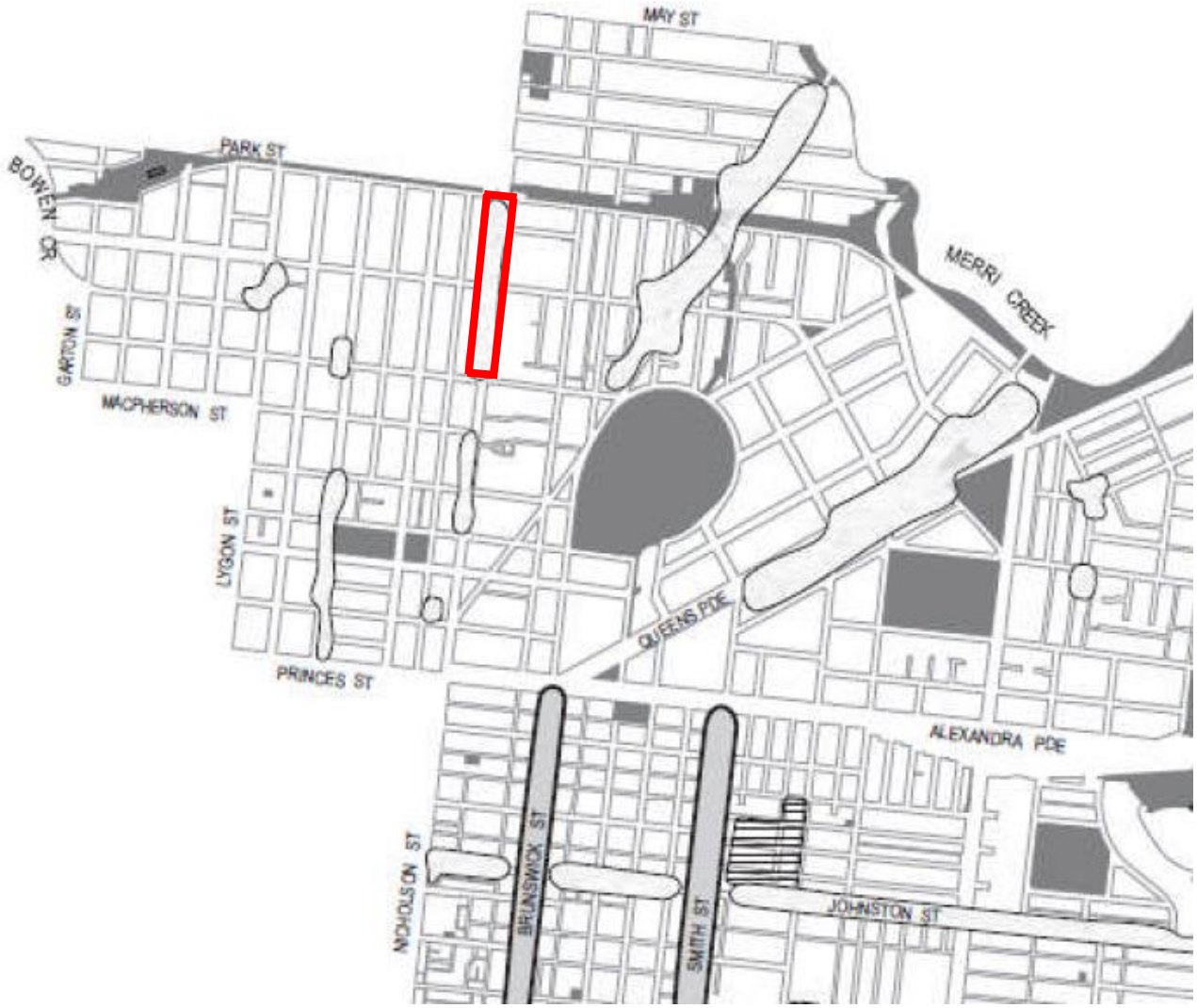
35. To the north of the subject site and west of the seven storey apartment building is a 4.1 metre wide north-south laneway that commences at Bik Lane to the north and terminates at the northern boundary of the subject site. Bik Lane connects to Nicholson Street to the west and has a road reserve width of 8 metres.

36. To the immediate north of the subject site, at 644 Nicholson Street, is a single storey brick dwelling with a large area of secluded private open space to the rear and vehicle access provided via the north-south laneway to the rear.

37. Further north, at 646 Nicholson Street, is a single storey brick commercial building built to all property boundaries that currently appears vacant, while at 648 Nicholson Street, on the south-east corner with Bik lane is a double storey brick commercial building with undercroft car parking at the front of the site and also built to all property boundaries. Further north at 650 Nicholson Street, on the north-east corner of Nicholson Street and Bik Lane, is a four storey mixed-use building with a two storey street wall.

38. To the immediate west of the site is Nicholson Street, which has a road reserve width of approximately 30 metres and is identified as a Road Zone, Category 1. Nicholson Street has two lanes of traffic in each direction, centre-of-the-road tram tracks, and kerbside parallel parking on both sides of the road. Nicholson Street runs in a north-south alignment between Bell Street in Coburg and Spring Street in the CBD.

39. On the western side of Nicholson Street, opposite the subject site, is a mix of retail, commercial and residential uses that are predominantly one to two storeys in scale. The properties on the western side of Nicholson Street are affected by Heritage Overlay (Schedule 326) which relates to the North Carlton precinct.



(Nicholson Street, Fitzroy North activity centre location)

Planning Scheme Provisions

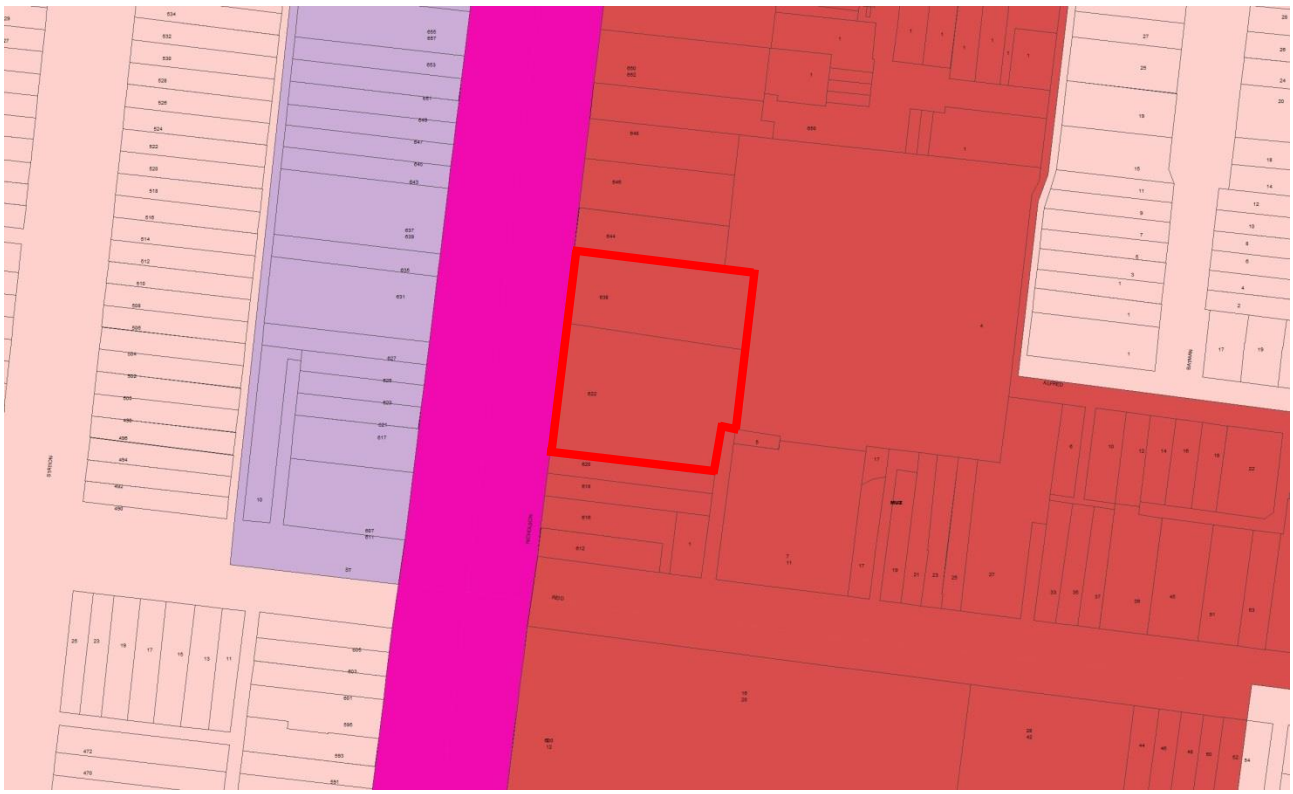
Zoning

Clause 32.04 – Mixed Use Zone

40. Pursuant to Clause 32.04-1 of the Yarra Planning Scheme (the Scheme), an office and a medical centre are section 1 uses provided the floor area does not exceed 250 square metres. A shop (including a supermarket and a bottle shop) is a section 1 use provided the floor area does not exceed 150 square metres.

41. As the proposed office component exceeds 250 square metres, the medical centre exceeds 250 square metres and the combined floor area of the supermarket and the bottle shop exceed 150 square metres, all of the proposed uses within the building default to section 2 uses which require a planning permit.

42. Pursuant to Clause 32.04-8 of the Scheme, a planning permit is required to construct a building or construct or carry out works for any use in section 2.



(Zoning map)

Overlay

Clause 45.03 – Environmental Audit Overlay

43. Pursuant to Clause 45.03-1 of the Scheme, before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

    (a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or

    (b) An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

44. As the proposed development does not include a sensitive use, the requirements of this overlay do not apply.

45. Issues pertaining to potentially contaminated land will be discussed in more detail in the assessment section of this report.

Particular Provisions

Clause 52.06 – Car Parking

46. Pursuant to Clause 52.06-2 of the Scheme, the car parking spaces required under Clause 52.06-5 of the Scheme must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the requirement to provide the number of car parking spaces required under this clause.

47. Pursuant to Clause 52.06-5 of the Scheme, the car parking requirements for the proposed development are taken from column B of table 1 as the land is identified as being within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps (State Government of Victoria, 2018)*. The car parking requirements are as follows:

Use:	Rate:	Spaces required:	Spaces proposed:	Reduction sought:
Supermarket (1,390 sqm)	5 to each 100 sqm of leasable floor area	69	42	27
Bottle shop (120 sqm)	3.5 to each 100 sqm of leasable floor area	4	4	0
Medical centre (1,352 sqm)	3.5 to each 100 sqm of leasable floor area	47	23	24
Office (7,615 sqm)	3 to each 100 sqm of net floor area	228	88	140
TOTAL		**348**	**157**	**191**

48. With a shortfall of 191 car parking spaces, this application therefore seeks a reduction in the car parking requirement of the Scheme associated with the supermarket, medical centre and office uses within the proposed building.

Clause 52.27 – Licensed Premises

49. Pursuant to clause 52.27 of the Scheme, a planning permit is required to use land to sell or consume liquor if a licence is required under the *Liquor Control reform Act 1998*. The requirement to obtain a planning permit is therefore triggered under Clause 52.27 of the Scheme. Before deciding on an application, the Responsible Authority must consider the following, as appropriate:

(a) The Municipal Planning Strategy and the Planning Policy Framework.

(b) The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.

(c) The impact of the hours of operation on the amenity of the surrounding area.

(d) The impact of the number of patrons on the amenity of the surrounding area.

(e) The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1

50. Pursuant to Clause 52.29 of the Scheme, a planning permit is required create or alter access to a road in a Road Zone, Category 1. Nicholson Street is in a Road Zone, Category 1 and the proposal seeks to remove and alter vehicle access points from Nicholson Street. A planning permit is therefore required to remove and alter access to Nicholson Street.

51. An application to create or alter access to a road declared as a freeway or arterial road under the Road Management Act 2004 or land owned by the Roads Corporation for the purpose of a road must be referred to the Roads Corporation under section 55 of the *Planning and Environment Act 1987*. In this instance Vic Roads are the relevant referral.

Clause 52.34 – Bicycle Facilities

52. Pursuant to Clause 52.34-1 of the Scheme, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The bicycle parking requirements prescribed at Clause 52.34-3 are summarised in the table below:

Use:	Employee Rate:	Spaces required:	Visitor/Shopper Rate:	Spaces required:
Shop, including supermarket and bottle shop (1,510 sqm)	1 to each 600 sqm of leasable floor area if the leasable floor area exceeds 1,000 sqm	3	1 to each 500 sqm of leasable floor area if the leasable floor area exceeds 1,000 sqm	3
Medical centre (10 practitioners)	1 to each 8 practitioners	1	1 to each 4 practitioners	3
Office (7,615 sqm)	1 to each 300 sqm of net floor area if the net floor area exceeds 1,000 sqm	25	1 to each 1,000 sqm of net floor area if the net floor area exceeds 1,000 sqm	8
TOTAL		**29**		**13**

53. As 107 on-site bicycle parking spaces are proposed within the development and 42 spaces are required by the Scheme, the application exceeds the bicycle parking spaces requirement by 65 spaces.

54. End of trip facilities (i.e. showers or change rooms) are required by the Scheme. Further, the Scheme prescribes that when five or more employee bicycle spaces are required, one shower is required for the first five employee bicycle spaces, plus another shower to each ten employee bicycle spaces thereafter. Additionally, one change room or direct access to a communal change room is required to each shower. The change room may be a combined shower and change room.

55. As the Scheme requires 29 employee bicycle parking spaces, three showers with change rooms are also required. As the proposed development incorporates ten combined shower and change rooms, the application exceeds the requirements of Clause 52.34 of the Scheme by seven showers.

General Provisions

Clause 65 – Decision Guidelines

56. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of the zone, overlay or any other provision.

Planning Policy Framework (PPF)

57. The following PPF provisions of the Scheme are relevant:

Clause 11.01-1R – Settlement – Metropolitan Melbourne

58. The relevant strategies of this Clause are:

(a) Develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.

(b) Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.

Clause 11.02-1S – Supply of Urban land

59. The objective of this Clause is:

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

Clause 11.03-1S – Activity Centres

60. The objective of this Clause is:

(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 11.03-1R – Activity Centres – Metropolitan Melbourne

61. The relevant strategy of this Clause is:

(a) Locate new small scale education, health and community facilities that meet local needs in or around neighbourhood activity centres.

Clause 13.04-1S – Contaminated and Potentially Contaminated Land

62. The objective of this Clause is:

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

Clause 13.05-1S – Noise Abatement

63. The objective of this Clause is:

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

Clause 13.07-1S – Land Use Compatibility

64. 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

65. The 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 15.01-1R – Urban Design – Metropolitan Melbourne

66. The objective of this Clause is:

(a) To create a distinctive and liveable city with quality design and amenity.

Clause 15.01-2S – Building Design

67. The objective of this Clause is:

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

Clause 15.01-4R – Healthy Neighbourhoods – Metropolitan Melbourne

68. The strategy of this Clause 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

69. The objective of this Clause is:

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

Clause 15.02-1S – Energy and Resource Efficiency

70. 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 17.01-1S – Diversified Economy

71. The objective of this Clause is:

(a) To strengthen and diversify the economy.

Clause 17.02-1S – Business

72. The objective of this Clause is:

(a) To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

Clause 18.01-1S – Land Use and Transport Planning

73. The objective of this Clause is:

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

Clause 18.01-2S – Transport System

74. The objective of this Clause is:

(a) To coordinate development of all transport modes to provide a comprehensive transport system.

Clause 18.02-1S – Sustainable Personal Transport

75. The objective of this Clause is:

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

Clause 18.02-1R – Sustainable Personal Transport – Metropolitan Melbourne

76. The relevant strategy of this Clause is:

(a) Improve local travel options for walking and cycling to support 20 minute neighbourhoods.

Clause 18.02-2S – Public Transport

77. 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

78. The relevant strategy of this Clause is:

(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

79. The objective of this Clause is:

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

Clause 19.02-1S – Health Facilities

80. The objective of this Clause is:

    (a) To assist the integration of health facilities with local and regional communities.

Clause 19.02-1R – Health Facilities – Metropolitan Melbourne

81. The relevant strategy of this Clause is:

    (a) Ensure health precincts are well serviced by community services.

Clause 19.03-4S - Stormwater

82. The objective of this Clause is:

    (a) To reduce the impact of stormwater on bays, water bodies and catchments.

Local Planning Policy Framework (LPPF)

83. The following LLPF provisions of the Scheme are relevant:

Clause 21.04-2 – Activity Centres

84. The relevant objectives of this Clause are:

    (a) To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.

    (b) To maintain the long term viability of activity centres.

Clause 21.04-4 – Community Facilities, Hospitals and Medical Services

85. The relevant objectives of this Clause are:

    (a) To provide community services that meet the needs of a diverse and changing community.

    (b) To provide accessible community services.

Clause 21.05-2 – Urban Design

86. The relevant objectives of this Clause are:

    (a) To reinforce the existing urban framework of Yarra.

    (b) To retain Yarra's identity as a low-rise urban form with pockets of higher development.

    (c) To retain, enhance and extend Yarra's fine grain street pattern.

    (d) To create an inner city environment with landscaped beauty.

    (e) To ensure that new development contributes positively to Yarra's urban fabric.

    (f) To enhance the built form character of Yarra's activity centres.

Clause 21.05-3 – Built Form Character

87. The relevant objectives of this Clause are:

    (a) To maintain and strengthen the identified character of each type of identified built form within Yarra.

Clause 21.05-4 – Public Environment

88. The relevant objectives of this Clause are:

    (a) To provide a public environment that encourages community interaction and activity.

Clause 21.06 – Transport

89. The relevant objectives of this Clause are:

    (a) To provide safe and convenient pedestrian and bicycle environments.

    (b) To facilitate public transport usage.

    (c) To reduce the reliance on the private motor car.

    (d) To reduce the impact of traffic.

Clause 21.07 – Environmentally Sustainable Development

90. The relevant objectives of this Clause are:

    (a) To promote environmentally sustainable development.

    (b) To improve the water quality and flow characteristics of storm water run-off.

Clause 21.08-8 – North Fitzroy

91. Clause 21.08-8 describes the North Fitzroy area in the following way:

    (a) North Fitzroy is known for the beautiful Edinburgh Gardens which combine open space, sportsgrounds, barbecue area, gardens with long-established European elm trees, skate bowl, tennis and basketball courts, bandstand, bowling greens and bocce links, remnants of the old Melbourne rail loop, and a heritage listed grandstand.

    (b) The neighbourhood is largely residential. The northern part of North Fitzroy has a low density residential character consisting of late Victorian and early Edwardian double fronted dwellings. Further south dwellings are more likely to be single fronted and one or two storeys.

92. Within Figure 19 of Clause 21.08-8, the site is located within the Nicholson Street neighbourhood activity centre. Figure 20 of Clause 21.08-8 shows the site as being within category 3 area relating to non-residential areas where the objective is to *'improve the interface of development with the street'*.

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

93. This policy applies to applications for use or development within Mixed Use Zones (amongst others). The relevant objective of this clause is to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity. It is policy that:

    (a) New non-residential use and development within Business (now Commercial) and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.

Clause 22.07 – Development Abutting Laneways

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

Clause 22.09 – Licensed Premises

95. This policy applies to an application under Clause 52.27 for the sale and consumption of liquor. The objectives of this clause are:

    (a) To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises.

    (b) To encourage best practice venue design and venue operation for licensed premises.

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

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

Clause 22.10 – Built Form and Design Policy

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

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

97. This policy applies to applications for new buildings. The policy aims to achieve best practice water quality performance objectives, to promote the use of water sensitive urban design, including stormwater re-use, and to mitigate the detrimental effect of development of downstream waterways.

Clause 22.17 – Environmentally Sustainable Development

98. This policy applies to commercial development with more than 1,000 square metres. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other Documents

Urban Design Guidelines for Victoria (DELWP)

99. These are policy guidelines within the Planning Policy Framework of the Victoria Planning Provisions which where relevant, must be considered when assessing the design and built form of new development. The guidelines use best practice knowledge and advice underpinned by sound evidence.

Advertising

100. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 1,010 letters sent to surrounding owners and occupiers and by two signs both displayed on the Nicholson Street frontage of the site.

101. Council received 240 objections to the application, the grounds of which can be summarised as follows:

(a) Design and built form (including out of character, excessive height, bulk and scale and inappropriate materials and finishes).

(b) Overdevelopment of the site.

(c) Off-site amenity impacts (including overlooking, overshadowing, loss of daylight, glare from the proposed glazing, loss of views, wind impacts).

(d) Increase in noise (traffic, people, outdoor areas/terraces, mechanical plant equipment, etc.).

(e) Poor internal amenity.

(f) Car parking, traffic and access including impractical turn table, lack of car parking on site, increased traffic, waste management issues.

(g) Other (including setting a precedence, no community benefit, reduction in property values, impacts during construction).

102. A consultation meeting was not held due to the large number of objections received.

103. In response to the issues raised in the objections, as well as issues raised by Council officers and in referral comments, a set of sketch plans prepared by Artisan Architects and dated 14 September 2018 (Attachment 4) were submitted to Council on the 21 September 2018, after the advertising period. The sketch plans show the following changes to the proposed development as depicted on the advertised plans:

    (a) An indicative layout of the ground floor tenancies.

    (b) Consolidation of the bicycle parking spaces within a designated room (basement level one).

    (c) Increased number of visitor bicycle hoops on the Nicholson Street footpath from nine hoops to twelve hoops.

    (d) Inclusion of a substation on basement level one in place of three car parking spaces.

    (e) Deletion of one medical consulting suite on the first floor and increased size of the medical centre waiting area.

    (f) Reduced height of the awning along Nicholson Street from 4 metres to 3 metres (minimum).

    (g) Provision of square shaped columns internally above the ground floor in lieu of round shaped columns.

104. Given that the sketch plans have not been formally substituted pursuant to clause Section 57A, they do not form part of the application documents and were not re-advertised. However, the sketch plans but will be referred to for discussion purposes in the assessment section of this report.

Referrals

105. The referral comments are based on the advertised plans and, where required, additional referral comments were sought on the submitted sketch plans.

    External Referrals

106. The advertised plans and application documents were referred to the following authority:

    (a) VicRoads (Attachment 6).

107. Referral responses/comments have been included as attachments to this report.

    Internal Referrals

108. The advertised plans and application documents were referred to the following units within Council and external consultants:

    (a) Engineering services unit (Attachment 7).

    (b) ESD advisor (Attachment 8), including additional comments on sketch plans.

    (c) Urban design unit (Attachment 9).

    (d) Streetscapes and natural values (Attachment 10).

    (e) Strategic transport unit (Attachment 11), including additional comments on sketch plans.

    (f) Acoustic consultant (SLR Consulting Australia) (Attachment 12), including comments on sketch plans.

    (g) Urban design consultant (Hansen Partnership) (Attachment 13).

109. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

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

    (a) Strategic justification.

(b) Land Use.

(c) Built form and design.

(d) Equitable development.

(e) Off-site amenity impacts.

(f) Internal amenity.

(g) Sustainable design.

(h) Potentially contaminated land.

(i) Car and bicycle parking.

(j) Traffic and access.

(k) Objectors' concerns.

Strategic Justification

111. The subject site is located within the Mixed Use Zone (MUZ), a zone that encourages a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality and housing at higher densities. The office, supermarket, bottle shop and medical centre uses due to the proposed floor spaces, all require a planning permit to operate within the zone. Similarly, a planning permit is also required to construct a building or construct or carry out works for a use in section 2.

112. In regard to the proposed building and works, State and Local policies encourage the concentration of development in and around activity centres and intensifying development on sites well connected to public transport, ensuring the efficient use of existing infrastructure.

113. Council's local policy at Clause 22.10 of the Scheme outlines high level urban design guidance for future built form, which supplements State and Local policy that seeks to increase the number and diversity of employment opportunities within and around activity centres.

114. The application proposes the construction of a ten storey building containing a mix of uses (office and retail) on a site which is underutilised with reference to its physical and policy context. The zoning of the land supports development which provides a range of residential, commercial, industrial and other uses. Council's Municipal Strategic Statement (MSS) identifies the site as being within the Nicholson Street activity centre (Clauses 21.03 and 21.08-8) and the site has many of the attributes of a strategic redevelopment site. These include the overall size of the site, frontage to a major arterial road, proximity to a regionally significant transport corridor and proximity to services and transportation within the surrounding area. The proposal is considered to be generally consistent with the purpose of the zone and strategic incentives set out in the Scheme for this area that encourage intensification of uses and the provision of employment opportunities.

115. The subject site is well connected to public transport infrastructure, with the Nicholson Street tram line located immediately in front of the site, and the tram lines along St. Georges Road and Lygon Street located within walking distance (430 metres and 700 metres respectively), encouraging the use of alternative modes of transport to and from the site, rather than full reliance on motor vehicles. This is encouraged and supported by both State and local policies, at Clause 18.02 (Movement Networks), Clause 21.06-3 (Transport) and Clause 21.07 (Environmental Sustainability) of the Scheme.

116. Overall, and in a strategic sense, the proposed construction of a multi-storey office building with ground floor retail uses is consistent with the relevant State and local policies (Clauses 11.03, 17.02, 21.04-2 and 21.04-3 of the Scheme) and the purpose of the Mixed Use Zone.

117. That said, however, the policy support for more intensive development needs to be balanced with built form guidance at Clauses 15.01, 21.05-2 and 22.10 of the Scheme which call for development that appropriately responds to the surrounding context and urban character.

118. While the surrounding area is expected to undergo a substantial level of change as a result of the zoning of the land, strategic location and access to services and transport, consideration of the off-site amenity impacts and the scale of the development (taking into account the expected future character of the area) are all relevant considerations in the assessment of this proposal.

119. As will be discussed in more detail within this report, the height of the proposed development, at ten storeys in both the advertised plans and the sketch plans, does not adequately respond to the surrounding context, the existing or emerging character or the residential interface to the rear. However, subject to a condition requiring a reduction in the overall height of the proposed building from ten to eight storeys, through the deletion of two levels, the proposed development would more appropriately respond to the surrounding context and the existing and emerging character.

120. The proposed development enjoys strong strategic support at both State and local level. The site is within an area where a change in the environment is encouraged and is achieved through the mix of uses proposed. Subject to conditions including the deletion of two levels, the proposed development is considered to achieve the various land use and development objectives outlined earlier in this report.

Land Use

121. As detailed at paragraphs 40 and 41 of this report, the office, medical centre, supermarket and bottle shop all require a planning permit to operate within the Mixed Use Zone given their floor space sizes. The purpose of the Mixed Use Zone includes *to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality* and to *provide for housing at higher densities*.

122. The proposed uses, while all section 2 uses within the Mixed Use Zone, are considered appropriate given the purpose of the zone which ultimately supports mix use development and a range of residential, commercial, industrial and other uses which complement the locality. In this instance, the subject site is located within a neighbourhood activity centre where the proposed uses within the building would complement the already mixed-use function of the area.

123. Additionally, the proposed office, medical centre, supermarket and bottle shop uses are not considered to cause any unreasonable off-site amenity impacts to the surrounding area, subject to appropriate conditions relating to their operation.

124. Overall, the proposed mix of uses proposed within the development is considered to respond to the locational attributes of the site and the policy direction in the Scheme that encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres. The proposed uses, subject to conditions restricting hours of operation and loading to acknowledge the residential interface to the rear, are therefore considered appropriate for the subject site and are supported.

Built Form and Design

125. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are found at Clause 15 (Built Environment and Heritage), Clause 21.05 (Built Form), Clause 22.07 (Development Abutting Laneways) and Clause 22.10 (Design and Built Form). As supplementary guidance, the *Urban Design Guidelines for Victoria* (prepared by Department of Environment, Land, Water and Planning) 2017 are also relevant. These provisions and guidelines all seek a development outcome that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations for the area. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks, relationship to adjoining buildings, views and roof forms.

126. The proposal is generally considered to be consistent with all relevant built form and decision guidelines. However, the height of the proposed development at ten storeys does not adequately respond to the surrounding context which includes apartment buildings up to seven storeys in height. Subject to a reduction in the overall height of the building to eight storeys through the deletion of two levels (which has been recommended by Council's urban design consultant), the proposal can adequately respond to the surrounding context and achieve a built form outcome that better responds to the emerging character.

Street Wall

127. The relationship between street width and building height is important for defining the character of a place. In this instance, there are no specific controls in the Scheme or otherwise that provide guidance for an appropriate street wall height for the subject site. However, Clause 21.05-4 of the Scheme aims to ensure that buildings have a human scale at street level. Human scale is the practice of measuring and designing things to match the physical and cognitive characteristics of humans.

128. Additionally, the *Urban Design Guidelines for Victoria* (prepared by Department of Environment, Land, Water and Planning, 2017) seek to ensure that building scale and form supports the context and preferred future character of an activity centre, achieved by using the building height and setbacks to frame the street space as a public space and utilising a podium and tower form to create a pedestrian scale at street level.

129. The proposal incorporates a three storey street wall height of 14.573 metres to Nicholson Street. The surrounding built form context includes a mix of street wall heights. To the immediate south are single storey dwellings with 4.6 metre setbacks from the street, beyond which are double storey commercial buildings constructed to the street frontage. On the south-east corner of Nicholson Street and Reid Street is a five storey apartment building with a three storey, 15 metre high street wall. To the immediate north of the subject site is a single storey dwelling setback from the street by 4.3 metres, while further north are single and double storey commercial buildings constructed to the street frontage. Further north, on the north-east corner of Nicholson Street and Bik Lane, is a four storey mixed-use building with a two storey street wall.

130. The proposed three storey street wall to Nicholson Street, at a height of 14.573 metres, is considered acceptable due to the varied nature of street walls along this section of Nicholson Street. It is also generally consistent with the three storey street wall height of the five storey apartment building on the south-east corner of Nicholson Street and Reid Street, albeit it the proposed street wall height being marginally lower.

131. Additionally, Nicholson Street has a width of 30 metres which using proposed street wall height, would equates to street wall height to street width ratio of 2:1. It is considered that this would therefore not unduly impact on the streetscape character along this section of Nicholson Street. Overall, the proposed three storey street wall height is considered appropriate for the subject site and in the submitted form.

Upper Level Setbacks

132. The *Urban Design Guidelines for Victoria* (prepared by Department of Environment, Land, Water and Planning, 2017) call for the upper levels of tall buildings to be setback to create a pedestrian scale at street level. Pedestrian scale means the use of human proportioned architectural features and site design elements clearly oriented to pedestrian activity.

133. The proposal includes a 6 metre setback above the three storey 14.573 metre high street wall. This, combined with a reduced height of the building from ten to eight storeys (as will be discussed in more detail later in this report), is considered appropriate to achieve a more visually recessive built form that will not unreasonably dominate the streetscape or more distant views to the subject site from the surrounding area.

134. The proposed 6 metre upper level setback, combined with the reduced building height to eight storeys, will reduce the visibility of the upper levels and enhance the prominence of the street wall as the principal built form reference from Nicholson Street.

135. It is acknowledged that even with an eight storey building, the building will be visible in more distant views, especially given that the tallest building within at least 200 metres of the subject site is currently 22.05 metres (seven storeys). However, future development is anticipated and expected to occur either side of the subject site along Nicholson Street over time, due to the locational attributes and policy within the PPF and LPPF which is similar to the policy relevant to the subject site and lots along the Nicholson Street spine. The fact that, if approved, this will be the first tall building developed in Nicholson Street alongside some single storey built form, is not in itself a reason to refuse the application.

Height

136. In terms of the built form context, the area is generally defined by the one to three storey hard edged development along Nicholson Street, as well as some low-rise residential development dispersed within the surrounding area. In terms of recent developments, a seven storey apartment building has been constructed to the immediate east of the site at 4 Bik Lane, while at 7-11 Reid Street there is a six storey mixed-use building to the immediate south-east. Additionally, a five storey apartment building has been constructed at 600 Nicholson Street.

137. Physically, the subject site provides opportunities in the form of the mixed use zoning of the land and its overall size supporting its consideration as a redevelopment site, as well as constraints due to the proximity of nearby dwellings.

138. The proposed development is for a ten storey building with a maximum height of 42.671 metres to the top of the lift overrun and a height to the parapet of 40.220 metres. The building incorporates setbacks above the street wall of 6 metres to the west, and a minimum of 3 metres to the north and south (side) boundaries. On the rear (eastern) boundary, the proposed development adopts a stepped setback progressively stepping away from the rear boundary and the apartment buildings constructed thereon.

139. The Scheme has no specific height limits for the subject site. Clause 22.10-3.3 of the Scheme aims to ensure that *the height of new development is appropriate to the surrounding context and respects the prevailing pattern of heights of the area where this is a positive contribution to neighbourhood character.* Most relevantly, Clause 21.05-2 of the Scheme states that *development on strategic development sites or within activity centres should generally be no more than five to six storeys unless it can be demonstrated that the proposal can achieve specific benefits*, such as:

    (a) Significant upper level setbacks.

    (b) Architectural design excellence.

    (c) Best practice environmental sustainability objectives in design and construction.

    (d) High quality restoration and adaptive re-use of heritage buildings.

    (e) Positive contribution to the enhancement of the public domain.

    (f) Provision of affordable housing.

140. In relation to the 'specific benefits' listed above, the following assessment is provided.

    (a) It is clear that the proposed development has significant upper level setbacks which will provide good levels of internal amenity for the majority of the internal spaces, albeit non-residential. In terms of architectural design excellence, Council's urban design consultant considers the proposal to demonstrate *'a generally satisfactory degree of elegance in its contemporary architectural response'*, which may suggest that architectural design excellence has been achieved in this instance. The proposal will also meet Council's environmental sustainability objectives at Clauses 21.07 and 22.17, subject to conditions on any permit issued. This will be discussed later in this report.

(b) The subject site is not a heritage building and therefore the adaptive re-use of heritage buildings is not required or relevant to this application. The proposal incorporates an active frontage to Nicholson Street which is supported by Council's urban design consultant, who states that this is *'a positive improvement to the presently vehicle-oriented frontage of the existing building via its four crossovers and porte-cochere'*, resulting in a positive contribution to the enhancement of the public realm.

(c) As noted by the Tribunal in *Zak Group Pty Ltd v Yarra CC [2017] VCAT 1124*, *'we need to recognise that the proposed predominant land use of office floor space represents a significant benefit to the broader community'* (paragraph 11). This is a relevant consideration as the decision making role is tasked with considering whether a proposal will achieve a net community benefit.

141. Overall, and on balance, it is considered that the proposed development meets a number of the criteria to allow a building that exceeds the five to six storey preferred height limit for development within an activity centre.

142. As detailed above, it is clear that the subject site is capable of accommodating a taller built form outcome. However, the proposed building at ten storeys reaches an overall height that is greater than that envisioned in the relevant provisions of Clause 21.05-2 for future development within activity centres and the question arises as to how to best temper overall height with surrounding context.

143. In relation to the issue of an appropriate height for the proposed building, Council's urban design consultant noted that, with the development at *'4 Bik Lane providing transition down to the low scale, heritage protected Batman Street, the proposed ten storey form results in too steep of a transition from the east'*. Additionally, it was commented that *'it is unlikely in the future that the opposite side of the street will also accommodate upwards of ten storey development unless significant land amalgamation is achieved'*. Thus, Council's urban design consultant does *'not agree that a ten storey development is of a sufficient scale to the Nicholson Streetscape at this location'*.

144. Furthermore, Council's urban design consultant observed that *'east of the subject site there is an existing precedent of built form transition down to properties fronting Batman Street within the NRZ1'* where there is a height limit of two storeys. This results in the proposed ten storey building being *'significant in the visual setting of the heritage pocket'* and that the *'removal of two storeys is likely to lessen this impact and be reasonably screened behind existing buildings of 4 Bik Lane'*.

145. Council's urban design consultant also noted that the *'rising ten storey tower form above the podium is likely to be… dominant to the pedestrian experience from the streetscape on Nicholson Street opposite the subject site'*. Overall, it was recommended that *'the building is reduced to eight storeys to provide a smoother transition to the east, secure the long term streetscape scale of Nicholson Street, and provide a scale proportionate between the street width (30 metres) and the overall building height'*.

146. For the above reasons, the overall design of the proposed development is considered to adequately respond to the existing and emerging character of this section of Nicholson Street, subject to a reduced height of eight storeys. Therefore, a condition contained within the recommendation section of this report reflects that requirement.

147. It is considered that the overall design response and presentation of the building to the street will not dramatically change with the loss of two floors given that the design, rhythm of the building from the fourth to the seventh floors is fairly consistent.

Architectural quality

148. The proposed development is considered to be of a high architectural quality and, in that regard, responds to the design objectives of Clause 15.01 of the Scheme. The contemporary design is appropriate and responds to the existing and emerging character of this part of Nicholson Street, as confirmed by Council's urban design consultant who noted that the *'street wall successfully implements a rhythm consistent to that of one to three storey terrace buildings located along village strips'* and that the *'proposal utilises a range of materials to successfully create a vertical flow across the wide frontage, both at the podium and upper levels'*.

Street Level Interface

149. At the ground floor, the proposal will activate Nicholson Street by way of a retail premises to the majority of the ground floor facade. The location of service cabinets predominantly away from the ground floor façade is a positive element of the proposal and will ensure an active ground level frontage and a design which facilitates street level activity.

150. The Nicholson Street frontage has supermarket and bottle shop frontages as well as the office/medical centre entrance lobby. The depth of the lobby has been minimised compared to its 3 metre width to ensure no substantial areas for concealment and minimising potential hiding places that undermine the safety of the street.

151. In relation to the proposed canopy over the Nicholson Street footpath, Council's urban design consultant recommended that it be *'lowered from its proposed height of 4.0 metres - 4.8 metres down to at least 3.0 metres to enhance the pedestrian scale in front of the building and provide genuine climate control and protection from rain/wind'*. The sketch plans show a lowered canopy with a minimum clearance of 3 metres achieving the desired outcome. Therefore, a condition will require amended plans that reflect the changes detailed in the sketch plans.

152. Objective 3.1.5 of the Urban Design Guidelines for Victoria (UDGV) aims to ensure comfortable and enjoyable public spaces. Taller buildings invariably create challenging wind conditions at street level and, specifically, the guidelines seek to protect public spaces from strong winds. These include down drafts and wind tunnel effects. Measures to reduce the impact of these effects should be considered.

153. The proposed development incorporates a stepped building form and articulation of the building mass to reduce wind turbulence at ground level of both the Nicholson Street frontage and the rear boundary, with the proposed canopy further reducing any adverse wind impacts.

154. The proposed development also seeks to retain and alter the northern most vehicle crossover to Nicholson Street for vehicle access to the three basement levels of car parking. Additionally, the remaining three crossovers are proposed to be removed and kerb and channel and footpath reinstated.

155. In relation to the vehicle access from Nicholson Street, Council's urban design consultant noted that *'while the proposal will contain basement access from Nicholson Street and a higher volume of vehicular traffic, it will be contained to a single crossover replacing the existing four. This presents a considerable enhancement to the street interface'*.

156. With regard to public realm improvements, Council's urban design unit commented that *'given the scale and type of development further opportunities for public amenity should be explored, particularly in relationship to street furniture'*. The sketch plans show street furniture and bicycle hoops with the Nicholson Street footpath. Conditions contained within the recommendation section of this report therefore require the street furniture and bicycle hoops to be constructed at the permit holder's cost and to Council's satisfaction.

Laneway Interface

157. Council's local policy at Clause 22.07 relates to development abutting laneways. Relevantly, the policy seeks to provide an environment which has a feeling of safety for users of the laneway and to ensure that development along a laneway acknowledges the unique character of the laneway. The policy specifically calls for development that respects the scale of the surrounding built form.

158. Additionally, Council's local policy at Clause 22.10 in relation to built form and design states that new development which abuts a laneway should not affect the amenity of neighbouring residential properties. Clause 22.10-3.3 seeks new development which abuts a laneway to be no higher than two storeys and should not affect the amenity of neighbouring residential properties.

159. The proposal development incorporates a two storey wall on both laneway frontages, with a height of 8.89 metres on the northern laneway and 10 metres on the southern laneway. This is consistent with the policy direction for wall heights on laneways.

Site Services

160. Site services and related enclosures for waste disposal and recycling, mail and deliveries and water and energy metering are necessary elements in any development. It is important, however, that these elements are assimilated in a subdued way into the design while still meeting the size and location requirements of service authorities.

161. The ground floor façade of the proposed development presents to a 45.55 metre wide Nicholson Street frontage and incorporates minimal service cabinets facing the street. To Nicholson Street frontage, the fire booster cupboard is located next to the office/medical centre entrance lobby and is the only service cabinet facing the street. The minimal amount of service cabinets facing the street is considered an appropriate design outcome consistent with Clause 22.10-3.11 of the Scheme, minimising the visual impact of these items.

162. However, the operability of the fire booster cupboard doors are not shown on the plans. To ensure the doors do not encroach on the public footpath area, they should swing 180 degrees and latch on to the building. Similarly, the door providing access to the rear laneway in the south-east corner of the site should also swing 180 degrees and latch on to the building. The recommendation section of this report includes a condition to ensure these requirements are met and shown on plans.

163. The remainder of the building services are appropriately located within the basement, on the ground floor or on the roof top, largely concealed from view and obscured from the public domain. This is also considered an appropriate design outcome that is consistent with Clause 22.10-3.11 relating to service infrastructure.

Landscaping

164. Landscaping is not a typical feature of commercial buildings along Nicholson Street. However, the proposal includes landscaping around the perimeter of the third floor terrace and the rooftop terrace. To ensure the landscaping is implemented and maintained, a condition contained within the recommendation section of this report requires a landscape plan to show all plantings details, satisfying objectives at Clauses 22.10-3.2 and 22.10-3.9.

165. In relation to the street trees in front of the site, Council's streetscapes and natural values unit recommend that a tree protection management report be submitted to ensure the trees are protected and that a bond should be applied to the value of the two street trees. Conditions contained within the recommendation section of this report will ensure that these requirements are met.

Equitable Development

166. To ensure the fair, orderly, economic and sustainable development of land, matters of equitable development must be considered in accordance with the objectives of planning in Victoria as set out in Section 4(1) of the *Planning and Environment Act 1987*. Objective 5.1.3 of the *Urban Design Guidelines for Victoria* also seeks to ensure buildings provide equitable access to daylight and sunlight.

167. Council's urban design consultant recommended that *'the applicant demonstrates how equitable development is achieved to potential podium levels of neighbouring sites'*. Supplementary information submitted with the sketch plans show the potential equitable development of the two neighbouring sites (north and south) at the podium level of the proposed development, for both residential and commercial scenarios. On review of the supplementary information submitted with the sketch plans, Council's urban design consultant is now satisfied that the *'equitable development outcomes are acceptable'*.

Off-site Amenity Impacts

168. The policy framework for amenity considerations is at clause 22.05 (Interface Uses Policy) and Clause 22.10 of the Scheme. Policy at Clause 22.10-3.8 of the Scheme seeks to ensure that new development does not prejudice the rights of adjoining and/or nearby land users (especially residents) to enjoy solar access, privacy, and acceptable noise levels, although this should be tempered with amenity expectations for residential properties at mixed-use interface locations.

169. Additionally, where private open space and/or windows to adjoining residential properties are unreasonably affected, Clause 22.05-4.2 calls for non-residential development to have appropriate setbacks from boundaries to address loss of daylight, overshadowing and visual bulk impacts.

170. The subject site is located within the Mixed Use Zone and properties to the north, east and south are also within the Mixed Use Zone (refer to the zoning map earlier in this report). The appropriateness of amenity impacts including visual bulk, shadowing and overlooking need to be considered within their strategic context, with the site being located within a Mixed Use Zone. The purpose of the zone includes to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality and to provide for housing at higher densities.

171. The local character shows a high level of site coverage and boundary-to-boundary development, within the subject site and those surrounding it that are also within the Mixed Use Zone. There would be an expectation within this area that buildings would include on boundary walls and limited setbacks, particularly as this area is earmarked for mixed-use development.

Visual Bulk

172. The proposed development improves the immediate interface at the eastern boundary of the site. The existing building will be completely demolished and replaced with a wall on the common boundary with 4 Bik Lane at a height of 5.3 metres and 6.28 metres at the north-east and south-east corners, respectively. This equates to a reduction in the height of the wall on the boundary at these points of approximately 5.2 metres.

173. The proposed development provides generous setbacks from the eastern site boundary as the building rises. The first floor setback is approximately 3 metres, the second floor setback 7.6 metres, the third and fourth floors setback 11.6 metres and the fifth floor and above all setback 13.6 metres.

174. Combined with the recommendation to reduce the overall height of the building to eight storeys, the visual bulk impacts on the sensitive interface to the east (being a seven storey apartment building) are considered reasonable in this instance.

Overshadowing

175. Policy at Clause 22.10-3.8 of the Scheme seeks to ensure that *new development does not substantially overshadow adjoining residential private open space*. The amenity impacts associated with the proposal must be measured in the context of the future development of the land and that the zoning of the land seeks to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality and provide for housing at higher densities.

176. The subject site has a sensitive interface with land in the Mixed Use Zone to the north, south and east. The proposed development will obviously not overshadow the property to the north at 644 Nicholson Street.

177. The land to the south at 620 Nicholson Street will not receive any additional overshadowing due to the existing levels of overshadowing already occurring on that site because of the existing building on the subject site and those surrounding it.

178. Further south at 618 Nicholson Street, the proposed development will reduce the amount of shadow at 10:00am and 11:00am, but increase shadow from 12:00pm resulting in the rear yard at 618 Nicholson Street being completely in shade after 1:00pm. This is reasonable and consistent with the policy objective because higher density development is encouraged to occur in this location.

179. Further, and as commented by Council's urban design consultant, *'in this Mixed Use Zone, change in the future is likely to occur at 618-620 Nicholson Street. Therefore, there is less concern regarding overshadowing to the rear yards in their current dilapidated state'*. The approval of a six storey building (planning permit PL03/0687 albeit now expired), at 612-620 Nicholson Street, is evidence that change and a higher built form is likely to occur on the land to the south.

180. In relation to the apartments to the east (4 Bik Lane) and south-east (7-11 Reid Street), the shadow diagrams submitted show that the secluded private open space (courtyards, balconies, etc.) of the apartments will be affected in various ways. Some apartments will receive more shadowing, while others will receive less shadowing at various times of the day. Notable, the ground floor apartments at 4 Bik Lane adjoining the common boundary with the subject site will all receive more sunlight with no additional overshadowing on the Equinox.

181. While the proposed development does result in additional overshadowing, as detailed in the Shadow Analysis table in Attachment 2, these are generally modest increases at varying times of the day. The amount of additional overshadowing to the secluded private open spaces is considered acceptable for an interface between land within the Mixed Use Zone and within an activity centre, where higher densities are encouraged and directed by planning policy.

182. Moreover, both of the proposed developments at 4 Bik lane and 7-11 Reid Street have failed to adequately allow for an equitable development scenario for the subject site. This is evidenced by the lack of additional setbacks to the upper floor in both developments from the common boundary with the subject site, while the proposed development gradually steps away from the common boundary. this results in significant upper level setbacks in the proposed development, with the first floor setback 3.643 metres, the second floor setback 7.643 metres, the third and fourth floors setback 11.643 metres and the fifth to ninth floors setback 13.643 metres.

183. The officer recommendation to reduce the overall height of the building from ten to eight storeys, reducing the building height by approximately 7.6 metres, will also assist with reducing the overshading impact of the proposed development to some extent, specifically in the afternoon. This reduction in height will benefit residents to the east and south-east of the proposed development.

Daylight Access

184. The *Urban Design Guidelines for Victoria* call for buildings in activity centres to provide equitable access to daylight (Objective 5.1.3), while Clause 22.10-3.8 seeks to ensure that new development does not adversely impact on the amenity of adjoining residential properties in terms of daylighting to habitable rooms.

185. Council's ESD advisor commented that the *'impact on adjoining dwellings (west facing 4 Bik Lane) will be severe'* and recommended *'greater setbacks from habitable windows, to ensure adequate daylight'*, suggesting that *'daylight modelling to demonstrate adjoining dwellings will have adequate daylight'* should be provided.

In response to this comment, additional daylight modelling was prepared by Simpson Kotzman Consulting Engineers (Attachment 5) for the apartments at 4 Bik Lane and 7-11 Reid Street currently receiving the least daylight were and submitted to Council.

186. On review of this daylight modelling, Council's ESD advisor acknowledged that *'the existing standard of access to daylight in the adjoining dwellings does not meet our daylight standards'* and that the *'existing outlook of the lower level dwellings is very poor'*. However, Council's ESD advisor further noted that *'this does not justify reducing the standard of daylight further'* and they recommended that:

    (a) the proposed development is reduced in height by two levels or more to improve the impact to daylight; and

    (b) the facade of the proposed development has a reflectivity of no less than 0.5, or 50 per cent, as recommended in the Simpson Kotzman report.

187. The recommendations of Council's ESD advisor are supported and the suggested changes would result in a design response that is consistent with policy at Clause 22.10-3.8 and Clause 22.05-4.2. Therefore, Conditions contained within the recommendation section of this report will require a reduced building height to eight storeys through the deletion of two levels and that the eastern facade to have a reflectivity of no less than 0.5 or 50 per cent.

188. To complement the above measures, Council's ESD advisor also recommended that an additional setback be provided on the proposed ground floor supermarket level to match the first floor setback of 3.643 metres from the eastern (rear) site boundary. However, the existing wall on the common boundary with 4 Bik Lane, at a height of between 10.49 metres and 11.48 metres, is higher than the 5.3 metre to 6.28 metre high proposed wall on the common boundary.

189. Given the existing site conditions (i.e. the height of the existing on-boundary wall along the eastern (rear) site boundary), the proposed transitioning of the building from the east and the resulting 'tiered' presentation of the building when viewed from the adjoining properties to the east at 4 Bik Lane and 7-11 Reid Street, it was considered unreasonable for this final recommendation of Council's ESD advisor to be included as a planning permit condition.

Overlooking

190. Clause 22.10-3.8 of the Scheme seeks to ensure that new development does not prejudice the rights of adjoining and/or nearby land users (especially residents) to enjoy privacy. It is also noted that planning policy does not seek to eliminate overlooking, simply minimise unreasonable overlooking.

191. More specifically, Clause 55.04-6 of the Scheme, while strictly not applicable to this application, seeks to limit views into existing secluded private open space and habitable room windows. Specifically, views to the secluded private open space or habitable room windows within a 9 metre radius should be screened to a height of 1.7 metres above the finished floor level.

192. In order to minimise the overlooking concerns to the apartment buildings to the east, all windows on the eastern elevation at the first, second, third and fourth floors have been designed with a sill height of 1.7 metres. This is considered adequate to minimise any unreasonable overlooking and would be compliant with Clause 55.04-6 of the Scheme, even though it is not strictly applicable.

193. From the fifth floor of the building and above, the horizontal distance between the proposed windows and the eastern site boundary reaches 13.6 metres where it adjoins the common boundary with 4 Bik Lane and 10 metres where it adjoins the laneway to the south-east. These distances alone negate the need to incorporate any overlooking measures from the fifth floor and above, based on the more stringent requirement of Clause 55.04-6 of the Scheme.

194. Additionally, given the use of the upper floors of the building as office space and the normal business hours that follow, combined with dwelling occupiers typically being active and away from the home during the day, the extent of conflict between the two uses will be further reduced.

Noise

195. Clause 13.05 of the Scheme aims to ensure that development is not prejudiced and community amenity is not reduced by noise emissions. Clause 22.05 of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses.

196. The submitted acoustic report outlines the existing noise environment, the applicable noise criteria and recommendations to ensure appropriate measures are in place to minimise noise impacts. The report details the impacts from trucks accessing the proposed supermarket loading bay, identifies the potential for a SEPP N-1 exceedance and provides advice for managing impacts. Measures to control noise include the restriction of deliveries to the SEPP N-1 defined day period only, the requirement for the loading bay roller door to be closed during deliveries and the need to control truck idling in the lane outside the loading bay.

197. Council's acoustic consultant reviewed the submitted acoustic report and concluded that *'these measures are all appropriate and, if adequately implemented, could be expected to control noise to a reasonable and potentially compliant noise level'*. That said they suggest the following additional controls:

    (a) Truck deliveries are not to take place outside the hours of 7:00am to 6:00pm weekdays and 7:00am to 1:00pm, Saturdays (van deliveries may be acceptable during the SEPP N-1 defined evening period).

    (b) Trucks accessing the loading bay are to be 12.5 metres long or less (medium rigid trucks or smaller).

    (c) A noise management plan for the supermarket is to be prepared. The plan should include a delivery procedure that will eliminate the need for trucks to idle in the lane outside the delivery dock, and in Bik Lane if there are overlooking residences.

    (d) Signage is to be provided outside the loading bay to the effect that trucks are not to idle in the laneway.

    (e) Noise from deliveries, including truck movements in the lane outside the loading bay, is to comply with SEPP N-1.

    (f) The roller door proposed for installation on the project is to be reviewed and approved by the acoustical consultant to ensure that it will control noise from the loading bay to SEPP N-1 compliant levels.

198. To ensure that noise from loading activities associated with supermarket and bottle shop is reasonable, conditions contained within the recommendation section of this report to be included on any planning permit issued will reflect all of the above recommendations of Council's acoustic consultant.

199. Additionally, the submitted acoustic report notes that *'it is typical to have only one or two deliveries by large trucks over the course of any day with occasional deliveries by small trucks and utes'*, resulting in compliance with SEPP N-1 being adequate to account for deliveries and that application of an Lmax target, as suggested by Council's acoustic consultant, is not necessary given there is only likely to be one or two large truck deliveries per day.

200. Council's acoustic consultant confirmed that *'the frequency of the events is a reasonable consideration in this assessment'* and that *'provided there are only a few large deliveries per day, and assuming the truck size limit is implemented, this requirement could be omitted'*.

Therefore, conditions contained within the recommendation section of this report will limit the number of loading vehicles events per day for trucks and the size of trucks accessing the loading bay.

201. ~~A~~ large amount of mechanical plant equipment will likely be required for the proposed development and some of this equipment is currently proposed to be installed in close proximity to dwellings. Due to the proximity of residential properties to the proposed mechanical plant equipment, Council's acoustic consultant recommends that *'a full mechanical review be conducted by a suitably qualified acoustical consultant during the detailed design phase of the project to ensure that SEPP N-1 noise limits are not exceeded'* and that *'post compliance noise testing is recommended'*.

202. Conditions contained within the recommendation section of this report will reflect this recommendation and therefore require the full mechanical review and post testing be conducted, which will be subject to further Council review to ensure compliance is achieved.

Hours of Operation

203. The supermarket is proposed to operate 24 hours a day, seven days a week, while the bottle shop is proposed to operate 9:00am to 11:00pm, seven days a week. The medical centre is proposed to operate between 8:00am to 10:00pm, seven days a week. No operating hours have been specified for the office component.

204. In relation to the proposed operating hours for the bottle shop, it is acknowledged that Clause 22.09 of the Scheme recommends that *licensed premises in a Mixed Use Zone should not provide for the sale and consumption of liquor beyond 10:00pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area*. While seeking an additional one hour more than the 10:00pm recommended in the policy, this is considered reasonable given that the subject site is located on a main road and within and activity centre, all pedestrian movement will occur at the front of the premises on Nicholson Street, and the purpose of the liquor licence is for customers to consume liquor off the premises.

205. Further, the current restaurant and its cafe liquor licence allows the serving of alcohol of patrons on the premises until 1:00am the following day, seven days a week. Overall, the proposed operating hours of the bottle shop will therefore not adversely affect the amenity of the area.

206. In relation to the medical centre, the proposed hours are considered reasonable given the nature of the use and their likely potential impacts on nearby dwellings.

207. The proposed operation of the supermarket 24 hours a day, seven days a week is considered reasonable given the location on a major arterial road in an activity centre and the entrance located on Nicholson Street, away from the sensitive interfaces to the rear. Additionally, the restrictions on delivery times to and from the supermarket that will be included as conditions of the planning permit, combined with the requirement for the submission of a noise management plan for the supermarket, will seek to ensure no unreasonable impacts on the surrounding area as a result of this use within the building.

208. With regard to the office component, no operating hours were specified in the application. To ensure no unreasonable impacts on the adjoining residential properties from potential light spill from office lights, the operating hours will be restricted by way of permit conditions, to a certain extent. Balancing the fact that the building is in the Mixed Use Zone and will interface with multiple dwellings at the rear, and based on the hours sought for the medical centre use within the building, it is considered reasonable and appropriate for a permit condition to restrict the operating hours for the office to 8:00am to 10:00pm, seven days a week.

209. Conditions contained with the recommendation section of this report reflect the above mentioned operating hours for each use.

<u>Internal Amenity</u>

210. Council's local polices at Clause 22.10-3.7 relating to on-site amenity and Clause 22.17 relating to sustainable design provide useful guidance with regard to on-site amenity for non-residential uses. Generally, these policies aim to ensure that new development optimises amenity for future occupants and improves the amenity and liveability of new development.

Daylight and Ventilation

211. The proposed development is considered to provide an acceptable level of amenity and indoor environmental quality consistent with objectives of these policies. Specifically, this is achieved through good access to daylight for the office space, medical centre and retail premises, compliant with the Built Environment Sustainability Scorecard's minimum standard for non-residential development.

212. In relation to ventilation, Council's ESD advisor noted that the proposed development provides *'operable windows allowing access to natural ventilation to most occupied spaces'*, thus achieving an appropriate level of ventilation.

Circulation Spaces

213. The main pedestrian entrance to the proposed building is from the south of the Nicholson Street frontage, with a separate entrance provided to both the supermarket and the bottle shop from Nicholson Street. This provides an appropriate level of transition in to and out of the proposed building.

214. The main pedestrian entrance from Nicholson Street provides access to the lift core and stair well. The entrance and lift lobby area is provided with adequate sightlines from the street so people can see both in and out when entering or leaving. The entries to the lift lobby and ground floor retail premises are considered to be well located.

215. Council's urban design consultant queries *'whether the size of the reception/waiting area on Level 1 is adequate for servicing 10 medical suites, noting that at least one seat would be necessary per suite'*. The sketch plans delete one of the medical suites on the first floor creating a larger reception/waiting area for the medical centre, which is considered to be a positive outcome from a functional layout perspective. A condition will therefore require amended plans to show this design change, in accordance with the sketch plans.

<u>Sustainable Design</u>

216. Council's local policies at Clause 22.16 and Clause 22.17 call for best practice water quality performance objectives and best practice in environmentally sustainable development from the design stage through to construction and operation. The submitted sustainability management plan prepared by Simpson Kotzman provides an overview of the sustainability initiatives in the proposed development.

217. Council's ESD advisor has reviewed the application and sustainability management plan, and found that the standard of environmental sustainable design does not currently meet Council's requirements, raising the following as improvement opportunities for the proposed development:

    (a) Impact on adjoining dwellings (west facing 4 Bik Lane) will be severe. Recommend greater setbacks from habitable windows, to ensure adequate daylight. Please provide daylight modelling to demonstrate adjoining dwellings will have adequate daylight and create greater setbacks if necessary.

    (b) No shading to windows exposed to summer heat gain. Reliance on high performance glazing only. Recommend that the architect consider external shading systems to reduce heat gain, rather than rely on glazing. If not, please include the SGHC proposed including the minimum visual light transmittance of 60 per cent noted in the sustainable management plan and demonstrate that the 20 per cent cooling load reduction can be met.

    (c) All bicycle parking is sub-surface and not easy to access. Recommend relocating all bicycle parking closer to the ground floor entrance, with at least some space on ground floor itself.

(d) The green travel plan has no performance targets, monitoring or reporting components and is therefore not satisfactory. Please update and revise to be a proper green travel plan with performance targets and monitoring and reporting components included.

(e) Strongly recommend comprehensive commissioning and tuning of all major appliances and services.

(f) Strongly recommend that an environmental management plan be developed by the building contractor to monitor and control activities undertaken during construction.

218. Of the above mentioned improvement opportunities, the applicant has committed to addressing (b), (d), (e) and (f) through a revision of the sustainability management plan and these are included as conditions in the recommendation section of this report.

219. In relation to the location of bicycle parking mentioned in point (c) above, the sketch plans consolidate and relocate the basement bicycle parking to basement level one in a secure compound. While this is not at ground floor as recommended by Council's ESD advisor, the relocation is considered appropriate given the proposed ground floor layout that provides an active frontage to Nicholson Street and the space required for the 101 bicycle parking spaces within the compound. A condition contained within the recommendation section of this report therefore requires amended plans in accordance with the sketch plans to show the consolidation and relocation of the bicycle parking spaces.

220. In relation to the impacts on the adjoining dwellings at point (a) above, this was discussed in more detail earlier in this report at paragraphs 187 to 192. In summary, it is considered that given the existing conditions and the recommended reduction in the overall building height to eight storeys combined with the mixed use zoning of the subject site and the surrounding properties, the impacts will not be unreasonable.

221. Overall, from an environmentally sustainable design perspective, the proposed development is able to achieve Council's best practice standards, subject to conditions which are contained within the recommendation section of this report.

Potentially Contaminated Land

222. The General Practice Note – Potentially Contaminated Land (June 2005) is designed to provide guidance on identifying land that is potentially contaminated, the appropriate level of assessment of contamination for a planning permit and applying appropriate conditions.

223. The subject site is located within the Mixed Use Zone. While the proposed uses (office, medical centre, supermarket and bottle shop) are not specifically considered 'sensitive' uses under the provisions of the Environmental Audit Overlay that would usually trigger the need to submit an environment assessment report, the site is affected by the Environmental Audit Overlay and it is anticipated that the proposed development will result in increased activity on the site. Further, the site has a history of industrial use as evidenced by the existence of the Environmental Audit Overlay.

224. For these reasons, the recommendation section of this report will require conditions on any permit issued for a site assessment to determine if either a Certificate or Statement of Environmental Audit is required for the proposed development.

Car and Bicycle Parking

Car Parking

225. The development, as shown in the advertised plans, is seeking a car parking reduction of 191 car parking spaces, as detailed in the table in the Particular Provisions section earlier in the report. It is noted that the overall car parking reduction sought in the sketch plans is 197, as six car parking spaces were lost with the consolidation and relocation of the bicycle parking spaces to the basement level one and the inclusion of the substation.

226. The proposal includes 157 on-site car parking spaces within the development as depicted in the advertised plans, with 45 spaces allocated to the supermarket, 23 allocated to the medical centre and 89 allocated to the office space.

The sketch plans show 151 car parking spaces, reducing the supermarket and office allocation to 42 and 86 car parking spaces, respectively. The proposed development also contains 107 on-site bicycle parking spaces.

227. For an application that seeks to reduce the number of car parking spaces required for the proposed development, the car parking demand assessment required by Clause 52.06-7 of the Scheme considers the following matters, as relevant.

228. In relation to the office component, car 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'*, as noted by Council's engineering services unit. The actual car parking demand generated by the office is expected to be lower than the statutory car parking rate of 3 spaces per 100 square metres of floor space, since the area has good access to public transport services.

229. The proposed office use for the development would have an on-site car parking provision of 1.04 spaces per 100 square metres of floor area. Council's engineering services unit has noted that *'in nearby Collingwood, a number of developments have been approved with reduced office rates'* similar to that proposed in this application.

230. The proposed on-site office car parking rate of 1.04 spaces is therefore *'considered appropriate, having regard to the site's good accessibility to public transport services and proximity to Melbourne'*, according to Council's engineering services unit.

231. The proposed supermarket would be providing on-site car parking at a rate of 3.02 car parking spaces per 100 square metres. Car parking demand rates for supermarkets vary, depending on location and size. Council has approved supermarkets with car parking rates ranging between 1.4 space and 1.65 spaces, in Cremorne and Fitzroy, respectively.

232. While the proposed supermarket is nearly double the size of the two examples mentioned above, *'the proposed supermarket is not large in scale and is not expected to be a high generator of car parking'* according to Council's engineering services unit. The rate of 3.02 car parking spaces per 100 square metres of floor area is therefore considered appropriate.

233. The proposed medical centre would be provided with 23 car parking spaces. Most likely these spaces would be used by the practitioners or staff and some patients. Council's engineering services unit agree *'that the medical centre would likely serve the local residential area'* and that *'any possible parking overflow from the medical centre would be patient parking'*.

234. The availability of public transport in the locality of the land is also of relevance to the car parking demand assessment. As noted by Council's engineering services unit, *'the site is within walking distance of tram services operating along Nicholson Street and St. Georges Road-Brunswick Street'* and *'bus services can be accessed from Reid Street'*. Further, *'customers, clients and patients to the development might combine their visit by engaging in other activities or business whilst in the area'*.

235. Clause 52.06-7 of the Scheme lists a number of considerations for deciding whether the required number of car parking spaces should be reduced. For the subject site, the considerations for providing fewer car parking spaces than the likely car parking demand are discussed below:

    (a) The applicant's traffic consultant has conducted on-street car parking occupancy surveys in the surrounding area. The survey area encompassed both sides of Nicholson Street, Reid Street and sections of Richardson Street, Station Street and Salisbury Crescent. Council's engineering services unit consider *'the extent and times of the survey are considered satisfactory'*. An inventory ranging from 208 to 225 publicly available car parking spaces were identified. The results of the survey indicate that there were no fewer than 58 car parking spaces vacant (both days). Based on these results, *'any short-stay parking overflow from the site could be accommodated on-street'*, according to Council's engineering services unit.

(b) As also noted by Council's engineering services unit, *'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.

(c) The existing building operated as a function centre (place of assembly) with a maximum permitted number of 590 patrons and an on-site car parking for 45 car parking spaces. The function centre use would have had a statutory car parking requirement of 177 spaces, with 132 spaces accommodated off-site. As commented by Council's engineering services unit, *'the car parking deficiency of the function centre would be greater than that of the proposed development'*.

236. From a traffic engineering perspective, a reduction of the car parking requirement associated with the office, supermarket, bottle shop and medical centre uses *'is considered appropriate in the context of the development and the surrounding area'* from the perspective of Council's engineering services unit. Additionally, *'any short-stay car parking overflow could be accommodated on-street'*. Council's engineering services unit *'has no objection to the reduction in the car parking requirement for this site'*.

Bicycle Parking

237. The proposed development is required to provide 29 employee bicycle parking spaces and 13 visitor bicycle spaces. The proposal includes 107 on-site bicycle parking spaces.

238. Through the provision of these surplus spaces, the proposal has responded to the importance that State and local policies place on encouraging low energy forms of transport such as Clauses 15.02-1S, 18.02-1S, 18.02-1R and 21.06. This is a development where the use of bicycles can take precedence over the use of private motor vehicles due to the proximity of services and employment opportunities and higher density residential development, which will encourage the use of bicycles in this development.

239. The bicycle parking is shown to be located across all three basement levels. However, responding to concerns with this aspect of the proposal from Council's ESD advisor, strategic transport unit and urban design consultant, the sketch plans submitted show bicycle parking to be consolidated and relocated to the basement level one in a secure compound. This is considered a positive outcome and a condition contained within the recommendation section of this report will therefore requires amended plans to show bicycle parking consolidated and relocated to basement level one in accordance with the sketch plans.

240. Pursuant to the Australian Standard AS2890.3 - 2015, at least 20 per cent of bicycle parking spaces should be ground level bicycle hoops, with a maximum of 80 per cent Ned Kelly style hanging hoops. As the bicycle parking spaces shown on the sketch plans incorporate 79 Ned Kelly style hanging hoops and 22 horizontal spaces, this requirement is considered to be met and the condition requiring amended plans that reflect the changes in the sketch plans will achieve this outcome.

241. In relation to visitor bicycle parking, Council's strategic transport unit has recommended a minimum of 23 visitor bicycle parking spaces be provided. The Scheme requires 13 visitor bicycle parking spaces. The sketch plans show twelve visitor bicycle hoops (each able to accommodate two parked bicycles) within the Nicholson Street footpath, meeting the requirement for visitor bicycle parking spaces.

242. However, to avoid clutter on the footpath, Council's urban design unit recommended providing a maximum of four ground level bicycle hoops (providing eight bicycle parking spaces) in front of the site. A condition contained within the recommendation section of this report therefore requires amended plans in accordance with the sketch plans with a maximum of four ground level bicycle hoops within the footpath and the remaining visitor bicycle parking spaces on the ground floor near the lobby area, visible from the public realm.

<u>Traffic and Access</u>

Traffic Generation

243. The applicant's traffic consultant estimates that *'it is anticipated that the development will generate traffic at a rate of 164 vehicles per hour during the morning peak hour periods and 244 vehicles per hour during the afternoon peak hour periods'*, as noted in traffic impact report submitted with the application.

244. The additional traffic generated by the proposed development will flow directly onto Nicholson Street and the surrounding road network. The surrounding road network has the ability to accommodate the expected increase in traffic volumes associated with the proposed development. The site access is limited to left-in/left-out movements only, which will ensure vehicles exiting the site will be able to do so in a safe manner during peak times.

245. Given the nature of the surrounding road network, the estimated traffic generation of the proposed development is not expected to have an adverse impact on the operation of the surrounding road network. Additionally, VicRoads has not objected to the proposal, subject to conditions which are included in the recommendation section of this report.

Vehicle Access

246. The proposed basement car parking will be serviced from an altered crossover to the north of the Nicholson Street frontage. Vehicles would enter and exit the basement car parking directly from Nicholson Street, utilising left in and left out movements only.

247. Council's engineering services has reviewed the access arrangements, noting that the vehicle entrance off Nicholson Street has a width of 6.1 metres which satisfies the relevant standard. Additionally, a minimum headroom clearance of 2.2 metres has been provided and the ramp grades and changes of grade also satisfy the relevant standard.

248. A sight triangle has also been provided for the exit lane of the vehicle entrance, with Council's engineering services unit noting that *'although clear glazing is to be provided at the bottle shop, adjacent to the exit lane of the accessway, it is recommended that a convex mirror be installed on the north side of the entrance in order to optimise visibility of pedestrians'*. A condition contained within the recommendation section of this report therefore requires the convex mirror to be shown on amended plans. It is noted that the sketch plans erroneously show the convex mirror on the south side of the entrance.

249. The application was referred to VicRoads under Clause 52.29-4 of the Scheme as the proposal seeks to alter and remove crossovers to a road in a Road Zone, Category 1 (Nicholson Street). VicRoads *'does not object to the proposal in its current form subject to certain conditions being met'*. The recommendation section of this report therefore includes all of the conditions required by VicRoads, which include the following:

    (a) The installation of signs, line marking, painted arrows and associated road works permitting only 'left turn in' and 'left turn out' vehicular access from Nicholson Street to the satisfaction of and at no cost to VicRoads.

    (b) Modification or removal of any existing car parking spaces and associated road works on the east side of Nicholson Street to accommodate the new vehicular access arrangement.

    (c) All disused or redundant vehicle crossings (along Nicholson Street) must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads prior to the occupation of the building hereby approved.

    (d) The owner of the land must enter into an agreement for the elements of the approved development that project more than 300mm beyond the land's Nicholson Street boundary (i.e. canopies, fixed shading devices, awnings, etc.), to indemnify the Crown in relation to any claim or liability arising from the projections with the Nicholson Street reserve.

250. Additionally, VicRoads notes that *'the proposal provides a transparent window within the north-west corner of the bottle shop consistent with the required dimensions of a pedestrian sight triangle'*.

VicRoads consider that *'this building treatment will adequately provide departing motorists an unobstructed view of pedestrians walking along the Nicholson Street footpath'*.

251. In addition to the clear glazed window/s, VicRoads *'supports Council's requirement to provide the installation of a convex mirror on the north side of the vehicular access in order to optimise visibility of pedestrians'*.

Car Parking Layout

252. Council's engineering services unit has recommended that the accessible car parking space shared area located on basement levels one and two be line marked and hatched and that the dimensions for the internal ramped accessways, clearance to walls and ramp grades and changes of grade be shown on the plans. The sketch plans show all the relevant items, therefore a condition contained within the recommendation section of this report will require amended plans in accordance with the sketch plans.

253. Based on the reduced overall height of the building to eight storeys there will be a loss of approximately 1,696 square metres of floor space for the office use. For this amount of office floor space, the Scheme requires 50 car parking spaces, while the office car parking rate proposed in this application (1.04 spaces per 100 square metres of floor area) requires 17 car parking spaces.

254. As such, with the deletion of two levels as per the condition requirement and the loss of 1,696 square metres of floor space, there would technically be a surplus of 17 car parking spaces on site. There is therefore an opportunity to reconfigure the basement layout to improve circulation and access to car parking spaces. In other words, it allows the layout of the basement car parking to be improved by removing difficult car parking spaces and removing dead end aisles. An improved car parking layout is considered to be more important than surplus car parking spaces in this location where alternative forms of transport should be encouraged.

255. Therefore, a condition contained within the recommendation section of this report requires a reduction in the number of car parking spaces that is equal to the reduction in the office floor space (using the office car parking rate proposed in this application) as a result of the deletion of two floors and requires improvements to the layout of the basement car parking (e.g. removing difficult car parking spaces and removing dead end aisles).

Loading and Unloading

256. Clause 65.01 of the Scheme requires the Responsible Authority to consider, amongst other things, the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts. The provision of a loading bay is generally a consideration when an application involves the manufacture, servicing, storage or sale of goods or materials. The proposal includes a supermarket and a bottle shop on the ground floor and the provision of a loading bay is therefore a relevant consideration fort his application.

257. A loading bay is proposed for the supermarket and bottle shop, located in the north-east corner of the site and accessed via the north-south laneway connecting to Bik Lane further north. Council's engineering services unit support the location of the loading bay and note that *'the proposed loading area for the site is accessed via Bik Lane, a Council controlled public road. The swept path diagrams for an 8.8 metre long medium rigid vehicle entering and exit the loading area via Bik Lane and Nicholson Street are considered satisfactory'*.

258. The internal dimensions of the loading bay and the diameter and clearances were not shown on the advertised plans, however they are shown on the sketch plans and the relevant dimensions as required by Council's engineering services unit. A condition contained within the recommendation section of this report will therefore require amended plans in accordance with the sketch plans. Subject to the condition, the design of the proposed loading bay has the support of Council's engineering services unit.

259. In relation to the type of truck and deliveries, this is assessed under noise section (paragraphs 195 to 202) of this report.

Civil Works

260. Council's engineering services unit has recommended the inclusion of a number of conditions relating to civil works and road protection, impacts on assets, vehicle crossings and drainage. Many of these have either been included as notes on the permit or can be required by way of condition.

Waste Management

261. The submitted waste management plan outlines the waste management practices for the proposed development, which include a private waste contractor to collect all waste streams for commercial waste for all of the proposed uses within the building.

262. The waste collection point is located within the loading bay for the supermarket and on basement level one for the medical centre and office, adjoining the bin storage room.

263. Council's city works branch has reviewed the application and the waste management plan and recommended that clarification on the sizes of the waste storage areas be provided and that swept path diagrams showing how the waste collection vehicles access the waste collection points be included in the waste management plan.

264. As such, a condition contained within the recommendation section of this report will require these recommendations be met, noting that the swept path diagrams for both collection points have been submitted as part of the traffic report and Council's engineering services unit has found them to be satisfactory.

<u>Objector's Concerns</u>

265. The majority of the issues which have been raised by the objectors have been addressed within this report, as outlined below:

    (a) Design and built form, including out of character, excessive height, bulk and scale and the materials and finishes are inappropriate (paragraphs 125 to 163).

    (b) Off-site amenity impacts including overlooking, overshadowing, loss of daylight, glare from the proposed glazing, wind impacts (paragraphs 168 to 194).

    (c) Increase in noise (traffic, people, outdoor areas/terraces, mechanical plant equipment, etc.) (paragraphs 195 to 202).

    (d) Poor internal amenity (paragraphs 210 to 221).

    (e) Car parking, traffic and access including turn table impractical, lack of car parking, increased traffic, waste management issues (paragraphs 225 to 264).

    (f) No community benefit (paragraphs 139 to 141).

266. Outstanding concerns raised in the objections are discussed below, and relate to:

    (a) Overdevelopment of the site.

        Overdevelopment is a commonly used expression to dismiss development proposals which seek to remove existing buildings and to introduce significant new built form into particular neighbourhoods. An assessment against State and local planning policies and other relevant guidelines has demonstrated that the proposal is not an overdevelopment despite being more intensive than what existed before. For the reasons advanced in earlier in this report, the proposed development is not considered to be an overdevelopment of the site.

    (b) Loss of views.

        While the Victorian Civil and Administrative Tribunal have recognised that views can be a relevant amenity consideration, it has also held that there is no right to a view and that the weight to be given to the amenity impact of loss of views is diminished where no planning control applies encouraging retention or sharing of views. There is no specific policy, provision or local policy control regarding views within the Yarra Planning Scheme.

In this context, it is not considered that the extent of loss of view in this case is not reasonable, particularly considering the built form expectations envisaged in a neighbourhood activity centre with an emerging character of higher densities.

(c) Will set a precedent.

Future planning permit applications on this site or neighbouring and nearby land will be assessed against relevant planning policy and site conditions, based on their own merits and relevant planning policy at the time of assessment. The possibility of setting an undesirable precedent cannot be substantiated.

(a) Reduction in property values.

The Victorian Civil and Administrative Tribunal and its predecessors have generally found claims that a proposal will reduce property values are difficult, if not impossible, to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report provides a detailed assessment of the amenity impacts of this proposal.

(a) Impacts during construction.

Concern has been raised in relation to damage of the adjoining buildings and public property during construction. Protection of adjoining properties during construction is not a matter that can be addressed through the planning permit process. However, the developer has obligations under the Building Act 1993 to protect adjoining property from potential damage. It is the responsibility of the relevant building surveyor to require protection work as appropriate. Council's local laws require an asset protection permit to be obtained to ensure infrastructure assets within the road reserve are protected or repaired if damaged. A condition contained in the recommendation section of this report also requires a construction management plan to be submitted outlining the measures to be put in place during the construction phase to minimise impacts on the surrounding area.

Conclusion

267. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. Notably, the proposal achieves the State Government's urban consolidation objectives and Council's preference to direct higher density development in activity centres or on strategic redevelopment sites.

268. While the proposed development will result in some off-site amenity impacts on the apartments to the east and south-east in terms of overshadowing and visual bulk, these impacts are not considered unreasonable given the physical and policy context for this site. It is also acknowledged that some apartments will receive less overshadowing as a result of the reduced height of the wall on the common boundary with 4 Bik Lane, while the recommended reduction in height from ten to eight storeys will also lessen the impact of the proposed development.

269. Overall and on balance, the proposal, subject to conditions outlined in the recommendation section below including a height reduction from ten to eight storeys through the deletion of two levels, is considered to be an acceptable planning outcome that demonstrates compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0172 for the construction of an eight storey building plus three basement levels and a roof top terrace, the use of the land as an office, medical centre, supermarket and a bottle shop, the sale of liquor for consumption off the premises, a reduction in the car parking requirement and alterations to the access to a road in a Road Zone, Category 1 by removing and altering crossovers to Nicholson Street at 622-642 Nicholson Street, Fitzroy North, subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Artisan Architects, numbered TP00-TP19, all revision A and dated 30 May 2018 but modified to show:

    (a) the changes shown in the sketch plans prepared by Artisan Architects, numbered TP01-TP18 (all revision B and dated 14 September 2019) which generally show:
        (i) an indicative layout of the ground floor tenancies;
        (ii) consolidated bicycle parking spaces within a designated room on basement level one;
        (iii) a substation on basement level one in place of three car parking spaces;
        (iv) deletion of one medical consulting suite on the first floor and increased size of the medical centre waiting area;
        (v) reduced height of the awning along Nicholson Street to a minimum of 3 metres; and
        (vi) square columns provided internally above the ground floor in lieu of round columns;

    And further modified to show the following changes:

    (b) The deletion of two levels.
    (c) The eastern facade with a reflectivity of no less than 0.5 or 50 per cent.
    (d) Any doors, including service cabinet or meter room doors that open outwards over public land as able to swing 180 degrees and be latched to the building when opened or serviced.
    (e) The number of car parking spaces to equate to the reduced floor space as a result of condition 1(b) of this permit, which would equate to a reduction of approximately 17 on site car parking spaces for the office us.
    (f) Improvements to the layout and circulation of the basement car parking (e.g. removing difficult car parking spaces, removing dead end aisles).
    (g) A convex mirror installed on the north side of the Nicholson Street vehicle entrance in order to optimise visibility of pedestrians.
    (h) A minimum of eight visitor bicycle parking hoops internal to the building, on the ground floor near the lobby area, and visible from the public realm.
    (i) A maximum of four bicycle parking hoops external to the building, in front of the site on the Nicholson Street footpath.
    (j) Any requirement of the amended sustainable management plan required by condition 9 of this planning permit (where relevant to show on plans).
    (k) Any requirement of the acoustic report required by condition 7 of this planning permit (where relevant to show on plans).

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

Landscaping

3. Before the development commences, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will form part of this permit. The landscape plan must:
   (a) Show the type, location, quantity, height at maturity and botanical names of all proposed plants.
   (b) Indicate the location of all areas to be covered by lawn or other surface materials.
   (c) Provide a specification of works to be undertaken prior to planting.
   (d) Details of raised garden beds.
   (e) Planting details, including proposed planting media, climbing frames, irrigation and drainage.

   to the satisfaction of the Responsible Authority.

4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed landscape plan must be maintained by:
   (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape plan.
   (b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose.
   (c) Replacing any dead, diseased, dying or damaged plants.

   to the satisfaction of the Responsible Authority.

5. Before the development commences, a tree management plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified arborist and must be submitted to and approved by the Responsible Authority. When approved the tree management plan will be endorsed and will form part of this permit. The tree management plan must make recommendations for:
   (a) The protection of the two plane street trees in front of the site on Nicholson Street:
      (i) pre-construction;
      (ii) during construction; and,
      (iii) post construction.
   (b) The provision of any barriers.
   (c) Any pruning necessary.
   (d) Watering and maintenance regimes.

   to the satisfaction of the Responsible Authority.

6. Before the development starts, the permit holder must provide a bond to the Responsible Authority for the two plane street trees in front of the site on Nicholson Street. The bond:
   (a) is to be to the value of the $21,000.00 for Tree ID 3073 and $30,241.00 for Tree ID 3071.
   (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
   (c) may be held by the Responsible Authority until the buildings and works are completed to the satisfaction of the Responsible Authority; and
   (d) may be applied by the Responsible Authority to allow for a large replacement planting(s) and costs associated with establishment and maintenance or to offset the cost of repairing any damage incurred to the trees during construction.

Once the buildings and works are completed to the satisfaction of the Responsible Authority, any portion of the bond which has not been applied by the Responsible Authority will be refunded to the permit holder.

Acoustic Report

7. Before the development commences, an acoustic report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the acoustic report will be endorsed and will form part of this permit. The acoustic report must be generally in accordance with the technical memo prepared by Octave Acoustics and dated 15 March 2018, but modified to ensure/include the following:
   (a) Truck deliveries are not to take place outside the hours of 7:00am to 6:00pm weekdays and 7:00am to 1:00pm, Saturdays (van deliveries may be acceptable during the SEPP N-1 defined evening period).
   (b) Trucks accessing the loading bay are to be 12.5 metres long or less (medium rigid trucks or smaller).
   (c) A noise management plan for the supermarket is to be prepared. The plan should include, but not limited to, a delivery procedure that will eliminate the need for trucks to idle in the lane outside the delivery dock, and/or in Bik Lane if there are overlooking residences.
   (d) Signage is to be provided outside the loading bay to the effect that trucks are not to idle in the laneway.
   (e) Noise from deliveries, including truck movements in the lane outside the loading bay, is to comply with SEPP N-1.
   (f) The roller door proposed for installation on the project is to be reviewed to ensure that it will control noise from the loading bay to SEPP N-1 compliant levels.
   (g) A full mechanical review be conducted to ensure that SEPP N-1 noise limits are not exceeded.
   (h) Post compliance noise testing is undertaken.

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

Sustainable Management Plan

9. Before the development commences, an amended sustainable management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended sustainable management plan will be endorsed and will form part of this permit. The amended sustainable management plan must be generally in accordance with the sustainable management plan prepared by Simpson Kotzman Consulting Engineers and dated 1 June 2018, but modified to include or show:
   (a) Consider external shading systems to reduce heat gain, rather than rely on glazing. If not, please include the SGHC proposed including the minimum visual light transmittance of 60 per cent noted in the sustainable management plan and demonstrate that the 20 per cent cooling load reduction can be met.
   (b) Comprehensive commissioning and tuning of all major appliances and services.
   (c) An environmental management plan be developed by the building contractor to monitor and control activities undertaken during construction.

10. Prior to the occupation of the development approved under this planning permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

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

Waste Management Plan

12. Before the development commences, an amended waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended waste management plan will be endorsed and will form part of this permit. The amended waste management plan must be generally in accordance with the waste management plan prepared by Leigh Design and dated 27 June 2018, but modified to include:
    (a) More specificity regarding the sizes of the waste storage areas.
    (b) The inclusion of swept path diagrams showing how the truck intends to get to both storage areas.

13. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

14. Before the use commences, an amended green travel plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended green travel plan will be endorsed and will form part of this permit. The amended green travel plan must be generally in accordance with the green travel plan prepared by Simpson Kotzman Consulting Engineers, forming Appendix D of the sustainable management plan and dated 1 June 2018, but modified to include or show:
    (a) A description of the location in the context of alternative modes of transport.
    (b) Employee welcome packs (e.g. provision of Myki/transport ticketing).
    (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes.
    (d) Performance targets and monitoring and reporting components.
    (e) A designated 'manager' or 'champion' responsible for coordination and implementation.
    (f) Details of bicycle parking and bicycle routes.
    (g) Details of green travel plan funding and management responsibilities.
    (h) The types of bicycle storage devices proposed to be used for employee, guest and visitor spaces (i.e. hanging or floor mounted spaces).
    (i) The types of lockers proposed within the change-room facilities, with at least 50 per cent of lockers providing hanging storage space.
    (j) Security arrangements to access the employee bicycle storage spaces.
    (k) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
    (l) A minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'.
    (m) Provisions for the green travel plan to be updated not less than every five years.

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

Potentially Contaminated Land

16. Before either the construction of the development authorised by this permit or the use authorised by this permit commence, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
    (a) A description of previous land uses and activities on the land.
    (b) An assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land.

(c) Details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land.
(d) Recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act* 1970 (**EP Act**) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

17. If the assessment required by condition 16 does not result in a recommendation that an environmental auditor be appointed under section 53S of the EP Act to undertake an environmental audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

18. If the assessment required by condition 16 results in a recommendation that an environmental auditor be appointed under section 53S of the EP Act to undertake an environmental audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit or the use authorised by this permit commence, the environmental auditor appointed under section 53S of the *Environment Protection Act* 1970 (EP Act) must undertake an environmental audit in accordance with the provisions of the EP Act and issue:
(a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
(b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

and the Certificate or Statement must be provided to the Responsible Authority.

19. If, pursuant to condition 18, a Statement is issued:
(a) the:
- use; and
- development,

authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
(b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**development pre-commencement conditions**);
(c) the use authorised by this permit must not be undertaken until compliance is achieved with all terms and conditions that the Statement states must be complied with before the use commences (**use pre-commencement conditions**);
(d) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the development pre-commencement conditions have been complied with must be submitted to the responsible authority.
(e) before the use authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the use pre-commencement conditions have been complied with must be submitted to the responsible authority;
(f) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act* 1987 (**Agreement**). The Agreement must:
(i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
(ii) be executed before the sensitive use for which the land is being developed commences; and

(g) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Supermarket

20. The supermarket use authorised by this planning permit may operate 24 hours a day, seven days a week.

Bottle Shop

21. Except with the prior written consent of the Responsible Authority, the bottle shop use authorised by this planning permit may only operate between the hours of 9:00am to 11:00pm, seven days a week.

Medical Centre

22. Except with the prior written consent of the Responsible Authority, the medical centre use authorised by this planning permit may only operate between the hours of 8:00am to 10:00pm, seven days a week.

23. Except with the prior written consent of the Responsible Authority, no more than ten practitioner(s) are permitted to operate from the land at any one time.

24. All infectious waste must be removed by a commercial waste contractor which holds an appropriate commercial waste licence to the satisfaction of the Responsible Authority.

Office

25. Except with the prior written consent of the Responsible Authority, the office use authorised by this planning permit may only operate between the hours of 8:00am to 10:00pm, seven days a week.

Loading and Unloading

26. Truck deliveries are not to take place outside the hours of 7:00am to 6:00pm weekdays and 7:00am to 1:00pm, Saturdays (van deliveries may be acceptable during the SEPP N-1 defined evening period).

27. Trucks accessing the loading bay are to be 12.5 metres long or less (medium rigid trucks or smaller).

28. Except with the prior written consent of the Responsible Authority, no more than four loading vehicle events for trucks may occur per day.

General

29. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:
    (a) The transport of materials, goods or commodities to or from land.
    (b) The appearance of any buildings, works or materials.
    (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
    (d) The presence of vermin.

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

31. The uses and development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).

32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
    (a) located;
    (b) directed;
    (c) shielded; and
    (d) of limited intensity,
    to the satisfaction of the Responsible Authority.

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

34. 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.

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

36. 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.

37. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
    (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
    (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
    (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
    (a) Constructed and available for use in accordance with the endorsed plans.
    (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans.
    (c) Treated with an all-weather seal or some other durable surface.
    (d) Line-marked or provided with some adequate means of showing the car parking spaces.

    to the satisfaction of the Responsible Authority.

Civil Works

39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.

40. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Nicholson Street road frontage must be stripped and re-sheeted:
    (a) in accordance with any requirements or conditions imposed by Council;
    (b) with a cross-fall of 1 in 40 or unless otherwise specified by Council;
    (c) at the permit holder's cost; and
    (d) to the satisfaction of the Responsible Authority.

41. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the existing vehicle crossing to the north of the site's Nicholson Street road frontage must be demolished and reconstructed:
    (a) at the permit holder's cost;
    (b) in accordance with VicRoads and Council's requirements and specifications;
    (c) with any utility service pit lids located within the new vehicle crossing to be of a heavy duty type; and
    (d) to satisfy the ground clearance requirements for the B99 design vehicle.

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

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

44. 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.

45. Upon the completion of all building works and connections for underground utility services, or by such later date as approved in writing by the Responsible Authority, all redundant property drains must be removed and Council assets reinstated to Council's satisfaction and at the permit holder's cost.

46. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the proposed bicycle parking spaces located on the Nicholson Street footpath in front of the site 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.

47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the proposed street furniture located on the Nicholson Street footpath in front of the site must be constructed:
    (d) in accordance with any requirements or conditions imposed by Council;
    (e) at the permit holder's cost; and
    (f) to the satisfaction of the Responsible Authority.

Construction Management Plan

48. 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.
    (vii) spillage from refuelling cranes and other vehicles and machinery.
(i) The construction program.
(j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency.
(k) Parking facilities for construction workers.
(l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan.
(m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
(n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced.
(o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
(p) A noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:
    (i) using lower noise work practice and equipment.
    (ii) the suitability of the land for the use of an electric crane.
    (iii) silencing all mechanical plant by the best practical means using current technology.
    (iv) fitting pneumatic tools with an effective silencer.
    (v) other relevant considerations.
(q) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority.
(r) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.
(s) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.
(t) Any site-specific requirements.

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

49. 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.

50. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

VicRoads Conditions (conditions 51 and 52)

51. Before the use approved by this permit commences the following must be completed at no cost to and to the satisfaction of the Responsible Authority and or the Roads Corporation:
    (a) The installation of signs, line marking, painted arrows and associated road works permitting only "left turn in" and "left turn out" vehicular access from Nicholson Street to the satisfaction of and at no cost to VicRoads.
    (b) Modification or removal of any existing car parking spaces and associated road works on the east side of Nicholson Street to accommodate the new vehicular access arrangement.
    (c) All disused or redundant vehicle crossings (along Nicholson Street) must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads prior to the occupation of the building hereby approved.

52. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138 (A) of the *Land Act 1958* for the elements of the approved development that project more than 300mm beyond the land's Nicholson Street boundary (i.e. canopies, fixed shading devices, awnings, etc.), to indemnify the Crown in relation to any claim or liability arising from the projections with the Nicholson Street reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.

Permit Expiry

53. This permit will expire if:
    (a) the development is not commenced within two years of the date of this permit;
    (b) the development is not completed within four years of the date of this permit; or
    (c) the use is not commenced within five years of the date of this permit.

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

Notes:

A building permit may be required before development is commenced. Please contact Council's building services on 9205 5095 to confirm.

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

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.

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.

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.

All future employees and occupiers working within the development approved under this permit will not be permitted to obtain employee or visitor car parking permits.

The applicant must liaise with Council's open space unit for the protection of the street trees in the vicinity of the site.

Overhead power lines run along the east side of Nicholson Street, close to the property boundary. The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website.

VicRoads Notes:

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

CONTACT OFFICER: **Nikolas Muhllechner**
TITLE: **Principal Planner**
TEL: **9205 5456**

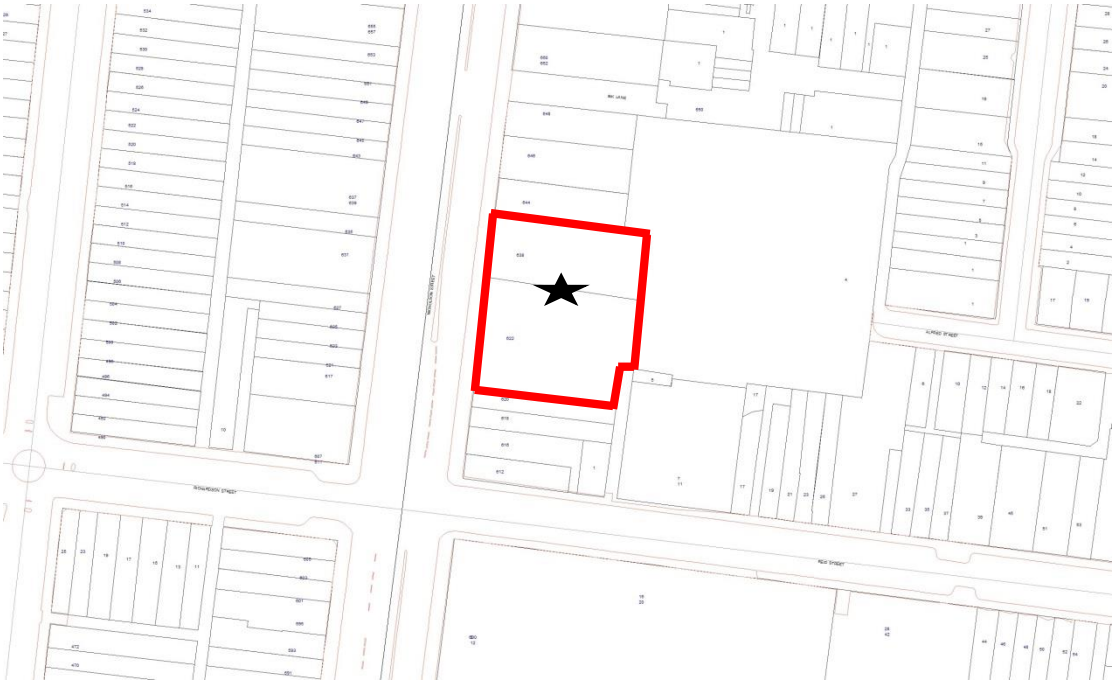
Attachments

1 PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Subject Land Map
2 PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1
3 PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 2
4 PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Sketch Plans
5 PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Neighbouring Property Daylight Analysis Report
6 PLN18/0172 - 622-642 Nicholson Street Fitzroy - VicRoads Referral Comments
7 PLN18/0172 - 622 - 642 Nicholson Street Fitzroy North - Engineering Referral Comments
8 PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments
9 PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Urban Design Unit Referral Comments
10 PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Streetscapes and Natural Values Referral Comments
11 PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Strategic Transport Comments
12 PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Acoustic Referral Comments
13 PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Urban Design Consultant Referral Comments

Attachment 1 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Subject Land Map

SUBJECT LAND:

Property Map



Zoning Map



⇧ North

★ **Subject Site**

Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

PROPOSED MIXED USE DEVELOPMENT

622-642 NICHOLSON STREET, NORTH FITZROY

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Proposed Mixed Use Development
622-642 Nicholson Street, North Fitzroy
June 2018

Presented by:

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5. DEVELOPMENT SUMMARY

5.01 DEVELOPMENT SUMMARY

6. APPENDIXES

6.01 LAND SURVEY PLAN

7. ARCHITECTURAL DRAWINGS

Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

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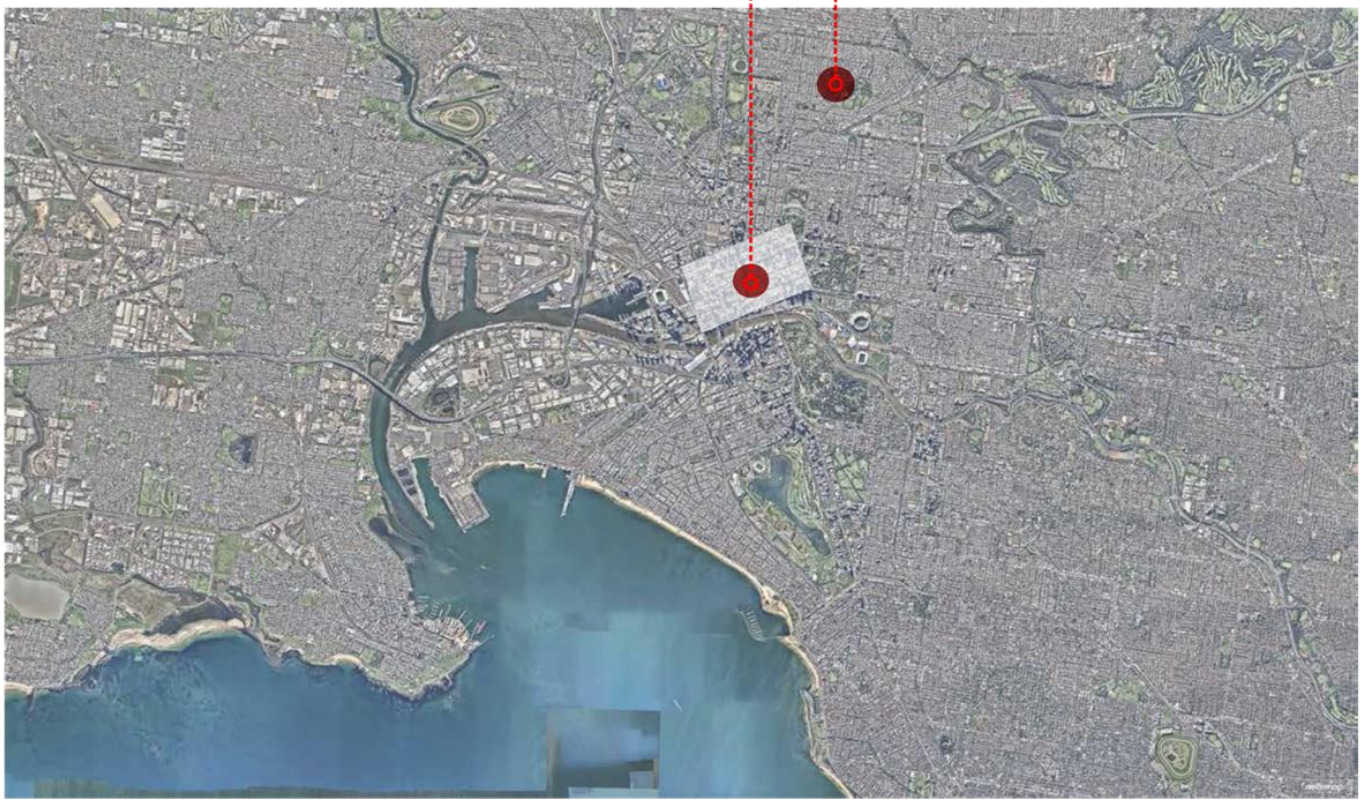
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1.01 SITE LOCATION



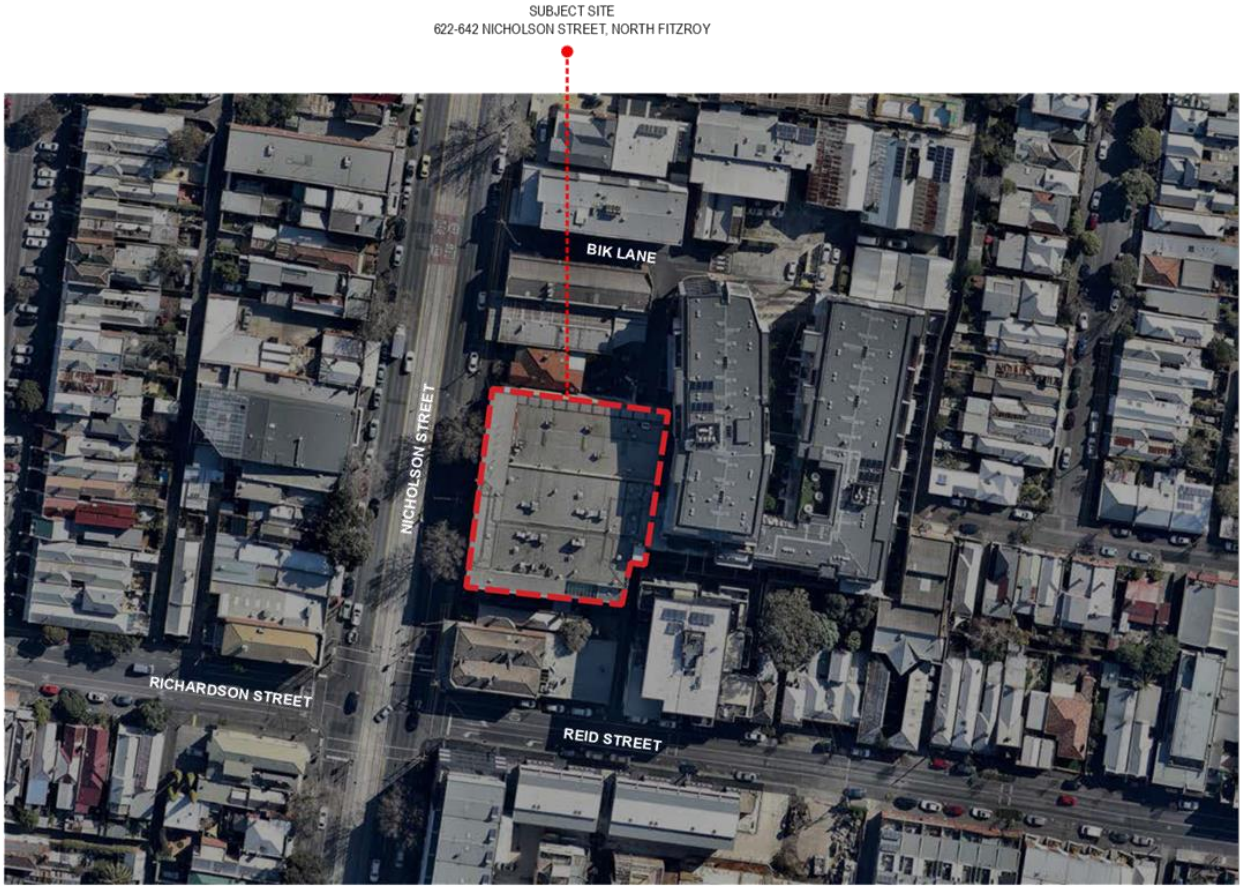
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Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advised Plans Part 1

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1.02 SITE AERIAL



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1.03 SITE PHOTOGRAPHS





1. View South from Nicholson Street towards subject site.



2. Front view of the subject site.



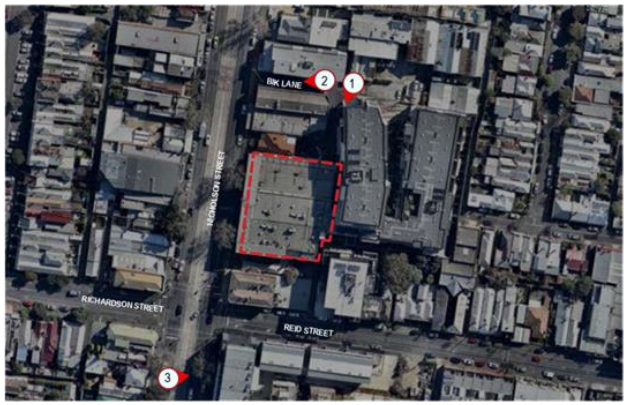
3. View North East from Intersection of Nicholson Street and Reid Street towards subject site.

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1.04 SITE PHOTOGRAPHS





1. View South down ROW from Bik Lane towards subject site.



2. View of Bik Lane access from Nicholson Street.



3. View of 582 Nicholson Street located south from the subject site.

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1.05 PLANNING ZONES AND OVERLAYS

PLANNING ZONES

MIXED USE ZONE (MUZ)

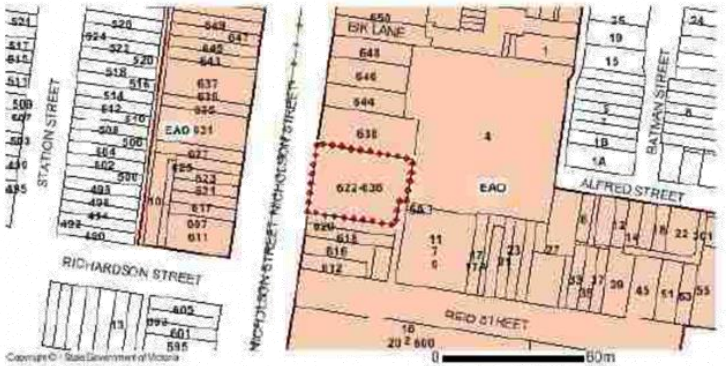


Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Zones Legend

- ACZ - Activity Centre
- B1Z - Commercial 1
- B2Z - Commercial 2
- B3Z - Commercial 2
- B4Z - Commercial 2
- B5Z - Commercial 1
- C1Z - Commercial 1
- C2Z - Commercial 2
- CA - Commonwealth Land
- CCZ - Capital City
- CDZ - Comprehensive Development
- DZ - Dockland
- ERZ - Environmental Rural
- FZ - Farming
- GRZ - General Residential
- GWAZ - Green Wedge A
- GWZ - Green Wedge
- IN1Z - Industrial 1
- IN2Z - Industrial 2
- IN3Z - Industrial 3
- LDRZ - Low Density Residential
- MUZ - Mixed Use
- NRZ - Neighbourhood Residential
- PCRZ - Public Conservation & Resource
- PDZ - Priority Development
- PPRZ - Public Park & Recreation
- PUZ1 - Public Use - Service & Utility
- PUZ2 - Public Use - Education
- PUZ3 - Public Use - Health Community
- PUZ4 - Public Use - Transport
- PUZ5 - Public Use - Cemetery/Crematorium
- PUZ6 - Public Use - Local Government
- PUZ7 - Public Use - Other Public Use
- PZ - Port
- RDZ1 - Road - Category 1
- RDZ2 - Road - Category 2
- RGZ - Residential Growth
- RLZ - Rural Living
- RUZ - Rural
- SUZ - Special Use
- TZ - Township
- UFZ - Urban Floodway
- UGZ - Urban Growth
- Urban Growth Boundary
- Railway
- Tram
- River, stream
- Lake, waterbody

ENVIRONMENTAL AUDIT OVERLAY (EAO)



Overlays Legend

- AEO - Airport Environs
- BMO - Bushfire Management
- CLPO - City Link Project
- DCPO - Development Contributions Plan
- DDO - Design & Development
- DDOP1 - Design & Development Part
- DPO - Development Plan
- EAO - Environmental Audit
- EMO - Erosion Management
- ESO - Environmental Significance
- FO - Floodway
- HO - Heritage
- ICPO - Infrastructure Contributions Plan
- IPO - Incorporated Plan
- LSIO - Land Subject to Inundation
- MAEO1 - Melbourne Airport Environs 1
- MAEO2 - Melbourne Airport Environs 2
- NCO - Neighbourhood Character
- PO - Parking
- PAO - Public Acquisition
- RO - Restructure
- RCO - Road Closure
- SBO - Special Building
- SLO - Significant Landscape
- SMO - Salinity Management
- SRO - State Resource
- VPO - Vegetation Protection
- Railway
- Tram
- River, stream
- Lake, waterbody

Note: due to overlaps some colours on the maps may not match those in the legend.

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1.06 SITE HEIGHT ANALYSIS - SURROUNDING DEVELOPMENTS





1. 34-36 Nicholson Street
10 Levels (planning application)
1.1Km from Subject Site



2. 378-390 St Georges Road
7 Levels (planning application)
1.1Km from Subject Site



3. 423-425 Smith Street
9 Levels (planning application)
1.3Km from Subject Site



4. 365 Smith Street
9 Levels (approved)
1.5Km from Subject Site



5. 26-56 Queens Parade
10 Levels (planning application)
0.8Km from Subject Site



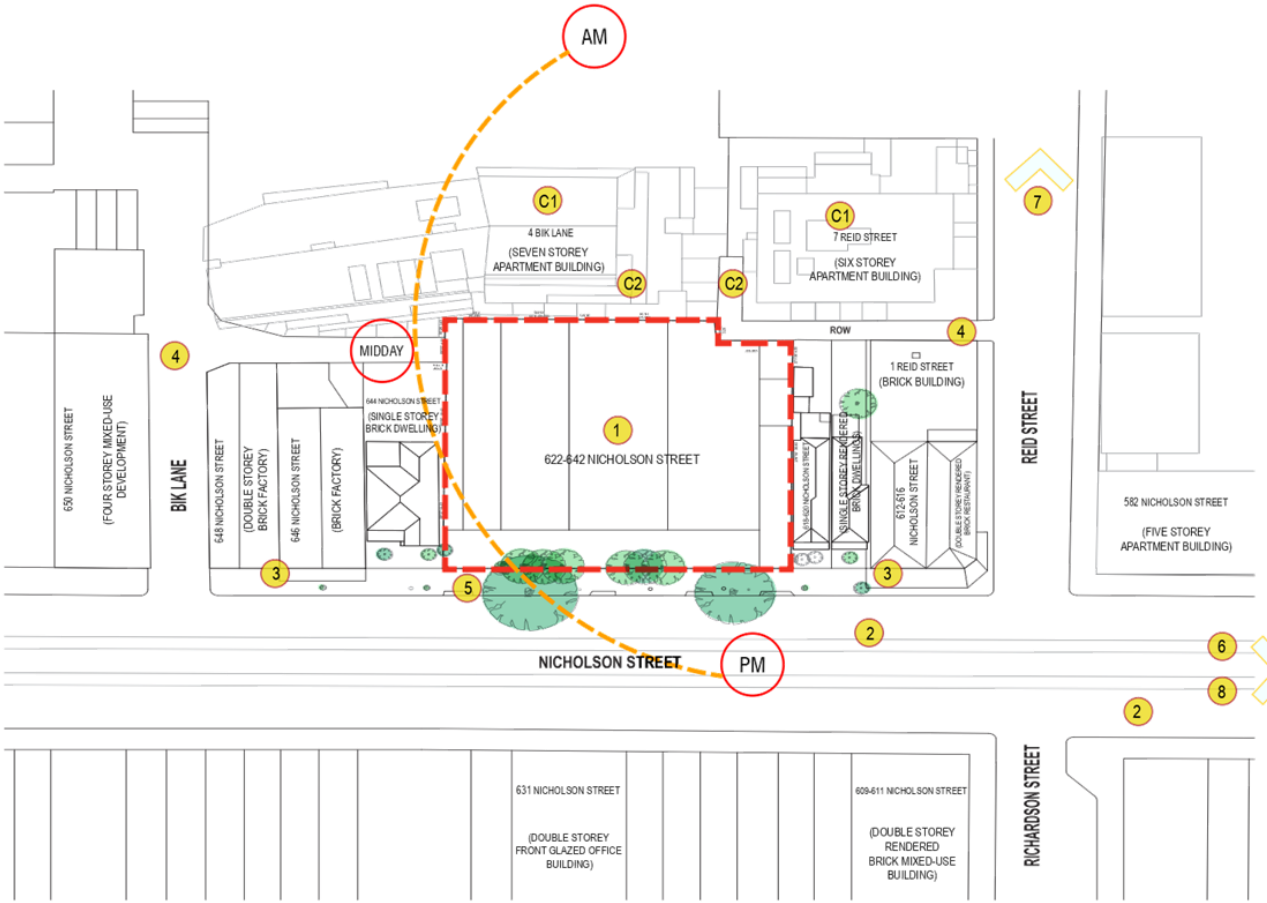
6. 62-70 Johnston Street
7 Levels (approved)
1.4Km from Subject Site

Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

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1.07 SITE DESCRIPTION & ANALYSIS



SUBJECT SITE

SITE DESCRIPTION:

1. The subject site is located in a Mixed-Use Zone (MUZ).

2. The subject site is well served by public transportation. Tram no. 96 (Stop 20) is right in front. Rushall Railway Station is 1.5km away.

3. The neighbouring sites are also in the MUZ, these could potentially become development sites.

4. Potential access points to the site from Bik Lane and the lane from Reid Street.

5. Existing cross-over could be utitlised for the new development.

6. Subject site is only 4km north of Melbourne's CBD.

7. Subject site is less than 1km from the Edinburgh Gardens.

8. Subject site is located 3.3km away from the Royal Melbourne Hospital.

SITE CONSTRAINTS:

C1. Apartment buildings are within close proximity.

C2. Potential overshadowing of existing balconies at 4 Bik Lane and 7 Reid Street to the south-east, and single storey dwellings to the south of the proposed development.

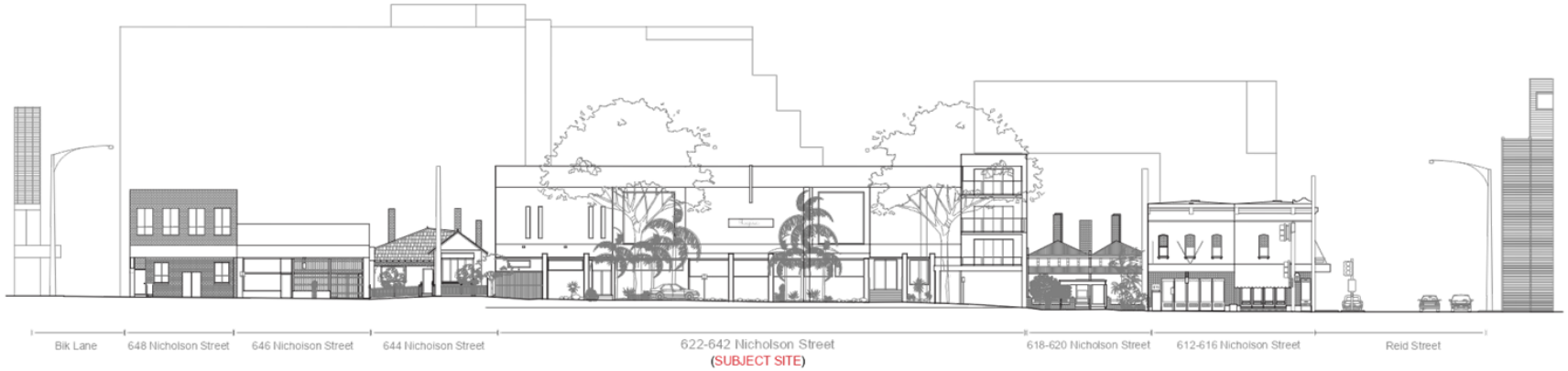
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Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

Proposed Mixed Use Development
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1.08 EXISTING STREET ELEVATION



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DESIGN RESPONSE

Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

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2.01 PROJECT OUTLINE

This project is a 10 storey mixed-use building.

The development includes:
-3 Parking Basements
-Ground level Supermarket
-Level 1 Medical Suites
-Levels 2-9 Offices



Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

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2.02 PERSPECTIVE VIEW



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2.03 PERSPECTIVE VIEW

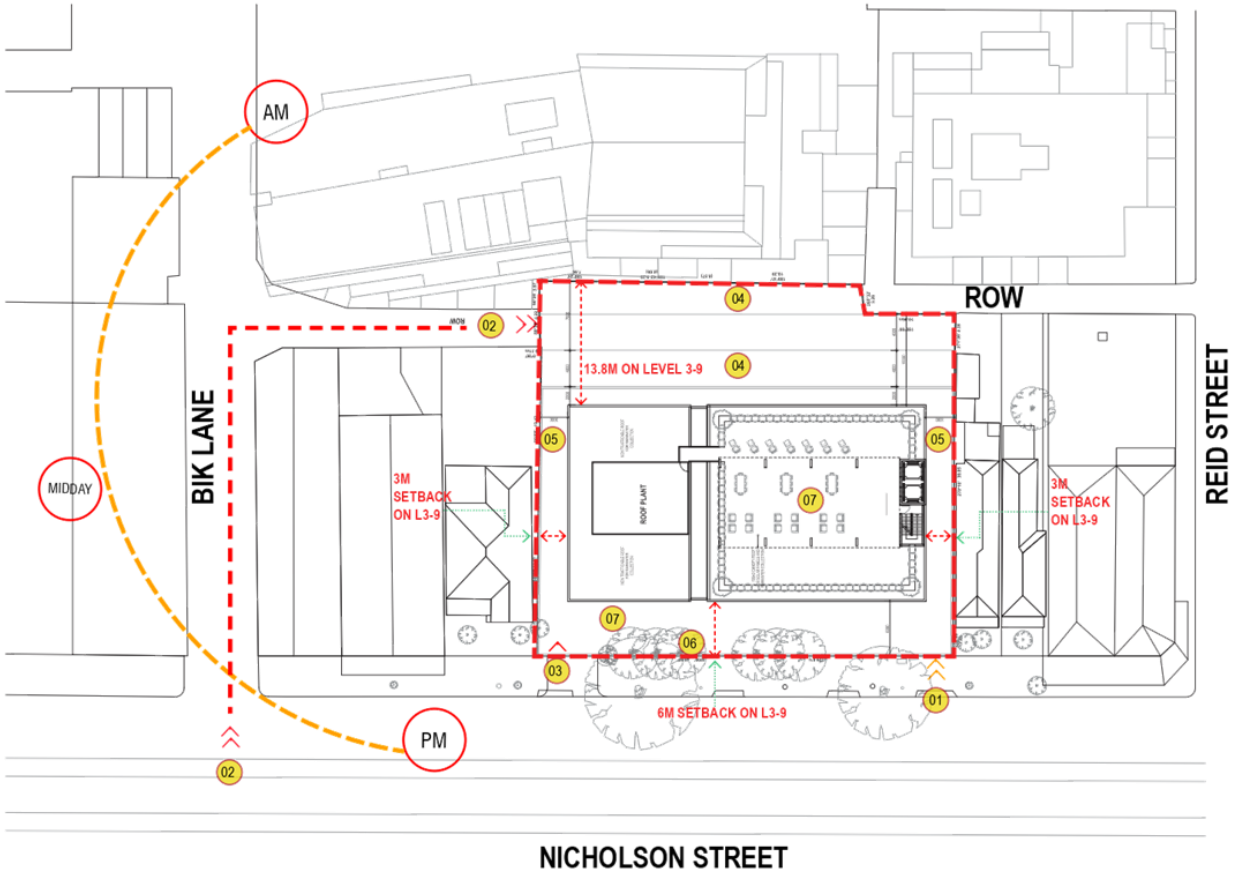


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2.04 DESIGN RESPONSE - SITE PLAN



VEHICLE ACCESS TO BASEMENT

DELIVERY VEHICLE ACCESS

LOBBY ENTRY

DESIGN RESPONSE:

1. Entry lobby to ground floor supermarket and office levels located to the southern end of the subject site, providing easy access from the existing tram stop on Nicholson Street.

2. Delivery point is proposed via Bik Lane along the northern boundary of the subject site.

3. Basement carpark entry for both the supermarket and offices is from Nicholson Street.

4. The buidling form terraces away from the eastern boundary in response to the existing apartment buildings along the eastern side.

5. 3m side setbacks to the upper levels reduces visual bulk.

6. The building form and setbacks along Nicholson Street respond to the patterns and scale of existing streetscape.

7. Communal office breakout spaces are provided at various levels of the building.

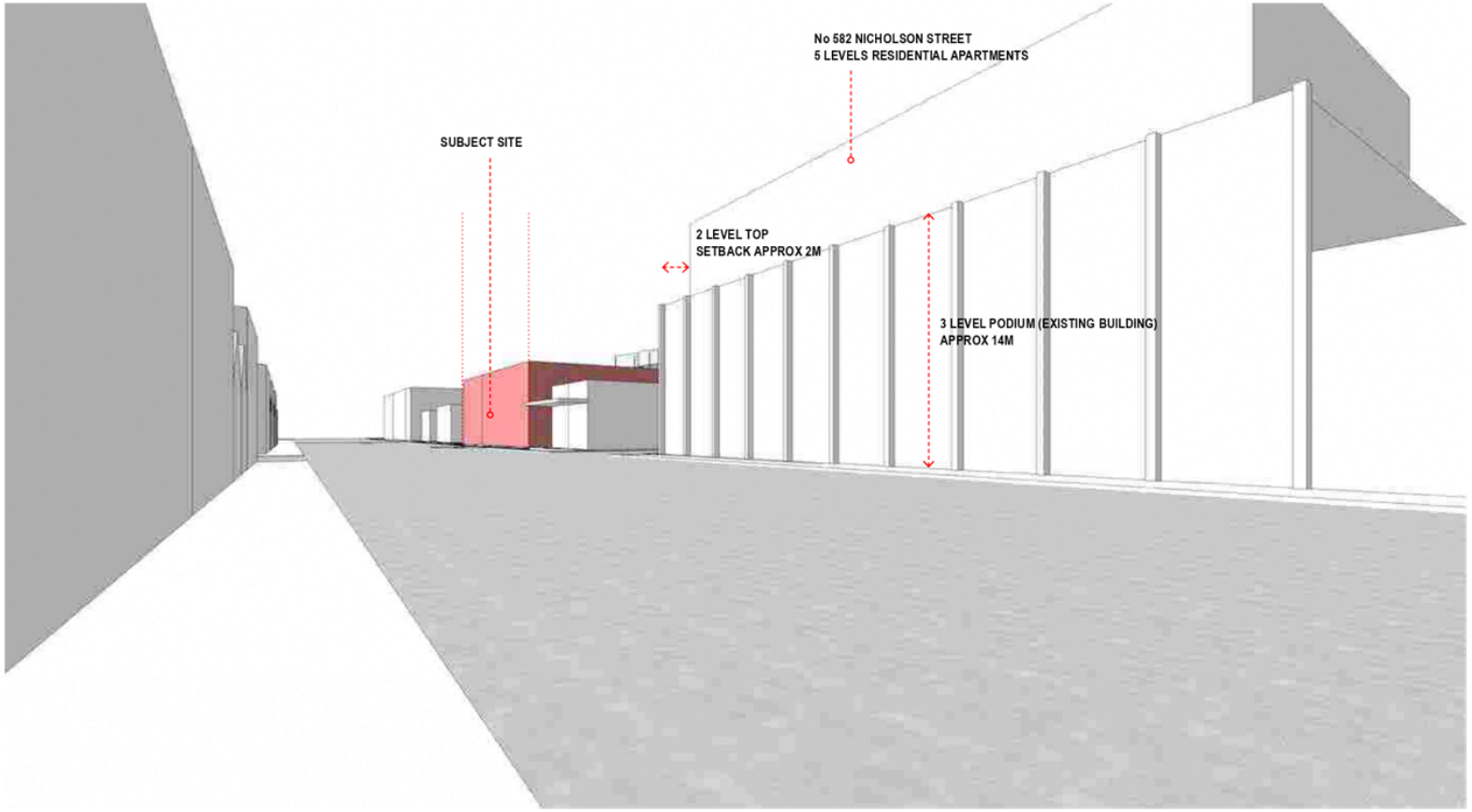
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Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

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2.05 URBAN VIEW 01 - EXISTING CONDITIONS / NICHOLSON ST LOOKING NORTH

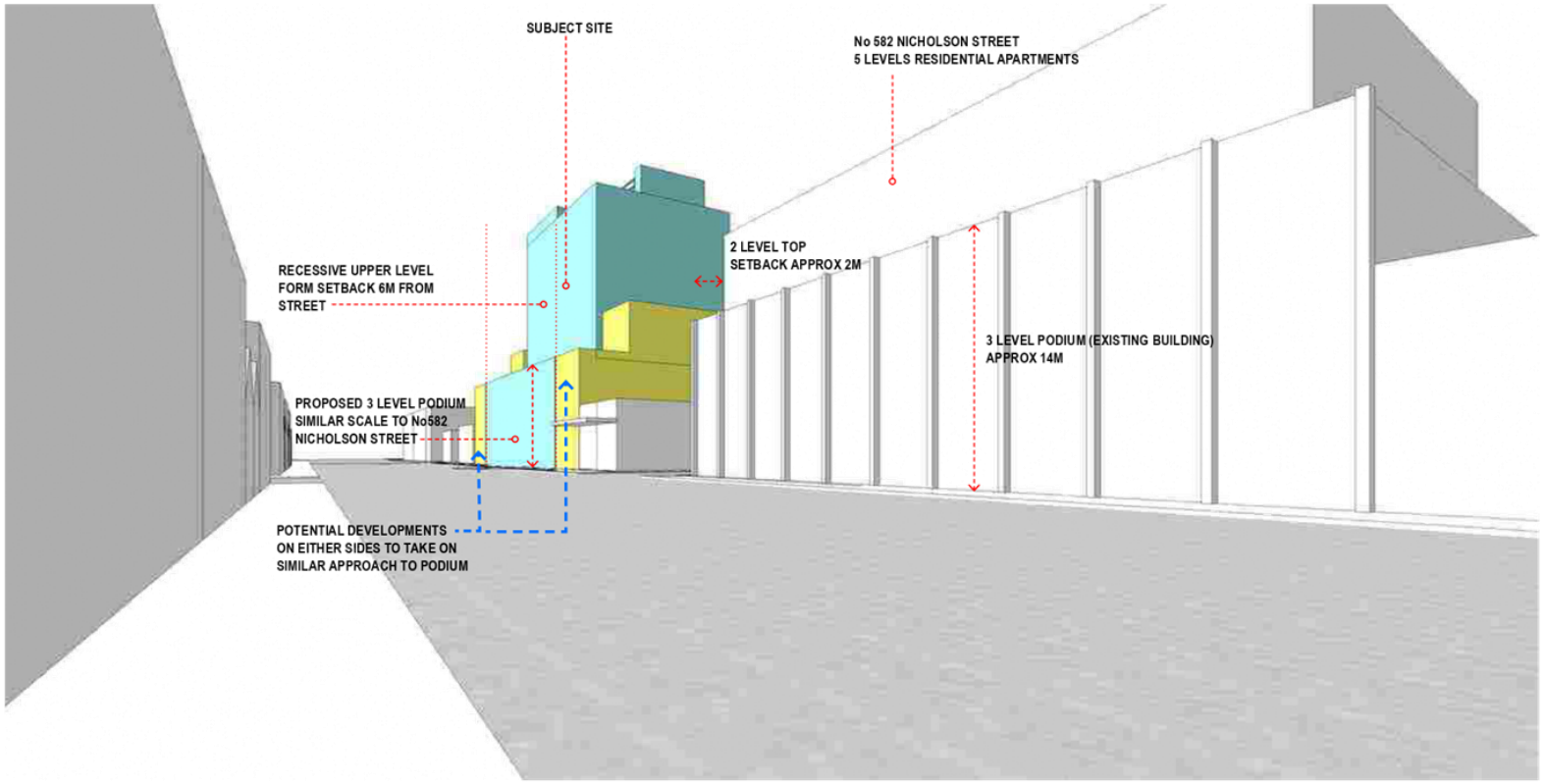


Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

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2.06 URBAN VIEW 01 - PROPOSED BUILDING FORM

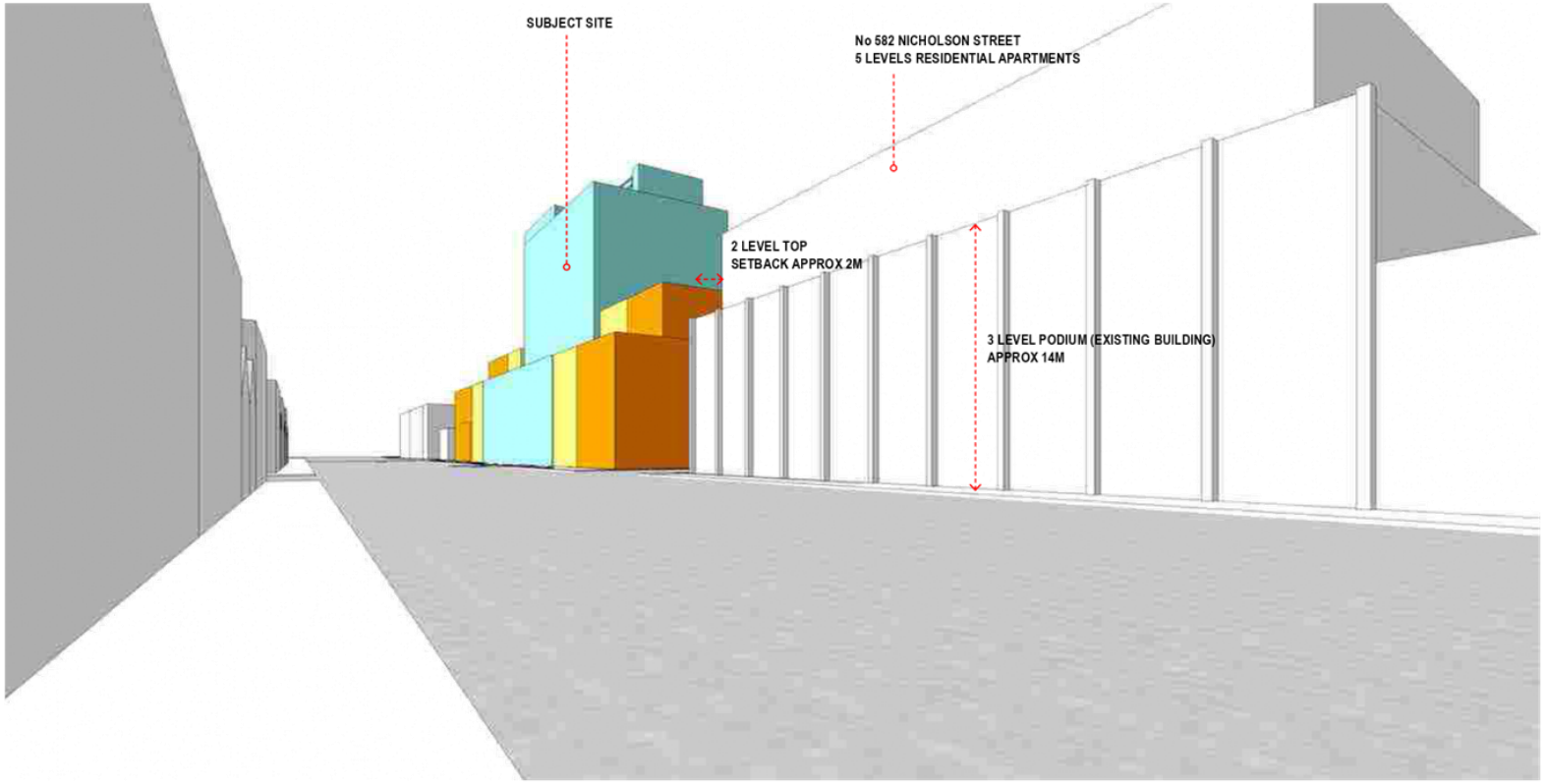


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2.07 URBAN VIEW 01 - PROPOSED BUILDING FORM AND POTENTIAL FUTURE DEVELOPMENT OF ENTIRE BLOCK

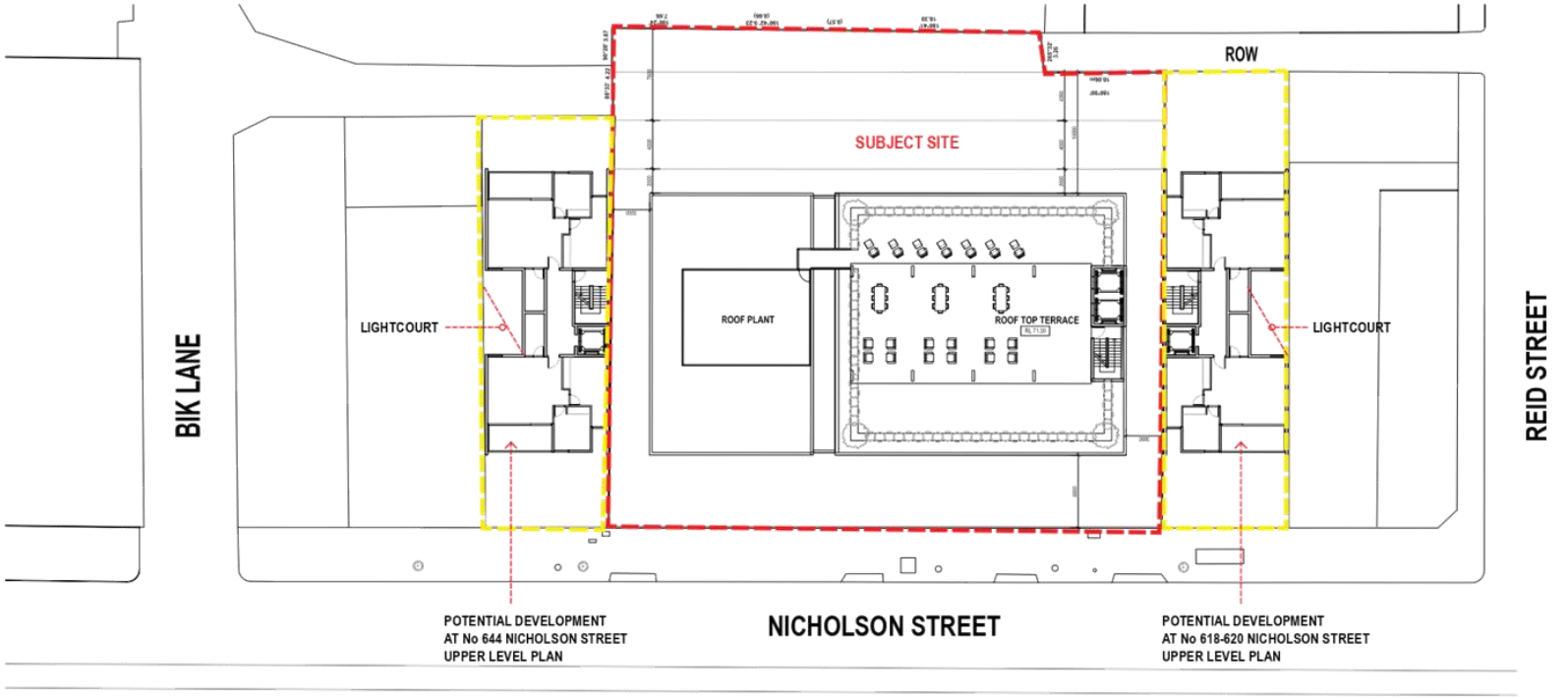


Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

Proposed Mixed Use Development
622-642 Nicholson Street, North Fitzroy
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2.08 POTENTIAL EQUITABLE DEVELOPMENT OF ADJOINING SITES



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3.01 STREET LEVEL/ PODIUM DESIGN

The podium design was inspired by the site's immediate context and the broader history of North Fitzroy where single and double storey terrace houses form the fabrics of its built environment.
This approach assists in integrating the new building into its surrounds by creating the familiarity of intimate scales, patterns and rhythms.











Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

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3.02 PROPOSED STREET ELEVATION



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3.03 MATERIALS & FINISHES





1 Patterned Precast



2 Powdercoat Metal Lourves



3 Clear Glazing



4 Brickwork

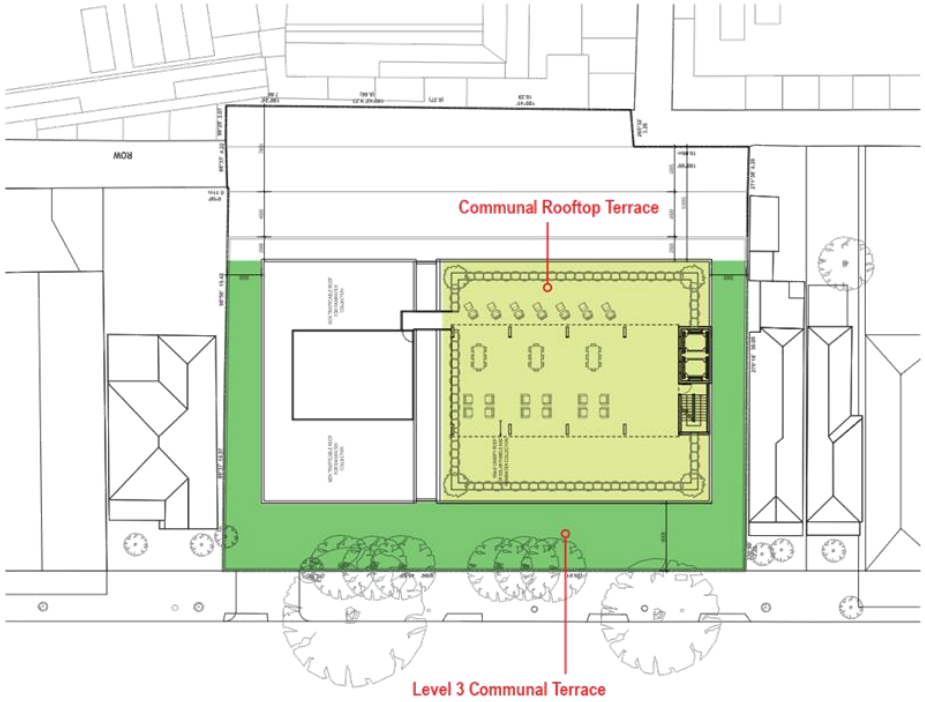


5 Lightweight Cladding

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3.04 COMMUNAL OFFICE SPACES









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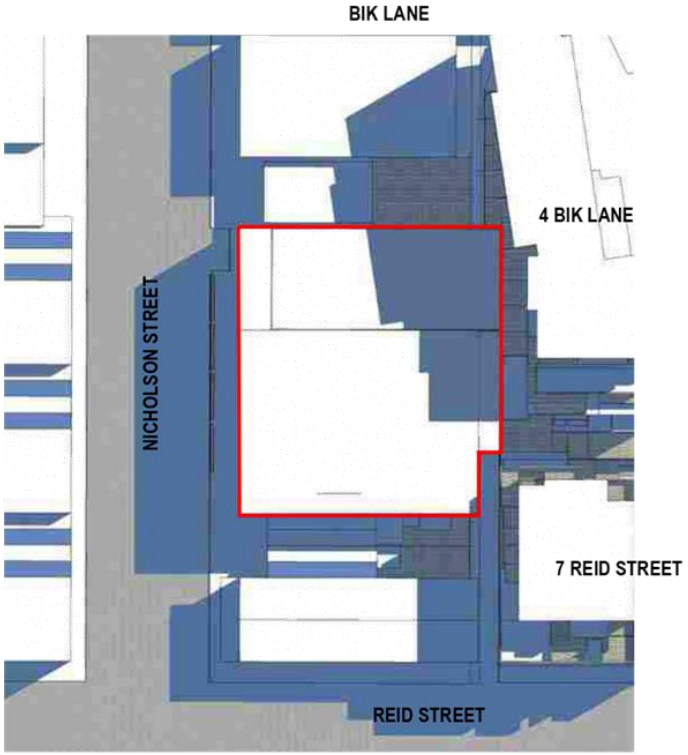
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SHADOW DIAGRAMS

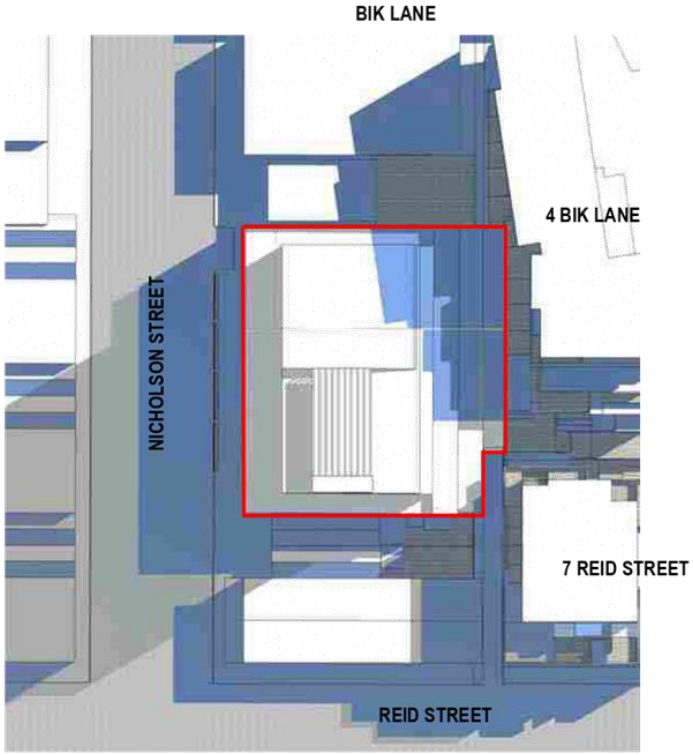
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4.01 SHADOW DIAGRAMS 9AM



EXISTING SHADOW AT 9AM EQUINOX 22ND SEPTEMBER



PROPOSED SHADOW AT 9AM EQUINOX 22ND SEPTEMBER

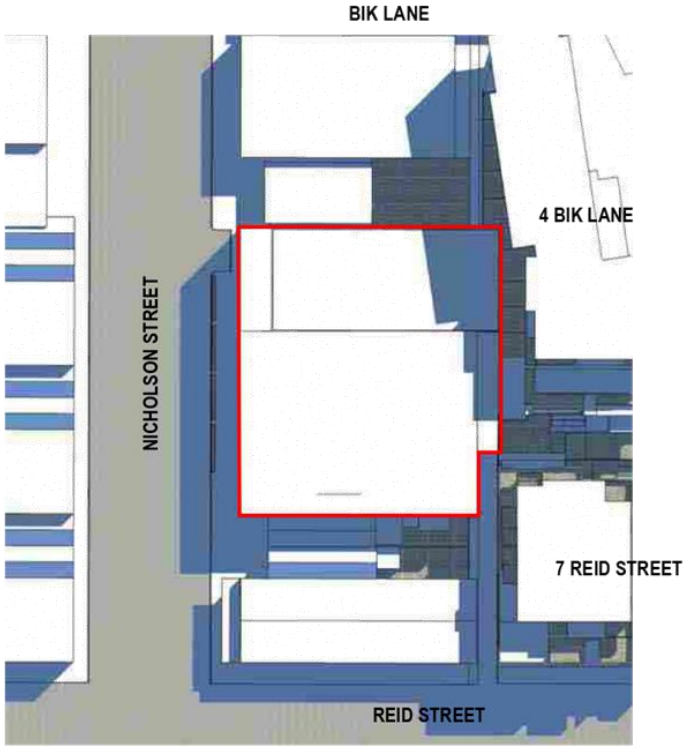
SUBJECT SITE
EXISTING SHADOWS
NEW SHADOWS

N

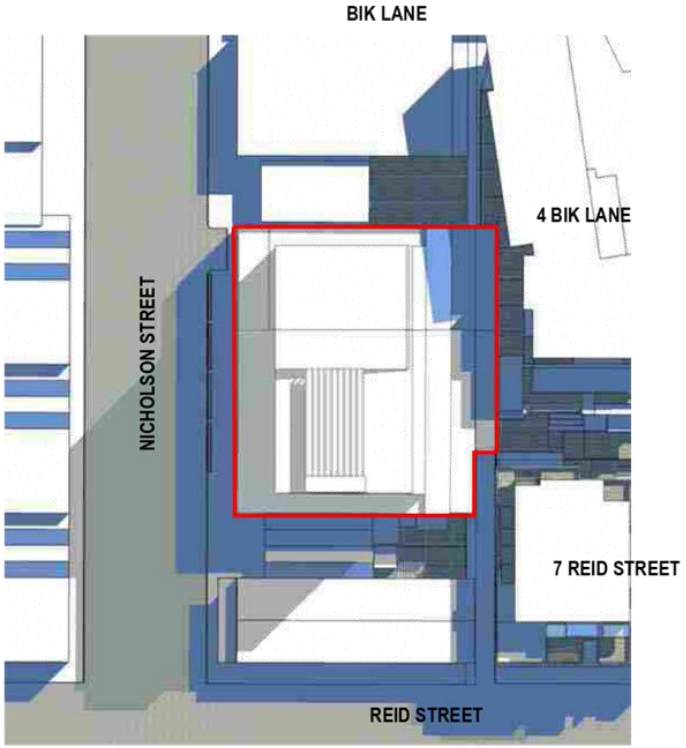
Proposed Mixed Use Development
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4.02 SHADOW DIAGRAMS 10AM



EXISTING SHADOW AT 10AM EQUINOX 22ND SEPTEMBER



PROPOSED SHADOW AT 10AM EQUINOX 22ND SEPTEMBER

SUBJECT SITE
EXISTING SHADOWS
NEW SHADOWS

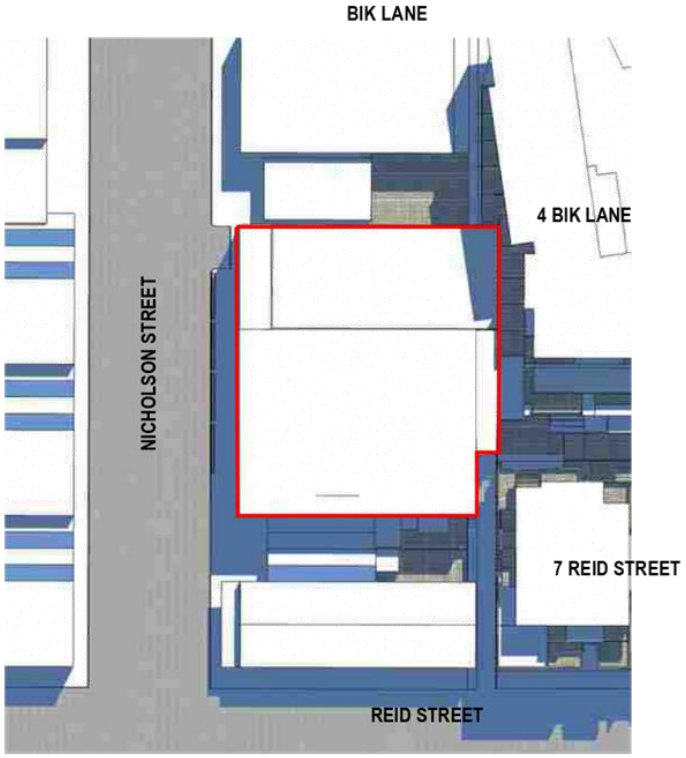
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Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

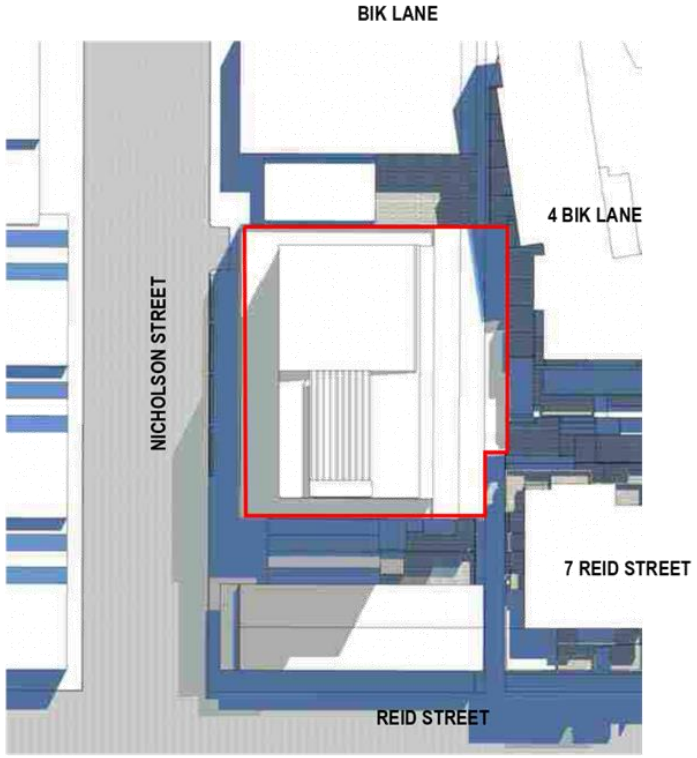
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4.03 SHADOW DIAGRAMS 11AM



EXISTING SHADOW AT 11AM EQUINOX 22ND SEPTEMBER



PROPOSED SHADOW AT 11AM EQUINOX 22ND SEPTEMBER

SUBJECT SITE
EXISTING SHADOWS
NEW SHADOWS

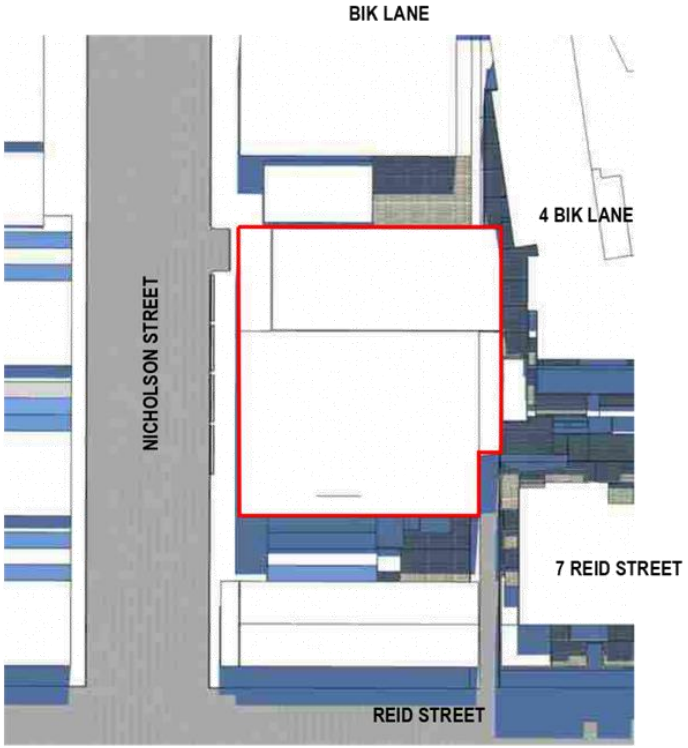
N

Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

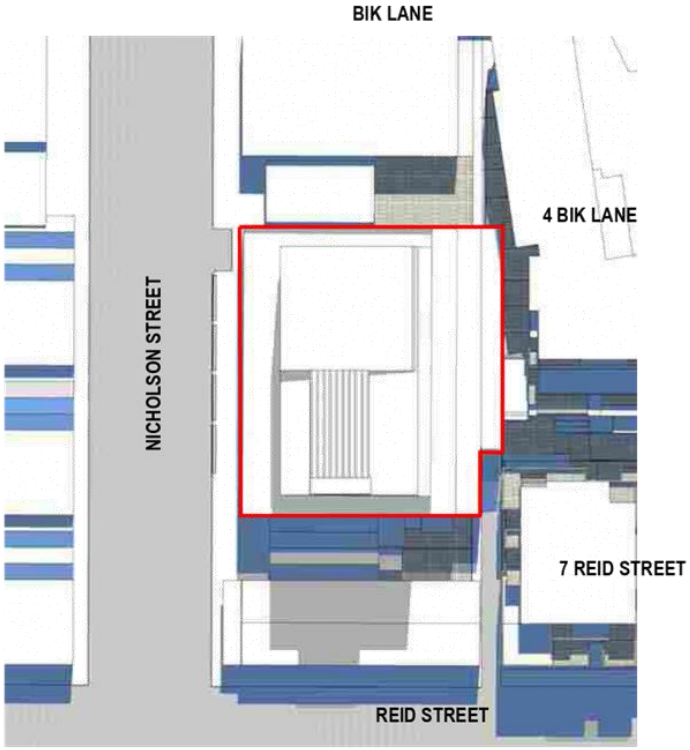
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4.04 SHADOW DIAGRAMS 12PM



EXISTING SHADOW AT 12PM EQUINOX 22ND SEPTEMBER



PROPOSED SHADOW AT 12PM EQUINOX 22ND SEPTEMBER

SUBJECT SITE
EXISTING SHADOWS
NEW SHADOWS

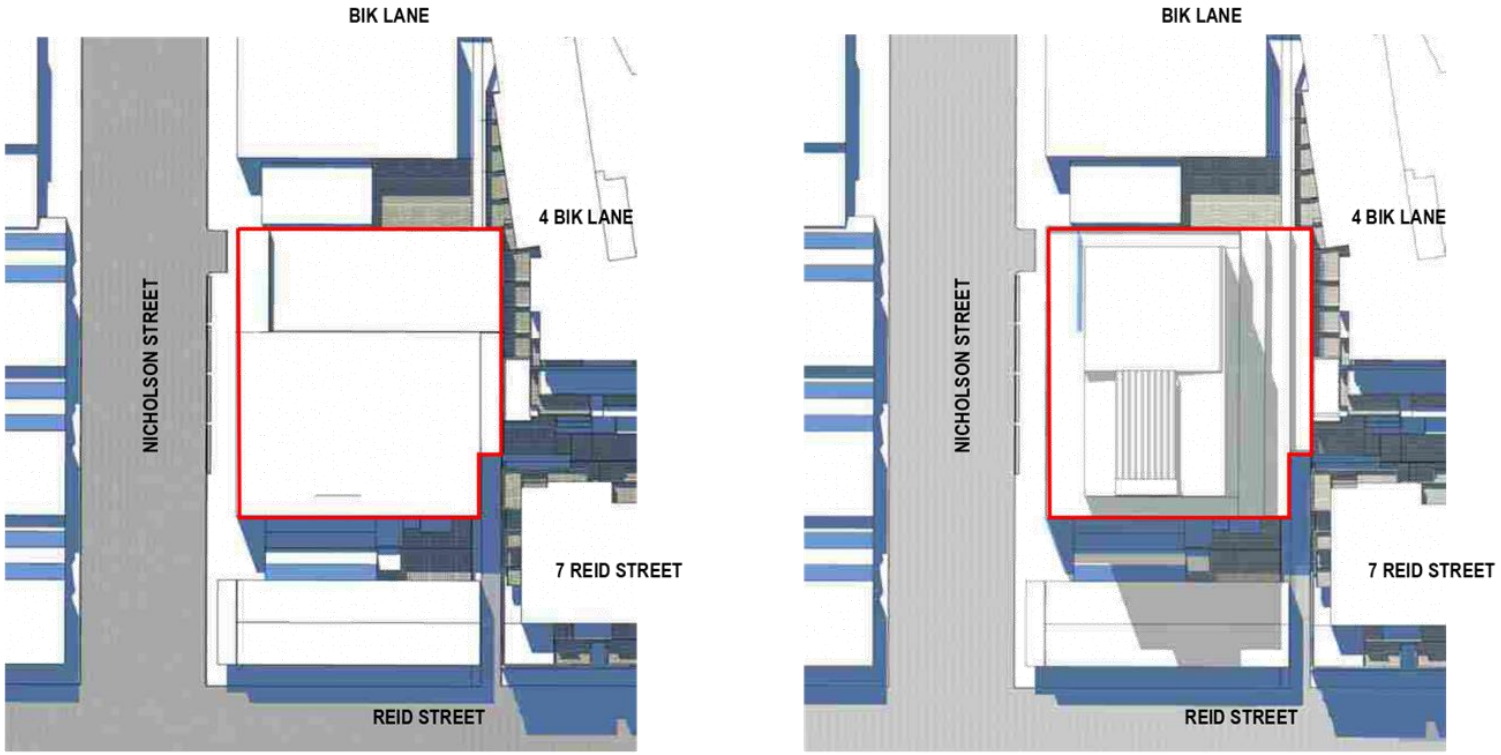
N

Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

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4.05 SHADOW DIAGRAMS 1PM



EXISTING SHADOW AT 1PM EQUINOX 22ND SEPTEMBER

PROPOSED SHADOW AT 1PM EQUINOX 22ND SEPTEMBER

SUBJECT SITE
EXISTING SHADOWS
NEW SHADOWS

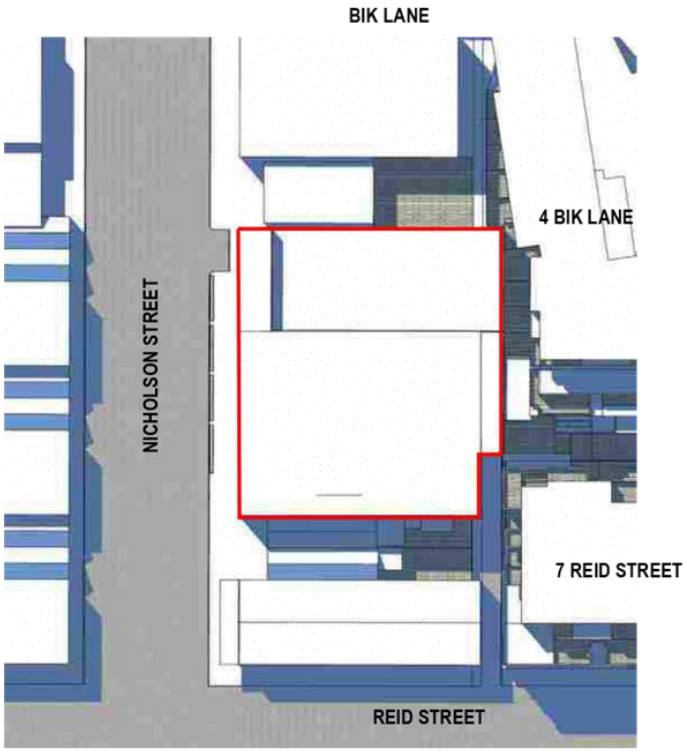
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Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

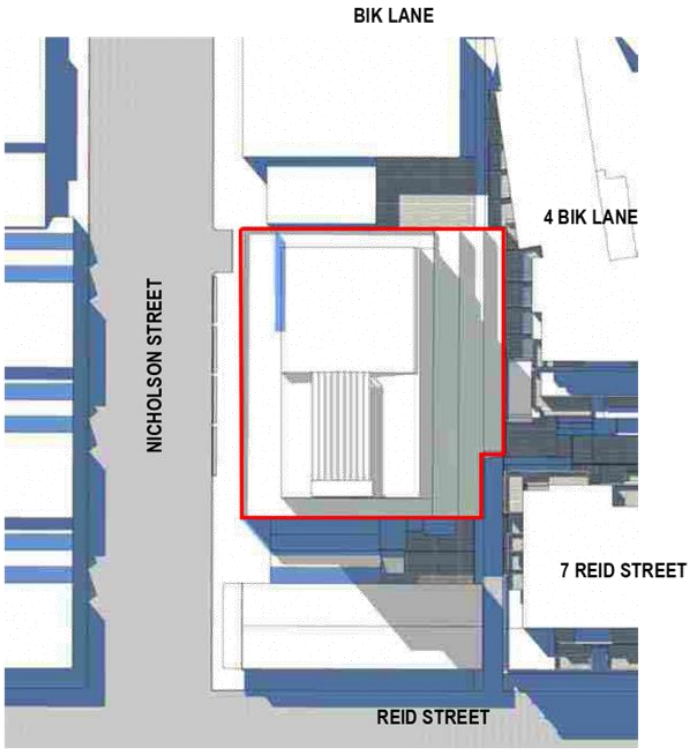
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4.06 SHADOW DIAGRAMS 2PM



EXISTING SHADOW AT 2PM EQUINOX 22ND SEPTEMBER



PROPOSED SHADOW AT 2PM EQUINOX 22ND SEPTEMBER

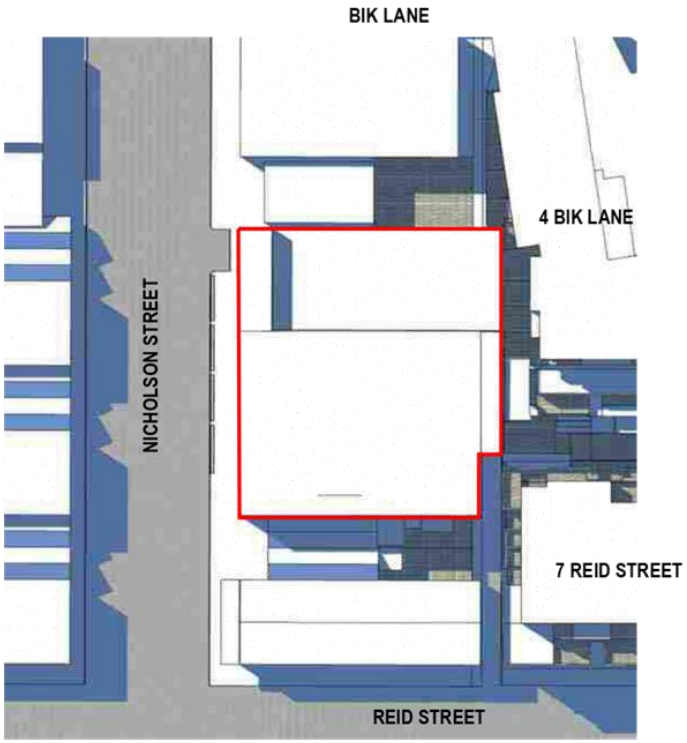
SUBJECT SITE
EXISTING SHADOWS
NEW SHADOWS

N

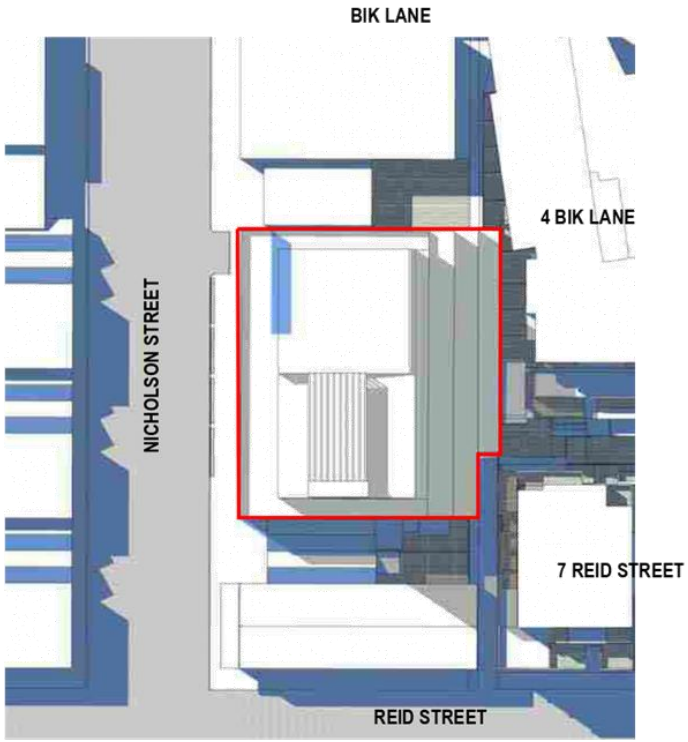
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4.07 SHADOW DIAGRAMS 3PM



EXISTING SHADOW AT 3PM EQUINOX 22ND SEPTEMBER



PROPOSED SHADOW AT 3PM EQUINOX 22ND SEPTEMBER

SUBJECT SITE
EXISTING SHADOWS
NEW SHADOWS

N

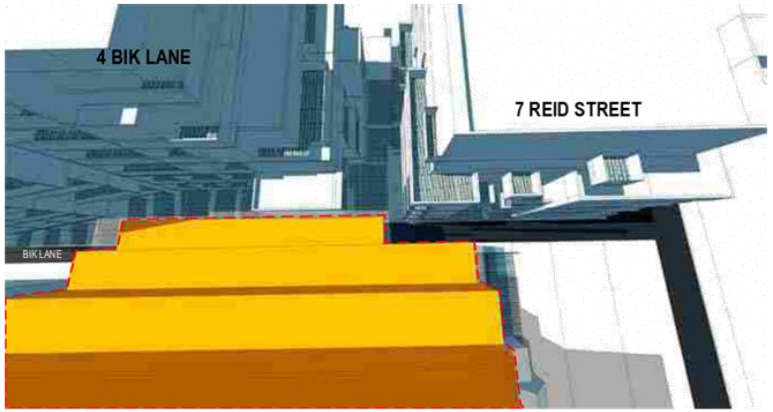
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4.08 3D SHADOW DIAGRAMS 12PM



NICHOLSON STREET



NICHOLSON STREET

EXISTING SHADOW AT 12PM EQUINOX 22ND SEPTEMBER

- EXISTING BUILDING ON SUBJECT SITE
- EXISTING SHADOWS
- NEIGHBOURING BUILDING BALCONIES

PROPOSED SHADOW AT 12PM EQUINOX 22ND SEPTEMBER

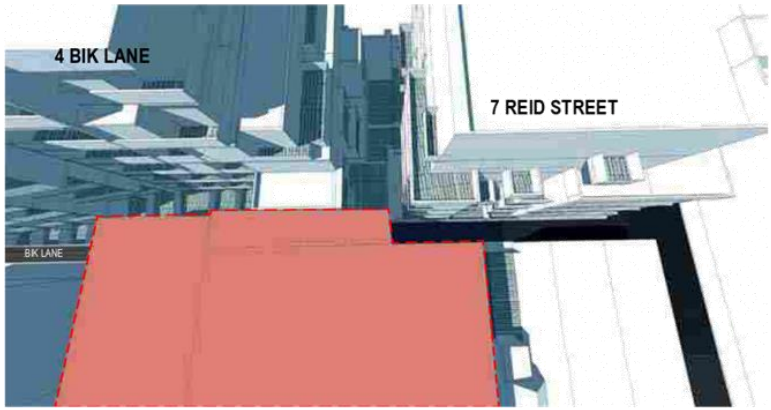
- PROPOSED BUILDING ON SUBJECT SITE
- EXISTING SHADOWS
- NEW SHADOWS
- NEIGHBOURING BUILDING BALCONIES

N

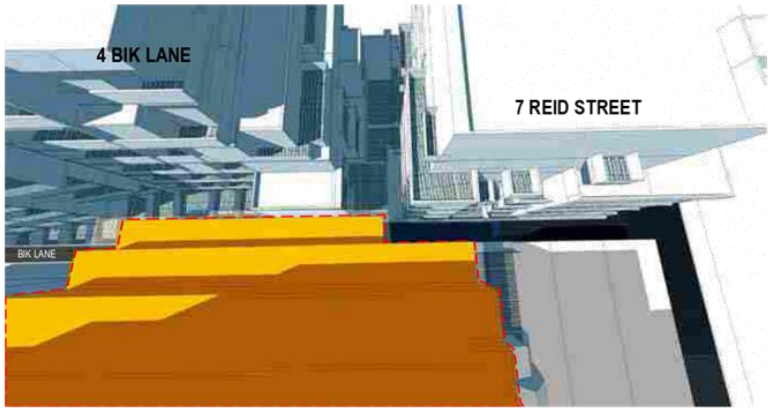
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4.09 3D SHADOW DIAGRAMS 1PM



NICHOLSON STREET



NICHOLSON STREET

EXISTING SHADOW AT 1PM EQUINOX 22ND SEPTEMBER

- EXISTING BUILDING ON SUBJECT SITE
- EXISTING SHADOWS
- NEIGHBOURING BUILDING BALCONIES

PROPOSED SHADOW AT 1PM EQUINOX 22ND SEPTEMBER

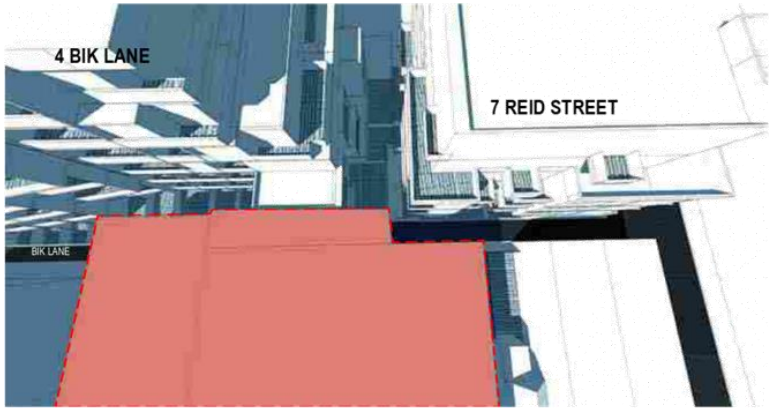
- PROPOSED BUILDING ON SUBJECT SITE
- EXISTING SHADOWS
- NEW SHADOWS
- NEIGHBOURING BUILDING BALCONIES

N

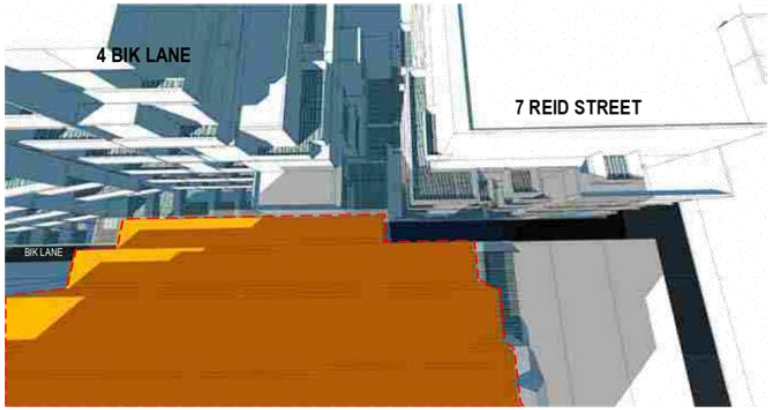
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4.10 3D SHADOW DIAGRAMS 2PM



NICHOLSON STREET



NICHOLSON STREET

EXISTING SHADOW AT 2PM EQUINOX 22ND SEPTEMBER

- EXISTING BUILDING ON SUBJECT SITE
- EXISTING SHADOWS
- NEIGHBOURING BUILDING BALCONIES

PROPOSED SHADOW AT 2PM EQUINOX 22ND SEPTEMBER

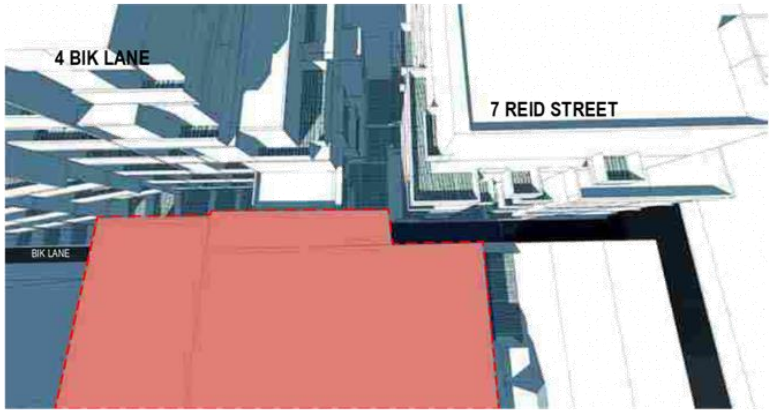
- PROPOSED BUILDING ON SUBJECT SITE
- EXISTING SHADOWS
- NEW SHADOWS
- NEIGHBOURING BUILDING BALCONIES

N

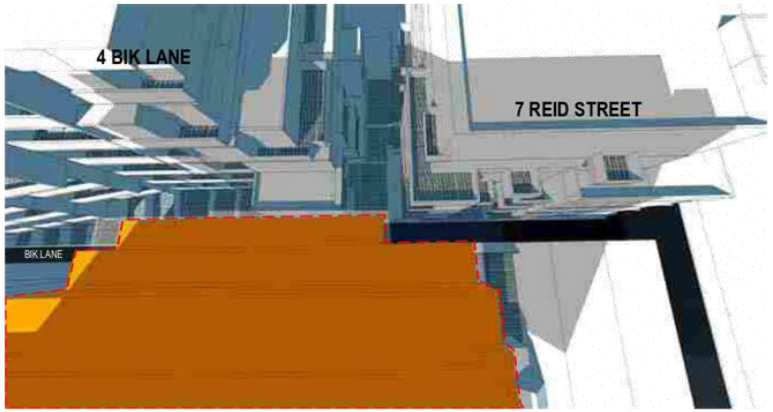
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4.11 3D SHADOW DIAGRAMS 3PM



NICHOLSON STREET



NICHOLSON STREET

EXISTING SHADOW AT 3PM EQUINOX 22ND SEPTEMBER

- EXISTING BUILDING ON SUBJECT SITE
- EXISTING SHADOWS
- NEIGHBOURING BUILDING BALCONIES

PROPOSED SHADOW AT 3PM EQUINOX 22ND SEPTEMBER

- PROPOSED BUILDING ON SUBJECT SITE
- EXISTING SHADOWS
- NEW SHADOWS
- NEIGHBOURING BUILDING BALCONIES

N

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4.12 SHADOW ANALYSIS - IMPACT OF PROPOSAL ON ADJOINING BALCONIES & P.O.S

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Artisan Architects Pty Ltd – ABN 49 138 157 641

Project: PLN18/0172
622-642 Nicholson Street, North Fitzroy

Shadows Analysis

Date: 21.06.2018

EX: Existing shadows

PRO: New Shadow with Proposal

Unit numbers	POS Area	SHADOW AREAS													
		EX	PRO	EX	PRO	EX	PRO	EX	PRO	EX	PRO	EX	PRO	EX	PRO
		9AM	9AM	10AM	10AM	11AM	11AM	12PM	12PM	1PM	1PM	2PM	2PM	3PM	3PM
618 Nicholson St	63	31	31	40	33 (-7)	46	45 (-1)	49	54 (+5)	49	63 (+14)	50	63 (+13)	52	63 (+11)
620 Nicholson St	38	32	32	35	35	36	36	38	38	38	38	38	38	38	38
4 BIK LANE															
G.06	18	18	18	18	18	18	18	18	18	9	7 (-2)	10	8 (-2)	12	12
G.07	21	21	21	21	21	21	21	21	21	11	9 (-2)	17	12 (-5)	21	21
G.08	19	19	19	19	19	19	19	19	19	10	8 (-2)	16	11 (-5)	19	19
G.09	19	19	19	19	19	19	19	18	18	10	8 (-2)	16	11 (-5)	19	19
G.10	19	19	19	19	19	19	19	17	17	10	8 (-2)	16	11 (-5)	19	19
1.06	6	6	6	6	6	6	6	4	6 (+2)	3	6 (+3)	4	6 (+2)	5	5
1.07	6	6	6	6	6	6	6	4	6 (+2)	4	6 (+2)	4	4	5	5
1.08	6	6	6	6	6	6	6	3	6 (+3)	4	5 (+1)	4	4	5	5
1.09	6	6	6	6	6	6	6	3	6 (+3)	4	5 (+1)	4	4	5	5
1.10	6	6	6	6	6	6	6	3	6 (+3)	4	5 (+1)	4	4	5	6
1.11	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5

Unit numbers	POS Area	SHADOW AREAS													
		EX	PRO	EX	PRO	EX	PRO	EX	PRO	EX	PRO	EX	PRO	EX	PRO
		9AM	9AM	10AM	10AM	11AM	11AM	12PM	12PM	1PM	1PM	2PM	2PM	3PM	3PM
2.04	15	15	15	15	15	13	15 (+2)	8	15 (+7)	7	15 (+8)	8	11 (+3)		10
2.05	6	6	6	6	6	5	6 (+1)	3	6 (+3)	3	6 (+3)	5	4 (-1)		5
2.07	6	6	6	6	6	5	6 (+1)	3	6 (+3)	3	4 (+1)	5	4 (-1)		5
2.09	6	6	6	6	6	5	6 (+1)	3	6 (+3)	3	4 (+1)	5	4 (-1)		6
2.13	5	6	6	6	6	5	6 (+1)	5	6 (+1)	5	6 (+1)	5	6 (+1)		5
3.07	6	6	6	6	6	6	6	6	6	6	4 (-2)	6	6	4	4
3.09	15	15	15	15	15	15	15	13	15	9	13 (+4)	9	10 (+1)	9	9
3.11	6	6	6	6	6	6	6	4	6	4	6 (+2)	4	4	6	6
4.07	15	15	15	15	15	15	15	15	15	14	12 (-2)	11	10 (-1)	8	8
4.11	15	15	15	15	15	15	15	15	15	14	14	11	11	8	8
4.09	6	6	6	6	6	6	6	6	6	5	5	4	4	5	5
4.13	20	20	20	20	20	20	20	15	17 (+2)	15	15	14	15 (+1)	14	14
5.07	7	7	7	7	7	7	7	7	7	5	5	4	4	5	5
5.09	19	19	19	19	19	19	19	19	19	17	17	14	14	11	11
5.11	22	22	22	22	22	22	22	20	21 (+1)	19	19	18	18	20	22 (+2)
6.07	15	15	15	15	15	15	15	15	15	15	15	9	9	5	5
6.09	6	6	6	6	6	6	6	6	6	5	5	4	4	5	5
6.11	20	20	20	20	20	20	20	20	20	19	19	17	17	19	20 (+1)

Proposed Mixed Use Development
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4.13 SHADOW ANALYSIS - IMPACT OF PROPOSAL ON ADJOINING BALCONIES

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Project: PLN18/0172
622-642 Nicholson Street, North Fitzroy

Unit numbers	POS Area	SHADOW AREAS													
		EX	PRO	EX	PRO	EX	PRO	EX	PRO	EX	PRO	EX	PRO	EX	PRO
7 REID ST		9AM	9AM	10AM	10AM	11AM	11AM	12PM	12PM	1PM	1PM	2PM	2PM	3PM	3PM
G.1	15	15	15	15	15	15	15	15	15	11	10 (-1)	11	15 (+4)	12	15 (+3)
G.2	19	19	19	19	19	19	19	19	19	15	15	19	19	19	19
G.3	18	18	18	18	18	18	18	18	18	18	16 (-2)	18	18	18	18
G.4	44	43	43	44	44	44	44	43	43	43	43	43	44 (+1)	44	44
1.5	9	9	9	9	9	6	6	3	3	4	4	5	9 (+4)	6	9 (+3)
1.6	9	9	9	9	9	8	8	7	7	7	7	8	9 (+10	9	9
1.7	9	8	8	6	6	5	5	3	3	7	7	9	9	9	9
1.8	14	9	9	8	8	7	7	6	6	6	6	7	7	8	14 (+6)
2.5	9	9	9	9	9	5	5	2	2	4	4	5	9 (+4)	6	9 (+3)
2.6	9	9	9	9	9	8	8	7	7	7	7	7	9 (+2)	8	9 (+1)
2.7	9	8	8	7	7	5	5	3	3	7	7	6	9 (+3)	8	9 (+1)
2.8	14	9	9	8	8	7	7	6	6	6	6	7	7	8	12 (+4)
3.4	9	9	9	9	9	5	5	2	2	4	4	5	9 (+4)	6	9 (+3)
3.5	8	8	8	8	8	7	7	6	6	6	6	6	8 (+2)	6	8 (+2)
3.6	9	8	8	7	7	5	5	3	3	4	4	4	9 (+5)	5	9 (+4)
4.3	9	9	9	9	9	6	6	3	3	4	4	5	9 (+4)	6	9 (+3)
4.4	28	19	19	13	13	10	10	6	6	9	9	10	24 (+14)	14	28 (+14)
5.4	8	8	8	8	8	5	5	3	3	3	3	4	4	5	8 (+3)
5.5	8	5	5	4	4	4	4	3	3	3	3	4	4	5	5

Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

Proposed Mixed Use Development
622-642 Nicholson Street, North Fitzroy
June 2018

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DEVELOPMENT SUMMARY

Proposed Mixed Use Development
622-642 Nicholson Street, North Fitzroy
June 2018

5.01 DEVELOPMENT SUMMARY

Project: 622-642 Nicholson Street, North Fitzroy
RFI Issue

29/05/2018
Development summary

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Level	GFA Area (M2)	GLA SUPERMARKET	GLA OFFICE	Car spaces	Bike spaces	Terrace
Basement 01	1715					
Car park				43	21	
Basement 02	1715					
Car park				53	22	
Basement 03	1715					
Car park				61	64	
Ground Level	1830					
Supermarket		1510			18	
		1390M2 SUPERMARKET				
		120M2 LIQUOR SHOP				
Level 01	1710					
Medical Suite/Offices						
Total			1352			
Level 02	1519					
Office			1449			
Level 03	928					
Office						
Total			865			400
Level 04	928					
Office						
Total			865			
Level 05	848					
Office						
Total			788			
Level 06-09	848		788			
Office						
Total	3392		3152			
Roof Level						404
	GFA Area (M2)	Supermarket(M2)	Office(M2)	Car spaces	Bike spaces	Terrace(M2)
Total	16300	1510	8471	157	125	804
		OFFICE AREAS DON'T INCLUDE CORE/FIRE STAIR				

Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

Proposed Mixed Use Development
622-642 Nicholson Street, North Fitzroy
June 2018

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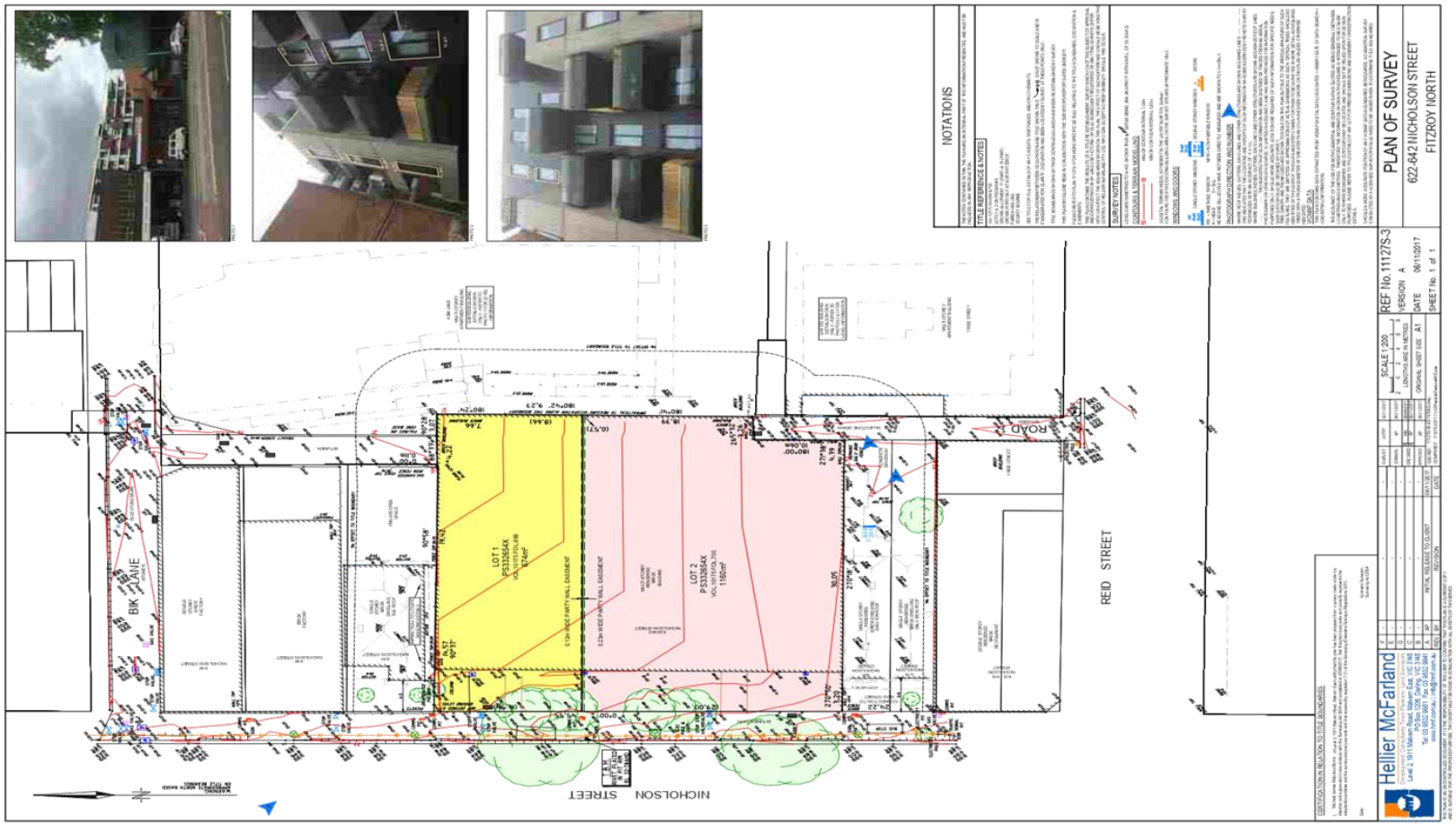
APPENDIXES

Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

Proposed Mixed Use Development
622-642 Nicholson Street, North Fitzroy
June 2018

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6.01 LAND SURVEY PLAN



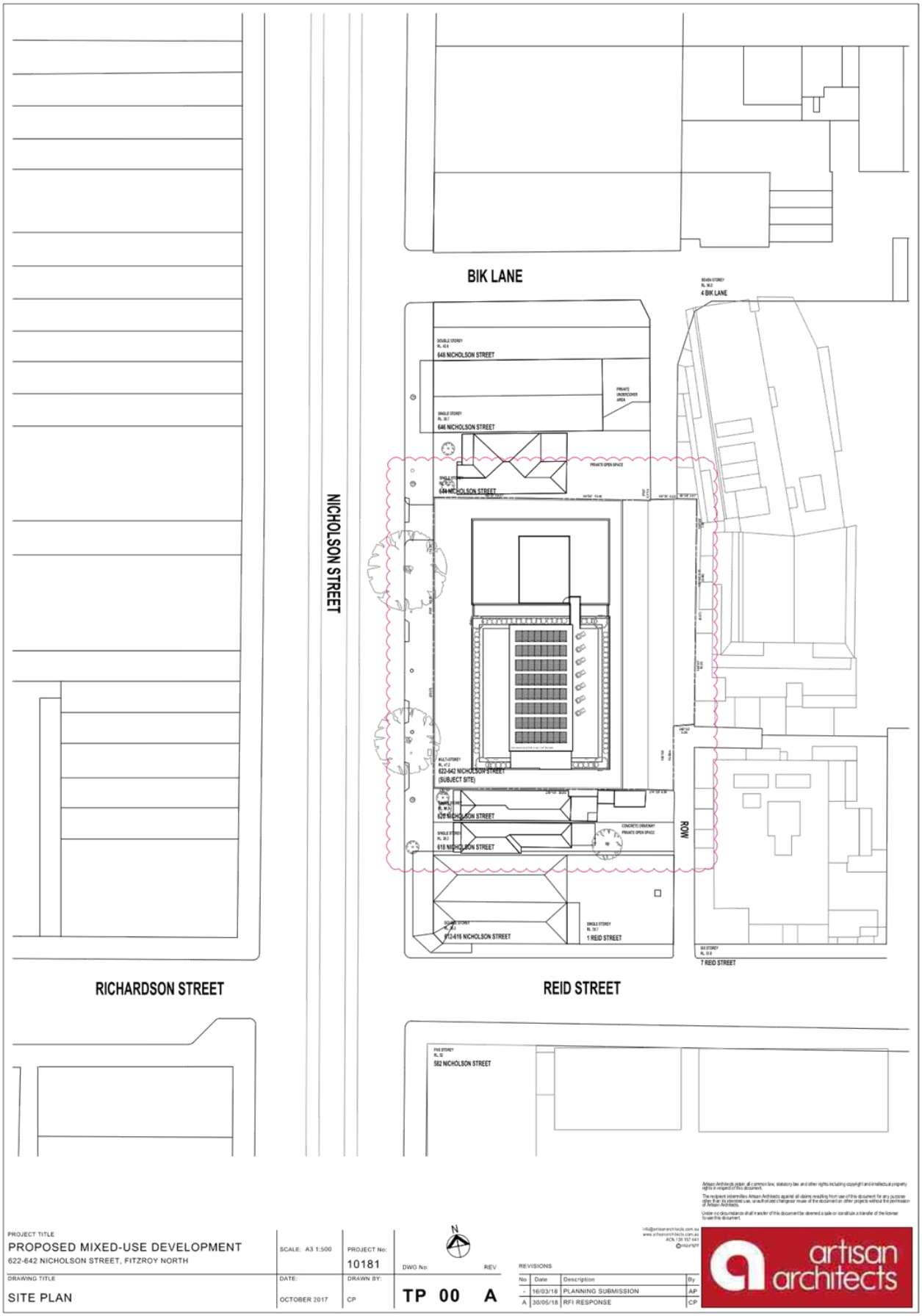
Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

Proposed Mixed Use Development
622-642 Nicholson Street, North Fitzroy
June 2018

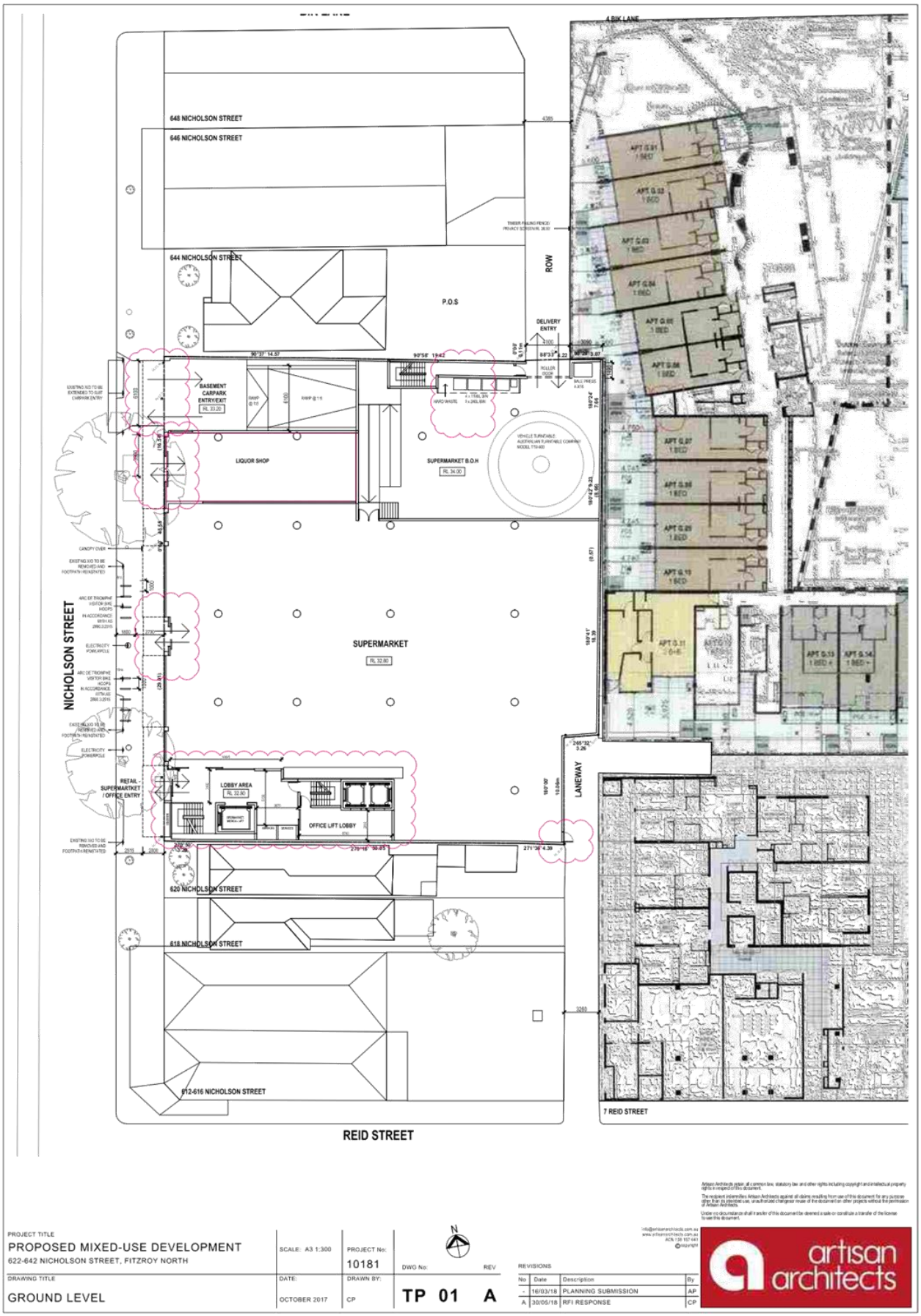
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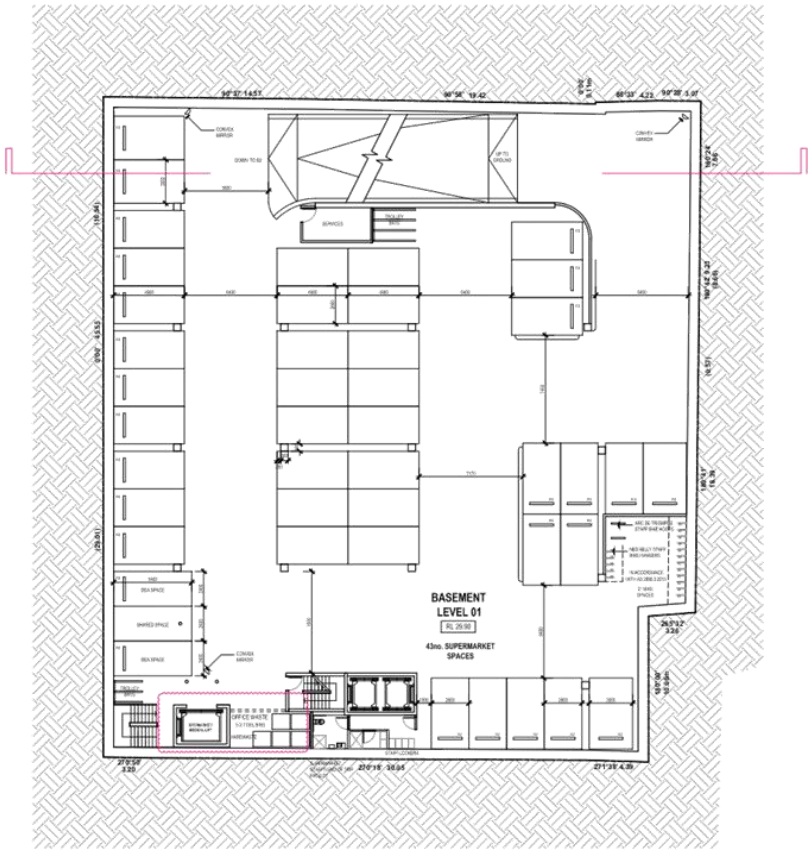
ARCHITECTURAL DRAWINGS

Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1

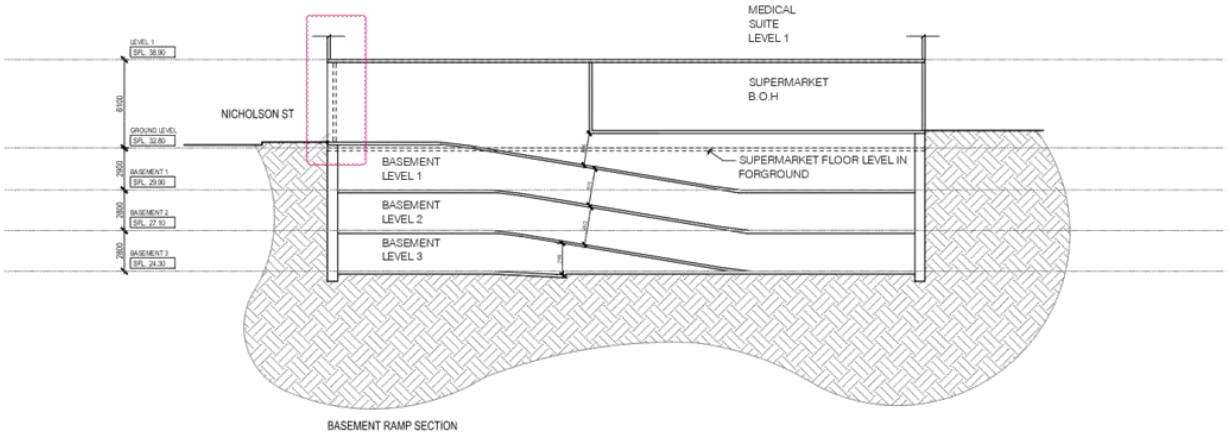


Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1





BASEMENT LEVEL 1 PLAN



BASEMENT RAMP SECTION

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PROJECT TITLE
PROPOSED MIXED-USE DEVELOPMENT
622-642 NICHOLSON STREET, FITZROY NORTH

SCALE: A3 1:300

PROJECT No: 10181

DRAWING TITLE
BASEMENT LEVEL 1 PLAN/BASEMENT RAMP SECTION

DATE: OCTOBER 2017

DRAWN BY: CP

DWG No: TP 02 REV A

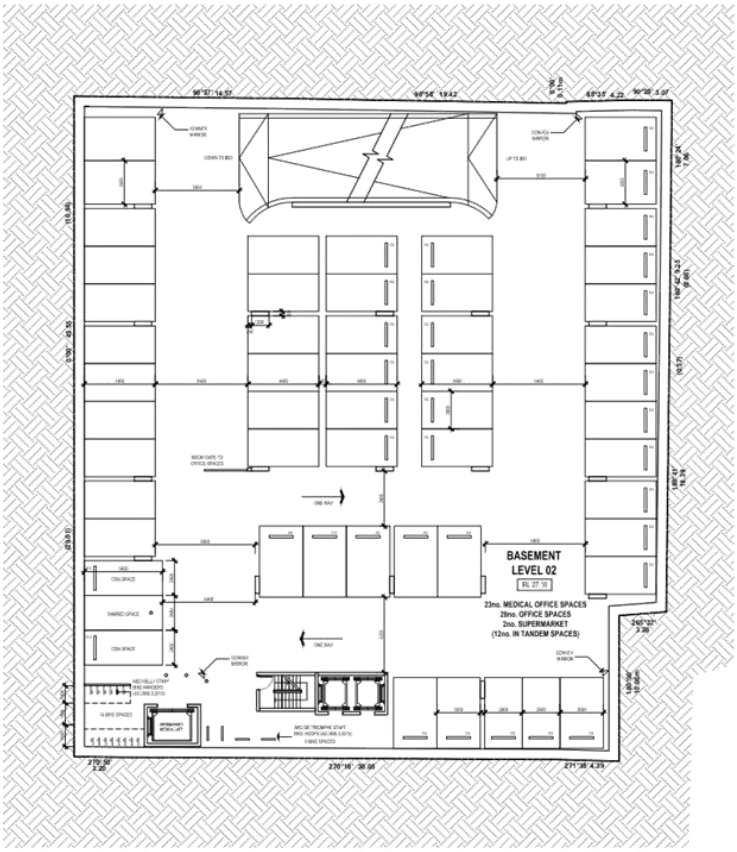
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PROJECT TITLE
PROPOSED MIXED-USE DEVELOPMENT
622-642 NICHOLSON STREET, FITZROY NORTH

SCALE: A3 1:300

PROJECT No: 10181

DWG No: TP 03 REV A

DRAWING TITLE
BASEMENT LEVEL 2

DATE: OCTOBER 2017

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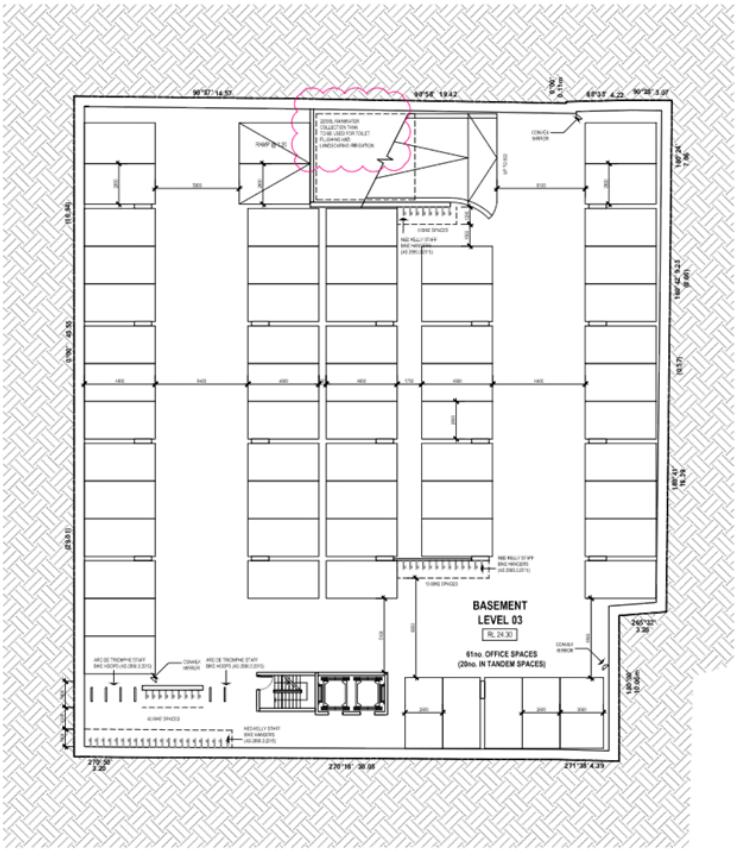
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Attachment 2 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 1



PROJECT TITLE
PROPOSED MIXED-USE DEVELOPMENT
622-642 NICHOLSON STREET, FITZROY NORTH

SCALE: A3 1:300

PROJECT No: 10181

DWG No: TP 04

REV A

DRAWING TITLE
BASEMENT LEVEL 3

DATE: OCTOBER 2017

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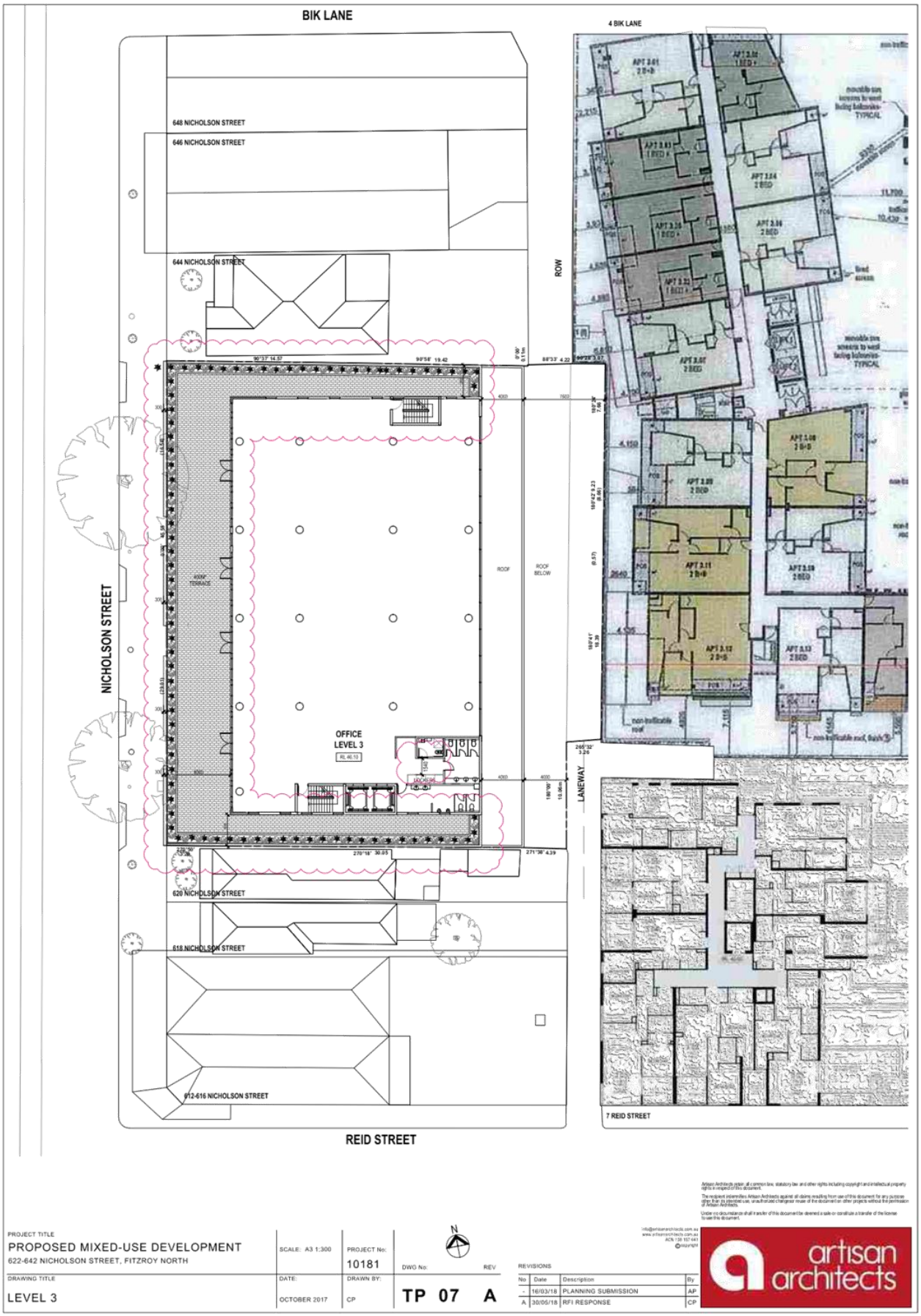
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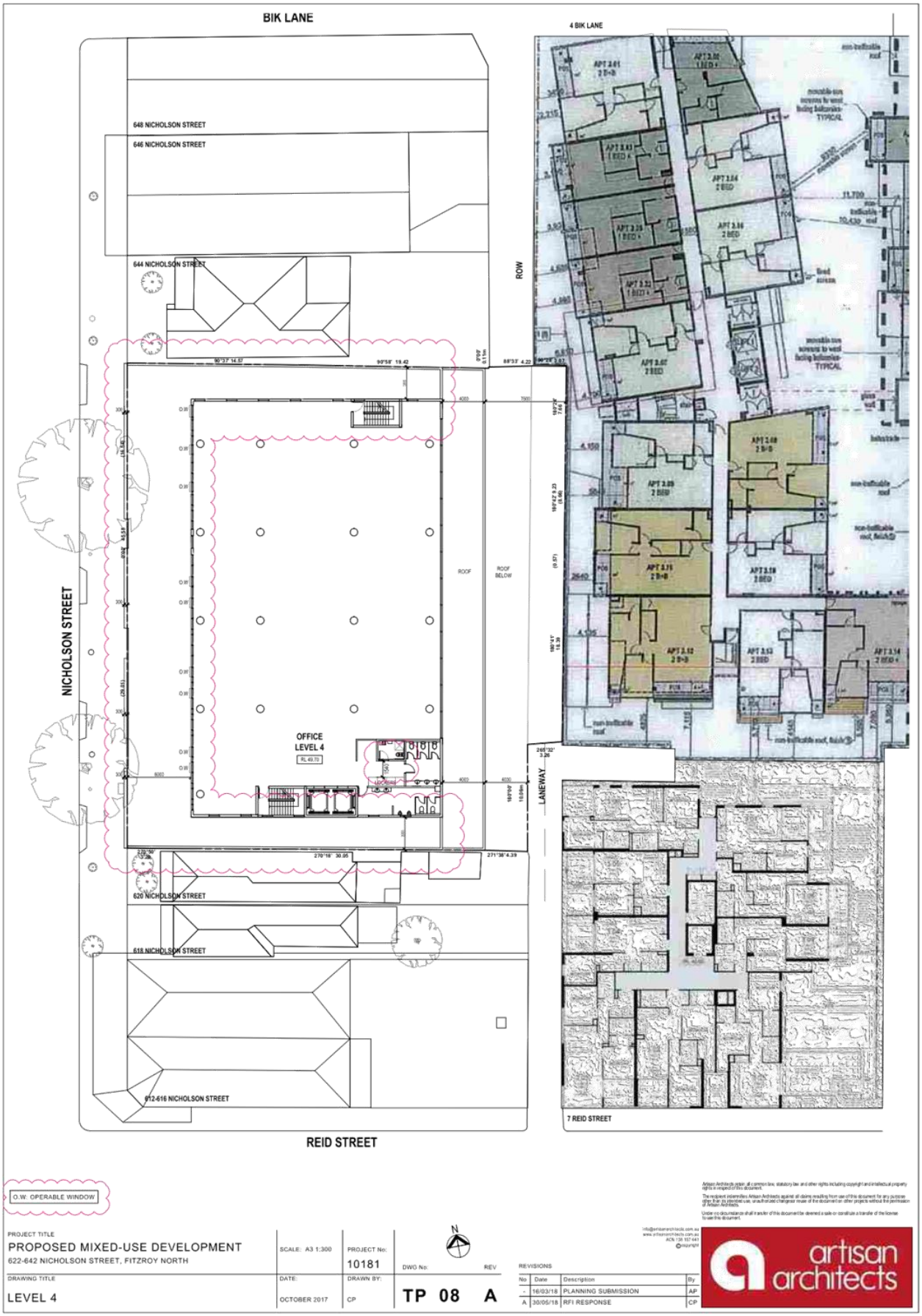
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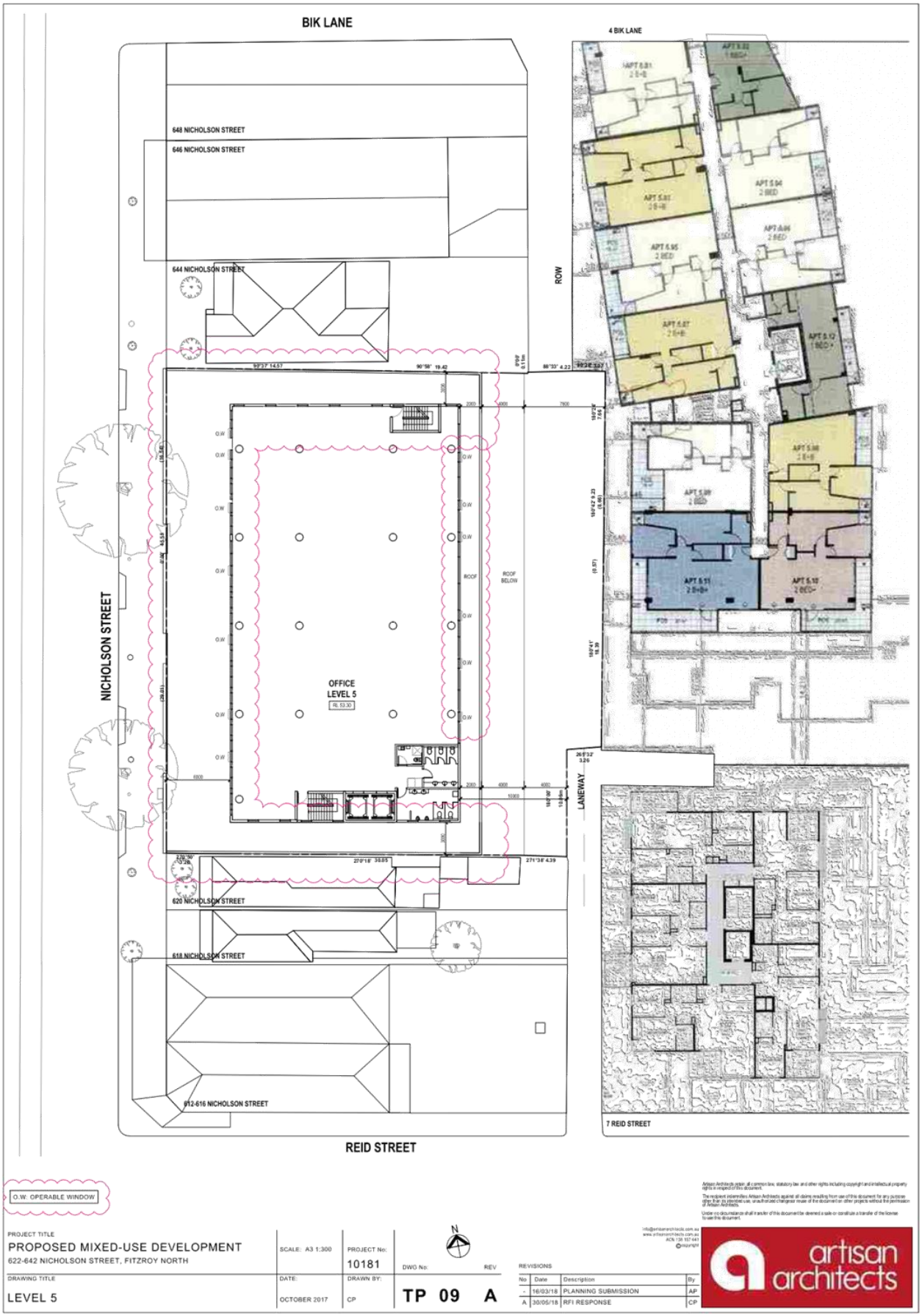
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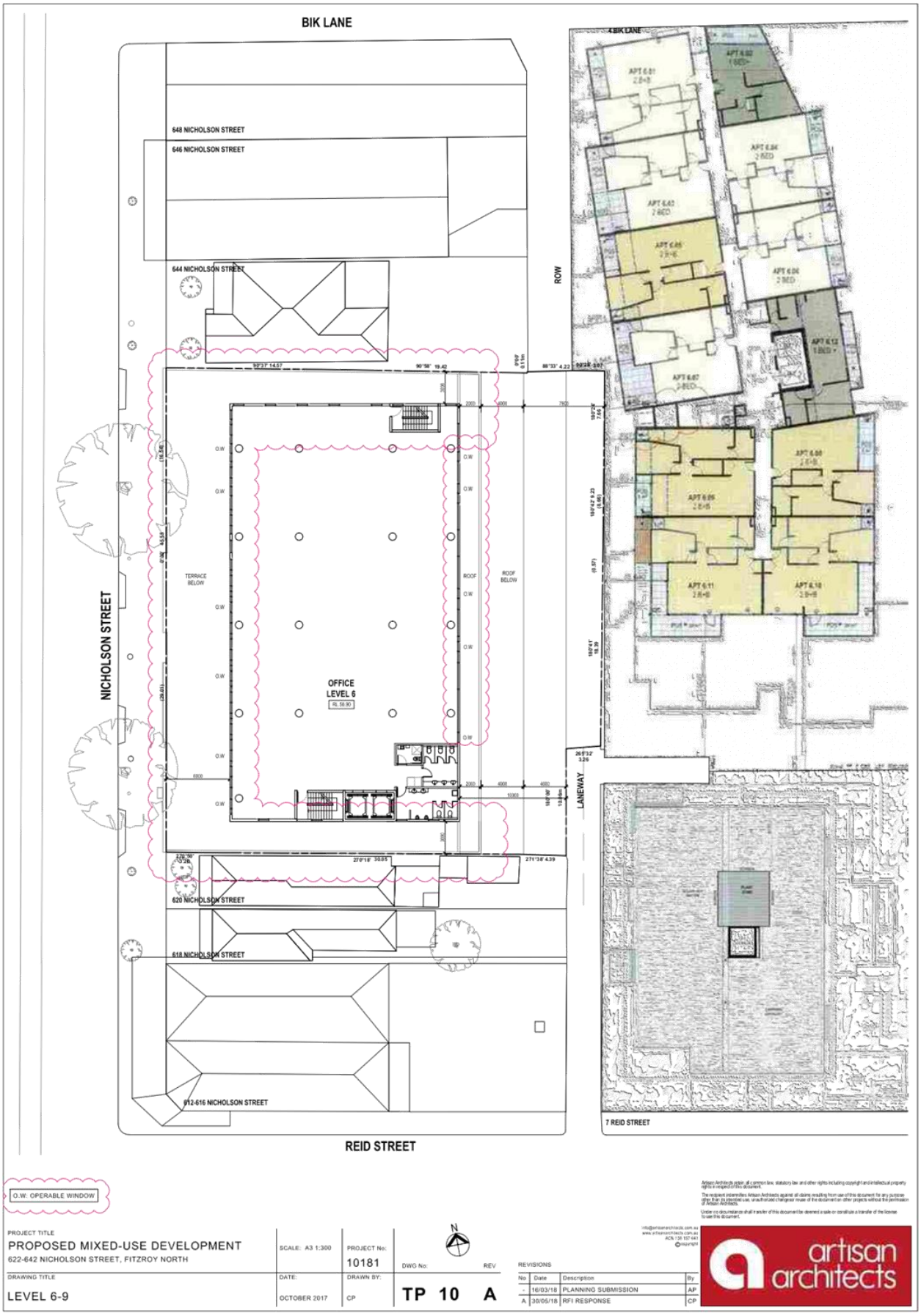
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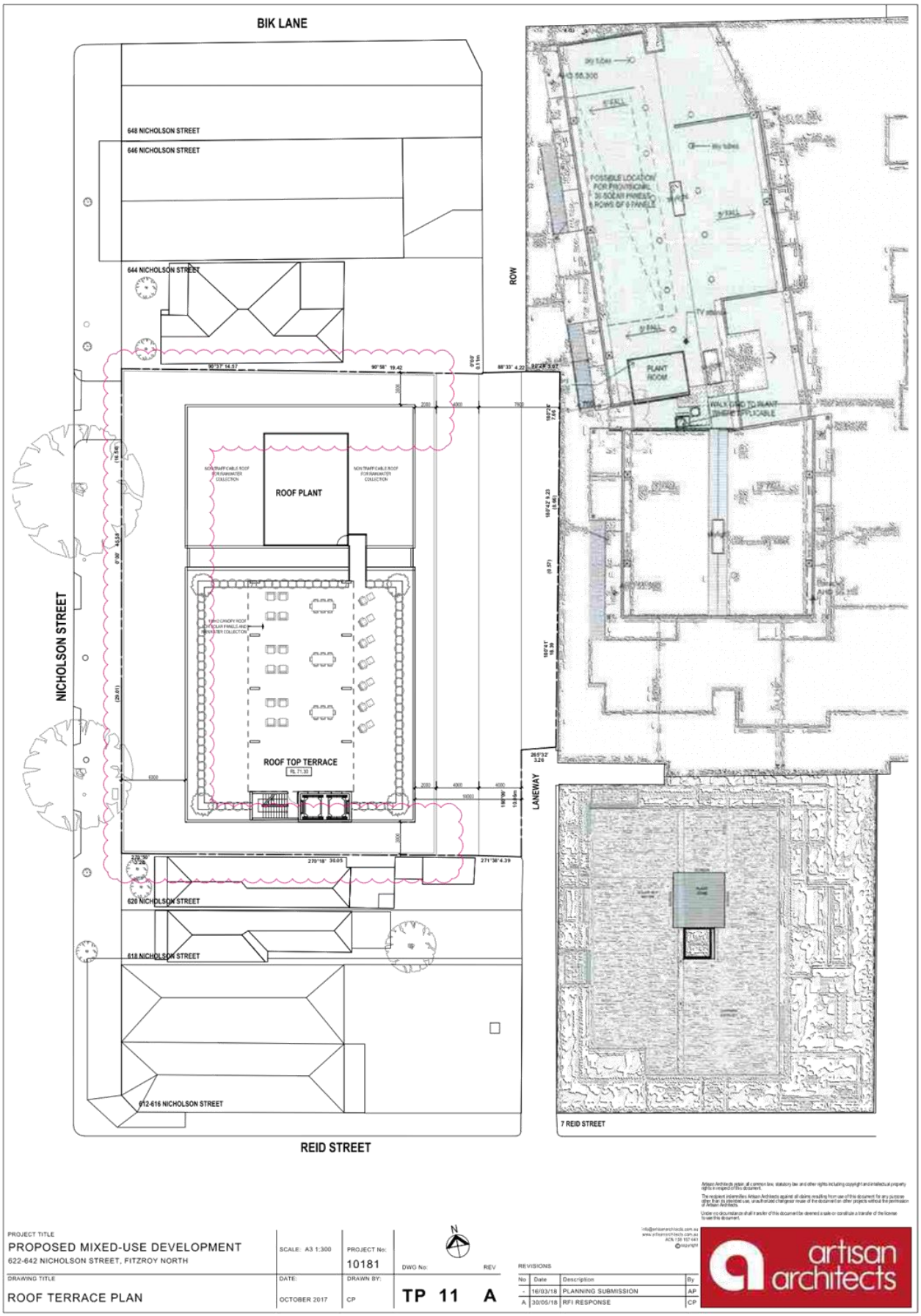
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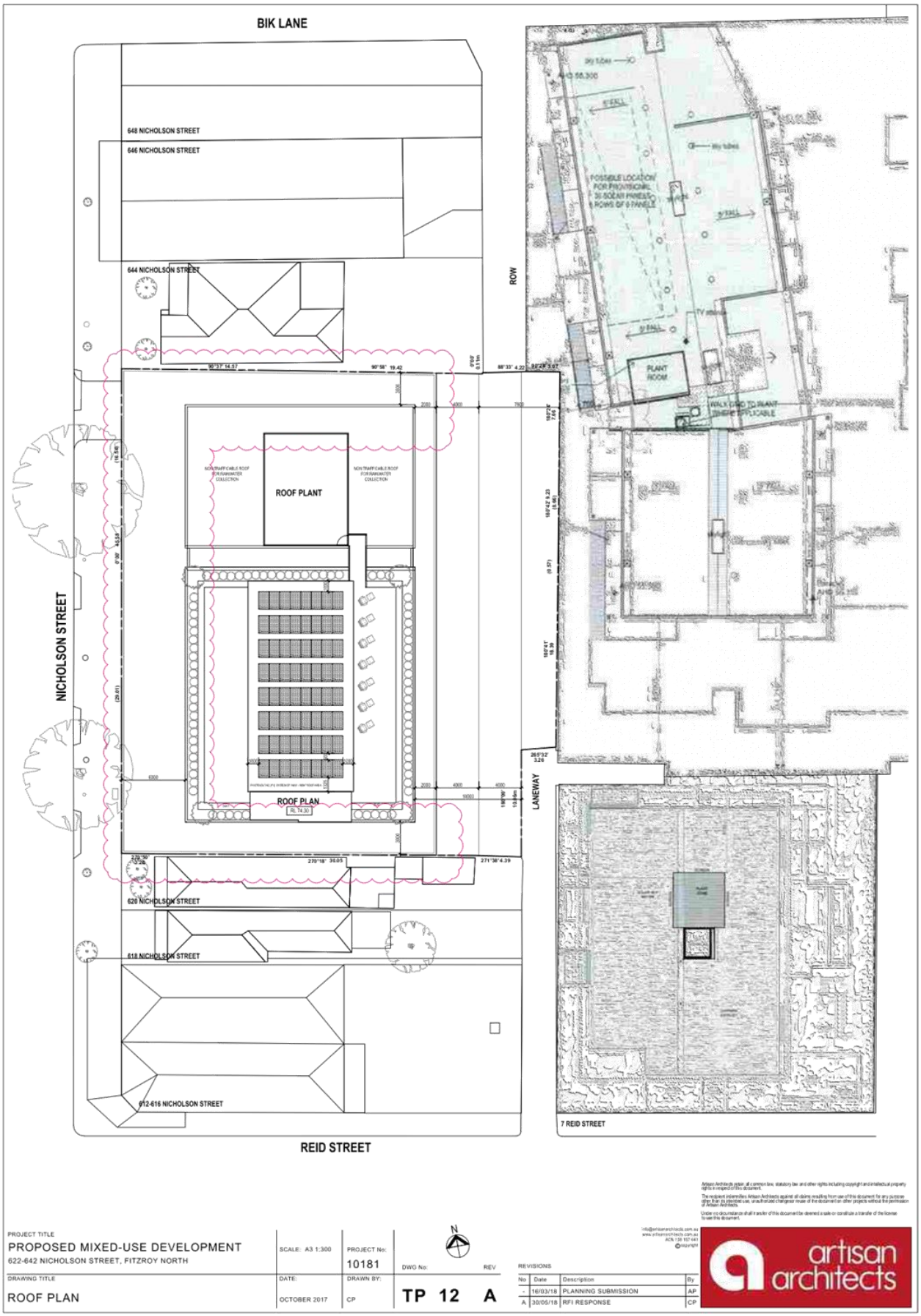
Attachment 3 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 2



Attachment 3 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 2



Attachment 3 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 2

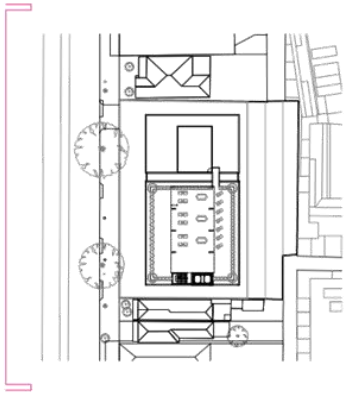


Attachment 3 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 2

FEATURE TIMBER FRAME
PRECAST CONCRETE WITH INTEGRATED PATTERN COLOUR - LIGHT GREY
PRECAST CONCRETE WITH INTEGRATED PATTERN COLOUR - DARK GREY
CLEAR GLAZING - GREY
CLEAR GLAZING - WHITE
SELECTED BRICKWORK FINISH
METAL LIGHTWEIGHT CLADDING COLOUR: COLORBOND MONUMENT
LASERCUT METAL SCREEN COLOUR: COLORBOND MONUMENT
POWDERCOATED METAL SCREEN COLOUR: COLORBOND MONUMENT
POWDERCOATED METAL SCREEN COLOUR: COLORBOND WALLABY
APPLIED FINISH COLOUR: DULUX DOMINO
APPLIED FINISH COLOUR: DULUX NATURAL WHITE

REFER TO SIMPSON KOTZMAN'S ESD REPORT FOR FURTHER SPECIFICATION OF GLAZING AND CLADDING REQUIREMENTS

REFER TO OCATAVE ACOUSTICS REPORT FOR FURTHER SPECIFICATION OF ACOUSTIC REQUIREMENTS





PROJECT TITLE
PROPOSED MIXED-USE DEVELOPMENT
622-642 NICHOLSON STREET, FITZROY NORTH

DRAWING TITLE
WEST ELEVATION

SCALE: A3 1:300
DATE: OCTOBER 2017
PROJECT No: 10181
DRAWN BY: CP
DWG No: TP 13
REV: A

REVISIONS

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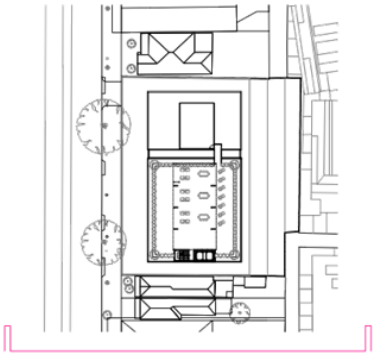
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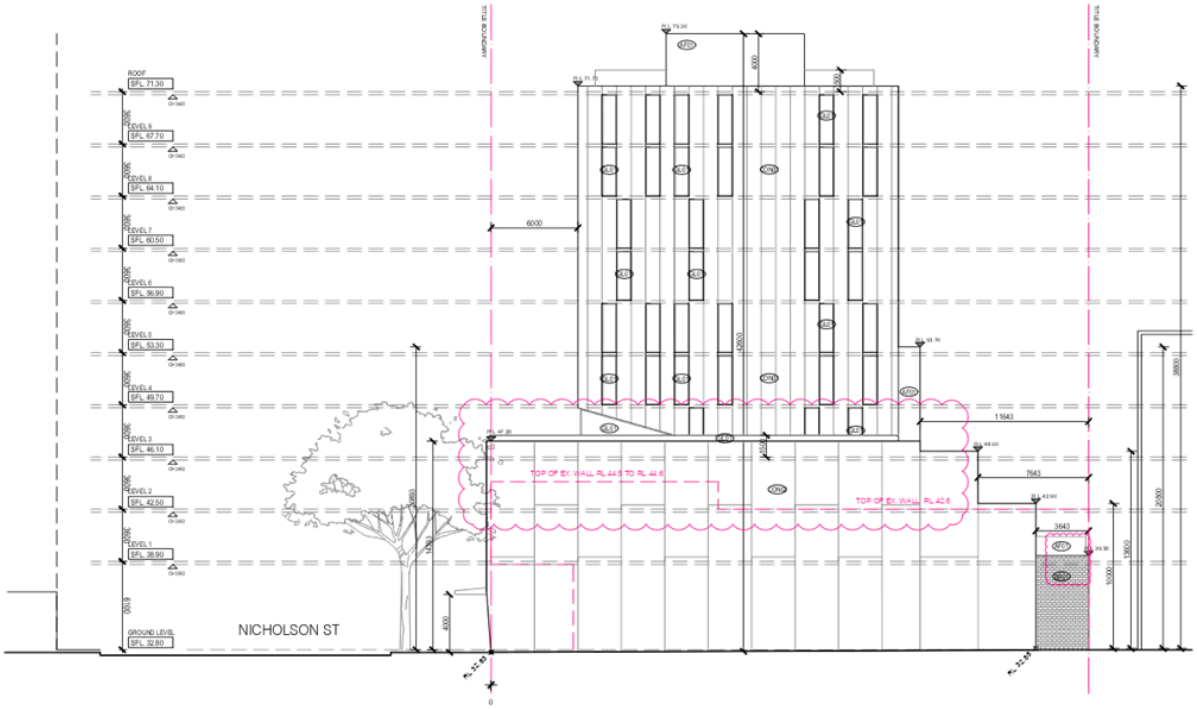
Attachment 3 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 2

FEATURE TIMBER FRAME
PRECAST CONCRETE WITH INTEGRATED PATTERN COLOUR - LIGHT GREY
PRECAST CONCRETE WITH INTEGRATED PATTERN COLOUR - DARK GREY
CLEAR GLAZING - GREY
CLEAR GLAZING - WHITE
SELECTED BRICKWORK FINISH
METAL LIGHTWEIGHT CLADDING COLOUR: COLORBOND MONUMENT
LASERCUT METAL SCREEN COLOUR: COLORBOND MONUMENT
POWDERCOATED METAL SCREEN COLOUR: COLORBOND MONUMENT
POWDERCOATED METAL SCREEN COLOUR: COLORBOND WALLABY
APPLIED FINISH COLOUR: DULUX DOMINO
APPLIED FINISH COLOUR: DULUX NATURAL WHITE

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622-642 NICHOLSON STREET, FITZROY NORTH

SCALE: A3 1:300

PROJECT No: 10181

DWG No: TP 14

REV: A

DRAWING TITLE
SOUTH ELEVATION

DATE: OCTOBER 2017

DRAWN BY: CP

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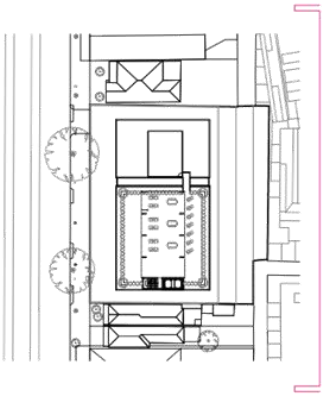
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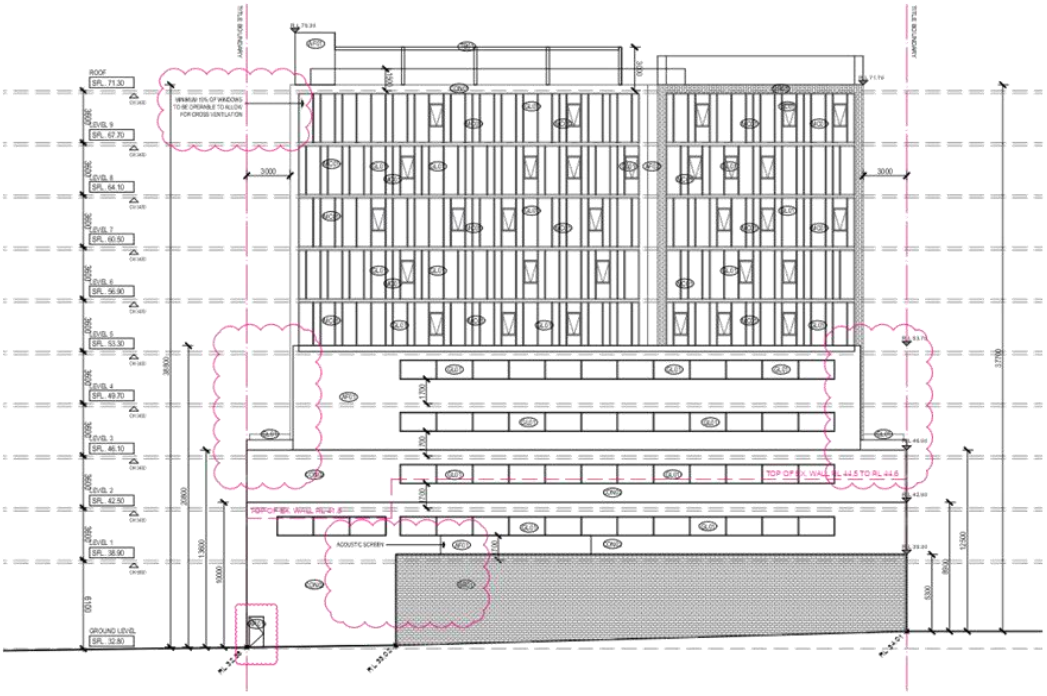
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FEATURE TIMBER FRAME
PRECAST CONCRETE WITH INTEGRATED PATTERN COLOUR - LIGHT GREY
PRECAST CONCRETE WITH INTEGRATED PATTERN COLOUR - DARK GREY
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CLEAR GLAZING - WHITE
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LASERCUT METAL SCREEN COLOUR: COLORBOND MONUMENT
POWDERCOATED METAL SCREEN COLOUR: COLORBOND MONUMENT
POWDERCOATED METAL SCREEN COLOUR: COLORBOND WALLABY
APPLIED FINISH COLOUR: DULUX DOMINO
APPLIED FINISH COLOUR: DULUX NATURAL WHITE

REFER TO SIMPSON KOTZMAN'S ESD REPORT FOR FURTHER SPECIFICATION OF GLAZING AND CLADDING REQUIREMENTS

REFER TO OCTAVE ACOUSTICS REPORT FOR FURTHER SPECIFICATION OF ACOUSTIC REQUIREMENTS





PROJECT TITLE
PROPOSED MIXED-USE DEVELOPMENT
622-642 NICHOLSON STREET, FITZROY NORTH

DRAWING TITLE
EAST ELEVATION

SCALE: A3 1:300
DATE: OCTOBER 2017
PROJECT No: 10181
DRAWN BY: CP
DWG No: TP 15
REV: A

REVISIONS			
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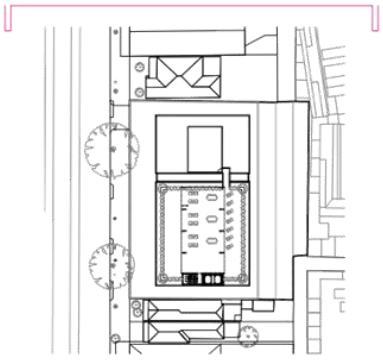
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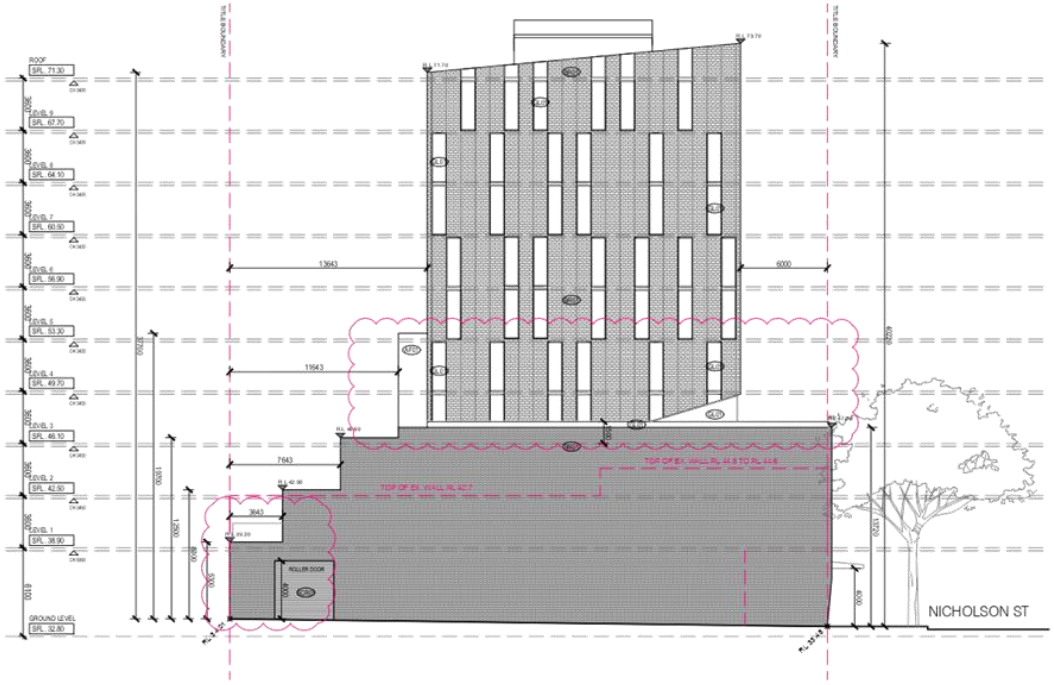
Attachment 3 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 2

FEATURE TIMBER FRAME
PRECAST CONCRETE WITH INTEGRATED PATTERN COLOUR - LIGHT GREY
PRECAST CONCRETE WITH INTEGRATED PATTERN COLOUR - DARK GREY
CLEAR GLAZING - GREY
CLEAR GLAZING - WHITE
SELECTED BRICKWORK FINISH
METAL LIGHTWEIGHT CLADDING COLOUR: COLORBOND MONUMENT
LASERCUT METAL SCREEN COLOUR: COLORBOND MONUMENT
POWDERCOATED METAL SCREEN COLOUR: COLORBOND MONUMENT
POWDERCOATED METAL SCREEN COLOUR: COLORBOND WALLABY
APPLIED FINISH COLOUR: DULUX DOMINO
APPLIED FINISH COLOUR: DULUX NATURAL WHITE

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REFER TO OCTAVE ACOUSTICS REPORT FOR FURTHER SPECIFICATION OF ACOUSTIC REQUIREMENTS





PROJECT TITLE
PROPOSED MIXED-USE DEVELOPMENT
622-642 NICHOLSON STREET, FITZROY NORTH

DRAWING TITLE
NORTH ELEVATION

SCALE: A3 1:300
DATE: OCTOBER 2017
PROJECT No: 10181
DRAWN BY: CP
DWG No: TP 16
REV: A

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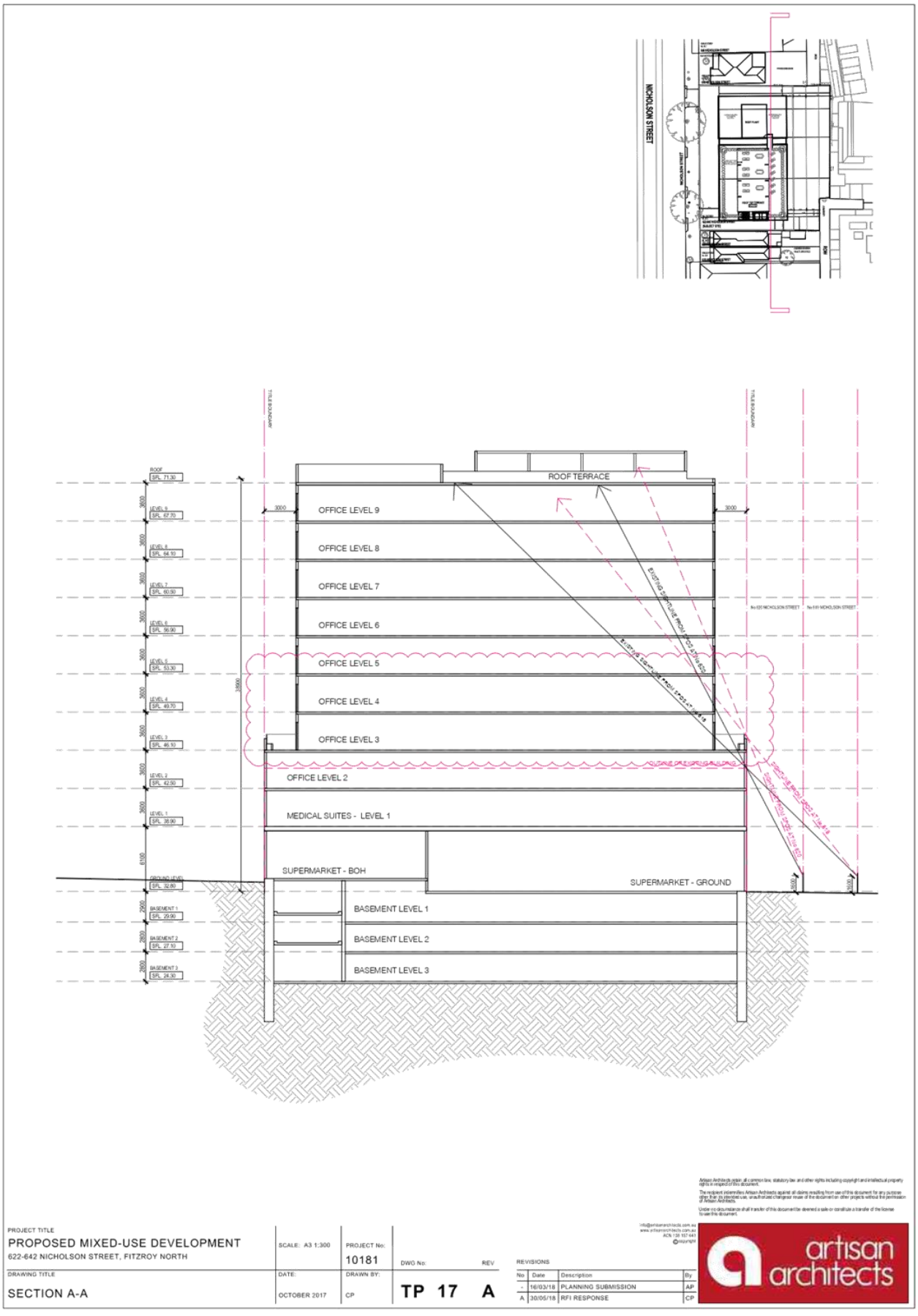
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Attachment 3 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 2



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PROJECT TITLE PROPOSED MIXED-USE DEVELOPMENT 622-642 NICHOLSON STREET, FITZROY NORTH	SCALE: A3 1:300	PROJECT No: 10181	DWG No: TP 17	REV A
DRAWING TITLE SECTION A-A	DATE: OCTOBER 2017	DRAWN BY: CP		

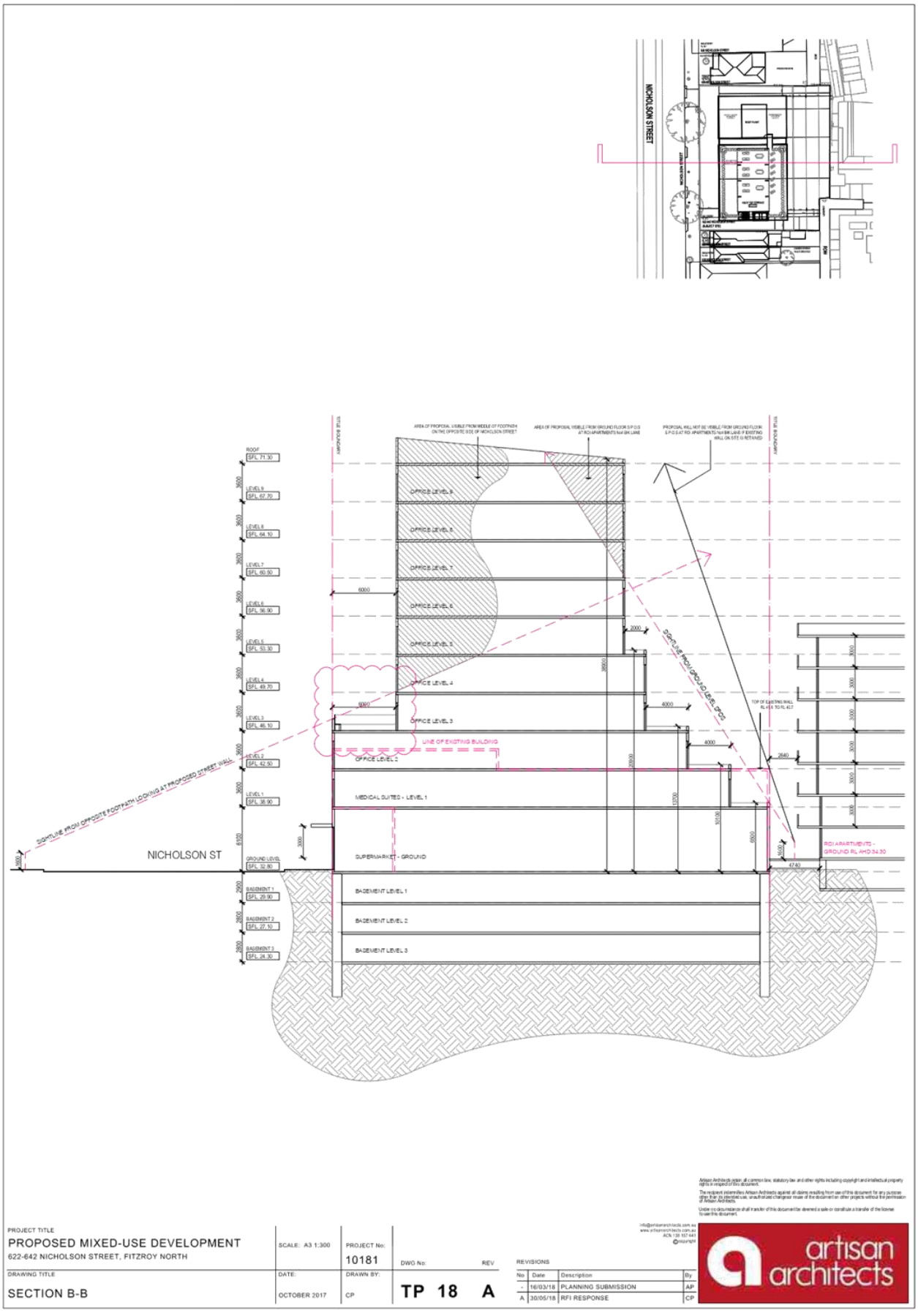
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A	30/05/18	RFI RESPONSE	CP

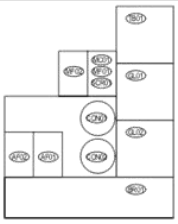
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Attachment 3 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Advertised Plans Part 2



FEATURE TIMBER FRAME
PRECAST CONCRETE WITH INTEGRATED PATTERN COLOUR - LIGHT GREY
PRECAST CONCRETE WITH INTEGRATED PATTERN COLOUR - DARK GREY
CLEAR GLAZING - GREY
CLEAR GLAZING - WHITE
SELECTED BRICKWORK FINISH
METAL LIGHTWEIGHT CLADDING COLOUR: COLORBOND MONUMENT
LASERCUT METAL SCREEN COLOUR: COLORBOND MONUMENT
POWDERCOATED METAL SCREEN COLOUR: COLORBOND MONUMENT
POWDERCOATED METAL SCREEN COLOUR: COLORBOND WALLABY
APPLIED FINISH COLOUR: DULUX DOMINO
APPLIED FINISH COLOUR: DULUX NATURAL WHITE





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PROJECT TITLE
PROPOSED MIXED-USE DEVELOPMENT
622-642 NICHOLSON STREET, FITZROY NORTH

DRAWING TITLE
PROPOSED FINISHES BOARD

SCALE: A3 1:300
DATE: OCTOBER 2017
PROJECT No: 10181
DRAWN BY: CP
DWG No: TP 19
REV: A

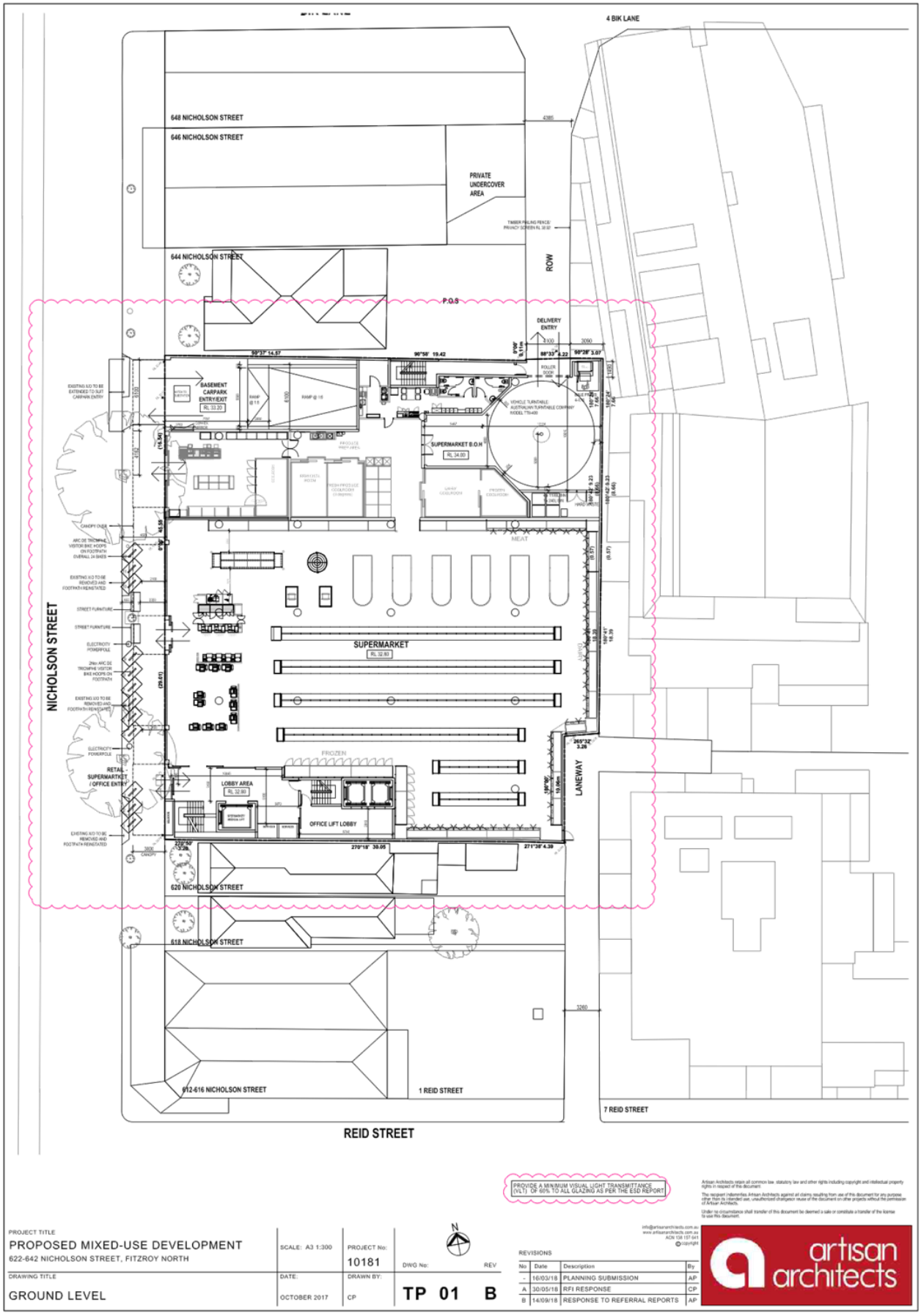
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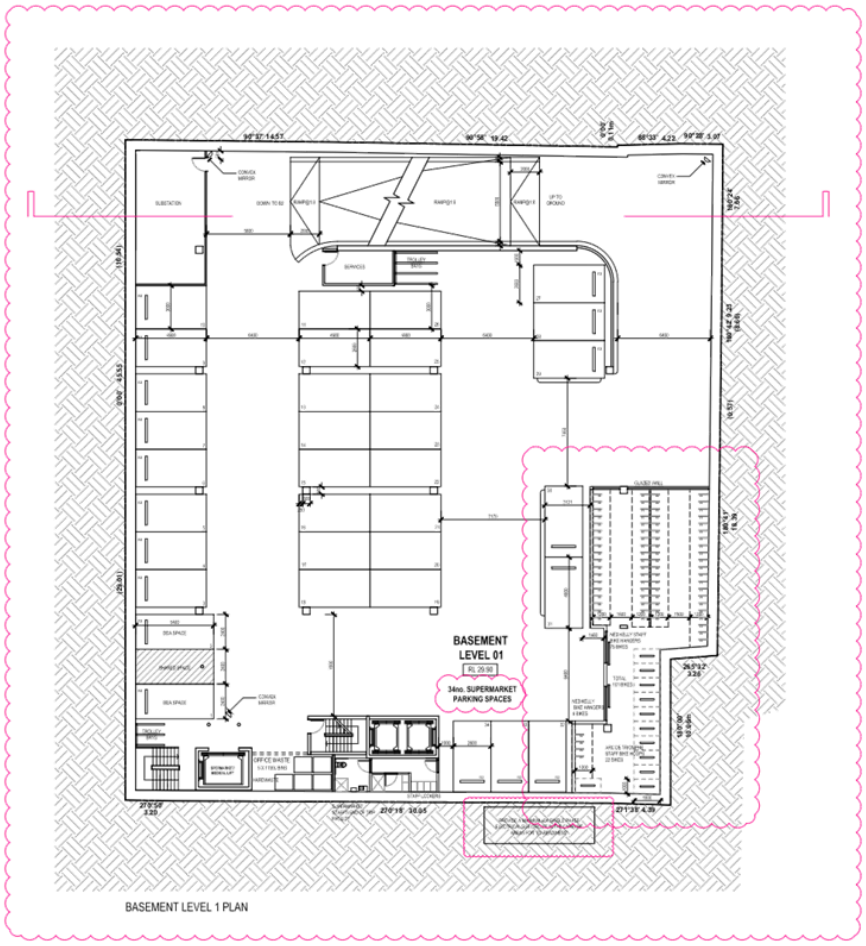
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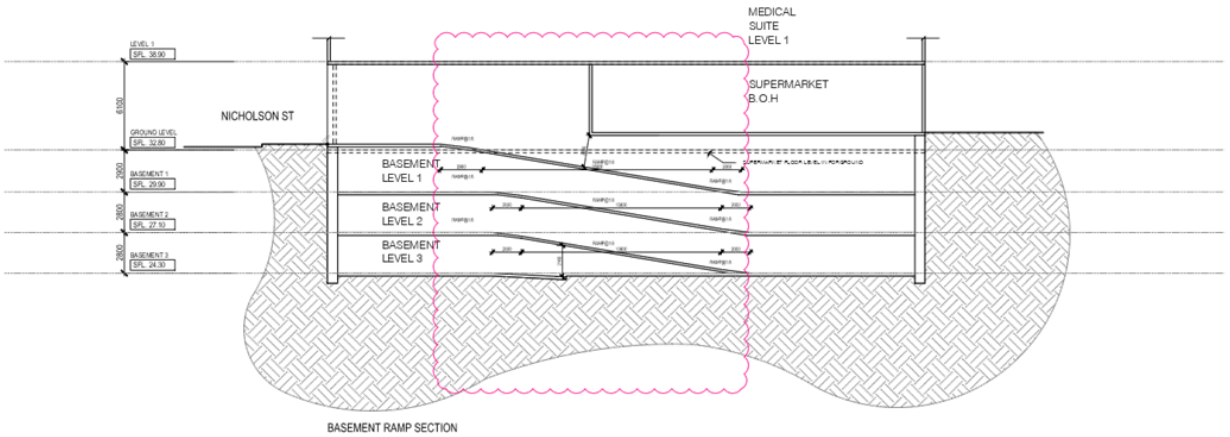
Attachment 4 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Sketch Plans



Attachment 4 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Sketch Plans



BASEMENT LEVEL 1 PLAN



BASEMENT RAMP SECTION

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DWG No: TP 02 REV B

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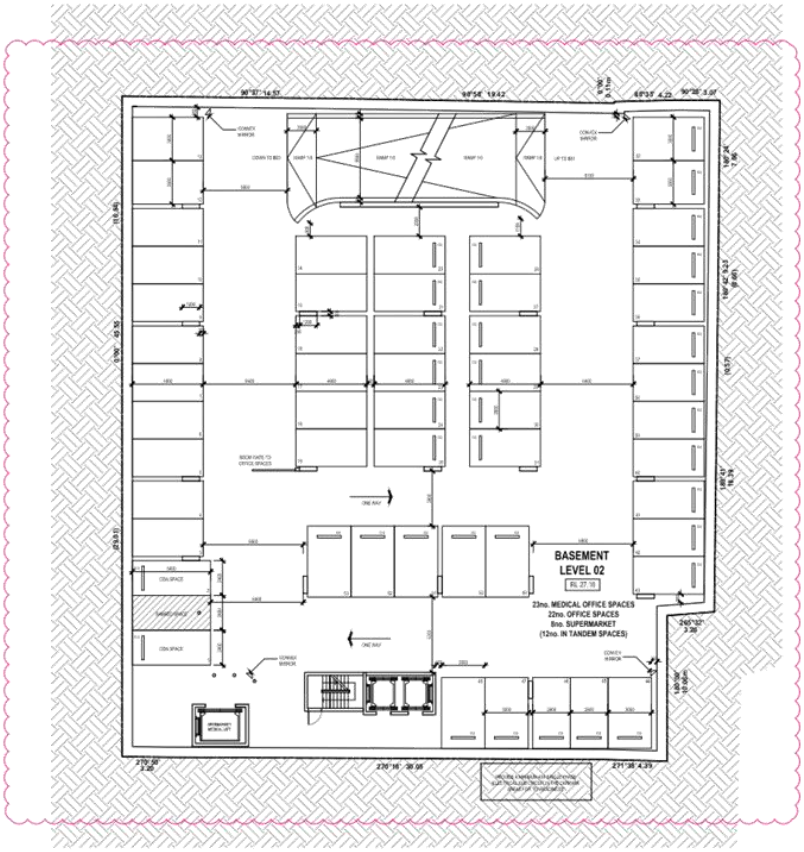
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DRAWING TITLE
BASEMENT LEVEL 2

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REV: B

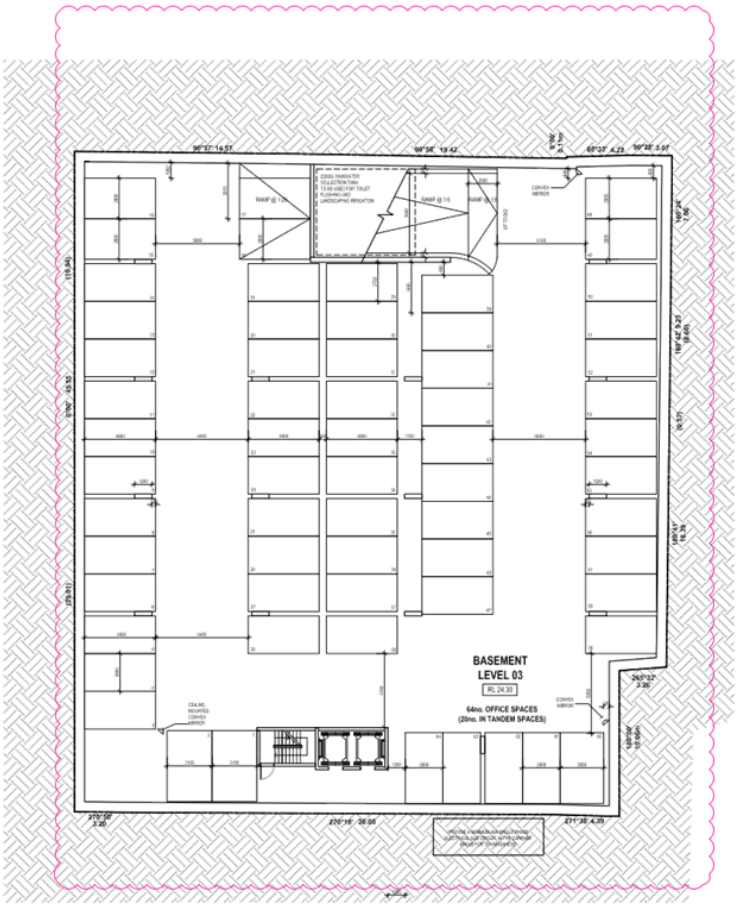
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DRAWING TITLE
BASEMENT LEVEL 3

SCALE: A3 1:300

DATE: OCTOBER 2017

PROJECT No: 10181

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DWG No: TP 04

REV: B

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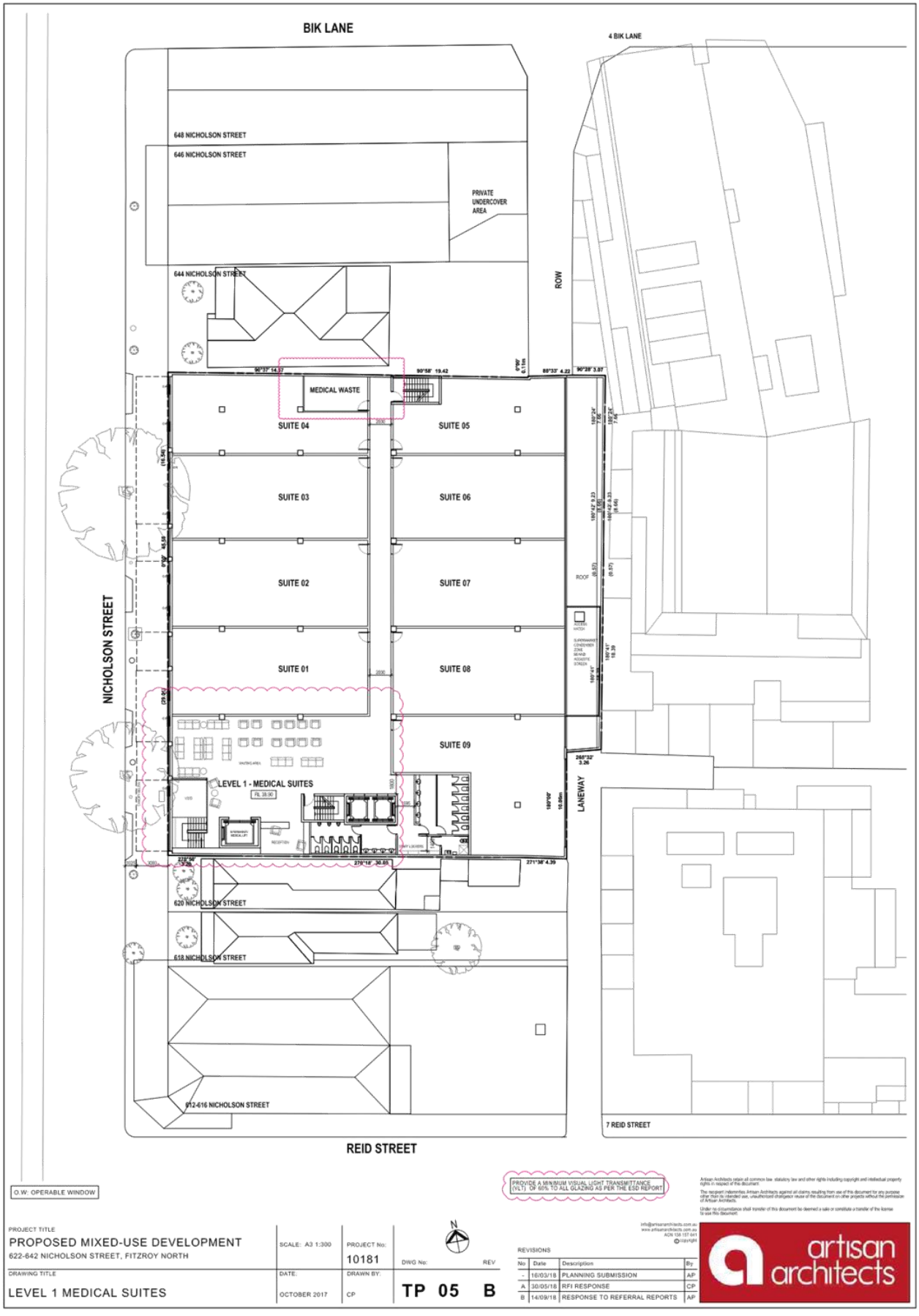
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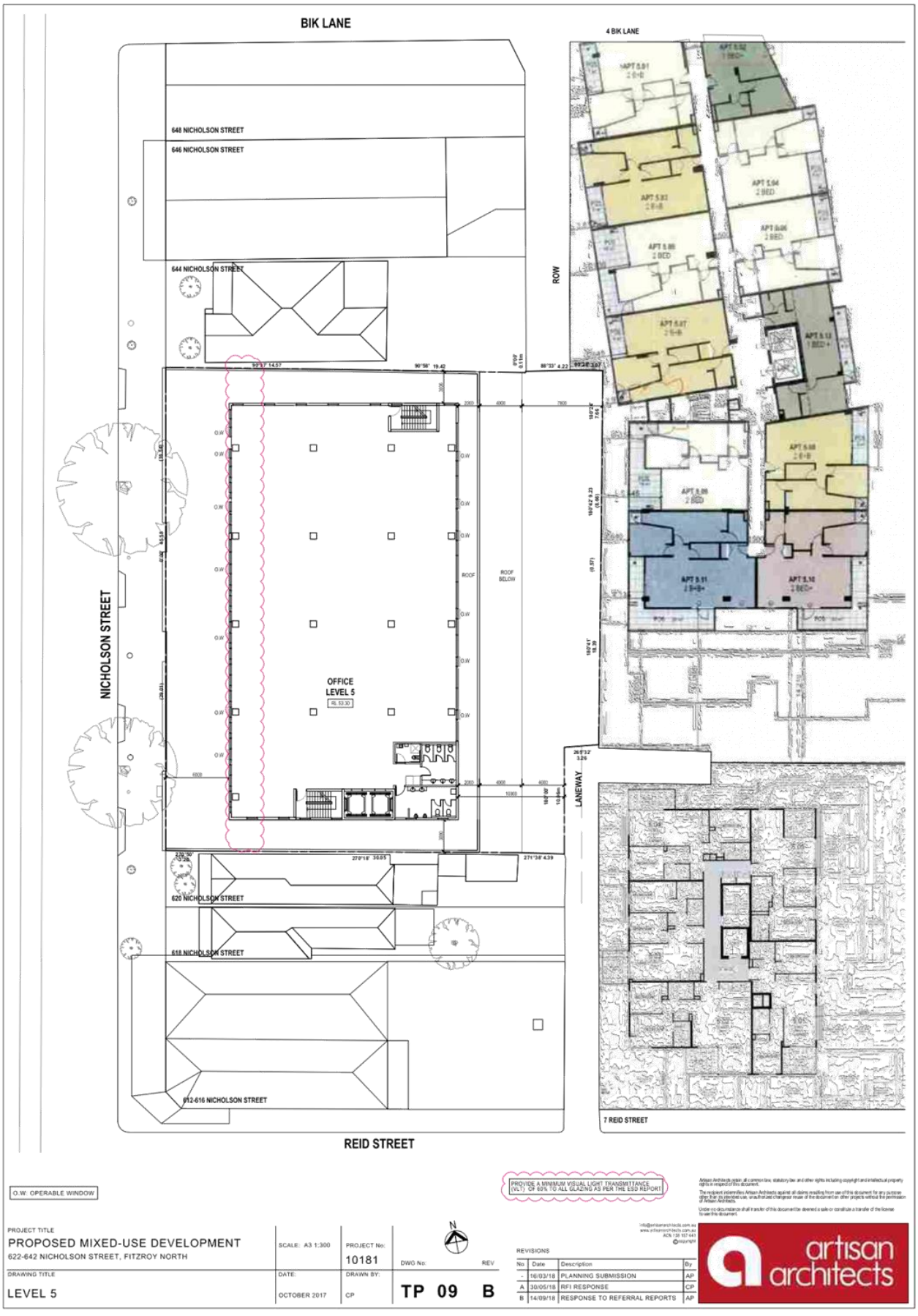
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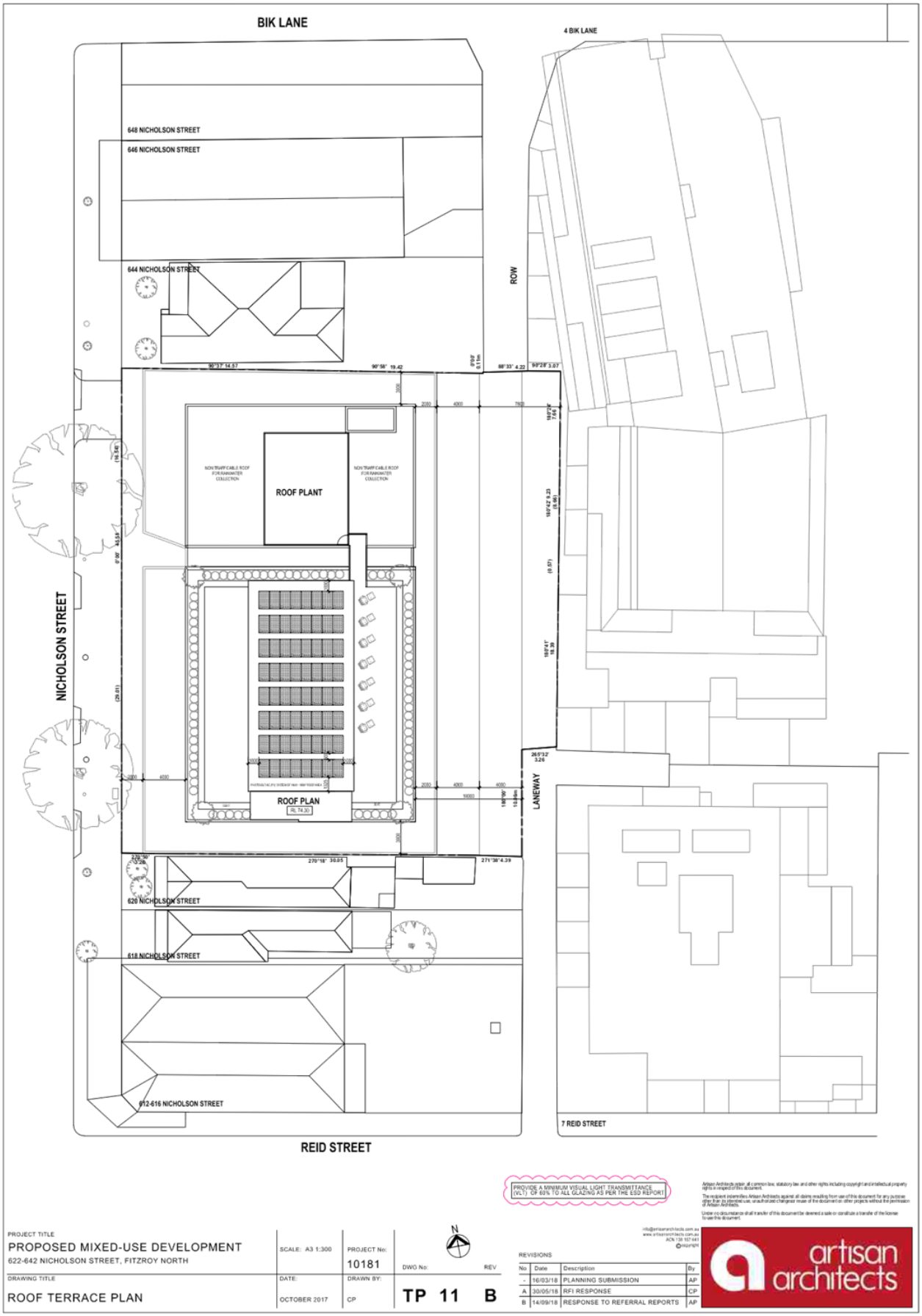
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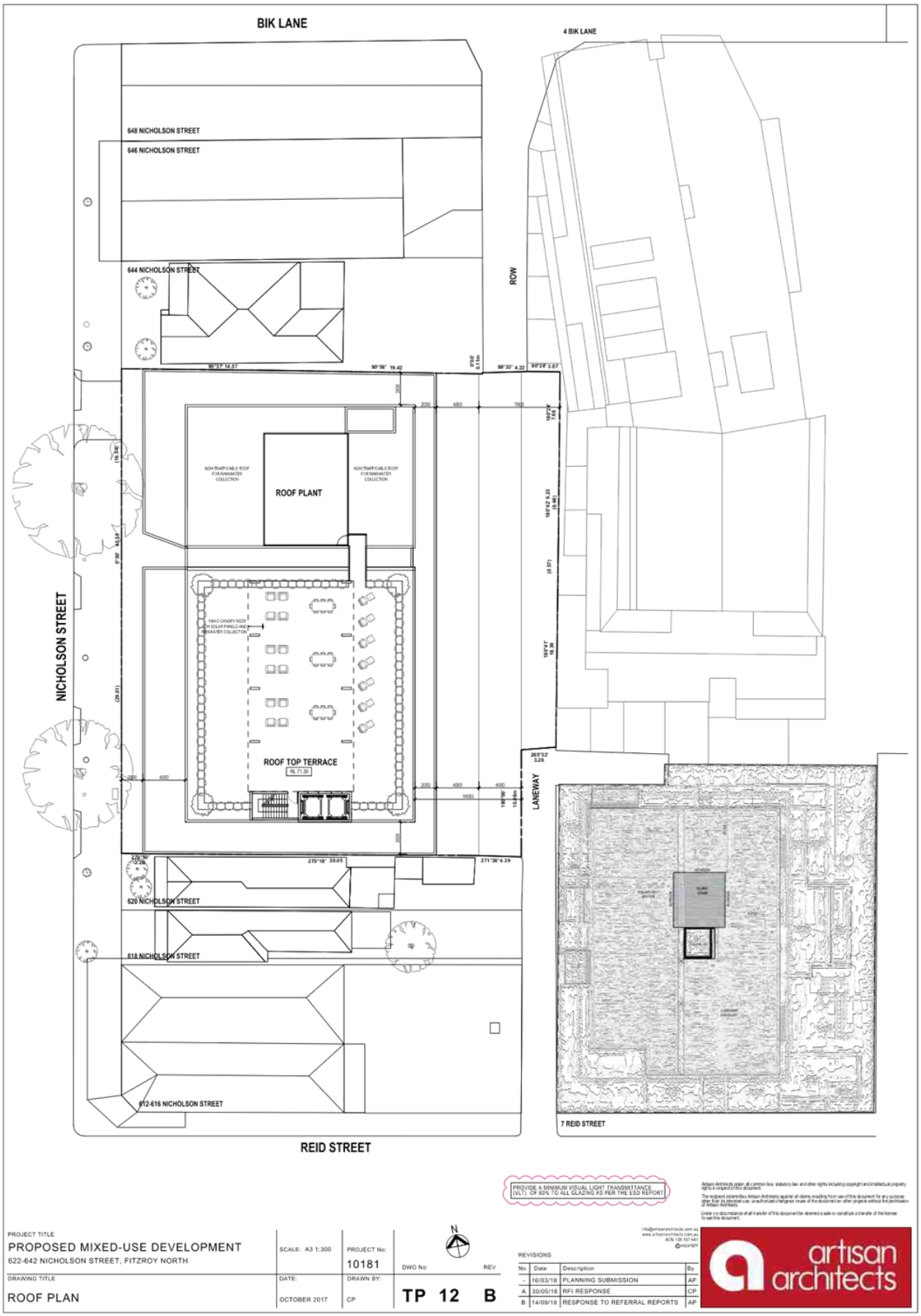
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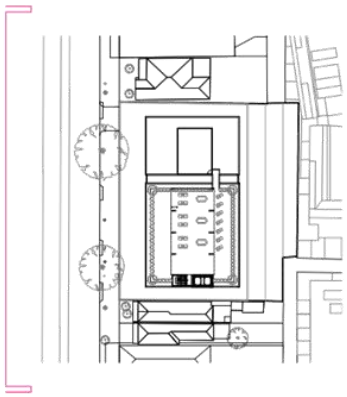


Attachment 4 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Sketch Plans

FEATURE TIMBER FRAME
PRECAST CONCRETE WITH INTEGRATED PATTERN COLOUR - LIGHT GREY
PRECAST CONCRETE WITH INTEGRATED PATTERN COLOUR - DARK GREY
CLEAR GLAZING - GREY
CLEAR GLAZING - WHITE
SELECTED BRICKWORK FINISH
METAL LIGHTWEIGHT CLADDING COLOUR: COLORBOND MONUMENT
LASERCUT METAL SCREEN COLOUR: COLORBOND MONUMENT
POWDERCOATED METAL SCREEN COLOUR: COLORBOND MONUMENT
POWDERCOATED METAL SCREEN COLOUR: COLORBOND WALLABY
APPLIED FINISH COLOUR: DULUX DOMINO
APPLIED FINISH COLOUR: DULUX NATURAL WHITE

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REFER TO OCATAVE ACOUSTICS REPORT FOR FURTHER SPECIFICATION OF ACOUSTIC REQUIREMENTS





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622-642 NICHOLSON STREET, FITZROY NORTH

SCALE: A3 1:300

PROJECT No: 10181

DWG No: TP 13

REV: B

DRAWING TITLE
WEST ELEVATION

DATE: OCTOBER 2017

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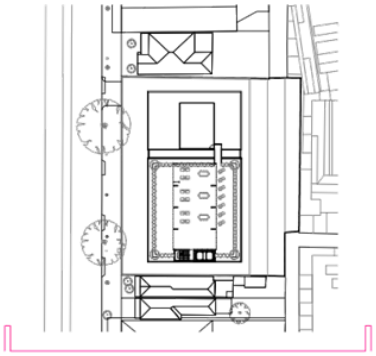
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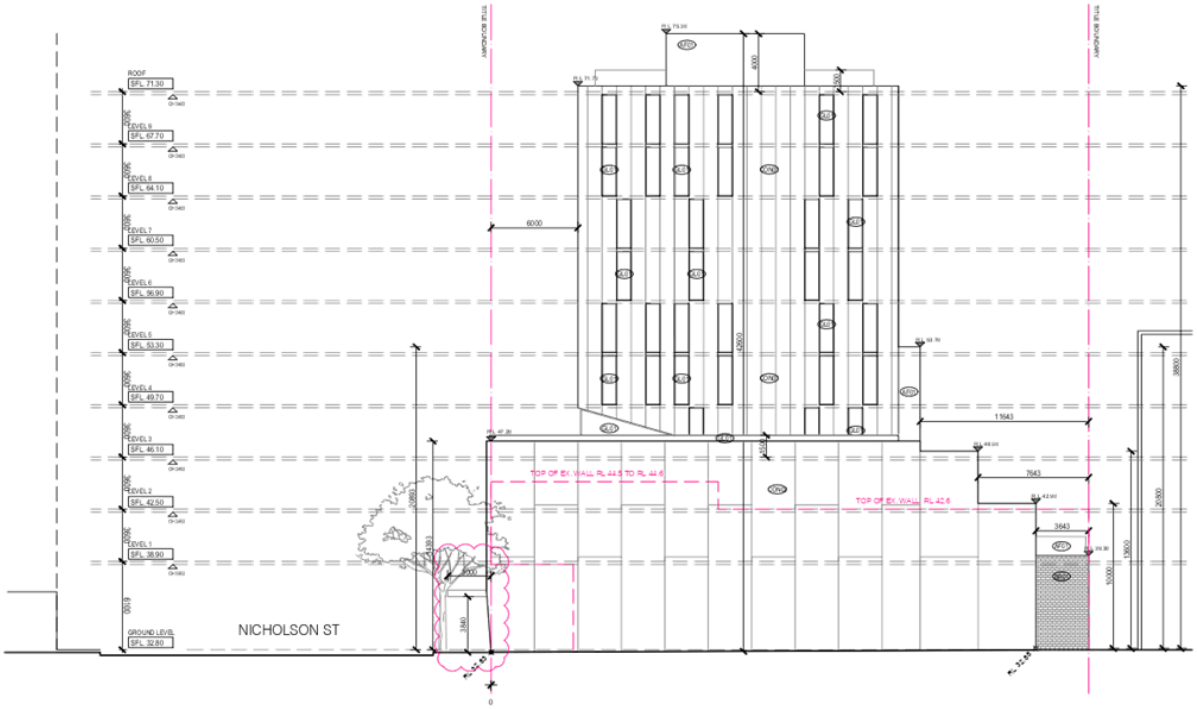
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CLEAR GLAZING - WHITE
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DRAWING TITLE
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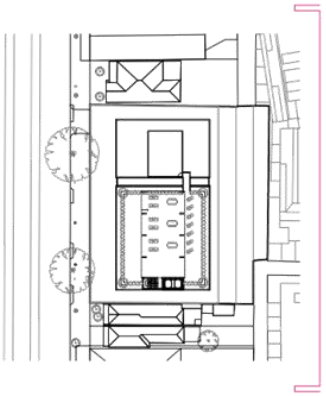
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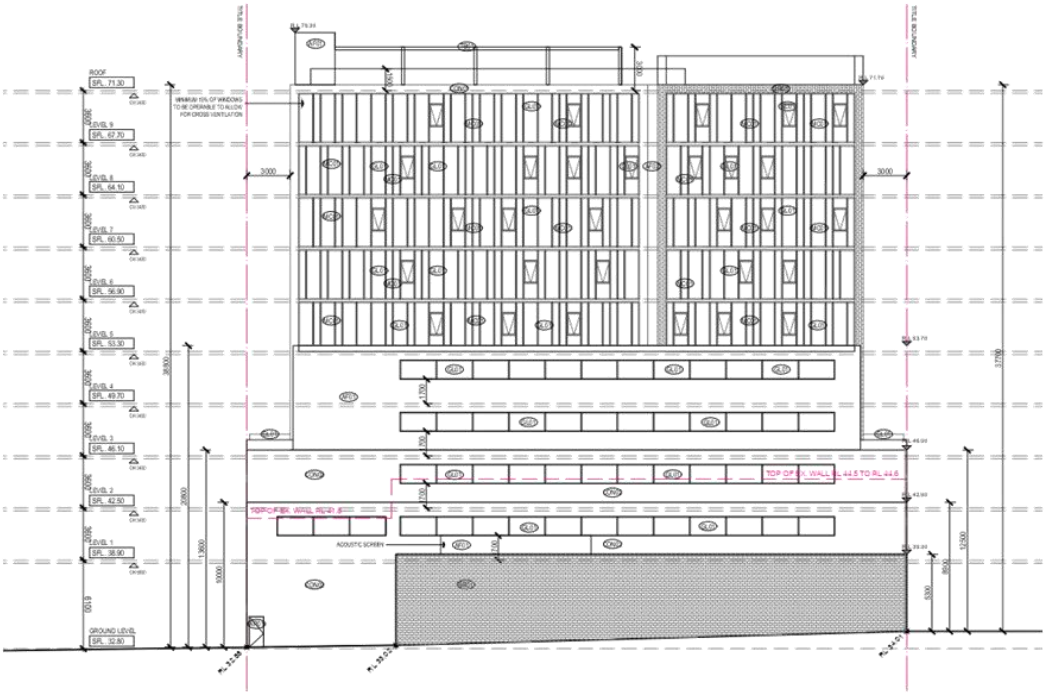
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PROJECT No: 10181

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DRAWING TITLE
EAST ELEVATION

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FEATURE TIMBER FRAME

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PRECAST CONCRETE WITH INTEGRATED PATTERN COLOUR - DARK GREY

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CLEAR GLAZING - WHITE

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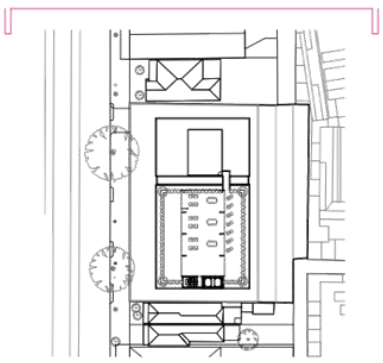
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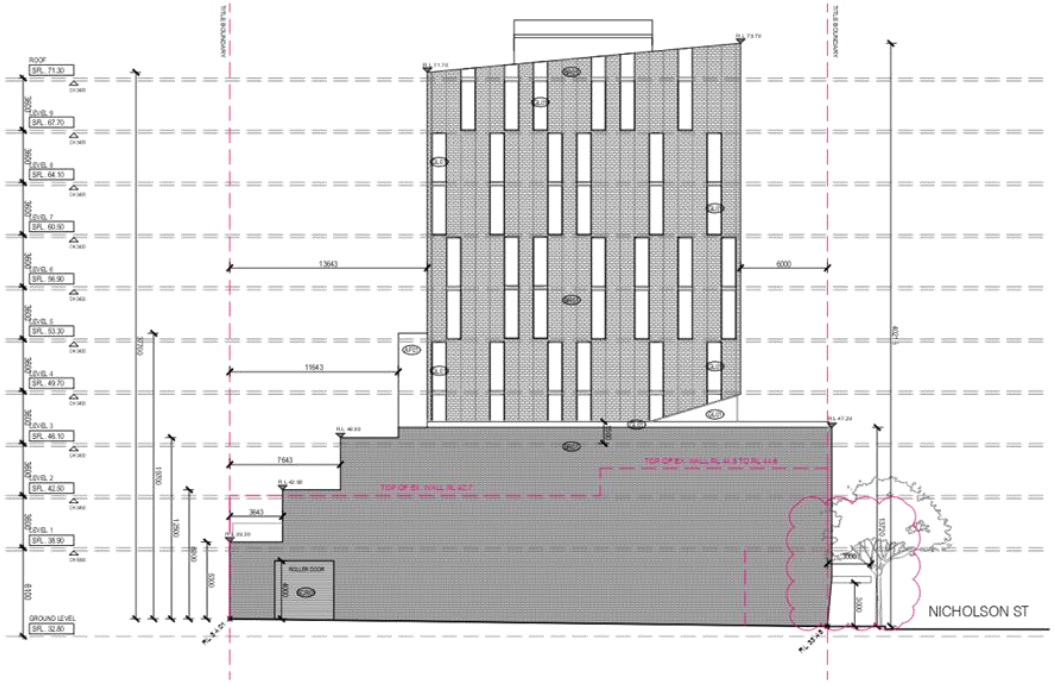
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PROJECT No: 10181

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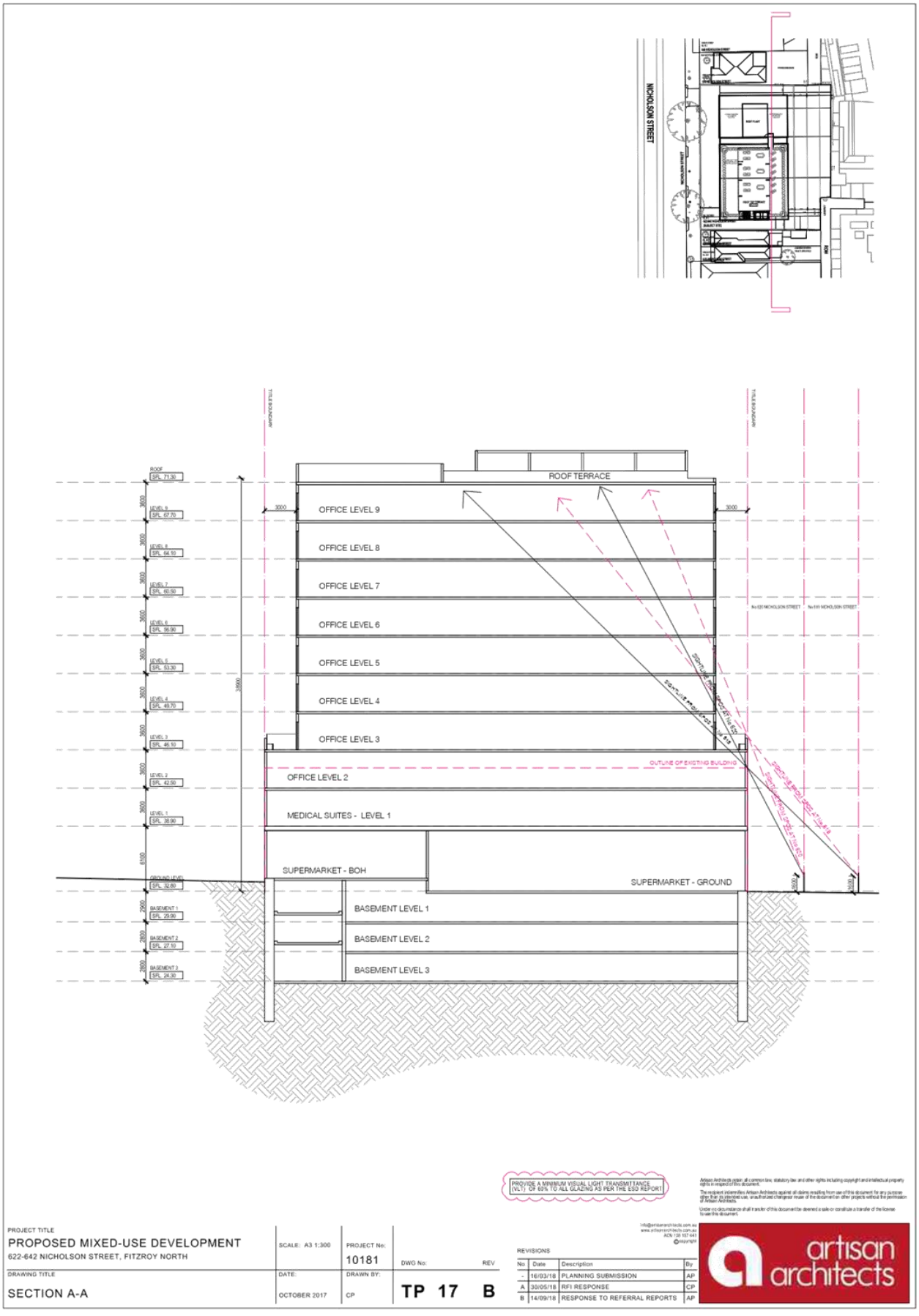
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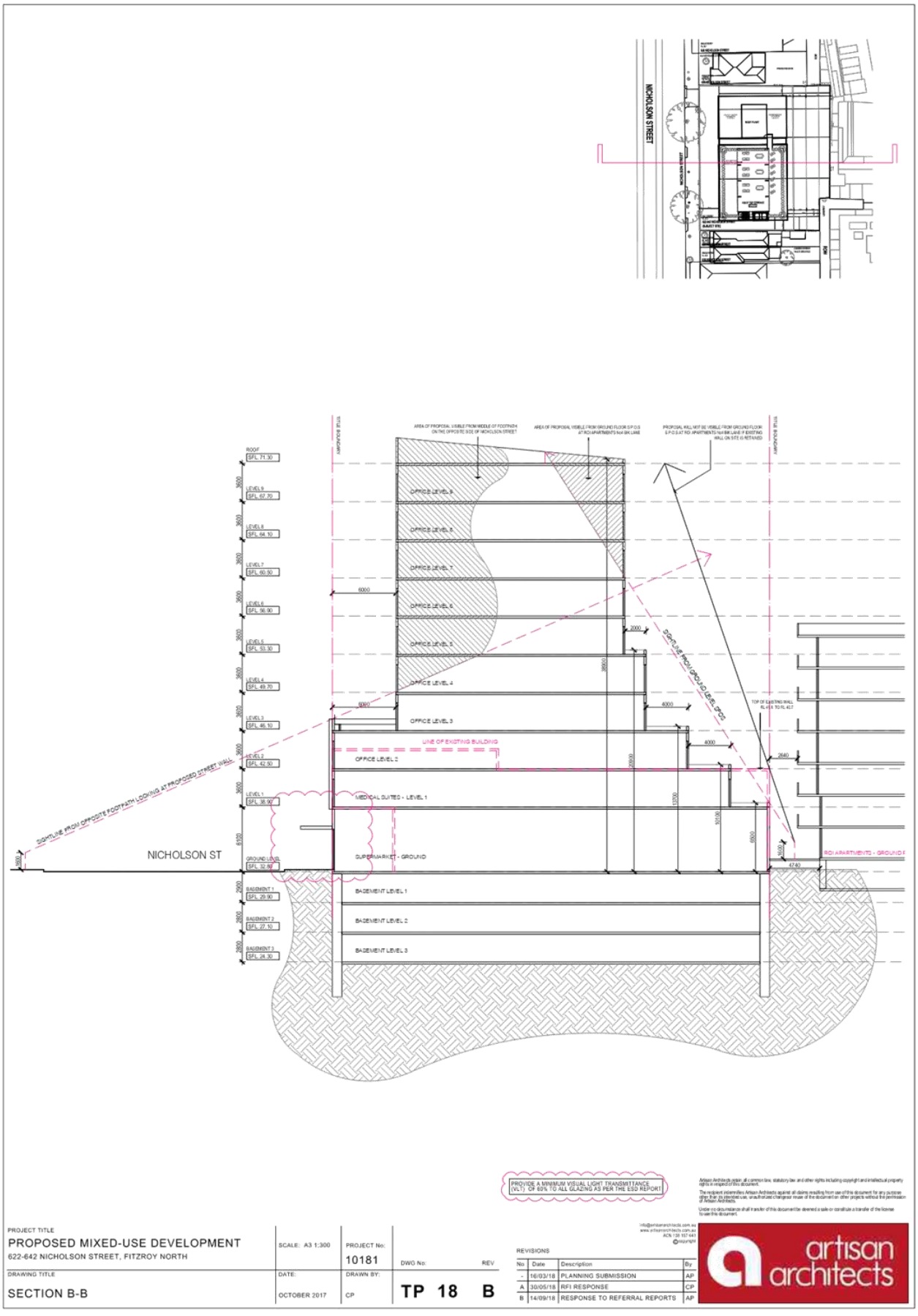
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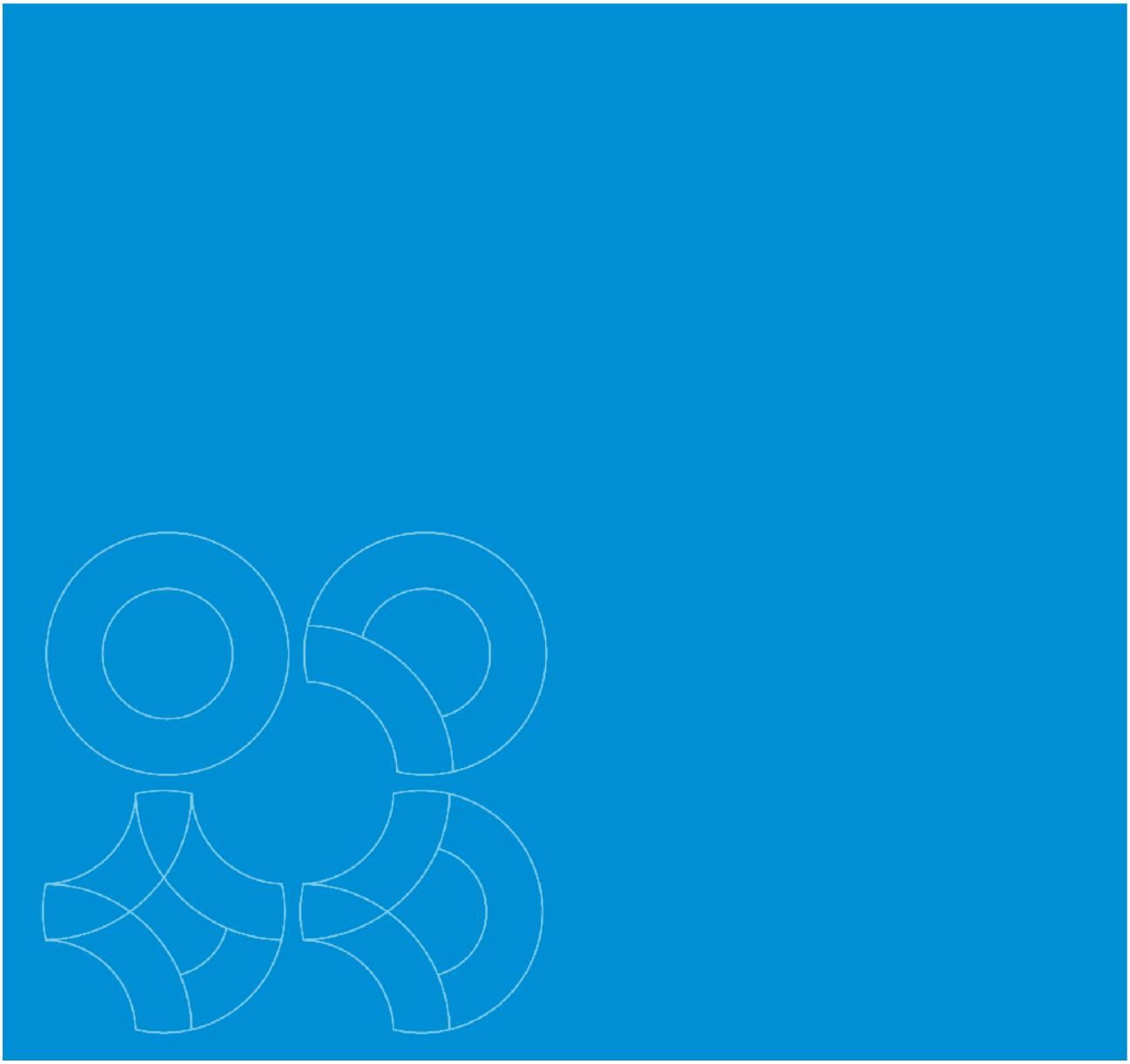
Attachment 5 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Neighbouring Property Daylight Analysis Report

Neighbouring Property Daylight Analysis Report

622-642 Nicholson St, Fitzroy North

Prepared by
Simpson Kotzman
Consulting Engineers
21 February 2018

SimpsonKotzman



Attachment 5 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Neighbouring Property Daylight Analysis Report

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VERSION	DATE	DESCRIPTION	AUTHOR
A	21/02/2018	Issue for Review	DV

Attachment 5 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Neighbouring Property Daylight Analysis Report

1 Introduction

1.1 GENERAL

This report has been prepared to review the impact on daylight access to existing apartment buildings 648A Nicholson St and 3,5,5-17 Reid St due to the proposed development of 622-642 Nicholson St, Fitzroy North.

This is in response to a request from the Urban Design consultant as follows:
As a start, the 'worst case' dwellings should be tested, being a ground floor apartment at 648A Nicholson Street / Roi Apartments (e.g. Apt G10) and at 3,5,7-15 Reid Street (e.g. G2). Daylight should be tested at the ***threshold between the terraces / living areas.***

The existing building at 622-642 Nicholson St contains a reception centre and is 4 storeys high.
The proposed new building on the site is mixed use and proposed to be 10 storeys high (ground – level 9) with a staggered set back as the building rises.

The increased building mass is expected to reduce daylight access to the neighbouring apartment developments at the east. This report investigates the expected reduction in daylight access to the worst affected apartments at ground level that are west facing in both of the neighbouring apartment buildings.

Refer below site locality plan identifying the proposed development and neighbouring properties.



FIGURE 1 - SITE LOCALITY PLAN

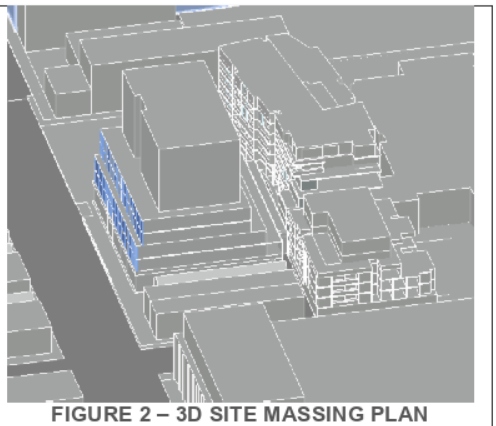


FIGURE 2 – 3D SITE MASSING PLAN

1.2 REFERENCE DOCUMENTS

The project documents used in this assessment are based on:

- 622-642 Nicholson St, North Fitzroy town planning drawings and 3d sketchup model issued by Artisan Architects dated 5/2/2018.
- 648A Nicholson St, North Fitzroy Endorsed Plans (PL071209.01) prepared by Bird De La Couer
- 3, 5 & 7-15 Reid St, North Fitzroy Endorsed Plans (PLN110697) prepared by Carbott Holt Architects

Attachment 5 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Neighbouring Property Daylight Analysis Report

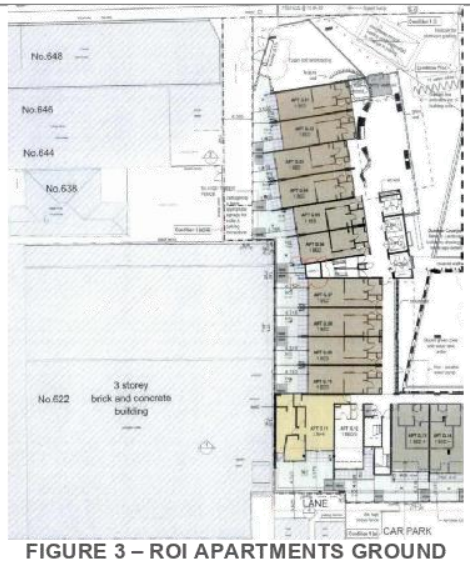


FIGURE 3 – ROI APARTMENTS GROUND LEVEL LAYOUT

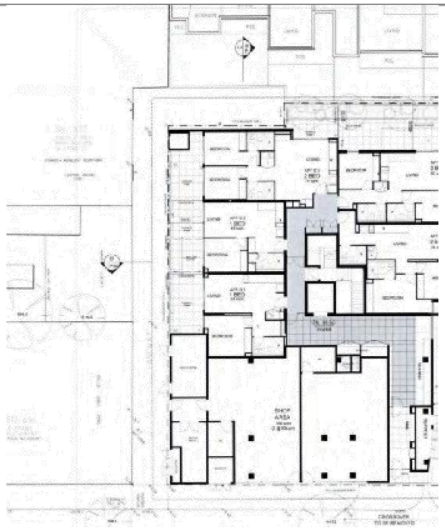


FIGURE 4 – 3, 5 & 15-17 REID ST GROUND LEVEL LAYOUT

The modelling presented in this report focuses on the daylight accessibility at the living room / external interface for the following worst case apartments:

- ROI apartments – G.10
- 3, 5 & 15-17 Reid St apartments – G.02

2 Modelling Software

The following analysis has been performed using Autodesk Revit 2018 with Lighting Analysts Elumtools 2018.4.0.1 plugin.

Elumtools utilises the same daylight calculation engine as the standalone internationally recognised lighting calculation software AGi32 which has been validated against the CI-171:2006 "Test Cases to assess the Accuracy of Lighting Computer Programs" software benchmark.

Attachment 5 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Neighbouring Property Daylight Analysis Report

3 Daylight Calculation Parameters

The following key parameters have been used in the calculation:

Daylight conditions	CIE Overcast Sky
Working plane height	0mm AFL
Glazing	60% VLT
Glazing height	2.7m
Building floor to floor height	3.0m
Floor surface reflectance	20%
Wall surface reflectance	80%
Ceiling surface reflectance	80%
Neighbouring building external surface reflectance	50%
Ground plane reflectance	18% (elumtools default)
Local building shading	Refer model representation below.

The use of an overcast sky provides a daylight access model independent of direct solar access and independent of the time of day or year. This approach is consistent with Green Building Council daylight modelling requirements.

4 Model

The model used in the calculation was an adaptation of the Architectural information available (including scanned low resolution pdf of existing buildings) with simplifications and modifications as necessary to suit requirements of the daylight modelling software where deemed irrelevant to the calculation.

Refer below render of the interior and exterior view of the buildings produced during the modelling process for reference:

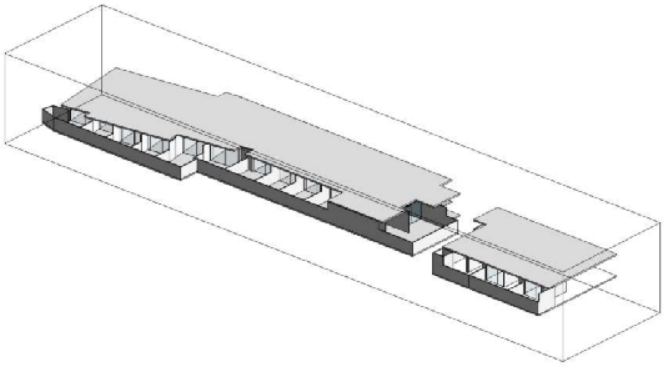


FIGURE 5 – INTERNAL LAYOUT / GLAZING MODEL

Attachment 5 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Neighbouring Property Daylight Analysis Report

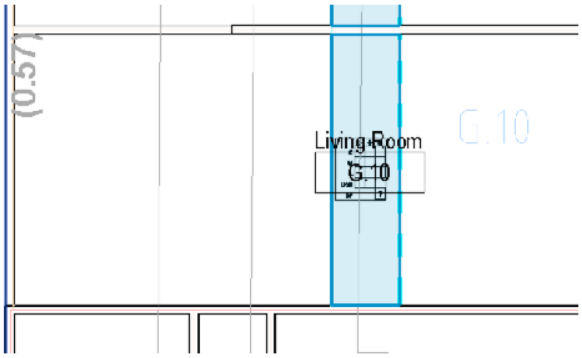


FIGURE 6 – CALCULATION POINT LOCATION (WITHIN APARTMENT 100MM FROM GLAZING)

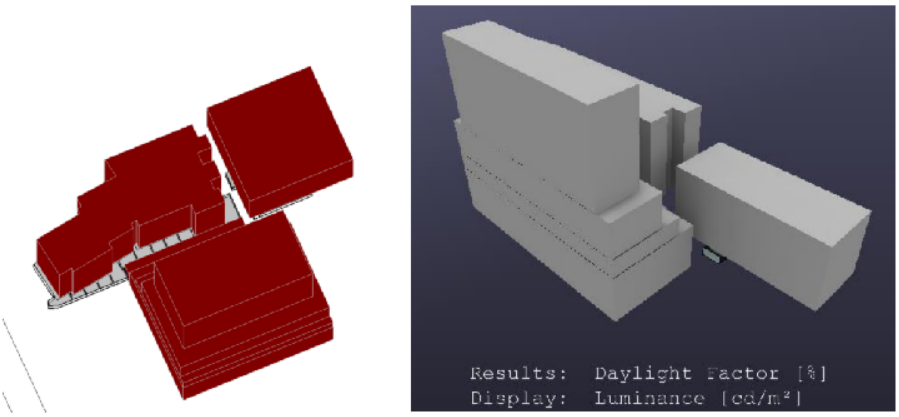
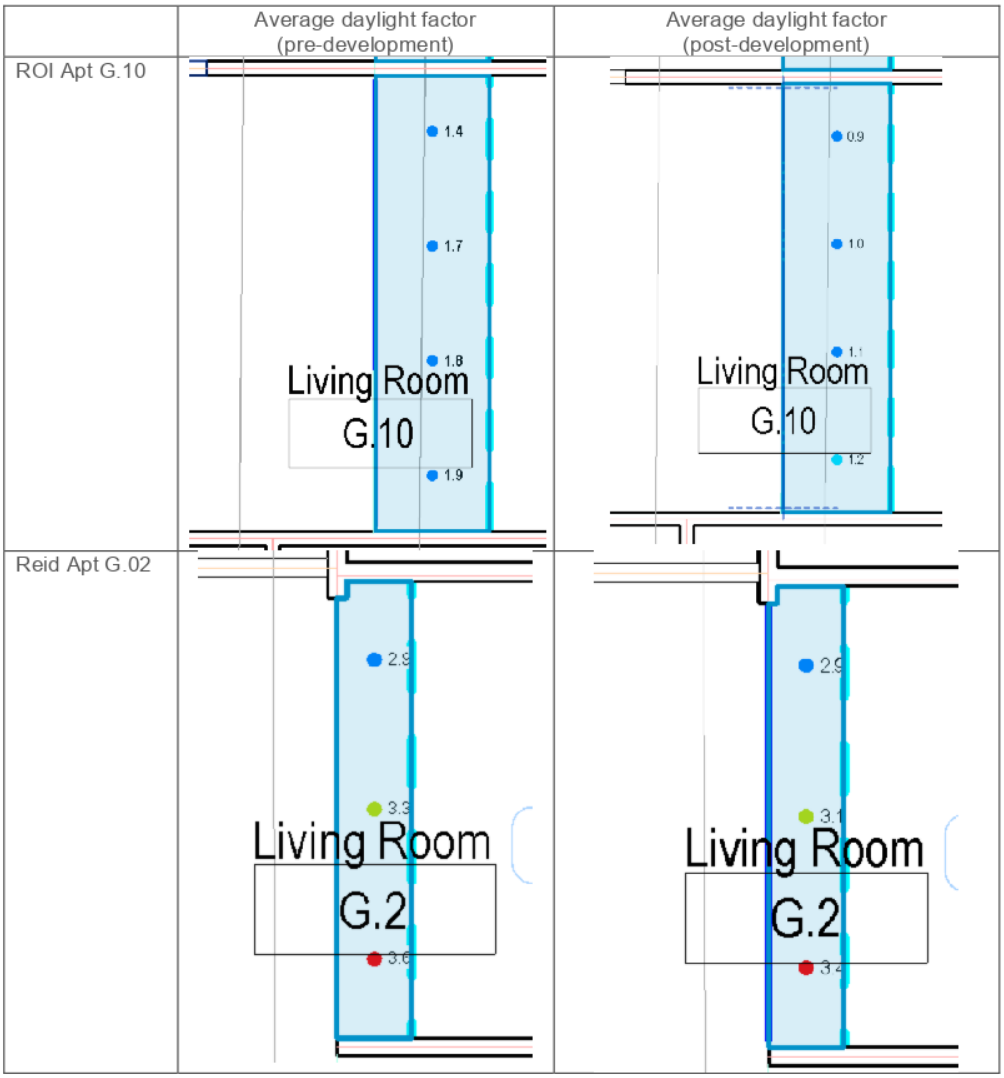


FIGURE 7 – BUILDING MASS MODEL COMBINED WITH GROUND LEVEL INTERIOR DETAILED MODEL (SHADED ANALYTICAL MODEL AND RENDER)

Key building features have been modelled to work within the constraints of the calculation capability of the software. Surrounding building mass has been modelled as 50% reflectance exterior surfaces throughout.

Attachment 5 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Neighbouring Property Daylight Analysis Report

5 Modelling results



Attachment 5 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Neighbouring Property Daylight Analysis Report

6 Discussion

Under the modelling conditions as outlined within this report it is expected that the proposed development of 622-642 Nicholson St, Fitzroy North would contribute to a reduction in the daylight accessibility to the neighbouring properties.

The extent of the reduction in the worst case apartments at the threshold between the terrace / living areas is approx. **0.2%-0.7% DF reduction**. Other apartments to the sides and above these apartments are all expected to be less affected by the proposed development as they are further away and therefore would experience less obstruction to direct daylight access.

Indirect daylight access to neighbouring properties could be maximised through appropriate choice of light coloured building materials and reductions in east facing glazing on the proposed development to ensure that available daylight is reflected where possible. Note that the results of this report are based on a 50% average façade reflectance being achieved.

It is noted that the existing apartments, particularly in the "Roi" building, would be unlikely to achieve Council's current best practice guideline levels for daylight access (1% DF to 90% of the floor area of living rooms, BESS) in their current configuration due to existing obstructions/overhangs and depth of living areas. The development of 622-642 Nicholson St as proposed has only a marginal effect on the current situation assuming that a relatively high reflectance east façade is employed.

7 Conclusion

The proposed development of 622-642 Nicholson St, Fitzroy North will reduce daylight access to the apartment buildings located to the east.

In order to maximise daylight access to the neighbouring properties the east façade of 622-642 Nicholson St would ideally be designed to maximise light reflectance through the use of light colour finishes and minimised glazing. A minimum average reflectance of 50% is suggested as an appropriate target level to limit the impact to daylight access for the west facing apartments in the neighbouring properties to the east.

Attachment 5 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Neighbouring Property Daylight Analysis Report

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Associates: Chris Downing, Nathan Meier, Tony Spillane, Robert Tombolato, Daniel Vogrig

Member of: CONSULT AUSTRALIA



Attachment 6 - PLN18/0172 - 622-642 Nicholson Street Fitzroy - VicRoads Referral Comments

11 October 2018

Yarra City Council
PO Box 168
RICHMOND VIC 3121
Attention: Nikolas Muhllechner

Dear Mr. Muhllechner,

PLANNING APPLICATION NO.: PLN18/0172
VICROADS REFERENCE NO: 26095/18
PROPERTY ADDRESS: 622 NICHOLSON STREET, FITZROY NORTH

Section 55 – No objection subject to conditions

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

The application is for the construction of a ten storey building plus three (3) basement levels and a roof top terrace, the use of land as an office, medical centre and a supermarket, a reduction in the car parking requirements and alteration to the access to a road in a Road Zone, Category 1 by removing and altering crossovers to Nicholson Street.

VicRoads does not object to the proposal in its current form subject to certain conditions being met.

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

1. *Before the use approved by this permit commences the following must be completed at no cost to and to the satisfaction of the Responsible Authority and or the Roads Corporation:*

   a. *The installation of signs, line marking, painted arrows and associated road works permitting only "left turn in" and "left turn out" vehicular access from Nicholson Street to the satisfaction of and at no cost to VicRoads.*

   b. *Modification or removal of any existing car parking spaces and associated road works on the east side of Nicholson Street to accommodate the new vehicular access arrangement.*

   c. *All disused or redundant vehicle crossings (along Nicholson Street) must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads prior to the occupation of the building hereby approved.*

2. *Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138 (A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Nicholson Street boundary (i.e. canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections with the Nicholson Street reserve. This condition does not*

apply where written confirmation is obtained from DELWP that the above agreement is not required.

Note:

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

VicRoads notes that the proposal provides a transparent window within the north-west corner of the bottle shop consistent with the required dimensions of a pedestrian sight triangle. It is considered that this building treatment will adequately provide departing motorists an unobstructed view of pedestrians walking along the Nicholson Street footpath. In addition to the clear glazed window/s, VicRoads supports Council's requirement to provide the installation of a convex mirror on the north side of the vehicular access in order to optimise visibility of pedestrians.

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

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

Yours sincerely

Gillian Menegas

GILLIAN MENEGAS
Senior Planner - Planning Referrals Metro North West Region

Attachment 7 - PLN18/0172 - 622 - 642 Nicholson Street Fitzroy North - Engineering Referral Comments

CITY OF YaRRA

MEMO

To:	**Nikolas Muhllechner**	
From:	**Mark Pisani**	
Date:	**15 August 2018**	
Subject:	**Application No:**	**PLN18/0172**
	Description:	**10-Storey Building; Mixed Use Development**
	Site Address:	**622-642 Nicholson Street, Fitzroy North**

I refer to the above Planning Application received on 9 July 2018 and the accompanying *Traffic Impact* report prepared by Ratio Consultants (version 2.0 dated 1 June 2018) in relation to the proposed development at 622-642 Nicholson Street, Fitzroy North. 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
Office	8,471 m^2	3.5 spaces per 100 m^2 of net floor area	296	88
Supermarket	1,390 m^2	5 spaces per 100 m^2 of leasable floor area	69	42
Medical Centre	10 practitioners	5 spaces to the first providing health services plus 3 spaces to every other person providing health services	32	23
Shop (Bottle Shop)	120 m^2	4 spaces per 100 m^2 of leasable floor area	4	4
		Total	**401 Spaces**	**157 Spaces**

The development would have a parking shortfall of 244 spaces (27 supermarket spaces, 208 office spaces and nine spaces associated with the medical centre).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 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.

The proposed office use for the development would have an on-site car parking provision of 1.04 spaces per 100 square metres of floor area. In nearby Collingwood, a number of developments have been approved with reduced office rates, as shown in the following table:

Development Site	Approved Office Parking Rate
Collingwood	
71-93 Gipps Street PLN16/1150 issued 30 August 2017	0.96 spaces per 100 m^2 (86 on-site spaces; 8,923 m^2)
2-16 Northumberland Street PLN16/1150 issued 14 June 2017	0.89 spaces per 100 m^2 (135 on-site spaces; 15,300 m^2)

The proposed on-site office parking rate of 1.04 spaces is considered appropriate, having regarding to the site's good accessibility to public transport services and proximity to Melbourne.

- *Parking Demand for the Supermarket*. The proposed supermarket would be providing on-site car parking at a rate of 3.02 spaces per 100 square metres. Parking demand rates for supermarkets vary, depending on location and size. Council has approved the supermarkets with the following rates:

- Development Site	Approved Supermarket Parking Rate
365-379 Smith Street, Fitzroy PLN15/0646 issued 21 December 2016	1.65 spaces per 100 m^2 (11 on-site spaces; 668 m^2)
2 Gough Street, Cremorne PLN15/0355 issued 15 July 2016	1.40 spaces per 100 m^2 (9 on-site spaces; 640 m^2)

The proposed supermarket is not large in scale and is not expected to be a high generator of car parking. The rate of 3.02 spaces per 100 square metres of floor area is considered appropriate.

- *Parking Demand for Medical Centre Use*. The proposed medical centre would be providing nine spaces. Most likely these spaces would be used by the practitioners or staff and some patients. It is agreed that the medical centre would likely serve the local residential area. Any possible parking overflow from the medical centre would be patient parking.
- *Availability of Public Transport in the Locality of the Land*. The site is within walking distance of tram services operating along Nicholson Street and St Georges Road-Brunswick Street. Bus services can be accessed from Reid Street.
- *Multi-Purpose Trips within the Area*. Customers, clients and patients to the development might combine their visit by engaging in other activities or business whilst in the area.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- *Availability of Car Parking*. Ratio Consultants had conducted on-street parking occupancy surveys in the surrounding area on Thursday 8 February 2018 from 8:00am to 8:00pm and on Saturday 10 February 2018 from 8:00am to 4:00pm. The survey area encompassed both sides of Nicholson Street, Reid Street and sections of Richardson Street, Station Street and Salisbury Crescent. The extent and times of the survey are considered satisfactory. An inventory ranging from 208 to 225 publicly available parking spaces was identified. The results

of the survey indicate that there were no few than 58 spaces vacant (both days). Based on these results, any short-stay parking overflow from the site could be accommodated on-street.

- *Relevant Local Policy or Incorporated Document*. The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.
- *Car Parking Deficiency associated with Existing Land Use*. The existing site had once operated as a function centre (place of assembly) with a maximum permitted number of 590 patrons and an on-site car parking of 45 spaces. The site would have had a statutory parking requirement of 177 spaces, with 132 spaces accommodated off-site. The car parking deficiency of the function centre would be greater than that of the proposed development.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of parking associated with the office, supermarket and medical centre uses is considered appropriate in the context of the development and the surrounding area. Any short-stay parking overflow could be accommodated on-street.

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 Ratio Consultants is as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Office 88 spaces	0.5 spaces per space in each peak hour	Not Provided	44	44
Supermarket 1,390 m^2	11.0 trips/100 m^2 of floor space in PM peak hour AM peak hour traffic would be 50% of PM peak hour	Not Provided	76	152
Bottle Shop 4 spaces	Staff: 7.0 trips/100 m^2 in each peak hour Customers: 30 trips/100 m^2 per day AM peak hour traffic would be 50% of PM peak hour	36	4	8
Medical Centre 10 practitioners	4.0 trips per practitioner in each peak hour	Not provided	40	40
	Total	**-**	**164**	**244**

The access arrangements for the site are left-in/left-out.

The submitted report does not provide information on the impact the development traffic would have on the operation of Nicholson Street.
Can the development traffic be absorbed by Nicholson Street during the AM and PM peak hours?

Further information on this matter should be forwarded to Council.

Attachment 7 - PLN18/0172 - 622 - 642 Nicholson Street Fitzroy North - Engineering Referral Comments

DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

Artisan Architects Drawing Nos. TP 01, TP 02, TP 03 and TP 04 Revision A dated October 2017

Item	Assessment
Access Arrangements	
Development Entrance - Nicholson Street	The 6.1 metre wide entrance satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Visibility	A pedestrian sight triangle for the exit lane has not been provided.
Headroom Clearance	A minimum height clearance of 2.2 metres has been provided, which satisfies AS/NZS 2890.1:2004.
Internal Ramped Accessways	Not dimensioned on the drawings.
Car Parking Modules	
At-grade Parking Spaces	The dimensions of the car parking spaces (2.6 metres to 3.0 metres by 4.9 metres) satisfy Design standard 2: Car parking spaces of Clause 52.06-9.
Accessible Parking Space	The dimensions of the accessible parking spaces and associated shared area satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009. The shared area has not been hatched line marked.
Aisles	The aisle widths range from 5.8 metres to 7.45 metres and satisfy *Table 2: Minimum dimensions of car parking spaces and accessways* of Clause 52.06-9.
Column Depths and Setbacks	The positions of the columns satisfy *Diagram 1 clearance to car parking spaces* from Clause 52.06-9.
Clearances to Walls	Not dimensioned on the drawings.
Gradients	
Ramp Grade for First 5.0 metres inside Property	The accessway for the first 5.0 metres inside the property is horizontal.
Ramp Grades and Changes of Grade	Ramp grades not labelled on the drawings.
Other Items	
Numbering of Car Parking Spaces	Car parking spaces have not been numbered, making space identification difficult.
Access via Bik Lane	The proposed loading area for the site is accessed via Bik Lane, a Council controlled Public Road. The swept path diagrams for an 8.8 metre long Medium Rigid Vehicle entering and exit the loading area via Bik Lane and Nicholson Street are considered satisfactory.
Loading Facility	The loading facility occupies the north eastern corner of the property. Internal dimensions of the area have not been provided.
Turntable for Trucks	The turntable to be used has a diameter of 8.0 metres and is specifically designed for a Medium Rigid Vehicle. The diameter and clearances for the turntable have not been dimensioned on the drawings.

Attachment 7 - PLN18/0172 - 622 - 642 Nicholson Street Fitzroy North - Engineering Referral Comments

Item	Assessment
Vehicle Turning Movements – Turntable	The swept path diagrams for a Medium Rigid Vehicle accessing and exiting the turntable are considered satisfactory.
Vehicle Turning Movements – Development Entrance	The swept path diagrams for a B99 design vehicle entering and exiting the development entrance via Nicholson Street are considered satisfactory.
Vehicle Circulation within Basement Car Parking Levels	Vehicle circulation and passing movements for a B99 design vehicle and an oncoming B85 design vehicle are considered satisfactory.
Vehicle Turning Movements – Car Parking Bays	The swept path diagrams for the B85 design vehicle entering and exiting car parking spaces throughout the car park are considered satisfactory.
Waste Collection Vehicle Movements	The swept path diagrams for the 6.34 metre long waste collection vehicle entering and exiting the property via Nicholson Street and servicing the waste collection area are considered satisfactory.

Design Items to be Addressed

Item	Details
Visibility	Although clear glazing is to be provided at the bottle shop, adjacent to the exit lane of the accessway, it is recommended that a convex mirror be installed on the north side of the entrance in order to optimise visibility of pedestrians.
Internal Ramp Widths	To be dimensioned on the drawings.
Clearances to Wall	To be dimensioned on the drawings.
Ramp grades	To be specified and dimensioned for each ramp grade section and transition grade.
Numbering of Spaces	To be numbered on the drawings for easier identification.
Loading Facility	The internal dimensions of the loading facility are to be depicted on the drawings.
Turntable	The diameter and clearances are to be dimensioned/depicted on the drawings.

Attachment 7 - PLN18/0172 - 622 - 642 Nicholson Street Fitzroy North - Engineering Referral Comments

ENGINEERING CONDITIONS
Civil Works

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

- The footpath along the property's Nicholson Street road frontage must be stripped and re-sheeted 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 existing vehicle crossing on the site's Nicholson Street road frontage must be demolished and reconstructed in accordance with VicRoads and Council's requirements and specifications. The new vehicle crossing must satisfy the ground clearance requirements for the B99 design vehicle.
- Any utility service pit lids located within the new vehicle crossing must be of a heavy duty type.
- All redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.
- All redundant property drains must be removed and Council assets reinstated to Council's satisfaction 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 7 - PLN18/0172 - 622 - 642 Nicholson Street Fitzroy North - Engineering Referral Comments

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

Item	Details
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.
Discharge of Water from the Development	▪ 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.
Clearances from Electrical Assets Nicholson Street	Overhead power lines run along the east side of Nicholson Street, close to the property boundary. The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website: http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs
Existing Street Trees – Nicholson Street	Comment from Council's Arborist in relation to the canopies of the existing street trees in relation to the new building works on the site.

Attachment 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

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



ESD in the Planning Permit Application Process

Yarra City Council's planning permit application process includes Environmentally Sustainable Development (ESD) considerations. This is now supported by the ESD Local Policy Clause 22.17 of the Yarra Planning Scheme, entitled *Environmentally Sustainable Development.*

The Clause 22.17 requires all eligible applications to demonstrate best practice in ESD, supported by the Built Environment Sustainability Scorecard (BESS) web-based application tool, which is based on the Sustainable Design Assessment in the Planning Process (SDAPP) program.

As detailed in Clause 22.17, this application is a 'large' planning application as it meets the category Non-re*sidential 1. 1,000m*^{2} *or greater*.

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 *Artisan Architects* (30.05.2018 RFI) and the accompanying SMP, prepared by *ADP* (01.06.2018).

Attachment 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



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Attachment 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

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



Assessment Summary:

Responsible Planner:	Nik Muhllechner
ESD Advisor:	Euan Williamson
Date: 23.07.2018	Planning Application No: PLN18/0172
Subject Site:	622-642 Nicholson Street, North Fitzroy, VIC
Site Area: Approx. 1,861m^2	Site Coverage: 100%
Project Description:	Ten storey building containing supermarket, medical centre and offices
Pre-application meeting(s):	None.

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

Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are addressed in an updated SMP report and are clearly shown on Condition 1 drawings. ESD improvement opportunities (4) have been summarised as a recommendation to the applicant.

(1) Applicant ESD Commitments:

- 20% improvement above the NCC energy efficiency requirements for heating and cooling.
- A STORM report with a 101% STORM score has been submitted that demonstrates best practice and relies on ~1,207m^2 of roof connected to a 22,000 litre rainwater tank connected to toilet flushing for 380 occupants or equivalent.
- Good access to daylight to most areas in the proposed building. *No information regarding offsite impacts has been provided.*
- Operable windows allowing access to natural ventilation to most occupied spaces.
- A 14 kW solar PV array to contribute to onsite electricity demands.
- Energy efficient HVAC with a minimum COP of 3.74.
- Energy efficient lighting 20% improvement on NCC lighting power densities.
- Water efficient fixtures and taps.
- Water efficient landscaping.
- 107 bike parking space across the three basement carparks, plus 18 visitors' bike parking spaces.

(2) Application ESD Deficiencies:

- Impact on adjoining dwellings (west facing 4 Bik Lane) will be severe. Recommend greater setbacks from habitable windows, to ensure adequate daylight. Please provide daylight modelling to demonstrate adjoining dwellings will have adequate daylight and create greater setbacks if necessary.
- No shading to windows exposed to summer heat gain. Reliance on high performance glazing only. Recommend that the architect consider external shading systems to reduce heat gain, rather than rely on glazing. If not, please include the SGHC proposed including the minimum VLT of 60% noted in the SMP, and demonstrate that the 20% cooling load reduction can be met.
- All bike parking is sub-surface and not easy to access. Recommend relocating all bike parking closer to the ground floor entrance, with at least some space on ground floor itself.
- The Green Travel Plan has no performance targets, monitoring or reporting components and is therefore not satisfactory. Please update and revise Appendix D to be a proper Green Travel Plan with performance targets and monitoring and reporting components included.
- Strongly recommend comprehensive commissioning and tuning of all major appliances and services.

Attachment 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

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



- Strongly recommend that an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction.

(3) Outstanding Information:

- The daylight modelling relies on a minimum Visual Light Transmittance (VLT) of 60%, please clearly note this on an updated set of architectural drawings.
- Please provide the completed JV3 energy modelling report prior to occupation demonstrating the 20% improvement in NCC requirements.
- No specific information has been provided in regards to a hot water system(s), other than reference to a natural gas connection. Recommend gas boosted solar hot water or gas storage hot water with a minimum 85% efficiency / 5 Star equivalent.
- Please remove the reference to "dwellings" on page 6.
- Please note that the "within one Star or 85% of best available" often used in SMPs for heating and cooling systems refers to systems of suitably designed size and capacity.
- Ensure that a proposer Waste Management Plan is prepared including details on recycling in relation to this use. Recommend providing a composting system for supermarket, medical centre and office. Please indicate the waste areas for medical centre and ensure that adequate recycling is provided for all uses in the development.

(4) ESD Improvement Opportunities

- Recommend providing electric vehicle charging facilities.
- Recommend a minimum 80% recycling/reuse target for construction and demolition waste.
- 95% of timber used will be FSC or PEFC accredited. Recommend all timber is FSC accredited timber only.
- Consider a green roof or wall to improve the ecological value of this site.
- Consider onsite energy storage systems.

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 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

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	Operable windows allowing access to natural ventilation to most occupied spaces.	-	1
Daylight & Solar Access	Good access to daylight to most areas in the proposed building. No information regarding offsite impacts has been provided.	The daylight modelling relies on a minimum Visual Light Transmittance (VLT) of 60%, please clearly note this on an updated set of architectural drawings. Impact on adjoining dwellings (west facing 4 Bik Lane) will be severe. Recommend greater setbacks from habitable windows, to ensure adequate daylight. Please provide daylight modelling to demonstrate adjoining dwellings will have adequate daylight and create greater setbacks if necessary.	2
External Views	External views from most areas.	-	1
Hazardous Materials and VOC	95% of all internal sealants and paints, adhesives, and carpets will be low VOC, and 95% of all engineered timber projects will be low or zero formaldehyde content in.	-	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: - Some access to natural ventilation - No external shading - Good thermal efficiency standards.	Please refer to section on, *NCC Energy Efficiency Requirements Exceeded* and *Effective Shading*	1

* **Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 1. Indoor Environment Quality
Good Environmental Choice Australia Standards www.geca.org.au
Australian Green Procurement www.greenprocurement.org
Residential Flat Design Code www.planning.nsw.gov.au
Your Home www.yourhome.gov.au

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	20% improvement above the NCC energy efficiency requirements for heating and cooling.	Please provide the completed JV3 energy modelling report prior to occupation demonstrating the 20% improvement in NCC requirements.	3
Hot Water System	No specific information has been provided, other than reference to a natural gas connection.	Recommend gas boosted solar hot water or gas storage hot water with a minimum 85% efficiency / 5 Star equivalent.	3
Peak Energy Demand	Peak demand reduced through various initiatives.	-	1
Effective Shading	No shading to windows exposed to summer heat gain. Reliance on high performance glazing only.	Recommend that the architect consider external shading systems to reduce heat gain, rather than rely on glazing. If not, please include the SGHC proposed including the minimum VLT of 60% noted in the SMP, and demonstrate that the 20% cooling load reduction can be met.	3
Efficient HVAC system	Energy efficient HVAC with a minimum COP of 3.74.	Please note that the "within one Star or 85% of best available" often used in SMPs refers to systems of suitably designed size and capacity.	4
Efficient Lighting	Energy efficient lighting 20% improvement on NCC lighting power densities.	-	1
Electricity Generation	A 14 kW solar PV array to contribute to onsite electricity demands.	-	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

Attachment 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

References and useful information:
SDAPP Fact Sheet: 2. Energy Efficiency
House Energy Rating www.makeyourhomegreen.vic.gov.au
Building Code Australia www.abcb.gov.au
Window Efficiency Rating Scheme (WERS) www.wers.net
Minimum Energy Performance Standards (MEPS) www.energyrating.gov.au
Energy Efficiency www.resourcesmart.vic.gov.au

Attachment 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

3. Water Efficiency

Objectives:

- to ensure the efficient use of water
- to reduce total operating potable water use
- to encourage the collection and reuse of rainwater and stormwater
- to encourage the appropriate use of alternative water sources (e.g. grey water)
- to minimise associated water costs.

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising Amenity Water Demand	Water efficient taps and fittings throughout, including: - 4 Star WELS toilets - 5 Star WELS tapware - 3 Star WELS showers <7.5 litres/min - 5 Star WLS Dishwashers - 4 Star WELS washing machines	-	1
Water for Toilet Flushing	22,000 litre rainwater tank proposed to flush toilets on level 2 to 9 (380 occupants equivalent).	-	1
Water Meter	Separate water metering for all tenants and major common area uses.	Please remove the reference to "dwellings" on page 6.	3
Landscape Irrigation	Water efficient 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 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

4. Stormwater Management

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating	A STORM report with a 101% STORM score has been submitted that demonstrates best practice and relies on ~1,207m^2 of roof connected to a 22,000 litre rainwater tank connected to toilet flushing for 380 occupants or equivalent.	-	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 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

5. Building Materials

Objectives:

- to minimise the environmental impact of materials used by encouraging the use of materials with a favourable lifecycle assessment.

Issues	Applicant's Design Responses	Council Comments	CAR*
Reuse of Recycled Materials	No specific information provided.	-	1
Embodied Energy of Concrete and Steel	95% of steel from registered 'responsible steel manufacturer'.	-	1
Sustainable Timber	95% of timber used will be FSC or PEFC accredited.	Recommend FSC accredited timber only.	4
Design for Disassembly	No information has been provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	4
PVC	90% of all pipes, cabling, flooring do not contain PVC or meeting best practice guidelines for PVC.	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 5. Building Materials
Building Materials, Technical Manuals www.yourhome.gov.au
Embodied Energy Technical Manual www.yourhome.gov.au
Good Environmental Choice Australia Standards www.geca.org.au
Forest Stewardship Council Certification Scheme www.fsc.org
Australian Green Procurement www.greenprocurement.org

Attachment 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

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	Car parking proposed in basements.	-	1
Bike Parking Spaces	107 bike parking space across the three basement carparks, plus 18 visitors' bike parking spaces.	All bike parking is sub-surface and not easy to access. Recommend relocating all bike parking closer to the ground floor entrance, with at least some space on ground floor itself.	2
End of Trip Facilities	End of trip facilities provided.	-	1
Car Share Facilities	There is access to car share providers in the local area.	-	1
Electric vehicle charging	No information has been provided.	Recommend providing electric vehicle charging facilities.	4
Green Travel Plan	The Green Travel plan has no performance targets, monitoring or reporting components and is therefore unsatisfactory.	Please update and revise Appendix D to be a proper Green Travel Plan with performance targets and monitoring and reporting components included.	2

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 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 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

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	Only general statements provided.	Recommend a minimum 80% recycling/reuse target for construction and demolition waste.	4
Operational Waste Management	Recycling mentioned in the SMP, but little detail.	Ensure that a proposer Waste Management Plan is prepared including details on recycling in relation to this use. Recommend providing a composting system for supermarket, medical centre and office	3
Storage Spaces for Recycling and Green Waste	Area for office and supermarket waste only can be identified on the plans.	Please indicate the waste areas for medical centre and ensure that adequate recycling is provided for all uses in the development.	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 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

8. Urban Ecology

Objectives:

- to protect and enhance biodiversity
- to provide sustainable landscaping
- to protect and manage all remnant indigenous plant communities
- to encourage the planting of indigenous vegetation.

Issues	Applicant's Design Responses	Council Comments	CAR*
On Site Topsoil Retention	There is no productive topsoil on this site.	-	NA
Maintaining / Enhancing Ecological Value	Landscaping on terraces will marginally improve the ecological value of the site.	-	1
Heat Island Effect	No specific information has been submitted.	-	1
Other	804m2 of communal space on the L3 and roof terraces.	-	1
Green wall	No information has been provided.	Consider a green roof or wall to improve the ecological value of this site.	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: 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 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

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 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

10. Construction and Building Management

Objective:

- to encourage a holistic and integrated design and construction process and ongoing high performance

Issues	Applicant's Design Responses	Council Comments	CAR*
Building Tuning	No specific information provided.	Comprehensive commissioning and tuning of all major appliances and services.	4
Building Users Guide	A Building Users Guide explaining optimal usage of building services and sustainability features within the development.	-	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 developed by the building contractor to monitor and control activities undertaken during construction.	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: 10. Construction and Building Management
ASHRAE and CIBSE Commissioning handbooks
International Organization for standardization – ISO14001 – Environmental Management Systems
Keeping Our Stormwater Clean – A Builder's Guide www.melbournewater.com.au

Attachment 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

Sustainable Management Plan (SMP)
for planning applications being considered by Yarra Council



Applicant Response Guidelines

Project Information:

Applicants should state the property address and the proposed development's use and extent. They should describe neighbouring buildings that impact on or may be impacted by the development. It is required to outline relevant areas, such as site permeability, water capture areas and gross floor area of different building uses. Applicants should describe the development's sustainable design approach and summarise the project's key ESD objectives.

Environmental Categories:

Each criterion is one of the 10 Key Sustainable Building Categories. The applicant is required to address each criterion and demonstrate how the design meets its objectives.

Objectives:

Within this section the general intent, the aims and the purposes of the category are explained.

Issues:

This section comprises a list of topics that might be relevant within the environmental category. As each application responds to different opportunities and constraints, it is not required to address all issues. The list is non-exhaustive and topics can be added to tailor to specific application needs.

Assessment Method Description:

Where applicable, the Applicant needs to explain what standards have been used to assess the applicable issues.

Benchmarks Description:

The applicant is required to briefly explain the benchmark applied as outlined within the chosen standard. A benchmark description is required for each environmental issue that has been identified as relevant.

How does the proposal comply with the benchmarks?

The applicant should show how the proposed design meets the benchmarks of the chosen standard through making references to the design brief, drawings, specifications, consultant reports or other evidence that proves compliance with the chosen benchmark.

ESD Matters on Architectural Drawings:

Architectural drawings should reflect all relevant ESD matters where feasible. As an example, window attributes, sun shading and materials should be noted on elevations and finishes schedules, water tanks and renewable energy devices should be shown on plans. The site's permeability should be clearly noted. It is also recommended to indicate water catchment areas on roof- or site plans to confirm water re-use calculations.

Attachment 8 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - ESD Referral Comments

CITY OF YARRA

MeMO

TO:	**Nik Mullechner**
cc:	
FROM:	**Euan Williamson, ESD Advisor**
DATE:	**22.10.2018**
FILE:	**622-642 Nicholson Street - PLN18/0172**
SUBJECT:	**ESD Response to Daylight Impact Analysis**

Nik,
I have reviewed the additional information provided by the applicant including Neighbouring Property Daylight Analysis Report prepared by Simpson Kotzman, 21st February 2018. In short, the additional information supports my concerns regarding impact on daylight access to the adjoining dwellings at 4 Bik Lane. The result of the proposed development will further reduce daylight access to these dwellings, well beneath our daylight standards.

I acknowledge that the existing standard of access to daylight in the adjoining dwellings does not meet our daylight standards, but this does not justify reducing the standard of daylight further. The existing outlook of the lower level dwellings is very poor.

I recommend that;

- The proposed development is reduced in height by 2 levels or more to improve the impact to daylight and,
- That the facade of the proposed development has a reflectivity of no less than 0.5, or 50%, as recommended in the Simpson Kotzman report.

To complement these measures, I also recommend that the applicant consider introducing an additional setback on the proposed ground floor supermarket level to match the first floor setback of ~4m from the boundary. I recognise that the existing wall on boundary is higher than the proposed wall on boundary, so this may be difficult to justify in planning terms, however it will improve the impact of the proposed development on the access to daylight of the adjoining dwellings, particularly on the ground floor.

Considering the proposed ground floor plan, an additional ground floor setback may be challenging where the vehicle turntable is located, but could be possible on the southern section of the façade that is proposed to include the general floor area of the supermarket.

If you or the applicant would like to discuss this further, please contact me.

Regards,

Euan Williamson
Environmental Sustainable Development Advisor

Attachment 9 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Urban Design Unit Referral Comments

CITY OF YaRRA

MeMO

TO:	Nikolas Muhllechner (Statutory Planning)
FROM:	Amruta Pandhe (Urban Design)
DATE:	23 July 2018
SUBJECT:	622-642 Nicholson Street, Fitzroy North
APPLICATION NO:	PLN18/0172
DESCRIPTION:	Development of the land for construction of a ten storey building plus three basement level and roof top terrace, the use of the land as an office, medical centre and a supermarket

Urban Design comments have been sought on the above proposal, in particular on the following matters:

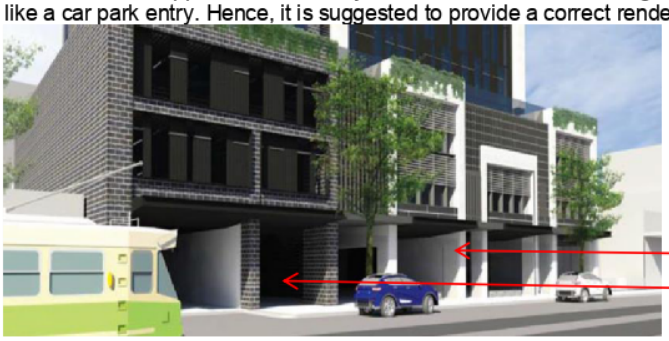
- The proposed development's integration with the streetscape and public realm, including vehicle/pedestrian entries, forecourt and lift lobby location.
- Are there are any capital works approved or proposed within the area of the subject site (as relevant to the planning application)? If so, please provide details and a copy of the plans associated with these works.
- Any other matters you wish to comment on.

Comments are provided below and are based on the drawings dated October 2017.

- **Street interface and public realm**
  The Built Form and Design policy at Clause 22.10-2 seeks to *"design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces"*.

  1. Ground Floor Interface
     The plans and the elevations demonstrate that the ground floor provides clear glazing along the street frontage. As per the ground floor plan the facade is built to the property boundary which is supported. The proposal presents too much glazing which precludes from providing sufficient visual interest in the façade. Hence, it is recommended to have a ground floor frontage that provides an engaging façade with right balance of glazing and non-glazing materials. The use of brick is highly supported and the ground floor will benefit with use of brick in the façade design. The use of material and fine grain architecture created for the streetwall is supported and will contribute positively to the streetscape environment.

     In the 3D renders it appears that the glazing is recessed and there are deeper columns/walls that extend from the upper floor. Currently the render shows the entire ground floor frontage to appear like a car park entry. Hence, it is suggested to provide a correct render.



Attachment 9 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Urban Design Unit Referral Comments

2. Street Furniture

Given the scale and type of development further opportunities for public amenity should be explored, particularly in relationship to street furniture. All proposed streetscape fixtures (bike hoops and seating) and clearance distances should be as per Technical Notes: City of Yarra Public Domain Manual, with all required clearances to be dimensioned. The location of the street furniture needs to take into consideration the clearance from kerb line, building line, street trees cut outs, entry doors and on-ground or underground services. A diagram is provided on last page to demonstrate some clearance standards from City of Yarra Public Domain Manual.

2.1 Bicycle Hoops

City of Yarra Strategic Transport unit recommends provision of 12 visitor bicycle hoops for the proposal. The existing design provides 10 bike hoops and all on the footpath. Provision of visitor bike hoops is acceptable, however, given the number of bike hoops required for this scale of development it is not acceptable to provide them on the footpath.

The ground floor plan shows the footpath width to be 4.5m but as per our GIS information the footpath is only 3.7-3.8m wide. There is an existing street tree near the electricity pole which is not shown on the ground floor plan. We would like the plans to be updated with right footpath width and the existing tree shown.

The footpath width is lesser than what is shown on the map and with existing street infrastructure, provision of 12 bike hoops will create a congested space in front of supermarket entrance and will clutter the footpath environment. Hence, it is highly recommended to provide majority of the bike hoops within the subject site's property boundary. It is important to locate the bike parking along the street frontage so it is clearly visible from the public realm. Hence it is recommended to set back section of ground floor facade to accommodate majority of the visitor bicycle parking, preferably between office lobby and supermarket main entrance so it will be easily accessible by supermarket and medical suites/office visitors. The design of the bicycle parking space should be designed as an integrated part of the building façade. It is acceptable to have maximum 1-2 bike hoops on the footpath but not all of it.
Refer to below annotated ground floor plan for suggested location.

2.2 Seats with Backs

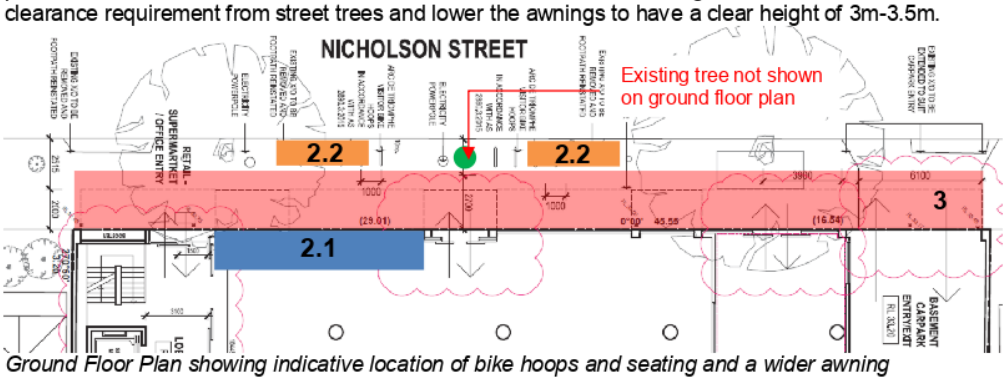
We recommend that some public seating be provided along Nicholson Street to accommodate anticipated use within the public realm, particularly with the proposed supermarket and medical suites uses.

It is recommending the seating is provided closer to the supermarket entrance and faces the building. Refer to below annotated ground floor plan for suggested location.

3. Awning

The ground floor plan shows a continuous awning, however, in West Elevation it appears that there are breaks in the awning. We highly recommend providing a continuous awning to avoid for rain to get through.

The awning provided by 646 and 616 Nicholson Street is approximately 3m wide and at a height of 3.5m which provides enough depth and height to protect from rain and sun. The width of the proposed awning is 2m and height is 4-6m which does not contribute in providing weather and sun protection to pedestrians. Hence, it is recommended to increase the width while taking into consideration the clearance requirement from street trees and lower the awnings to have a clear height of 3m-3.5m.



Ground Floor Plan showing indicative location of bike hoops and seating and a wider awning

Attachment 9 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Urban Design Unit Referral Comments

4. Vehicle and Pedestrian Access

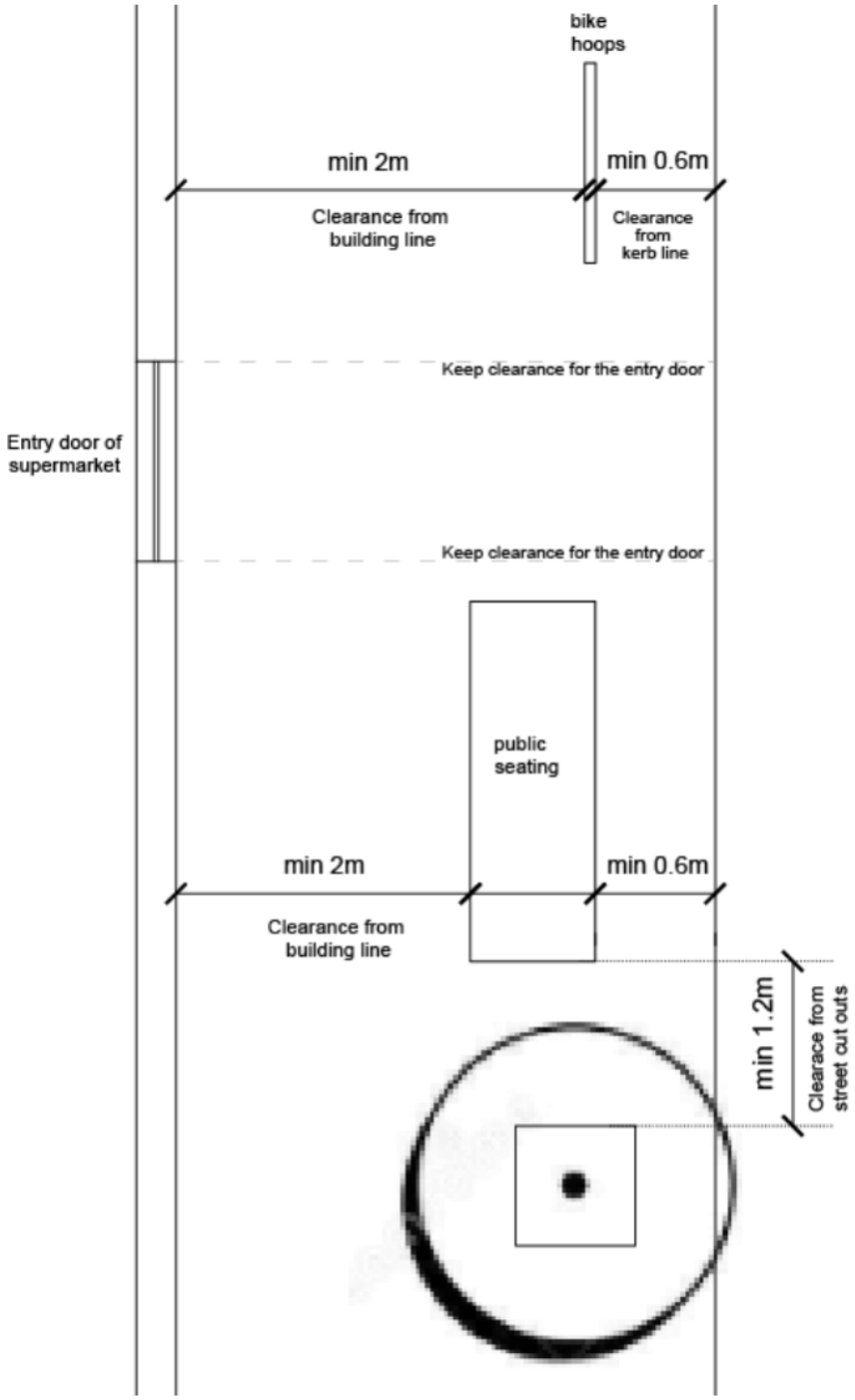
The proposal presents pedestrian entrance and vehicle access from Nicholson Street and delivery entry from right of way. There are concerns with using the right of way for deliveries and is recommended to get traffic advice. The proposal has replaced four cross-overs with one cross-over which is highly supported. The supermarket and office entrances are supported.

- **Any capital works**

  There are no planned capital works led by the Urban Design team which are in proximity to the site.

Attachment 9 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Urban Design Unit Referral Comments

The below indicative diagram shows the minimum clearance requirements stated in the manual for maintenance and functionality purpose. This is for guidance purpose only, please refer to the Yarra Public Domain Manual for details.



Attachment 10 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Streetscapes and Natural Values Referral Comments

Memo

diverse

vibrant

exciting

inclusive

To: Nikolas Muhllechner

Cc: Carrie Lindsay, Paul Whitten and Glen Williames

From: Craig Lupton

Date: 31 October 2018

Subject: PLN18/0172 - 622 - 642 Nicholson Street Fitzroy North - Streetscapes and Natural Values Comments

Dear Nik

The Streetscapes and Natural Values Team provides the following comments in relation to PLN18/0172 - 622 - 642 Nicholson Street Fitzroy North:

- The applicant must provide a tree protection management report that is consistent with AS4970 – Protection of trees on development sites.

- The amenity value (calculated using the City of Melbourne's Amenity Value Calculator) of the three (3) street trees in the footpath on Nicholson Street is:

Tree ID	3073	3072	3071
Amenity Value	$21,000.00	$133.00	$30,241.00

* Prices exclude GST

- An Asset Protection Permit Bond of $10,000 (ex GST) should be applied to the two London Plane Trees (Tree ID 3073 and 3071) to offset the cost of repairing any damage incurred to the trees during construction.

If you have any further questions, please do not hesitate to contact me on 0419 099 547.

Kind Regards

Craig Lupton
Coordinator Streetscapes and Natural Values

Attachment 11 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Strategic Transport Comments

Planning Referral

To:	Nikolas Muhllechner
From:	Julian Wearne
Date:	17/07/2018
Subject:	Strategic Transport Comments
Application No:	PLN18/0172
Description:	Construction of a ten storey building plus three basement levels and a roof top terrace, the use of the land as an office, medical centre, supermarket and a bottle shop, the sale of liquor for consumption off the premises, a reduction in the car parking requirement and alterations to the access to a road in a Road Zone, Category 1 by removing and altering crossovers to Nicholson Street.
Site Address	622 – 642 Nicholson Street, Fitzroy North

I refer to the above Planning Application referred on 27/07/2018, and the accompanying Traffic report prepared by Ratio in relation to the proposed development at 622-642 Nicholson Street, Fitzroy North. Council's Strategic Transport unit provides the following information:

Proposed Tram Stop Works

Council officers are currently collaborating with PTV on the construction of new DDA compliant tram-stops along the length of Nicholson Street. I have considered the likely impact of the proposed development on the currently proposed tram stop designs and am comfortable the two proposals will not be in conflict with each other.

Access and Safety

No major safety issues have been identified.

Footpath capacity

The proposal to include bicycle hoops perpendicular to the curb is not supported. By providing bicycle hoops perpendicular to the curb the trafficable width of the footpath will be unduly narrowed and will significantly reduce pedestrian capacity. It is noted that Council records indicate this footpath is narrower than shown on the plans.

Bicycle Parking Provision

Statutory Requirement

Under the provisions of Clause 52.34-3 of the Yarra Planning Scheme, the development's bicycle parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Medical centre	10 practitioners	1 employee space to each 8 practitioners	1 employee spaces	
		1visitor space to each 4 practitioners	3 visitor spaces.	
Office (other than	8471 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	28 employee spaces	

Attachment 11 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Strategic Transport Comments

specified in the table)		1visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	8 visitor spaces.	
Shop (includes Bottle shop and Supermarket)	1510 sqm	1 employee space to each 600 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	3 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	3 visitor spaces.	
Bicycle Parking Spaces Total			**32 resident / employee spaces**	**107 resident / employee spaces**
			14 visitor spaces	**18 visitor spaces**
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	**5 showers / change rooms**	**11 showers / change rooms**

The development provides a total of 75 additional employee spaces and 4 visitor spaces above the requirements of the planning scheme, and exceeds the recommended requirements for showers/changerooms (compared to the number of bicycle spaces provided).

Adequacy of visitor spaces
18 spaces are suitably designed as visitor bicycle parking spaces, on the Nicholson Street footpath, outside of the title boundaries. The remaining bicycle spaces located within the basement levels are not considered suitable for visitor use given their location and given they are co-located with employee spaces. Generally employee / visitor spaces should not be co-located given the different security and access requirements.

The provision of the visitor spaces is inadequate for the following reasons:

- Whilst 18 spaces meets the statutory requirement of 14 visitor spaces, it does not cater for Yarra's current or predicted future cycling demand.
- A minimum of 23 visitor spaces should be provided for the following reasons:
  - Best-practice recommends a rate of 1 visitor spaces to each 500sqm of office floor area[1], generating a requirement of 17 spaces for the office.
  - 6 visitor spaces are required to meet the restaurant requirement.
- All visitor spaces must be provided as a horizontal ground-level spaces.
- Where reasonably possible (and balanced against other planning considerations), the provision of bicycle parking should generally be contained within the title-boundaries of the subject site. Given the proposal includes full-demolition of the existing building and the site has a large street frontage, it would be preferred if at least the majority of visitor bike parking was provided within a ground-floor setback.
  - This has been discussed with Urban Design who have agreed the majority of visitor bike parking could be incorporated into a ground-floor setback without unduly compromising other urban design considerations.
  - It would be acceptable if 2-3 bike hoops were installed on the footpath, but these must be installed parallel to the curb as to not unreasonably compromise pedestrian space.

Adequacy of employee spaces
Number of spaces
The proposal includes an adequate supply of resident/employee spaces; noting:

[1] *Category 6 of the Built Environment Sustainability Scorecard (BESS) offers the following best-practice guidance for residential visitor bicycle parking rates: "Residential developments should provide 0.25 visitor spaces per dwelling."*

- the subject site is located in an inner-urban area with already high cycling-to-work demand, and trends indicate demand will continue to increase; and
- both local and state planning policies include objectives to promote sustainable transport modes, including cycling.
- Given the above, best-practice requires a rate of 1 space to each 100sqm of office floor space[2] and the statutory rates for other uses. This generates a recommended minimum rate of 89 employee / resident spaces. This is exceeded by the proposal.

Design and location of employee spaces and facilities
Employee and resident spaces are inadequately located and designed for the following reasons:

- Resident/employee bicycle parking is provided at Basement 1, Basement 2 and Basement 3. Due to the steep ramps that provide access to the car park, it is envisioned most cyclists would choose to access the spaces via the lift shaft.
- Given bicycle spaces are spread across multiple floors, users may be forced to make multiple trips via the elevator to find an available bicycle space. It is therefore recommended all employee bicycle spaces be located within one basement level. It is further noted some bicycle parking is located an unreasonable distance from lift-shafts.
- It appears that all lift shafts service Basement Level 2, but that the Basement 1 and Basement 3 are not serviced by all lifts. Given this, Basement Level 2 may be the most appropriate level. Ideally all bike spaces will be located within one secure compound.
- Alternatively to the above two points; it would be acceptable if the different tenancies were each assigned their own bike storage areas; with the appropriate amount of storage devices and appropriate access to each use. Which storage area is allocated to which use should be noted on the plans.
- None of the bike spaces are located within a secure facility. Pursuant to Clause 52.34-3 & Australian Standard AS2890.3 bicycle spaces for residents and employees must be provided in a bicycle locker, or in a lockable compound. The car park is not considered a lockable compound given it is accessible to supermarket visitors.
- Pursuant to AS2890.3 at least 20% of employee bicycle spaces in each secure facility should be provided at a horizontal ground level bicycle space.
- Given the above issues a full assessment of bicycle space dimensions and access ways has not been performed; however these should comply with Australian Standard AS2890.3.

The number, location and design of end-of-trip facilities are acceptable.

Electric vehicles / share cars / other relevant topics?
Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). Whilst it is acceptable no EV charging points are installed during construction, to allow for easy future provision for electric vehicle charging, all car parking areas should be electrically wired to be 'EV ready'. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose.

Green Travel Plan
It is noted most required information regarding travel options is provided within the Traffic Impact Assessment, however no Green Travel Plan (GTP) has been provided. Given the development has a total non-residential floor area of more than 1,000sqm, pursuant to Clause 22.17-4 a GTP must be provided. The GTP should outline or reference:

(a) a description of the location in the context of alternative modes of transport;
(b) employee welcome packs (e.g. provision of Myki/transport ticketing);

[2] *Category 6 of the BESS offers the following for best-practice guidance for 'Non-residential buildings should provide spaces for at least 10% of building occupants.' Assuming a floor-space occupancy of 1 staff member to 10sqm (which is the maximum rate allowed under the National Construction Code for fire safety), providing bicycle spaces for 10% of occupants results in a rate of 1 space per 100sqm of floor area.*

(c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
(d) a designated 'manager' or 'champion' responsible for coordination and implementation;
(e) details of bicycle parking and bicycle routes;
(f) details of GTP funding and management responsibilities;
(g) the types of bicycle storage devices proposed to be used for employee, guest and visitor spaces (i.e. hanging or floor mounted spaces);
(h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
(i) security arrangements to access the employee bicycle storage spaces; and
(j) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
(k) a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and
(l) provisions for the Green Travel Plan to be updated not less than every 5 years.

Recommendations

The following should be shown on the plans before endorsement:

1. The existing visitor bike parking located on the Nicholson Street footpath, which is perpendicular to the kerb, deleted.
2. A minimum of 18 visitor bicycle spaces, directly accessible from the street and appropriately located and designed for visitor use.
   a. A maximum of 6 bicycle spaces (i.e. 3 double sided hoops) may be installed outside the title boundaries on the Nicholson Street footpath. These must be installed parallel to the curb at the permit holders cost.
   b. The remaining visitor bike spaces must be contained within the title boundaries.
3. All employee bicycle parking located within a secure compound or secure compounds. Employee bicycle parking must:
   a. Be located at a single-basement level, or alternatively separate compounds should be allocated to separate tenancies with allocations noted on the plans.
   b. Be located with reasonable access to the appropriate lift shafts.
   c. Provide at least 20% of all bicycle spaces within each secure compound as a horizontal rail.
   d. Provide spaces and be accessible from accessways that meet the requirements of AS2890.3.
4. Notations regarding a minimum 40A single phase electrical sub circuit installed to the car park areas for 'EV readiness'.

A Green Travel Plan should be provided with the information outlined previously.

Regards

Julian Wearne

Sustainable Transport Officer
Strategic Transport Unit

Attachment 11 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Strategic Transport Comments

Muhllechner, Nikolas

From: Wearne, Julian
Sent: Friday, 2 November 2018 4:55 PM
To: Muhllechner, Nikolas
Cc: Pandhe, Amruta; Farmar-Bowers, Blake
Subject: RE: PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Strategic transport referral

Hi Nik

Here is my response to the sketch plans. I chatted earlier with Blake and Amruta about this site, so I've CC'd them both in.

Visitor bike parking
As discussed having the hoops within the footpath was only partly a concern due to DDA accessibility. Angling the hoops does provide a clear path north-south, but continuing to still provide all hoops within the footpath will also:

- Block pedestrians from accessing the footpath if they cross Nicholson Street mid-block at this location. Whilst Council does not try to encourage pedestrians to cross mid-block, it happens regardless and pedestrians must be able to get off the roadway safely once across;
- Interfere with street cleaning operations;
- Limit opportunity for future tree planting, or street furniture installations;
- Be an ongoing maintenance issue for Council; and
- Create a cluttered feeling along the footpath (I understand this concern was raised by Urban Design previously).

Given these concerns, I reiterate that the majority of visitor bike parking should be provided within the title boundaries.

Regarding the number of hoops that would remain acceptable within the footpath. I would usually consult with Urban Design to reach a conclusion on this number, but Amruta who provided earlier comments has not been available this afternoon. I would recommend you touch base with her.

Employee parking
That bike store looks terrific. They've resolved all my previous concerns and it looks fully compliant.

Kind Regards,

Julian Wearne
Transport Planning Officer
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Attachment 11 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Strategic Transport Comments

Attachment 12 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Acoustic Referral Comments

2 August 2018

640.10090.05460 622-642 Nicholson St Fitzroy Nth 20180803.docx

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

Attention: Nikolas Muhllechner

Dear Nikolas

622-642 Nicholson Street Fitzroy
Development Application Acoustical Review
PLN 18/0172

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic technical memorandum for the supermarket proposed for 622-642 Nicholson Street Fitzroy.

Details of the memo are as follows:

- Title: 622-642 Nicholson Street, Fitzroy North, Technical memo
- Date: 15 March 2018
- Prepared for: LK Property Group c/- Ratio
- Prepared by: Octave Acoustics

The report was prepared in response to Council concerns about noise from trucks accessing the proposed loading bay.

1 Background Information

(Sections 1 and 2 of the memo and architectural drawings)

The proposal comprises three levels of basement carparking, ground floor supermarket and offices and medical suites on levels 1 to 9.

Trucks are proposed to access the supermarket loading bay via Bik Lane. The loading bay itself is shown on the architectural drawings as being fully enclosed and fitted with a truck turntable.

The nearest residential receivers are identified as:

- Multi-level apartments along the eastern boundary of the subject site (648a Nicholson Street / 4 Bik Lane)
- The single level dwelling to the north (644 Nicholson Street)
- The single level dwelling to the south (622 Nicholson Street)

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www.slrconsulting.com ABN 29 001 584 612

SLR Comment: *The nearest noise sensitive receivers have been identified. We note that the private open space of ground level apartments at 648a Nicholson Street abuts the lane proposed to be used to access the loading bay, and the closest apartment windows are approximately 4 m from the lane.*

Limited information is provided relative to the proposed use of the delivery dock and it is unclear how many deliveries per day are anticipated or what types of trucks will be used.

Octave provide recommendations for limiting delivery times later in the memo, so this issue is effectively addressed. The truck turntable shown on the architectural drawings (HTT8 – 8 m diameter turntable) is suitable for medium rigid vehicles only, so it seems safe to assume that larger rigid trucks and semi-trailers will not make deliveries to the site. However this should be confirmed.

As the memo has been prepared to address Council's RFI with respect to noise from trucks accessing the supermarket loading bay other potential noise impacts from the use are not considered in any detail. These may include the following:

- *Noise from mechanical plant and equipment installed to service either the supermarket or the office building. The current plans show the supermarket condenser units on a Level 1 plant platform that abuts the residential boundary. Involvement of an acoustical consultant during the detailed design phase of the project is likely to be required on this project to ensure that project mechanical plant complies with SEPP N-1.*
- *Noise impacts from vehicles accessing a large basement carpark can be an issue on multi-level commercial projects. However, the three level basement carpark proposed is accessed via Nicholson Street only. Due to the fact that the entrance is on a busy road, noise from cars arriving or leaving the site is unlikely to be an issue.*
- *The project has a large (approximately 400 m²) roof top terrace (effectively on Level 10 of the building), and noise from use of such large terraces is an environmental issue on some projects. However, from our understanding, the apartment building to the east is 6 levels high, and consequently there will not be a line of sight from the proposed terrace to the apartments. Given the lack of overlooking, in conjunction with the probable high background noise levels at the potentially most impacted apartments (due to their elevation), unreasonable impacts from voice noise from the roof terrace would seem unlikely.*

2 Assessment of Delivery Truck Noise

2.1 Noise Legislation and Guidelines

(Section 3 of the acoustic report)

Noise from trucks accessing the loading bay is proposed to be assessed to SEPP N-1. Octave indicate that there is some ambiguity with regard to the applicability of SEPP N-1, as the laneway that is proposed to be used to access the site is public property and noise from public roads is not assessable to the SEPP. However the lane will be used almost exclusively by the supermarket and on those grounds the operator should have some responsibility for noise from its use.

SLR Comment: *We agree that assessment to SEPP N-1 provides an indication of the acceptability (or otherwise) of the proposed use of the laneway, and that compliance with the Policy is not mandatory if the lane remains public property. If the loading bay were to be used during the night period we would also recommend an assessment to sleep disturbance targets. However, as night use is not proposed, omission of these targets is appropriate.*

The instantaneous maximum noise level at apartments and private open spaces due to trucks using the lane is nevertheless a concern on this project due to the close proximity of these spaces to the lane. High levels of noise from regularly occurring events, however brief, will result in compromised amenity at the dwellings.

While there are no mandatory limits applicable to this situation, the discussion of investigation threshold levels in the Draft Passenger Rail Infrastructure Noise Policy, *August 2012, provides guidance with respect to the acceptable maximum noise levels for regularly occurring rail passby events from a new rail corridor to an existing residential area. The investigation threshold level is 80 dBA Lmax. A threshold level of 85 dBA Lmax is proposed for new dwellings near existing rail corridors.*

Unless very limited use of the laneway by trucks is proposed (in which case higher noise levels may be acceptable) we would recommend that the lower target of 80 dBA Lmax be met or only marginally exceeded in the planning assessment.

2.2 Noise Limits

(Section 3 of the acoustic memo)

SEPP N-1 Zoning Levels are provided in Table 1 of the report. An attended measurement of background noise was conducted during on Saturday 10 March at 3 pm, in the lane proposed to be used for deliveries. The measured level was 43 dBA L90.

SLR Comment: *Our calculations of the SEPP N-1 Zoning Levels agree with Octave's. The short measurement of background noise during the time that deliveries are proposed is a reasonable approach to determining noise limits in this instance, however the duration of the measurement should also be provided. The measured level is low, and it is possible that a similarly low level would be measured during the 'day' period, potentially resulting in a lower daytime noise limit.*

2.3 Assessment

(Section 4 of the acoustic report)

Octave has prepared a 3D computer noise model to predict noise from truck passby events to the nearest noise sensitive receivers. The assessment assumes one delivery in any 30 minute period. The predicted level is 53 dBA Leq,30 mins.

SLR Comment: *The assessment does not provide much technical information. We would expect a full acoustic report addressing impacts to include: assumed sound power level of the vehicle, duration of time the vehicle spends travelling and idling in the lane, and information regarding any corrections made to the SEPP N-1 level for noise character. This information should be provided in the full acoustic report for the project.*

Octave have stated in email correspondence that they used a sound power level of 100 dBA Lmax for the slow moving truck. This level is, in our experience, representative of a medium rigid truck, and is suitable for quantification of noise impacts from the use.

We have undertaken our own indicative calculations assuming a sound power level of 100 dBA Leq for a slow moving, medium rigid truck, and arrive at a similar Leq,30 minute level to Octave's. Our calculated noise level does not include a façade reflection (the SEPP N-1 effective noise level is a 'free field' level). Our calculations assume that the truck does not idle in the laneway, and that arrival and departure each takes 15 seconds.

The Lmax level outside the building for a truck passby with a sound power level of 100 dBA Leq is likely to be in the order of 82 dBA Lmax. This estimated level is 2 dB above the investigation threshold of 80 dBA Lmax that we have recommended, but within the range that we would consider marginally acceptable.

The memo does not include an explicit assessment of noise from the loading dock itself.

2.4 Recommendations

(Section 5 of the acoustic memo)

The following has been recommended to minimise the impacts of noise from delivery trucks:

- The roller door is to be shut once the truck enters the delivery bay.
- The truck turntable is to be used, which will eliminate noise from reversing vehicles (vehicle manoeuvring and reversing beepers).
- Delays associated with truck entry are to be minimised to reduce the amount of time trucks idle in the laneway.
- A low noise roller door is to be installed. The door is to produce a maximum sound pressure level of 65 dBA @ 5 m.
- A maximum of two deliveries are to take place in any 30 minute period between the hours of 7 am and 6 pm Monday to Friday and 7 am to 1 pm Saturday.

***SLR Comment**: The advice provided is reasonable and can be expected to assist in controlling noise impacts.*

Explicit advice is not provided regarding deliveries outside the hours of 7 am and 6 pm Monday to Friday and 7 am to 1 pm Saturdays however Octave have confirmed that deliveries are not proposed to take place during this period.

Up to two deliveries are proposed during the day period. Based on the information provided in the report this would result in a SEPP N-1 effective noise level of 56 dBA Leq, which is just compliant with the identified limit of 57 dBA Leq, and provides little margin for noise emanating from the loading bay itself. It is also of consideration that lower daytime noise limits may be identified for the site. Given this, it will be critical that any contribution from additional sources, such as trucks idling in the lane, and from the loading bay itself, is kept to an absolute minimum. A noise management plan for the supermarket should be put in place and should include a procedure for eliminating vehicles idling in the lane. This may include the requirement for advance notification of deliveries. Signage to the effect that truck idling in the loading bay is not to occur, should also be provided.

The memo does not provide a recommended acoustic rating for the roller door. This rating would be dependent on the level of noise assumed to occur within the loading bay due, for example, to the use of fork lifts, pallet trolleys and the like, and the truck itself within the loading bay. Depending on the activity levels within the loading bay, absorptive treatments to the loading bay may also be required.

The report does not include a recommended size limit for trucks accessing the loading dock. This may be unnecessary due to the physical constraints of the loading bay, however in the absence of information to that effect we would recommend that the permit be conditional on a maximum truck size equivalent to that of a medium rigid truck (e.g. not greater than 12.5 m long).

3 Summary

The acoustic memo prepared in response to the City of Yarra RFI regarding impacts from trucks accessing the proposed supermarket loading bay identifies the potential for a SEPP N-1 exceedance and provides advice for managing impacts, including: the restriction of deliveries to the SEPP N-1 defined day period only; the requirement for the loading bay roller door to be closed during deliveries, and the need to control truck idling in the lane outside the loading bay.

These measures are all appropriate and, if adequately implemented, could be expected to control noise to a reasonable and potentially compliant noise level. As Octave indicate, SEPP N-1 may not strictly apply to noise generated in the laneway, however it provides an appropriate measure of acceptability.

We suggest the following additional controls / clarifications:

- Truck deliveries are not to take place outside the hours of 7 am to 6 pm weekdays and 7 am to 1 pm Saturdays. (Van deliveries may be acceptable during the SEPP N-1 defined evening period.)
- Trucks accessing the loading bay are to be 12.5 m long or less (medium rigid trucks or smaller).
- A noise management plan for the supermarket is to be prepared. The plan should include a delivery procedure that will eliminate the need for trucks to idle in the lane outside the delivery dock, and in Bik Lane if there are overlooking residences.
- Signage is to be provided outside the loading bay to the effect that trucks are not to idle the laneway.
- Noise from deliveries, including truck movements in the lane outside the loading bay, is to comply with SEPP N-1 and is not to exceed 85 dBA Lmax outside dwellings. The measured Lmax level should not be corrected for façade reflection.
- The roller door proposed for installation on the project is to be reviewed and approved by the acoustical consultant to ensure that it will control noise from the loading bay to SEPP N-1 compliant levels.

The memo prepared by Octave is not a full acoustic report, however given that it provides a reasonably conservative approach to managing noise impacts from the loading bay, a full acoustic planning report may not be required to address this issue.

A large amount of mechanical plant will be required for the project, and some of this equipment is currently proposed to be installed in close proximity to dwellings. Due to the likely extent of the equipment and the proximity of residential receivers, we recommend that the planning permit require a full mechanical review be conducted by a suitably qualified acoustical consultant during the detailed design phase of the project to ensure that SEPP N-1 noise limits are not exceeded. Post compliance noise testing is recommended.

Yours faithfully,

Checked/
Authorised by: JA

Dianne Williams
Associate - Acoustics

Attachment 12 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Acoustic Referral Comments

Muhllechner, Nikolas

From: Dianne Williams <dwilliams@slrconsulting.com>
Sent: Friday, 12 October 2018 11:02 AM
To: Muhllechner, Nikolas
Cc: Jim Antonopoulos
Subject: HPE CM: RE: PLN18/0172 - 622-642 Nicholson Street Fitzroy North - acoustic review

Record Number: D18/176775

Hi Nik,
Most of the items over which there is a point of difference are fairly academic.
Referring to their summary (and discussing only those items where there is potential for disagreement):

- Dot point 2 – restriction on truck size to 12.5 m. Octave indicate that this is unnecessary due to the intrinsic limitations of the site and that in any case, compliance with noise limits is more critical. However, I would prefer to keep the truck size limit – I don't think we should rely on the limitation of the turntable to effectively restrict truck size (this may be able to be changed in the future). Also, if we were noise levels we would use levels approximately 6 dB higher for semi-trailers than for the rigid trucks Octave have modelled. Limiting truck size is a simple and easy to implement control over potential noise impacts. In any case, there is unlikely to be resistance from the applicant to this limit since that is what they appear to be currently proposing.
- Dot point 5 – maximum noise level for truck passby events. Octave argue that compliance with SEPP N-1 is adequate, and that application of an Lmax target is not necessary given that there is only likely to be one or two large truck deliveries per day. We agree that the frequency of the events is a reasonable consideration is this assessment. Provided there are only a few large deliveries per day, and assuming the truck size limit is implemented, this requirement could be omitted.

Regards,
Dianne.

SLR

Dianne Williams
Associate - Acoustics & Vibration

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Attachment 13 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Urban Design Consultant Referral Comments

Urban Design Memo

To:	Nikolas Muhllechner	Date:	24.04.2018
Company:	City of Yarra	From:	Hansen Urban Design Team
Re:	622-642 Nicholson Street, Fitzroy North		

Thank you for the opportunity to review the application package for the proposed 10 storey mixed-use development at 622-642 Nicholson Street, Fitzroy North, as outlined in the amended application plans prepared by Artisan Architects dated June 2018.

Following our site inspection, we have reviewed the relevant background drawing upon planning policy, analysis of the urban context and on our own intimate knowledge of the Fitzroy North and Carlton North area. We provide the following assessment in relation to urban design matters:

Site and context

The subject site is located on the eastern side of Nicholson Street within the urban block bounded by Reid Street to the south, Scotchmer and Alfred streets to the north, and Batman and Rae Streets to the east. The subject site is comprised of two titles and is generally of a regular rectangular shape. It has a broad frontage to the street of approximately 47m and a total depth of approximately 41m resulting in a site area of approximately 1,834m^2. The site is currently occupied a single four storey brick and render building that is built to boundary and is used for functions. The building has a ground level setback to Nicholson Street, where upper levels cantier lever over a porte-cochere serviced by 4 existing crossovers. To the rear boundary, the existing building presents a solid blank wall along its eastern boundary of approximately 8m in height.



Figure 1 Site ID

Attachment 13 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Urban Design Consultant Referral Comments

The key site interface conditions are as follows:

- To the immediate **south** lies a pair of single storey rendered Victorian terraces with a pitched corrugated iron roof at 620 Nicholson Street, in the Mixed Use Zone. The site has a low brick fence and looks out to the tram stop shelter on Nicholson Street. The properties' rear fence line is set close to the rear of the dwellings, leaving a dilapidated paved area abutting the laneway, used for parking and back-of-house functions of the 'Woodstock' restaurant on the corner of Nicholson and Reid Streets. It appears that these two properties are under the same ownership as the corner site, the 'Woodstock' restaurant.
- To the **north** lies a single storey brick dwelling with a tiled pitched roof at 644 Nicholson Street in the Mixed Use Zone which abuts the subject site for most of its northern boundary. The property has a low picket fence to the street frontage and abuts Bike Lane to its rear. Its rear private open space is sealed and used as car parking.
- To the **east** is the 3.26m wide laneway accessed via Reid Street and terminates at the southern boundary of the subject site. To the north of the laneways termination is the western edge of the 7 storey apartment building at 4 Bik Lane which abuts the majority of the site's eastern boundary. Courtyards and balconies with western aspect face towards the existing building at the subject site. Further to the east lies the fine grain heritage neighbourhood of Fitzroy North.
- To the **west** lies the 30m wide Nicholson Street which is a main north-south road in a Road Zone 1, containing the dedicated tram lines of Route 96. The street has boulevard qualities, lined with established canopy vegetation and a clear vista (south) towards to the CBD. Across the street lies the commercially zoned Carlton North side of the Nicholson Street Village, largely comprised of 1-2 storey terraces under heritage overlay with a fine grain subdivision pattern. To the rear of this strip is the fine grain, heritage residential areas of Carlton North. It is unlikely for this area to undergo significant change in the future due to heritage and fine grain allotments.
- The site presents a reasonable anomaly to its abutting residences and more broadly its urban block, where the majority of properties are subject to a fine grain subdivision pattern. The urban block on this eastern side of Nicholson Street is one of few unaffected by heritage overlay, prominent in this inner-north setting.



Figure 2 *The southern abuttal at 618-620 Nicholson Street.*



Figure 3 *The northern abuttal at 644 Nicholson Street.*



Figure 4 *The eastern abuttal at 4 Bik Lane.*



Figure 5 *The subject site and Nicholson Street looking south.*

Attachment 13 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Urban Design Consultant Referral Comments

Proposal

The proposal comprises the demolition of the existing building at construction of a 10 storey mixed use building encompassing a supermarket and liquor store, medical facility and upper level offices with podium and rooftop terraces the following characteristics:

- A 3 storey podium sheer to Nicholson Street and stepped setbacks from the rear ranging from 3.64m to 7.64m;
- 7 upper levels setback 6m from Nicholson Street (west), 13.64m from the rear (east) and 3m from both sides (north and south);
- 3 levels of basement comprising car parking and bicycle facilities accessed via a widened two-way crossover on Nicholson Street;
- Back of house and loading via Bik Lane to the rear of the supermarket and liquor store in the north-east corner of the site;
- A total building height of 10 storeys or 40.22m (42.6m when measured to top of lift overrun);
- Pedestrian access on Nicholson Street via the supermarket's central doors, liquor store and the common foyer in the southwest corner of the ground floor;
- A common foyer with access to the supermarket, lifts/stairs to medical facility waiting area on level 1;
- An office lobby with lifts/stairs to offices on levels 2-9.
- A contemporary architectural language across the podium / tower form.



***Figure 6** Artist's impression of proposal*

Attachment 13 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Urban Design Consultant Referral Comments

Planning Policy

The subject site is located within the **Mixed Use Zone (MUZ)** which seeks to;

- *Provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality*
- *Provide for housing at higher densities.*
- *Encourage development that responds to the existing or preferred neighbourhood character of the area.*

The site is also subject to the **Environmental Audit Overlay (EAO)** which present no requirements as the proposed development does not comprise a sensitive use.

The site is located within the Nicholson Village as identified as a Neighbourhood Centre under the Strategic Framework Plan (Clause 21.03) and is one of few sites located in the area not subject to Heritage Overlay.



Figure 7 *Planning Zones*

The following State and Local planning policies are considered relevant:

- Clause 16 – Housing;
- Clause 21.03 – Vision;
- Clause 21.05 – Built Form;
- Clause 21.07 – Environmental Sustainability;
- Clause 21.08 – Neighbourhoods;
- Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
- Clause 22.05 – Interface Uses Policy;
- Clause 22.07 – Development Abutting Laneways;
- Clause 22.10 – Built Form and Design Policy; and,
- Clause 22.14 – Development Guidelines for Places in the World.



Figure 8 *Planning Overlays*

Other relevant documents include:

- City of Yarra Urban Design Strategy (2011);
- City of Yarra Built form Review (2003);
- Victorian Urban Design Charter (2010); and,
- Urban Design Guidelines for Victoria (2017).

Attachment 13 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Urban Design Consultant Referral Comments

Urban Design Assessment

The development exhibits many positive characteristics in relation to an individual and contemporary object, principally in relation to providing a good street rhythm in the podium design, vertical articulation of the upper levels and high quality materials. The proposal's ambition to achieve a 10 storey (42.22m) scale along a 30m wide street in a largely heritage protected area however is problematic. The following review outlines these matters in further detail:

Site planning

- The proposal seeks to develop a podium-tower form extending to each boundary. While we note the applicant has no development obligation to the following, we recognise the site opportunity to extend the existing rear laneway through the site. This community benefit would provide separation to rear interfaces of existing development at 4 Bik Lane and 7 Reid Street while also contributing to the wider laneway network.
- The proposal capitalises on the rear laneway for servicing and delivery to the supermarket, utilising an internal vehicle turntable to manage delivery truck/van movement inside the building. However further information is sought to illustrate how the liquor store is serviced or where its back of house activity will occur. The rear wall of the store is abutted by ramps associated with the loading area servicing the supermarket making it inaccessible from the rear. For a positive public realm outcome to be achieved along Nicholson Street, the delivery facility to the rear should have the capacity to service all retail outlets associated with the development.
- Based on the current ground floor layout, it is assumed there is no operational relationship between the supermarket and liquor store as they share no servicing facilities or access points. If this is not the case, the plans should demonstrate whether there are common internal entry points between the tenancies, as demonstrated between the supermarket and lobby area.
- We note that circular columns are proposed in all levels above ground. We recommend that these are amended to square columns as to align with the geometric elements of the building and particularly the office typology of upper levels.
- It is recommended that an internal layout arrangement of the supermarket is shown, in order to understand internal movement and relationship to the lobby, Nicholson Street and the liquor store.
- The location of bicycle facilities on basement Level 3 requires further consideration; presently impractical for the cyclist and raises concerns regarding accessibility and legibility. Cyclists arriving and departing in an office building at peak hour navigating down and climbing up three levels of car parking is circuitous and unrealistic for the cyclist and likely to conflict with vehicular movement. This is likely to encourage the use of the elevator by cyclists for access the facilities three levels underground. We recommend that most cyclist facilities are located across Basement Level 1 and Ground Level with minimal journey and overlap with vehicles using the car parking. Figure 9 suggest a potential location for the main cyclist facility on Basement Level 1 to minimise the journey and potential vehicular conflict. This could be a secured glass walled room within the basement, conveniently positioned between the ramp and the lobby.

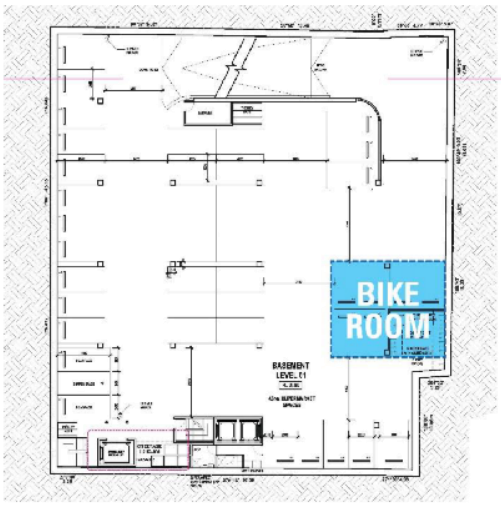


Figure 9 Suggested relocation of Basement 3 bike facilities to Basement 1

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Height & Transition

- The proposal seeks to leverage off the heights of a number of 7-10 storey developments in Melbourne's inner north, of which are currently at various stages of planning application. It is noted that of the reference forms selected, few of those at the taller end of the spectrum are approved. They are also located in varying contexts, such as the boulevard typology of Queens Parade which is double the width (60m) of Nicholson Street (30m), warranting various responses.
- In the immediate context, the established 7-storey precedent at 4 Bik Lane and 6-storey precedent at 7 Reid Street provide logical argument that the Nicholson Street development with address to a public transport corridor and Neighbourhood Village strip, has the capacity to accommodate a development of greater scale. However with 4 Bik Lane providing transition down to the low scale, heritage protected Batman Street, the proposed 10 storey form results in too steep of a transition from the east.
- To the west across Nicholson Street where finer grain and shallower allotments under Heritage Overlay front Nicholson Street, it is unlikely in the future that the opposite side of the street will also accommodate upwards of 10-storey development unless significant land amalgamation is achieved. This is also due to the proximity of 1-2 storey heritage terraces to their rear fronting Station Street. Thus, we do not agree that a 10-storey development is of a sufficient scale to the Nicholson Streetscape at this location.
- The rising 10 storey tower form above the podium is likely to be also dominant to the pedestrian experience from the streetscape on Nicholson Street opposite the subject site, as illustrated below.
- East of the subject site there is an existing precedent of built form transition down to properties fronting Batman Street within the NRZ1 (2 storey height limit). Our position is that the proposed 10 storey building on the subject site will be significant in the visual setting of the heritage pocket, as demonstrated in Figure 10. The removal of 2 storeys is likely to lessen this impact and be reasonably screened behind existing buildings of 4 Bik Lane.
- Overall, we recommend the building height is reduced down to 8 storeys to provide a smoother transition to the east, secure the long term streetscape scale of Nicholson Street, and provide a scale proportionate between the street width (30m) and the overall building height.

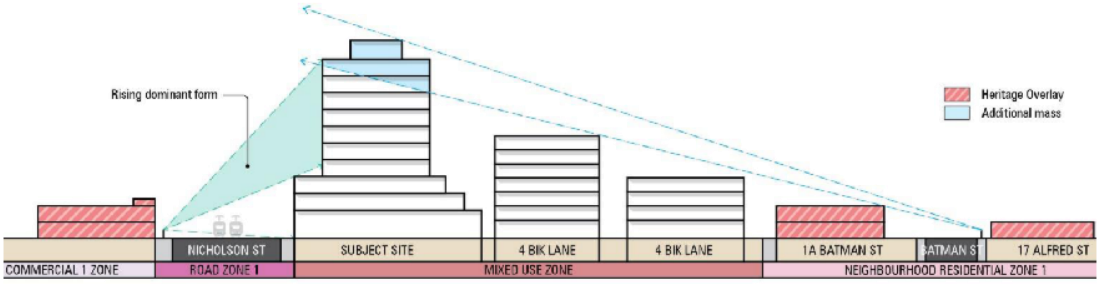


Figure 10 *The proposed steep building transition to its surrounding context.*

Amenity

- The proposal broadly comprises a high level of external amenity through the inclusion of communal podium and rooftop terraces which provide amenity for tenants of the offices and medical facility, and additional passive surveillance/visibility onto Nicholson Street. The proposed 1.5m high screening to side boundaries from the terraces are sufficient in ensuring no unreasonable overlooking of surrounding open space and habitable rooms.
- There are minimal concerns with the amenity of the first floor medical suites and upper level offices which are presented as open plan with bathroom facilities on each level.

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- Medical suites 6-10 have access to daylight via windows 1.7m above floor level to provide privacy between the suites and the existing residential dwellings to the rear. This arrangement also provides a degree of articulation to the rear façade.
- We query whether the size of the reception/waiting area on Level 1 is adequate for servicing 10 medical suites, noting that at least one seat would be necessary per suite. The space designated to waiting area contains three points of arrival through an elevator and two stair cases with the reception desk out of sight from each of these. Overall the waiting area appears to be leftover space and tokenistic. It is recommended that a more generous spacious arrangement is provided for the waiting area through reconfiguring the overall floor layout.
- There is some concern regarding overshadowing to existing private open space at adjoining properties. We accept that in this Mixed Use Zone, change in the future is likely to occur at 618-620 Nicholson Street. Therefore, there is less concern regarding overshadowing to the rear yards in their current dilapidated state. However as demonstrated in the provided 3-Dimensional shadow analysis, the proposed building overshadows the entire extent of multiple neighbouring balconies to the rear at 7 Reid Street after 1pm at the Spring Equinox. This is not considered to be acceptable particularly as 7 Reid Street and 4 Bik Lane are unlikely to undergo change in the foreseeable future. As specified in the Schedule to the MUZ, the applicable B17 Standard states that the Responsible Authority must consider the impact on the amenity of secluded private open space of existing dwellings.
- The lack of mitigation to preventing off-site amenity impact is also at odds with Clause 22.10-3.8. In considering this, it would be useful in viewing an elevation shadow analysis to determine the extent of the overshadowing which we believe is currently excessive to the existing private open spaces of dwellings during lunch time hours of Spring. This may be somewhat mitigated by reducing the overall height of the building to 8 storeys.
- While it is useful that the applicant has supplied both the plans of 4 Bik Lane and potential development scenarios of the neighbouring sites, it is unclear how boundary wall development to the neighbouring sites impacts on internal amenity at levels G-2. The supplied development scenarios for 644 and 618-620 Nicholson illustrate potential floor layouts for upper levels, where some rooms contain minimal solar access. It is recommended the applicant demonstrates how equitable development is achieved to potential podium levels of neighbouring sites.

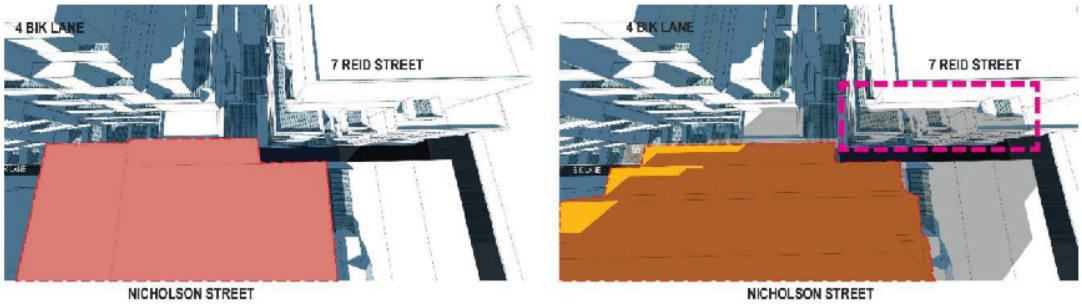


Figure 11 Overshadowing impacts to existing off-site amenity at 7 Reid Street after 1pm.

Interface Management

- The proposed supermarket, liquor store and lobbies to the Level 1 medical facility is anticipated to create an active frontage to Nicholson Street; a positive improvement to the presently vehicle-oriented frontage of the existing building via its four crossovers and porte-cochere. While the proposal will contain basement access from Nicholson Street and a higher volume of vehicular traffic, it will be contained to a single crossover replacing the existing four. This presents a considerable enhancement to the street interface

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- The rendered perspective views of the building along Nicholson Street does not demonstrate in totality how the building frontage interacts with the street as without glazing shown, these views present what appears to be a relatively blank interface with dark entrances reading as a series of dark voids and garages. It is recommended these views are updated to reflect the materials designated to the frontage in the elevation drawing.
- It is also recommended that the building canopy awning along Nicholson Street is lowered from its proposed height of 4.0m-4.8m down to at least 3.0m to enhance the pedestrian scale in front of the building and provide genuine climate control and protection from rain/wind. Additionally along the street interface, it is currently unclear if/where building services such as a booster cabinet will be located.

Architectural expression and materiality

- The proposed contemporary architectural façade is overall one of articulation and rhythm. The street wall successfully implements a rhythm consistent to that of 1-3 storey terrace buildings located along village strips in Fitzroy North, Carlton North and surrounds. It provides its own reinterpretation of fine-grain vertical elements typical of the area and by doing so, successfully manages the horizontal challenge of a 45m long street boundary, in an area comprising of predominantly fine-grain allotments.
- The double ceiling height windows of the upper levels on the northern and southern elevation effectively contributing to reducing visual bulk through creating the visual effect of less perceived floor levels. We consider this approach to be a positive attribute of the proposal.
- The proposal utilises a range of materials to successfully create a vertical flow across the wide frontage, both at the podium and upper levels. With the use of an off-centred 'void' through changes in materiality, the overall proposal reads as two buildings that flow from the podium to atop the upper levels. The applicant may consider repeating this tactic again toward the southern boundary as to further reduce visual bulk and horizontality of the upper level form.



Figure 12 Vertical articulation through window heights on southern elevation.

Attachment 13 - PLN18/0172 - 622-642 Nicholson Street Fitzroy North - Urban Design Consultant Referral Comments

Conclusion

The proposal broadly demonstrates a considered response to the subject site through providing ground level activation to the street, a high degree of articulation and rhythm in the street wall of a suitable 3 storeys, vertical separation of the upper levels through materiality, and a generally satisfactory degree of elegance in its contemporary architectural response.

Therefore, **our fundamental concern is the overall proposed heig ht and we recommend reduction in the overall height to 8 storeys** in response to overshadowing to existing off-site amenity, transition to residential areas to the west, and appropriately responding to the typically low scale setting of the heritage protected Nicholson Street Village and surrounds.



Figure 13 *The fundamental recommendation of reducing the proposed height to 8 storeys*

Otherwise our other recommendations a more minor in nature and are as follows:

- Ensure bicycle facilities are located no lower than Basement Level 1;
- Lower the building canopy height to 3.0m;
- Ensure servicing and loading to the liquor store is achieved via the proposed loading facility via the existing rear laneway;
- Illustrate the internal layout of the proposed supermarket;
- Revise the layout of the waiting room of the medical suits on Level 1 to ensure sufficient space is provided;
- Updated perspective views to illustrate active frontages to Nicholson Street and glazed building edges;
- Demonstrate how equitable development is achieved to neighbouring sites at the podium level; and,
- Provide detail to the location of servicing attributes along Nicholson Street such as a booster cabinet.

We would be happy to liaise with the design team directly to progress these refinements in a timely manner. Should you have any further enquiries, please don't hesitate to contact us on 9664 9838.

Yours faithfully,

Hansen Partnership Pty Ltd

Urban Design Team

1.2 115 Easey Street, Collingwood - PLN17/0655 - Full demolition of the existing dwelling and construction of three dwellings on a lot.

Executive Summary

Purpose

1. This report provides an assessment of planning permit application PLN17/0655 at No. 115 Easey Street in Collingwood for the full demolition of the existing dwelling and construction of three dwellings and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:

   (a) Built form (Clauses 15.01 and Clause 21.05);
   (b) Heritage (Clauses 15.03, 21.05-1 and 22.02); and
   (c) Rescode (Clause 55).

Key Issues

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

   (a) Planning Policy Framework and Local Planning Policy Framework;
   (b) Heritage;
   (c) Clause 55 (ResCode); and
   (d) Objector concerns.

Submissions Received

4. A total of eight (8) objections were received to the application. These can be summarised as:
   (a) Height and appearance out of character in heritage streetscape;
   (b) Additional strain on on-street car parking, including visitors to site;
   (c) Structural issues;
   (d) Noise from car park;
   (e) Overdevelopment of the site;
   (f) Off-site amenity impacts (overlooking, overshadowing, lack of green spaces and visual bulk); and
   (g) Impact on trees.

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) Amendment to basement to reduce impact on trees;
   (b) Provision of revised arborist report demonstrating the Tasmanian Blue Gum at No.116 Sackville Street will not be detrimentally impacted by the proposed development; and
   (c) Changes to façade finishes and balcony size.

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

1.2 115 Easey Street, Collingwood - PLN17/0655 - Full demolition of the existing dwelling and construction of three dwellings on a lot.

Trim Record Number: D18/184864
Responsible Officer:

Proposal:	Full demolition of the existing dwelling and construction of three dwellings on a lot.
Existing use:	Dwelling
Applicant:	Neil Fletcher Design
Zoning / Overlays:	Neighbourhood Residential Zone (Schedule 1) Heritage Overlay (Schedule 321) Special Building Overlay
Date of Application:	15 August 2017
Application Number:	PLN17/0655

Background

1. The application was received by Council on 15 August 2017, with additional information received on November 2017. The application was subsequently advertised in November 2017. Six (6) objections were received.

   Lodgement of S57A plans

2. In response to objector and officer concerns, revised section 57A amended plans were lodged on 8 June 2018 and were subsequently advertised. A further two (2) objections were received, resulting in a total of eight (8) objections. Two (2) existing objectors provided further submissions confirming their continued objection to the development.

3. These plans showed the following changes:

   (a) Reduced the number of dwellings from 4 to 3;
   (b) Increased the setback of the basement from the rear boundary from 1.35-1.73m to 2m-2.2m;
   (c) Increased the setback of the basement from the front boundary from approx. 4m to 4m-6m.
   (d) Reduced the number of car spaces from 4 to 3 (with deletion of vehicle turn table);
   (e) Changed setbacks from the front boundary from 4.89m to 3.5m (façade) to 5m (garage door) at ground floor and 3.7m (balcony) and between 5.7m-5.9m (façade) at first floor;
   (f) Increased the setback of the ground and first floor from the rear boundary from an average of 1.6m to an average of 3.2m;
   (g) Changed setbacks to the east boundary from a minimum of 1m to between 0m-2.1m;
   (h) Changed setbacks to the west boundary from a minimum of 0m to between 1m-3.6m;
   (i) Reduction in maximum height from 6.95m to 6.85m;
   (j) Changed wall materials from render and zincalum to render and wooden cladding, with the garage door changed from a roller door to a perforated steel door;
   (k) Changed window form; and
   (l) Balconies repositioned.

4. These plans now form the decision plans.

The Proposal

5. The proposal is for the full demolition of the existing dwelling and construction of three (3) dwellings. The proposal can be described as follows:

(a) Demolition of the dwelling and front fence including part of the western fence (retaining other fences);
(b) Construction of 3 dwellings on site with Dwelling 1 and 2 having two bedrooms each at ground floor and Dwelling 3 have a living/kitchen area and private open space;
(c) Dwellings 1 and 2 have living/kitchen areas and a balcony (10.4 and 8.5sqm) at first floor with Dwelling 3 having 2 bedrooms;
(d) The dwellings would have a maximum height of 6.85m;
(e) The basement would have setbacks from the rear boundary of 2m-2.2m, from the front boundary of 4m and 6m and would be built to the east and west boundaries. The basement accommodates 3 car spaces, 3 storage areas measuring 5 cubic metres each, a stair to ground level and 6 bicycle racks. The car spaces will be accessed via a car lift on the east side of the basement;
(f) The ground floor would have setbacks from the front boundary of 3.5m and 5m, east boundary of 1.1m and 1.5m, west boundary of 1m-2m and an average of 3.2m to the rear boundary;
(g) The first floor would have setbacks from the front boundary of 3.7m (balcony) and 5.7m and 5.9m (façade), east boundary of 1m-2.1m, west boundary of 1.71m-3.6m and an average of 3.2m to the rear boundary;
(h) Wall materials would include render and wooden cladding, with a garage door of perforated steel.
(i) A 0.9m high timber picket fence is proposed to the front boundary with the rendered letterbox enclosure also forming part of the fence. A 0.9m high rendered meters enclosure is located behind the letterboxes. The bin storage area would be enclosed by an approx. 1.3m high render wall located behind the meters enclosure. The front fence does not extend across the proposed driveway.

Existing Conditions

Subject Site

6. The subject site is located on the south side of Easey Street, midway between Hoddle Street to the east and Gold Street to the west. The site has east and west boundaries of approx 29.8m long and a front boundary of 10.11m and rear boundary of 9.52m, with a total area of 297.4sqm. The site is occupied by a single storey weatherboard dwelling that is graded 'contributory' to the heritage overlay. The dwelling has a 4m setback to Easey Street with the rear open space being 6m and 9m in length.

Surrounds

7. To the immediate west of the subject site is No 113 Easey Street, a single storey 1960's era redbrick dwelling listed as 'non-contributory' under the heritage overlay. The eastern wall is setback between 1.5m and 3.8m from the shared boundary with a car space located in the wider setback and 5 habitable room windows. Private open space is located to the rear with an outbuilding located in the south-east corner.

8. To the immediate rear of No 113 Easey Street is No.116 Sackville Street (a single storey 'contributory' dwelling) which has a large Tasmanian Blue Gum tree in the north-east corner of its open space and adjacent to the rear boundary of the subject site. To the immediate rear of the subject site is No.118 Sackville Street (a single storey 'non-contributory' dwelling) with private open space measuring 11m in length.

9. To the immediate east of the subject site is No 117-119 Easey Street, a single storey 'non-contributory' 1960's era redbrick dwelling. The building has a western wall which is setback 2.5m from the shared boundary, with 1 habitable window on its west wall facing the subject site. Private open space is located to the rear and measures 9m in length with a shed located in the south-east corner of the open space (shed incorrectly shown on the plans in the south-west corner).

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (Schedule 1)

10. The subject site is zoned Neighbourhood Residential Zone (Schedule 1). The following provisions apply:

    (a) Pursuant to Clause 32.09-6, a planning permit is required to construct two or more dwellings on a lot.
    (b) Pursuant to Clause 32.09-9, a building used as a dwelling or residential building must not exceed the height of 9 metres and the building must contain no more than 2 storeys at any point.
    (c) Pursuant to Clause 32.09-4, a dwelling or residential building on a lot of 400sqm or greater must provide the minimum garden area requirements. With the site measuring 297.4sqm this clause is not applicable to the current application.

Overlays

Heritage Overlay (HO321- Gold Street Precinct)

11. 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 (Revised May 2018)

12. The building on the subject site is located within Schedule 321 and identified as 'contributory' to this precinct as outlined in the incorporated document.

Special Building Overlay

13. Pursuant to Clause 44.05-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works.

14. Pursuant to clause 44.05-6 an application must be referred to the relevant floodplain management authority under Section 55 of the Act. Melbourne Water is the relevant Referral Authority.

Particular Provisions

Clause 52.06 – Car Parking

15. 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.

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

Land Use	Rate	No. of dwellings proposed	Spaces required	Spaces proposed	Reduction sought
Dwelling	1 car space to each 2 bedroom dwelling.	3	3	3	0

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

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

General Provisions

Clause 65 – Decision guidelines

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

19. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision

State Planning Policy Framework (SPPF)

Clause 15.01-1S – Urban Design

20. The relevant objective of this clause is:
    (a) *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Clause 15.01-2S – Building Design

21. 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 15.01-5S – Neighbourhood Character

22. 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

23. 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

24. The objective of this clause is:

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

25. 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

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

Clause 16.01-1R – Integrated housing- Metropolitan Melbourne

27. 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

28. The objective of this clause is:

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

29. 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

30. 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

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

32. 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

33. 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

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

Clause 18.01 – Integrated Transport

35. The objective (clause 18.01-1S) of this clause is:
(a) *To create a safe and sustainable transport system by integrating land use and transport.*

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

36. Clause 21.03 of the Scheme outlines strategic objectives for land use, built form, transport and environmental sustainability within the City. Strategies to achieve the objectives are set out in the following clauses of the MSS.

Clause 21.04 – Land use
Clause 21.04-1 – Accommodation and Housing

37. 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 21.05 Built form

Clause 21.05-1 Heritage

38. 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.

39. 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

40. This clause incorporates the following relevant objectives:

    (a) *Objective 16 - To reinforce the existing urban framework of Yarra; and*
    (b) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*

Clause 21.07 – Environmental Sustainability

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

Clause 21.08 Neighbourhoods

42. Clause 21.08-5 describes this area as follows:
    (a) *Much of Collingwood is industrial in character with the residential precincts surrounded by or interspersed with industrial buildings.*

    Relevant Local Policies

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

43. 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.

44. The relevant policies with regards to demolition/removal of a building of this clause are:
    (a) *Generally encourage the retention of a building in a heritage place, unless:*
        (i) The building is identified as being not contributory
        (ii) The building is identified as a contributory building, and
            - *New evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time) and*
            - *The building does not form part of a group of similar buildings.*
    (b) *Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.*
    (c) *Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*
        (i) That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).
        (ii) For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.

45. The relevant policies with regards to alterations and additions of a building of this clause are:
    (a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*

        (i) Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;
        (ii) Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;
        (iii) Be visually recessive and not dominate the heritage place;
        (iv) Be distinguishable from the original historic fabric;
        (v) Not remove, cover, damage or change original historic fabric;
        (vi) Not obscure views of principle façades;
        (vii) Consider the architectural integrity and context of the heritage place or contributory element.

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

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

    (d) *Minimise the visibility of new additions by:*

(i) Locating ground level additions and any higher elements towards the rear of the site;
(ii) Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1);
(iii) Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3);
(iv) Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.

(e) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

46. This policy applies to new buildings. The objective of this clause is:

(a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*

Clause 22.17 – Environmentally Sustainable Design

47. 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

48. The application was received by Council on 15 August 2017, with additional information received on November 2017. The application was subsequently advertised on November 2017 and 6 objections were received.

Lodgement of S57A plans

49. In response to objector and officer concerns, revised section 57A amended plans were lodged on 8 June 2018, with these plans subsequently advertised in June 2018. A further two (2) objections were received resulting in a total of eight (8) objections. A planning consultation meeting was held on the 24 July 2018 and was attended by the applicant, 3 objectors and Council officers. No resolutions were reached at the meeting.

50. The grounds of the eight (8) objections are summarised as follows:

(a) Height and appearance out of character in heritage streetscape;
(b) Additional strain on on-street car parking, including visitors to site;
(c) Structural issues;
(d) Noise from car park;
(e) Overdevelopment of the site;
(f) Off-site amenity impacts (overlooking, overshadowing, lack of green spaces and visual bulk); and
(g) Impact on trees.

Referrals

External Referrals

51. The application was required to be referred to be referred to Melbourne Water who were supportive of the application subject to conditions requiring the floor levels at the site be above the applicable flood level. Their comments are included as an attachment to this report, with their conditions included in the officer recommendation.

Internal Referrals

52. The following internal referrals were made:
    (a) Engineering Services Unit.
    (b) Heritage advisor.
    (c) Open Space.

53. Referral responses are contained in the appendices to this report.

OFFICER ASSESSMENT

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

    (a) Planning Policy;
    (b) Heritage;
    (c) Clause 55 (ResCode); and
    (d) Objector concerns.

Planning Policy

55. When assessed against the Planning Policy Framework and Local Planning Policy Frameworks (PPF & LPPF), there is strategic support for the development with regards to its location within proximity to the Smith Street Activity Centre (AC) (550m to west) and within the Neighbourhood Residential Zone (NRZ1). The purposes of the NRZ are as follows:

    (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
    (b) *To recognise areas of predominantly single and double storey residential development.*
    (c) *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*

56. It considered that the proposed development fulfils these objectives, and allows for modern medium sized development within an inner-city context that is ideally located to take advantage of existing public transport services including tram services available along Smith Street (550m west), buses along Hoddle Street (170m east) and Johnston Street (140m south) and Victoria Park Train Station (300m east).

57. Clause 11 of the Scheme aims for an increase in diversity of choice, economic viability, accessibility and land use and transport integration, whilst facilitating sustainable development that takes full advantage of existing settlement patterns. The future residents of the dwellings will use the services available in the nearby commercial environments on Smith Street, Brunswick Street and Johnston Street.

58. The development also accords with a number of key strategic policies within the Scheme, in particular clause 15.01-1S and 18.01-1S, by providing higher density housing with connections to public transport/cycling networks and by increasing and consolidating the supply and diversity of housing in existing urban areas. For all of the reasons outlined above, the proposal is considered to achieve sufficient compliance with the relevant planning policies.

59. Pursuant to clause 52.06 of the Scheme, the development is required to provide a total of 3 car spaces, with 3 provided. Despite compliance with this standard, objectors have raised concerns that insufficient on-site car parking has been provided particularly for visitors. As the Scheme does not require visitor spaces it is not reasonable to require additional on-site car spaces. Encouraging the use of public transport as well as walking and cycling as modes of transport is central to Council policy objectives relating to sustainable transport. Forcing developments to provide additional parking, as set out in the Scheme, will not encourage achieving the objectives of sustainable transport that are outlined in clauses 18.02 and 21.06 of the Scheme. Further residents will not be eligible for on-street resident or visitor parking permits which will ensure the development will not place undue strain on existing on-street car parking. The applicant would be reminded of this via a note.

Heritage

60. The following section will consider the design response to relevant Local policy, including the advice of Council's Heritage advisor. 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) and Clause 22.02 (Development Guidelines for Sites subject to the Heritage Overlay). The site is categorised as contributory to the heritage overlay.

Demolition

61. It is proposed to demolish the existing dwelling. Council's heritage advisor has not supported this stating the dwelling retains enough of its original contributory features (predominately the roof form and the weatherboard side walls) to allow for its retention and restoration. Clause 22.02 policy objectives stipulate the poor condition of a dwelling should not in itself be justification to allow for the removal of a contributory building. As outlined by Council's heritage advisor the contributory dwelling has been significantly altered externally. The roof form and associated chimney are the only visible contributory features. As shown in the following images provided by Council's heritage advisor, alterations to the façade include a weatherboard parapet that obscures views to the roof from, enlarged windows and modern verandah.

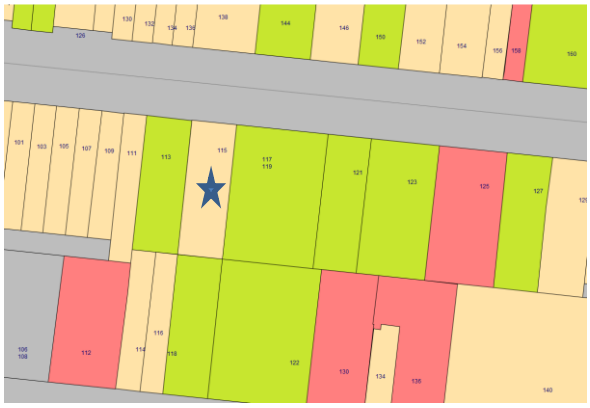


Above: View towards subject site from the north-east.

62. The applicant submitted a report by a heritage expert (Peter Andrew Barrett) who supported the proposed demolition based on the following clause 22.02 policy objective:
    (a) *Generally encourage the retention of a building in a heritage place, unless:*
        (i) The building is identified as a contributory building, and

- *New evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time) and*
- *The building does not form part of a group of similar buildings.*

63. The following images show the mix of contributory (in brown), individually significant heritage dwellings (in red) and non-contributory dwelling (in green). The dwelling is located within in a row of four non-contributory dwellings.



64. The applicant's heritage expert argues the dwelling is located in a row of 4 non-contributory dwellings, demolition can be justified in line with the above policy as the dwelling "*does not from part of a group of similar buildings".*

65. Council's heritage advisor has responded to this argument by the applicant's heritage expert by stating the majority of the dwellings in the heritage precinct are contributory dwellings. Council's heritage advisor argues the loss of the dwelling would negatively impact the precinct. However, the policy objective above does not point to taking a broader view of the heritage area but directs considerations to its immediate context. Furthermore, the precinct includes a large area bounded by Alexandra Parade, Hoddle Street, Sackville Street and Wellington Street with the subject site located toward the precinct's southern edge.



Above: View towards subject site from across Easey Street.

66. Whilst the dwelling has a contributory grading, the modifications to the dwelling include an altered façade with an added parapet which obscures views of the roof, enlarged front windows and a modern verandah. As a result, this dwelling does not present a strong example of a contributory dwelling.

Further to this, the removal of this heavily modified contributory dwelling located in a row of 4 non-contributory dwellings would not create a gap in a row of contributory/individually significant buildings and so its demolition would not interrupt the rhythm of the heritage streetscape. For these reasons, support is recommended for the proposed demolition as it is considered to satisfy the above policy objectives.

Buildings and works

67. In relation to the proposed dwellings and their presentation to the heritage streetscape, the following policy objectives apply:
    - *(i) Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
    - *(ii) Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
    - *(iii) Be visually recessive and not dominate the heritage place;*
    - *(iv) Be distinguishable from the original historic fabric;*
    - *(v) Not remove, cover, damage or change original historic fabric;*
    - *(vi) Not obscure views of principle façades;*
    - *(vii) Consider the architectural integrity and context of the heritage place or contributory element.*

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

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

68. The height, front and side setbacks have been designed to complement the heritage streetscape. The height is comparable to other double storey dwellings in the street (see No. 121 Easey Street) and the dwellings are setback so they will not block views to other heritage dwellings. The side setbacks allow the new dwellings to have a slim/vertical form that will not appear overly dominating in the streetscape. Council's heritage advisor has also not opposed these aspects of the proposal.

69. Council's heritage advisor also provided suggestions based on the original application plans in relation to window forms, materials and front fence. The section 57A amended plans changed the window forms, wall materials and front fence in line with the advice of Councils heritage advisor. Councils heritage advisor has reviewed these plans, and while maintaining the dwelling should be retained, support has been provided for the proposed revised design subject to the following minor modifications:

    (a) *The proposed 900mm high timber picket fence is supported. However, the fence should extend across the entire site, including a gate across the driveway. Including a gate in this location would help to 'contain' the non-contributory site, making it more visually recessive, and retain a traditional vista within the streetscape where car parking and driveways are not an original feature.*
    (b) *The proposed perforated mesh garage door would be highly contemporary and out of character with the traditional streetscape. It is strongly recommended that the perforated mesh garage door be substituted for a matte finished material such as timber.*
    (c) *The new proposal includes an open balcony at the front of the building. Whilst enclosed upper level verandahs are traditional for double storey terraces (as per 121 Easey Street), large open balconies with reflective materials are not and detract from surrounding contributory fabric – especially once furniture and activity occupy the balcony.*

It is strongly recommended that the street-facing balcony be deleted from dwelling 1; or reduced in size (8sqm max) and the balustrade material changed to timber to complement façade cladding and conceal furniture/activity behind.

70. Conditions will address these items including the balcony being reduced in size to 8sqm (given the minimum area required for open space is 8sqm). The overall built form is considered acceptable from a heritage perspective, subject to conditions. For all of the reasons outlined above, the proposed development is considered to present an appropriate design response to the surrounding heritage character.

Clause 55 (Rescode)

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

Standard B1 – Neighbourhood Character

72. This standard encourages proposed development to respond to the existing neighbourhood character or to contribute to a preferred neighbourhood character of the area. An assessment of the proposed development in relation to neighbourhood character has been carried out in the previous *Heritage Assessment* and found the proposal provides an appropriate design response to respect both the existing and preferred neighbourhood character.

Standard B2 – Residential Policy

73. As discussed previously the proposal achieves 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 – Dwelling Diversity

74. This standard seeks, "*to encourage a range of dwelling sizes and types in developments of ten or more dwellings".* Accordingly, this standard is not applicable to this development.

Standard B4 – Infrastructure

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

76. 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 site is considered capable of supporting the proposed dwellings.

Standard B5 – Integration with the street

77. Dwelling 1 will be oriented to Easey Street and will allow for passive surveillance to the main street frontage in compliance with policy objectives.

Standard B6 – Street setback

78. Under the above standard a front setback of 4.5 metres is required. A ground floor setback of 3.5m (façade) to 5m (garage door) is proposed in partial compliance with the standard. However, the aerial photograph provided in the Site and *Surrounds* section demonstrates that the heritage dwellings in the area have much smaller setbacks, thus the reduced setback of the façade will not appear out of character.

Standard B7 – Building height

79. The total overall building height of 6.85 metres is proposed with a maximum of 2 storeys. This is in accordance with the maximum 9 metres prescribed by the standard and the 9 metres mandatory height control of the Neighbourhood Residential Zone – Schedule 1.

Standard B8 – Site coverage

80. The site coverage is proposed to increase to approximately 58%, which is less than the maximum 60% recommended by the standard.

Standard B9 – Permeability

81. A site permeability of approx. 33% of permeable surfaces is achieved within the front and rear setbacks (and outside the basement area), and exceeds the 20% recommended by the standard. However the plans do not clearly show the position of permeable surfaces. A condition will require this detail.

Standard B10 – Energy efficiency, Clause 22.16 – Stormwater Management (Water Sensitive Urban Design) and Clause 22.17 – Environmentally Sustainable Design

82. A Sustainable Design Assessment (SDA) has been submitted with the application. It outlines the following proposed ESD features:

(a) LED lighting throughout;
(b) Minimum average 6.0 NatHERS rating;
(c) 5 star gas instantaneous solar boosted hot water system;
(d) 5 star electric heating and cooling systems;
(e) 4 star WELS rated toilets;
(f) 3 star WELS rated shower heads;
(g) 1000ltr water tank per dwelling;
(h) Raingardens;
(i) 100% STORM score;
(j) Double glazing to all habitable rooms;
(k) Secure bicycle parking;
(l) Low VOC paints;
(m) Refuse 80% of construction waste;
(n) 75% IEQ score; and
(o) 50% BESS score.

83. The BESS and STORM score comply with the Best Practice Standards outlined in Clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)* and Clause 22.17 – *Environmentally Sustainable Design* and so the proposal is acceptable from an ESD perspective. However, the plans do not detail the position of the water tanks or raingardens. This will be required by way of conditions.

Standard B11 – Open Space

84. Not applicable. No communal open space is proposed.

Standard B12 – Safety

85. The pedestrian entry to Dwelling 1 will be located along Easey Street and will be clearly visible from the street, with a pathway leading up to the door entry. The entries to Dwellings 2 and 3 are serviced by a pathway along the eastern boundary. The pathway will be illuminated by in-paving lights providing a clear line of sight to the entrances at night. There are no conflicts between the vehicle access and pedestrian accesses given they are separated from each other.

Standard B13 - Landscaping

86. Landscaping including two canopy trees is proposed in the front and rear setback and so the proposal is acceptable in this regard. A landscape plan has been provided detailing this along with other plantings. A condition will ensure the landscaping will be provided.

87. The objectives of this standard also requires the following:

    (a) *The development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.*

88. As mentioned in the *Site and Surrounds* assessment, to the rear and west of the subject site is number No.116 Sackville Street which had a large Tasmanian Blue gum in the north-east corner of its open space and adjacent to the rear boundary of the subject site. The applicant has provided an arborist report which details 18% of the tree protection zone (TPZ) will be impacted by the proposed basement (Constructive Arboriculture dated August 2018). The report concludes '*due to the heavily lopped structure of the tree, the facilitation of the construction proposal is not expect to diminish the tree's anchorage or impact upon the tree's existing vigour. The tree is considered to suitably distanced from areas of proposed construction and will not be adversely impacted upon in the event that the tree is retained'*. The applicant also submitted a letter from State Wide Trees Pty Ltd dated 5th September 2018 which states the tree exhibits numerus storm damaged limbs and has extensive fungal decay concluding the tree has a limited life span and the environmental value of retaining the tree is low.

89. Council's arborists have reviewed these documents and have indicated the tree is likely to be significantly impacted by the proposed basement construction. Council's arborist has indicted the relevant standard (AS4970-2009 *Protection of Trees on Development Sites*) allows for 10% incursion in the TPZ. Any intrusions beyond this requires detailed analysis of the roots located outside the 10% area with an arborist report required to detail how these roots will be managed/sensitively cut etc, with a view to demonstrating that the viability of the tree will be assured.

90. However, this information has not been provided. The applicant instead wishes to pursue a civil process to remove the tree. As this process has not yet been finalised, officers must assess the proposal based on existing conditions and consider the impact of the proposal on this significant tree. The tree is not listed on *Council's Significant Tree Register* but would be defined as significant under Council's Local Law (with a local law permit required for its removal). In the absence of information demonstrating the viability of the tree, officers cannot reasonably support the construction of the basement in such close proximity to the tree.

91. For this reason, a condition will require an arborist report is provided to demonstrate the basement construction will comply with AS4970-2009 (*Protection of Trees on Development Sites*). Given this is may result in the basement needing to be replaced by a much smaller basement located away from the tree, officers explored with Council's engineers whether a car stacker / shuffle systems could be reasonably accommodated at the site.

Council's traffic engineers have indicated the current basement/car lift structure could be reasonably modified to accommodate an underground 3 vehicle car stacker or car shuffle system (if necessary), without altering the height and size of the garage or significantly altering the vehicle access. The applicant has indicated a preference to construct the basement as proposed, but given the impact of the basement on the tree, this cannot be supported.

92. The construction of the ground floor within the TPZ of the tree can employ pier and beam foundations instead of traditional trenching foundation methods to protect the tree. To ensure appropriate methods are employed, a condition will require an amended arborist report. Council's arborist also requested the original design be amended to allow for canopy tree planting. The section 57A amended plans allow for a reduction in building and basement footprint to allow for planting of a canopy tree in the front and rear setback (shown on the landscape plan), therefore no further condition is required.

93. Council's arborist allows raised concerns the basement would impact more than 10% of the TPZ of 3 Palm Cocos on the shared boundary at No.113 Easey Street. However as these Palm Cocos have DHB (Diameter at breast height) of less than 400mm, their removal does not require a Local Law permit. Further the applicant's arborist report indicates that due to the small size and immaturity of these trees, they are unlikely to be detrimentally impacted by the current proposal.

Standard B14 – Access

94. 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, the crossover will occupy 30% of the Easey Street frontage.

Standard B15 – Parking location

95. In compliance, the garages are accessible to the dwellings via a stairs to the ground floor pathway, ensuring reasonable and convenient access. The garage door ensures the parking areas would be reasonably secure.

Standard B17 – Side and rear setbacks

96. 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".*

97. The relevant ground floor walls with a maximum height 3.3m and a minimum setback 1m comply with the standard. The following table identifies the compliant first floor walls and the variations required:

Boundary	**Setback required**	**Setback provided**	**compliance**
First floor south 6.65m high	1.9m	3.2m-3.4m	Yes
West wall 6.65m-6.85m	1.9m-1.97m	1.9m and 2.1m	Yes
East wall 6.65m-6.85m	1.9m-1.97m	1.71m, 1.92m, 2.25m and 3.6m	Partial

98. The only non-compliance is the eastern wall of the living area for dwelling 1 which falls short of the standard by only 0.19m. This minor variation is considered acceptable as it is not located opposite any habitable room windows or private open space on the neighbouring site and so will not generate unreasonable offsite visual bulk impacts.

99. The setback of the balcony screens to dwelling 1 satisfy the standard. The balcony screen to dwelling 2 has a maximum height of 4.5m and a required setback of 1.27m. A setback of 1m is proposed. As this screen will be opaque glazing it will not present unreasonable visual bulk or loss of daylight to the windows opposite. Also the balcony is off-centre from both windows allowing for views beyond the balcony screen. For this reason, the non-compliance is considered acceptable.

Standard B18 – Walls on boundaries

100. 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'.

101. The ground floor western boundary wall of dwelling 3 satisfies this standard at a height of 3.2m and length of 5.7m.

Standard B19 – Daylight to existing windows

102. 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.

103. The ground floor walls comply with this standard. Based on a maximum wall height of 6.85m for first floor walls, a minimum separation of 3.42m is required to habitable room windows opposite. The proposal complies with this standard.

Standard B20 – North-facing windows

104. This standard stipulates the following:

'If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 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, for a distance of 3 metres from the edge of each side of the window'.

105. There are no north-facing windows located within 3m for the subject site.

Standard B21 – Overshadowing

106. In non-compliance with the standard the adjoining properties private open space will not receive a minimum of 40sqm in full sun for a minimum of 5 hours sunlight between 9am and 3pm. Additional shadow moves off No 113 Easey Street by just after 10am (approx. 6sqm additional shadow at 9am reduced to 1sqm by 10am) and with no effect to No 117-119 Easey Street until after 2pm (additional 10sqm at 3pm). As the extent of shadowing is limited to short periods of time, the additional shadowing is considered acceptable, particularly as these yards will receive reasonable sunlight access throughout the day.

107. Shadowing to the south will largely be contained within existing fence line shadows apart from at 10am where No. 118 Sackville Street will receive 2.5sqm additional shadow and No. 116 Sackville Street will receive approx. 2sqm additional shadow. As these properties are unaffected for the reminder of the day, this additional shadow is considered acceptable. The application shadow plans do not show the shadow from some existing fences or existing neighbouring dwellings and sheds. However the officer assessment has calculated these existing shadows.

Standard B22 – Overlooking

108. 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 and a 45 degree arc.

109. Along the ground floor, 1.8m and 1.9m paling fences are provided to the south and east boundary, in compliance with the standard. The existing western fence is 1.6m and therefore will not prevent overlooking from ground floor habitable windows. This will be addressed by condition. East, west and south-facing balcony screens and windows are either 1.7m high opaque screens/fixed glazing or have sill heights of 1.7m in compliance, apart from the east-facing living windows of Dwelling 1. A condition will require these windows demonstrate compliance with the standard.

Standard B23 – Internal views

110. Given the layout of the proposed dwellings, no internal overlooking within the development will be available.

Standard B24 – Noise impacts

111. The dwellings are not located in close proximity to existing noise sources and it is not considered necessary to require additional acoustic treatments for the proposed dwellings. With no large plant areas proposed, it is not necessary to require to protect nearby dwellings (especially as the use as dwellings do not require a planning permit). Objectors have raised noise from the basement car park as a concern. However mechanical car systems are designed to meet the relevant EPA noise requirements and so are not considered to have unreasonable nose impacts.

Standard B25 – Accessibility

112. With the dwellings having ground floor entries, they should be easily accessible to people with limited accessibility, in compliance with policy objectives.

Standard B26 – Dwelling entry

113. All entries provide a sense of shelter and address and will be easily identifiable from Easey Street.

Standard B27 – Daylight to new windows

114. The above standard requires all habitable room windows to face an "*outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky".* The position of all new windows satisfies this standard.

Standard B28 – Private open space

115. 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.*

116. The proposal complies with this standard with a minimum of 8sqm provided to each dwelling (with dwelling 1 balcony to be reduced to 8sqm as requested by Council's heritage advisor).

Standard B29 – Solar access to open space

117. The open spaces to dwellings will have an outlook to the front (north boundary), side (western boundary) and rear (southern boundary) in the form of a ground floor rear courtyard and first floor balconies. The position of the first floor balconies comply with the standard. In order to satisfy this standard, the ground floor open space should have a minimum depth of 8m opposite the southern wall, with a minimum depth of 3m proposed. However, with the open space also having an eastern and western outlook, it will receive adequate sunlight and is acceptable for this reason.

Standard B30 – Storage

118. The standard requires that all dwellings are provided with 6 cubic metres of externally accessible storage. Storage areas in the basement measure 5 cubic metres each. As the basement is to be amended, a condition will require that compliant storage areas are provided.

Standard B31 – Design detail

119. 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 conditions outlined in the *Heritage* assessment.

Standard B32 – Front fences

120. A 0.9m high front fence is proposed, in compliance with the maximum 1.5m height recommended by the standard. However the fence does not extend across the driveway. Council's heritage advisor has requested the fence extend across the driveway. A condition will address this.

Standard B33 – Common property

121. The common property is appropriately located to ensure its efficient management, in compliance with the standard.

Standard B34 – Site Services

122. There is bin storage and meters enclosures proposed, in compliance with the standard.

Standard B35 –B49. Energy efficiency

123. Not applicable- only relevant to apartment developments.

Engineering and Melbourne Water/Special Building Overlay.

124. The engineers have indicated that the increase in floor level from the currently proposed 20.04 AHD (as requested by Melbourne Water-20.17AHD) can be achieved without detrimentally impacting the operation of the parking facilities, subject to the applicant demonstrating vehicles will not bottom out. Melbourne Water also required the same minimum level for the dwellings. With 20.25 AHD proposed, the dwellings already satisfy this requirement.

125. Council's engineers have recommended the following items be provided for the amended basement:
    (a) 3 car spaces,
    (b) swept paths provided to show a B99 design vehicle can enter and exit the garage from Easey Street with existing on-street car parking depicted;
    (c) the grade of the driveway be a maximum of 1:10 for the first 5m inside the property;
    (d) a 1:20 scale cross section of the vehicle crossing, access ramp and vehicle parking entry area to demonstrate that a B99 design vehicle will not bottom out and in accordance and in accordance with Melbourne Water floor level requirements;
    (e) demonstrate that a B85 design vehicle can enter and exit the spaces;
    (f) the entry platform to have a minimum width of 2.4m and provide the model specification/data sheet for relevant vehicle lifting/vehicle storage equipment.

126. The engineers have also requested standard conditions in relation to the following items:
    (a) The footpath to the front of the site be re-instated after construction;
    (b) The crossover to be built to Council satisfaction; and
    (c) The applicant must gain the relevant approvals from the relevant authorities to remove and relocate the power pole to the front of the site.

Objector Concerns

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

    (a) Height and appearance out of character in heritage streetscape;
        (i) This issue has been discussed in detail between paragraphs 67-70.

    (b) Additional strain on on-street car parking, including visitors to site;
        (i) As a car parking reduction is not required (with 3 on-site car spaces to be provided), it is considered the proposal will not result in excessive additional pressure on available on-street parking spaces. To further address this issue, a note will ensure the dwellings are not issued with on-street resident or visitor parking permits.

    (c) Structural issues;
        (i) Structural impacts to neighbouring properties are considered as part of the building permit process and are not a relevant planning matter.

(d) Noise from car park;
  (i) This issue has been discussed in detail at paragraph 111.

(e) Overdevelopment of the site,
  (i) This issue has been discussed in detail throughout the Clause 55 assessment between paragraphs 71-120.

(f) Off-site amenity impacts (overlooking, overshadowing, lack of green spaces and visual bulk); and
  (i) These issues has been discussed in detail between paragraph 86-93, 96-101 and 106-109.

(g) Impact on trees.
  (i) This issue has been discussed in detail between paragraphs 86-93.

Conclusion

128. The proposal, subject to conditions outlined in the recommendation below, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval subject to conditions.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN17/0655 for full demolition of the existing dwelling and construction of three dwellings on a lot at No.115 Easey Street, Collingwood, 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 the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans provided to Council on the 8 June 2018 (by Neil Fletcher Design Ply Ltd sheet 4, 5, 6, 7 of 9 and 1 of 1, all issue E and dated 07/08/2017) but amended to include the following:

   (a) Demolition plan to include removal of the front fence and side return;
   (b) The balcony to Dwelling 1 to be reduced to 8sqm and to have a solid appearance with a wooden cladding finish;
   (c) The 0.9m front fence to extend across the driveway;
   (d) The garage door to be a solid and matt finish (eg timber or similar);
   (e) The position and capacity of the rainwater gardens and 1000ltr water tanks (for each dwelling) to be notated on the plans;
   (f) A minimum of 6 cubic metres of externally accessible storage units;
   (g) Location and extent of permeable surfaces in compliance with Standard B9 (*Permeability*) of clause 55 of the Yarra Planning Scheme;
   (h) The proposed first floor east-facing living room windows of Dwelling 1 and the western boundary fence to demonstrate compliance with Standard B22 (*Overlooking*) of clause 55 of the Yarra Planning Scheme;
   (i) Amended basement to show the following:
     (i) its position to comply with AS4970-2009 (*Protection of Trees on Development Sites*) in relation to the Tasmanian Blue Gum at No.116 Sackville Street and in compliance with condition 13;
     (ii) 3 car spaces with no increase in height or size of the garage entry permitted;

(iii) swept paths provided to show a B99 design vehicle can enter and exit the garage from Easey Street with existing on-street car parking depicted;
(iv) the grade of the driveway be a maximum of 1:10 within 5m of the front boundary;
(v) a 1:20 scale cross section of the vehicle crossing, access ramp and vehicle parking entry area to demonstrate that a B99 design vehicle will not bottom out and in accordance with the requirements of conditions 7 a) and c);
(vi) if car stacker system is used, details of the manufacturer's specifications and model type;
(vii) demonstrate that a B85 design vehicle can enter and exit the spaces;
(viii) the entry platform to the car lift to have a minimum width of 2.4m and provide the model specification/data sheet for relevant vehicle lifting/vehicle storage equipment.

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.

Engineering

3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Easey Street footpath for the width of the property frontage if required by the Responsible Authority):

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

4. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, street signs/line-markings, service structures or service/telecommunication 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.

Melbourne Water (5-9)

5. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
(a) The entrance to the car lift must incorporate a flood proof apex and associated bunding set no lower than 20.17 metres to AHD.

6. The dwellings (including the entrance to the basement stairs) must be constructed with finished floor levels set no lower than 20.17 metres to AHD, which is 300mm above the applicable flood level of 19.87 metres to AHD.

7. The entrance to the car lift must incorporate a flood proof apex and associated bunding set no lower than 20.17 metres to AHD, which is 300mm above the applicable flood level of 19.87 metres to AHD.

8. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

9. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings and driveway ramp.

General

10. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment (SDA) generally in accordance with the SDA prepared by Eco Results dated 25th October 2017 must be implemented and complied with to the satisfaction of the Responsible Authority.

11. The provisions, recommendations and requirements of the endorsed Landscape Plan generally in accordance with the Landscape Plan prepared by Neil Fletcher Design (Sheet 1 of 1 : Amendment No. E) dated 7th June 2017 must be implemented and complied with to the satisfaction of the Responsible Authority.

12. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
    (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
    (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
    (c) replacing any dead, diseased, dying or damaged plants,
    (d) to the satisfaction of the Responsible Authority.

13. An arborist report must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. The arborist report must make recommendations for the protection of the Tasmanian Blue Gum to the rear of No. 116 Sackville Street, Collingwood as follows:
    (a) pre-construction; during construction; and post construction;
    (b) demonstrate the position of the basement required by condition 1g) will comply with AS4970-2009 (Protection of Trees on Development Sites),
    (c) demonstrate appropriate construction methods for the ground floor footings,
    (d) the provision of any barriers;
    (e) any pruning necessary; and
    (f) watering and maintenance regimes.

14. The provisions, recommendations and requirements of the endorsed Arborist Report must be implemented and complied with 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 lift and any car stacker systems (if applicable) must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car lift and any car stacker systems must be maintained thereafter to the satisfaction of the Responsible Authority.

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the pedestrian entry areas must be provided within the property boundary. Lighting must be:
    (a) located;
    (b) directed;
    (c) shielded; and
    (d) of limited intensity,
    to the satisfaction of the Responsible Authority.

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

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

20. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
    (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
    (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
    (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

21. 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.

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

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

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.

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

Attachments
1 PLN17/0655 - 115 Easey Street, Collingwood - Subject site.
2 PLN17/0655 - 115 Easey Street, Collingwood - Decision plans.
3 PLN17/0655 - 115 Easey Street, Collingwood - Council's Heritage advice(original application 4 dwellings).

4 PLN17/0655 - 115 Easey Street, Collingwood - Council's Heritage advice(decision plans 3 dwellings).
5 PLN17/0655 - 115 Easey Street, Collingwood - Applicant's Heritage expert report.
6 PLN17/0655 - 115 Easey Street, Collingwood - Council's Arborist comments.
7 PLN17/0655 - 115 Easey Street, Collingwood - Applicant's Arborist report.
8 PLN17/0655 - 115 Easey Street, Collingwood - Combined Engineering comments.
9 PLN16/1116 - 115 Easey Street, Collingwood - Melbourne Water comments.

Attachment 1 - PLN17/0655 - 115 Easey Street, Collingwood - Subject site.

115 Easey Street, Collingwood

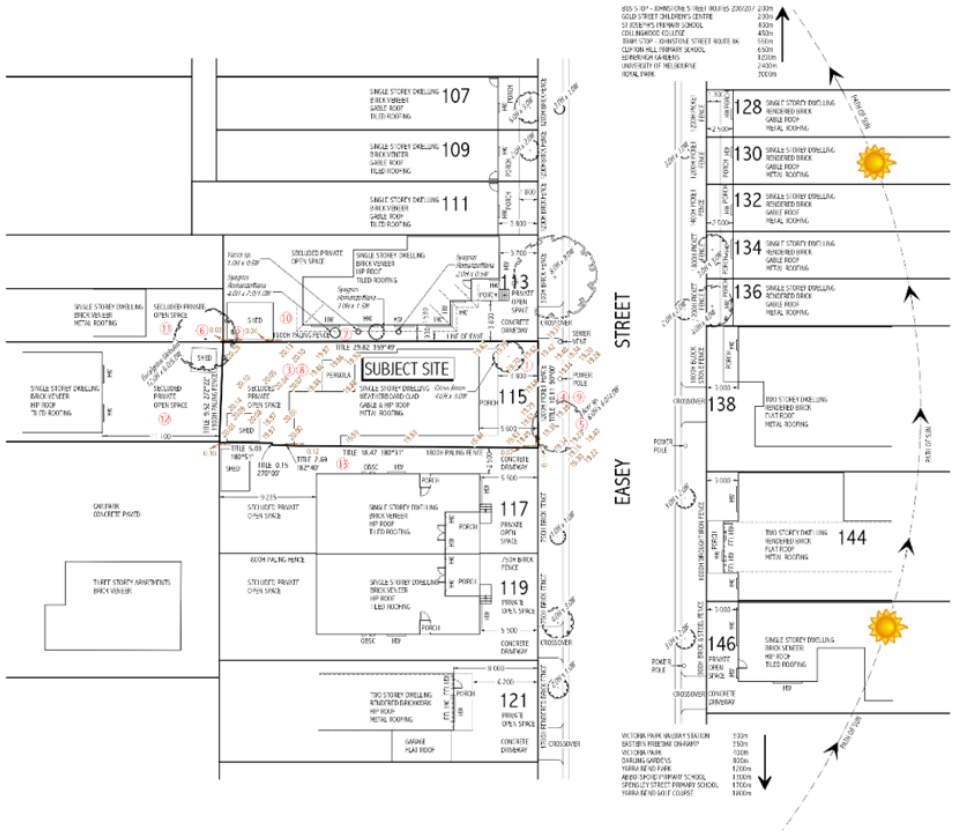
North



Attachment 2 - PLN17/0655 - 115 Easey Street, Collingwood - Decision plans.

NOTICE OF AN APPLICATION FOR A PLANNING PERMIT Pursuant To Section 57B Of The Planning And Environment Act 1987	
The land affected by the application is located at:	**115 EASEY ST COLLINGWOOD VIC 3066**
The application is for a permit to:	**SECTION 57A AMENDMENT REDUCING THE NUMBER OF PROPOSED DWELLINGS FROM 4 TO 3 WITH ASSOCIATED CHANGES IN BUILDING SETBACKS.**
The applicant for the permit is:	**NEIL FLETCHER DESIGN PTY LTD**
The application reference number is:	**PLN17/0655**
You may look at the application and any documents that support the application at the office of the responsible authority or alternatively at **http://www.yarracity.vic.gov.au/planning--building/advertised-planning-applications/**	**Statutory Planning Department** **City Of Yarra** **Richmond Town Hall** **333 Bridge Road** **Richmond 3121** *Office Hours: 8.30 am - 5.00 pm Weekdays*
This can be done during office hours and is free of charge. Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority. The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.	
An objection must:	• **Be sent to the responsible authority in writing** • **Include the reasons for the objection, and** • **State how the objector would be affected**
The responsible authority will not decide on the application before:	**28 Jun 2018**
If you make a submission, the Responsible Authority will tell you its decision.	

Attachment 2 - PLN17/0655 - 115 Easey Street, Collingwood - Decision plans.



NEIGHBOURHOOD & SITE DESCRIPTION PLAN

OPPORTUNITIES & CONSTRAINTS

1 OPPORTUNITY FOR FURTHER DEVELOPMENT OF A SITE PROVIDED WITH FULL SERVICE FACILITIES.

2 OPPORTUNITY. NEIGHBOURS SHED WALL ON BOUNDARY.

3 OPPORTUNITY. MAJORITY OF SITE LOCATED ABOVE DESIGNATED FLOOD LEVEL.

4 CONSTRAINT. LIMITED WIDTH OF SITE.

5 CONSTRAINT. SERVICES & STREET TREE AT FRONT OF SITE.

6 CONSTRAINT. MATURE TREE IN NEIGHBOURS PROPERTY.

7 CONSTRAINT. NEIGHBOURS HABITABLE ROOM WINDOW REQUIRES 1.0m WIDE LIGHTCOURT CLEAR TO SKY.

8 CONSTRAINT. SITE SUBJECT TO OVERLAND FLOODING.

9 CONSTRAINT. NORTH/SOUTH ORIENTATION OF SITE.

10 CONSTRAINT. NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS REQUIRE PROTECTION FROM UNDUE OVERLOOKING & OVERSHADOWING.

11 CONSTRAINT. NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS REQUIRE PROTECTION FROM UNDUE OVERLOOKING & OVERSHADOWING.

12 CONSTRAINT. NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS REQUIRE PROTECTION FROM UNDUE OVERLOOKING & OVERSHADOWING.

13 CONSTRAINT. NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS REQUIRE PROTECTION FROM UNDUE OVERLOOKING & OVERSHADOWING.

PROPOSED FOUR DWELLINGS AT 115 EASEY STREET COLLINGWOOD

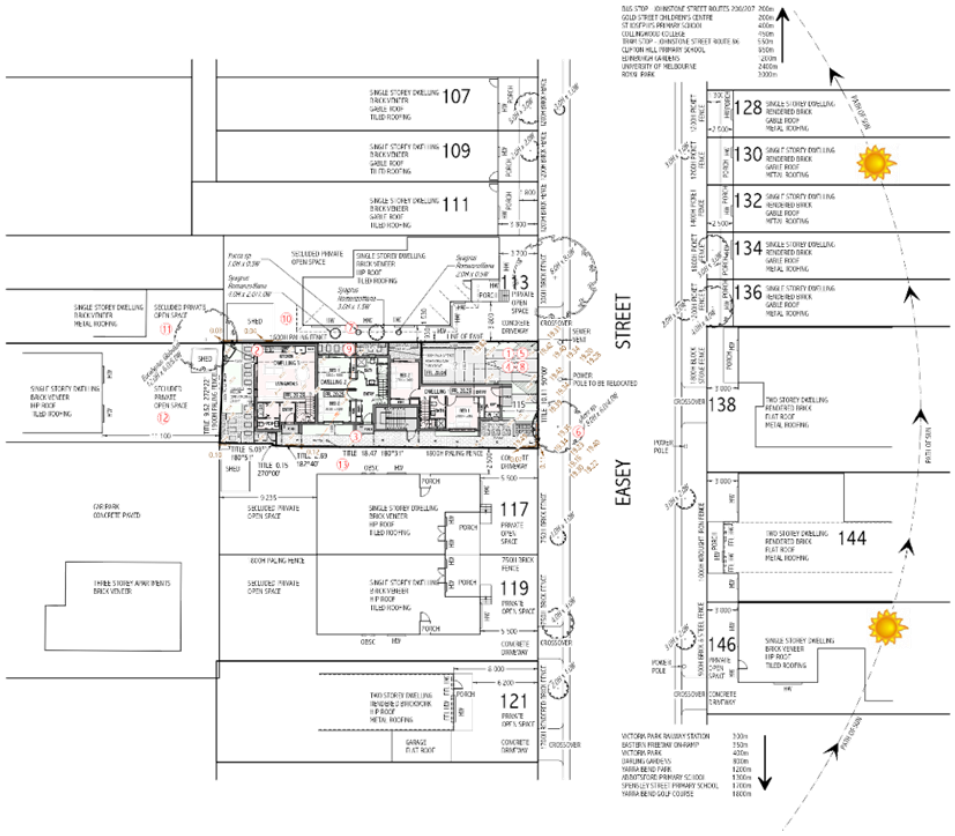
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3. TOWN PLANNING

NEIL|fletcher|DESIGN pty. ltd.

Building Design & Planning Consultants

Attachment 2 - PLN17/0655 - 115 Easey Street, Collingwood - Decision plans.



DESIGN RESPONSE PLAN

DESIGN RESPONSE

1 PROPOSAL RESPONDS WITH FOUR NEW DWELLINGS OVER BASEMENT CARPARK.

2 PROPOSAL RESPONDS WITH FIRST FLOOR BALCONY ADJACENT TO NEIGHBOURS SHED.

3 PROPOSAL RESPONDS WITH GROUND FLOOR OF ALL DWELLINGS ABOVE APPLICABLE FLOOD LEVEL.

4 PROPOSAL RESPONDS WITH A BASEMENT CARPARK FOR ALL VEHICLES.

5 PROPOSAL RESPONDS WITH CARPARK RAMP ON WESTERN SIDE OF ALLOTMENT.

6 PROPOSAL RESPONDS WITH ARBORISTS REPORT ON STREET TREE.

7 PROPOSAL RESPONDS WITH DWELLINGS SETBACK FROM BOUNDARY TO PROVIDE LIGHTCOURT.

8 PROPOSAL RESPONDS WITH HUMP IN CARPARK RAMP TO PREVENT FLOODING OF BASEMENT CARPARK.

9 PROPOSAL RESPONDS WITH WEST ORIENTATED BALCONIES.

10 PROPOSAL RESPONDS TO LIMIT UNDUE OVERLOOKING & OVERSHADOWING OF NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS.

11 PROPOSAL RESPONDS TO LIMIT UNDUE OVERLOOKING & OVERSHADOWING OF NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS.

12 PROPOSAL RESPONDS TO LIMIT UNDUE OVERLOOKING & OVERSHADOWING OF NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS.

13 PROPOSAL RESPONDS TO LIMIT UNDUE OVERLOOKING & OVERSHADOWING OF NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS.

PROJECT
PROPOSED FOUR DWELLINGS AT 115 EASEY STREET COLLINGWOOD

M. PINTAR

STAGE
3. TOWN PLANNING

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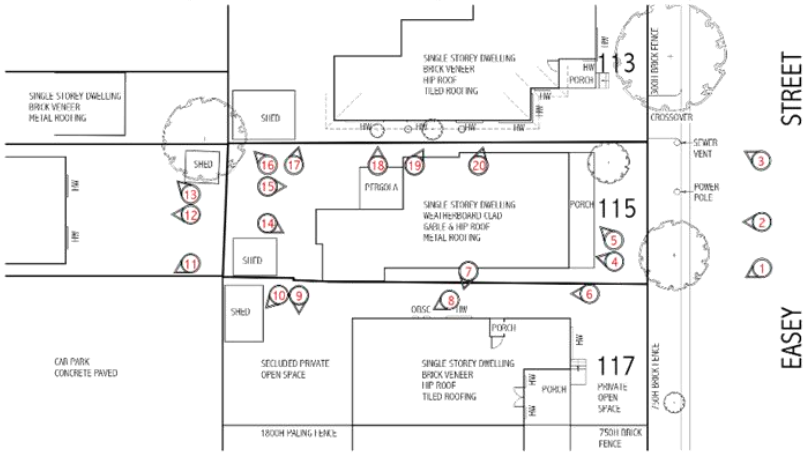
Attachment 2 - PLN17/0655 - 115 Easey Street, Collingwood - Decision plans.



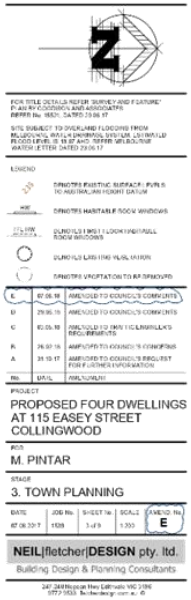




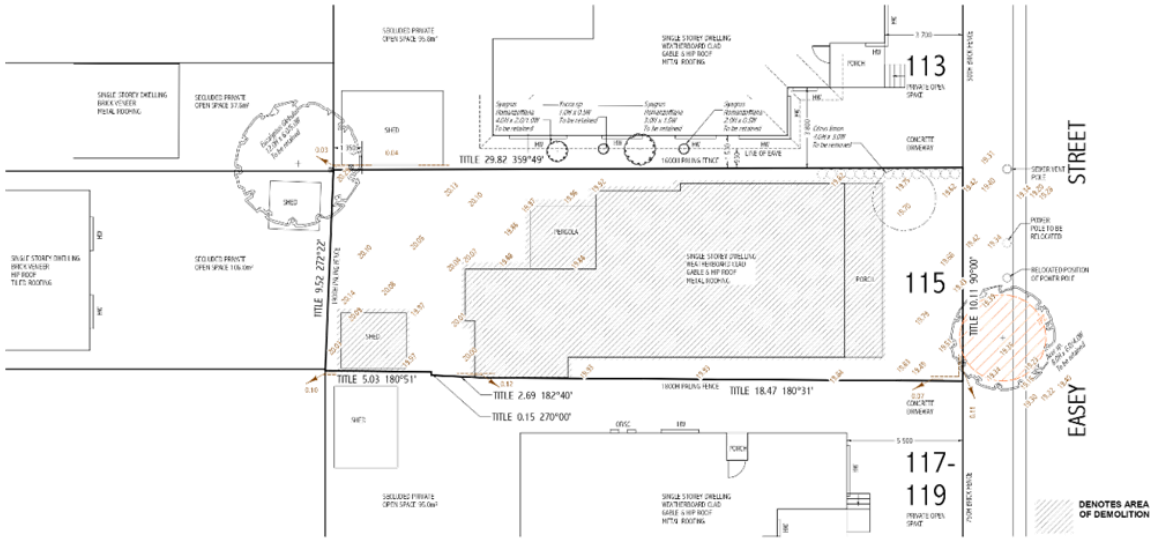




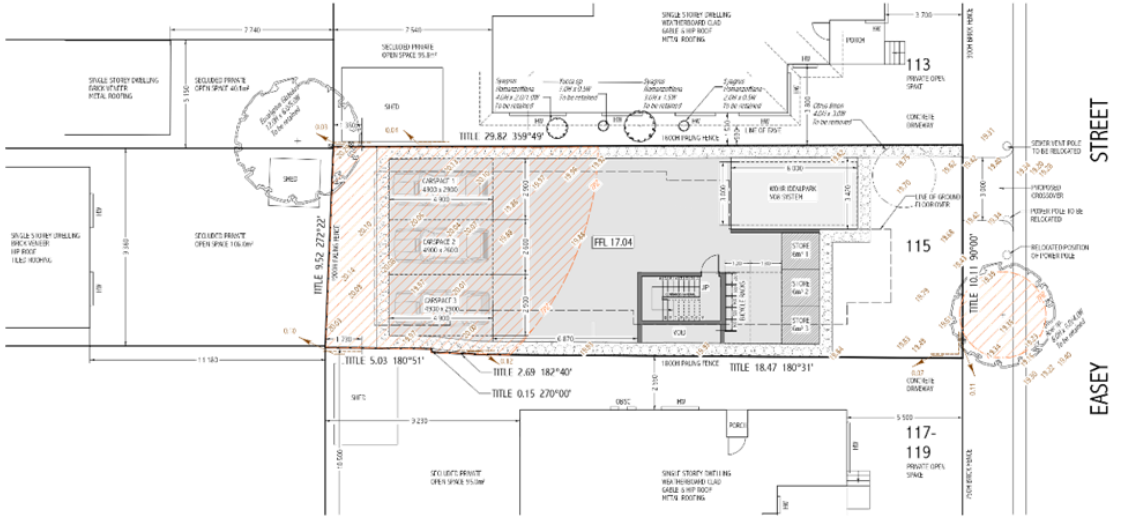
NEIGHBOURHOOD PHOTO SURVEY



Attachment 2 - PLN17/0655 - 115 Easey Street, Collingwood - Decision plans.



DEMOLITION PLAN



BASEMENT SITE LAYOUT PLAN

SITE ANALYSIS

DWELLING 1	
GROUND FLOOR	45.0m² (4.8sq)
FIRST FLOOR	43.0m² (4.6sq)
TOTAL	**88.0m² (9.4sq)**
PORCH	2.0m²
DWELLING 2	
GROUND FLOOR	40.0m² (4.3sq)
FIRST FLOOR	34.0m² (3.6sq)
TOTAL	**74.0m² (7.9sq)**
PORCH	2.0m²
DWELLING 3	
GROUND FLOOR	45.0m² (4.8sq)
FIRST FLOOR	32.0m² (3.4sq)
TOTAL	**77.0m² (8.2sq)**
PORCH	2.0m²
BASEMENT AREA	200.0m² (21.5sq)
SITE AREA	297.4m²
SITE COVERAGE	**173.0m² or 58.2%**
PAVED AREAS (IMPERVIOUS)	16.0m²
PERMEABILITY	108.7m² or 36.5%

E	07.06.18	AMENDED TO COUNCIL'S COMMENTS
D	29.05.18	AMENDED TO COUNCIL'S COMMENTS
C	10.05.18	AMENDED TO TWO TITLE BOUNDARY REQUIREMENTS
B	26.07.18	AMENDED TO COUNCIL'S COMMENTS
A	31.10.17	AMENDED TO COUNCIL'S REQUEST FOR FURTHER INFORMATION

PROJECT
PROPOSED FOUR DWELLINGS AT 115 EASEY STREET COLLINGWOOD

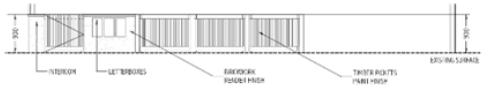
M. PINTAR

STAGE
3. TOWN PLANNING

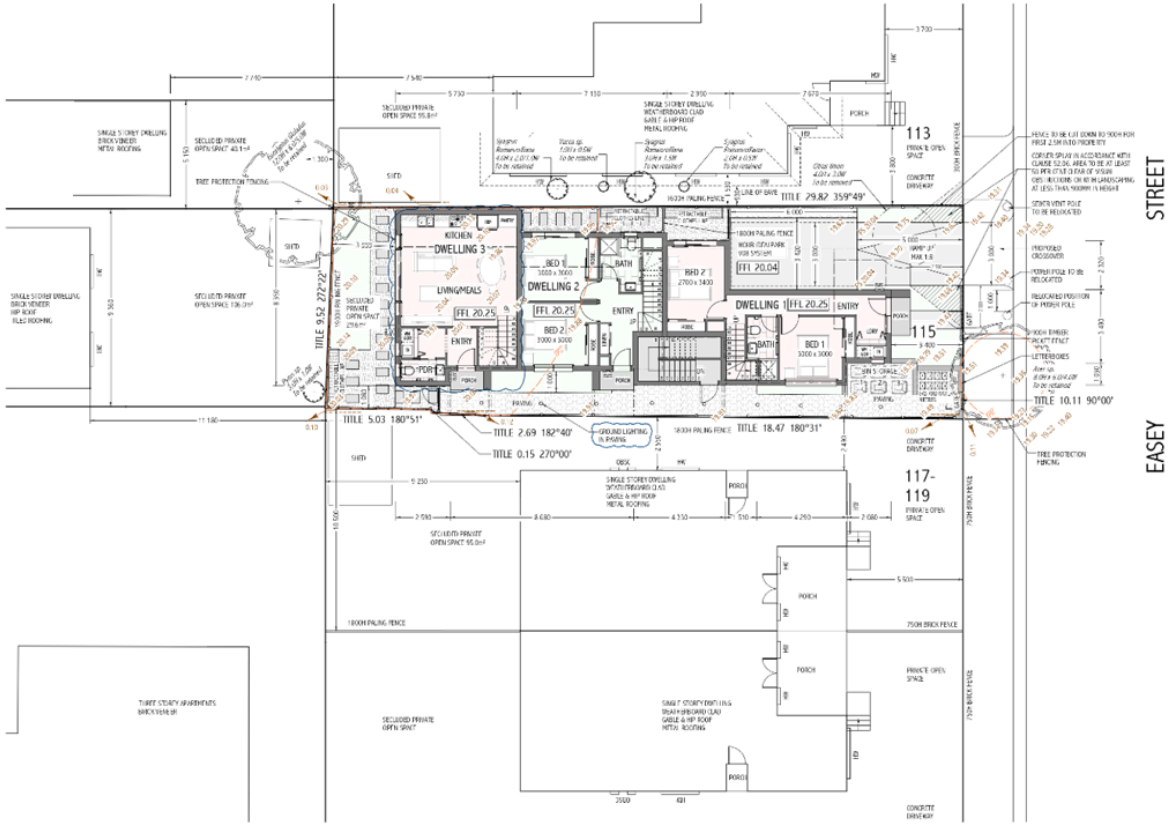
DATE	JOB No.	SHEET No.	SCALE	AMEND. No.
07.06.2018	1539	4 of 8	1:100	E

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Building Design & Planning Consultants

Attachment 2 - PLN17/0655 - 115 Easey Street, Collingwood - Decision plans.



FRONT FENCE DETAIL 1:50



GROUND FLOOR SITE LAYOUT PLAN

SITE ANALYSIS

DWELLING 1	
GROUND FLOOR	45.0m² (4.8sq)
FIRST FLOOR	43.0m² (4.6sq)
TOTAL	**88.0m² (9.4sq)**
PORCH	2.0m²
DWELLING 2	
GROUND FLOOR	40.0m² (4.3sq)
FIRST FLOOR	34.0m² (3.6sq)
TOTAL	**74.0m² (7.9sq)**
PORCH	2.0m²
DWELLING 3	
GROUND FLOOR	45.0m² (4.8sq)
FIRST FLOOR	32.0m² (3.4sq)
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PORCH	2.0m²
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SITE COVERAGE	**173.0m² or 58.2%**
PAVED AREAS (IMPERVIOUS)	16.0m²
PERMEABILITY	108.7m² or 36.5%

E	07.06.18	AMENDED TO COUNCIL'S COMMENTS
D	29.05.18	AMENDED TO COUNCIL'S COMMENTS
C	10.05.18	AMENDED TO TOWN PLANNING REQUIREMENTS
B	26.07.17	AMENDED TO COUNCIL'S COMMENTS
A	31.10.17	AMENDED TO COUNCIL'S REQUEST FOR FURTHER INFORMATION

PROJECT
PROPOSED FOUR DWELLINGS AT 115 EASEY STREET COLLINGWOOD

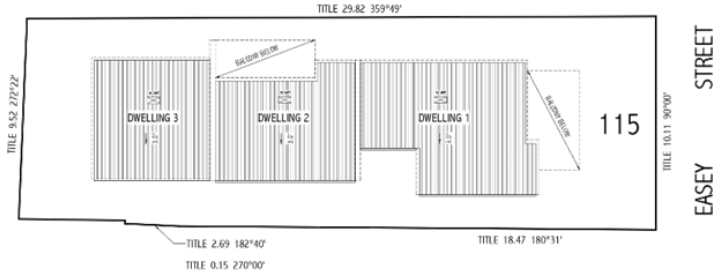
FOR
M. PINTAR

STAGE
3. TOWN PLANNING

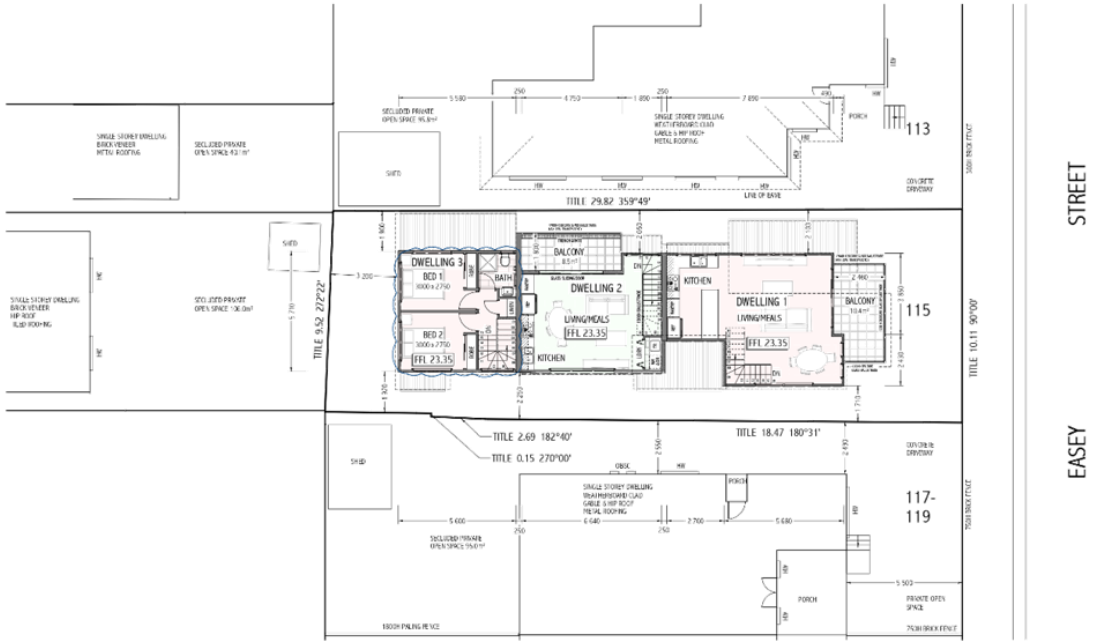
DATE	JOB No.	SHEET No.	SCALE	AMEND. No.
07.06.2018	1539	5 of 9	1:100	E

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Building Design & Planning Consultants

Attachment 2 - PLN17/0655 - 115 Easey Street, Collingwood - Decision plans.



ROOF SITE LAYOUT PLAN



FIRST FLOOR SITE LAYOUT PLAN

SITE ANALYSIS

DWELLING 1	
GROUND FLOOR	45.0m² (4.8sq)
FIRST FLOOR	43.0m² (4.6sq)
TOTAL	**88.0m² (9.4sq)**
PORCH	2.0m²
DWELLING 2	
GROUND FLOOR	40.0m² (4.3sq)
FIRST FLOOR	34.0m² (3.6sq)
TOTAL	**74.0m² (7.9sq)**
PORCH	2.0m²
DWELLING 3	
GROUND FLOOR	45.0m² (4.8sq)
FIRST FLOOR	32.0m² (3.4sq)
TOTAL	**77.0m² (8.2sq)**
PORCH	2.0m²
BASEMENT AREA	200.0m² (21.5sq)
SITE AREA	297.4m²
SITE COVERAGE	**173.0m² or 58.2%**
PAVED AREAS (IMPERVIOUS)	16.0m²
PERMEABILITY	108.7m² or 36.5%

FOR TITLE DETAILS REFER 'SURVEY AND FEATURE' PLAN BY FOOTPRINT AND ASSOCIATES REFERENCE No. 16571, DATED 19.06.17

SITE SUBJECT TO OVERLAND FLOODING FROM MELBOURNE WATER DRAINAGE SYSTEM. LEVY WATER FLOOD LEVEL IS 10.37 AHD. REFER MELBOURNE WATER LETTER DATED 29.06.17

LEGEND

DENOTES PLASTIC SURFACE LEVELS TO AUSTRALIAN HEIGHT DATUM

DENOTES HABITABLE ROOM WINDOWS

DENOTES FIRST FLOOR HABITABLE ROOM WINDOWS

DENOTES LANDING LEVELS

DENOTES VEGETATION TO BE REMOVED

No.	DATE	AMENDMENT
E	07.06.18	AMENDED TO COUNCIL'S COMMENTS
D	29.05.18	AMENDED TO COUNCIL'S COMMENTS
C	10.05.18	AMENDED TO TWO STOREY REQUIREMENTS
B	26.07.17	AMENDED TO COUNCIL'S COMMENTS
A	31.10.17	AMENDED TO COUNCIL'S REQUEST FOR FURTHER INFORMATION

PROJECT
PROPOSED FOUR DWELLINGS AT 115 EASEY STREET COLLINGWOOD

JOB
M. PINTAR

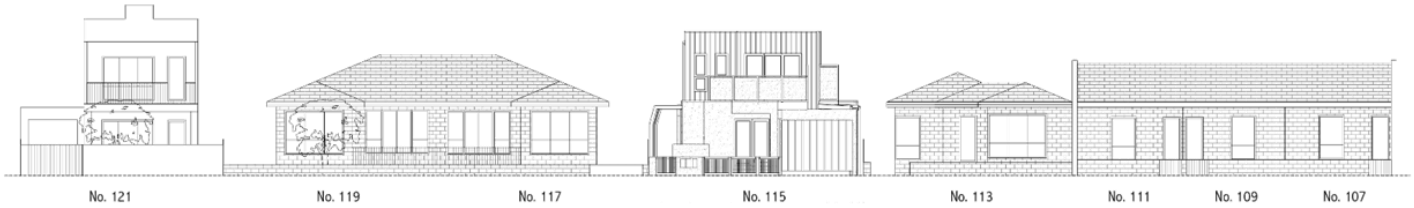
STAGE
3. TOWN PLANNING

DATE	JOB No.	SHEET No.	SCALE	AMEND. No.
07.06.2017	1539	6 of 9	1:100	E

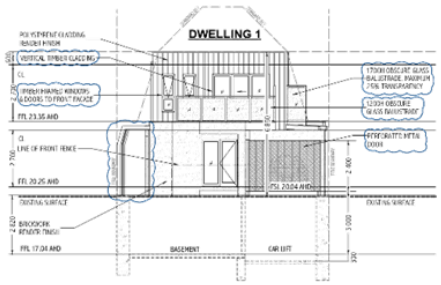
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Building Design & Planning Consultants

247-249 Nicholson Street Fitzroy VIC 3065
0757 7553 fletcherdesign.com.au

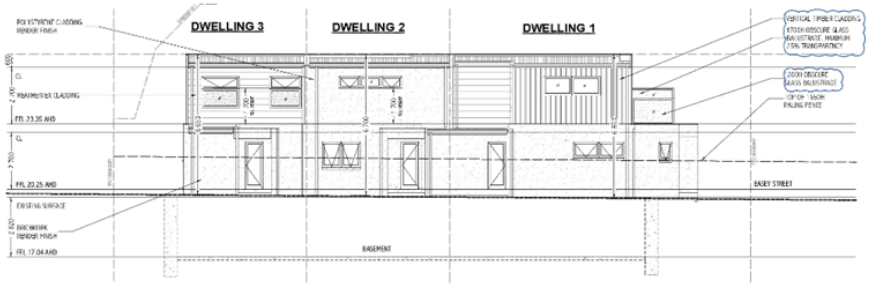
Attachment 2 - PLN17/0655 - 115 Easey Street, Collingwood - Decision plans.



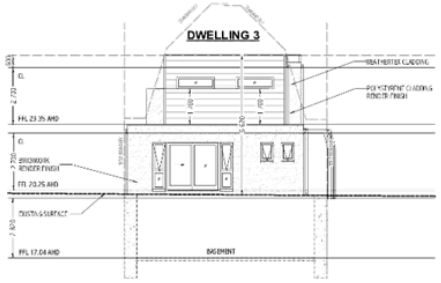
STREETSCAPE ELEVATION



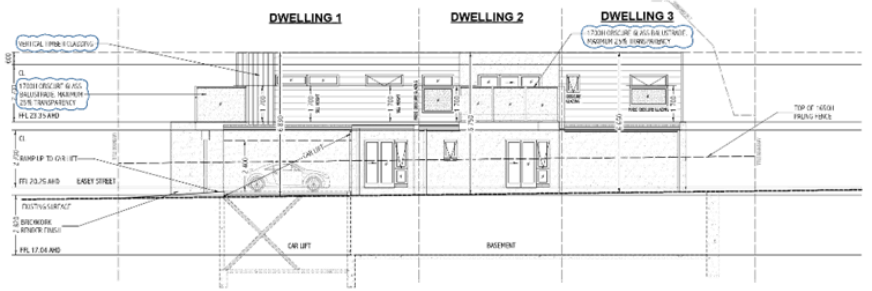
NORTH ELEVATION



EAST ELEVATION

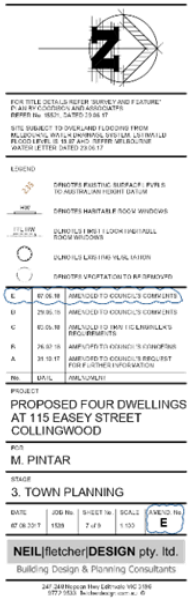


SOUTH ELEVATION

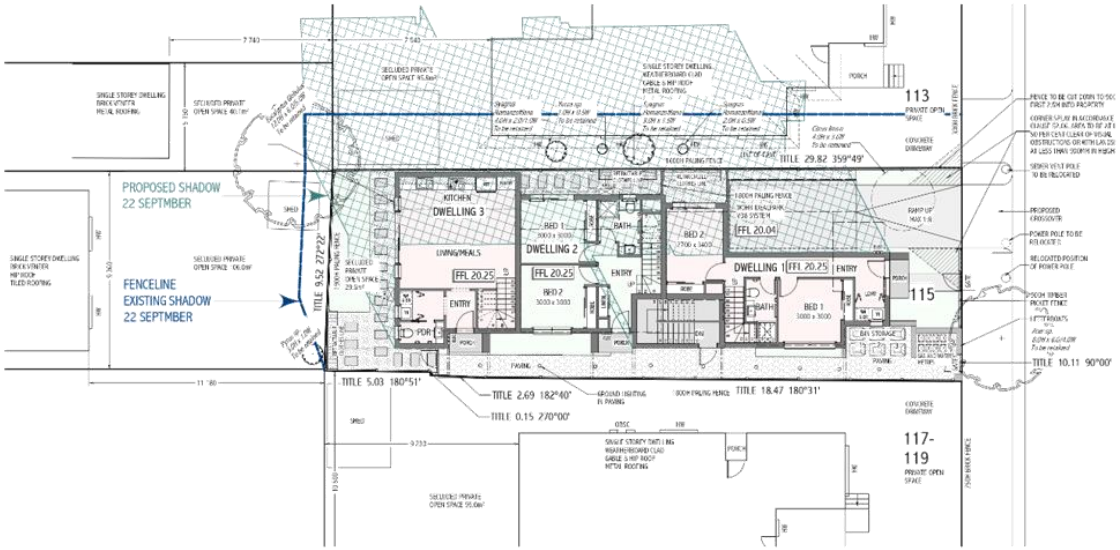


WEST ELEVATION

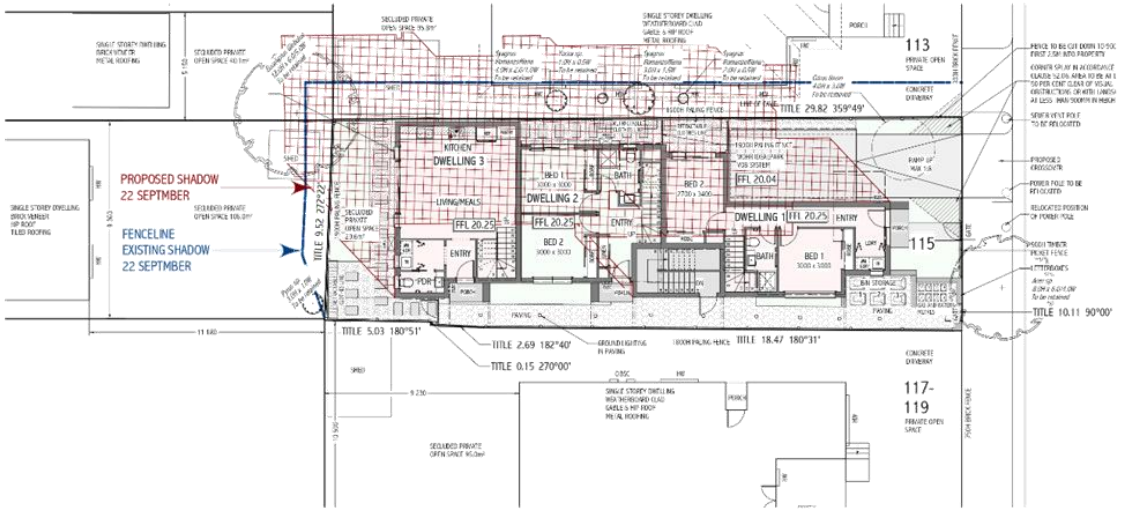




Attachment 2 - PLN17/0655 - 115 Easey Street, Collingwood - Decision plans.



AM SHADOW DIAGRAM - 9:00AM



AM SHADOW DIAGRAM - 10:00AM

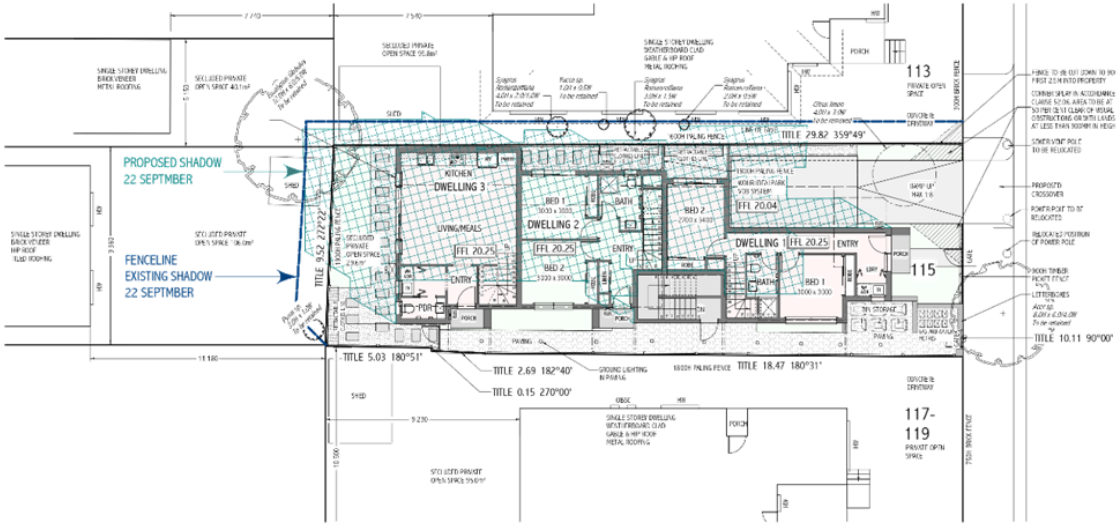
PROPOSED FOUR DWELLINGS
AT 115 EASEY STREET
COLLINGWOOD

M. PINTAR

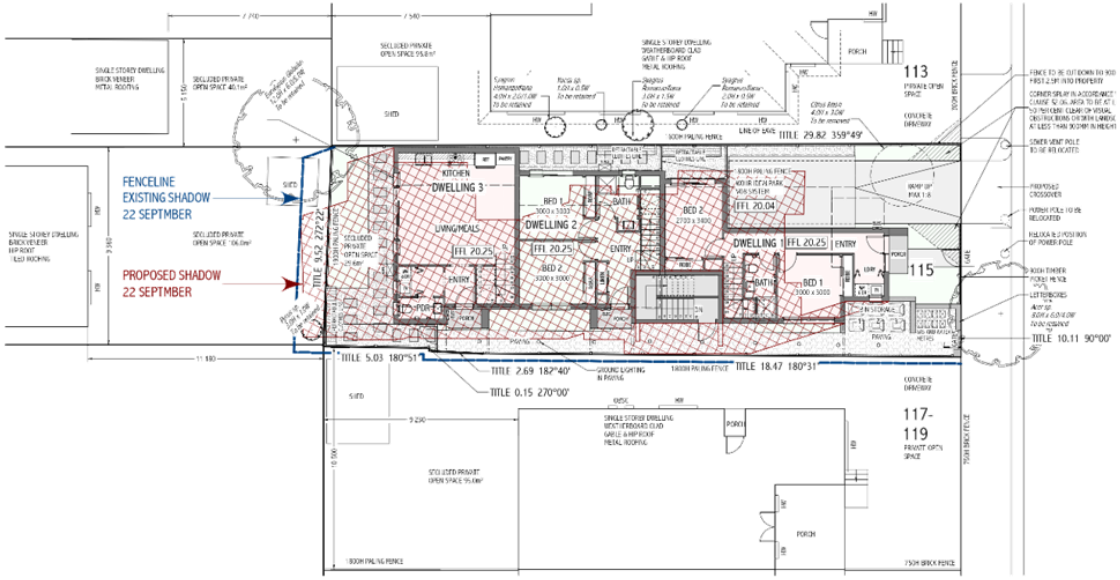
3. TOWN PLANNING

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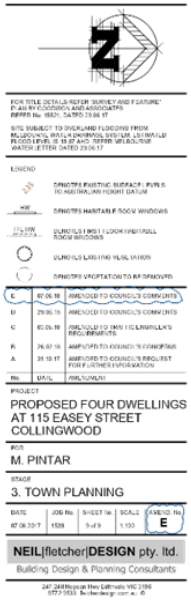
Attachment 2 - PLN17/0655 - 115 Easey Street, Collingwood - Decision plans.



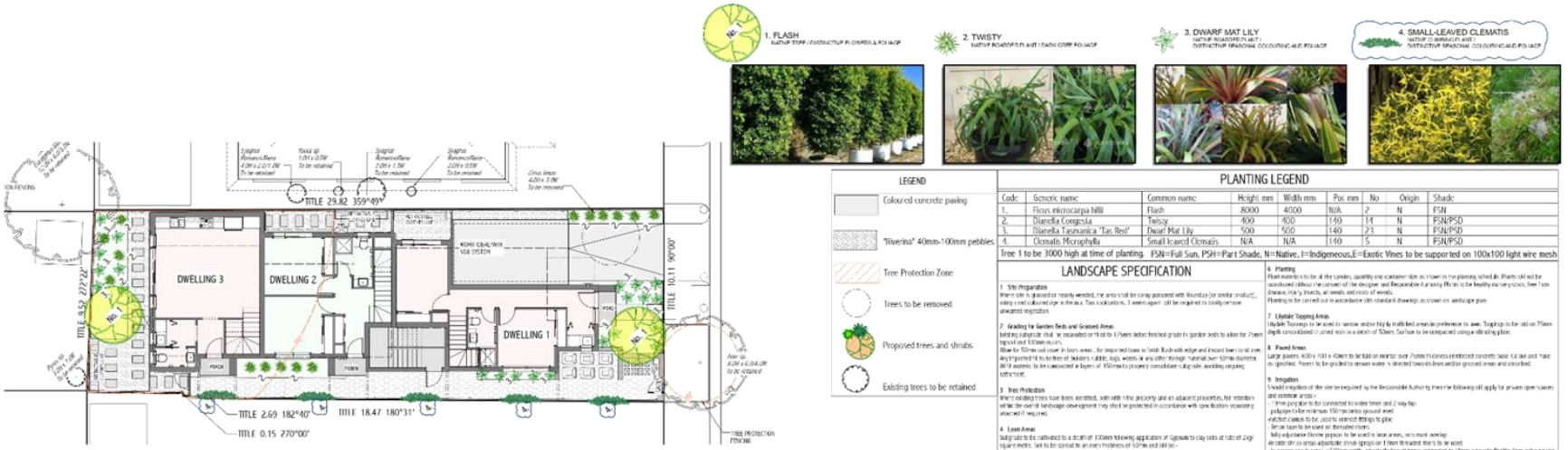
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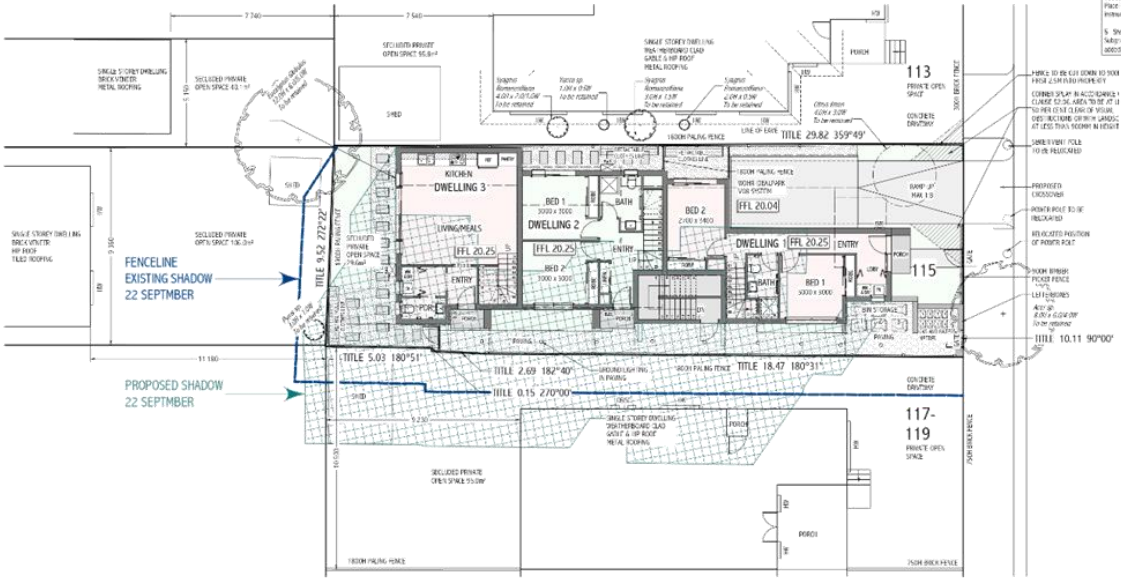


PM SHADOW DIAGRAM - 1:00PM



Attachment 2 - PLN17/0655 - 115 Easey Street, Collingwood - Decision plans.





PROPOSED FOUR DWELLINGS
AT 115 EASEY STREET
COLLINGWOOD

M. PINTAR

3. TOWN PLANNING

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Perforated Metal Garage Door



Vertical Timber Cladding to Façade

Attachment 3 - PLN17/0655 - 115 Easey Street, Collingwood - Council's Heritage advice(original application 4 dwellings).

City of Yarra
Heritage Advice

Application No.:	*PLN17/0655*
Address of Property:	***115 Easey Street, Collingwood***
Planner:	*Chris Stathis*
Yarra Planning Scheme References:	*STATE POLICY:* • *Clause 15.03 Heritage* *LOCAL POLICY:* • *Clause 21.05-1 Built Form (Heritage)* • *Clause 43.01 Heritage Overlay* • *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay*
Heritage Overlay No. & Precinct:	*HO321- Gold Street Precinct, Collingwood*
Level of significance:	*Contributory, constructed 1860-1880 (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007- updated May 2017)*
General description:	*Full demolition for construction of 4 x double storey dwellings*
Drawing Nos.:	*Set of 7 x A1 drawings prepared by Neil Fletcher Design, received by Council and date stamped 3 November 2017* *'Heritage Assessment of a Proposal to Remove the Existing House on this site', by Peter Andrew Barrett, dated August 2015*

DESCRIPTION OF THE HO321 AREA

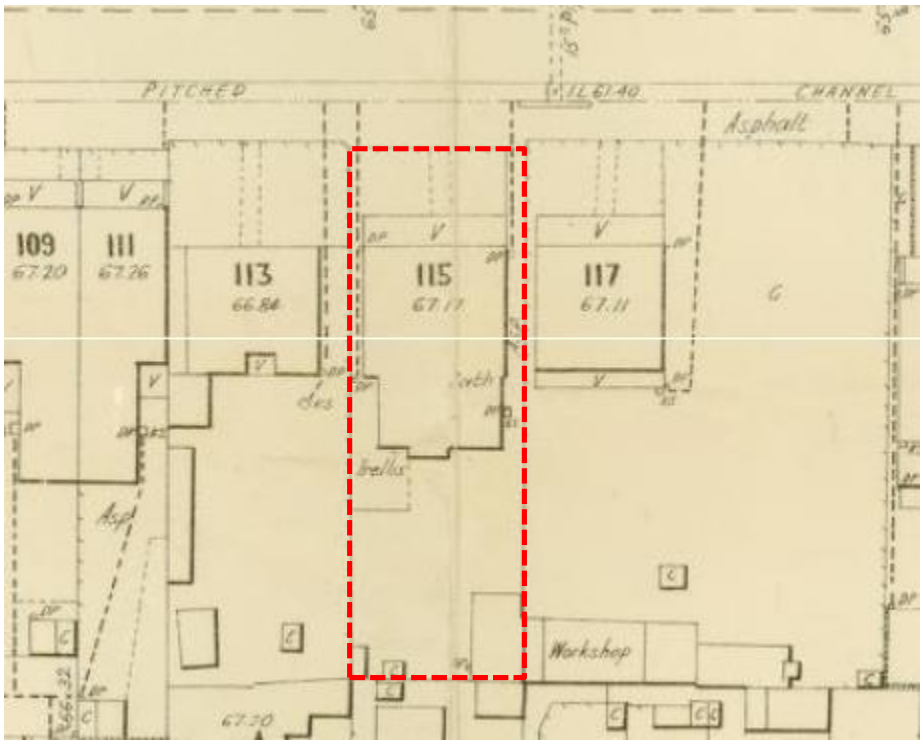
The Gold Street Heritage Overlay Area is significant:

- For its good representation of modest substantially intact timber and masonry workers' housing, interspersed with occasional industrial and commercial buildings dating predominantly from the late 19th and early 20th century. This residential and industrial mix contributes to an understanding of this area's heritage as a working class industrial suburb;
- As the largest group of early residential buildings remaining in Collingwood with the ability to demonstrate what was once more typical nature of the broader suburb;
- For the well-preserved late 19th century and early to mid 20th century industrial and commercial buildings;
- For the buildings that are of individual significance; and
- For the early street, lane and allotment layouts, together with some original bluestone infrastructure such as kerbs and guttering, providing an appropriate setting for this collection of buildings.

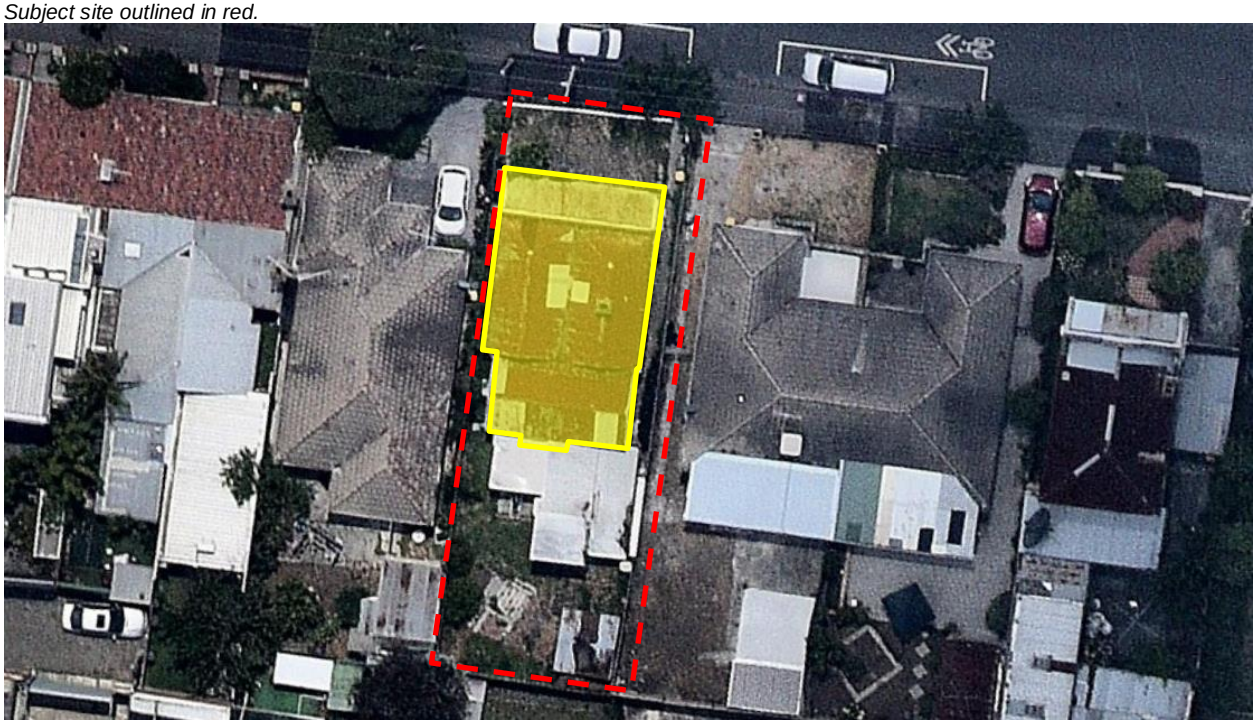
CONTEXT DESCRIPTION:

The subject site is a rectangular allotment with principal frontage to Easey Street and no rear access. It is located on the southern side of the street, mid way between Gold Street to the west and Hoddle Street to the east.

Attachment 3 - PLN17/0655 - 115 Easey Street, Collingwood - Council's Heritage advice(original application 4 dwellings).

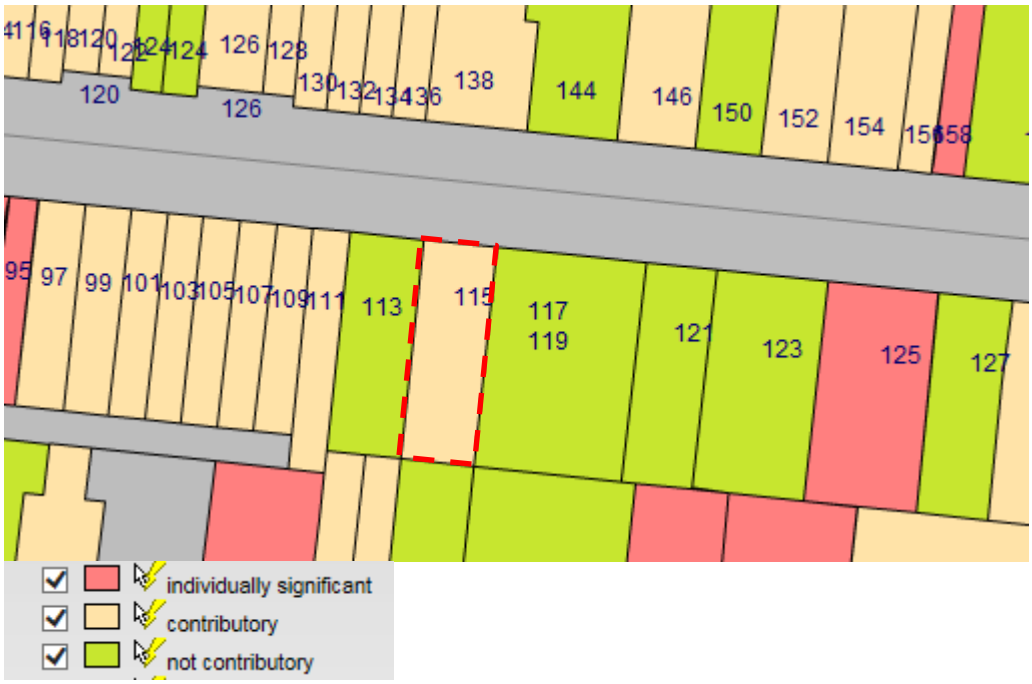


Above: Extract from Melbourne and Metropolitan Board of Works detail plan, 1236, City of Collingwood (dated 1901) Subject site outlined in red.



Above: Recent aerial of the subject site Area highlighted in yellow corresponds with the building footprint shown in the MMBW plan above

Attachment 3 - PLN17/0655 - 115 Easey Street, Collingwood - Council's Heritage advice(original application 4 dwellings).



Above: Distribution of contributory and non-contributory properties in the vicinity of the subject site

The site contains a double fronted, single storey, weatherboard dwelling with a double hipped roof at the front and gable roof at the rear. The roof is now clad in sheet metal but the independent heritage report notes that timber shingles are extant below. The dwelling has been significantly altered externally. The roof form and associated chimney are essentially the only visible contributory features that remain.

The rear outbuildings shown in the 1901 MMBW plan do not appear to have survived.

Easey Street consists of mainly Victorian cottages of single-storey scale and of contributory and individually significance.

The subject site is located between two non-contributory dwellings.



Above: View towards subject site from across Easey Street.

Attachment 3 - PLN17/0655 - 115 Easey Street, Collingwood - Council's Heritage advice(original application 4 dwellings).



Above: View towards subject site from the north-east.



Above: View towards subject site from the north-west.

ASSESSMENT OF PROPOSED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application includes full demolition of the existing building and all associated built structures on the site.

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

Clause 22.02-5.1 of the Yarra Planning Scheme states that full demolition of a contributory building in a heritage place should not be generally supported unless:

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

The policy also specifically states that the poor condition of a heritage place should not, in itself, be a reason for permitting demolition.

In his document entitled 'Heritage Assessment of a Proposal to Remove the Existing House on this site', Barrett concludes that:

> *In its altered condition, it (the existing building) contributes little to the recognised character of this part of Collingwood as an area evocative of the suburb's earlier working class history (p.10)*

Attachment 3 - PLN17/0655 - 115 Easey Street, Collingwood - Council's Heritage advice(original application 4 dwellings).

It should be noted however that the City of Yarra Review of Heritage Overlay Areas 2007 (Incorporated document) identifies that HO321 Gold Street Heritage Overlay Area, Collingwood is characterised by contributory houses that have:

- **Pitched gabled or hipped roofs, with some façade parapets;**
- **Mainly one storey wall heights** but with some two storey house rows;
- **Weatherboard,** face brick (red, bichrome and polychrome), or stucco walls;
- **Corrugated iron roof cladding** with some slate roofing;
- **Chimneys of either stucco finish (with moulded caps**) or of matching face brickwork with corbelled capping courses;
- Post-supported verandah elements facing the street, set out on two levels as required with cast-iron detailing;
- **Less than 40% of the street wall face comprised with openings such as windows and doors;** and
- **Front gardens, originally bordered by timber picket front fences of around 1m height**.

Despite its altered appearance, it is considered that the subject building still displays a number of the characteristics of the precinct, which have been highlighted in bold above. The main characteristic missing is the "Post-supported verandah element facing the street" which could be easily reconstructed. Similarly, more appropriate window frames and front door could be reintroduced to enhance the heritage character of the building.

The suggestion by Barrett that the "context of the house has been impacted by neighbouring Post-war development" is misleading as the both Easey Street and the precinct more generally is composed of numerous houses of similar vintage to the subject property. The post-war properties either side of the subject site do not make up a majority of the surrounding built environment. It is also considered likely that both adjoining properties will be redeveloped at some stage in the future.

It is noted that the condition of the subject property does not appear to be such that demolition on the grounds of poor condition is being sought in this application.

In conclusion, it is considered that the contributory status of the subject dwelling is confirmed by its scale, mass, roof form and external materials. **Full demolition of the subject building will weaken the consistency of heritage dwellings in the street and in the precinct generally**.

The extent to which the subject property contributes to the streetscape would be greatly enhanced by both the retention of the front portion of the existing house and the reconstruction of a simple Victorian style front verandah.

Comments regarding new development:

NOTE: On the basis that full demolition of the existing building is not supported on heritage grounds, the following comments regarding the new development should only be referred to in the event that full demolition of the existing building is found acceptable despite the lack of support outlined above.

The extent of new works proposed by this application includes development of four adjoining two-storey townhouses with a basement car park.

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

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

Setbacks:

Attachment 3 - PLN17/0655 - 115 Easey Street, Collingwood - Council's Heritage advice(original application 4 dwellings).

The proposed front setback for the new development at ground level will be 3.7 metres which is consistent with the non-contributory dwelling at no. 113 Easey Street as well as the row of contributory buildings further to the west.

The proposed front setback of the new development is therefore considered acceptable.

The proposed side setback for the new development will be almost a metre from the eastern boundary. The side setbacks of the adjacent properties are mixed however most narrow sites have zero side boundaries and most wider allotments (such as the subject site) have a side setback of about 1 metre to either one or both sides.

The proposed side setback to the eastern side boundary is therefore appropriate.

Scale/height:

The proposed facade height for the new development will be about 7 metres.

The facade heights of the adjacent properties are about 3.3 metres, however these are both non-contributory buildings. There are two 2-storey buildings of contributory significance in the vicinity of the subject site. On the basis that the proposed new development will be of similar scale to these existing two-storey buildings, it is considered that the scale of the new building will not be unacceptable.

Roof form:

The proposed roof form for the new development will be flat. The roof forms of the adjacent properties are a mix of hips, gables and roofs hidden by parapets. The flat roof of the proposed new building reflects the boxy form of the nearby two-storey buildings with parapets.

Appearance:

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

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Be distinguishable from the original historic fabric.
- Not remove, cover, damage or change original historic fabric.
- Not obscure views of principle façades.
- Consider the architectural integrity and context of the heritage place or contributory element

A contemporary design approach has been adopted for the proposed new building. This approach is not unacceptable provided that adequate respect is given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration.

The adjacent properties are generally of contributory buildings of contemporary/traditional appearance.

Contributory buildings within this precinct are characterised as typically detached and attached Victorian-era and Edwardian-era mainly one storey houses having:

- Pitched gabled or hipped roofs, with some façade parapets;
- Mainly one storey wall heights but with some two storey house rows;
- Weatherboard, face brick (red, bichrome and polychrome), or stucco walls;
- Corrugated iron roof cladding with some slate roofing;
- Chimneys of either stucco finish (with moulded caps) or of matching face brickwork with corbelled capping courses;
- Post-supported verandah elements facing the street, set out on two levels as required with cast-iron detailing;
- Less than 40% of the street wall face comprised with openings such as windows and doors; and

Attachment 3 - PLN17/0655 - 115 Easey Street, Collingwood - Council's Heritage advice(original application 4 dwellings).

- Front gardens, originally bordered by timber picket front fences of around 1m height.

The proposed window openings of the new building's facade should complement the size, proportions, and locations of windows and door openings in nearby contributory buildings in the heritage precinct. The trio of narrow windows both at ground and the upper floor levels should be modified to a pair of traditional windows of traditional proportion. Similarly the horizontally oriented window at the upper level façade should be rotated to be vertically oriented.

The proposed external materials for the new development will be rendered brickwork in 'surfmist' colour and Colorbond multi-clad cladding in unpainted Zincalume finish. The proposed rendered finish is considered acceptable however the bright and shiny finish of the Zincalume cladding on the façade will be alien in the heritage context of Easy Street. A mix of sympathetic materials and colours will lessen the impact of the new building in the street. It is recommended that a contemporary cladding material that is evocative of weatherboards, finished in a subdued grey/brown colouring should be considered.

Front fence:

The proposed front fence will be a short solid fence of 1.5 metres in height. The front fence should be designed to be reflective of the prevailing character of timber picket front fences of around 1m height within the heritage precinct.

Landscaping:

The submitted plans do not show any landscaping within the front setback of the new development. Landscaping should be introduced as it would soften and help blend the new building into the heritage streetscape.

RECOMMENDATIONS:

1. On heritage grounds the works proposed in this application should be refused on the grounds that full demolition of the existing building on the site is not justified and will diminish the consistency of heritage dwellings in the street and in the precinct generally.

2. Should full demolition be found acceptable, the proposed new development should be modified as follows:

    a. The proposed window openings of the new building's facade should be modified to complement the size, proportions, and locations of windows and door openings in nearby contributory buildings in the heritage precinct;

    b. The proposed Zincalume cladding should be modified to complement and respect the appearance and character of external materials used for nearby contributory buildings within the streetscape;

    c. The front fence should be modified to extend across the full width of the site and to be reflective of the prevailing character of timber picket front fences of around 1m height within the heritage precinct.

    d. Landscaping should be introduced within the front setback as it will soften and help blend the new building into the heritage streetscape.

Other comments:

Attachment 3 - PLN17/0655 - 115 Easey Street, Collingwood - Council's Heritage advice(original application 4 dwellings).

SIGNED:



Ruth Redden

DATED: 10 January 2018

Attachment 4 - PLN17/0655 - 115 Easey Street, Collingwood - Council's Heritage advice(decision plans 3 dwellings).

City of Yarra
Heritage Advice

Application No.:	*PLN17/0655*
Address of Property:	***115 Easey Street, Collingwood***
Planner:	*Laura Condon*
Yarra Planning Scheme References:	*STATE POLICY:* • *Clause 15.03 Heritage* *LOCAL POLICY:* • *Clause 21.05-1 Built Form (Heritage)* • *Clause 43.01 Heritage Overlay* • *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay*
Heritage Overlay No. & Precinct:	*HO321- Gold Street Precinct, Collingwood*
Level of significance:	*Contributory, constructed 1860-1880 (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007- updated May 2017)*
General description:	*Full demolition for construction of 3x double storey dwellings*
Drawing Nos.:	*Set of 10 x A3 drawings prepared by Neil Fletcher Design, received by Council and date stamped 8 June 2018*

Previous assessment from January 2018 recommended:

1. On heritage grounds the works proposed in this application should be refused on the grounds that full demolition of the existing building on the site is not justified and will diminish the consistency of heritage dwellings in the street and in the precinct generally.

2. Should full demolition be found acceptable, the proposed new development should be modified as follows:

    a. The proposed window openings of the new building's facade should be modified to complement the size, proportions, and locations of windows and door openings in nearby contributory buildings in the heritage precinct;

    b. The proposed Zincalume cladding should be modified to complement and respect the appearance and character of external materials used for nearby contributory buildings within the streetscape;

    c. The front fence should be modified to extend across the full width of the site and to be reflective of the prevailing character of timber picket front fences of around 1m height within the heritage precinct.

    d. Landscaping should be introduced within the front setback as it will soften and help blend the new building into the heritage streetscape.

Since the previous heritage assessment 57A plans have been submitted showing full demolition of the building and changes to the proposed development. On the understanding that Council will support full demolition of the existing building, the following additional comments and recommendations are made:

1) The proposed window openings in the building's façade are supported as being vertical rectangular and not occupying more than 40% of façade spaces.
2) The proposed brickwork with a render finish, and vertical timber battens at the upper level, are supported.

Attachment 4 - PLN17/0655 - 115 Easey Street, Collingwood - Council's Heritage advice(decision plans 3 dwellings).

3) The proposed 900mm high timber picket fence is supported. **However, the fence should extend across the entire site, including a gate across the driveway.** Including a gate in this location would help to 'contain' the non-contributory site, making it more visually recessive, and retain a traditional vista within the streetscape where carparking and driveways are not an original feature.

4) Landscaping in the front garden is supported.

5) The proposed perforated mesh garage door would be highly contemporary and out of character with the traditional streetscape. **It is strongly recommended that the perforated mesh garage door be substituted for a matte finished material such as timber.**

6) The new proposal includes an open balcony at the front of the building. Whilst enclosed upper level verandahs are traditional for double storey terraces (as per 121 Easey Street), large open balconies with reflective materials are not and detract from surrounding contributory fabric – especially once furniture and activity occupy the balcony.

   It is strongly recommended that the street-facing balcony be deleted from dwelling 1; or reduced in size (8sqm max) *and* the balustrade material changed to timber to complement façade cladding and conceal furniture/activity behind.

SIGNED:



Ruth Redden

DATED: 25/10/18

Attachment 5 - PLN17/0655 - 115 Easey Street, Collingwood - Applicant's Heritage expert report.

115 EASEY STREET
COLLINGWOOD

HERITAGE ASSESSMENT OF
A PROPOSAL TO REMOVE THE
EXISTING HOUSE ON THIS SITE

PETER ANDREW BARRETT

AUGUST 2015

Attachment 5 - PLN17/0655 - 115 Easey Street, Collingwood - Applicant's Heritage expert report.

PREAMBLE

Marko Pintar, the owner of the subject site at 115 Easey Street Collingwood, commissioned this heritage assessment. The purpose of this report is to assess from a heritage perspective a proposal to remove the existing house on this site.

The house on the subject site is a detached single-storey weatherboard cottage. The site is situated within the HO321 Gold Street Precinct of the *Yarra Planning Scheme*, and the house on the site is identified to be of contributory value to this heritage overlay.

As a consequence of the subject site being within a heritage overlay, any proposed works on the site will need to be assessed against Clause 43.01 Heritage Overlay, as well as other policies that relate to heritage in the *Yarra Planning Scheme*.

In addition to the *Yarra Planning Scheme* this heritage assessment is prepared with regard to the Australia ICOMOS *Burra Charter, 2013*, which is the standard of heritage practice in Australia.

SITE & ENVIRONS

The subject site is situated on the south side of Easey Street, approximately mid-block between Gold and Hoddle Streets. Easey Street is a relatively wide street, with much of its built form of Victorian origin. An exception to this is the environs of the subject site, which contain housing of Post-war origin (No's 113 and 117-119). Nineteenth century housing in the vicinity of the subject site has also undergone change in the twentieth century that has impacted upon its Victorian character (No's 121 and 123). However, further east and west along the south side of Easey Street more of its early character is retained. Opposite the subject site the housing is also diverse in terms of period, style, scale and materials.

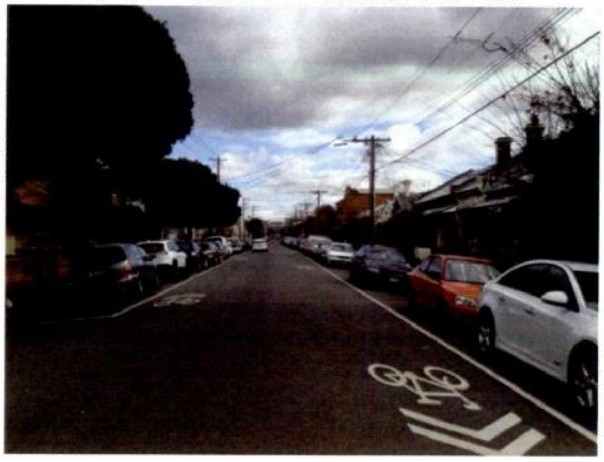
The subject site is relatively flat. The house on the subject site is a detached single-storey double-fronted weatherboard Victorian cottage that is set back from Easey Street behind a garden. A low timber palisade fence extends along the street boundary. The house is set back from its side boundaries. The west set back is shallower than the east set back, and the latter contains pedestrian access to the rear of the site. There is a yard at the rear of the house.

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The subject site viewed from directly opposite in Easey Street.



Easey Street looking west in the environs of the subject site.



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Easey Street looking east in the environs of the subject site.



Cream brick Post-war duplex to the east of the subject site (No's 117-119). The subject site is partially visible at right.

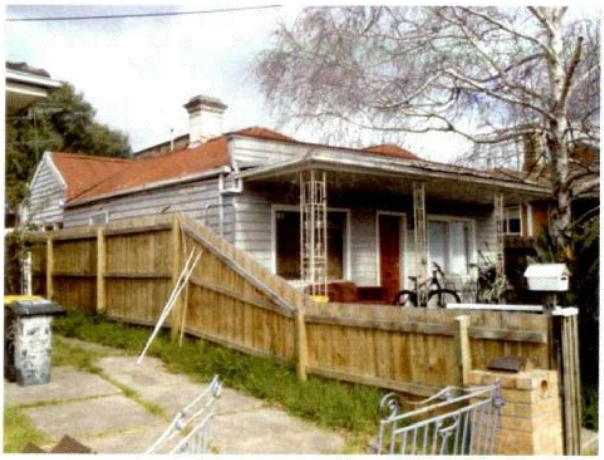


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Post-war house to the west of the subject site. The house on the subject-site is partially visible at left.



The existing house on the subject site, looking southwest from Easey Street.



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The existing house on the subject site, looking southeast.



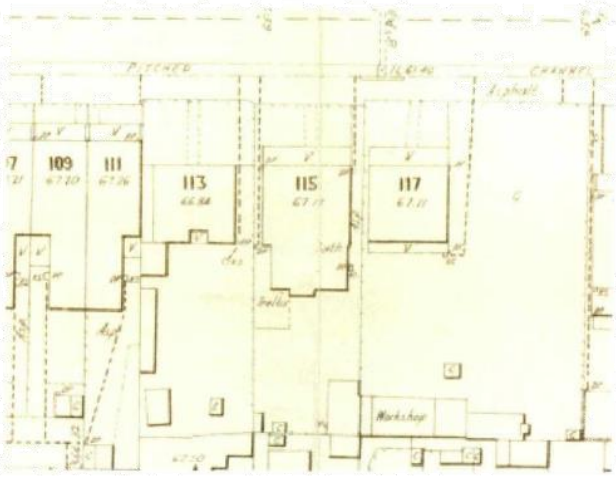
The house on the subject site has a pair of hip roofs that project towards the street. A gable roof portion extends across the rear of the house, and the rear of the hip roofs has gables where they meet this rear portion of the house. All of these roofs are clad in corrugated galvanised steel sheeting, however what appears to be earlier timber shingle roofing may be extent under the west hip. One rendered chimney is extant on east hip roof. A low, plain, timber parapet extends in front of the hip roofs on the façade.

The façade of the house is symmetrically composed with a central four-panel timber door, which is flanked by timber frame awning windows. A similar type of window has been fitted on the east elevation of the house. A verandah of Post-war origin, with a concrete base and wrought iron posts, extends across the front of the house. The house has been reclad in a round-edge profile weatherboard.

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HISTORICAL BACKGROUND

The *Victorian Heritage Database* lists the date range of this house as 1860-1880. This is consistent with a *Sands & McDougall Melbourne Directories* search undertaken, which first lists this house in 1867. An MMBW Detail Plan of 1901 shows the footprint of the house much as it is now, apart from the addition at the rear southeast corner. The garden layout in the plan shows a central path leading towards the front door, instead of the current arrangement of a side gate and path.



A portion of an MMBW Detail Plan of 1901, which shows the footprint of the existing house on the subject site. (MMBW Detail Plan No 1236, City of Collingwood. State Library of Victoria Map Collection).

ANALYSIS

It is proposed to remove the existing dwelling from the subject site. A proposal for the site after it has been cleared of the existing house has not been prepared, but I am advised by Mr Tribe, the owner's architect, that infill housing is proposed.

The subject site is situated within the HO321 Gold Street Precinct and is identified as a contributory building to this heritage overlay. The house is identified on the *Victorian Heritage Database* to have a low level of integrity.

Another house, at 125 Easey Street, is contemporaneous with the house on the subject site, but is more intact and more evocative of the earliest phase of housing in this heritage overlay. The house at No 125 is also enhanced by its setting, which is deep, and is on a large block for Collingwood. Another house at 74 Keele Street is also contemporaneous with the house on the subject site, and has a higher-level of integrity. It also provides greater interpretative value as an example of early housing in this heritage overlay.

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A house at 125 Easey Street, which is contemporaneous with the house on the subject site.



Another house within the HO321 Gold Street Precinct that is contemporaneous with the subject house is this house at 74 Keele Street.



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The HO321 Gold Street Precinct is aesthetically and historically significant to the City of Yarra. This significance is said to derive from:

- *... its good representation of modest substantially intact timber and masonry workers' housing, interspersed with occasional industrial and commercial buildings dating predominantly from the late 19th and early 20th century. This residential and industrial mix contributes to an understanding of this area's heritage as a working class suburb;*
- *As the largest group of early residential buildings remaining in Collingwood with the ability to demonstrate what was once more typical* (sic) *nature of the broader suburb;*
- *For well-preserved late 19th century and early to mid 20th century industrial and commercial buildings;*
- *For the buildings that are of individual significance; and*
- *For the early street, lane and allotment layouts, together with some original bluestone infrastructure such as kerbs and guttering, providing an appropriate setting for this collection of buildings.*

Although the house is an early example of housing in this heritage overlay, it cannot be considered to be intact. Its altered condition provides little, if any, indication of its early origin, and the existing character of the house provides no more of an indication of the suburb's working class origin as any other house in the heritage overlay.

The house on the subject site is not of individual significance, rather it is of a low level of heritage value. Its recognised contributory value is diminished by unsympathetic alterations that include new windows, new wall cladding, and a new verandah. Its contributory value is further diminished by its context, which has changed in the Post-war period. Earlier, the house was flanked by detached Victorian cottages, but development in the 1960s replaced these adjacent cottages with a brick villa (No 113) and a cream brick duplex (No 117-119). As a sum these houses (No's 113, 115 and 117-119) cannot be considered to be a streetscape of housing that is representative of the early working class origins of this part of Collingwood.

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In terms of the elements that are recognised to contribute to the heritage overlay these include:

- *Pitched gable or hipped* (hip) *roofs, with some façade parapets;*
- *Mainly one* (single) *storey wall heights but with some two-storey house rows;*
- *Weatherboard, face brick (red, bichrome and polychrome), or stucco walls;*
- *Corrugated iron roof cladding with some slate roofing;*
- *Chimneys of either stucco finish (with moulded caps) of matching face brickwork with corbelled capping course;*
- *Post-supported verandah elements facing the street, set out on two levels as required with cast iron detailing;*
- *Less than 40% of the street-wall face comprised with openings such as windows and doors; and*
- *Front gardens, originally bordered by timber picket front fences of around 1m height.*

Some of these contributory items on the subject house have either been removed and/or altered. Many, including the gable and hip roof forms, the single storey scale, and weatherboard cladding, are relatively unremarkable elements that are found on most buildings within Melbourne, and are elements that could be incorporated into the design of a new building on the site so that it contributes to the character of this heritage overlay.

In terms of removing a building, Clause 43.01 Heritage Overlay, Decision guidelines, requires that the responsible authority must consider appropriate whether the demolition will affect the significance, character or appearance of the heritage place. In regard to contributory buildings, Clause 22.02 Development Guidelines For Sites Subject To The Heritage Overlay encourages their retention unless:

- *New evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8, Revised September 2014, and*
- *The building does not form part of a group of similar buildings.*

Attachment 5 - PLN17/0655 - 115 Easey Street, Collingwood - Applicant's Heritage expert report.

A visual inspection of the subject house revealed that a significant amount of its original contributory fabric has been removed and/or altered, which has diminished its contributory value to this heritage overlay. This is also alluded to in the citation for the house in the *Victorian Heritage Database*, which identifies the house to have a low level of integrity. Further compromising the heritage value of the house, is its altered context, where it is now sited between Post-war housing. Given the change that has occurred to both the fabric of the house and its setting, the proposed removal of the house is consistent with Council heritage policy in relation to the demolition of a building within a heritage overlay.

CONCLUSION

The existing house on the subject site is a poor example of an early dwelling in this precinct. In its altered condition, it contributes little to the recognised character of this part of Collingwood as an area evocative of the suburb's earlier working class history. The house has some limited contributory elements to this heritage overlay of scale, material and roof form(s), but these are relatively unremarkable elements and ones that could easily be adopted in the design of a new building for this site.

The context of the house has been impacted upon by neighbouring Post-war development. The single-storey scale, mass and roof forms of this dwelling may have provided some contribution to a streetscape of Victorian buildings, but in its altered setting, they have limited heritage value.

It is my view that the house can be removed without any appreciable impact upon the heritage value of the HO321 Gold Street Precinct. Any new building for the site should be responsive to the recognised and valued character of the heritage overlay. It is on this basis that I support the removal of the existing dwelling on the subject site.

Peter Barrett
Master of Architectural
History & Conservation (Melb.)

Attachment 6 - PLN17/0655 - 115 Easey Street, Collingwood - Council's Arborist comments.

Memo

To: Laura Condon

Cc: Craig Lupton, Glen Williames,

From: Paul Whitten

Date: 1 August 2018

Subject: PLN17/0655 – 115 Easey Street Collingwood

diverse

vibrant

exciting

inclusive

Hi Laura,

I have reviewed the arborist report and the S57B Plans and provide the following comments.

- The arborist report does not provide sufficient evidence that neighbouring trees with TPZ impacts of 10% or greater will remain viable after construction
- The recommendations for tree protection does not allow for non-destructive digging (NDD) to adequately identify possible root loss to trees with TPZ impacts
- The arborist report requires an update of all impact calculations based on the revised plans

The landscape plans show minimal planting for trees and we should be promoting where possible canopy trees capable of reaching a minimum mature height of 8m.

Another consideration is “deep soil” and to ensure there is sufficient space for root growth above and beside the basement.

Attachment 7 - PLN17/0655 - 115 Easey Street, Collingwood - Applicant's Arborist report.

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Attachment 7 - PLN17/0655 - 115 Easey Street, Collingwood - Applicant's Arborist report.

Disclaimer

This information paper is provided to Neil Fletcher Design Pty Ltd on a confidential basis and is provided to the recipient strictly on the understanding that its contents will be kept confidential and will not be disclosed to any other party without Constructive Arboriculture giving prior permission in writing. In accepting the proposal the recipient acknowledges that Constructive Arboriculture will suffer consequential loss or damage if the confidential information is disclosed whether directly or indirectly or used in any way by the recipient without the consent of Constructive Arboriculture.

This report paper contains recommendations made by Constructive Arboriculture, which are in relation to only those trees provided within this report.

Due to the nature of trees and the practical limitations in accurately assessing the limitations and structural integrity of all parts of a tree it is not possible to make a completely accurate assessment of the condition of a tree. The recommendations in this report are based on visual assessments and external indicators and there is also some degree of subjectivity. This report is intended to be used as a tool to assist the management of trees located within and surrounding the site. It should be noted that any tree near any structure or property or person(s) poses a risk.

To this extent, Constructive Arboriculture gives no warranty as to the reliability or accuracy of the information nor accepts any responsibility arising in any other way (including by reason of negligence) for errors or omissions herein nor accepts liability for any loss or damage suffered by any person or any other persons placing any reliance on, acting on the basis of, the contents hereof. No party shall be entitled to raise any claim or suit of action on the basis of the contents of this report.

Introduction

1.1 Brief

The purpose of this report is to provide an assessment of trees located within and surrounding areas of proposed development at 115 Easey Street, Collingwood.

This report has been prepared by Constructive Arboriculture at the request of Neil Fletcher Design Pty Ltd and is based on the following instructions:

1. To inspect and document significant trees within and surrounding the site, including neighbouring and Council trees.
2. To provide an objective appraisal of the trees regarding their health, structural stability and suitability for retention.
3. To provide methods of protection for trees, where necessary, in the event of their retention.
4. To provide a list of native and indigenous vegetation to assist with selecting species for proposed landscape plan.

2 Overview

The construction of four dwellings is proposed at 115 Easey Street, Collingwood. The existing dwelling is to be demolished.

A total of eight (8) trees were assessed for the purpose of this report and consist of one (1) tree located within the site, six (6) neighbouring trees and one (1) Council tree.

The tree assessed within the site will require removal to facilitate the construction proposal. It is a small tree and is of low retention-value.

Tree protection measures have been provided for neighbouring trees assessed, where necessary, in the event that they are retained.

Attachment 7 - PLN17/0655 - 115 Easey Street, Collingwood - Applicant's Arborist report.

3 Vegetation survey

3.1 Site visit: Adam Hamilton of Constructive Arboriculture inspected the site on Wednesday the 5th of July 2017.

3.2 Methodology

- Each individually assessed tree has been allocated a unique number followed by an alphabetical reference which identifies ownership and responsibility. S = Tree within site boundaries, N = Tree on neighbouring property, C = Council tree.
- All trees are assessed by visual observations made from ground level only and limited to accessible components without dissection, excavation or probing. Height and canopy spreads are estimated.
- Trunk Diameter at Breast Height (DBH) is measured in metres at 1.4m above ground level; multi-stemmed trees are measured immediately above the root flare.
- Methodology of determining Health, Structure, Age, Retention Suitability and SULE has been provided as an appendix (*Appendix 2*).
- Photographs have been taken and are stored on file. They can be viewed upon request.

3.3 Tree Survey Schedule: The following table is a summary of the data collected for the trees individually assessed.

Tree no.	*Botanical name* Common Name	Height (m)	Canopy spread (m)	DBH (m)	CAB (m)	Health	Structure	Age	Origin	Retention Suitability	SULE	Comments	Arborist's Recommendation
1-C	*Acer sp.* Maple	8	6 x 4	0.17	0.8	Fair	Fair	Mature	Exotic	Medium	≤20	This small tree is located within the road reserve at the front of the site. The tree is of fair health and structure. The tree is suitably distanced from areas of proposed construction and will not be adversely impacted upon in the event that it is retained.	Tree management considerations have been provided for this tree in the Tree Protection Schedule (*section 4.3*) in the event of its retention.
2-S	*Citrus limon* Lemon	4	3	0.14	0.6	Fair	Below average	Mature	Exotic	Low	<10	This small fruit tree is located within the front yard of the site. It is within areas of proposed construction and its retention cannot be facilitated. The tree is of fair health with below average structure and possesses limited retention viability. Due to the tree's small stature, its removal will not impact significantly upon the streetscape.	The tree's removal is required to facilitate the construction proposal.
3-N	*Eucalyptus globulus* Tasmanian Blue Gum	12	6 x 5	1.2	4.44	Poor	Poor	Mature	Native	Low	Ex	This tree is located within the rear yard of the south-western adjoining neighbouring property (116 Sackville Street) approximately 0.6m from the shared boundary with the site. The tree is of poor health and structure. The tree has been heavily lopped. Its structure consists of two trunk leaders (lopped at 6m and 4m above ground level) with an abundance of poorly attached epicormic development. The tree's defined TPZ (14.4m) extends approximately 13.09m beyond the shared boundary within the site and within areas of proposed construction (proposed basement), located at its closest point approximately 2m from the base of the tree. The construction proposal will encroach upon approximately 19% of the tree's TPZ, an encroachment usually considered significant (>10% AS 4970-2009). However, due to the heavily lopped structure of the tree, the facilitation of the construction proposal is not expected to diminish the tree's anchorage or impact adversely upon the tree's existing vigour. The tree is considered suitably distanced from areas of proposed construction and will not be adversely impacted upon in the event that it is retained.	Tree management considerations have been provided for this tree in the Tree Protection Schedule (*section 4.3*) in the event of its retention.

Attachment 7 - PLN17/0655 - 115 Easey Street, Collingwood - Applicant's Arborist report.

Tree no.	Botanical name / Common Name	Height (m)	Canopy spread (m)	DBH (m)	CAB (m)	Health	Structure	Age	Origin	Retention Suitability	SULE	Comments	Arborist's Recommendation
4-N	*Pyrus sp.* Pear	3	1	0.05	0.2	Fair	Fair	Young	Exotic	Low	<20	This small tree is located within the rear yard of the southern adjoining neighbouring property (118 Sackville Street) approximately 0.9m from the shared boundary with the site. The tree is of fair health and structure. The tree's defined TPZ (2m) extends approximately 1.07m beyond the shared boundary within the site but not within areas of proposed construction. Due to the tree's small stature and immaturity, its root system is not expected to have extended within the site. The tree is suitably distanced from areas of proposed construction and will not be adversely impacted upon in the event that it is retained. It is adequately protected by the existing shared boundary fence-line.	Tree management considerations will not be required for this tree in the event of its retention.
5-N	*Syagrus romanzoffiana* Cocos Palm	4	2 x 1	0.1	0.7	Fair	Fair	Young	Exotic	Low	<20	This small palm tree is located within the rear yard of the southern adjoining neighbouring property (113 Easey Street) approximately 0.3m from the shared boundary with the site. The tree is of fair health and structure. The tree's defined TPZ (2.5m) extends approximately 2.09m beyond the shared boundary within the site and within areas of proposed construction (basement), located at its closest point approximately 1m from the base of the tree. The construction proposal will encroach upon approximately 22% of the tree's TPZ, an encroachment usually considered significant (>10% AS 4970-2009). However, due to the tree's small stature, immaturity and small rooting habit, its root system is not expected to have extended within the site or areas of the construction proposal. The tree is suitably distanced from areas of proposed construction and will not be adversely impacted upon in the event that it is retained. It is adequately protected by the existing shared boundary fence-line.	Tree management considerations will not be required for this tree in the event of its retention.

Attachment 7 - PLN17/0655 - 115 Easey Street, Collingwood - Applicant's Arborist report.

Tree no.	*Botanical name* Common Name	Height (m)	Canopy spread (m)	DBH (m)	CAB (m)	Health	Structure	Age	Origin	Retention Suitability	SULE	Comments	Arborist's Recommendation
6-N	*Yucca sp.* Yucca	1	0.5	0.12	0.5	Fair	Fair	Young	Exotic	Low	<15	This small palm-like tree is located within the rear yard of the southern adjoining neighbouring property (113 Easey Street) approximately 0.5m from the shared boundary with the site. The tree is of fair health and structure. The tree's defined TPZ (2m) extends approximately 1.42m beyond the shared boundary within the site and within areas of proposed construction (basement), located at its closest point approximately 1.3m from the base of the tree. The construction proposal will encroach upon approximately 10% of the tree's TPZ, an encroachment not considered significant (≤10% AS 4970-2009). Due to the tree's small stature, immaturity and small rooting habit, its root system is not expected to have extended within the site or areas of the construction proposal. The tree is suitably distanced from areas of proposed construction and will not be adversely impacted upon in the event that it is retained. It is adequately protected by the existing shared boundary fence-line.	Tree management considerations will not be required for this tree in the event of its retention.
7-N	*Syagrus romanzoffiana* Cocos Palm	3	1.5	0.03	0.2	Fair	Fair	Young	Exotic	Low	<15	This small palm tree is located within the rear yard of the southern adjoining neighbouring property (113 Easey Street) approximately 0.3m from the shared boundary with the site. The tree is of fair health and structure. The tree's defined TPZ (2m) extends approximately 1.67m beyond the shared boundary within the site and within areas of proposed construction (basement), located at its closest point approximately 1m from the base of the tree. The construction proposal will encroach upon approximately 18% of the tree's TPZ, an encroachment usually considered significant (>10% AS 4970-2009). However, due to the tree's small stature, immaturity and small rooting habit, its root system is not expected to have extended within the site or areas of the construction proposal. The tree is suitably distanced from areas of proposed construction and will not be adversely impacted upon in the event that it is retained. It is adequately protected by the existing shared boundary fence-line.	Tree management considerations will not be required for this tree in the event of its retention.

Attachment 7 - PLN17/0655 - 115 Easey Street, Collingwood - Applicant's Arborist report.

Tree no.	Botanical name / Common Name	Height (m)	Canopy spread (m)	DBH (m)	CAB (m)	Health	Structure	Age	Origin	Retention Suitability	SULE	Comments	Arborist's Recommendation
8-N	*Syagrus romanzoffiana* Cocos Palm	2	0.5	0.03	0.2	Below average	Fair	Young	Exotic	Low	<10	This small palm tree is located within the rear yard of the southern adjoining neighbouring property (113 Easey Street) approximately 0.5m from the shared boundary with the site. The tree is of below average health with fair structure. The tree's defined TPZ (2m) extends approximately 1.47m beyond the shared boundary within the site and within areas of proposed construction (basement), located at its closest point approximately 1.2m from the base of the tree. The construction proposal will encroach upon approximately 13% of the tree's TPZ, an encroachment usually considered significant (>10% AS 4970-2009). However, due to the tree's small stature, immaturity and small rooting habit, its root system is not expected to have extended within the site or areas of the construction proposal. The tree is suitably distanced from areas of proposed construction and will not be adversely impacted upon in the event that it is retained. It is adequately protected by the existing shared boundary fence-line. The tree is growing from a broken pot with minimal root activity extending into the actual soil profile.	Tree management considerations will not be required for this tree in the event of its retention.

CAB=Circumference At Base; DBH=Diameter at Breast Height; SULE=Safe Useful Life Expectancy; Est=Estimated

Attachment 7 - PLN17/0655 - 115 Easey Street, Collingwood - Applicant's Arborist report.

4 Vegetation protection survey

4.1 Overview

The survey includes trees assessed that will require the establishment of tree protection measures in the event of their retention.

4.2 Protection zone determination

4.2.1 Structural Root Zone (SRZ): The SRZ is the critical area around a tree's trunk required for tree stability. The measurement is given in metres as a radius from the centre of a tree's trunk and is calculated with reference to the Australian Standard – Protection of trees on development sites AS 4970-2009.

4.2.2 Tree Protection Zone (TPZ): The Tree Protection Zone (TPZ) is the principal means of protecting trees on development sites. The TPZ is a combination of the root area and crown area requiring protection. It is an area isolated from construction disturbance, so that the tree remains viable. The measurement is given in metres as a radius from the centre of a tree's stem at ground level and is calculated with reference to the Australian Standard – Protection of trees on development sites AS 4970-2009.

4.3 Tree Protection Zone Schedule:

Tree no.	*Botanical name* Common Name	Single or Multi-stemmed	Species Tolerance	Diameter Above Root Flare (m)	Structural Root Zone radius AS4970-2009 (m)	DBH (m)	Tree Protection Zone AS4970-2009 (m)	Arborist's recommended placement of TPZs	Comments and recommendations
1-C	*Acer sp.* Maple	S	Good	0.21	**1.72**	0.17	**2.04**	Establish trunk protection fencing at the edge of the open soil profile within the road reserve/footpath.	TPZ fencing must be established prior to the commencement of demolition and construction.
3-N	*Eucalyptus globulus* Tasmanian Blue Gum	S	Moderate	1.4	**3.8**	1.2	**14.4**	Establish tree protection fencing at the edge of the tree's defined TPZ that extends within the site and modify to the edge of the construction proposal.	TPZ fencing must be established prior to the commencement of demolition and construction. Prior to the commencement of construction, a non-invasive excavation by hand, air-spade or hydro-extraction must be undertaken at the point of the proposed building footprint (proposed basement) where extending within the tree's TPZ. Roots if present, are to be cleanly severed.

5 Tree Protection Plan

5.1 Site meeting: It is recommended that a pre development site meeting takes place for the purpose of tree protection awareness, which should be attended by the following people:

- Arboricultural Consultant
- Clients (Developers) Site Manager/Foreman
- Clients Architect and Landscape Architect
- Local Authority Tree Officer
- Local Authority Planning Officer

5.2 Establishment of Tree Protection Zones (TPZs):

5.2.1 The protective fencing barriers must be established prior to any site clearance, soil grading or demolition work taking place and before the following:

- Contractor's site occupancy
- Plant and materials delivery
- Demolition of any existing structures
- Construction phase of works
- Utility services installation
- Recommended tree removal and pruning

5.2.2 The area within the TPZs is to be regarded of high importance and tree protection fencing shall not be taken down or relocated at any time without the prior documented approval of the arboricultural consultant or local authority arborist, unless this has already been agreed as part of the planning application consent process and is documented. A layer of organic mulch 10cm thick should be spread over tree protection zones.

5.2.3 The fencing shall comprise of interlocked wire mesh panels, well braced by attachment to a scaffolding framework by means of wires or scaffold clamps. It should have top and bottom horizontal bars, with uprights set into the ground or concrete supports at no greater interval than 3m spacing. For larger lengths of tree protection fencing angled bars should be located behind the fencing to act as braces and should be firmly clamped to the top rail and set into the ground, braced as necessary; these shall be spaced at intervals no greater than 6m. All-weather notices should be erected on tree protection fencing with words such as **"Tree Protection Zone Keep Out"**.

5.2.4 Inside the TPZs which are defined by the line of protective fencing, the following should NOT occur:

- Mechanical digging or grading
- Storage of plant equipment and materials
- Vehicular or plant access
- Fire lighting or burning off (should be maintained at more than 20m from any canopy edge)
- Refuelling of machinery, discharge or spillage of any chemical substance
- Construction of hard surfaces

5.2.5 In accordance with water restrictions supplementary watering should be provided to the trees through any dry periods during and after the construction process on a weekly basis when required.

5.2.6 Consideration should be given for appropriate cultural operations. These may include irrigation, or measures to enhance the soil structure and organic nitrogen levels. This should be made the responsibility of landscape contractors and supervised by a qualified horticulturalist.

6 Post development vegetation management

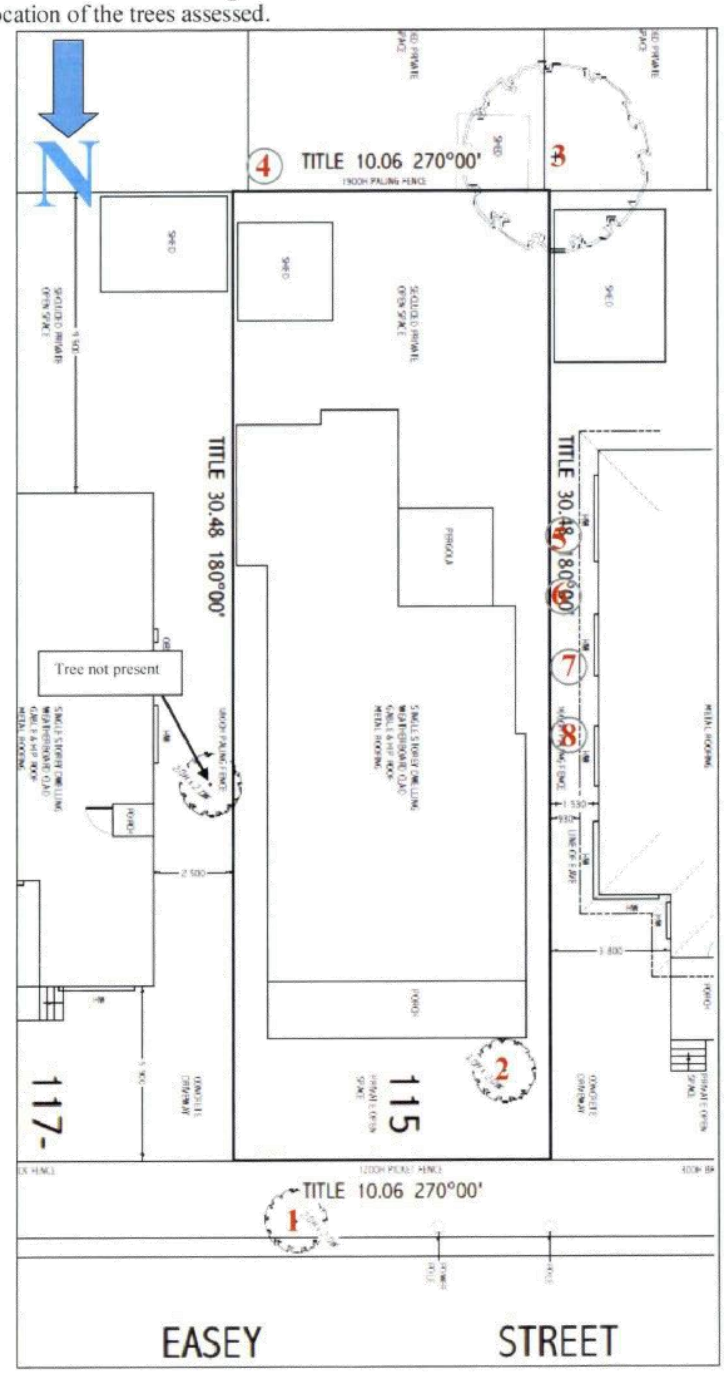
6.1 Existing trees

6.1.1 Trees growing on a site before development takes place may, if adversely affected, be in decline over a period of several years before they die. This varies greatly depending on the age, species and condition of individual tree, soil conditions, climate and the extent of damage incurred during construction. A program of inspections and necessary work for the treatment of symptoms as they develop should be undertaken in conjunction with an arborist. This program may include recommendations for frequency of inspection and beneficial tree work.

Attachment 7 - PLN17/0655 - 115 Easey Street, Collingwood - Applicant's Arborist report.

Appendix 1 – Tree location map

Map not to scale. Location of the trees assessed.



Attachment 7 - PLN17/0655 - 115 Easey Street, Collingwood - Applicant's Arborist report.

Appendix 2 - Tree Descriptor

AGE

Category	Description
Young	Juvenile or recently planted approximately 1-7 years.
Semi Mature	Tree actively growing.
Mature	Tree has reached expected size in situation.
Senescent	Tree is over mature and has started to decline.

HEALTH

Category	Description
Excellent	Foliage of tree is entire, with good colour, no sign of pathogens and of good density. Growth indicators are excellent ie. Extension growth of twigs and wound wood development. No canopy die back (deadwood) is evident.
Fair /Good	Foliage of tree is entire, with good colour, very little sign of pathogens and of good density. Growth indicators are good ie. Extension growth of twigs and wound wood development. Minimal die back (deadwood).
Below average	Tree is showing one or more of the following symptoms; < 25% dead wood, minor canopy die back, foliage generally with good colour though some imperfections may be present. Minor pathogen damage present, with growth indicators such as leaf size, canopy density and twig extension growth typical for the species in this location.
Poor	Tree is showing one or more of the following symptoms of tree decline; > 25% deadwood, canopy die back is observable, discoloured or distorted leaves. Pathogens present, stress symptoms are observable as reduced leaf size, extension growth and canopy density.
Dead or dying	Tree is in severe decline; > 55% deadwood, very little foliage, possibly epicormic shoots, minimal extension growth.

STRUCTURE

Category	Description
Good	Trunk and scaffold branches show good taper and attachment with minor or no structural defects. Tree is a good example of the species with a well-developed form showing no obvious root problems or pests and diseases.
Fair	Tree shows some minor structural defects or minor damage to trunk eg. bark missing. There could be cavities present and/or minimal damage to structural roots. Tree could be seen as typical for this species.
Below average	Tree shows many minor or several moderate structural defects, or damage to trunk eg. bark missing, heartwood exposed and newly established decay present, there could be cavities present and/or moderate damage to structural roots.
Poor	There are major structural defects, damage to trunk or bark missing. Co-dominant stems could be present or poor structure with likely points of failure. Girdling or damaged to major roots obvious. Tree is structurally problematic.
Hazardous	Tree is an immediate hazard with potential to fail, this should be rectified as soon as possible.

RETENTION SUITABILITY

Significance is rated into three levels; **LOW, MEDIUM** and **HIGH**.

LOW	The tree is recommended for removal.
MEDIUM	The tree may be retained if it does not hamper the design intent.
HIGH	The tree must be retained and the design must accommodate its long term retention.

SAFE USEFUL LIFE EXPEECTANCY - SULE.

LONG SULE: Trees that appear to be retainable with an acceptable level of risk for more than 40 years.

1. Structurally sound trees located in positions that can accommodate future growth.
2. Storm damaged or defective trees that could be made suitable for retention in the long term by remedial tree surgery.
3. Trees of special significance for historical, commemorative or rarity reasons that would warrant extraordinary efforts to secure their long-term retention.

MEDIUM SULE: Trees that appear to be retainable with an acceptable level of risk for 15 to 40 years.

1. Trees that may only live between 15 and 40 years.
2. Trees that may live for more than 40 years but would be removed to allow the safe development of more suitable individuals.
3. Trees that may live for more than 40 years but would be removed during the course of normal management for safety and nuisance reasons.
4. Storm damage or defective trees that can be made suitable for retention in the medium term by remedial work.

SHORT SULE: Trees that appear to be retainable with an acceptable level of risk for 5 to 15 years.

1. Trees that may live for 5 to 15 years.
2. Trees that may live for more than 15 years but would be removed to allow the safe development of more suitable individuals.
3. Trees that may live for more than 15 years but would be removed during the course of normal management for safety and nuisance reasons.
4. Storm damaged or defective trees that require substantial remedial work to make safe and are only suitable for retention in the short term.

EXCEEDED: Trees with a high level of risk that would need removal within the next 5 years.

1. Dead trees.
2. Dying or suppressed and declining trees through disease or inhospitable conditions.
3. Dangerous trees through instability or recent loss of adjacent trees.
4. Dangerous trees through structural defects including cavities, decay, included bark, wounds or poor form.
5. Damaged trees that are considered unsafe to retain.
6. Trees that will become dangerous after removal of other trees for the above reasons.
7. Invasive or environmental weed species.

Appendix 3 – Native and Indigenous species list

Common Name	*Scientific name*
Acacia melanoxylon	Blackwood
Allocasuarina littoralis	Black She-oak
Allocasuarina verticillata	Drooping She-oak
Banksia marginata	Silver Banksia
Eucalyptus viminalis	Manna Gum
Eucalyptus pryoriana	Coastal Manna Gum
Eucalyptus ovata	Swamp Gum
Eucalyptus radiata	Narrow-leaved Peppermint
Eucalyptus cephalocarpa	Silver-leaf Stringybark
Eucalyptus pauciflora	Snow Gum
Indigofera australis	Austral Indigo
Daviesia latifolia	Bitter-Pea Hop
Bossiaea cineria	Showy Bossiaea
Kunzea ericoides	Burgan
Bursaria spinosa	Sweet Bursaria
Correa reflexa	Common Correa
Correa alba	White Correa
Leucophyta brownii	Cushion Bush
Platyloium obtusangulum	Common Flat Pea
Viminaria juncea	Golden Spray
Hibbertia prostrata	Bundled Guinea-flower
Hibbertia stricta	Erect Guinea-flower
Epacris impressa	Common Heath
Allocasuarina pusilla	Dwarf She-oak
Leptospermum myrsinoides	Silky Tea-tree

Appendix 4 – Common Terms

Canopy: The part of the crown composed of leaves and small twigs.

Central leader: The main stem or bole of the tree.

Co-dominant: Equal in size and relative importance, usually associated with either trunks or scaffold branches in the crown.

Crown: The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.

Decay: Process of degradation of wood tissue by fungi and bacteria through the decomposition of cellulose and lignin.

Diameter at Breast Height (DBH): The DBH of a tree is measured at 1.5m above ground level or in the case of multi-stemmed trees, measured at ground level or above a root flare if present. This measurement assists with establishing Tree Protection Zones (TPZs) for vegetation to be retained.

Dieback: Progressive death of twigs and small branches, generally from tip to base.

Drip line: The width of the crown, as measured by the lateral extent of the foliage.

Epicormic growth: Branch development that arises from latent or adventitious buds that occur on stems and branches and as suckers produced at the base of the tree.

Grading: Altering natural terrain and elevation of land, usually through the action of large equipment.

Included Bark: Pattern of development at branch junction where bark is turned inward rather than pushed out.

SULE: Safe Useful Life Expectancy.

TPZ: Tree Protection Zone

References

1. Tree Protection Zone. The Australian Standard AS 4970-2009 – *Protection of trees on construction sites.*
2. Native trees and shrubs of south-eastern Australia. Leon Costerman
3. R. W. Harris, J. R. Clark & N. P. Matheny., (2004) Arboriculture – Integrated Management of Landscape Trees, Shrubs and Vines.
4. J. Coombes., (2000) Trees.
5. Botanica's Pocket (1999) Trees and Shrubs.

End of report

Attachment 8 - PLN17/0655 - 115 Easey Street, Collingwood - Combined Engineering comments.

Comments on original application plans for 4 dwellings.

CITY OF YARRA

MEMO

To:	Chris Stathis	
From:	Artemis Bacani	
Date:	18 December 2017	
Subject:	Application No:	PLN17/0655
	Description:	Construction of Four Dwellings
	Site Address:	115 Easey Street, Collingwood

I refer to the above Planning Application received on 13 November 2017 in relation to the proposed development at 115 Easey Street, Collingwood. Council's Engineering Services unit provides the following information:

DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance	The width of the car park entrance is not dimensioned on the drawings.
Headroom Clearance	Not dimensioned on the drawings.
Vehicle Entry and Exit Movements	Swept path diagrams not provided.
Vehicle Crossing	The position of the new vehicle crossing is not shown on the drawings.
Car Parking Modules	
At-Grade Car Spaces	The car parking spaces have a minimum width of 2.75 metres and depth of 4.9 metres satisfies *Design standard 2 – Car parking spaces* of Clause 52.06-9.
Swept Path Diagram	Swept path diagrams to show access into and out of the car spaces not provided.
Clearances to Walls	Not dimensioned on the drawings.
Gradients	

Attachment 8 - PLN17/0655 - 115 Easey Street, Collingwood - Combined Engineering comments.

Grade for first 5.0 metres inside the Property	The accessway grade for the first 5.0 metres inside the property is 1 in 8.

Layout Design Assessment

Item	Assessment
Other	
Car Lift	The development will contain a single car lift to convey vehicles from the ground level to the basement parking. The car lift has a clear width of 3.0 metres and a depth of 6.0 metres. It is unclear the width of the lift opening. A vehicle would enter and exit in a forward direction. No specification/information has been provided regarding the lift.

Design Items to be Addressed

Item	Details
Development Entrance	To be dimensioned on the drawings.
Headroom Clearance	The applicant is to dimension the headroom clearance of the garage door and the car parking undercroft.
Swept Path Diagram – Easey Street	The applicant is to provide a swept path diagram to show a B99 design vehicle can enter and exit the car lift from Easey Street.
Vehicle Crossing	The applicant must show and dimension the proposed vehicle crossing on the drawings.
Swept Path Diagram – Basement Car Park	The applicant is to provide a swept path diagram for a B85 design vehicle to show satisfactory access into and out of the parking spaces.
Clearances to Walls	To be dimensioned on the drawings.
Grade for first 5.0 metres inside the Property	The accessway grade must be no steeper than 1 in 10 for the first 5.0 metres to satisfy *Design standard 3 – Gradients* of Clause 52.06-9 of the Yarra Planning Scheme.
Citipower Light Pole	The applicant must liaise with the relevant power authority for the relocation of the existing power pole. A minimum lateral clearance of 1.0 metre must be provided between the splay of the vehicle crossing and the edge of the power pole. The applicant is responsible for the cost of relocating the power pole.

Attachment 8 - PLN17/0655 - 115 Easey Street, Collingwood - Combined Engineering comments.

Sewer Vent	The applicant must liaise with the relevant water authority regarding the location of the vehicle crossing. A copy of written advice/consent from the service authority must be submitted to Council as part of the planning application.

Design Items to be Addressed

Item	Details
Car Lift	The applicant must submit the specification/information for the car lift. As the car lift will be servicing four cars, a queuing analysis for this application will not be required. In the event that cars are required to queue in Easey Street, there should be sufficient space on the street to accommodate waiting cars and not have a detrimental effect on the operation of Easey Street.
Car Turntable	The designer must show the turntable will have adequate clearance when in use. Engineering Services recommends the following: - Specifications for the turntable device must be submitted. The turn table must be installed and maintained in accordance with the manufacturer's specifications and requirements. That a consulting traffic engineer demonstrates with swept path diagrams that a car can access and egress out of the turn table device. The swept path diagrams must incorporate access into and out of the car spaces and the car lift.

ENGINEERING CONDITIONS

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

- The new vehicle crossings must be constructed in accordance with Council's Standard Drawings and engineering requirements. The crossing must be able to accommodate the ground clearance for a B99 design vehicle.
- The footpath along the property's Easey Street road frontage must be reconstructed to Council's satisfaction 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.

Impact of Assets on Proposed Development

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

Attachment 8 - PLN17/0655 - 115 Easey Street, Collingwood - Combined Engineering comments.

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

NON-PLANNING ADVICE FOR THE APPLICANT
Legal Point of Discharge

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

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

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

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

It is also the Permit Holder's onus and responsibility to ensure that rainfall run-off does not enter the property in the event of a heavy storm. Adequate measures should be in place to prevent backwash from entering the property.

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

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

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

Street Tree Protection
The existing street tree on Easey Street is situated close to the site's property line. The applicant must liaise with Council's Open Space unit regarding lateral distance of the street tree.

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 8 - PLN17/0655 - 115 Easey Street, Collingwood - Combined Engineering comments.

Comments on section 57A amended plans (decision plans) for 3 dwellings.

CITY OF YaRRA

MEMO

To:	Laura Condon	
From:	Artemis Bacani	
Date:	12 July 2018	
Subject:	Application No:	PLN17/0655
	Description:	Amendment - Construction of Four Dwellings
	Site Address:	115 Easey Street, Collingwood

I refer to the above Planning Application received on 8 June 2018 in relation to the proposed development at 115 Easey Street, Collingwood. Council's Engineering Services unit provides the following information:

DEVELOPMENT LAYOUT DESIGN
Amended Proposal

Item	Assessment
Access Arrangements	
Development Entrance	The width of the car park entrance of 3.0 metres satisfies *Design standard 1 - Accessways*.
Headroom Clearance	A headroom clearance of 2.4 metres has been provided at the entrance to the car park and satisfies *Design standard 1 – Accessways*.
Vehicle Entry and Exit Movements	This has still not been provided.
Vehicle Crossing	The width of the proposed vehicle crossing is 3.0 metres.
Car Parking Modules	
At-Grade Car Spaces	The car parking spaces have a minimum width of 2.6 by 4.9 metres spaces satisfy *Design standard 2 – Car parking spaces* of Clause 52.06-9.
Swept Path Diagram	Swept path diagrams depicting vehicle entering and exiting the spaces has still not been provided.
Clearances to Walls	The spaces adjacent to a wall have a width of 2.6 metres plus a clearance of 300 mm. The total width of this space is considered satisfactory for car door opening.

Attachment 8 - PLN17/0655 - 115 Easey Street, Collingwood - Combined Engineering comments.

Gradients	
Grade for first 5.0 metres inside the Property	The accessway grade for the first 5.0 metres inside the property is 1 in 8.

Design Items to be Addressed

Item	Details
Swept Path Diagram – Easey Street	The applicant is to provide a swept path diagram to show a B99 design vehicle can enter and exit the car lift from Easey Street. The existing on-street parking must be shown on the diagrams.
Swept Path Diagram – Basement Car Park	The applicant is to provide a swept path diagram to show that a B85 design vehicle can satisfactorily enter and exit the spaces.
Grade for first 5.0 metres inside the Property	The accessway grade must be no steeper than 1 in 10 for the first 5.0 metres to satisfy *Design standard 3 – Gradients* of Clause 52.06-9 of the Yarra Planning Scheme.
Citipower Light Pole	The applicant must liaise with the relevant power authority for the relocation of the existing power pole. A minimum lateral clearance of 1.0 metre must be provided between the splay of the vehicle crossing and the edge of the power pole. The applicant is responsible for the cost of relocating the power pole.
Sewer Vent	The applicant must liaise with the relevant water authority regarding the location of the vehicle crossing. A copy of written advice/consent from the service authority must be submitted to Council as part of the planning application.
Car Lift	The applicant must submit the specification/information for the car lift. As the car lift will be servicing four cars, a queuing analysis for this application will not be required. In the event that cars are required to queue in Easey Street, there should be sufficient space on the street to accommodate waiting cars and not have a detrimental effect on the operation of Easey Street.

N.B. - The Engineering Conditions and Non-Planning Advice as per our engineering referral comments of 18 December 2017 are relevant and pertinent to this development application.

Attachment 8 - PLN17/0655 - 115 Easey Street, Collingwood - Combined Engineering comments.

Engineering comments on replacement of basement with car stacker/shuffle system and their advice on Melbourne Water comments (24th October 2018).

I have no objection with the proposal to use a car stacker in-lieu of the basement car park. A shuffle type car stacker system could be considered to accommodate the development's parking. The stacker model to be chosen should be suitable to fit the floor to ceiling height of the floor level and have a minimum platform width of 2.4 metres. The applicant is to submit the model specification/data sheet of the car stacker for assessment.

The applicant is to demonstrate that a B85 design vehicle can enter and exit the spaces from the car lift.

Further to our discussion, to satisfy Melbourne Water conditions 1(a) and 3, the applicant could also consider a hump along the edge of the ramped accessway and car lift to stop rainwater from entering the car lift.

Any changes with the internal levels, ramp grades or introduction of a hump will require the applicant to ensure that vehicles will not scrape. It should be conditioned in the planning permit that the applicant is to submit a 1 in 20 scale cross-section plan of the vehicle crossing, access ramp and car lift to demonstrate that a B99 design vehicle will not scrape or bottom out.

Attachment 9 - PLN16/1116 - 115 Easey Street, Collingwood - Melbourne Water comments.

11 July 2018

Laura Condon
Yarra City Council
PO Box 168
Richmond VIC 3121

Dear Laura,

Proposal: Construction of four dwellings and basement
Site location: 115 EASEY STREET COLLINGWOOD 3066

Melbourne Water reference: MWA-1063649
Council reference: PLN17/0655
Date referred: 29/06/2018

Melbourne Water, pursuant to Section 56 (1) of the Planning and Environment Act 1987, does not object to the proposal subject to the following conditions:

1. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:

    a) The entrance to the car lift must incorporate a flood proof apex and associated bunding set no lower than 20.17 metres to AHD.

2. The dwellings (including the entrance to the basement stairs)must be constructed with finished floor levels set no lower than 20.17 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 19.87 metres to AHD.

3. The entrance to the car lift must incorporate a flood proof apex and associated bunding set no lower than 20.17 metres to AHD, which is 300mm above the applicable flood level of 19.87 metres to AHD.

4. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

5. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings and driveway ramp.

Advice

To access more information regarding other services or online applications that Melbourne Water offers please visit our website.

Melbourne Water ABN 81 945 386 953
990 La Trobe Street Docklands VIC 3008
PO Box 4342 Melbourne VIC 3001 Australia
T 131 722 F +61 3 9679 7099
melbournewater.com.au

Attachment 9 - PLN16/1116 - 115 Easey Street, Collingwood - Melbourne Water comments.

For general development enquiries contact our Customer Service Centre on 131 722.

Regards,



Jessica Hellier
Customer and Planning Services

1.3 PLN17/0789 - 377 St Georges Road, Fitzroy North - Demolition of the existing building for the construction of a mixed-use multi-storey building, and use of the land for dwellings, with a reduction in the car parking requirement.

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Permit Application PLN17/0789 which affects the land at 377 St Georges Road, Fitzroy North and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Land Use (Clauses 22.05 and 34.01);
   (b) Built form and heritage (Clauses 15.01, 15.03, 21.05 and 22.02);
   (c) Internal amenity (Clause 58);
   (d) Off-site amenity impacts (Clauses 15.01 and 22.05);
   (e) Car parking (Clauses 18.02, 21.06 and 52.06).

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic context/Land Use;
   (b) Built form, design and heritage;
   (c) Clause 58;
   (d) Off-site amenity impacts;
   (e) Car parking, bicycle parking & traffic;
   (f) Other matters;
   (g) Objector concerns.

Submissions Received

4. A total of 7 objections were received to the application. Issues raised in these objections can be summarised as follows:
   (a) Excessive building height;
   (b) Overshadowing;
   (c) Overlooking;
   (d) Inappropriate response to heritage area;
   (e) Traffic issues along laneway and possible conflict with pedestrian movements;
   (f) Stress on existing car parking;
   (g) Additional demand on local infrastructure; and
   (h) Increase in vacant shops.

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) The colour of the third and fourth-floor east-facing balcony details and roofing amended to off-white, to match the colour of the proposed side boundary walls;

   (b) The fourth-floor balcony roof of Unit 402 reduced in depth, to a maximum depth of 1.5m from the building façade;

(c) The black vertical architectural battens on the northern and southern side of the third and fourth-floor east-facing balconies removed.

CONTACT OFFICER: **Lara Fiscalini**
TITLE: **Senior Statutory Planner**
TEL: **9205 5372**

1.3 PLN17/0789 - 377 St Georges Road, Fitzroy North - Demolition of the existing building for the construction of a mixed-use multi-storey building, and use of the land for dwellings, with a reduction in the car parking requirement.

Trim Record Number: D18/176676
Responsible Officer: Coordinator Statutory Planning

Proposal:	Demolition of the existing building for the construction of a mixed-use multi-storey building, and use of the land for dwellings, with a reduction in the car parking requirement.
Existing use:	Office
Applicant:	Kick Holdings Pty Ltd
Zoning / Overlays:	Commercial 1 Zone (C1Z) Heritage Overlay (HO327 – North Fitzroy Heritage Precinct)
Ward:	Nicholls
Date of Application:	20/09/2017
Application Number:	PLN17/0789

Planning History

1. Planning Permit PLN13/1016 was issued on 25 March 2014 for *demolition and replacement of advertising signage.*

2. Planning Permit PLN13/0806 was issued on 9 October 2013 for *display of business identification signage.*

Planning Scheme Amendments

Amendment VC148

3. Planning Scheme Amendment VC148 made changes to the Victorian Planning Provisions (VPP) and all Planning Schemes arising from the Victorian Government's Smart Planning Program. Amendment VC148 was gazetted on 31 July 2018 and now forms part of the Yarra Planning Scheme (the Scheme). The assessment of this application is therefore against the provisions of the Scheme after the introduction of VC148.

4. The changes affecting this application as a result of the amendment relate to the calculation of the statutory car parking rate at Clause 52.06 (Car Parking) for the proposed 'shop' use at ground floor and the removal of the residential visitor car parking requirement. These changes will be discussed later within this assessment.

Background

5. The application was submitted on 20 September 2018, with amended plans submitted under Section 50 of the *Planning and Environment Act* 1987 (the Act) on 24 November 2017. These plans were advertised and 7 objections were received. Concurrently, the plans were referred internally to a number of Council departments and a Planning Consultation Meeting was held on 3 April 2018, attended by the Applicant, Objectors and Planning Officers.

6. Following this meeting, in response to the objections and Council's referral comments, the Applicant submitted a set of amended plans under Section 57A of the Act on 12 June 2018. These plans (dated 30/05/2018) included the following changes to the development;

(a) The proposed demolition plan amended to include reference only to the area of building to be demolished;
(b) The design of the ground floor glazing within the façade altered to include a consistent stallboard beneath the windows;
(c) The reference to the ground floor 'shop' altered to 'commercial'; with the floor area reduced from 135sqm to 130sqm;
(d) A section of brick wall added in front of the pedestrian entrance, along the front boundary, with the overall width of the pedestrian entrance increased from 2m to 2.6m (with this width including the wing wall in front of the entrance);
(e) Amended design of the first and second-floor façade to provide a more solid brick streetwall, with a degree of brickwork 'wrapping' around the north and south elevations at these levels. Vertical windows are provided within the first-floor facade, with a cantilevered section of brickwork extending along the second-floor level;
(f) The streetwall height increased from 10.25m to 10.8m, with matching height increases affecting the front sections of the northern and southern boundary walls;
(g) The setback of the third-floor balcony increased from 5.515m to 5.660m from the rear (western) boundary, with the depth of this balcony reduced from 2.410m to 2.28m;
(h) The west-facing window designs at third and fourth levels altered.

7. The amended plans were advertised on 26 July 2018. No further objections were received, ensuring that the overall number of objector parties remain at 7.

8. As a further response to Council's concerns about the appearance of the two upper-most levels and their presentation to St Georges Road, the Applicant submitted amended sketch renders on 24 October 2018. These renders altered the colour of the balcony detailing and roofing at these levels from black to off-white, removed a series of the black vertical battens adjacent to these balconies and reduced the depth of the roof above the fourth-floor east-facing balcony to a maximum of 1.5m.

9. The sketch plans will be referenced throughout this assessment, are attached to this agenda and were sent to all objector parties with the invitation to this meeting.

The Proposal

10. The application is for full demolition of the existing building for the construction of a mixed-use multi-storey building with a reduction in the car parking requirement. In summary, the following works are proposed;

(a) Full demolition of the existing double-storey building;
(b) Construction of a five-storey building, containing a commercial space at ground level addressing St Georges Road, and 12 dwellings above (8 x 2 bedroom dwellings and 4 x 3 bedroom dwellings);
(c) The building will have a triple-storey streetwall built hard-edge to the front boundary to a height of 10.8m, with the two upper-most levels set back between 3.2m and 5.7m from the facade;
(d) The building will abut the rear laneway to a height of 8.6m;
(e) The overall height of the building will be 16.7m;
(f) The principal balconies will range in size from 9.5sqm to 28sqm.

Ground level
(g) The majority of street frontage will be dedicated to commercial use.
(h) A residential entrance will be located on the southern side of the St Georges Road façade, with a central lobby, bicycle parking, storage, waste refuse room and car parking at this level;
(i) An awning will extend above the footpath for the full length of the site (located 3.1m above the St Georges Road footpath);
(j) The ground floor will abut all four boundaries;

(k) A total of 13 car parking spaces will be provided at the rear of the site, in the form of two car stacking systems, with direct access from the adjacent laneway;

First-floor

(l) The first-floor will contain 4 x 2 bedroom dwellings and will be largely constructed to all boundaries, with the exception of 1.2m setbacks from the northern and southern boundaries adjacent to the living areas of the four dwellings;
(m) Balconies will abut the front and rear boundaries, with each dwelling provided with a secondary balcony in the middle of the site;

Second-floor

(n) The second-floor will contain 4 x 2 bedroom dwellings and will be largely constructed to all boundaries, with the exception of 1.2m setbacks from the northern and southern boundaries adjacent to the living areas and balconies of the four dwellings;
(o) Balconies will abut the front and rear boundaries, with central lightcourts set back 3m from the northern and southern boundaries (above the first-floor balconies);

Third & Fourth-floors

(p) The third and fourth floors will have consistent envelopes, layouts and setbacks from the boundaries, with each level containing 2 x 3 bedroom dwellings;
(q) The east-facing dwellings will have curved balconies, setback between 3.28m and 5.74m from St Georges Road. These balconies will be covered in a similarly curved roof-form and will wrap around the southern side of the façade;
(r) The southern dwellings at the front of the site will abut the southern boundary for a length of 8.74m, with the northern dwellings abutting the northern boundary for a length of 9m;
(s) The west-facing dwellings will be set back 5.66m from the rear boundary, with the southern dwellings at the rear of the site abutting the southern boundary for a length of 9.2m and the northern dwellings abutting the northern boundary for a length of 8.7m;
(t) Both of these levels will have central lightcourts set back 3m from the side boundaries, located directly above the first-floor balconies;

Materials and finishes

(u) The streetwall and limited sections of the side walls will be constructed of red facebrick;
(v) The remaining walls will predominantly be rendered (off-white), with a central vertical section of wall on the southern elevation composed of black metal cladding;
(w) A vertical green wall is proposed on the northern lightcourt elevation;
(x) The balcony roofs at the upper levels will be black metal cladding, with vertical battens also composed of black metal cladding attached to the southern and northern side of the third and fourth-floor balconies;
(y) Balustrades will be clear glazing, with horizontal metal privacy screening attached to the west-facing balconies at first and second-floor;
(z) The above-footpath awning will be composed of black metal cladding.

Other matters

(aa) The original set of advertised plans specified that the commercial use would be a ‘shop’. The Applicant has confirmed that it is intended to use the space as a shop, with the removal of this notation a mistake at the time of the submission of the 57A amended plans. This assessment will recognise this space as a ‘shop’ and will alter the notation on the plan via condition, if a planning permit is to issue.
(bb) The demolition plan and proposed ground floor plan incorrectly reference the subject building and the adjacent buildings along St Georges Road as ‘dwellings’. These buildings all contain commercial uses. Correct notations on the plans can be provided via a condition, if a planning permit is to issue.

Existing Conditions

Subject Site

11. The subject site is located on the western side of St Georges Road, approximately 25m to the north of Barkly Street, in North Fitzroy. The site has an angled street frontage of 12m along St Georges Road, with a maximum depth of 46.7m, yielding an overall site area of approximately 473.5sqm. The site has a secondary frontage with a bluestone laneway along its rear (western) boundary. This laneway extends from Barkly Street in the south to Clauscen Street in the north.

12. The site is occupied by a double-storey, modern, rendered building, constructed hard-edged to the St Georges Road boundary at both levels. Two pedestrian entrances (one recessed) are located at ground level. The building extends along both side boundaries for its entire length and covers approximately 75% of the site, with the rear of the building reducing to single-storey in scale. An open area is located at the rear of the land, providing space for four car parking spaces. There is no fencing surrounding the car park, with vehicle access provided from the adjacent laneway. These details are demonstrated in Figures 1 & 2 below.



Figure 1 - Subject site viewed from St Georges Road


Figure 2 – subject site viewed from the rear laneway

Surrounding Land

13. The subject site is located within the North Fitzroy Neighbourhood Activity Centre (NAC) and is surrounded by commercial sites to the east, north and south (within the C1Z). Built form scale within the activity centre is predominantly double-storey in height, with a mixture of traditional and contemporary designs. Land to the west is located within the Neighbourhood Residential Zone (NRZ) and contains dwellings addressing Barkly Street. Barkly Street can be characterised by mostly single-storey, masonry inter-war, Edwardian and Victorian-era dwellings.

14. The site is located within proximity to the following public transport options and areas of open space;
    (a) Rushall Railway Station and Merri Railway Station – 750m & 800m to the east respectively;
    (b) Tram Routes No. 11 & 112 (West Preston) directly in front of the site;
    (c) Tram Route No. 96 (East Brunswick) along Nicholson Street, approximately 900m to the west of the site;
    (d) A number of bus routes operate along Holden Street (50m to the south), including Nos. 506, 250, 251 & 504 to Moonee Ponds, Northland, Brunswick and the CBD;
    (e) The Merri Creek parklands.



Figure 3: Site and surrounds

15. The immediate interface with the site is as follows;

North

16. No. 379 St Georges Road, immediately to the north, is a single-storey heritage building composed of a shopfront and dwelling façade. The shopfront, which abuts the subject site, is constructed hard-edge to the St Georges Road boundary, with the dwelling façade to its north set back an average of 4m from this interface. This building is classified as 'individually significant' within the North Fitzroy Heritage Precinct.

17. Planning Permit PLN18/0078 was issued on 17 October 2018 for signage relating to the use of the land as a medical centre. It is unclear whether the medical centre has commenced operating on the land, with the site currently appearing to be vacant.

18. Offices and commercial premises are located further to the north along St Georges Road, with Clauscen Street 50m to the north of the site. This street is a local residential street, containing single and double-storey dwellings within the NRZ. Sites on the southern side of Clauscen Street (Nos. 220 – 226) are within proximity to the rear of the subject land, being located on the north-west side of the laneway.

19. Higher elements of built form are located further to the north along St Georges Road, with a six-storey building at No. 392 St Georges Road, approximately 50m to the north-east of the site. Views to this building are available from the subject site and within the surrounding section of streetscape along St Georges Road. A second six-storey development directly adjacent to this building has also been approved at No. 378-390 St Georges Road (Planning Permit PLN16/0741 issued on 8 February 2018). Construction of this building has not yet commenced.

South

20. No. 373-375 St Georges Road, immediately to the south, has most recently operated as an office and is currently vacant. This building is double-storey in scale, constructed circa 1980, with both levels of the façade built hard-edge to the front boundary. The building has a similar scale to the subject building and is constructed along both side boundaries, with at-grade car parking at the rear.

21. Further to the south are two single-storey commercial premises, operating as cafes, with Barkly Street approximately 25m to the south of the subject land. This street is a local residential street, containing single and double-storey dwellings within the NRZ

East

22. Built form opposite the site, to the east, is single and double-storey in scale and contains offices and a medical centre.

West

23. To the west, on the opposite side of the laneway, is a single-storey dwelling addressing Barkly Street. The section of land directly opposite the subject site contains a shed and open-air car parking space, with SPOS for this dwelling located on the western side of the site. Additional outbuildings extend along the northern boundary of this land. There are no habitable room windows (HRW) directly opposite the subject site within this dwelling.

24. The laneway is utilised for vehicle access, and largely services sites addressing St Georges Road. There are no dwelling entrances adjacent to the laneway.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

25. Pursuant to Clause 34.01-1 of the Scheme, the use of the land as a ‘shop’ does not require a planning permit.

26. Pursuant to Clause 34.01-1 of the Scheme, the use of the land for 'accommodation' requires a planning permit, as the frontage at ground level associated with the dwelling use exceeds 2m in width.

27. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required to construct a building.

28. Pursuant to Clause 34.01-8 of the Scheme, the objectives, standards and decision guidelines of Clause 58 apply.

Road Zone Category 1 (RDZ1)

29. Pursuant to Clause 36.04-2 of the Scheme, a planning permit is required to construct or carry out works for a use in Section 2 of Clause 36.04-1. As the proposed canopy above the St Georges Road footpath is located within the Road Zone Category 1 (RDZ1) and is associated with a shop and accommodation (which are Section 2 uses within this zone) a planning permit is required for these works.

30. Decision Guidelines at Clause 36.04-3 state that before deciding on an application, the responsible authority must consider (amongst other matters) the views of the relevant road authority. The application was informally referred to VicRoads for comment, with this discussed later within this report.

Overlays

Heritage Overlay (HO327 – North Fitzroy Heritage Precinct)

31. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish and construct a building. No paint controls or internal controls apply to this heritage precinct.

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

32. The building on the subject site is located within the North Fitzroy Heritage Precinct (Schedule 327) and identified as 'non-contributory' to this precinct as outlined in the incorporated document.

Particular Provisions

Clause 52.06 - Car Parking

33. 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.

34. The introduction of Amendment VC148 altered 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.

35. This change reduces the statutory car parking rate for a shop from 4 to 3.5 spaces to each 100sqm. The Amendment also removed the requirement to provide visitor car parking spaces for developments providing 5 or more dwellings.

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated	Reduction required
Two-bedroom dwellings	8	1 space to each dwelling	8	12 (1 for each dwelling)	0
Three-bedroom dwelling	4	2 spaces to each dwelling	8		4
Shop (Retail)	130m^2	3.5 spaces to each 100 m^2 of leasable floor area	4	1	3
		Total	**20**	**13**	**7**

37. In this instance a planning permit is required to reduce the statutory requirement by 7 spaces; 1 space each for the 4 x 3-bedroom dwellings and 3 spaces for the shop.

Clause 52.34 Bicycle Facilities

38. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.

39. The Clause 52.34-5 requirements are shown below:

Use	Rate	No. required	No. provided
Dwelling	For residents – in developments of four or more storeys, 1 to each 5 dwellings. For visitors – in developments of four or more storeys, 1 to each 10 dwellings.	2 1	14
Shop	For employees – 1 to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm. For shoppers – 1 to each 500sqm of leasable floor area if the leasable floor area exceeds 1000sqm.	0 0	
Totals		**3**	**14**

40. A total of 14 on-site bicycle parking spaces are proposed, with 6 spaces provided in horizontal format. This exceeds the statutory requirement outlined above. The application does not specify the allocation of these bicycles spaces, therefore they are assumed to be a shared resource available to both residents and residential visitors to the development. To ensure that the requirement is met, and 1 visitor parking space is provided, a condition of a planning permit could specify that at least 1 space is designated for visitor bicycle parking.

41. Table 3 to Clause 52.34-5 states that for any use listed in Table 1 of this clause (which includes a shop) 1 change room or direct access to a communal change room (with shower) should be provided for shop employees. There is a separate bathroom provided for the shop, however no shower is proposed.

Clause 58 - Apartment developments

42. 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.

<u>General Provisions</u>

Clause 65 Decision Guidelines

43. 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

44. *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) *Any matter required to be considered in the zone, overlay or other provision.*
    (e) *The orderly planning of the area.*
    (f) *The effect on the amenity of the area.*
    (g) *The proximity of the land to any public land.*
    (h) *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Planning Policy Framework (PPF)

Clause 11 Settlement

45. This clause notes that;
    (a) *Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.*

Clause 11.01-1R Settlement - Metropolitan Melbourne

46. A relevant strategy of this clause is to;
    (a) *Develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.*

Clause 11.03-1S Activity Centres

47. The objective of this clause is:
    (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

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

Clause 13.07-1S Land use compatibility

49. 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 Built Environment and Heritage

50. This clause notes that;

(a) *Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.*

(b) *Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.*

Clause 15.01-1S Urban design

51. The 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

52. The objective of this clause is:
    (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

Clause 15.01-4R Healthy neighbourhoods - Metropolitan Melbourne

53. The strategy of this clause is to:
    (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 15.01-4S Healthy neighbourhoods

54. The objective of this clause is:
    (a) *To achieve neighbourhoods that foster healthy and active living and community wellbeing.*

Clause 15.01-5S Neighbourhood character

55. The 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 and resource efficiency

56. 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

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

Clause 16 Housing

58. This clause notes that:

(a) *Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*
(b) *Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.*

Clause 16.01 Residential Development
Clause 16.01-1S Integrated housing

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

60. The relevant strategy is to:
    (a) *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*

Clause 16.01-1R Integrated housing - Metropolitan Melbourne

61. Strategies of this clause aim to:
    (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 16.01-2R Housing opportunity areas - Metropolitan Melbourne

62. Strategies of this clause include the following;
    (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.*
    (d) *Direct new housing to areas with appropriate infrastructure.*

Clause 16.01-2S Location of residential development

63. The objective of this clause is:
    (a) *To locate new housing in designated locations that offer good access to jobs, services and transport.*

64. Strategies aim to:
    (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 16.01-3R Housing diversity - Metropolitan Melbourne

65. The strategy of this clause is to:
(a) *Create mixed-use neighbourhoods at varying densities that offer more choice in housing.*

Clause 16.01-3S Housing diversity

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

67. Relevant strategies aim to;
(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 17.02 Commercial
Clause 17.02-1S Business

68. The relevant objective of this clause is:
(a) *To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.*

69. Relevant strategies include:
(a) *Locate commercial facilities in existing or planned activity centres.*
(b) *Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*
(c) *Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*

Clause 18.01 Integrated Transport
Clause 18.01-1S Land use and transport planning

70. 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

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

Clause 18.02-2R Principal Public Transport Network

72. The relevant strategies of this clause are to:
    (a) *Facilitate high-quality public transport access to job-rich areas.*
    (b) *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 18.02-2S Public Transport

73. 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.*

Local Planning Policy Framework (LPPF)

Clause 21.04 Land Use

74. The relevant objective and strategies of this clause are:
    (a) *Objective 1 To accommodate forecast increases in population;*
        (i) *Strategy 1.3 Support residual population increases in established neighbourhoods;*
    (b) *Objective 3 To reduce potential amenity conflicts between residential and other uses;*
        (i) *Strategy 3.1 Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.*
        (ii) *Strategy 3.2 Apply the Interface Uses policy at clause 22.05.*

Clause 21.04-2 Activity Centres

75. The relevant objective and strategies of this clause are:
    (a) *Objective 5 To maintain the long term viability of activity centres.*
        (i) *Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.*
        (ii) *Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*

Clause 21.04-3 Industry, Office and Commercial

76. The objective of this clause is:
    (a) *Objective 8 To increase the number and diversity of local employment opportunities.*

Clause 21.05 Built Form

77. The relevant objectives and strategies of this clause are:
    (a) *Objective 14 To protect and enhance Yarra's heritage places.*

(i) *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.*
(ii) *Strategy 14.8 Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02*

Clause 21.05-2 Urban design

78. The relevant objectives and strategies of this clause are:
(a) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
(i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
- *Significant upper level setbacks*
- *Architectural design excellence*
- *Best practice environmental sustainability objectives in design and construction*
- *High quality restoration and adaptive re-use of heritage buildings*
- *Positive contribution to the enhancement of the public domain*
- *Provision of affordable housing.*
(b) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
(i) *Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*
(c) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
(d) *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.*
(ii) *Strategy 21.2 Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of subprecincts, each of which may have a different land use and built form character.*
(iii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*
(e) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.06-1 Walking and cycling

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

Clause 21.06-2 Public transport

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

Clause 21.06-3 The road system and parking

81. The relevant objective of this clause is:
(a) *To reduce the reliance on the private motor car.*

Clause 21.07 Environmental Sustainability
Clause 21.07-1 Environmentally sustainable development

82. The relevant objective and strategy of this clause are:
    (a) *Objective 34 To promote environmentally sustainable development.*

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

Clause 21.08 Neighbourhoods

83. Clause 21.08-8 of the Scheme describes the North Fitzroy neighbourhood as follows;
    (a) *The North Fitzroy Village neighbourhood activity centre is a mixed use centre with strong convenience retailing located on St Georges Road. Further north along St Georges Road is the North Fitzroy neighbourhood activity centre. This centre provides a number of specialist business services. Linkages between the two parts of the centre should be improved.*

84. The Figure 20 - Built Form Character Map: Fitzroy North 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

85. 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

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

Clause 22.07 Development Abutting Laneways

87. 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 22.16 Stormwater Management (Water Sensitive Urban Design)

88. This policy applies to applications for new buildings and aims to (as relevant) achieve the best practice water quality performance objectives set out in the *Urban Stormwater Best Practice Environmental Management Guidelines*, CSIRO 1999 and to promote the use of water sensitive urban design, including stormwater re-use.

Clause 22.17 Environmentally Sustainable Development

89. 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.

Other Documents

Urban Design Guidelines for Victoria (DELWP, 2017)

90. These guidelines are policy guidelines within the State Planning Policy Framework of the Victoria Planning Provisions. The guidelines must be considered when assessing the design and built form of new development where relevant. The guidelines use best practice knowledge and advice underpinned by sound evidence.

Apartment Design Guidelines for Victoria (DELWP, 2017)

91. These guidelines are policy guidelines within the State Planning Policy Framework of the Victoria Planning Provisions. The guidelines must be considered when assessing the design and built form of new apartment developments, where relevant. The guidelines use best practice knowledge and advice underpinned by sound evidence.

Advertising

92. The application was originally advertised (plans dated 24 November 2017) under the provisions of Section 52 of the Act by 259 letters sent to surrounding owners and occupiers and two signs displayed on site.

93. Pursuant to Clause 34.01-7 of the Scheme, an application to construct a building is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, however this exemption does not apply to land within 30m of land (not a road) which is in a residential zone. The site is located directly adjacent to land within the Neighbourhood Residential Zone. Further the use of the land for accommodation is not exempt from these requirements.

94. Council received 7 objections, the grounds of which are summarised as follows:

(a) Excessive building height;
(b) Overshadowing;
(c) Overlooking;
(d) Inappropriate response to heritage area;
(e) Traffic issues along laneway and possible conflict with pedestrian movements;
(f) Stress on existing car parking;
(g) Additional demand on local infrastructure; and
(h) Increase in vacant shops.

95. A Planning Consultation Meeting was held on 3 April 2018, attended by the Applicant, Objectors and Planning Officers. Following this meeting, the Applicant submitted a set of amended plans under Section 57A of the Act on 12 June 2018. The changes within these plans were outlined in detail in paragraph 5 of this report.

96. The amended plans were advertised on 26 July 2018, with letters sent to the abutting sites and all 7 objector parties. One sign was displayed on the St Georges Road frontage. No further objections were received, ensuring that the overall number of objector parties remain at 7.

97. A set of amended sketch plans were submitted by the Applicant on 24 October 2018, with the changes in these plans outlined in paragraph 7 of this report. The sketch plans are attached to this agenda and were sent to all objector parties with the invitation to this meeting.

Referrals

98. The application was not required to be formally referred to any external authority. Informally, the application was referred to VicRoads, due to the proposed awning to be constructed above the St Georges Road footpath (with this area of land located within a Road Zone Category 1).

99. In response, VicRoads recommend the inclusion of the following permit condition:
    (a) *Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138(A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's St Georges Road street boundary (i.e. the canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the St Georges Road, road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.*

100. The original application was referred to the following internal departments:
    (a) Urban Design;
    (b) Heritage;
    (c) Engineering Services Unit
    (d) Open Space; and,
    (e) City Works.

101. The amended plans (submitted under Section 57A of the Act on 12 June 2018) were informally referred to Urban Design and Heritage for additional comments. All comments have been included as attachments to this report.

OFFICER ASSESSMENT

102. The considerations for this application are as follows:
    (a) Strategic context/Land Use;
    (b) Built form, design and heritage;
    (c) Clause 58;
    (d) Off-site amenity impacts;
    (e) Car parking, bicycle parking & traffic;
    (f) Other Matters
    (g) Objector concerns.

    <u>Strategic justification/Land Use</u>

103. The proposal is consistent with the various objectives outlined in State and Local Planning Policy Frameworks (SPPF & LPPF) within the Scheme and provides a positive strategic opportunity for development and residential use within a well-resourced inner-urban environment.

104. The provision of a mixed-use development containing a shop at ground level and residential use above is consistent with the general strategies contained within the Scheme. These strategies encourage urban consolidation and employment generating uses in such locations, where full advantage can be taken of existing settlement patterns and transport, communication, water, sewerage and social facilities.

105. The subject land is located within the North Fitzroy NAC. The proposal meets the objectives and strategies of the Scheme by incorporating a range of uses into the development, including active spaces on the ground floor to reinforce an integrated street environment. The development is consistent with Clause 11.03-1S (Activity Centres), which aims to *encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.* The proximity of the site to a variety of public transport options highlights the land's strategic position.

106. The residential use of the land also achieves objectives outlined in Clause 16.01-2S, which encourages new residential development to be located in areas that offer good access to jobs, services and transport, and to increase the proportion of new housing in designated locations within established urban areas in order to reduce pressure for fringe development. The C1Z which applies to the site is readily acknowledged as a zone capable of accommodating greater density and higher built form, subject to individual site constraints.

107. It is noted that policy support for more intensive development needs to be balanced with built form and heritage guidance at Clauses 15.03, 21.05 and 22.02 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.

108. 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, subject to conditions to be discussed throughout this report.

Built form, design and heritage

109. 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 22.07 (Development Abutting Laneways) and Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay).

110. These provisions and guidelines seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the context, height and massing, relationship to adjoining buildings and architectural quality. These matters, and others, will be assessed in turn below.

Context

111. The existing character of the surrounding area is somewhat varied, with the majority of built form along St Georges Road being single and double-storey in scale, with high site coverage and commercial typologies. Higher elements of built form have emerged within proximity to the land, with a six-storey building constructed at No. 392 St Georges Road, approximately 50m to the north-east of the site. An image of this building is shown in Figure 4 below.

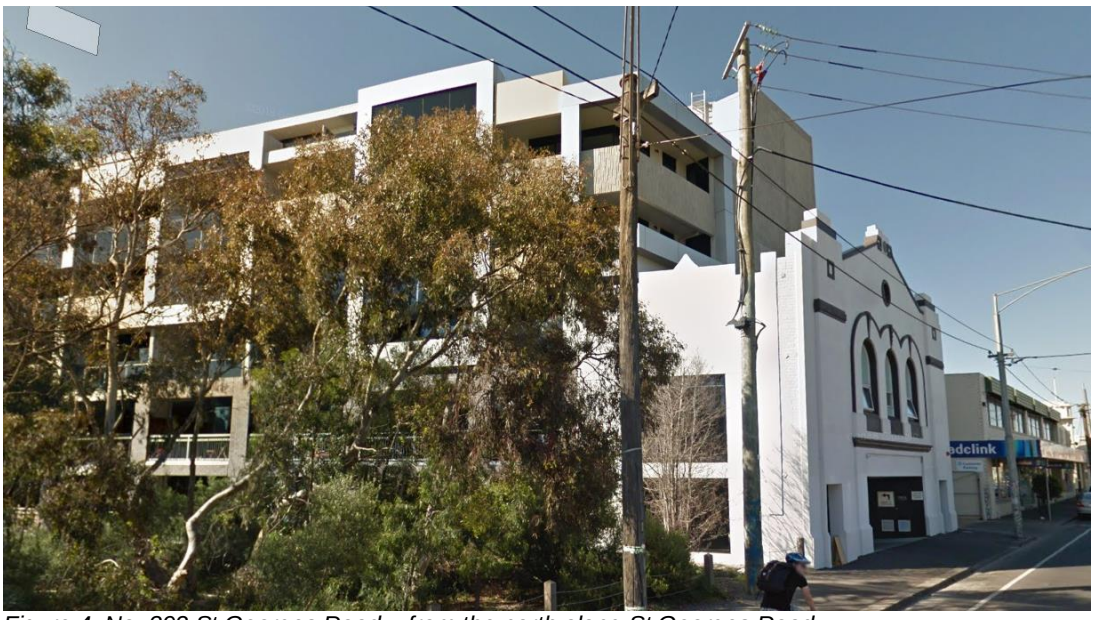


Figure 4: No. 392 St Georges Road – from the north along St Georges Road.

112. In addition, Planning Permit PLN16/0741 was issued on 8 February 2018 to allow the construction of a six-storey building at No. 378-390 St Georges Road. Whilst construction has yet to commence, the approval of this development clearly demonstrates that higher built form is anticipated within proximity to the site.

113. Considering the strategic direction of the C1Z to encourage higher density developments, there is expectation for more intensive development of the subject site and surrounding land within the North Fitzroy NAC. This outcome is recognised in Council's Urban Design comments. Whilst concerns were raised with elements of the original design, the comments noted that the intensified redevelopment of this site is supported in principle. It is clear from the two six-storey developments outlined above that the wider St Georges Road precinct is undergoing change, with strong state policy support for increased density in this neighbourhood.

114. The expectation of more intensive development in commercial zones was discussed in the decision *Daniel Stevens (Zero Nine Pty Ltd) v Yarra CC* [2011] VCAT 467 (this decision relates to No. 105-107 Johnston Street Collingwood – also within a NAC), where 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.*

115. Based on this context, the addition of this higher built form is considered to be an acceptable outcome.

Height, Scale and Massing

116. With no specific built form guidance or height limits associated with the land, it is important for the assessment of building height to balance the range of influencing factors affecting this area, including policy provisions, existing height characteristics of nearby built form and preferred future character development.

117. The site is located within the C1Z and an activity centre. As previously noted, the zoning and location of the site clearly identifies that the land will be more intensively developed, with a purpose of the C1Z to provide for residential uses at densities complementary to the role and scale of the commercial centre. Clause 11.03-1S (Activity Centres) encourages a diversity of housing types at higher densities in and around these areas.

118. 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, adaptive re-use of heritage buildings, positive contribution to the public domain and provision of affordable housing. The proposal fits within this height range.

119. Further, a number of the additional features that would allow the consideration of a higher building have also been achieved, with the proposal providing upper level setbacks, an active street frontage and best practice environmental sustainability objectives.

120. The original Urban Design comments (based on the drawings dated 24 November 2017) recommended that the overall height of the development be reduced by one level; however this reduction in height was dependant on whether other alterations were made to the design. The amended plans (received by Council on 12 June 2018) incorporated a number of these changes into the development, with the original Urban Design recommendations and subsequent responses discussed in turn below.

The form and design should be rationalised and simplified to create a more coherent composition;

121. The design of the façade was substantially altered in the amended plans, with the extent of brickwork increased. This alteration is demonstrated in figures 5 & 6 below.



Figure 5: Original façade design



Figure 6: Section 57A Amended design

122. The extended use of brick provides a more coherent finish, by removing the metal cladding proposed for the first and second levels and consolidating the streetwall into one element to provide a more rational and robust design.

Reduce the street wall (podium) height to 2 storeys at the front and rear of the building;

123. The consolidation and design of the brick façade provides the appearance of a double-storey podium addressing St Georges Road, with the horizontal gap between the first and second-floors providing a degree of definition to the solid double-storey section of the façade below.

124. This amended design allows for an improved height transition within the streetscape, by providing a good degree of delineation between the streetwall and the two upper-most levels. The amended design results in two clear and distinct forms and increases the prominence of the façade within the streetscape.

125. Double-storey built form abuts the rear boundary of the site, thereby already achieving this recommendation.

Above this podium, the front setback should be at least 5m at all levels and the rear setback of 5.515m should apply to all levels above the podium;

126. Setbacks of the two upper levels range from 7.8m to 8.2m (based on the average setback from the angled front boundary), with the attached balconies set back 3.28m to 5.7m from this interface. When combined with the more visually dominant design of the façade, these setbacks are acceptable and provide a good degree of separation between the upper and lower levels.

127. The two upper-most levels are set back 7.88m from the rear laneway. The attached balconies are set back 5.66m from this interface. The setbacks from the rear boundary exceed those recommended by Council's Urban Designer, and allow for a sympathetic transition to the low-scale residential land to the west.

Provide a more attractive finish to the black side walls.

128. There were no changes in the amended plans to the presentation of the north or south-facing walls. This aspect will be discussed further in this report.

129. Urban Design comments were sought on the amended plans. These comments were largely supportive and confirmed that the majority of the issues were resolved via the changes outlined above. These comments confirmed that the modified façade strengthens the design of the streetwall and enhances this aspect of the development, with the contrasting material of the upper levels creating clear differentiation between the two facets of the building.

130. It was noted however that the black colour proposed for the finish of the upper-most levels somewhat overwhelmed the simplified and more coherent design of the façade. Although the upper level balconies are set back from the street frontage, the large expanse of black roof covering and the black vertical battens attached to the side of the balconies would be clearly visible from all angles. These features exacerbated the height of the building and failed to integrate the upper levels with the built form below.

131. It was recommended by Council's Urban Designer that the black material be substituted for an off-white finish to match the colour of the proposed side walls, and the depth of the roofing above the fourth-floor balcony be reduced to a maximum depth of 1.5m. The removal of the black battens was also encouraged. These changes were undertaken by the Applicant via sketch plans, with the amended design demonstrated in Figure 7 on the following page. It is considered that these changes improve the presentation of the upper levels and reduce the visual prominence of the development within St Georges Road. They allow the brick façade to read as the most prominent element and the amended colour scheme increases the integration of the front balconies with the higher side walls beyond. If a planning permit is to issue, these changes can be required via conditions.



Figure 7: Sketch plans with further amendments

132. As outlined earlier, there was no alteration to the treatment of the blank side walls addressing the northern and southern boundaries. Whist it is acknowledged that the site to the south may be developed to a similar extent in the future, the northern building is graded 'individually significant' within the North Fitzroy Heritage Precinct.

This limits the extent of development that may occur on this site, and ensures that ongoing views to the large expanse of blank northern wall will continue.
To alleviate the visual impact of these walls and address the concerns raised, a degree of articulation or treatment is required. This could be provided in the form of vertical or horizontal lines, or a different texture to the render. If a planning permit is issued, this change can be facilitated via conditions.

133. Based on the alterations demonstrated in the amended plans, and the further conditions based on the sketch plans, Council's Urban Designer was largely supportive of the development. They confirmed that it is no longer considered necessary for the height of the building to be reduced, with the changes addressing the original recommendations, and the proposed permit conditions further improving the appearance and integration of the development within the streetscape.

Heritage

134. The primary heritage considerations for this application relate to whether compliance is achieved with Clause 43.01-4 (Heritage Overlay: Decision guidelines) and Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) of the Scheme. The site is located within the North Fitzroy Heritage Precinct, with the existing building classified as 'non-contributory' to this precinct. The proposal seeks to demolish the existing building on the site.

135. The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the broader heritage precinct. Clause 22.02-5.1 of the Scheme relates to full demolition of a heritage building and states that it is policy to *generally encourage the retention of a building in a heritage place, unless the building is identified as being not contributory.*

136. As the subject building has been identified as non-contributory, full demolition is considered acceptable.

137. Comments received from Council's Heritage Advisor on the original design were largely unsupportive. Whilst the contemporary response was considered acceptable, given the lack of contribution the existing building makes to the heritage streetscape, the proposed design was not considered to provide adequate respect to the adjacent heritage area. In particular, the appearance of the streetwall was critiqued, with the black screening to the second-floor façade considered to be out of character with the street, and resulting in a dominant 'floating' affect above the two lower levels.

138. The original heritage advice recommended that the streetwall be redesigned, so that a consistent and more visually prominent double-storey façade be provided. This would allow all levels above to read as separate and recessive elements within the site. As discussed previously, it is considered that this outcome has been adequately achieved via the various amendments made to the design. The amended plans provide a visually cohesive façade, by removing the black metal cantilevered second-floor balcony and consolidating the streetwall into a predominantly brick finish. The extended use of brick within the façade has provided a simplified and more coherent response. Whilst the streetwall remains triple-storey in scale, the use of brick at all levels provides a degree of consolidation that allows the façade to integrate more positively within the streetscape, and reduces the dominant nature of the original design.

139. This outcome is in keeping with comments provided in the original heritage advice, which acknowledged that the use of red facebrick materials for the ground and first-floor façade was appropriate, and integrated well with the heritage character of the surrounding area.

140. Heritage comments were sought on this aspect of the amended design, with a positive response received. The updated comments confirmed that the modified streetwall provides an acceptable response to the initial concerns and was more in keeping with the heritage context of the area.

    However, as with the additional Urban Design advice, Council's Heritage Advisor noted that the consolidation of the façade somehow increased the prominence of the two upper levels, particularly due to the black finishes proposed. Heritage advice concurred that the use of off-white for the upper level balconies, and a reduction in the extent of roof form for the fourth-floor balcony, would reduce the visual impact of the higher elements of built form. The provision of a partially covered balcony would also reduce the likelihood that an umbrella could be accommodated in the top-floor balcony. The proposed changes to the design as outlined in the sketch plans and facilitated via permit conditions were supported from a heritage perspective.

141. With regards to other elements of the design, the original heritage advice raised concerns with the curved shape of the upper level balconies. The design of these balconies was considered to be out of keeping with more traditional rectangular forms found in heritage precincts. The heritage advice recommended that if these designs were retained, they should be set back further from the streetwall, so that they clearly do not form part of the heritage context of the street.

142. Whilst the subsequent plans retain the curved form of these balconies, the altered colour scheme to off-white and the reduced depth of the upper-most balcony roof are an improvement, with these changes creating a clear separation between the redbrick façade and the upper-levels. These alterations reduce the visual dominance of the upper level balconies within the streetscape; consistent with the provisions outlined in Clause 22.02 of the Scheme.

143. As with the original urban design advice, the original heritage comments recommended that the top-most level of the development be removed. However, based on the changes incorporated into the amended design, the updated heritage response no longer considers a reduction in height to be necessary. The most recent comments confirm that the amended response results in a less visually overwhelming building within the streetscape, and reduces the prominence of the upper-most levels to an acceptable degree. The height and massing of the development is supported from a heritage perspective.

144. The original heritage comments also recommended changes to the presentation of the ground floor façade, with a number of these alterations incorporated into the current design. In particular, it was recommended that a solid stallboard of 700mm be provided underneath the glazing, to match the dimensions of the stallboard within the heritage building to the north. The façade has been altered accordingly. However, it was also recommended that a recessed entry to the shop be provided. In the current design it appears that there is no entrance provided to the shop. If a planning permit is to issue, a condition can be added to ensure that a clearly defined and separate entrance be provided to the shop and for this entrance to be recessed from the St Georges Road boundary.

145. Based on the changes discussed, it is considered that the proposed development integrates well with the heritage character of the streetscape and respects the significance of the heritage place. Compliance with the provisions of Clause 22.02 is achieved.

    The Public Realm & Pedestrian spaces

146. The introduction of a shop at ground level addressing St Georges Road provides an active frontage within the C1Z and the activity centre, with the proposed extent of glazing within the new shopfront providing good interaction between the footpath and internal space.

This outcome is consistent with the public realm, pedestrian spaces and street and public space quality policies at clauses 15.01-2S and 21.04-2 of the Scheme.

147. Further improvements to this interface were recommended within the original Urban Design advice, which suggested that the shop use be extended to encompass more of the site, in place of the proposed storage or car parking. This alteration is not considered necessary, as these elements are not visible within the street frontage and have no influence on how the commercial use is perceived from St Georges Road. The majority of the street frontage is devoted to the shop; this outcome adheres with relevant policy and is supported.

Laneway interface

148. Council's local policy at Clause 22.07 relates to development abutting laneways. Relevantly, the policy seeks to provide an environment which has a feeling of safety for users of the laneway and to ensure that development along a laneway acknowledges its unique character. The policy specifically calls for development that respects the scale of the surrounding built form, with design guidelines at Clause 22.10-3.3 noting that new development which abuts a laneway should be no higher than 2 storeys.

149. The development will directly abut the laneway to a height of 5m, with the first and second-floor balconies above also constructed to this interface. However, these higher elements will be limited to the balcony balustrades, with open spaces providing depth and articulation to this elevation. Further, the first-floor balustrade will only be marginally visible above the rear boundary wall. The two upper-most levels will be set back over 5m from the rear boundary.

150. The original Urban Design advice raised concerns with the scale of built form addressing the laneway, stating that the overall height of the rear wall would have an imposing presence in the laneway and on the dwelling to the west, at No. 227 Barkly Street. This advice also recommended that dwelling entries should be incorporated into this interface, to provide a sense of activation of the laneway.

151. As noted, the first and second-floor balconies provide a good degree of articulation to the rear wall and ensure that it does not present as dominant built form. The second-floor balcony will be screened with vertical battens, thereby providing visual permeability. The solid to void ratio of the western elevation is acceptable. Given the generous setbacks of the levels above, the presentation of the development to the laneway is supported and no changes are required.

152. The addition of entrances to dwellings being provided from the laneway is not consistent with policy, which encourages pedestrian entries to be separate from vehicle entries and dissuades entries to dwellings to be obscured or isolated. The laneway is currently used for vehicle traffic only, with no visible residential entries for any surrounding sites. The retention of a primary residential entrance from St Georges Road is supported.

153. The balconies addressing the laneway at the first and second-floors will allow for passive surveillance, but do not unreasonably overlook private open space or habitable rooms on the opposite side of the laneway. This detail will be discussed in further detail later within this assessment.

154. The development will not obstruct the laneway and access for emergency vehicles will be maintained. The provisions of this policy will be met.

Light and Shade

155. The height of the streetwall and the proposed setbacks of the levels above from the eastern boundary ensure that there will be limited overshadowing affecting the eastern footpath along St Georges Road throughout the day. The shadow diagrams indicate that a small section of this footpath will experience shadow at 3pm; the scale and duration of these shadows are limited and considered to be an acceptable outcome.

156. Whilst shadows will affect the western footpath of St Georges Road from 1pm onwards; this would be an existing condition given the double-storey façade of the current building on the site.

Site Coverage

157. The proposal will occupy 100% of the site. Whilst this increases the existing coverage found on the land, this outcome is acceptable given the context of the site within a C1Z and an activity centre.

158. The degree of built form coverage proposed is similar to that found on many sites within the North Fitzroy NAC, with intensive development a characteristic of the surrounding neighbourhood. In particular, built form covers 100% of the site immediately to the north, with significant degrees of coverage evident within the more intensively developed land to the east. The proposed site coverage is an acceptable outcome.

Architectural Quality

159. The development, based on changes previously discussed, integrates well with the existing streetscape, with the contemporary design an appropriate outcome that sufficiently responds to the limited heritage characteristics found within this section of St Georges Road.

160. The design ensures that a good balance between the ratio of solid to void is achieved within the principal façade, with the use of brickwork within these lower levels providing a coherent response that relates to the form and massing of the double-storey building to the south. As noted previously, the amended design reduces the prominence of the upper levels and subsequently reduces the visual impacts of the curved balconies; this outcome is supported.

161. The northern and southern walls of the tower element are proposed to be finished in plain off-white render, with no articulation provided. As discussed, until such time that the adjacent sites are developed, these walls will be highly visible within the St Georges Road streetscape, with relatively limited development likely on the heritage site to the north. A condition has required a level of articulation, via a different design or finish, be provided to reduce the sheer finish of these walls. Based on these changes, the overall design is supported.

Clause 58

Standard D1 – Urban context

162. The purpose of this Standard is to ensure that the design responds to the existing urban context or contributes to a preferred future development of the area. These aspects have been discussed in detail earlier within this report, with the proposal considered to be an acceptable response within the existing and emerging character of the St Georges Road streetscape and surrounding neighbourhood. The Standard is met.

Standard D2 – Residential Policies

163. As outlined within the Strategic Context section of this report, the proposed development has strong policy support under the purpose of the C1Z and relevant policies of the Scheme. The site can clearly support higher density residential development, based on its proximity to public transport, community infrastructure and services, and with limited off-site amenity impacts. The Standard is met.

Standard D3 –Dwelling diversity

164. The proposal will provide 8 x 2 bedroom and 4 x 3 bedroom dwellings, thereby allowing for a range of dwelling types. The Standard is met.

Standard D4 - Infrastructure

165. The proposal is located within an established area containing existing utility services and infrastructure; there is no evidence to suggest that the proposed development would unreasonably overload the capacity of these existing services. The Standard is met.

Standard D5 – Integration with the street

166. The building will address St Georges Road at all levels, with the proposed commercial use at ground level providing an active frontage within the activity centre. This is consistent with the purpose of the C1Z. Vehicle access will be restricted to the rear laneway, with all pedestrian access from St Georges Road. The Standard is met.

Standard D6 – Energy efficiency

167. The development provides a good level of energy efficiency, with the layout of each dwelling considered to provide reasonable opportunities for access to daylight and natural ventilation, based on window operability being clearly shown on the plans. This element will be discussed in detail later within this report. Energy efficient heating/cooling and lighting is proposed, with water efficient fixtures to be used throughout. The Sustainable Management Plan (SMP) provided with the application states that a minimum 7 Star average NatHERS Star rating will be achieved for all dwellings, with a STORM score of 112% possible via the provision of a 10,000L rainwater tank connected to all apartment toilets. This results in a development that largely meets Council's Environmental Sustainable Design standards.

168. Standard D6 notes that dwellings located in a climate zone identified in Table D1 of this clause should not exceed the maximum NatHERS annual cooling load specified. In this instance, the development is in Climate Zone 21 (Melbourne) and should not exceed 30MJ/m2 per annum.

169. The BESS report includes a sample of dwellings with cooling loads beneath the 30MJ/m2 threshold, however it is required that all dwellings have cooling loads beneath this threshold to meet the Standard. Council's ESD Advisor noted that most dwellings have modest glazed areas exposed to summer sun angles, and shading through balcony overhangs, but there are significant areas of north-facing glazing exposed to summer sun angles. To ensure that all dwellings meet this Standard, further protection of all north, east and west-facing glazing from summer sun angles through the use of exterior adjustable shading blinds, fins or louvers is required. A condition can ensure this occurs, if a permit is to issue.

170. The only outstanding matter highlighted within the ESD comments (with the exception of ventilation, which will be discussed in Standard D27), was that the submitted SMP states that the thermal energy efficiency standard will be only 6 Stars, but the BESS report states 7.1 Stars. These documents should be consistent, and the SMP can be updated via permit condition.

171. Whilst some additional ESD improvement opportunities were recommended, not all are considered feasible or necessary for this development, such as the addition of a productive garden, landscaping or roof terrace. It is noted that a green wall is already proposed within the northern lightcourt. With only limited common areas, it is not clear which area of the development would benefit from a solar PV array, and with the use of two car stacking systems, the provision for electric vehicle charging could be problematic. A reasonable alternative could be the provision of electric bicycle charging facilities. This can be facilitated via a permit condition.

172. Overall, it is considered that subject to the conditions discussed and the provision of an amended SMP, the proposed development would achieve best practice in environmentally sustainable development in accordance with the overarching objectives under Clause 22.16 (Stormwater Management (Water Sensitive Urban Design)) and Clause 22.17 (Environmentally Sustainable Development) of the Scheme.

Standard D7 – Communal open space

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

Standard D8 – Solar access to communal open space

174. No communal open space is proposed as part of this development.

Standard D9 – Safety

175. The residential entrance will be recessed 2m to 2.8m from the St Georges Road boundary. A wall extends across a section of the entrance, with mail boxes located behind. As noted in the Urban Design advice, the depth of the entry recess should be reduced to less than its width, in order to minimise the risk of this space becoming unsafe.

176. This outcome could be achieved via the relocation of the door 1m closer to the front boundary, thereby reducing this recess to between 1m and 1.8m. In addition, the section of wall extending in front of the entrance (along the front boundary) could be removed, to increase the visibility of the residential entrance. This alteration would reduce the depth of the recess to less than the width, and ensure views are readily available to this space from all vantages of St Georges Road.

177. With the addition of this condition, if a planning permit is to issue, the Standard would be met.

Standard D10 – Landscaping

178. Landscaping does not play a significant role in the character of this section of St Georges Road. The lack of landscaping proposed is therefore acceptable.

179. A vertical green wall is proposed within the northern lightcourt; this degree of landscaping will soften the appearance of this wall from the north and is supported. Information on how this green wall will be implemented and maintained will be required via a Landscape Plan. A condition of any permit issued will facilitate this.

180. The site is less than 750sqm; therefore no deep soil area is required. On this basis, the Standard is achieved.

Standard D11 – Access

181. This Standard seeks to ensure that the number and design of vehicle crossovers respects the urban context, whilst maximising the retention of on-street car parking spaces. In this instance, the development will be entirely reliant on an existing right-of-way (ROW) at the rear of the site, with all vehicle access limited to this interface.

182. This ensures that no on-street car parking spaces will be affected. Access for service, emergency and delivery vehicles is available. The Standard is met.

Standard D12 – Parking location

183. The location provided for car parking achieves a good design response, with all vehicle access restricted to the rear laneway. A total of 13 car parking spaces will be provided within the garage, in the form of two car stacking systems, with detailed specifications of the systems provided with the application. Council Engineers confirmed that the stacker models satisfy *Design Standard 4 – Mechanical parking* of Clause 52.06-9 of the Scheme. The swept path diagrams demonstrating access for a B85 vehicle to the car stackers from the laneway are also acceptable.

184. To ensure that vehicle access is appropriately provided, Council's Engineers recommended the following;
    (a) The finished floor levels along the edge of any concrete slab must be set 40mm higher above the edge of the right-of-way (ROW);
    (b) The width and headroom clearance of the garage door and floor to ceiling height of the garage should be dimensioned on the drawings;
    (c) A convex mirror should be provided at the entrance of the garage to improve visibility for motorists exiting the site.

185. These requirements can be facilitated via conditions, if a planning permit is issued.

186. A number of additional recommendations were made; these relate more to civil works and will be addressed in the 'other matters' section of this report.

187. It is noted that a number of bedrooms will be located directly above the garage at first-floor. Potential noise impacts from the car stacking equipment will be discussed in Standard D16.

Standard D13 – Integrated water and stormwater management

188. A STORM report with a 112% STORM score was submitted with the application; this report demonstrates best practice and relies on 311sqm of roof connected to a 10,000L rainwater tank. The tank will be connected to all residential toilets. A condition can require this to be clearly noted on the ground floor plan. This is in line with the policy direction under clause 22.16 (Stormwater Management (Water Sensitive Urban Design)) and the Standard is met.

Standard D14 – Building setbacks

189. As outlined earlier in this report, the setbacks of the building are considered to achieve an acceptable design response within the character of the surrounding area. The setbacks of the upper-most levels from the front and rear boundaries will reduce the visual prominence within the streetscape and reduce visual impacts to the lower scale residential land to the west. The upper-level setbacks from the side boundaries will also provide adequate building separation, if the adjacent land is to be developed in the future.

190. The proposed setbacks will allow for adequate daylight to access all new dwellings, whist providing for a reasonable outlook from all habitable rooms. Potential overlooking impacts will be discussed in detail later within this assessment. The Standard is met.

Standard D15 – Internal views

191. The drawings do not clearly demonstrate how internal overlooking opportunities between balconies at Levels 1 & 2 will be restricted. Whilst privacy screening is referenced on a number of elevations, the specific height and transparency of this screening is not provided. To ensure that no unreasonable internal overlooking can occur, sectional diagrams can be required via a condition of any permit issued, clearly demonstrating the material, height and level of obscurity provided for all balcony screens.

192. There are a number of bedrooms at each level which are separated by a 6m wide lightcourt. To ensure that the objective is met, one or both of these bedroom windows must be designed to prevent overlooking of more than 50% of the adjacent habitable bedroom window. A condition, should a planning permit be issued, will facilitate this.

193. Based on these conditions, the Standard will be met.

Standard D16 – Noise impacts

194. The subject site is located on a main road within an activity centre and therefore within proximity to a number of noise sources which may result in unreasonable internal noise levels to the new dwellings. The most prominent noise sources in this instance would be traffic and tram noise along St Georges Road. In addition, noise from mechanical equipment and the car stacker systems may result in unreasonable noise impacts to future occupants.

195. The Standard notes that new dwellings should be designed and constructed to include attenuation measures to reduce noise levels from off-site noise sources, with new buildings that are located within a noise influence area specified in Table D3 of this Standard to be designed to achieve the following noise levels:
    (a) *Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.*
    (b) *Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.*

196. According to the Traffic Volume Data provided by VicRoads, St Georges Road is not considered to be a major arterial road that carries more than 40,000 annual average daily traffic volumes. On this basis, the noise levels outlined in Standard D16 do not apply.

197. Irrespective of this, it is acknowledged that St Georges Road is a busy thoroughfare catering for cars and trams, and is likely to generate noise impacts particularly to dwellings addressing the road. Further, the provision of a car stacking system, directly beneath two first-floor dwellings, may result in unreasonable noise impacts within these apartments. Air-conditioning units are proposed either on each individual balcony, or directly adjacent to dwellings. Potential noise impacts from this mechanical equipment have not been assessed.

198. To ensure that all noise impacts have been considered, the provision of an Acoustic Report is recommended. This Acoustic Report can be required via a permit condition, if one is to issue, and would need to assess potential noise impacts and any necessary attenuation measures resulting from noise associated with St Georges Road, the car stacking system and any mechanical equipment on site. On this basis, Standard D16 will be met.

Standard D17 – Accessibility objective

199. 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.*

200. The floor templates indicate that 6 of the 12 dwellings will provide a clear opening width of at least 850mm at the entrance to the dwelling and main bedroom, as well as a clear path with a minimum width of 1.2m connecting the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.

201. It is noted however that the adaptable bathrooms provided for these dwellings have not been directly connected to the main bedrooms, with each main bedroom provided with an ensuite that has not been designed accordingly. To provide a fully accessible layout for 50% of the dwellings, a better outcome would be for the ensuite bathrooms to be the adaptable bathrooms. This can be facilitated via relatively minor design changes to the following apartments - 102, 202, 301, 302, 401 & 402. With these alterations, the Standard will be met.

Standard D18 – Building entry and circulation

202. As discussed previously, the entrance to the shop has not been clearly demonstrated on the plans, with this to be rectified via a permit condition. The residential entrance is easily identifiable within the St Georges Road façade. A condition has required the section of wall directly in front of the entrance be removed, to further increase views to this space. The entrance is provided with shelter, a sense of personal address and a transitional space. The Standard is met.

Standard D19 – Private open space

203. Of relevance to this development, the dwellings should have access to balconies that meet the dimensions outlined in Table 5 of this Standard. This table specifies that a 2 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, with the balcony dimensions for a 3 bedroom dwelling increasing to 12sqm and 2.4m respectively. All of the dwellings will meet these requirements as outlined in the table below.

Dwelling	Balcony Size	Balcony Depth
Unit 101 – 2 bed	10sqm	2m
Unit 102 – 2 bed	10sqm	2m
Unit 103 – 2 bed	12sqm	2.2m
Unit 104 – 2 bed	12sqm	2.2m
Unit 201 – 2 bed	9.5sqm	2.2m
Unit 202 – 2 bed	9.5sqm	2.2m
Unit 203 – 2 bed	9.5sqm	2m
Unit 204 – 2 bed	9.5sqm	2m
Unit 301 – 3 bed	18sqm	Min. 2m
Unit 302 – 3 bed	28sqm	Min. 2.8m
Unit 401 – 3 bed	18sqm	Min. 2m
Unit 402 – 3 bed	28sqm	Min. 2.8m

204. Further, all of the balconies will be directly accessed from the living rooms of each dwelling. Secondary balconies, with access from bedrooms, have also been provided for the four, first-floor dwellings.

205. All of the balconies are roofed, with a number of vertical fins extending for the full height of the north and south elevations of the two upper-level balconies. Urban Design comments noted that this design may result in the balconies becoming fully enclosed, assuming that the adjacent sites are developed in the future. The only balcony to directly abut both sides boundaries is located at Level 1. If boundary development at this level was to occur, this balcony would retain the principal westerly outlook, with a good degree of daylight still able to access this space.

The balconies above are set back from the north and south boundaries, ensuring that any future development on adjacent sites would not fully enclose these spaces. The design of these balconies is acceptable.

206. The Standard notes that if a cooling unit is located on a balcony, the balcony should provide an additional area of 1.5sqm. Air conditioning units have been shown in 8 of the 12 balconies, with the remaining 4 units located on sections of the roof adjacent to each apartment (at Level 1). The balconies on which air conditioning units are provided have been scaled accordingly, to ensure that the Standard is met.

Standard D20 – Storage

207. This Standard notes that the following usable and secure storage space should be provided for each dwelling;
    (a) 2 bedroom – a minimum of 14 cubic metres, with 9 cubic metres located within the dwelling;
    (b) 3 bedrooms – a minimum of 18 cubic metres, with 12 cubic metres located within the dwelling.

208. Each apartment has been provided with individual storage units at ground level, measuring 9 cubic metres. Notations have been included within the floor templates of 5 of the 12 apartments, indicating that the following storage spaces are provided (outlined in the table below);

Dwelling	Internal storage	Total storage
Unit 104 – 2 bed	9.83 cubic metres	18.83 cubic metres
Unit 201 – 2 bed	9.54 cubic metres	18.54 cubic metres
Unit 203 – 2 bed	10.42 cubic metres	19.42 cubic metres
Unit 204 – 2 bed	9.83 cubic metres	18.83 cubic metres
Unit 402 – 3 bed	14.14 cubic metres	23.14 cubic metres

209. All of these storage dimensions meet the Standard.

210. Given the consistent internal layout of the 2 & 3 bedroom dwellings, it is assumed that the storage provisions will be similar in the dwellings not included in the table above. To ensure this is achieved, a condition can be added to any planning permit issued noting that storage requirements consistent with the Standard must be demonstrated for the remaining apartments – 101, 102, 103, 202, 301, 302 & 401.

Standard D21 – Common property

211. The common property areas within the development are clearly delineated and would not create areas which were difficult to maintain into the future. The lobby, storage spaces, bin room and vehicle access areas are well conceived and cohesive with the overall building design and are therefore considered to be in line with the objectives of this Standard.

Standard D22 – Site services

212. Mailboxes for the residential use are located directly adjacent to the entrance; however it is not clear where other site services will be located (such as a fire booster cabinet if required). If a planning permit is to issue, a condition will require the location of all necessary services to be clearly depicted on the plans.

Standard D23 – Waste and recycling

213. A residential bin storage area is proposed at ground level, with separate bin storage provided at the rear of the commercial space.

214. A Waste Management Plan (WMP) was prepared by Ratio Consultants, outlining the proposed waste generation rates, storage facilities and collection procedures associated with the development. It is noted that the WMP incorrectly refers to the ground floor space as an 'office' as opposed to 'shop'. This reference, along with any changes required to the associated waste generation levels, will require amending via a condition, should a planning permit be issued.

215. The WMP was referred to Council's City Works Unit. A number of deficiencies were highlighted within this document and the associated management procedures to be undertaken. These are outlined as follows;
    (a) A kerbside collection will not be suitable due to the potential traffic obstruction during collection. A private, internal service must be utilised from the rear access point with swept path diagrams to prove feasibility.
    (b) There was no comparison provided between available bin room space and bin sizes, in meters squared.
    (c) There were no details regarding the party responsible for bin cleaning.

216. Whilst the final two points above can be easily rectified, the provision of on-site collection for all waste as opposed to kerbside collection from St Georges Road is more problematic, given the provision of a car stacking system at the rear of the site. It is noted that on similarly sized sites, with limited dwelling numbers and no basement, Council has approved private waste collection with a condition that all bins are returned immediately to the storage room by the private contractors. This ensures no bins will obstruct either the kerb, or the laneway at any time.

217. The potential for this style of bin collection was discussed with and approved by Council's City Works Branch, upon the condition that the bins be collected from the rear laneway, and that swept path diagrams demonstrating this process are provided.

218. If a planning permit is to issue, an amended WMP reflecting all of these comments will be required via condition of the permit. The WMP will be endorsed to form part of the planning permit.

Standard D24 – Functional layout

Bedrooms

219. This Standard notes 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 dimension. Of the 28 bedrooms within the development, only 4 bedrooms do not comply with this Standard. These are the second and third bedrooms of Apt. 301, the third bedroom of Apt. 401 and the main bedroom of Apt. 402. However in all of these instances, the level of non-compliance is extremely marginal (with widths of 2.99m instead of 3m). This outcome is acceptable and will not unreasonably impact the internal amenity of the non-compliant bedrooms.

Living areas

220. This Standard notes that living rooms associated with 2 or more bedroom dwellings should have minimum widths of 3.6m and minimum areas of 12sqm. All of the dwellings meet this Standard.

Standard D25 – Room depth

221. All of the 2-bedroom dwellings on Levels 1 & 2 have single-aspect habitable rooms. These dwellings have been designed to meet the following requirements;
    (a) The room combines the living area, dining area and kitchen;

(b) The kitchen is located furthest from the window; and,
(c) The ceiling heights are 2.7m.

222. The 3-bedroom dwellings are dual aspect. On this basis, the Standard is met.

Standard D26 – Windows

223. All habitable rooms within the proposed development contain a window within an external wall to the building, with no reliance on 'borrowed light'. None of the principal windows to any habitable room will directly address the sites to the north and south; this ensures that if these sites are to be developed in the future, daylight to the windows will not be unreasonably impacted.

224. One bedroom within each dwelling is oriented to address a lightcourt. These lightcourts are generously sized, with overall dimensions of 18sqm. If future on-boundary development is to occur adjacent to these lightcourts, their scale will ensure that the remaining access to daylight from these bedrooms is acceptable. The Standard is met.

Standard D27 – Natural ventilation

225. All of the dwellings will allow for natural cross-ventilation opportunities, with the floor templates indicating that the maximum breeze path dimensions will be met. However, a number of windows are not clearly shown as operable on the floor plans and elevations. To ensure that the Standard is achieved and the internal amenity of each dwelling is acceptable, the relevant drawings must be amended to show the operability of all living room and bedroom windows. A condition will facilitate this, should a planning permit be issued.

Off-site amenity

226. The context of the site, being located within a C1Z, with commercially zoned land and uses to the north, south and east, limits potential off-site amenity impacts on surrounding, more sensitive, sites. The only sensitive interface with the subject site is the dwelling directly to the west, at No. 227 Barkly Street. Floor plans of this dwelling confirm that there are no habitable room windows adjacent to the site, resulting in a relatively limited assessment with regards to potential amenity impacts to this residential land.

Overlooking

227. The only potential overlooking impacts to secluded private open space (SPOS) is associated with the site to the west, with four proposed balconies (at Levels 1 & 2) located within 9m of SPOS at the rear of this land. The proposed west elevation indicates that privacy screening (in the form of vertical battens) will be located along the western perimeter of these balconies; however the elevation fails to provide sufficient details on the height, transparency and materials of these screens. If a planning permit is to issue, a condition can specify that these screens must be a minimum height of 1.7m, with a maximum transparency of 25%. Based on the provision of these details, unreasonable views to adjacent residential land will be appropriately limited.

Overshadowing

228. Given the context of the surrounding land as discussed, the only potential overshadowing to SPOS will occur in the morning. As can be seen in Figure 8, the area of SPOS associated with the site to the west is located on the western side of the site, with an out-building and car parking space located along the eastern boundary. This provides a further degree of separation between any new built form on the subject site and the most sensitive area within the adjacent land to the west.

229. The shadow diagrams indicate that the only additional area of shadow affecting this site will be at 9am (see circled area of land in Figure 9). Following this time, there will be no additional shadows cast within the SPOS to the west. The limited duration and scale of shadows will ensure that the proposed development will not result in unreasonable overshadowing impacts to any adjacent residential land.



Figure 8: Aerial view of adjacent SPOS to the west

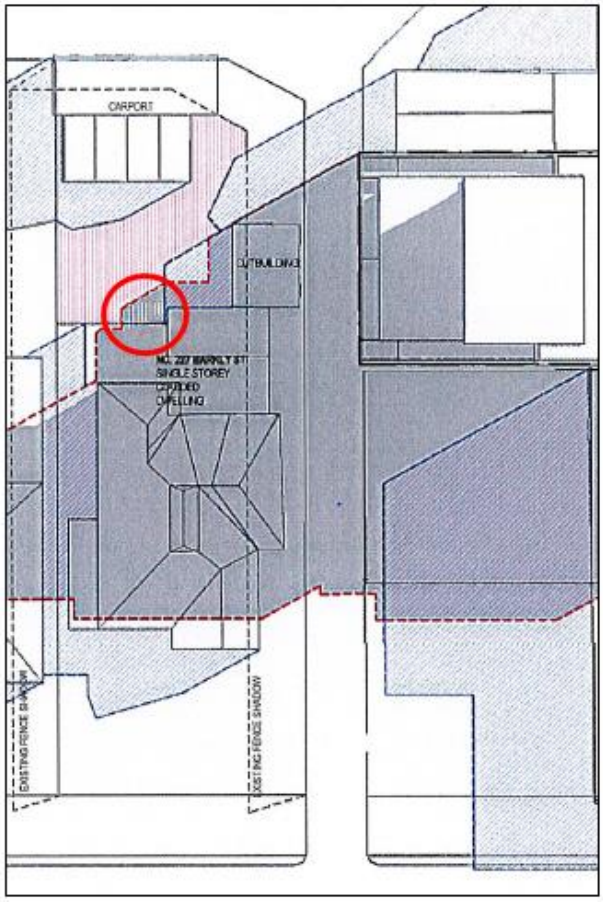


Figure 9: Additional overshadowing with SPOS at 9am

Visual bulk

230. The height and appearance of the proposed development has been discussed previously within this assessment, with the highest levels appropriately set back from all sensitive interfaces to reduce potential visual impacts to surrounding sites. The development will be provided with a degree of separation from the most sensitive sites to the west, via the laneway, with no HRW directly addressing the site within any of the adjacent dwellings. Whilst views to the building will be available from the SPOS of some of these sites, the views will be from oblique angles and from a distance.

231. It is highlighted that the residential land to the west of the laneway has a direct abuttal with land in the C1Z, with a number of Tribunal decisions acknowledging that amenity expectations of residents with direct commercial interfaces should be lower than those located solely within residential land. Irrespective of this, it is considered that the design of the development has appropriately responded to the different contexts at each interface and no unreasonable visual impacts will occur.

Noise

232. It is not considered that either the residential or shop components of the proposal are likely to result in unacceptable noise emissions to any nearby commercial or residential properties. Based on the context of the land within a C1Z and the nature of existing uses located along St Georges Road, these uses are considered to be in keeping with similar noise impacts within this environment.

233. Noise impacts of all services/plant equipment within the development itself have already been discussed; it is not considered that the proposed extent of these services will unreasonably impact uses on adjacent sites.

To further alleviate any impacts, a condition of the permit would require that the noise and emissions from plant equipment must comply at all times with the State Environment Protection Policy – *Control of Noise from Commerce, Industry and Trade* (SEPP N1). The provisions of Clause 22.05 (Interface Uses Policy) will be met.

Loading and unloading

234. There is no provision for on-site loading and unloading for the shop component; this is similar to conditions for the majority of shops within the City of Yarra, with on-street loading zones available. In this instance, a loading zone is located on St Georges Road, approximately 20m to the north of the site. The use of this loading zone is considered appropriate, given the limited scale of the shop proposed.

Equitable Development

235. Given the planning controls on the surrounding land and the context of the location, it is anticipated that future development may occur on both adjacent sites, although the heritage classification of the northern site will limit the scale of future development on this land.

236. The extent of on-boundary walls along the southern boundary will allow future development to replicate this detail, with the lightcourts in the centre of the site generous enough to allow adjacent on-boundary construction if proposed, without impacting daylight to the adjacent rooms to an unreasonable extent. It is anticipated however that any future development on this site would be encouraged to incorporate matching lightcourts in response.

237. The on-boundary walls to the rear of the northern boundary would also allow future development on the northern site (at the rear), without impacting any north-facing windows within the subject building. This outcome is considered acceptable.

Car parking, bicycle parking & traffic

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated	Reduction required
Two-bedroom dwellings	8	1 space to each dwelling	8	12 (1 for each dwelling)	0
Three-bedroom dwelling	4	2 spaces to each dwelling	8		4
Shop (Retail)	130m^2	3.5 spaces to each 100 m^2 of leasable floor area	4	1	3
		Total	**20**	**13**	**7**

239. Based on the above, the development has a parking shortfall of 7 spaces, with one space allocated to each of the dwellings and 1 space to the shop. All of the 2-bedroom dwellings meet the statutory requirement, with a reduction of 1 space required for each 3-bedroom residence.

240. 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.

Availability of Car Parking.

241. The subject site is located within an area containing predominantly time-restricted car parking, with periods ranging from 1 to 4 hours. Within the residential neighbourhood to the west, a large proportion of parking is restricted by permits, with 2-hour parking extending along both sides of St Georges Road. It is noted that the development will not result in any loss of on-street car parking, with all vehicle access restricted to the laneway at the rear.

242. To ascertain parking availability within the surrounding area, Ratio Consultants undertook a parking occupancy survey on Thursday 31 August 2017 between 9am and 8pm and on Saturday 2 September 2017, between 11am and 4pm. The survey area encompassed sections of St Georges Road to the north and south of the site, as well as sections of Clauscen Street and Barkly Street. Whilst the surveys were conducted a year ago, there has not been any recent apartment developments occupied since this time and therefore no substantial changes to car parking availability within the area would have occurred. The time and extent of the survey was considered appropriate by Council Engineers.

243. A parking inventory of 108 to 150 publicly available parking spaces (based on different restrictions) was identified on the Thursday, with parking occupancy ranging from 55% to 78%. The peak occupancy of 78% occurred at midday, with 30 available car parking spaces found within the survey area at this time. On the Saturday, the parking inventory was between 149 to 150 spaces, with peak occupancy occurring at 11am. At this time, 72% of the car parking spaces were occupied, with a total of 41 spaces available.

244. This data suggests that short-stay parking, associated either with the shop or visitors to the residential component, could be accommodated on-street.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

245. Each of the 3-bedroom dwellings will be provided with one on-site car parking space. The traffic report noted that data from the Australian Bureau of Statistics (ABS) Census in 2011 indicated that the average car ownership for 3-bedroom dwellings in Fitzroy North was 1.5 cars. This data suggests that 26% of 3-bedroom dwellings in Fitzroy North did not own a vehicle and that there is a market for a reduced car parking provision for this size of dwelling. It is considered that the provision of one car parking space for each dwelling is acceptable, particularly with regard to the site's access to public transport services, shops and facilities.

246. The additional reduction in car parking being sought by the proposal is supported by the following:
    (a) The site is located within an area which consists of a number of retail, entertainment and commercial premises, with the majority of these uses offering no on-site car parking provision;
    (b) Visitors to the site might combine their visit by engaging in other activities or business whilst in the area;
    (c) The site has direct access to tram services along St Georges Road. Bus services are within walking distance from Holden Street and Miller Street.
    (d) The site has very good connectivity to the Principal Bicycle Network. The Merri Creek & Capital City Bicycle Trails are located approximately 250m to the south of the site, with on-road bicycle lanes located along St Georges Road, Holden Street and other local streets within proximity to the site.
    (e) The Traffic Report indicates that 8 car-share vehicles are located within 800m of the land.
    (f) It is considered that the shop would heavily rely on walk-up trade. Pedestrians in the area and employees of local businesses would account for the majority of customers throughout the day;
    (g) The lack of opportunities to park on-street in the surrounding area would be a disincentive for employees of the shop to commute to work by car, with the short-term parking restrictions allowing customers to park for limited periods if necessary;

(h) 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.
(i) Practice Note 22 – *Using the Car Parking Provisions* indicates that car parking should be considered on a centre-basis rather than on a site/individual basis. This is applicable to activity centres, such as St Georges Road, where spare on-street car parking capacity would be shared amongst sites within the activity centre.
(j) The occupants of the new dwellings will not be eligible to apply for on-street residential or visitor car parking permits.

247. The reduction in the car parking requirement is considered appropriate in the context of the development and the surrounding area.

Bicycle parking

248. The proposal generates a demand of 3 statutory spaces and provides a total of 14 spaces, thereby exceeding the requirement outlined at clause 52.34 of the Scheme. Bicycle parking spaces are proposed in two separate storage areas, with a mixture of wall mounted and horizontal spaces provided. The provision of hanging and horizontal spaces accords with the requirements of AS2890.3-2015, with Clause 2.1(e) of this Standard noting that a minimum of 20% of the bicycle spaces must be provided in the form of horizontal rails.

249. The bicycle spaces have not been specifically allocated, therefore residential visitors would be able to use these spaces if required. However as noted previously, a condition can be added to any permit issued to ensure that this occurs. This condition will ensure that the statutory rate with regards to visitor bicycle parking is met.

250. Whilst shower and locker facilities are not provided for the shop, this outcome is acceptable given the limited scale of this use. Customers of the shop would use the shared bicycle parking resources provided along St Georges Road.

Traffic

251. To determine the traffic generated by the development, the following rates were anticipated within the Traffic Report.

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential Dwellings (Allocated with 1 space)	4.0 trips per dwelling per day (12 dwellings) Peak hour volume is 10% of daily volume	48	4.8	4.8
Shop (Retail)	20 trips per 100 square metres of leasable floor area (130 m^2)	27	2.7	2.7
	Total	75	7.5	7.5

252. This level of traffic is considered to be low, and it is unlikely that the traffic associated with the development would have a discernible impact upon traffic levels in the laneway, Barkly Street or Clauscen Street. The primary use of the ROW used to access the garage is for vehicles, with no principal access for pedestrians to any adjacent dwelling provided from this interface. Increased use of the laneway by vehicle traffic is therefore considered reasonable, with this outcome supported Council's Traffic Engineers.

Other Matters

253. A number of additional recommendations were highlighted in Council's Engineering comments and have not as yet been addressed. These include the following;

    (a) *Upon the completion of all building works and connections for underground utility services,*
        (i) *The footpath along the property's St Georges Road road frontage must be stripped and re-sheeted 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.*
        (ii) *The vehicle crossing servicing the Right of Way is to be reconstructed to the full width of the Right of Way in accordance with Council's Infrastructure Road Materials Policy, Councils Standard Drawings and Engineering requirements.*
        (iii) *Prior to the reconstruction of the vehicle crossing, the applicant must liaise with Council's Open Space unit to manage the pruning of the tree root from the nearby tree in Barkly Street.*

254. Given the extent of works proposed, the addition of the first recommendation as a permit condition is considered reasonable. It is noted that the re-sheeting of the footpath would impact an existing street tree in front of the site. With this in mind, the application was internally referred to Council's Open Space Unit, with the following comments received.
    (a) A bond of $5,000 should be applied to the street tree during construction works;
    (b) Appropriate tree protection measures, such as solid hoarding, will be required during the construction works; and,
    (c) These measures must be installed and approved prior to any development of the site.

255. These requirements will be incorporated into conditions of the permit, should one be issued.

256. The remaining two recommendations are considered to be onerous. The ROW at the rear of the land is used by a large number of commercial properties addressing St Georges Road, with access also provided to a number of dwellings. It is not considered reasonable for this shared resource to be fully reconstructed by the Permit Applicant.

257. The remaining comments regarding further infrastructure works, with regards to the relocation of service poles/pits and the provision of drainage, will be captured in standard conditions placed on the planning permit.

258. The Engineering comments also specified that the proposed canopy along the St Georges Road frontage must be setback a minimum of 750mm from the face of kerb, with VicRoads requesting the inclusion of the following permit condition:
    (a) *Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138(A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's St Georges Road street boundary (i.e. the canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the St Georges Road, road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.*

259. These requirements will be added to the permit, should one be issued.

260. It is noted that the Engineering comments raised issue with an architectural feature at the main pedestrian door which appears to encroach into the St Georges Road footpath. This feature was included in the original plans, and has been removed in all subsequent iterations.

Objector Concerns

261. *Height of the proposed development;*

(a) The height and scale of the proposed development have been discussed within paragraphs 116 to 133 of this assessment.

262. *Heritage concerns;*

(a) Heritage matters have been discussed at paragraphs 134 to 145 of this report.

263. *Potential off-site amenity impacts (Overshadowing/Overlooking);*

(a) All potential off-site amenity impacts have been discussed at paragraphs 155-156 and 226 to 229 of this assessment.

264. *Reduction in car parking;*

(a) Car parking issues have been discussed within paragraphs 238 to 247 of this report.

265. *Traffic issues along laneway and possible conflict with pedestrian movements;*

(a) These issues have been discussed within paragraphs 148 to 154 and 251 to 252 of this report.

266. *Additional demand on local infrastructure;*

(a) These issues have been discussed in paragraph 165 of this report.

267. *Increase in vacant shops.*

(a) The use of the site as a shop does not require planning approval, with this use a 'Section 1 – no permit required' use within the C1Z.

Conclusion

268. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. The proposal, subject to conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN17/0789) for demolition of the existing building for the construction of a mixed-use multi-storey building, and use of the land for dwellings, with a reduction in the car parking requirement at 377 St Georges Road, Fitzroy North subject to the following conditions:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by Point Architects, dated 30/05/2018 (TP006, TP102-TP107, TP200-202, TP400) but amended to include:

(a) The details as shown in the sketch plans (received by Council 24 October 2018) as follows;

  (i) The colour of the third and fourth-floor east-facing balcony details and roofing amended to off-white, to match the colour of the proposed side boundary walls;
  (ii) The fourth-floor balcony roof of Unit 402 reduced in depth, to a maximum depth of 1.5m from the building façade;
  (iii) The black vertical architectural battens on the northern and southern side of the third and fourth-floor east-facing balconies removed.

(b) The 'commercial' use for the ground floor space amended to 'shop';

(c) One bicycle space to be designated as 'residential visitor parking';

(d) An amended demolition plan and proposed ground floor plan to show the correct use (i.e. commercial) of the subject site and the adjacent sites along St Georges Road;

(e) The addition of vertical/horizontal lines or a different texture/treatment to the northern and southern boundary walls at third and fourth-floors to provide greater visual interest;

(f) A separate recessed entrance to the shop;

(g) The removal of the section of brick wall along the front boundary in front of the residential entrance;

(h) The residential entry door relocated 1m closer to the front boundary;

(i) The finished floor levels along the edge of the concrete slab to be set 40mm higher above the edge of the right-of-way (ROW);

(j) The dimensions of the width and headroom clearance of the garage door and floor to ceiling height of the garage;

(k) A convex mirror at the entrance to the garage for motorists exiting the site;

(l) Notations confirming that all privacy screening within 9m of SPOS to the west, and screening between balconies within the development, be a minimum height of 1.7m and a maximum transparency of 25%;

(m) Measures to prevent overlooking of more than 50% of adjacent habitable bedroom windows (with regards to all bedrooms addressing the lightcourts);

(n) The internal designs of the ensuite bathrooms to Units 102, 202, 301, 302, 401 & 402 altered to be the adaptable bathroom for these dwellings, as per Standard D17 of Clause 58;

(o) Storage requirements outlined in Standard D20 of Clause 58 to be demonstrated for Units 101, 102, 103, 202, 301, 302 & 401;

(p) A notation on the ground floor plan confirming that the rainwater tank will be connected to all residential toilets;

(q) The location of any site services if required (i.e. fire booster cabinet) within the St Georges Road frontage;

(r) Amended floor plans and elevations to clearly demonstrate the operability of all habitable room windows;

(s) The proposed canopy along the St Georges Road frontage setback a minimum of 750mm from the face of the kerb;

(t) Any alterations to the development required by the updated Sustainable Management Plan at Condition 3;
(u) Any alterations to the development required by the Acoustic Report at Condition 5;
(v) Any alterations to the development required by the updated Waste Management Plan at Condition 9;
(w) Any alterations to the development required by the Landscape Plan at Condition 7.

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

3. Before the use and development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit.

The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Sustainable Built Environments and dated 11 September 2017, but modified to include or show:
(a) Electric bicycle charging facilities;
(b) A thermal energy efficiency standard of 7.1 Stars (to match the BESS report);
(c) That all dwellings will not exceed the maximum NatHERS annual cooling load specified (30MJ/m2 per annum) for Climate Zone 21 (Melbourne), through the provision of exterior adjustable shading blinds, fins or louvers if required.

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 use and development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
(a) Tram and traffic noise impacts on the internal amenity of dwellings within the development;
(b) Potential noise impacts from the car stacking systems to the proposed first-floor dwellings above;
(c) Potential noise impacts from mechanical equipment/air conditioning units to all dwellings within the development.

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

7. Before the use and development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
(a) show the type, location, quantity and botanical names of all proposed plants within the green wall; and

(b) provide details on how the green wall will be maintained,
to the satisfaction of the Responsible Authority.

8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
   (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
   (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
   (c) replacing any dead, diseased, dying or damaged plants,
   to the satisfaction of the Responsible Authority.

9. Before the use and development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Ratio Consultants and dated 12 September 2017, but modified to include:
   (a) The proposed 'office' use altered to 'shop' use, with any associated changes to the waste levels generated by these different uses;
   (b) Dimensions of the bins and total area of bin storage room in order to confirm that all bins will fit and able to be manoeuvred;
   (c) Details of responsibility for bin cleaning;
   (d) Details confirming that all bin collections will be undertaken via private collection from the rear ROW. Bins must be collected and returned immediately to the bin storage room by the private contractor;
   (e) Swept path diagrams demonstrating movements of the bin collection vehicle within the rear ROW.

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

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

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

13. 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.

14. Before the development commences, the permit holder must provide a security bond to the Responsible Authority to secure the street tree adjacent to the site along St Georges Road ("bonded works"). The security bond would cover the amenity value of the tree and:
   (a) is to be $5,000;
   (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority; and
   (c) may be held by the Responsible Authority until the construction works are completed to the satisfaction of the Responsible Authority.

Once the construction works are completed to the satisfaction of the Responsible Authority, the Responsible Authority will inspect the tree and provided it is found to be in good condition, the security bond will be refunded to the permit holder.

15. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
    (a) the protection of the street tree adjacent to the site along St Georges Road
        (i) pre-construction; and
        (ii) during construction.
    (b) the provision of any barriers

    to the satisfaction of the Responsible Authority.

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

17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park, shop and 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.

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, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

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

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

23. The amenity of the area must not be detrimentally affected by the use or development, including through:
    (a) the transport of materials, goods or commodities to or from land;
    (b) the appearance of any buildings, works or materials;
    (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
    (d) the presence of vermin.

    to the satisfaction of the Responsible Authority.

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

VicRoads condition 25

25. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138(A) of the *Land Act* 1958 for the elements of the approved development that project more than 300mm beyond the land's St Georges Road street boundary (i.e. the canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the St Georges Road, road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.

26. 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;

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

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

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

Notes:

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

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: **Lara Fiscalini**
TITLE: **Senior Statutory Planner**
TEL: **9205 5372**

Attachments

1 PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans
2 PLN17/0789 - 377 St Georges Road, Fitzroy North - Amended Sketch Plans
3 PLN17/0789 377 St Georges Road, Fitzroy North - Urban Design Advice
4 PLN17/0789 - 377 St Georges Road, Fitzroy North - Urban Design comments on Amended Plans
5 PLN17/0789 - 377 St Georges Road Fitzroy North - Heritage advice
6 PLN17/0789 - 377 St Georges Road, Fitzroy North - Heritage Advice on amended plans

7 PLN17/0789 - 377 St Georges Road, Fitzroy North - Street Tree advice
8 PLN17/0789 - 377 St Georges Road Fitzroy North - Engineering comments
9 PLN17/0789 377 St Georges Road, Fitzroy North - ESD comments
10 PLN17/0789 - 377 St Georges Road, Fitzroy North - WMP referral comments

Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans

377 ST GEORGES ROAD
FITZROY, VICTORIA 3068

TOWN PLANNING

SHEET NO.	SHEET NAME
CS000	COVER SHEET + STREET PERSPECTIVE
TP002	PROPOSED SITE PLAN
TP006	DEMOLITION PLAN
TP102	PROPOSED GROUND FLOOR PLAN
TP103	PROPOSED LEVEL 1 FLOOR PLAN
TP104	PROPOSED LEVEL 2 FLOOR PLAN
TP105	PROPOSED LEVEL 3 FLOOR PLAN
TP106	PROPOSED LEVEL 4 FLOOR PLAN
TP107	ROOF PLAN
TP200	PROPOSED ELEVATIONS SHEET 1
TP201	PROPOSED ELEVATIONS SHEET 2
TP202	ST GEORGES ROAD STREETSCAPE
TP300	SHADOW DIAGRAM
TP301	SHADOW DIAGRAM
TP302	SHADOW DIAGRAM
TP303	SHADOW DIAGRAM
TP400	MATERIAL SCHEDULE
TP500	RENDER
TP501	RENDER



DEVELOPMENT SUMMARY	
GROUND FLOOR	-13 CARPARKS -135M² COMMERICIAL
LEVEL 1	- 4 x 2 BED/2 BATH
LEVEL 2	- 4 x 2 BED/2 BATH
LEVEL 3	- 2 x 3 BED/2 BATH
LEVEL 4	- 2 x 3 BED/2 BATH

OVERALL FIGURES

- **13** CARPARKS
- 135M² COMMERICIAL
- **8** x 2 BED/2 BATH
- **4** x 3 BED/2 BATH
- **12 APARTMENTS**

(CARPARK REQUIREMENTS - **16**)

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REV	DESCRIPTION	DRN	CHK	DATE
A	TOWN PLANNING SUBMISSION	AS	SD	14.09.2017
B	RFI RESPONSE	AS	SD	22.10.2017

PROJECT: 377 ST GEORGES ROAD FITZROY, VICTORIA 3068
TITLE: COVER SHEET + STREET PERSPECTIVE
DRAWN: SD
SCALE: @ A1
PLOT DATE: 30/05/2018 4:47:17 PM
JOB No.: 831
DWG No.: CS000
REVISION: B

Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans



LOCALITY GUIDE:

•	MERRI CREEK RESERVE	100m NE	•	BRUNSWICK PRIMARY SCHOOL	670m W
•	HOLDEN STREET RESERVE	250m SW	•	FITZROY HIGH SCHOOL	670 SE
•	GREEN RESERVE	270m NE	•	MERRI CREEK PRIMARY SCHOOL	1.2km N
•	JANET MILMAN RESERVE	410m SW	•	NORTHCOTE HIGH SCHOOL	410m N
•	ST GEORGES RD SHOPPING CENTRE	100m S	•	MERRI TRAIN STATION	470m NE
•	NICHOLSON STREET SHOPPING CENTRE	800m W	•	WESTGARTH TRAIN STATION	900m SW
•	FOODWORKS NORTH CARLTON	830m W	•	TRAM 11 (HOLDEN STREET STOP)	130m SW
•	WOOLWORTHS BARKLY SQUARE	2.8km NW	•	HOLDEN STREET BUS STOP (500/501)	130m SW
			•	IDA STREET BUS STOP (506)	170m N

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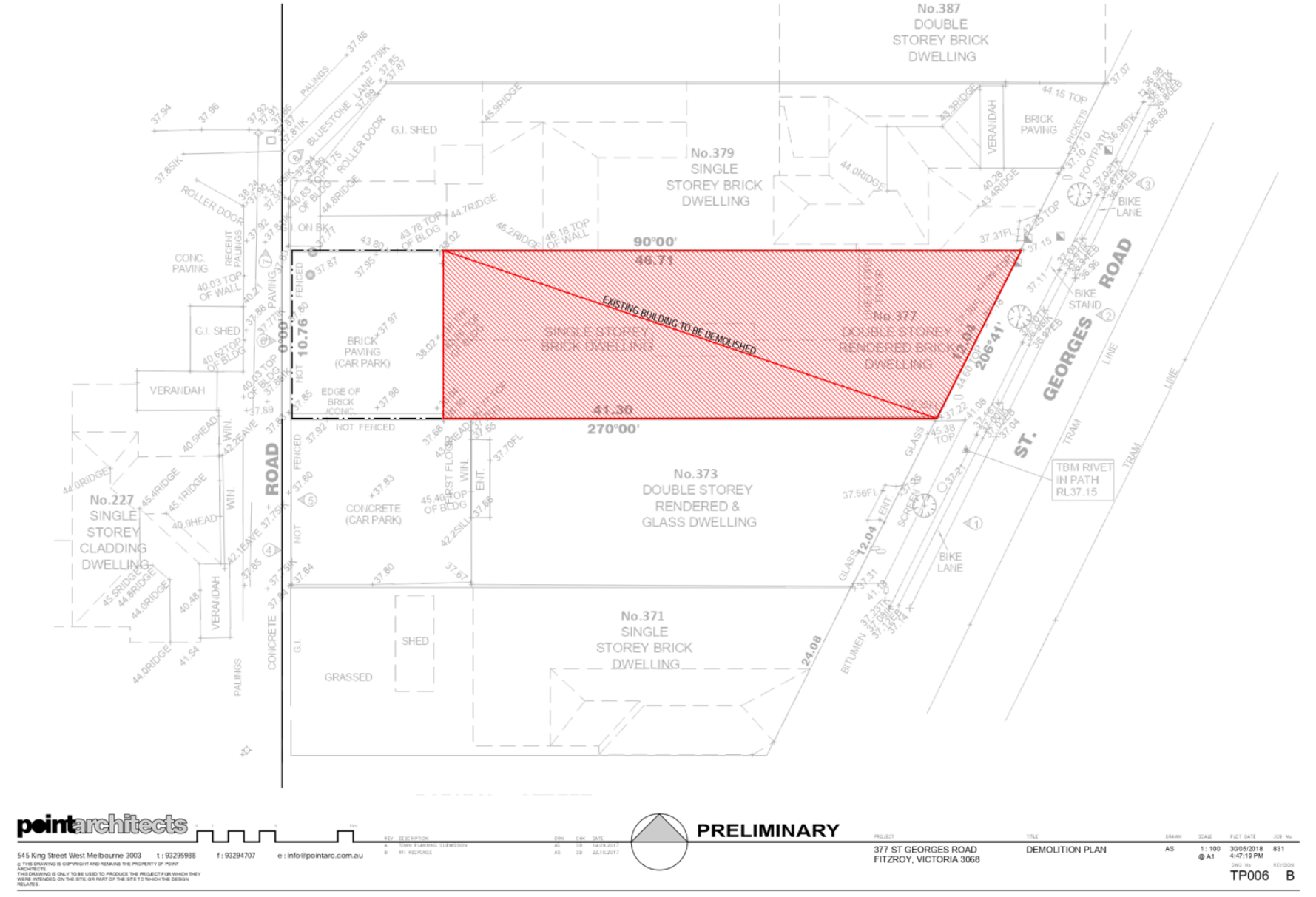
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B	RFI RESPONSE	AS	SD	22.10.2017

TOWN PLANNING

PROJECT	TITLE	DRAWN	SCALE	PLOT DATE	JOB No.
377 ST GEORGES ROAD FITZROY, VICTORIA 3068	PROPOSED SITE PLAN	SD	1 : 500 @ A1	30/05/2018 4:47:18 PM	831

DWG No. TP002 REVISION B

Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans



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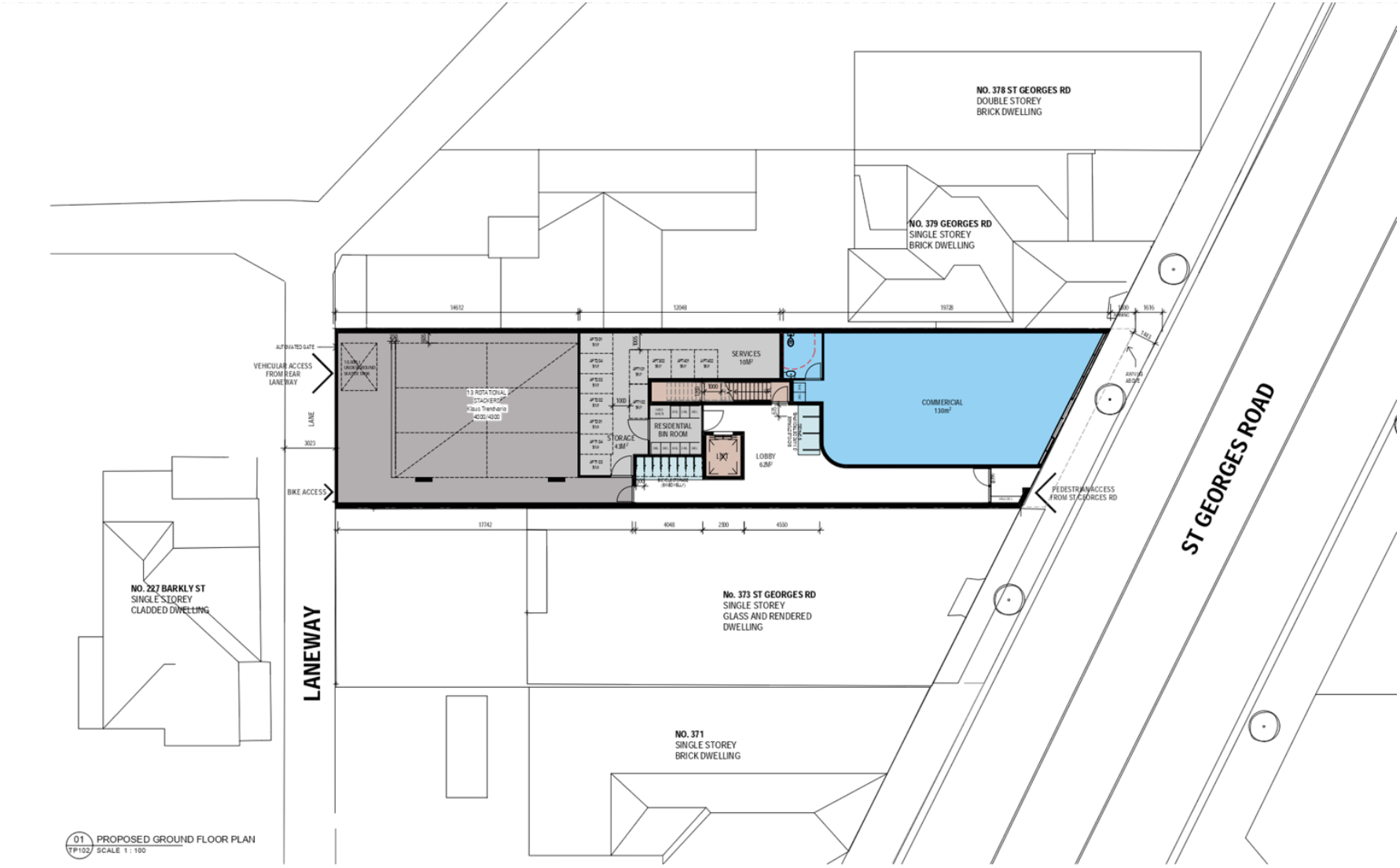
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B	RFI RESPONSE	AS	SD	22.10.2017

PRELIMINARY

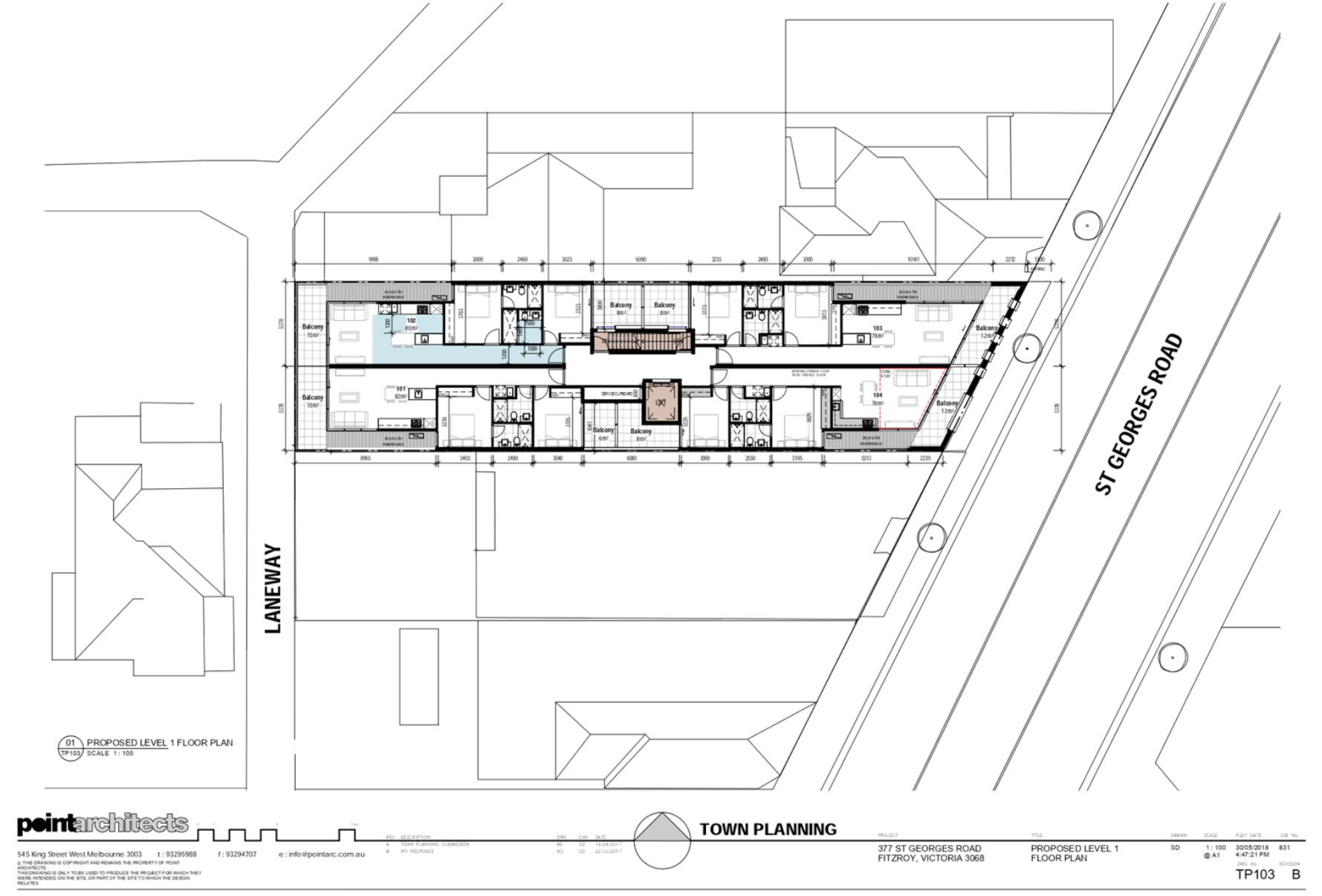
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DWG No. TP006 REVISION B

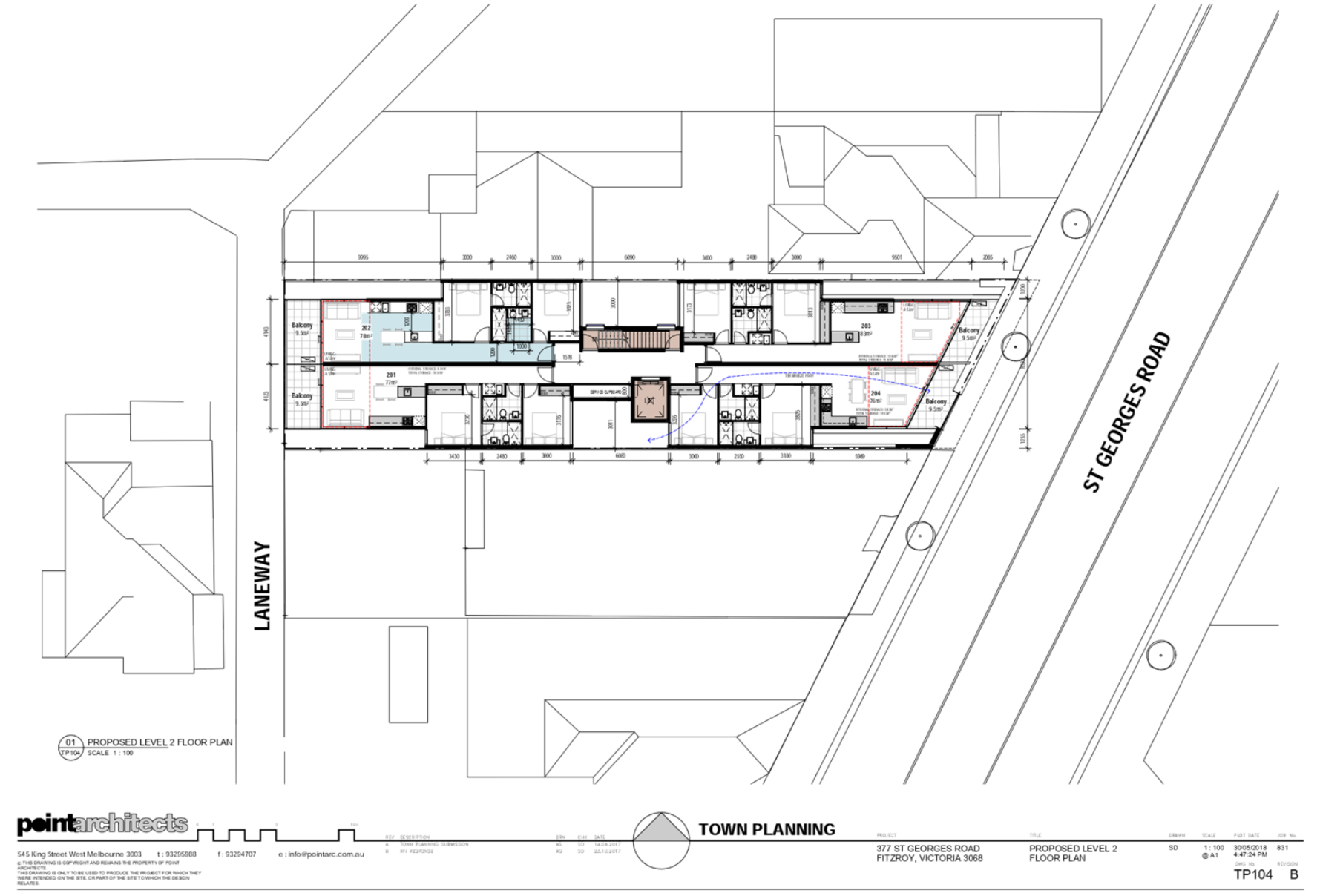
Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans



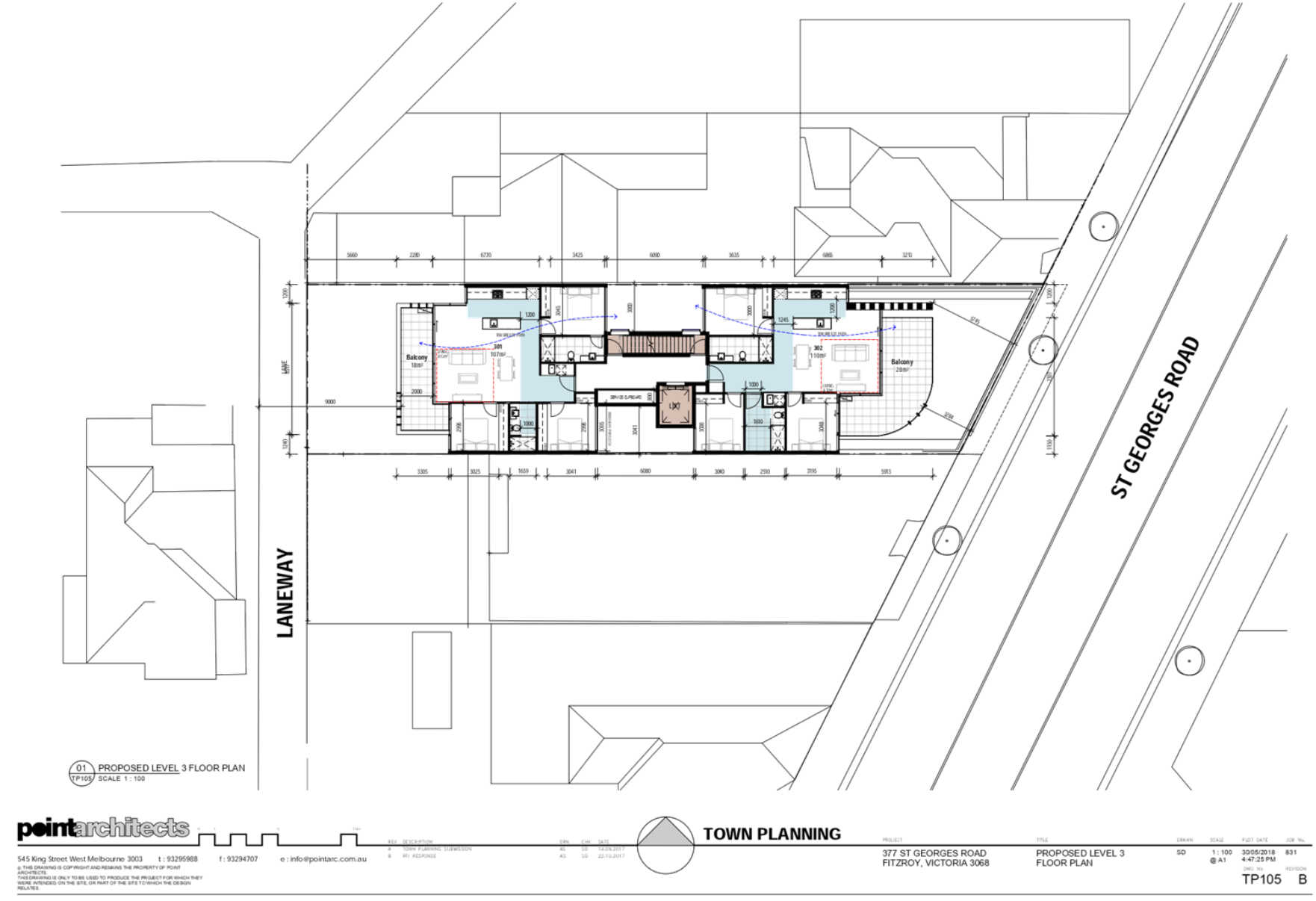
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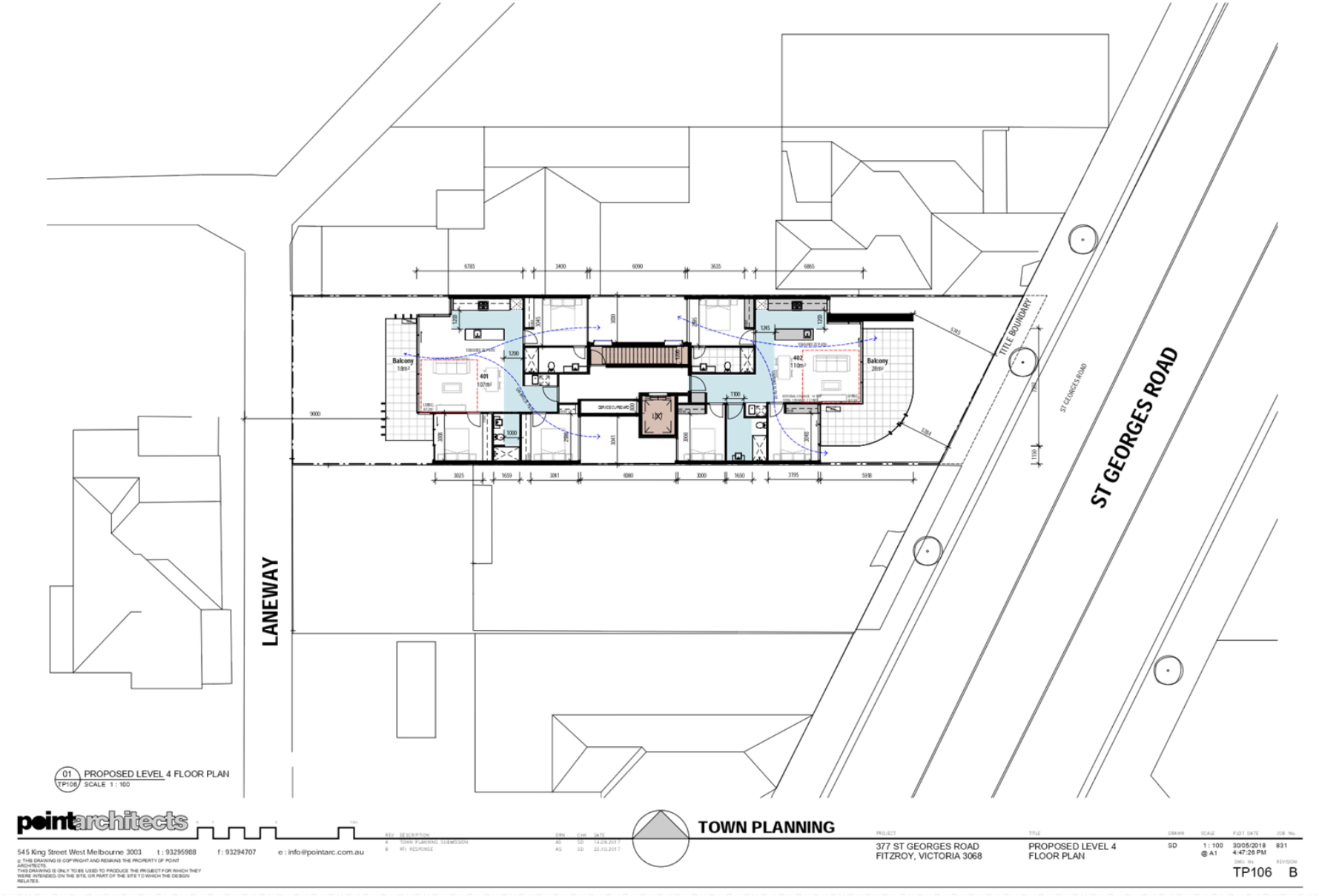
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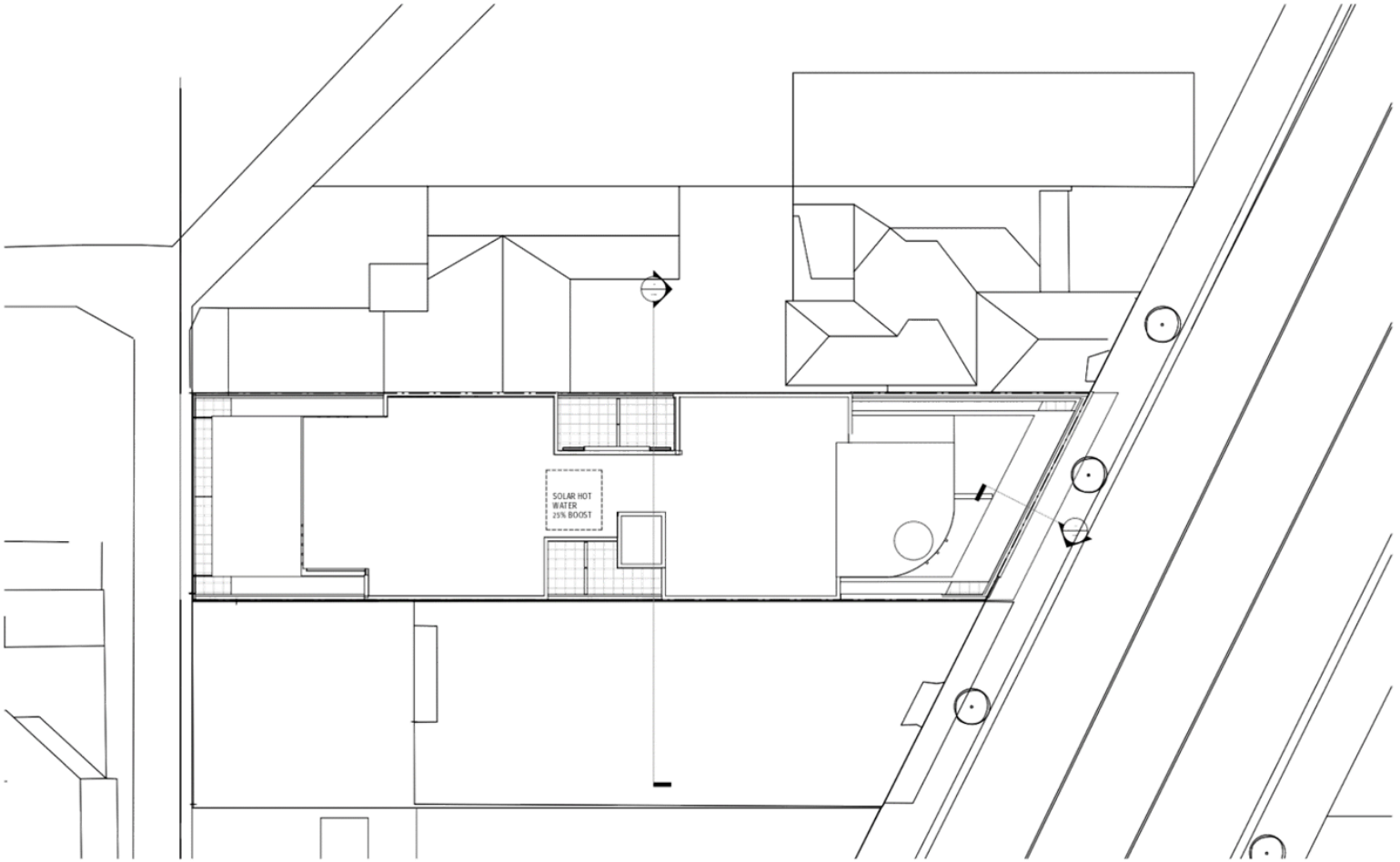
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Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans



Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans



1 TP107 PROPOSED ROOF PLAN
SCALE 1 : 100

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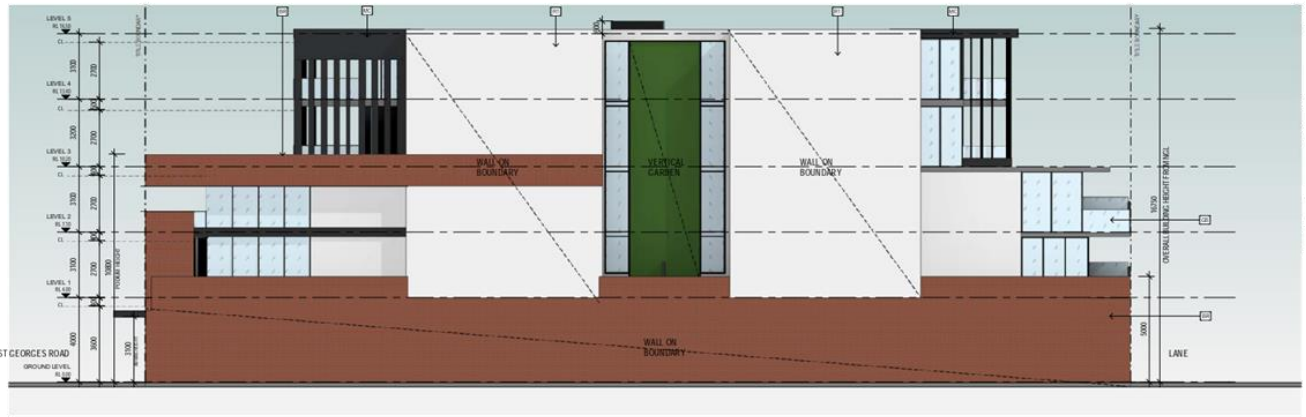
PRELIMINARY

PROJECT: 377 ST GEORGES ROAD
FITZROY, VICTORIA 3068

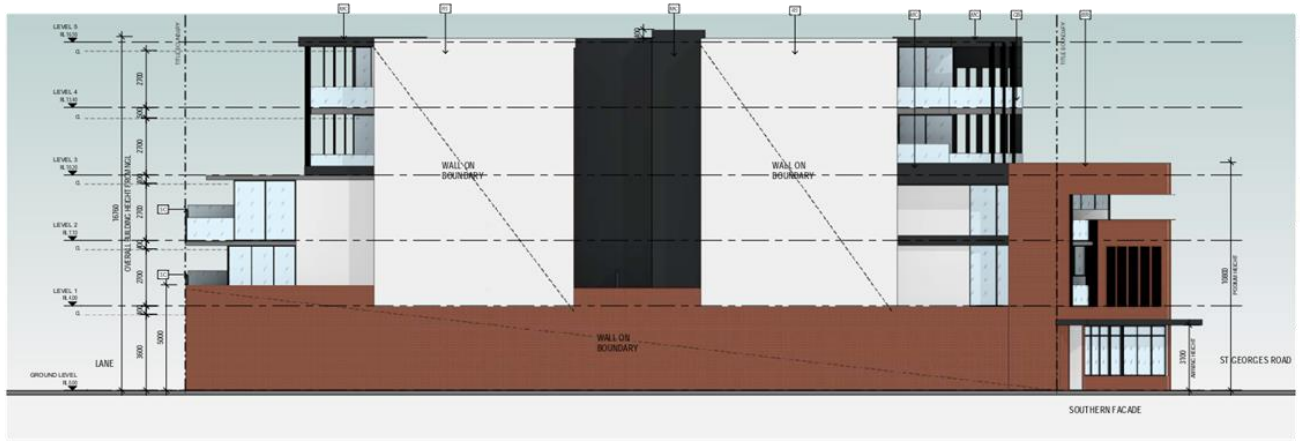
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DRAWN: AS
SCALE: 1 : 100 @ A1
PLOT DATE: 30/05/2018 4:47:27 PM
JOB No.: 831
DWG No.: TP107
REVISION: B

Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans



01 NORTH ELEVATION
TP200 SCALE 1 : 100



02 SOUTH ELEVATION
TP200 SCALE 1 : 100

LEGEND

EXTERNAL FINISHES

- 01 APPLIED RENDER FINISH
- 04 METAL CLADDING
- 05 FACE BRICK
- 06 PRIVACY SCREENING
- 08 GLASS BALCONY
- 12 LOUVERS

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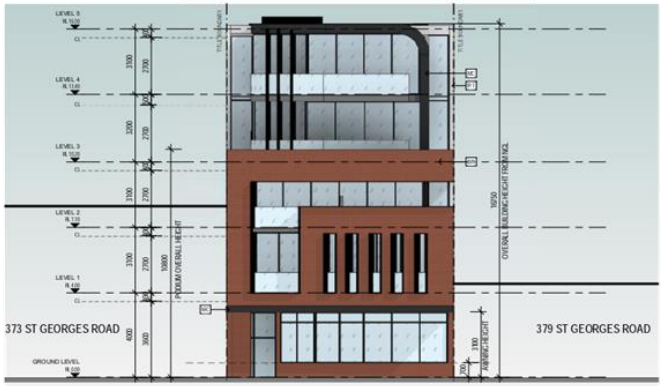
REV	DESCRIPTION	DRN	CHK	DATE
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B	RFI RESPONSE	AS	SD	22.10.2017

TOWN PLANNING

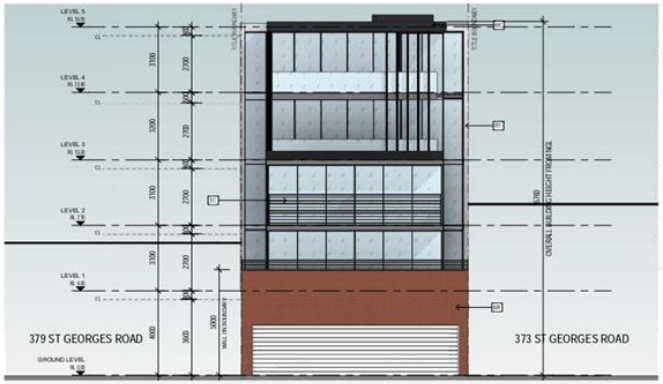
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377 ST GEORGES ROAD FITZROY, VICTORIA 3068	PROPOSED ELEVATIONS SHEET 1	SD	1 : 100 @ A1	30/05/2018 4:47:39 PM	831

DWG No. TP200 REVISION B

Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans



1 TP201 EAST ELEVATION - ROAD
SCALE 1 : 100



2 TP201 WEST ELEVATION - LANE
SCALE 1 : 100

LEGEND

EXTERNAL FINISHES

MF1	APPLIED RENDER FINISH
MF2	METAL CLADDING
MF3	FACE BRICK
MF4	PRIVACY SCREENING
MF5	GLASS BALCONY
MF6	LOUVRES

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REV	DESCRIPTION	DRN	CHK	DATE
A	TOWN PLANNING SUBMISSION	AS	SD	14.09.2017
B	RFI RESPONSE	AS	SD	22.10.2017

TOWN PLANNING

PROJECT	TITLE	DRAWN	SCALE	PLOT DATE	JOB No.
377 ST GEORGES ROAD FITZROY, VICTORIA 3068	PROPOSED ELEVATIONS SHEET 2	SD	1 : 100 @ A1	30/05/2018 4:47:48 PM	831

DWG. No. TP201 REVISION B

Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans



1 TP202 Streetscape East Elevation
SCALE 1 : 100

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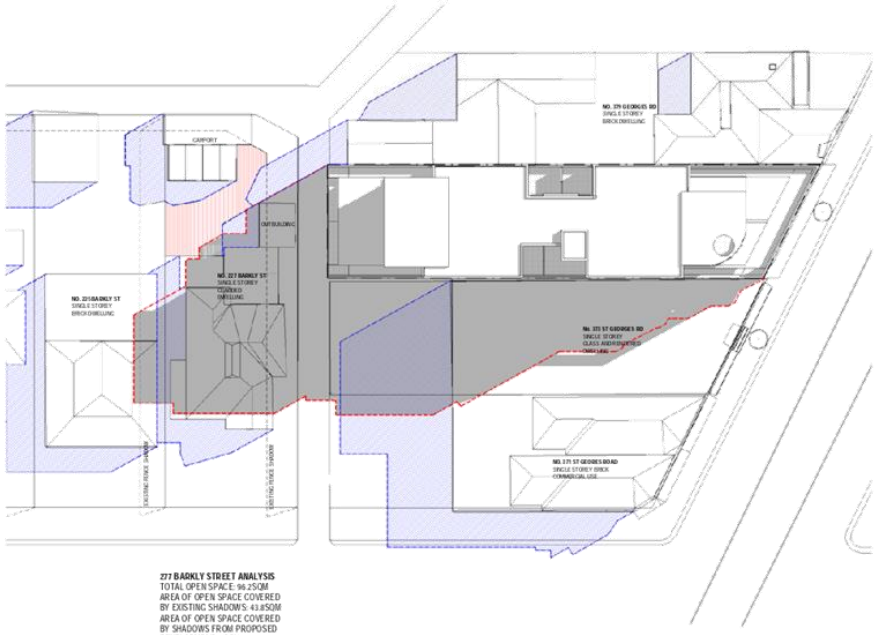
PRELIMINARY

PROJECT: 377 ST GEORGES ROAD
FITZROY, VICTORIA 3068

TITLE: ST GEORGES ROAD
STREETSCAPE

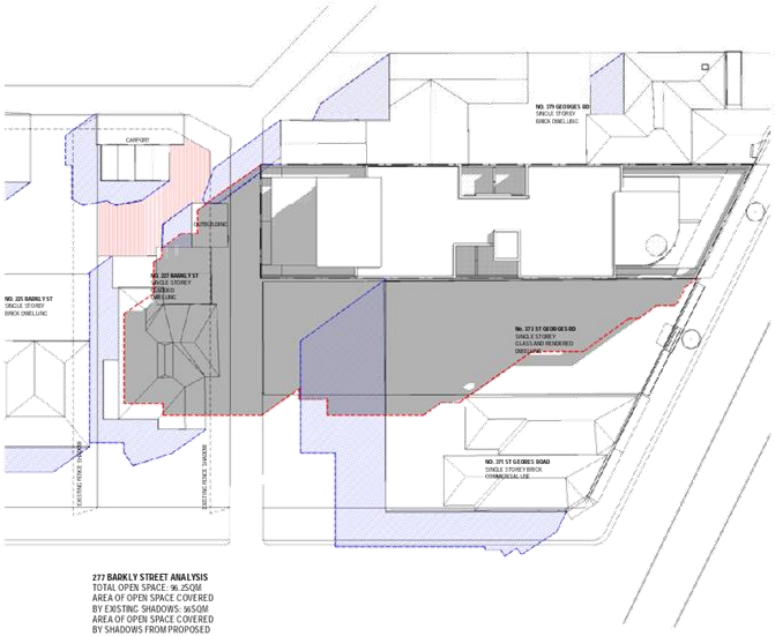
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PLOT DATE: 30/05/2018 4:47:53 PM
JOB No.: 831
DWG. No.: TP202
REVISION: B

Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans



277 BARKLY STREET ANALYSIS
TOTAL OPEN SPACE: 96.25QM
AREA OF OPEN SPACE COVERED BY EXISTING SHADOWS: 43.85QM
AREA OF OPEN SPACE COVERED BY SHADOWS FROM PROPOSED DEVELOPMENT: 35QM

2 TP300 SHADOWS - 22 SEPTEMBER - 9AM
SCALE 1 : 200



277 BARKLY STREET ANALYSIS
TOTAL OPEN SPACE: 96.25QM
AREA OF OPEN SPACE COVERED BY EXISTING SHADOWS: 96SQM
AREA OF OPEN SPACE COVERED BY SHADOWS FROM PROPOSED DEVELOPMENT: 05QM

1 TP300 SHADOWS - 22 SEPTEMBER - 9.30AM
SCALE 1 : 200

EXISTING BUILDING SHADOWS
PROPOSED BUILDING SHADOWS
EXISTING FENCE SHADOWS
AREA NOT IN SHADOW

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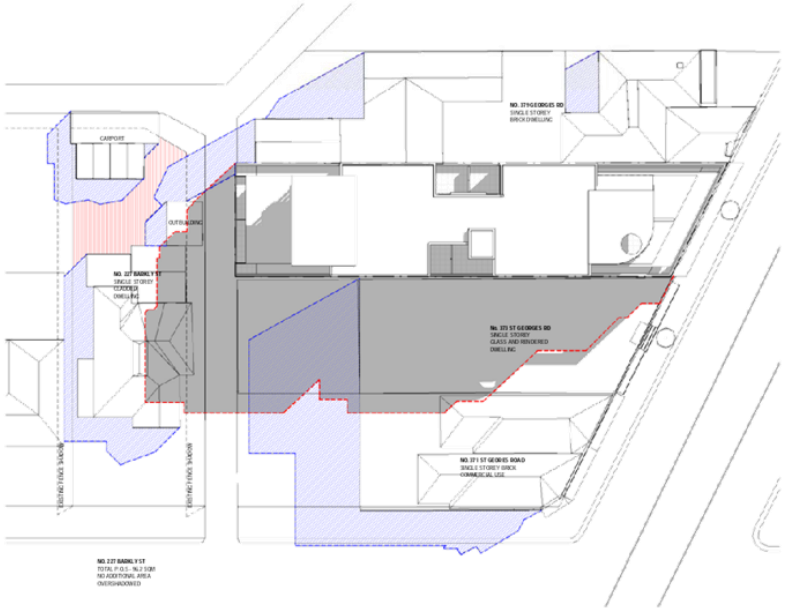
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B	RFI RESPONSE	AS	DD	22.10.2017

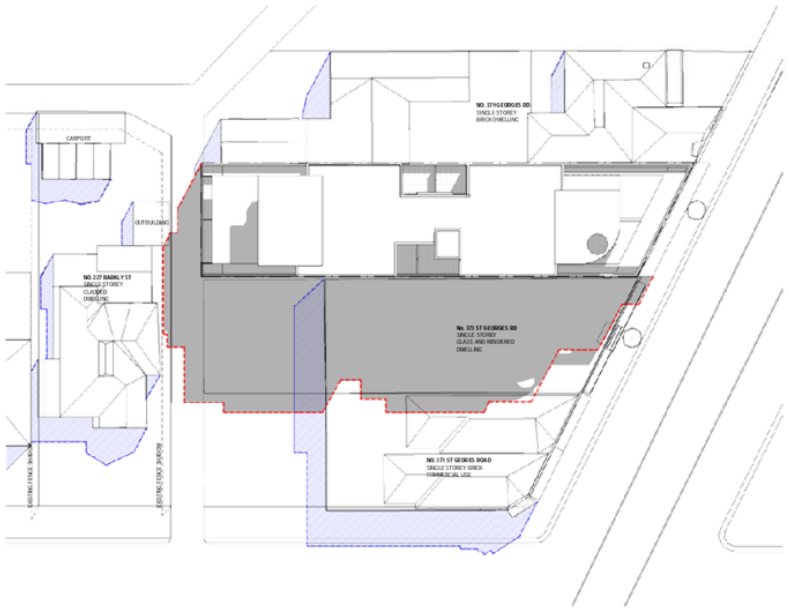
TOWN PLANNING

PROJECT: 377 ST GEORGES ROAD FITZROY, VICTORIA 3068
TITLE: SHADOW DIAGRAM
DRAWN: AS
SCALE: As indicated @ A1
PLOT DATE: 30/05/2018 4:47:59 PM
JOB No.: 831
DWG. No.: TP300
REVISION: B

Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans



1 TP301 SHADOWS - 22 SEPTEMBER - 10AM
SCALE 1 : 200



2 TP301 SHADOWS - 22 SEPTEMBER - 11AM
SCALE 1 : 200

EXISTING BUILDING SHADOWS

PROPOSED BUILDING SHADOWS

EXISTING FENCE SHADOWS

AREA NOT IN SHADOW

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A	TOWN PLANNING SUBMISSION	AS	SD	14.09.2017
B	RFI RESPONSE	AS	SD	22.10.2017

TOWN PLANNING

PROJECT: 377 ST GEORGES ROAD
FITZROY, VICTORIA 3068

TITLE: SHADOW DIAGRAM

DRAWN: AS

SCALE: As indicated @ A1

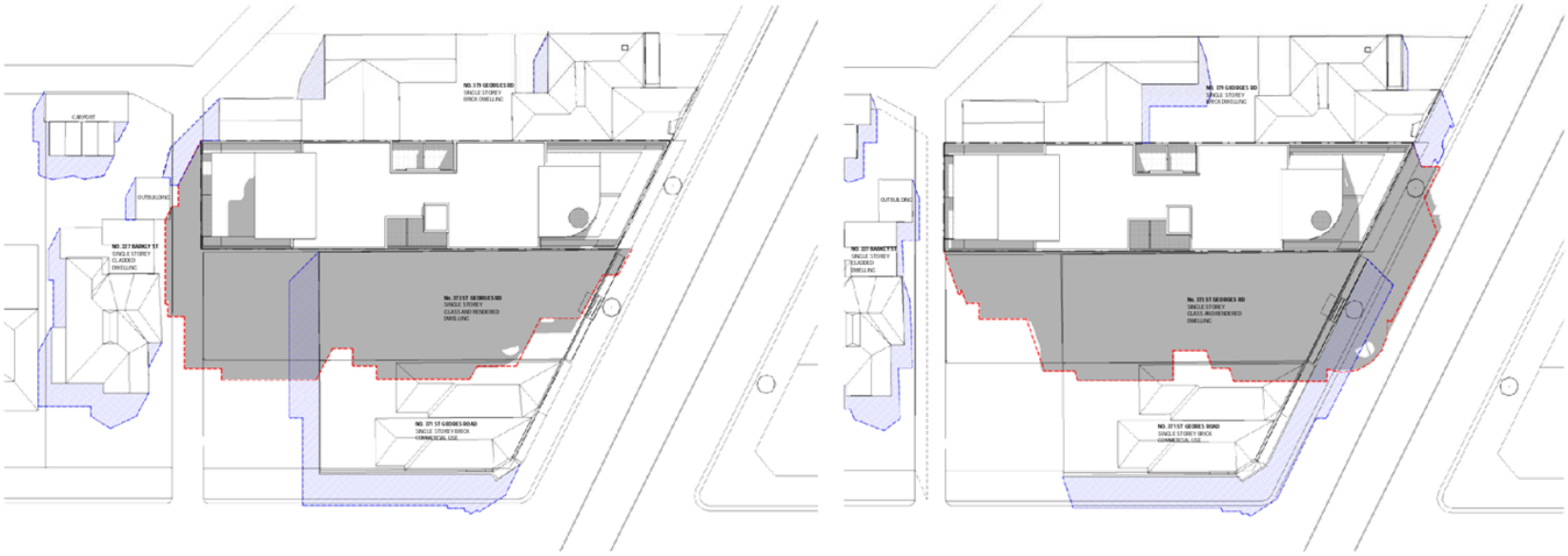
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JOB No.: 831

DWG No.: TP301

REVISION: B

Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans



2 TP302 SHADOWS - 22 SEPTEMBER - 12NOON
SCALE 1 : 200

1 TP302 SHADOWS - 22 SEPTEMBER - 1PM
SCALE 1 : 200

EXISTING BUILDING SHADOWS
PROPOSED BUILDING SHADOWS
EXISTING FENCE SHADOWS
AREA NOT IN SHADOW

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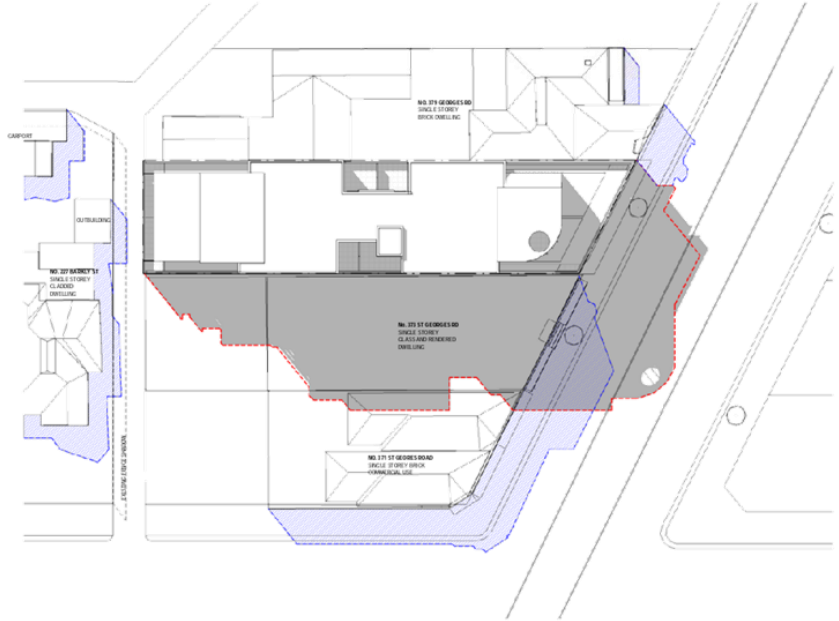
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REV	DESCRIPTION	DRN	CHK	DATE
A	TOWN PLANNING SUBMISSION	AS	SD	14.09.2017
B	RFI RESPONSE	AS	SD	22.10.2017

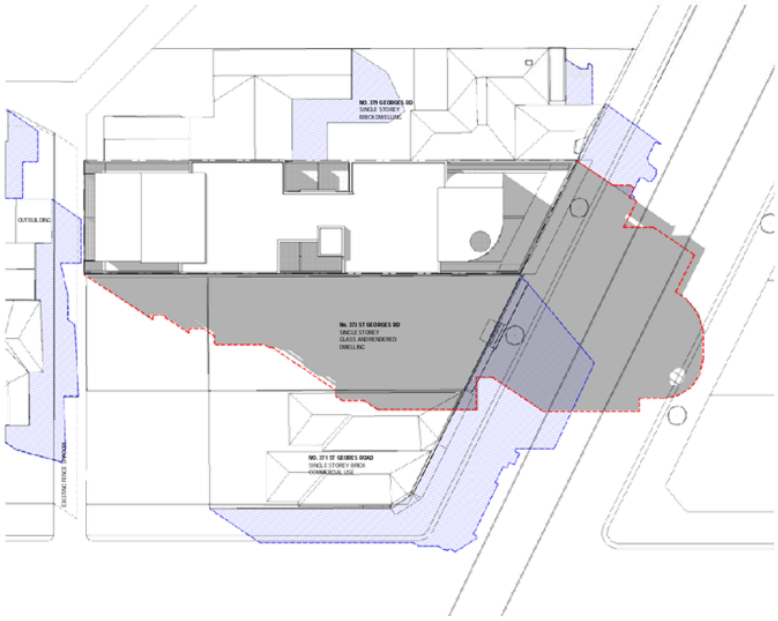
TOWN PLANNING

PROJECT: 377 ST GEORGES ROAD, FITZROY, VICTORIA 3068
TITLE: SHADOW DIAGRAM
DRAWN: AS
SCALE: As indicated @ A1
PLOT DATE: 30/05/2018 4:48:10 PM
JOB No.: 831
DWG No.: TP302
REVISION: B

Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans



2 TP303 SHADOWS - 22 SEPTEMBER - 2PM
SCALE 1 : 200



1 TP303 SHADOWS - 22 SEPTEMBER - 3PM
SCALE 1 : 200

EXISTING BUILDING SHADOWS

PROPOSED BUILDING SHADOWS

EXISTING FENCE SHADOWS

AREA NOT IN SHADOW

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REV	DESCRIPTION	DRN	CHK	DATE
A	TOWN PLANNING SUBMISSION	AS	SD	14.09.2017
B	RFI RESPONSE	AS	SD	22.10.2017

PRELIMINARY

PROJECT: 377 ST GEORGES ROAD
FITZROY, VICTORIA 3068

TITLE: SHADOW DIAGRAM

DRAWN: AS

SCALE: As indicated @ A1

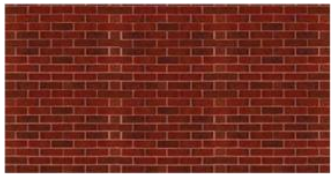
PLOT DATE: 30/05/2018 4:48:16 PM

JOB No.: 831

DWG No.: TP303

REVISION: B

Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans

	R1 - RENDER DULUX: QUARTER HALF DUCK		MC - BLACK METAL CLADDING
	BR - RED FACE BRICK		GB - GLASS BALCONY
	SC - PRIVACY SCREENING		G1 - BLACK FRAMED GLAZING

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PRELIMINARY

377 ST GEORGES ROAD
FITZROY, VICTORIA 3068

MATERIAL SCHEDULE

AS | 1 : 1 @ A1 | 30/05/2018 4:48:17 PM | 831

TP400 B

Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans



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REV	DESCRIPTION	DRN	CHK	DATE
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B	RFI RESPONSE	AS	DD	22.10.2017

PROJECT: 377 ST GEORGES ROAD
FITZROY, VICTORIA 3068

TITLE: RENDER

DRAWN: AS | SCALE: @ A1 | PLOT DATE: 30/05/2018 4:48:18 PM | JOB No.: 831

DWG No.: TP500 | REVISION: B

Attachment 1 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Decision Plans



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REV	DESCRIPTION	DRN	CHK	DATE
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B	RFI RESPONSE	AS	DD	22.10.2017

PROJECT: 377 ST GEORGES ROAD
FITZROY, VICTORIA 3068

TITLE: RENDER

DRAWN: AS | SCALE: @ A1 | PLOT DATE: 30/05/2018 4:48:19 PM | JOB No.: 831

DWG No.: TP501 | REVISION: B

Attachment 2 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Amended Sketch Plans



Attachment 2 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Amended Sketch Plans



Attachment 3 - PLN17/0789 377 St Georges Road, Fitzroy North - Urban Design Advice

CITY OF YaRRA

MeMO

TO:	**Patrick Sutton**
FROM	**David Pryor**
DATE**:**	**4 January 2018**
SUBJECT:	**377 St Georges Road, Fitzroy North**
APPLICATION NO:	**PLN17/0789**
DESCRIPTION:	Construction of a five-storey building for dwellings and ground floor shop

Urban design advice has been sought in relation to:
- presentation of the building (including height of the street wall, overall height, integration with the street, colours and materials);
- does the 'circular' detail associated with the balconies fit cohesively with the remainder of the building?
- Whether the proposed development provides acceptable interfaces with adjoining lots.

COMMENTS SUMMARY

The intensified redevelopment of this site is supported in principle, but substantial amendments are recommended, including the following:
- reduce the street wall (podium) height to 2 storeys at the front and rear of the building;
- above this podium, the front setback should be at least 5m at all levels and the rear setback of 5.515m should apply to all levels above the podium;
- at the front of the building, the form and design should be rationalised and simplified to create a more coherent composition;
- the proportion of ground floor space allocated to retail (active use) should be increased;
- the ground level interface with the lane should be improved – preferably through the introduction of habitable space with pedestrian access from the lane;
- the depth of the entry recess should be reduced to less than its width;
- provide a more attractive finish to the black side walls;
- alternatively, reduce the overall height to 4 storeys.

Site and Context

Zoned C1Z, the site is sits within a neighbourhood activity centre.

The area is covered by HO327, where Clause 21.08 calls for development to *not adversely affect the significance of the heritage place*. No other relevant overlays apply.

A 2-storey modern commercial building currently occupies the site, with a similar building to the south. To the north, a single-storey heritage shop and associated house adjoins.

Attachment 3 - PLN17/0789 377 St Georges Road, Fitzroy North - Urban Design Advice



Figure 1: View from NE, showing neighbouring building and brick boundary wall on the subject site

A lane provides access to the rear of the site, with residential development to its west. Despite a predominance of carparking and other service areas, the laneway network has potential to become a positive place due to the presence of trees, bluestone paving and the lack of large buildings abutting the lanes.

Most development along this section of St Georges Rd is 1- to 2-storeys tall. 5-storey buildings are very rare. The one exception visible from the site is at 392-394 St Georges Rd. A 3- to 4-storey building is located at 282 St Georges Rd. Both of these developments stand out in relation to surrounding development. Adjoining open spaces enable both buildings to minimise blank side walls.



Figure 2: 5-storey building at 392-394 St Georges Rd

Built Form and Massing

At the front, the cantilevered Level 2 form is a dominating presence in the streetscape, as shown in the perspectives on TP500 and TP501.

Attachment 3 - PLN17/0789 377 St Georges Road, Fitzroy North - Urban Design Advice

It is recommended that the massing be amended to provide a 2-storey form to the front boundary (with inset balconies), above which a singular form is set back a minimum of 5 metres to balconies, 6 metres to walls (measured perpendicular to the front boundary). Alternatively, the front setback could be reduced if the overall height is reduced to 4 storeys.

The proposed setback of the blank side walls from front and rear boundaries averages about 9.4m. This is supported (subject to improvements recommended under *Building Design and Finishes* below), as is the 1.2m indentation of forms which project east and west of those boundary walls.

Presentation to the Lane

Design Guidelines under Clause 22.10-3.3 include: *New development which abuts a laneway should be no higher than 2 storeys*. The proposal includes a third-level balcony which extends out to the west boundary up to a height of about 8.5m for most of the width of the site, above which a 10.2m high canopy extends to within about a metre of the rear boundary (evident on side elevations but not on other drawings). This would have an imposing presence in relation to the lane and also on the dwelling at 227 Barkly St, and it is recommended that height be limited to 2 storeys on the rear boundary. The rear upper-level setbacks (about 5.5m to balconies and 8m to walls) are considered satisfactory, and should be applied to Level 2 as well as Levels 3 and 4. The balconies are roofed and surrounded by vertical fins, providing helpful protection from the western sun, but there is a risk of these balconies becoming fully enclosed in future, which would be undesirable. Consideration should be given to the inclusion of a permit condition to guard against this.

At ground floor level, the development presents a blank frontage, fully occupied by a garage door. Consideration should be given to locating one or two residences with access directly from the lane, contributing to the lane's activation, attractiveness and safety. As a minimum, an attractive type and finish of door should be adopted, such as a tilt-up door incorporating translucent panels as opposed to a standard colorbond rollerdoor for example.

Street Interface

I support the inclusion of a shop occupying most of the ground floor frontage. To strengthen this activation, consideration should be given to increasing the amount of ground floor space allocated to retail (or, at the rear, residential) as opposed to storage or carparking.

The entry recess should be reduced in depth to minimise the risk of becoming a concealment or entrapment spot. The depth of the recess should be less than its width.

The front awning is supported, providing useful pedestrian shelter. However, it would be preferable to stop the awning short of the north boundary to facilitate views to the heritage façade adjacent. The design of the awning should take account of the existing street tree in front of the site.

Building Design and Finishes

The proposal would be relatively prominent in the street, and therefore warrants correspondingly high design standards. The current design does not achieve that. The disparate design of various different levels results in a lack of cohesion in the building as it presents to St Georges Rd. The design is further complicated by the inclusion of curves in both elevation and plan, in addition to the angled forms generated by the geometry of the site. There is no evident design rationale for the curved forms – particularly in elevation. It is recommended that this composition be simplified in conjunction with the changes to massing recommended above.

Attachment 3 - PLN17/0789 377 St Georges Road, Fitzroy North - Urban Design Advice

Above the 1- and 2-storey buildings adjoining, the proposal presents extensive blank side walls. These would impact particularly on views from the south, due to the site being angled in relation to St Georges Rd. The blank side walls are proposed to be rendered – a finish considered inferior to the warmth and texture of the existing brick wall visible on the north boundary. Given the visibility of the proposed boundary walls, a more attractive finish is warranted, with consideration given to materiality, texture and pattern. Failing that, they should be reduced in height to a maximum of 4 storeys.

The blank north-facing wall (shown set back 5745 from the front boundary on TP106 but not on other drawings) is not supported.

The use of brickwork for the podium is supported, noting that there is an opportunity to reuse existing bricks. The finish of the louvres, privacy screens and garage door should be stipulated.

The above advice is limited to urban design issues, and does not address ESD, amenity or heritage, for example.

Attachment 4 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Urban Design comments on Amended Plans

CITY OF YARRA **File Note**

Date: 17 October 2018

Property Address: 377 St Georges Road, Fitzroy North

Application No: PLN17/0789

Urban Design Comments on Section 57A Plans (submitted to Council 12 June 2018).

COMMENTS:

The design of the amended façade has satisfactorily altered the appearance of the building as it addresses the street, and ensures that the balconies above level 1 (not including Level 4) are less prominent than in the previous design.

The amended design provides a more solid finish that references the adjacent streetscape.

Further changes are required to the colour scheme, with the black elements in the upper levels altered to match the off-white render of the boundary walls.

A reduction in scale of the roof above the fourth-floor balcony will also assist in reducing visual impacts.

Treatment/articulation is required for the side boundary walls.

If these alterations are included in the final design, the reduction of one level is not necessary.

Attachment 5 - PLN17/0789 - 377 St Georges Road Fitzroy North - Heritage advice

City of Yarra
Heritage Advice

Application No.:	*PLN17/0789*
Address of Property:	***377 St Georges Road, Fitzroy North***
Planner:	*Patrick Sutton*
Yarra Planning Scheme References:	*STATE POLICY:* • *Clause 15.03 Heritage* *LOCAL POLICY:* • *Clause 21.05-1 Built Form (Heritage)* • *Clause 43.01 Heritage Overlay* • *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay*
Heritage Overlay No. & Precinct:	*HO327-North Fitzroy Precinct (B)*
Level of significance:	*Not contributory, constructed 1980-1990 (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007- updated Feb 2017)*
General description:	*Full demolition for construction of five-storey development.*
Drawing Nos.:	*Set of 18 x A1 drawings prepared by Point Architects, received by Council and date stamped 24 November 2017*

DESCRIPTION OF THE HO327 (B) AREA

North Fitzroy Heritage Overlay Area (NORTH OF AND INCLUDING HOLDEN ST) is important:

- For the clear indication of important early land development phases in the suburb as follows: East-west, relatively long and narrow streets originating from private subdivision of the 1839 agricultural allotments that originally fronted Merri Creek;
- The evident effect of the 19th century Boom era when aggressive subdivision coincided with provision of public transport, creating dense late-Victorian development near the Nicholson St cable tram terminus;
- The more generous post-1906 subdivisions (suiting the construction of detached timber villas) representing changed values in land prices, and the relatively new suburban ideal of affordable house and garden lifestyle;
- The slow transformation into a completed residential suburb by WW2, with the last few vacant sites accommodating interwar dwellings, some developed with medium-density housing, duplexes and flats.
- For the consistent and intact streetscapes of late Victorian terrace and row housing in the south-west corner of the area, and Italianate style and Edwardian timber villas, interspersed occasionally with inter-war houses, in the balance of the area;
- For the visual consistency and good period expression of streets in the north and east parts of the area, consistently one-storey, timber construction, decorative detail, and detached siting with consistent garden setbacks;
- For the interwar medium density development pockets, including those contained within Pilkington St and parts of Barkly St, King and Miller Streets, significant for its intactness, form and high quality design;
- It's landmark Victorian-era buildings, plus intact early 20th century and interwar buildings in both Classical Revival and Moderne styles; and
- For important landscape and vistas, including the view of Merri Creek Bridge framed by palms and mature elms in the Merri Primary School reserve, and mature street plantings of plane trees.

CONTEXT DESCRIPTION:

The subject site is a mostly rectangular allotment with principal frontage to St Georges Road and rear access via a bluestone laneway. It is located on the western side of the street, between Clausen

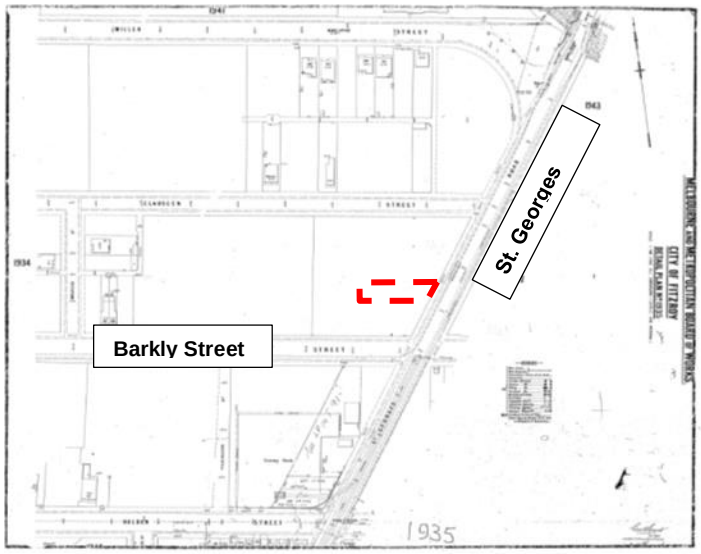
Attachment 5 - PLN17/0789 - 377 St Georges Road Fitzroy North - Heritage advice

Street to the north and Barkly Street to the south. St. Georges Road is a wide Street measuring approximately 15metres footpath to footpath.

The existing building is a two-storey office building with a rendered façade and brick party wall. The MMBW plan from 1905 shows the site, and much of the land surrounding it, as vacant. The 1945 aerial image shows a building on the site. It is possible that an Edwardian or Inter-War era brick structure was on the site and the newer 20th century addition was constructed to the front boundary later.

Immediately adjoining the subject site is an Edwardian-era house with a shop added to the front. Although the sign has a date of '1878', this is more likely a reference to the age of the business rather than the building.

St. Georges Road in the immediate area can be characterised by a combination of Individually significant, Contributory and non-contributory buildings. Contributory buildings are generally single or two-storey, masonry commercial properties, with a small number of residential properties extant. Barkly Street will also be affected by the proposed development. Barkly Street can be characterised by mostly single storey, masonry inter-war, Edwardian and Victorian-era buildings.



Above: Extract from MMBW Plan 1935 from c.1905. Approximate location of subject site denoted by red dashed line.



Above: Current aerial of the subject site. Subject site denoted by red dashed lines. Green section denotes possible extent of earlier building.

Attachment 5 - PLN17/0789 - 377 St Georges Road Fitzroy North - Heritage advice



Above: Extract from Yarra GIS showing individually significant (pink), contributory (cream) and non-contributory (green) building within the vicinity of subject site. Subject site denoted by red dashed lines.



Above: Subject site as seen from immediately across St. Georges Road.



Above: View to the north-west from immediately across the road from subject site. Subject site denoted by red dashed line.



Above: View to the south-west from immediately across the road from subject site. Location of subject site denoted by red dot.

Attachment 5 - PLN17/0789 - 377 St Georges Road Fitzroy North - Heritage advice



Above: View toward the rear of the subject site from the southern side of Barkly Street. Rear of subject site denoted by red dot.

ASSESSMENT OF PROPOSED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application includes full demolition of all the existing built structures on the site.

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

Clause 22.02-5.1 of the Yarra Planning Scheme relates to full demolition of a heritage building and states that it is policy to:

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

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

As the subject building has been identified as Non-contributory, full demolition is considered acceptable.

Comments regarding new development, alterations and additions:

The extent of new works proposed by this application includes development of a five-storey building with retail use at ground level and residential units above.

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

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

Setbacks:

The proposed front setback for the new development at ground level will be zero metres which is consistent with the character of adjacent commercial properties along this part of St Georges Road.

The front setbacks of the floor levels above vary between about 1 metre for level 1, zero metres for level 2 (including the projecting balconies), and about 3.2 metres for levels 3 and 4 (including the projecting balconies).

Attachment 5 - PLN17/0789 - 377 St Georges Road Fitzroy North - Heritage advice

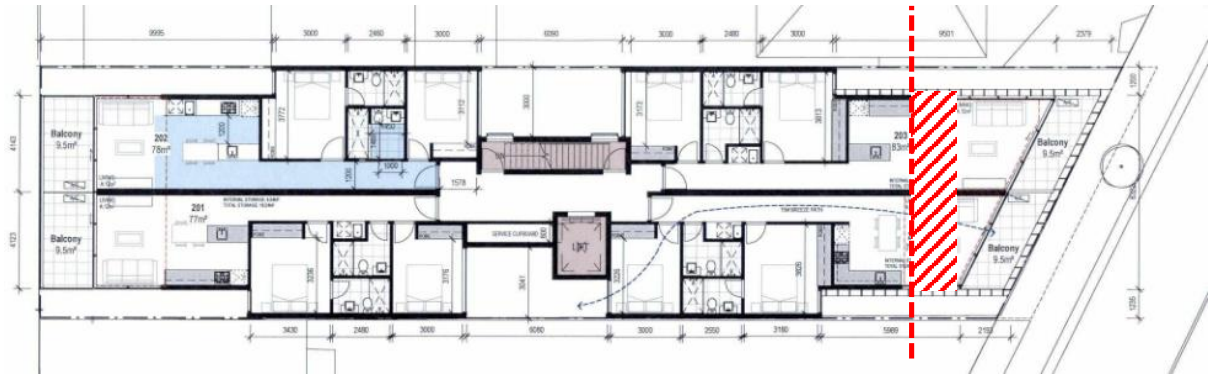


The proposed side setback for the new development will be zero metres for the majority of the new building except towards the front of the site where deep 1 metre wide side setbacks have been created on both sides of the development above the ground level.

The setback of the level 1 is minimal however together with the ground floor level, it is considered that these two floor levels make an appropriate response to the character of the existing streetscape. (refer to annotated diagram above)

It is considered that the floor levels above level 1 should be well setback from the street boundary so that the orientation and scale of the ground and floor level 1 together make a distinct contribution to the streetscape which is consistent with the scale of the adjacent buildings.

The floors levels above the ground and level 1 floor levels should be setback from the street frontage and should be re-aligned to respond to the rectangular form of the land rather than the inclined street frontage (refer to annotated diagram below).

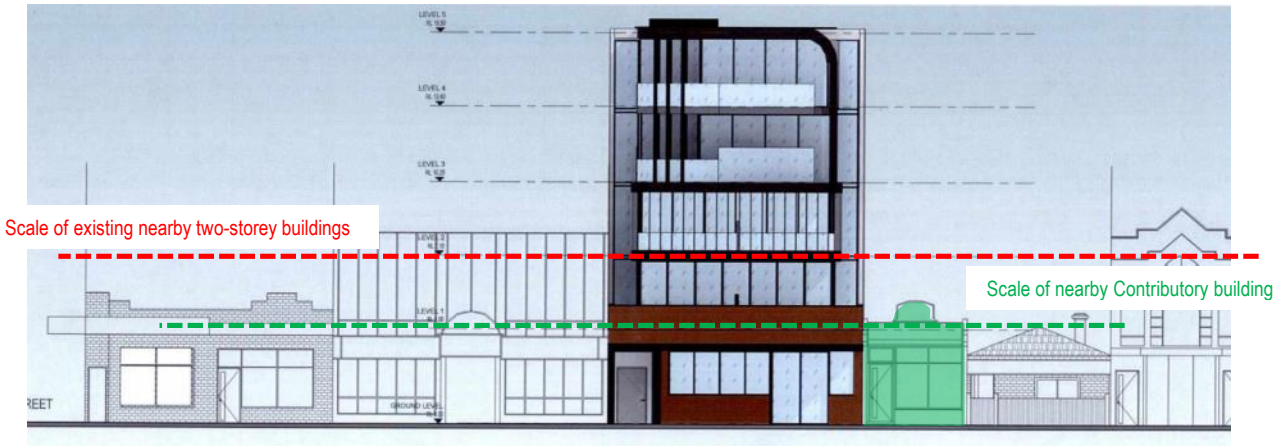


Above: Suggested front setback and alignment for floor levels 2 and above shown as the red dashed line above. Balcony area shown hatched.

Scale/height:

The proposed overall height for the new development will be about 16.5 metres. The extract below demonstrates the degree to which the proposed development will dominate the scale of immediate surrounding properties. On heritage grounds, it is considered that any tall development on the subject site should consist of a two-storey component contributing to the heritage streetscape and one or perhaps two additional floor levels that they are well set back and 'read' as a separate development rising up behind the street component to an extent that does not visually dominate the front portion.

Attachment 5 - PLN17/0789 - 377 St Georges Road Fitzroy North - Heritage advice



Above: Comparative scale of appropriate scale of new development in the subject streetscape

Appearance:

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

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Be distinguishable from the original historic fabric.
- Not remove, cover, damage or change original historic fabric.
- Not obscure views of principle façades.
- Consider the architectural integrity and context of the heritage place or contributory element

A contemporary design approach has been adopted for the proposed new building. This approach is not unacceptable provided that adequate respect is given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration.



The surrounding properties are characterised as:

Attachment 5 - PLN17/0789 - 377 St Georges Road Fitzroy North - Heritage advice

> One and two storey commercial strips (i.e. St Georges Road) with some key corner Victorian and Edwardian-era buildings and well preserved inter-war examples

The proposed external materials for the new development will be red face brick at ground and Level 1 with black framed glazing. The floor levels above Level 1 are characterised by black metal screening, glass balustrading and black framing.

As the majority of the adjacent properties are non-contributory, the external materials that characterise the existing immediate streetscape are not considered particularly relevant for reference purposes.

For the purposes of enhancing the heritage character of this part of St Georges Road, it is considered that the proposed render and red face brick materials are appropriate, especially for the façade of the Ground and Level 1 floor levels. On the basis that the upper floor levels are further set back, the proposed appearance of these floor levels will be of less heritage concern that the current proposal.

The appearance of the currently proposed black screening to Level 2 at zero front setback from the street is considered totally unacceptable. The projecting nature of the current proposal does not relate to the character of the street and creates a dominant 'floating' element above the two lower floor levels.

The curved form of the projecting balconies at the uppermost floor levels is completely out of keeping with the traditional rectangular forms in the heritage precinct. Such atypical elements are visually distracting to the heritage context. If such forms are desired these should be positioned at the back of the building or sufficiently setback from the street frontage (at least about 8 metres) so that they clearly do not form part of heritage context. Modifying the projecting balconies to a traditional rectangular form would also make them less visually distracting.

Comments regarding the proposed ground level street frontage

Although the proposed building is new, it is considered that the proposed shopfront at ground level should make a positive contribution to the heritage character of the street.

The new frontage should contain no solid wall and the framing elements of the glazed area should be minimized in number and size of members. Glazing should be generally of full width and full height of the structural opening except, where required, for a solid stall to a maximum height of 700mm. A recessed entry should be provided where the shopfront is of fixed glazing.



Above: Suggested modifications to shopfront

RECOMMENDATIONS:

On heritage grounds the works proposed in this application may be approved subject to the following conditions:

1. That the front setbacks of the floor levels above Level 1 must be well setback from the street frontage and re-aligned to respond to the rectangular form of the land rather than the inclined street frontage;

Attachment 5 - PLN17/0789 - 377 St Georges Road Fitzroy North - Heritage advice

2. That the articulation and street appearance of the ground and Level 1 must be redesigned to visually reinforce the predominantly two-storey scale of the street;
3. That the articulation and street appearance of the floor levels above Level 1 must 'read' as a separate and recessive development behind the two-storey street component on the street frontage;
4. That the proposed Level 4 must be deleted to ensure that the scale of the new building does not result in a dramatic change of scale in the heritage streetscape;
5. That the curved form of the projecting balconies at the uppermost floor levels should be positioned at the back of the building or sufficiently setback from the street frontage (at least about 8 metres) so that they clearly do not form part of heritage context;
6. That the proposed shopfront at ground level must be modified to make a positive contribution to the heritage character of the street by introducing wider glazing panels, a solid stall to a maximum height of 700mm and a recessed entry to the shop

Other comments:

SIGNED:



Diahnn McIntosh

DATED: 20 March 2018

Attachment 6 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Heritage Advice on amended plans

CITY OF YARRA **File Note**

Date: 16 October 2018

Property Address: 377 St Georges Road, Fitzroy North

Application No: PLN17/0789

Heritage Comments on Section 57A Plans (submitted to Council 12 June 2018).

Dianne McIntosh

COMMENTS:

The original recommendations and the subsequent response within the amended plans are outlined below.

1. *That the front setbacks of the floor levels above Level 1 must be well setback from the street frontage and re-aligned to respond to the rectangular form of the land rather than the inclined street frontage;*

   Whilst this change has not been incorporated into the amended plans, the redesign of the streetwall façade has satisfactorily altered the appearance of the building as it addresses the street, and ensures that the balconies above level 1 (not including Level 4) are less prominent than in the previous design.

2. *That the articulation and street appearance of the ground and Level 1 must be redesigned to visually reinforce the predominantly two-storey scale of the street;*

   The amended design has reinforced the streetwall through the removal of the second floor cantilever, and addition of a smaller-scale brick feature which integrates with the brick façade below.

   The amended design provides a more solid finish that references the adjacent streetscape, with the alterations to the window widths a more suitable outcome.

3. *That the articulation and street appearance of the floor levels above Level 1 must 'read' as a separate and recessive development behind the two-storey street component on the street frontage;*

   This outcome has been achieved through the extended use of brickwork for the streetwall, providing a more solid frontage that reads as a separate element.

4. *That the proposed Level 4 must be deleted to ensure that the scale of the new building does not result in a dramatic change of scale in the heritage streetscape;*

Attachment 6 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Heritage Advice on amended plans

Level 4 has not been deleted, however a condition will be added to the Officer recommendation that the black roofing above the Level 4 balcony be deleted, along with the black 'battens' and architectural features attached. A roof projecting only 1.5m from the Level 4 façade is acceptable, with this roof to be finished in off-white material to match the side walls. This will reduce the prominence of the upper level to an acceptable degree and allow it to read as a separate element to the street wall.

5. *That the curved form of the projecting balconies at the uppermost floor levels should be positioned at the back of the building or sufficiently setback from the street frontage (at least about 8 metres) so that they clearly do not form part of heritage context;*

   The change to the colour and extent of roof covering as outlined above will result in an acceptable alteration and allow the podium to read as a separate element within the heritage streetscape.

6. *That the proposed shopfront at ground level must be modified to make a positive contribution to the heritage character of the street by introducing wider glazing panels, a solid stall to a maximum height of 700mm and a recessed entry to the shop*

   These changes have been incorporated into the amended shopfront design, with a consistent stallboard added to the bottom of the glazing, referencing details in the heritage façade to the north. The glazing has been amended in line with the above comments.

Attachment 7 - PLN17/0789 - 377 St Georges Road, Fitzroy North - Street Tree advice

CITY OF YARRA **File Note**

Date: 29 October 2018

Property Address: 377 St Georges Road, Fitzroy North

Application No: PLN17/0789

Open Space Comments
Paul Whitten

COMMENTS:

A bond of $5000.00 to the tree is required.

Further tree protection measures to the satisfaction of the RA, most likely solid hoarding, are required.

These measures must be installed and approved prior to any development works taking place on site.

Paul Whitten
Arborist
City of Yarra
PO Box 168 Richmond 3121

Attachment 8 - PLN17/0789 - 377 St Georges Road Fitzroy North - Engineering comments

CITY OF YARRA

MEMO

To:	**Patrick Sutton**	
From:	**Artemis Bacani**	
Date:	**12 January 2018**	
Subject:	**Application No:**	**PLN17/0789**
	Description:	**Mixed Use - Reduction in the Car Parking Requirement**
	Site Address:	**377 St Georges Road, Fitzroy North**

I refer to the above Planning Application received on 13 December 2017 and the accompanying Traffic Impact Assessment report prepared by Ratio Consultants in relation to the proposed development at 377 St Georges Road, Fitzroy North. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION

Proposed Development

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Two-bedroom dwellings	8	1 space to each dwelling	8	12
Three-bedroom dwelling	4	2 spaces to each dwelling	8	
Residential visitors	12	1 space per 5 dwellings	2	0
Shop (Retail)	135 m^2	4 spaces to each 100 m^2 of leasable floor area	5	1
		Total	23	13

The site would have a shortfall of 10 spaces consisting four residential spaces, two spaces for residential visitors, and four spaces for the retail use. To reduce the number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction must be accompanied by a Car Parking Demand Assessment.

Attachment 8 - PLN17/0789 - 377 St Georges Road Fitzroy North - Engineering comments

Car Parking Demand Assessment

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

- *Parking Demand for Three-Bedroom Dwellings*.
  For the average car ownership of three-bedroom dwellings in the Fitzroy North area, the ABS Census data from 2011 for Fitzroy North recorded an average car ownership of 1.5 cars per dwelling. The data also recorded that some 26% of three-bedroom dwellings in Fitzroy North did not own a motor car. This suggests that there is a market for a reduced car parking provision for this size of dwelling. We consider the provision of one on-site space for the dwellings to be acceptable, having regard to the site's very good access to public transport services, shops, facilities etc.

- *Parking Demand for Residential Visitors*.
  Peak parking for residential visitors generally occurs on weekday evenings and at weekends. Given the small scale of the development, the parking demand for the residential visitors would be one space as per the statutory requirement.

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

- *Parking Demand for the Shop (Retail)*.
  For the shop use, a parking rate of 3.0 spaces per 100 square metres of floor area could be adopted as the premises is located along a commercial area/activity centre. Using this rate would equate to a car parking demand of four spaces. The shortfall of four spaces for the shop use could be accommodated off-site.

- *Availability of Public Transport in the Locality of the Land*.
  The site has direct access to tram services along St Georges Road. Bus services are within walking distance from Holden Street and Miller Street.

- *Multi-Purpose Trips within the Area*.
  Customers and visitors to the site might combine their visit by engaging in other activities or business whilst in the Queens Parade activity centre.

- *Convenience of Pedestrian and Cyclist Access*.
  The site has excellent pedestrian accessibility to shops, businesses, supermarkets, essential facilities and potential places of education and employment. The site also has very good connectivity to the Principal Bicycle Network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- *Availability of Car Parking*.
  Ratio Consultants had conducted on-street parking occupancy surveys of the surrounding area on Thursday 31 August 2017 between 9:00am and 8:00pm and on Saturday 2 September 2017 between 11:00am and 4:00pm. The survey area encompassed sections of St Georges Road, Barkly Street, and Clauscen Street. The times and extent of the survey are considered appropriate. A parking inventory ranging from 108 to 150 publicly available parking spaces was identified. The results indicate that on the Thursday, the peak parking occupancy was observed at 12:00pm, with no fewer than 30 spaces vacant within the study area. For the

Saturday, the peak parking occupancy was recorded at 11:00am with a minimum of 41 spaces available. The data suggests that any short-stay parking overflow from the site could be accommodated on-street.

- *Other Relevant Considerations*.
  The occupants of the new dwellings will not be eligible to apply for in-street residential and visitor car parking permits.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of car parking for this development is considered appropriate in the context of the development and the surrounding area. The short-stay parking overflow from the site should not adversely impact on existing parking conditions in the surrounding area.

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

TRAFFIC GENERATION
To determine the traffic generated by the proposed development, the following rates could be adopted as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential Dwellings (Allocated with 1 space)	4.0 trips per dwelling per day (12 dwellings) Peak hour volume is 10% of daily volume	48	4.8	4.8
Shop (Retail)	20 trips per 100 square metres of leasable floor area (135 m^2)	27	2.7	2.7
	Total	75	7.5	7.5

The traffic volumes generated are not unduly high and can be easily accommodated in the surrounding road network.

DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

Item	Assessment
Access Arrangements	
Garage Doorway Width	Not dimensioned on the drawings.
Visibility	A visibility triangle has not been provided at the entrance of the garage.
Headroom Clearance of Garage Door	The headroom clearance of the garage door is not dimensioned on the drawings.

Attachment 8 - PLN17/0789 - 377 St Georges Road Fitzroy North - Engineering comments

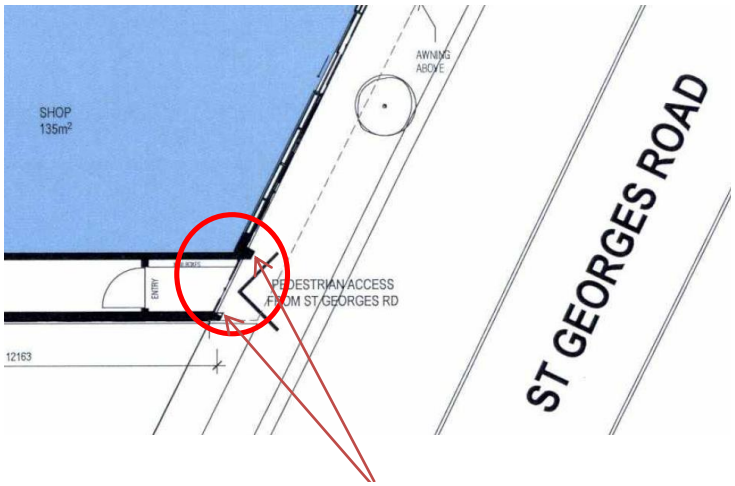
Layout Design Assessment

Item	Assessment
Mechanical Parking	
Car Stacker System	The applicant has proposed the Klaus Trendvario 4000-180 and Trendvario 4300-200 parking system. The specification indicates that a minimum floor to ceiling height of 4.05 metres is required for the Trendvario 4300-200 model. The headroom clearance inside the garage must be able to accommodate the specified car stackers.
	A minimum platform width of 2.4 metres is desirable for a single platform car stacker.
	The stacker models satisfy *Design standard 4 – Mechanical parking* of Clause 52.06-9, whereby 25 percent of mechanical parking spaces have a vehicle clearance height of a least 1.8 metres.
Floor to Ceiling Height of Garage	Not dimensioned on the drawings.
Vehicle Turning Movements	The swept path diagrams for the B85 design vehicle entering and exiting the car stacker platforms off the Right of Way are considered satisfactory.
Other Items	
Internal Concrete Slab	For any new internal concrete works, the finished floor levels along the edge of the slab must be set 40 mm above the edge of the Right of Way – Council Infrastructure requirement.

Design Items to be Addressed

Item	Details
Garage Doorway Width	To be dimensioned on the drawings.
Visibility	It is recommended for the applicant to provide a convex mirror at the development's entrance to improve visibility for motorists exiting the site.
Headroom Clearance of Garage Door	To be dimensioned on the drawings.
Floor to Ceiling Height of Garage	To be dimensioned on the drawings.
Canopy	The proposed canopy along the St Georges Road road frontage must be setback a minimum of 750mm from the face of kerb.

Design Items to be Addressed

Item	Details
Other	The *Proposed Ground Floor Plan* shows an architectural feature at the main pedestrian door which appears to encroach into the footpath. The applicant is to confirm the details of this feature.  **Architectural feature encroaching into the footpath**

IMPACT ON COUNCIL ROAD ASSETS

The construction of the new buildings, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site.

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

ENGINEERING CONDITIONS

Civil Works

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

- The footpath along the property's St Georges Road road frontage must be stripped and re-sheeted 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 vehicle crossing servicing the Right of Way is to be reconstructed to the full width of the Right of Way in accordance with Council's *Infrastructure Road Materials Policy*, Councils Standard Drawings and Engineering requirements.

  Prior to the reconstruction of the vehicle crossing, the applicant must liaise with Council's Open Space unit to manage the pruning of the tree root from the nearby tree in Barkly Street.

Car Stacker Device

- The car stacker devices must be installed, operated and maintained in accordance with the manufacturer's specifications and requirements.
- No pipes, ducting or protrusions from the ceiling or walls are to be installed above or within the space clearance envelopes for the car stacker devices.

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.

NON-PLANNING ADVICE FOR THE APPLICANT

Legal Point of Discharge

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

Protection of Car Stacker Pit

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

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

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

It is also the Permit Holder's onus and responsibility to ensure that rainfall run-off does not enter the property in the event of a heavy storm. Adequate measures should be in place to prevent backwash from entering the property.

Attachment 8 - PLN17/0789 - 377 St Georges Road Fitzroy North - Engineering comments

Clearances from Electrical Assets
Overhead power lines run along the west side of the Right of Way, close to the property boundary.

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

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

Regards

Artemis Bacani
Civil Roads Engineer
Engineering Services Unit

Attachment 9 - PLN17/0789 377 St Georges Road, Fitzroy North - ESD comments

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



ESD in the Planning Permit Application Process

Yarra City Council's planning permit application process includes Environmentally Sustainable Development (ESD) considerations. This is now supported by the ESD Local Policy Clause 22.17 of the Yarra Planning Scheme, entitled *Environmentally Sustainable Development.*

The Clause 22.17 requires all eligible applications to demonstrate best practice in ESD, supported by the Built Environment Sustainability Scorecard (BESS) web-based application tool, which is based on the Sustainable Design Assessment in the Planning Process (SDAPP) program.

As detailed in Clause 22.17, this application is a 'large' planning application as it meets the category *Residential 1. Ten or more dwellings*.

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

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

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

Assessment Process:

The applicant's town planning drawings provide the basis for Council's ESD assessment. Through the provided drawings and the SMP, Council requires the applicant to demonstrate best practice.
The following comments are based on the review of the architectural drawings, prepared by *Point Architects* (Rev B 24.11.2017) and the accompanying SMP, prepared by SBE (V2 11.09.2017).

Attachment 9 - PLN17/0789 377 St Georges Road, Fitzroy North - ESD comments

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



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Attachment 9 - PLN17/0789 377 St Georges Road, Fitzroy North - ESD comments

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



Assessment Summary:

Responsible Planner:	Patrick Sutton
ESD Advisor:	Euan Williamson
Date: 08.01.2018	Planning Application No: PLN17/0789
Subject Site:	377 St Georges Road, North Fitzroy, VIC
Site Area: Approx. 485m^2	Site Coverage: 100%
Project Description:	Five storey building comprising 12 dwellings, ground floor shop.
Pre-application meeting(s):	None.

The standard of the ESD largely meets Council's Environmental Sustainable Design (ESD) standards. Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.

Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are addressed in an updated SMP report and are clearly shown on Condition 1 drawings. ESD improvement opportunities (4) have been summarised as a recommendation to the applicant.

(1) Applicant ESD Commitments:
- Minimum 7 Star average NatHERS Star rating for dwellings.
- Daylight access is good to most habitable rooms.
- A STORM report will a 112% STORM score that demonstrates best practice has been submitted that relies on ~311m^2 of roof connected to 10,000 litre rainwater tank connected to all apartment toilets for flushing.
- Centralised 5 star gas water system with a minimum 25% solar contribution.
- 8 hanging bike spaces and 6 on-ground spaces for residents and staff.
- Energy efficient heating/cooling and lighting.
- Water efficient fixtures and taps.

(2) Application ESD Deficiencies:
- Most dwellings have modest glazed areas exposed to summer sun angles, and shading through balcony overhangs, but there are significant areas of north facing glazing exposed to summer sun angles. BESS report includes a sample of dwellings with cooling loads beneath the 30MJ/m^2 threshold. Protect all north, east and west facing glazing from summer sun angles with exterior adjustable shading blinds, fins, louvers, etc. or demonstrate that all dwellings will have cooling loads beneath the 30MJ/m^2 threshold.

(3) Outstanding Information:
- All dwellings will have good cross ventilation provided that all habitable rooms have an operable window. Ensure that every habitable room has an operable window clearly marked on plans to enable cross ventilation.
- The SMP states the thermal energy efficiency standard will be only 6 Stars, but the BESS report states 7.1 Stars. Please update the SMP to be consistent.

(4) ESD Improvement Opportunities
- Consider a solar PV array on the roof to contribute to onsite electricity consumption.
- Consider that all timber to be certified by FSC as sustainable.
- Consider providing landscaping and productive gardens to improve the ecological value of the site.
- Consider electric vehicle charging infrastructure.

Attachment 9 - PLN17/0789 377 St Georges Road, Fitzroy North - ESD comments

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



- Consider recycled concrete component and low embodied energy steel.
- Consider recycled materials in building components such as insulation.
- Recommend providing a composting system for dwellings.
- Consider including a green roof, wall or façade.
- Consider providing a roof top terrace for residents.
- Recommend comprehensive commissioning and tuning of all major appliances and building services.
- Recommend providing a Building Users Guide explaining optimal usage of building services and sustainability features within the development including rainwater tanks, energy systems, etc.
- Recommend that an Environmental Management Plan be developed by the building contractor to monitor and control 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.

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	All dwellings will have good cross ventilation provided that all habitable rooms have an operable window.	Ensure that every habitable room has an operable window clearly marked on plans to enable cross ventilation.	3
Daylight & Solar Access	Daylight access is good to most habitable rooms.	-	1
External Views	External views from all dwellings.	-	1
Hazardous Materials and VOC	Low VOC paints, adhesives and sealants and carpets. Low formaldehyde content in all engineered products.	-	1
Thermal Comfort	Good thermal comfort is determined through a combination of good access to ventilation, balanced passive heat gains and high levels of insulation. The application proposes: - Good access to natural ventilation - Some shading to most dwellings - Good thermal efficiency standards.	Please refer to section on, *NCC Energy Efficiency Requirements Exceeded* and *Effective Shading*	1

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 1. Indoor Environment Quality
Good Environmental Choice Australia Standards www.geca.org.au
Australian Green Procurement www.greenprocurement.org
Residential Flat Design Code www.planning.nsw.gov.au
Your Home www.yourhome.gov.au

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	Minimum 7 Star average NatHERS Star rating for dwellings.	The SMP states the thermal energy efficiency standard will be only 6 Stars, but the BESS report states 7.1 Stars. Please update the SMP to be consistent.	3
Hot Water System	Centralised 5 star gas water system with a minimum 25% solar contribution.	-	1
Peak Energy Demand	Peak demand reduced through various initiatives.	-	1
Effective Shading	Most dwellings have modest glazed areas exposed to summer sun angles, and shading through balcony overhangs, but there are significant areas of north facing glazing exposed to summer sun angles. BESS report includes sample dwellings with all cooling loads beneath the 30MJ/m^2 threshold	Protect all north, east and west facing glazing from summer sun angles with exterior adjustable shading blinds, fins, louvers, etc. or demonstrate that all dwellings will have cooling loads beneath the 30MJ/m^2 threshold from Clause 58.03.01 standard.	3
Efficient HVAC system	Energy efficient 4 Star reverse cycle systems to dwellings and heating/cooling within one star of best available, or 85% or better EERs/COPs of the most efficient available.	-	1
Efficient Lighting	Energy efficient lighting in shop to be 20% improvement on the NCC minimum requirements. Dwellings to be 4W/m^2 lighting power density. Internal lighting and external lighting to have motion sensor controls.	-	1
Electricity Generation	No information has been provided.	Consider a solar PV array to contribute to onsite electricity consumption.	4
Other	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 2. Energy Efficiency

Attachment 9 - PLN17/0789 377 St Georges Road, Fitzroy North - ESD comments

House Energy Rating www.makeyourhomegreen.vic.gov.au
Building Code Australia www.abcb.gov.au
Window Efficiency Rating Scheme (WERS) www.wers.net
Minimum Energy Performance Standards (MEPS) www.energyrating.gov.au
Energy Efficiency www.resourcesmart.vic.gov.au

3. Water Efficiency

Objectives:

- to ensure the efficient use of water
- to reduce total operating potable water use
- to encourage the collection and reuse of rainwater and stormwater
- to encourage the appropriate use of alternative water sources (e.g. grey water)
- to minimise associated water costs.

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising Amenity Water Demand	Water efficient taps and fittings throughout, including: - 4 Star toilets - 6 Star tapware - 3 Star showers <7.5 litres/min	-	1
Water for Toilet Flushing	10,000 litres of rainwater storage connected to toilet flushing.	-	1
Water Meter	Water metering for individual dwellings & shop	-	1
Landscape Irrigation	No information has been provided.	-	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

4. Stormwater Management

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating	A STORM report will a 112% STORM score that demonstrates best practice has been submitted that relies on ~311m² of roof connected to 10,000 litre rainwater tank connected to all apartment toilets 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

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.	Consider recycled materials in building components such as insulation.	4
Embodied Energy of Concrete and Steel	No information has been provided.	Consider recycled concrete component and low embodied energy steel.	4
Sustainable Timber	95% of timber used will be certified AFS plantation or another forest certification scheme and CoC certificate.	Consider that all timber used onsite is certified by FSC as sustainable.	4
Design for Disassembly	No information has been provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	4
PVC	90% or more of PVC will meet best practice guidelines for PVC.	-	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: 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

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	Car stacking parking has been proposed.	-	1
Bike Parking Spaces	8 hanging bike spaces and 6 on-ground spaces for residents and staff.	-	1
End of Trip Facilities	No information has been provided.	-	-
Car Share Facilities	No information has been provided.	-	-
Electric vehicle charging	No information has been provided.	Consider electric vehicle charging infrastructure.	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: 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

7. Waste Management

Objectives:

- to ensure waste avoidance, reuse and recycling during the design, construction and operation stages of development
- to ensure long term reusability of building materials.
- to meet Councils' requirement that all multi-unit developments must provide a Waste Management Plan in accordance with the *Guide to Best Practice for Waste Management in Multi-unit Developments 2010*, published by Sustainability Victoria.

Issues	Applicant's Design Responses	Council Comments	CAR*
Construction Waste Management	A minimum 60% recycling/reuse target for construction and demolition waste.	-	1
Operational Waste Management	Space for general waste and recycling bins on ground floor and kitchen joinery will include an under-sink dual bin system.	Recommend providing a composting system for dwellings	4
Storage Spaces for Recycling and Green Waste	Area for bins and hard waste can be identified on the plans.	Ensure that the waste bins sizes and system is adequate.	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 9 - PLN17/0789 377 St Georges Road, Fitzroy North - ESD comments

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	No specific information has been submitted.	Consider providing landscaping and productive gardens to improve the ecological value of the site.	4
Heat Island Effect	No specific information has been submitted.	Some features proposed will partially address UHI.	1
Green Roofs, Walls and Facades	No specific information has been submitted.	Consider including a green roof, wall or façade.	4
Communal Spaces	No specific information has been submitted.	Consider providing a roof top terrace for residents.	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: 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

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

10. Construction and Building Management

Objective:

- to encourage a holistic and integrated design and construction process and ongoing high performance

Issues	Applicant's Design Responses	Council Comments	CAR*
Building Tuning	No specific information has been submitted.	Recommend comprehensive commissioning and tuning of all major appliances and building services.	4
Building Users Guide	No specific information has been submitted.	Recommend providing a Building Users Guide explaining optimal usage of building services and sustainability features within the development including rainwater tanks, energy systems, etc.	4
Contractor has Valid ISO14001 Accreditation	No specific information has been submitted.	-	-
Construction Management Plan	No specific information has been submitted.	Recommend that an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction.	4
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 10. Construction and Building Management
ASHRAE and CIBSE Commissioning handbooks
International Organization for standardization – ISO14001 – Environmental Management Systems
Keeping Our Stormwater Clean – A Builder's Guide www.melbournewater.com.au

Attachment 9 - PLN17/0789 377 St Georges Road, Fitzroy North - ESD comments

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 10 - PLN17/0789 - 377 St Georges Road, Fitzroy North - WMP referral comments

CITY OF YaRRA

MEMO

19 December 2017

The waste management plan from Ratio Consultants, dated 12th September 2017 for 377 St Georges St, Fitzroy North is unsatisfactory from a City Works Branch's perspective. This includes, but may not be limited to:

1. A kerbside collection will not be suitable due to the potential traffic obstruction during collection. A private, internal service must be utilised from the rear access point with swept path diagrams to prove feasibility.
2. No explicit comparison between available bin room space and bin sizes, in meters squared.
3. No detail regarding the party responsible for bin cleaning.
4. A new waste management plan is required to be submitted

Addendum to these comments – 23 October 2018

On-site collection will not be required if a condition can be added to the permit to ensure that private waste collection occurs from the laneway, and the bins are collected and put away immediately by the contractor. This ensures there will be no bins left in either the laneway or on the street.

Patrick Orr
Contract Management Officer
City Works
Yarra Operations Depot, Clifton Hill

1.4 5 Park Drive, Clifton Hill - PLN17/0648 - Amendment to a Section 173 Agreement

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning application which proposes to amend the Section 173 Agreement (Dealing No. W900947G) that applies to land at No. 5 Park Drive, Clifton Hill. The Section 173 Agreement relates to Planning Permit 981449 which approved *"Residential subdivision incorporating a Building Envelope Plan and Design Guidelines and removal of trees"* on 4 August 1999 and controls, as relevant, the building height and number of storeys of dwellings within the Park Drive Estate.

2. This report recommends approval of a variation to the Section 173 Agreement by entering into a supplemental agreement with the landowners of No. 5 Park Drive, Clifton Hill.

Key Planning Considerations

3. Section 178B(1) of the *Planning and Environment Act 1987* (the Act) is relevant to this application as it sets out the matters to be considered in assessing a proposal to amend or end an agreement. Specifically, Section 178B(1) requires the responsible authority to consider the following:

   (a) the purpose of the Section 173 Agreement;
   (b) the purpose of the amendment;
   (c) whether any change in circumstances necessitates the amendment;
   (d) whether the amendment would disadvantage any person, whether or not a party to the Section 173 Agreement;
   (e) the reasons why the responsible authority entered into the Section 173 Agreement;
   (f) if the amendment is to remove land from the application of the agreement, whether the land is subject to any further liability under the agreement;
   (g) any relevant permit or other requirements the land is subject to under the *Subdivision Act 1988*; and
   (h) any other prescribed matter.

4. There are no relevant planning considerations in the Yarra Planning Scheme specifically related to the approval sought in this instance.

Key Issues

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

   (a) Section 178B(1) of the Act; and
   (b) objector concerns.

Objector Concerns

6. Six (6) objections were received to the application, raising issues (summarised) as follows:

   (a) Loss of local amenity.
   (b) Loss of certainty over the nature of built form and possibility of inappropriate development in the Park Drive Estate.
   (c) The "overturn" of a legal agreement which was made between Council, local residents and developer to maintain a low-rise, controlled development in the Park Drive Estate.

Conclusion

7. Based on the following report, the application is considered to be appropriate and should therefore be supported, subject to a supplemental agreement between Council and the landowners of No. 5 Park Drive, Clifton Hill.

1.4 5 Park Drive, Clifton Hill - PLN17/0648 - Amendment to a Section 173 Agreement

Trim Record Number: D18/156874
Responsible Officer: Senior Co-ordinator Statutory Planning

Proposal:	Amendment to Section 173 Agreement W900947G
Existing use:	Dwelling
Applicant:	TP Legal Solicitors
Zoning / Overlays:	Neighbourhood Residential Zone (Schedule 1) Environmental Audit Overlay Environmental Significance Overlay (Schedule 2)
Date of Application:	10/08/2017
Application Number:	PLN17/0648

Planning History

Planning Permit 981449

8. Planning Permit 981449 was issued on 4 August 1999 for *"Residential subdivision incorporating a building envelope plan and decision guidelines and removal of trees"* at Crown Allotment 44 Walker Street, Clifton Hill.

9. The planning permit granted approval for a 27-lot subdivision of Crown land previously used by Council as a nursery site, which subsequently created land now known as Nos. 1-11 (odd and even numbers) and Nos. 13-33 (odd numbers) Park Drive and Nos. 101-109 (odd numbers) Walker Street, including No. 5 Park Drive (the subject site). Collectively, these subdivided lots are known as the Park Drive Estate.

10. The endorsed plans of the planning permit include a Building Envelope Plan, which contains a building footprint on each of the 27 lots and a maximum height of two storeys (7.5m above ground level) for each dwelling, and Design Guidelines, which provide guidelines on the building envelope plan, maximum heights, fences, building facades, windows, balconies, roof terraces and garage doors.

11. Condition 20 of the planning permit required the owners of the land to enter into a Section 173 Agreement. This resulted in Agreement W900947G (as amended) being registered on title of the land at Crown Allotment 44 Walker Street (or also known as No. 101 Walker Street in the agreement) on 10 July 2000. Following the subdivision, the agreement carried over to the created lots, which includes the subject site (No. 5 Park Drive).

12. An amendment application to this permit, lodged to Council on 18 February 2015, sought to amend the endorsed 'Design Guidelines' and 'Subdivision and Building Envelope Plan' approved under the permit to enable a third-storey addition to the approved dwelling. This application was refused by Council on 19 November 2015 on the following grounds:

    (a) "Planning Permit 981449 is spent as the permitted subdivision has been completed and therefore, Council does not have power to amend the endorsed Design Guidelines or endorsed Subdivision and Building Envelope Plan."

Planning Permit PLN14/1055

13. Planning Application PLN14/1055 (which was lodged to Council on 14 November 2014 and assessed concurrently with Amendment Application 981449.01) proposed the *construction of a third-storey extension to an existing double-storey dwelling on land in the Neighbourhood Residential Zone – Schedule 1; and construction of a third-storey extension to an existing double-storey dwelling on a land in the Environmental Significance Overlay – Schedule 2*. The application was refused by Council on 19 November 2015 on the following grounds:

    (a) *"The height of the development will not fit in with the existing and preferred neighbourhood character in the area and fails to comply with clauses 54.02-1 (Neighbourhood Character), 54.03-2 (Building Height), 22.10-3.2 (Urban form and character) and 22.10-3.3 (Setbacks & building heights)."*

14. An application for review of Council's decision to refuse to grant a planning permit for Application PLN14/1055 was lodged at VCAT by the applicant on 8 January 2016. Council's decision to refuse the application was overturned and Planning Permit PLN14/1055 was subsequently issued at the direction of VCAT (the Tribunal) on 18 May 2017. Condition 1 of Planning Permit PLN14/1055 requires:

    (a) *"Prior to commencement of development under this permit, the section 173 Agreement recorded in W900947G on Lot 4 of Plan of Subdivision 432125U must be removed or amended to allow the development of Lot 4 of Plan of Subdivision 432125U in accordance with this planning permit PLN14/1055."*

15. Planning Permit PLN14/1055 is of direct relevance to this amendment application

Other planning permits on the site

16. Planning Application PL01/0807 for *the construction of a dwelling* was refused by Council on 9 November 2001.

17. Planning Permit PL02/0125 issued on 21 June 2002 approved *the construction of a dwelling*. The permit was acted on and the approved double-storey dwelling completed.

18. Planning Permit PL08/0596 issued on 17 October 2008 approved the *installation of bluestone paving and steel pedestrian cross-over (partial demolition)*.

Background

19. The application was received by Council on 10 August 2017.

20. Following a review by Council's planning officers, the submitted application was discussed at Council's internal Development Assessment Panel (DAP) meeting on 8 September 2017, where DAP resolved to agree in-principle to the proposal to amend the Section 173 Agreement. A letter was sent on 8 September 2017 to the owners of the subject site as notification of Council's in-principle support pursuant to Section 178A(3) of the Act.

21. The application was advertised and six (6) objections were received.

22. A consultation meeting was held on 30 January 2018 and was attended by three (out of the six) objectors and Council planning officers. No ward councillors were in attendance. The applicant also did not attend; hence, the meeting only facilitated a discussion of objectors' concerns. No resolutions were reached at the meeting.

23. In light of Council's in-principle support of the application, Council's legal advisor prepared a draft supplemental agreement to give effect to the substance of the application (i.e. to vary the obligations in Agreement W900947G to the extent of allowing the construction of the third-storey dwelling addition at the subject site).

The supplemental agreement is intended to give effect to condition 1 Planning Permit PLN14/1055 imposed by the Tribunal in a clearer manner than would be achieved by inserting a new clause into the existing agreement, as proposed by the applicant.

24. The draft supplemental agreement sets out the following obligations:

> ***6.1 "Agreement is supplemental to the First Agreement***
>
> *The Parties agree that:*
>
> *6.1.1 this Agreement* is supplemental to the First Agreement* [Agreement W900947G];*
> *6.1.2 this Agreement* must be read in conjunction with the First Agreement*;*
> *6.1.3 other than as set out in clause 6.2 of this Agreement*, the First Agreement* is unchanged and all obligations of the First Agreement* continue to apply.*
>
> ***6.2 Development of the Subject Land***
>
> *The Owner* covenants and agrees the development of the Subject Land* may only contravene clauses 3.2.3 and 3.2.7 of the First Agreement* to the extent authorised by the Planning Permit* [PLN14/1055] as shown in the Endorsed Plan*."*

25. Note: The definitions of words marked with an asterisk (*) above are contained in the draft supplemental agreement in the attachment to this report.

26. The draft supplemental agreement was not advertised. Council's decision to enter into a supplemental agreement (as opposed to inserting a new clause into the existing agreement) falls within the ambit of Council's ability to "decide to amend an agreement in a matter that is not substantively different from the proposal" under section 178E(3)(b) of the Act.

27. As confirmed by Council's legal advisors, entering into a supplemental agreement relates to the form of the agreement. It does not in any way alter the substance of the agreement proposed by the applicant and is not considered to be 'substantively different' from the applicant's proposal; hence, it does not require re-advertising under section 178E(4) of the Act.

28. A copy of the draft supplemental agreement was sent along with the IDAC invitations to all parties of the Agreement and objectors to the application.

Existing Conditions

Subject Site

29. The subject site is located on the western side of Park Drive, to the south of Walker Street, in Clifton Hill.

30. The subject site is irregular in shape with a northern boundary length of 7m, a western boundary length of 21.4m and an eastern boundary length of 24m. The southern boundary (diagonal) is a length of 7.5m. The total site area is 160sqm.

31. The subject site is occupied by a double-storey rendered brick dwelling with a flat roof (constructed as part of Planning Permit PL02/0125). This dwelling is primarily constructed on the western boundary (with the exception of a 2m wide by 1m deep light court) and on the eastern and northern boundaries (with the exception of a 1m deep driveway and an 2.7m by 3m alcove entry). Secluded private open space is located to the south of the dwelling.

Planning Permit PLN14/1055 issued on 18 May 2017 approved the construction of a third-storey to this dwelling, which comprise of an additional bedroom, bathroom and terrace. This approved development has not commenced.

32. Entry to the dwelling (both vehicular and pedestrian) is from the northernmost eastern side of the subject site from Park Drive, as shown in the image below (the subject site is marked with a red star).



Title

33. The title plan submitted with the application shows the subject site is affected by a restrictive covenant (Covenant PS432125U) and a Section 173 Agreement (Agreement W900947G).

Restrictive Covenant

34. Covenant PS432125U applies to all 27 residential lots within the Park Drive Estate. The covenant contains restrictions which prevent the following (as summarised):

(a) the construction of any dwellings of maximum 7.5m outside the relevant hatched areas shown on the title plan;
(b) the construction of any single storey buildings of maximum height 4.4m outside the relevant hatched area; and
(c) the construction of any buildings or works other than in accordance with the endorsed plans of Planning Permit 981449 or any further planning permit issued by Council for the dwellings within the relevant hatched areas.

Section 173 Agreement

35. Agreement W900947G applies to all 27 residential lots within the Park Drive Estate. The agreement contains a number of specific obligations which the owners of the land must abide by. Some of the obligations are one-off and have already been met through the subdivision of the parent land (Crown Allotment 44 Walker Street); while others are on-going which continue to have effect on all lots created by the subdivision, including the subject site (No. 5 Park Drive).

36. A summary of the owners specific obligation is provided below:

    (a) acknowledgement of the extent of use and activities associated with the scouts hall to the west and the soccer field forming part of Hall Reserve to the east;
    (b) limiting development of each lot to a single dwelling;
    (c) preventing further subdivision of the lots (except for boundary realignments or public acquisitions);
    (d) requiring buildings to be constructed within the building envelopes and in accordance with an endorsed design guidelines;
    (e) maintaining pedestrian access to Hall Reserve at the eastern end of Park Drive;
    (f) maintaining planting in the private open space of each lot;
    (g) requiring the transfer of a parcel of land to form part of Hall Reserve; and
    (h) payment of landscaping costs and installation of utility services.

37. More specifically, and of relevance to this application, clause 3 of the Agreement contains the following 'owners obligations':

    3.2 The Owner agrees that:

    …

    3.2.3 it must not build, construct or erect or cause or permit to be built, constructed or erected any Building on the Subject Land or any part of the Subject Land outside the Building Envelopes;

    …

    3.2.7 all Buildings must be constructed generally in accordance with the endorsed Design Guidelines to the satisfaction of Council.

38. "Building Envelopes" is defined in clause 1 of the Agreement to mean:

    the area delineated and identified on the Endorsed Plan as a building envelope or the like.

39. "Building" is defined in clause 1 of the Agreement as:

    has the same meaning as in the Planning Scheme and includes dwellings, swimming pools, tennis courts and out-buildings.

40. The endorsed Design Guidelines are those entitled "Park Drive Estate – Walker St Clifton Hill, Design Guidelines Amended 18.5.99". This document contains the following guidelines:

    1. Building Envelopes – Plan

    The building envelopes indicated on the Subdivision and Envelopes Plan are shown as a maximum plan footprint that cannot be exceeded. Floor plans of a lesser size are permitted as long as minimum setbacks shown on the subdivision and envelopes plan are not reduced. Where shown on plans, balconies may be constructed as non-trafficable roofs to lower storeys. Where shown on plans roofs must be constructed as non-trafficable roofs.

    2. Building Envelopes – Height

The building envelope heights shown on the Building Envelopes and Possible Elevations drawings are the maximum heights permitted for single and two storey structures and no part of any roof parapet or balustrade must not exceed the designated envelope height at any point above natural ground level. The envelope sections shown on the plans are shown as maximum dimensions and ceiling heights and overall heights may be reduced.

41. This agreement is the subject of this current amendment application.

Surrounding Land

42. The subject site is located within the Park Drive Estate, which consists of Nos. 1-11 (odd and even numbers) and Nos. 13-33 (odd numbers) Park Drive and Nos. 101-109 (odd numbers) Walker Street. The lots within the Park Drive Estate have all been developed with double-storey dwellings. The land surrounding Park Drive Estate include a Scout Hall and child care centre to the west, Quarries Park Reserve to the south, Hall Reserve to the east and single- and double-storey dwellings to the north across Walker Street.

43. The lots immediately adjoining the subject site (No. 5 Park Drive) can be described as follows:

North

44. Immediately to the north of the subject site is No. 3 Park Drive, which contains a double-storey dwelling orientated east towards Park Drive. The dwelling has a first floor balcony located approximately 2.0m from the boundary shared with the subject site. A ground floor courtyard is located to the west of the dwelling.

East

45. Immediately to the east of the subject site is No. 7 Park Drive, which also contains a double-storey dwelling orientated north towards Park Drive and constructed to both side boundaries. A ground floor courtyard is located to the south of the dwelling.

West

46. Immediately to the west of the subject site is No. 89-95 Walker Street, which is used as a Scout Hall. The Scout Hall building is currently under renovation, with the former single-storey building demolished to be replaced by a new single-storey hall (with mezzanine level) as approved under was developed Planning Permit PLN14/0529 issued on 21 October 2015. The permit has a development completion date of 21 October 2019.

South

47. Immediately to the south of the subject site is the Quarries Reserve (parkland).

The Proposal

48. The application seeks to amend Section 173 Agreement W900947G by inserting a new clause (Clause 3.3) to serve as an additional owners obligation in the agreement that applies to the subject site.

49. The new clause is proposed to read as follows:

"Lot 4 may be developed in the manner allowed by planning permit PLN14/1055. To the extent that the development of lot 4 pursuant to planning permit PLN14/1055 might otherwise have contravened any provision of this Agreement, this clause 3.3 shall take precedence over any other such provision."

50. The application seeks to give effect to Condition 1 of Planning Permit PLN14/1055, which is to vary the obligations of the agreement to the extent of allowing the construction of a third-storey dwelling extension as approved by Planning Permit PLN14/1055.

Provisions of the Planning and Environment Act 1987 (the Act)

51. Section 178A of the Planning and Environment Act 1987 (the Act) is relevant to the assessment of this application. Section 178A allows for an owner of land, or a person who has entered into an agreement under Section 173 in anticipation of becoming the owner of the land, to apply to the responsible authority for agreement to a proposal:

    (a) to amend an agreement in respect of that land; or

    (b) to end an agreement in respect of that land, wholly or in part or as to any part of that land.

52. The application seeks to amend a Section 173 agreement under Section 178A(1)(a) of the Act.

53. Section 178B of the Act set out the matters to be considered in considering a proposal to amend or end an agreement. Specifically, Section 178B(1) states:

    In considering a proposal under section 178A to amend an agreement, the responsible authority must consider:

    (a) the purpose of the agreement; and

    (b) the purpose of the amendment; and

    (c) whether any change in circumstances necessitates the amendment; and

    (d) whether the amendment would disadvantage any person, whether or not a party to the agreement; and

    (e) the reasons why the responsible authority entered into the agreement; and

    (f) if the amendment is to remove land from the application of the agreement, whether the land is subject to any further liability under the agreement; and

    (g) any relevant permit or other requirements the land is subject to under the Subdivision Act 1988; and

    (h) any other prescribed matter

54. There are no relevant planning considerations in the Yarra Planning Scheme (the Scheme). The Scheme does not contain any permit requirements for amending a Section 173 Agreement.

Advertising

55. The application was advertised in accordance with Section 178C of the Act by way of sending 43 letters to all parties to the agreement and other property owners and occupiers surrounding Park Drive Estate and the display of a sign to the rear of the subject site, facing Quarries Park.

56. A total of six (6) objections were received, raising concerns on the following matters (as summarised):

    (a) Loss of local amenity.

(b) Loss of certainty over the nature of built form and possibility of inappropriate development in the Park Drive Estate.
(c) The "overturn" of a legal agreement which was made between Council, local residents and developer to maintain a low-rise, controlled development in the Park Drive Estate.

57. As previously discussed in the Background section of this report, the draft supplemental agreement was not advertised as entering into a supplemental agreement (as opposed to inserting a new clause into the existing agreement) falls within the ambit of Council's ability to "decide to amend an agreement in a matter that is not substantively different from the proposal" as provided in section 178E(3)(b) of the Act. Entering into a supplemental agreement in the terms prepared by Council's legal advisors is not 'substantively different' from the applicant's proposal; hence, it does not require re-advertising under section 178E(4) of the Act.

Referrals

58. The application was not required to be referred to any external Referral Authorities.

59. Council's planning officers sought advice from Council's legal advisors regarding the proposal to insert a new clause into the agreement. They advised that entering into a supplemental agreement would be a more appropriate legal mechanism to give effect to the substance of the application (i.e. to vary the obligations in Agreement W900947G to the extent of allowing the construction of the third-storey dwelling addition at the subject site in accordance with Planning Permit PLN14/1055).

OFFICER ASSESSMENT

60. The considerations for this application are:

(a) the requirements at Section 178B(1) of the Act; and
(b) objector concerns.

The requirements at Section 178B(1) of the Act

61. An assessment against each of the considerations set out at Section 178B(1) of the Act is provided below:

(a) The purpose of the agreement

62. The Agreement was entered into in accordance with condition 20 of Planning Permit 981449, which approved the subdivision of the land at Crown Allotment 44 Walker Street, Clifton Hill (parent title).

63. The purpose of the Agreement is to ensure the development outcomes authorised under Planning Permit 981449 continue to survive after the land (Crown Allotment 44 Walker Street) has been subdivided and the permit is 'spent'. The Agreement contains a number of one-off and on-going owner obligations, which include, as relevant to this application, requiring buildings to be constructed within building envelopes and in accordance with an endorsed design guidelines.

64. The building envelopes and design guidelines set out in the Agreement were put in place to preserve a low-scale built form character for the Park Drive Estate in the context of the surrounding parkland. The building envelopes and design guidelines prohibit the construction of buildings more than two-storeys or 7.5m in height.

65. The proposal, which seeks to amend the Agreement to give effect to Planning Permit PLN14/1055, is not considered to undermine the purpose of the Agreement.

66. The planning merits associated with varying the building envelopes and design guidelines formed the subject of the Tribunal's decision in *Markey v Yarra CC [2017] VCAT 716* (18 May 2017) (***Markey***), in which the Tribunal directed Planning Permit PLN14/1055 be granted.

67. For the reasons set out in *Markey*, the Tribunal determined a third-storey extension at No. 5 Park responds acceptably to the preferred neighbourhood character of the Park Drive Estate. The Tribunal's reasons included (amongst other things) the modest size of the third storey and its limited visibility from Walker Street, Park Drive and adjoining parkland.

68. By imposing condition 1 on Planning Permit PLN14/1055, the Tribunal clearly turned its mind to the purpose of the Section 173 Agreement and determined departing from the two-storey height restriction was acceptable.

69. The planning merits of the departure from the height restriction have been fully and finally resolved by the Tribunal. It is not open to Council to form an alternate view as to the merits of amending the Agreement. Rather, Council is required to vary the Agreement to give effect to the Tribunal's determination.

(b) The purpose of the amendment

70. The application seeks to amend the Agreement to give effect to condition 1 of Planning Permit PLN14/1055. Condition 1 was imposed by the Tribunal to ensure the approved development does not breach the Agreement.

71. The purpose of the amendment is, ultimately, to enable the construction of the third-storey dwelling extension at No. 5 Park Drive in accordance with the endorsed plans of Planning Permit PLN14/1055.

72. Importantly, the agreement will only be varied insofar as the specific development approved by the Tribunal contravenes the terms of the Agreement for this particular site.

73. The amendment is intended to vary only two obligations in the Agreement - clause 3.2.3, restricting building height to a maximum of 7.5m as shown in the building envelope plan, and clause 3.2.7, limiting buildings to 2-storeys as part of the endorsed design guidelines - and only to the extent which the approved development is in breach of these obligations.

(c) Whether any change in circumstance necessitates the amendment

74. The grant of Planning Permit PLN14/1055 at the direction of the Tribunal necessitates the amendment (to take the form of the supplemental agreement). Condition 1 of the permit expressly requires the Agreement applying to No. 5 Park Drive to be either removed or amended to enable the construction of the development approved by the permit.

(d) Whether the amendment would disadvantage any person, whether or not a party to the agreement

75. It is considered the amendment in the form of the supplemental agreement will not disadvantage any person given it simply gives effect to the Tribunal's decision to direct Council grant Planning Permit PLN14/1055. It is important the 'disadvantage' associated with amending the Agreement is not conflated with any 'disadvantage' associated with the merits of allowing the proposed development which formed the subject of Tribunal's decision.

76. Given the amendment is intended only to apply to the specific site at No. 5 Park Drive to enable the particular development approved under Planning Permit PLN14/1055, it is considered reasonable and appropriate any proposed supplemental agreement is drafted in a way that only alleviates the relevant restrictions in relation to No. 5 Park Drive.

77. Council's legal advisor recommends that to give effect to condition 1 of Planning Permit PLN14/1055, it is more appropriate for Council and the landowners of No. 5 Park Drive to enter into a supplemental agreement rather than inserting a new clause into the existing Agreement (as is being proposed).

    This allows greater clarity that the varied Agreement relates only to the particular development approved under Planning Permit PLN14/1055 and only affects the subject site. This approach would allow for the existing Agreement which applies to the entire Park Drive Estate to remain otherwise unchanged and for the remainder of the subject site to continue to be bound by the requirements of the existing agreement. Accordingly, this recommendation should be adopted.

78. Given the supplemental agreement would only be between Council and the landowners of No. 5 Park Drive, other parties to the agreement would not be affected by the variation to the agreement. A separate application will be required each time any party to the agreement wish to amend or remove the agreement under Section 178A of the Act and will be assessed on its own merits.

79. Granting this variation to the agreement in the form of the supplemental agreement does not create a precedent for any further amendment to the agreement. It is not predetermined that any further changes to the Agreement would be (or would have to be) supported. Each case would need to be considered on its merits. As the controls within the Scheme presently stand, any other lots within the estate seeking to construct a similar third-storey dwelling extension, for instance, would not be able to do so given the current requirements of the Neighbourhood Residential Zone, which now has mandatory height controls limiting new development to a maximum of two storeys.

80. In essence, the current Scheme provides greater control over the future development of the Park Drive Estate than the former version of the Scheme at the time of the Agreement. Under the current Scheme, the development approved under Planning Permit PLN14/1055 would not be approved. The subject site is located in the Neighbourhood Residential Zone which (by way of Amendment C176 introduced in 30 April 2015) has a mandatory two-storey limit, which cannot be varied under an application for review at VCAT.

    (e) The reasons why the Responsible Authority entered into the agreement

81. Council entered into the Agreement in 2000 to ensure the use and development of lots within the Park Drive Estate maintain on-going compliance with the conditions of the subdivision permit (Planning Permit 981449) in terms of keeping a low-scale built form character in respect of the adjoining parkland after the land has been subdivided and the subdivision permit is 'spent'.

82. The variation to the Agreement is not considered to undermine the reasons for entering into the agreement given the existing agreement will remain unchanged and, consistent with the recommendation of Council's legal advisor, a supplemental agreement be entered into (rather than submitted amendment request of inserting a new clause into the existing agreement). As previously stated, the supplemental agreement will serve only to enable the particular development approved by Planning Permit PLN14/1055 on the subject site. The approval of Planning Permit PLN14/1055 was not considered to have adverse impacts on the adjoining parkland.

    (f) If the amendment is to remove land from the application of the agreement, whether the land is subject to any further liability under the agreement

83. The amendment does not propose to remove the land (the subject site) from the Agreement.

(g) Any relevant permit or other requirement the land is subject to under the Subdivision Act 1988

84. As discussed above, there are only two permits relevant to this amendment - Planning Permit 981449, which resulted in the creation of the Agreement under condition 20 of the permit; and, Planning Permit PLN14/1055, which requires the amendment or removal of the agreement applying to the subject site under condition 1 of the permit.

(h) Any other prescribed matter

85. None.

Objector concerns

86. The majority of the objector concerns have been addressed throughout the report. A summary is however provided below:

Loss of local amenity

87. The planning merits in constructing the third-storey extension approved under Planning Permit PLN14/1055 at No. 5 Park Drive was already considered at the time the permit was issued. Council's planning officers, following its full assessment, resolved to refuse the application on the basis that the height of the development was not in keeping with the existing and preferred character of the estate. Council's decision to this application was overturned by the Tribunal as it determined that the particular development at the subject site specifically would not cause a loss of local amenity due to its size and limited visibility from the public realm. It would be futile to revisit the impact of the particular development at No. 5 Park Drive on local amenity when the Tribunal has already done so and resolved to overturn Council's decision on this matter and direct to issue the permit.

Loss of certainty over the nature of built form and possibility of inappropriate development in the Park Drive Estate;

88. By entering into a supplemental agreement as recommended by Council's legal advisors, the existing Agreement will continue to be in place for all lots within the Park Drive Estate. Should a three-storey dwelling extension be proposed under current circumstances, it would be prohibited and incapable of support by Council given the mandatory two-storey limit of the Neighbourhood Residential Zone that was introduced into the Scheme on 30 April 2015.

89. Any future application lodged to Council for a dwelling extension on a lot within the Park Drive Estate would be subject to an assessment against the current Scheme, and would need to meet the requirements of the Agreement. Currently there are greater controls in the Scheme, in terms of height and number of storeys that were not in the Scheme and as such were not applicable when Planning Application PLN14/1055 was lodged on 14 November 2014, which benefitted from transitional provisions.

The "overturn" of a legal agreement which was made between Council, local residents and developer to maintain a low-rise, controlled development in the Park Drive Estate.

90. Varying the Agreement by way of entering into a supplemental Agreement as recommended by Council's legal advisors is not considered to overturn the existing agreement. Moreover, while the subject site would be bound by the requirements of the existing Agreement and the supplemental agreement, the existing agreement would remain in place for all remaining lots within the Park Drive Estate. In short, the supplemental agreement will only allow the permit holder of No. 5 Park Drive to construct the development approved under the permit.

Conclusion

Based on the assessment provided in this report, the amendment to the Agreement is considered to be appropriate and should therefore be supported subject to modification, with the existing agreement to remain unchanged and a supplemental agreement entered into between Council and the landowners of No. 5 Park Drive.

RECOMMENDATION

1. That having considered all the matters set out in Section 178B(1) of the *Planning and Environment Act 1987* and all objections received, the Committee resolves to issue a Notice of Decision to Amend Section 173 Agreement under Section 178E(3)(b) of the Act associated with 5 Park Drive, Clifton Hill, in a manner that is not substantively different from the proposal, as detailed below:

    (a) Section 173 Agreement W900947G is to remain unchanged.

    (b) The amendment to the agreement will take effect through a supplemental agreement. In substance, the covenants of the existing s173 agreement will be varied for No. 5 Park Drive, Clifton Hill to give effect to condition 1 of Planning Permit PLN14/1055 (the Permit), issued by Council at the direction of the Victorian Civil and Administrative Tribunal, by allowing the development of the land at No. 5 Park Drive, Clifton Hill to contravene clauses 3.2.3 and 3.2.7 of the existing s173 agreement only to the extent authorised by Planning Permit PLN14/1055.

    (c) Within three (3) months of the registration of the supplemental agreement on title, the landowners of No. 5 Park Drive, Clifton Hill must provide a copy of title to Council.

CONTACT OFFICER: **Catherine Balagtas**
TITLE: **Statutory Planner**
TEL: **03 9426 1425**

Attachments

1 PLN17/0648 - 5 Park Drive Clifton Hill - Locality Map
2 PLN17/0648 - 5 Park Drive Clifton Hill - Section 173 Agreement
3 PLN17/0648 - 5 Park Drive Clifton Hill - Supplemental Agreement
4 PLN14/1055 - 5 Park Drive Clifton Hill - Planning Permit
5 PLN14/1055 - 5 Park Drive Clifton Hill - Endorsed Plan
6 981449 - Crown Allotment 44 Walker Street Clifton Hill - Planning Permit
7 981449 - Crown Allotment 44 Walker Street Clifton Hill - Endorsed Building Envelope
8 981449 - Crown Allotment 44 Walker Street Clifton Hill - Endorsed Design Guidelines
9 Markey v Yarra CC [2017] VCAT 716 (18 May 2017) - VCAT Order

Attachment 1 - PLN17/0648 - 5 Park Drive Clifton Hill - Locality Map

SUBJECT LAND: 5 Park Drive, Clifton Hill



Subject Site

Department of Transport, Planning and Local Infrastructure

Imaged Document Cover Sheet

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Document Type	**instrument**
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Number of Pages (excluding this cover sheet)	**19**
Document Assembled	**17/02/2015 11:57**

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Attachment 2 - PLN17/0648 - 5 Park Drive Clifton Hill - Section 173 Agreement

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OFFICE OF TITLES L.K.C. VICTORIA

WITHDRAWN &
10 JUL 2000
Form 13
RELODGED

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260500 1412 173
W900947G
100700 2300 173 $0

APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE M... RECORDING OF AN AGREEMENT

***Planning and Environment Act* 1987**

Lodged at the Land Titles Office by:

Name:	Maddock Lonie & Chisholm
Phone:	9288 0555
Address:	140 William Street, Melbourne 3000 or DX 259 Melbourne
Ref:	JXR:MSB:659086

Customer Code: 1167E

The Authority having made an agreement referred to in section 181(1) of the *Planning and Environment Act* 1987 requires a recording to be made in the Register for the land.

Land: Certificate of Title ~~Volume 10453 Folio 929~~ ~~10509~~ Volume 10509 Folios 686-714 (Di)

AMENDED
-7 JUL 2000

Authority: Yarra City Council of 333 Bridge Road, Richmond, 3121

With consent of Current Practitioner for

Section and Act under which agreement made: Section 173 of the *Planning and Environment Act* 1987.

A copy of the agreement is attached to this application

Signature for the Authority: .....

Name of officer: DEBORAH COLE

Office held: CHIEF EXECUTIVE OFFICER

Date: 2 MAY 2000

[659086/MSB/MSB0801 1]

- 1 JUN 2000

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Attachment 2 - PLN17/0648 - 5 Park Drive Clifton Hill - Section 173 Agreement

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Maddock Lonie & Chisholm

LAWYERS

DATED **2000**

YARRA CITY COUNCIL

- and -

WALKER STREET DEVELOPMENTS PTY LTD

Agreement Under Section 173 of the Planning and Environment Act 1987

Subject Land: 101 Walker Street, Clifton Hill

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A MEMBER OF
adelac asia
ADELAIDE, COLOMBO, DUBAI, HONG KONG,
JAKARTA, KUALA LUMPUR, MANILA, MELBOURNE,
MUMBAI, NEW DELHI, PERTH, SINGAPORE, SYDNEY, TIANJIN

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DX 259 MELBOURNE

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Attachment 2 - PLN17/0648 - 5 Park Drive Clifton Hill - Section 173 Agreement

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THIS AGREEMENT UNDER SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987 is made on 2 May 2000

BETWEEN

YARRA CITY COUNCIL
of 333 Bridge Road, Richmond
("Council")

AND

WALKER STREET DEVELOPMENTS PTY LTD ACN 083 052 215
of "Willsmere" Unit 30 Wiltshire Drive, Kew
("Owner")

RECITALS

A. Council is the responsible authority pursuant to the Act for the Planning Scheme.

B. The Owner is or is entitled to be the registered proprietor of the Subject Land.

C. On 4 August 1999 Council issued Planning Permit No. 981449 ("the Planning Permit") allowing the Subject Land to be subdivided in accordance with a plan to be endorsed under condition 1 of the Planning Permit. Condition 20 of the Planning Permit requires the Owner to enter into this Agreement to provide for the matters set out in that condition. A copy of the Planning Permit is attached to this Agreement and marked "A".

D. As at the date of this Agreement, the Subject Land is encumbered by Mortgage number W421980J in favour of the Mortgagee. The Mortgagee has consented to the Owner entering into this Agreement with respect to the Subject Land.

E. The parties enter into this Agreement:

(a) to give effect to the requirements of the Planning Permit; and

(b) to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

THE PARTIES AGREE

1. DEFINITIONS

In this Agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise:

"Act" means the Planning and Environment Act 1987;

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"**Agreement**" means this agreement and any agreement executed by the parties expressed to be supplemental to this Agreement;

"**Building**" has the same meaning as in the Planning Scheme and includes dwellings, swimming pools, tennis courts and out-buildings;

"**Building Envelopes**" means the area delineated and identified on the Endorsed Plan as a building envelope or the like;

"**Endorsed Plan**" means the plan endorsed with the stamp of Council from time to time as the plan which forms part of the Planning Permit. A copy of the plan endorsed as at the date of this Agreement is attached to this Agreement and marked with the letter "B";

"**Landscape Plan**" means the plan required by condition 16 of the Planning Permit, to be endorsed with the stamp of Council from time to time as a plan which forms part of the Planning Permit;

"**lot**" means a lot on the Endorsed Plan;

"**Mortgagee**" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it;

"**Owner**" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of it and includes a Mortgagee-in-possession;

"**party or parties**" means the Owner and Council under this Agreement as appropriate;

"**Planning Permit**" means the Planning Permit referred to in recital C of this Agreement;

"**Planning Scheme**" means the Yarra Planning Scheme and any other planning scheme that applies to the Subject Land;

"**Subject Land**" means the land situated at 101 Walker Street, Clifton Hill being the land referred to in Certificate of Title Volume 10453 Folio 929 and any reference to the Subject Land in this Agreement includes any lot created by the subdivision of the Subject Land or any part of it.

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2. **INTERPRETATION**

In this Agreement unless the context admits otherwise:

2.1 The singular includes the plural and vice versa.

2.2 A reference to a gender includes a reference to each other gender.

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2.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.

2.4 If a party consists of more than one person this Agreement binds them jointly and each of them severally.

2.5 A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.

2.6 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.

2.7 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.

2.8 The obligations of the Owner under this Agreement will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land provided that if the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

3. SPECIFIC OBLIGATIONS OF THE OWNER

3.1 The Owner acknowledges the extent of use and types of activities associated with the scouts hall to the west of the Subject Land and the soccer field forming part of Hall Reserve to the east of the Subject Land.

3.2 The Owner agrees that:

3.2.1 it must not build, construct or erect or cause or permit to be built, constructed or erected more than one dwelling on any lot;

3.2.2 save for the subdivision of lots as authorised by the Planning Permit, it must not subdivide any of the lots, unless for the purposes of realigning the boundaries of the lot or public acquisition;

3.2.3 it must not build, construct or erect or cause or permit to be built, constructed or erected any Building on the Subject Land or any part of the Subject Land outside the Building Envelopes;

3.2.4 the height of any Building on any lot must be in accordance with the data point for building heights defined for that lot;

3.2.5 it must maintain pedestrian access to Hall Reserve at the eastern end of Park Drive

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3.2.6 it must ensure that the occupiers of the lots provide and maintain planting in the private open space areas of each lot in accordance with the Landscape Plan;

3.2.7 all Buildings must be constructed generally in accordance with the endorsed Design Guidelines to the satisfaction of Council;

3.2.8 it will, at no cost to Council, transfer to Council the area of 213 square metres to the north east of the Subject Land labelled Public Reserve on the plan prepared by Phillip Harmer, which is numbered TP1, titled Subdivision and Building Envelope Plan and dated 25 January 1999 (the transferred land will then be made part of Hall Reserve);

3.2.9 it must pay the cost incurred by Council in landscaping the southern side of Walker Street contiguous with the Subject Land to the satisfaction of Council;

3.2.10 it must pay the cost incurred by Council in continuing the landscaping theme of the row of trees planted in Quarries Park directly to the south of the Subject Land; and

3.2.11 all utility services including electricity and cable for media and telecommunications services must be installed underground at its expense.

4. FURTHER OBLIGATIONS OF THE OWNER

4.1 Notice and Registration

The Owner further covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.

4.2 Further actions

The Owner further covenants and agrees that:

4.2.1 the Owner will do all things necessary to give effect to this Agreement;

4.2.2 the Owner will consent to Council making application to the Registrar of Titles to make a recording of this Agreement in the egister on the Certificate of Title of the Subject Land in :cordance with Section 181 of the Act and do all things ecessary to enable Council to do so including signing any further greement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.

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4.3 Council's Costs to be Paid

The Owner further covenants and agrees that the Owner will immediately pay to Council, Council's reasonable costs and expenses (including legal expenses) of and incidental to the preparation, drafting, finalisation, engrossment, execution, registration and enforcement of this Agreement which are and until paid will remain a debt due to Council by the Owner.

5. AGREEMENT UNDER SECTION 173 OF THE ACT

Council and the Owner agree that without limiting or restricting the respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.

6. OWNER'S WARRANTIES

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

7. SUCCESSORS IN TITLE

Without limiting the operation or effect that this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Subject Land, successors in title shall be required to:

7.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and

7.2 execute a deed agreeing to be bound by the terms of this Agreement.

8. GENERAL MATTERS

8.1 Notices

A notice or other communication required or permitted to be served by a party on another party must be in writing and may be served:

8.1.1 by delivering it personally to that party;

8.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or

8.1.3 by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or prepaid post.

W900947G
100700 2300 173 $0



(659086/MSB/ALW0716:1)

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DW900947G-9-9

8.2 Service of Notice

A notice or other communication is deemed served:

8.2.1 if delivered, on the next following business day;

8.2.2 if posted, on the expiration of two business days after the date of posting; or

8.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.

8.3 No Waiver

Any time or other indulgence granted by Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

8.4 Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

8.5 No Fettering of Council's Powers

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land or relating to any use or development of the Subject Land.

9. COMMENCEMENT OF AGREEMENT

Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

10. ENDING OF AGREEMENT

10.1 This Agreement ends when the Owner has complied with all of the obligations imposed on the Owner under this Agreement.

10.2 If this Agreement relates to more than one lot and the owner of that lot has complied with all of the obligations in relation to that lot, the owner of that lot may request Council to end this [illegible] in relation to that lot.

W900947G
100700 2300 173 $0

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10.3 As soon as reasonably practicable after the Agreement has ended, Council will, at the request and at the cost of the Owner make application to the Registrar of Titles under Section 183(2) of the Act to cancel the recording of this Agreement on the register.

EXECUTED by the parties on the date set out at the commencement of this Agreement.

DW900947G-10-7

W900947G
100700 2300 173 $0

{659086/MSB/ALW0716:1}

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THE COMMON SEAL of the **YARRA CITY COUNCIL** was affixed hereto in the presence of:

..... Mayor

..... Chief Executive Officer

THE COMMON SEAL of **WALKER STREET DEVELOPMENTS PTY LTD** ACN **083 052 215** was affixed in the presence of authorised persons:

..... Director

Steven Onake ..... Full name

21/74 Power Street, Hawthorn ..... Usual address

..... Director (or Company Secretary)

Stephen Gombac ..... Full name

Williamstown, Unit 30 Wiltshire Drive Kew ..... Usual address

Mortgagee's Consent

AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED as Mortgagee of registered mortgage No. W421980J consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes Mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

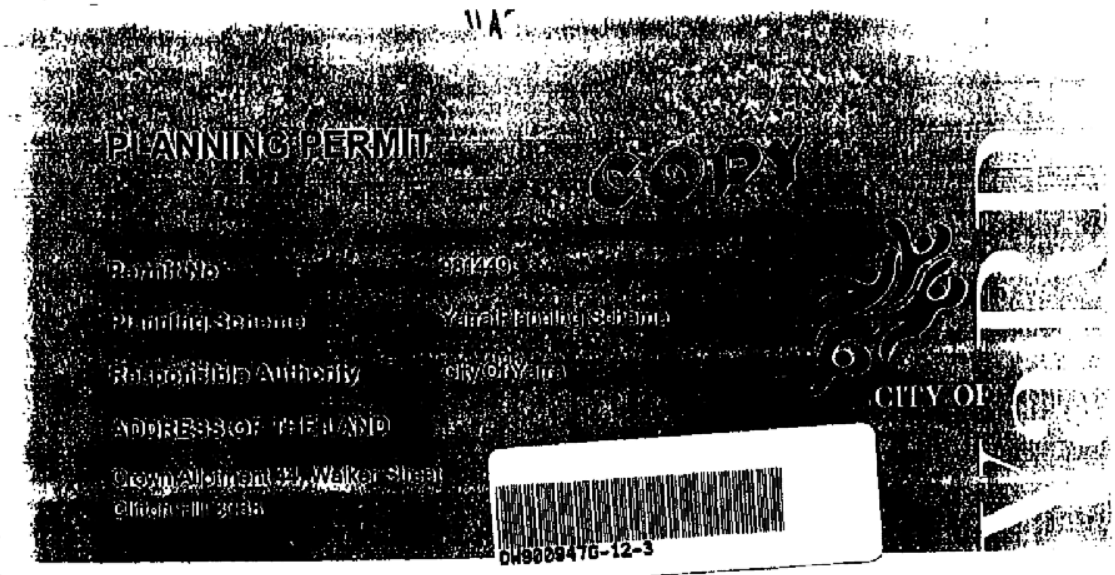
.....
M. Fonhaus

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{659086/MSB/ALW0716.1}

Attachment 2 - PLN17/0648 - 5 Park Drive Clifton Hill - Section 173 Agreement

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THE PERMIT ALLOWS

For the purpose of the following, in accordance with the endorsed plan(s).

Residential subdivision incorporating a Building Envelope Plan and Design Guidelines and removal of trees

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

1. **Amended Plans**
Before the development starts amended plans to the satisfaction of the Responsible Auth. ity must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the Phillip Harmer Pty Ltd plans dated 25 January 1999, but modified to show:

   (a) Deletion of the third storey envelope to Lots 25, 26, and 27;

   (b) Modification of the building envelope plan and/or reconfiguration of the subdivision to provide private open space areas to each of the lots which contain at least an area at ground level totalling 40 square metres, with one part at the side or rear with an area of 25 square metres and a minimum width of 3 metres as per Technique 1, Element 9 of the Good Design Guide for Medium Density Housing;

   (c) Inclusion of the fencing type provided for each of the lots;

   (d) Notation of the eastern crossover to Park Drive as 'Entry Only' and the western crossover as 'Exit Only';

   (e) Provision of an appropriate level of street lighting along Park Dr

   (f) Removal of disused vehicle crossovers and reinstatement.

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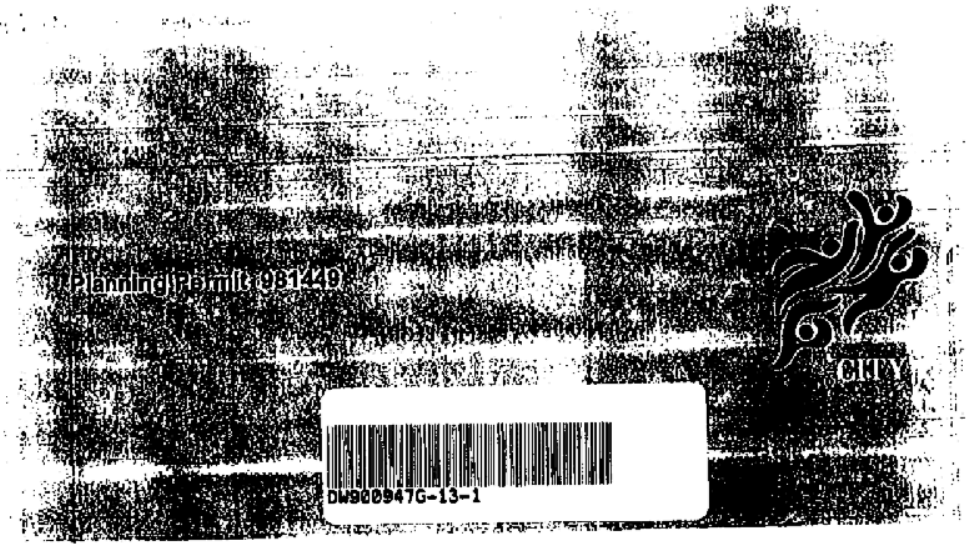
Date: 4 August 1999

Ms Diane Morrison
Signature for the Responsible Authority

Planning and Environment Regulations 1988 Form 4.4

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2. **Amended Design Guidelines**
Before the development starts three copies of amended Design Guidelines to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the Design Guidelines will be endorsed and will then form part of the permit. The Design Guidelines must be generally in accordance with the Design Guidelines submitted with the application, but modified to show:

(a) A requirement that any balconies and/or roof terraces are constructed within the horizontal and vertical building envelopes shown on the endorsed plans, and are designed into the architecture so that any associated structures do not have a negative visual impact on Walker Street or the adjoining parkland;

(b) Deletion of all references to a third storey component;

(c) Reduction of the maximum solid fence heights to 1200mm (where they front Walker Street);

(d) Reduction in the maximum open fence heights to 1500mm (where they front Walker Street);

(e) Deletion of reference to "designs that attempt to reproduce nineteenth century architectural styles will not be permitted";

(f) Modification of the proposed fence materials and building façade materials to provide for more flexibility and which appropriately respond to Objective A.3 of the Yarra River Corridor Urban Design Guidelines which "discourage bright or illuminated elements and treatments "such as signage, or building finishes) within [illegible] and

(g) A requirement that all of the garage doors provided with [illegible] fronting Walker Street, must be imaginatively designed [illegible] experience.

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3. **Layout Not Altered**
The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Ms Diane Morrison
Signature for the Responsible Authority

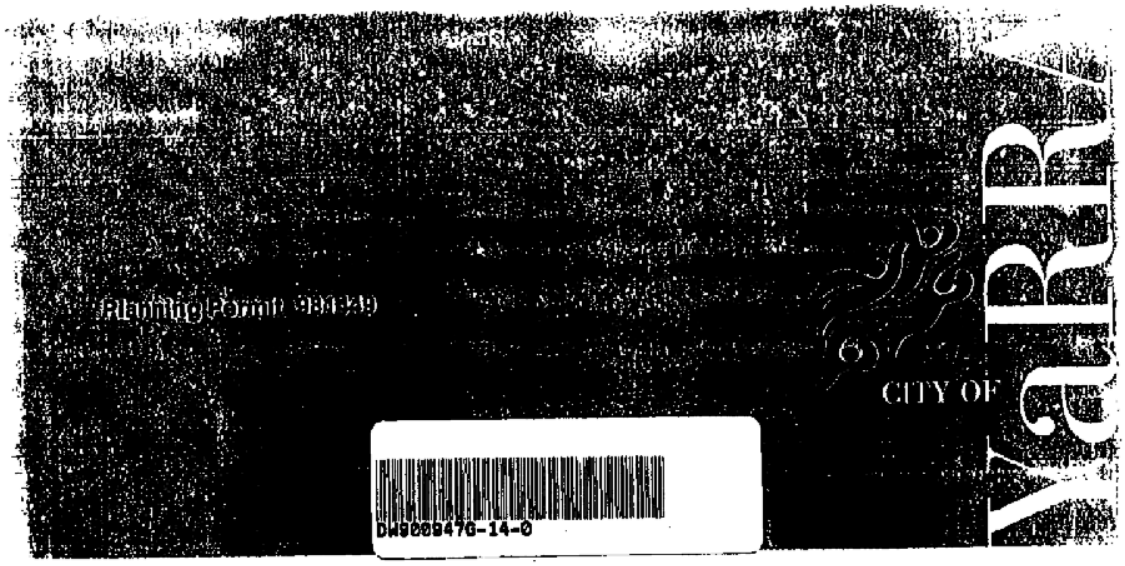
Date: 4 August 1999

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5. **City West Water Conditions**
   (a) That the owner of the subject land enters into an agreement with City West Water for the provision of water supply.
   (b) That the owner of the subject land enters into an agreement with City West Water for the provision of sewerage.

6. **CitiPower Conditions**
   The applicant must:
   (a) provide to CitiPower Pty a copy of the plan of subdivision submitted to the Council for certification. (CitiPower Reference number PS98/953).
   (b) provide to CitiPower Pty subdivision fee for assessment of plans.

   Note: All electrical installation shall comply with the requirements of Victoria Wiring Regulations 1991 and Service & Installation Rules Code of Practice.

7. **Telstra Conditions**
   (a) Prior to a Statement of Compliance being issued by the Responsible Authority, the owner shall provide to the satisfaction of Telstra all works for provision of Telecommunication Services to each lot created in the subdivision.
   (b) Where any extension or alterations to Telstra's network or plant are necessitated by the proposed subdivision, the cost of such works shall be met by the owner prior to the Statement of Compliance being issued.
   (c) The plan submitted for certification must show details of easements and/ or RCM/RIM sites which may be required by Telstra.
   (d) The plan of subdivision submitted for certification must be accordance with Section 8 of the Subdivision Act 1988.

   (Note: Following an application to Telstra for provision of cable advised of the details of easements and/or RCM/RIM sites wh

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8. **Stratus Networks Condition**
   The plan of subdivision submitted for certification must be referred to Stratus Networks in accordance with section 8 of the Subdivision Act 1988

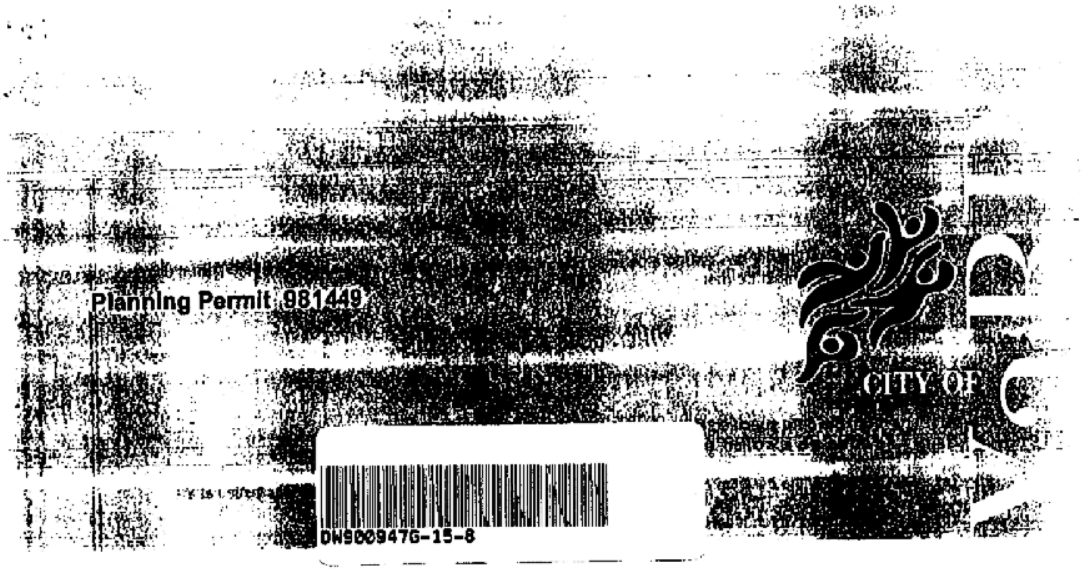
Date: 4 August 1999

Ms Diane Morrison
Signature for the Responsible Authority

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Attachment 2 - PLN17/0648 - 5 Park Drive Clifton Hill - Section 173 Agreement

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9. **Melbourne Water Conditions**
   (a) A temporary sediment trap shall be constructed and operational during the construction and development stages of this subdivision, or until 95% of the lots are developed;
   (b) A permanent litter trap must be fitted for connection to the existing drainage system into Merri Creek;
   (c) No polluted and/ or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses;
   (d) Separate application direct to Melbourne Water must be made for any new storm water connection to Melbourne Water's drains or watercourses;
   (e) Prior to certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988;
   (f) Prior to the issue of a Statement of Compliance, the applicant shall enter into and comply with an agreement with Melbourne Water Corporation under Section 269A of the Melbourne and Metropolitan Board of Works Act 1958 for the provision of drainage works and the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage system.

10. **Open Space Contribution**
    A cash contribution of 1.25 per cent of the value of the land must be made to Council for open space. This payment must be made before the issue of a statement of compliance.

11. **Discharge for Drainage**
    All drainage and reinstatement thereof on the road reserves must be to Co... Approval must be obtained from Council's Engineering Depart... for Drainage.

W900947G
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12. **Park Drive Plans**
    Before the development starts, construction plans to the satisfa... Authority must be submitted to and approved by the Responsibl... the plans will be endorsed and will then form part of the permit. ...plans must provide for the construction of Park Drive, associated crossovers, internal footpaths and the external footpath which is contiguous to the subject land. The plans must be drawn to scale with dimensions and three copies must be provided.

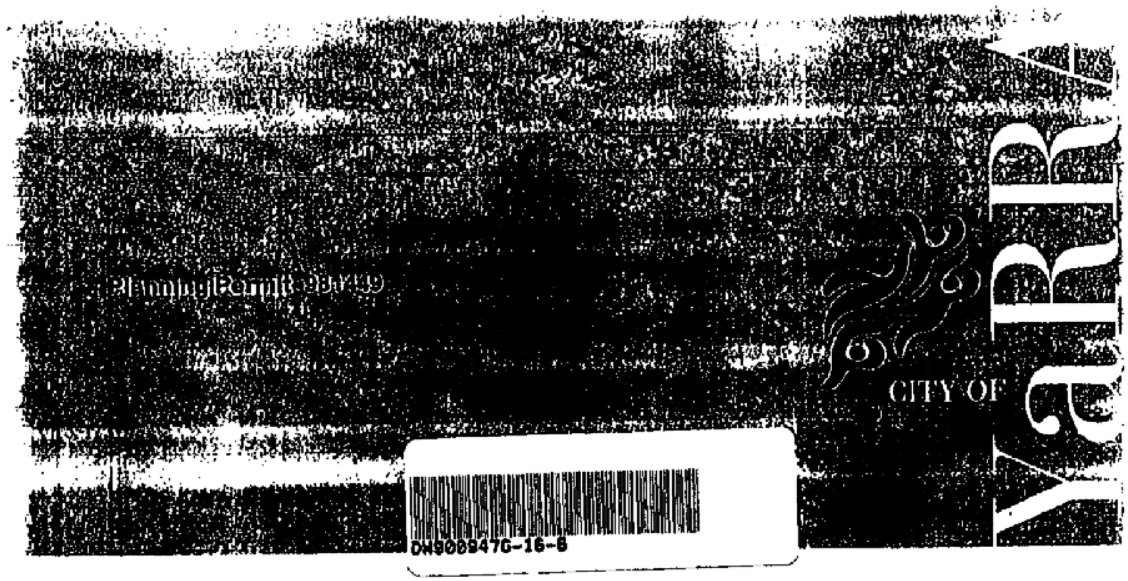
Date: 4 August 1999

Ms Diane Morrison
Signature for the Responsible Authority

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13. **Park Drive Construction**
Before the issue of the Statement of Compliance by the Responsible Authority, Park Drive, footpaths and associated works must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

14 **Carparking Surface**
Visitor car parking spaces must be, to the satisfaction of the Responsible Authority:

(a) used for no other purpose;

(b) formed to levels, constructed, line marked, sealed and drained to specifications approved by the Responsible Authority; and

(c) maintained.

15. **Park Drive Traffic Signs**
Traffic signs must be placed to the satisfaction of the Responsible Authority in a clearly visible position near both the entry and exit points to Park Drive advising of the one-way traffic flow through Park Drive.

16. **Landscape Plans**
Before the development starts a landscape 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 then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show landscaping of communal areas and the planting of mature indigenous trees with areas of Lots 16 and 17, and include:

W900947G
100700 2300 173 $0

(a) The location, quantity and size at maturity of all proposed

(b) The botanical names of all plants;

(c) The location of all areas to be covered by lawn and other s

(d) the specification of works to be undertaken prior to planting.

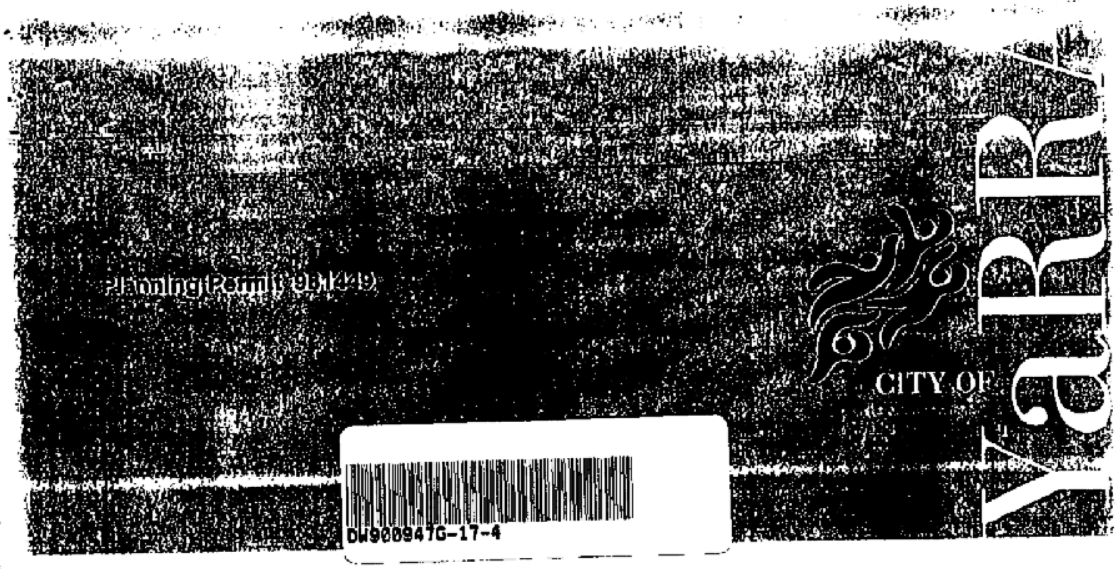
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17. **Vegetation Retention**
All vegetation shown on the endorsed landscape plans as to be retained must be marked prior to construction and must not be removed, destroyed or lopped.

18. **Landscaping**
Prior to commencement of buildings and works, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority, and must then be maintained to the satisfaction of the Responsible Authority.

19. **Construction Management**
Except with the written consent of the responsible authority demolition or construction works must only be carried out between 7.00am and 6.00pm Monday to Friday, and 9.00am and 6.00pm Saturday. No work shall be carried out on Sundays, Anzac Day, Christmas Day and Good Friday. All site operations shall comply with the Environment Protection (Residential Noise) Regulations 1997. During the construction phase of the development the following conditions shall be met:

(a) only clean rainwater shall be discharged to the stormwater drainage system;

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

(c) vehicle borne material from the premises shall not accumulate on the roads abutting the site.

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20. **Section 173 Agreement**
Before the development starts, the owner of the land must en e
Responsible Authority pursuant to Section 173 of the Planning All
costs associated with setting up the Agreement must be borne he
Agreement is to be registered on title and run with the land, ar
satisfaction of the Responsible Authority:

(a) The extent of use and types of activities associated with the Scouts Hall and Soccer Field is acknowledged;

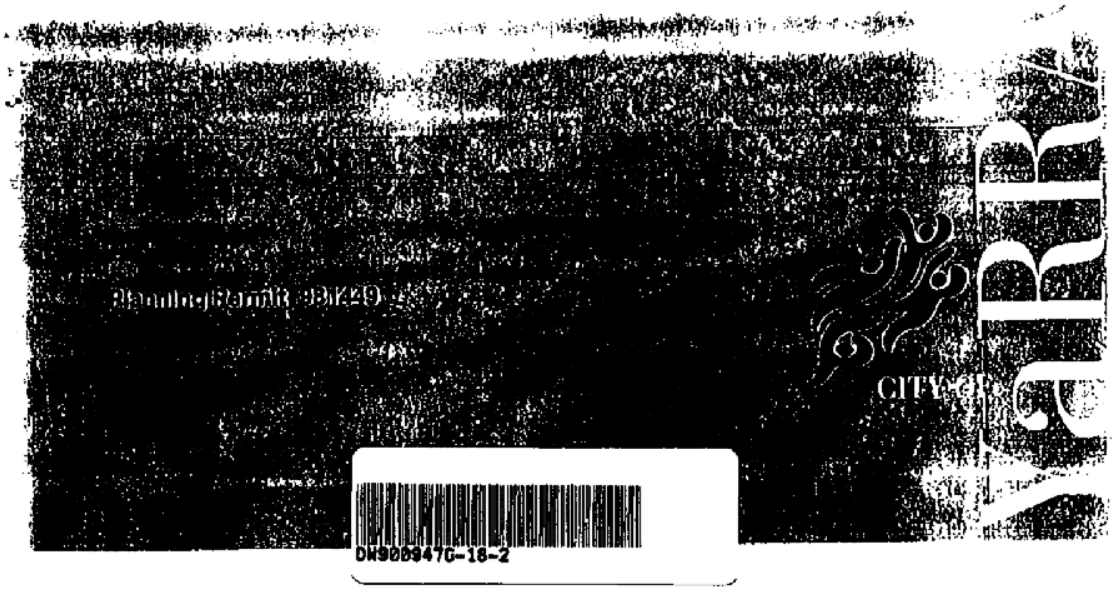
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Signature for the Responsible Authority

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DW900947G-18-2

(b) The development of each lot is limited to a single dwelling;

(c) The further subdivision of the lots, excluding for the purposes of boundary realignment or public acquisition, is not permitted;

(d) All development is restricted to within the horizontal and vertical building envelopes shown on the endorsed plans;

(e) The data point for the building heights for each lot is defined;

(f) The public pedestrian access to Hall Reserve at the eastern end of Park Drive is maintained;

(g) All future owners and occupiers must provide and maintain planting situated in their private open space areas, in accordance with the approved Landscape Plan;

(h) Development is to be generally in accordance with the endorsed Design Guidelines, to the satisfaction of the Responsible Authority;

(i) There is to be annexation of the north-east corner of the subject site, shown as an area of 213 square metres and labelled Public Reserve on the plan prepared by Phillip Harmer numbered TP1 which is titled Subdivision and Building Envelope Plan and dated 25 January 1999, to become part of Hall Reserve;

(j) A monetary contribution is to be made to cover the full cost of landscaping the southern side of Walker Street contiguous with the subject land to the satisfaction of the Responsible Authority. A Statement of Compliance will not be issued until this payment is received;

(k) A monetary contribution is to be made to cover the full cost o
theme of the row of trees planted in Quarries Park directly to
land. A Statement of Compliance will not be issued until thi

(l) All services are to be undergrounded at the full cost of the d

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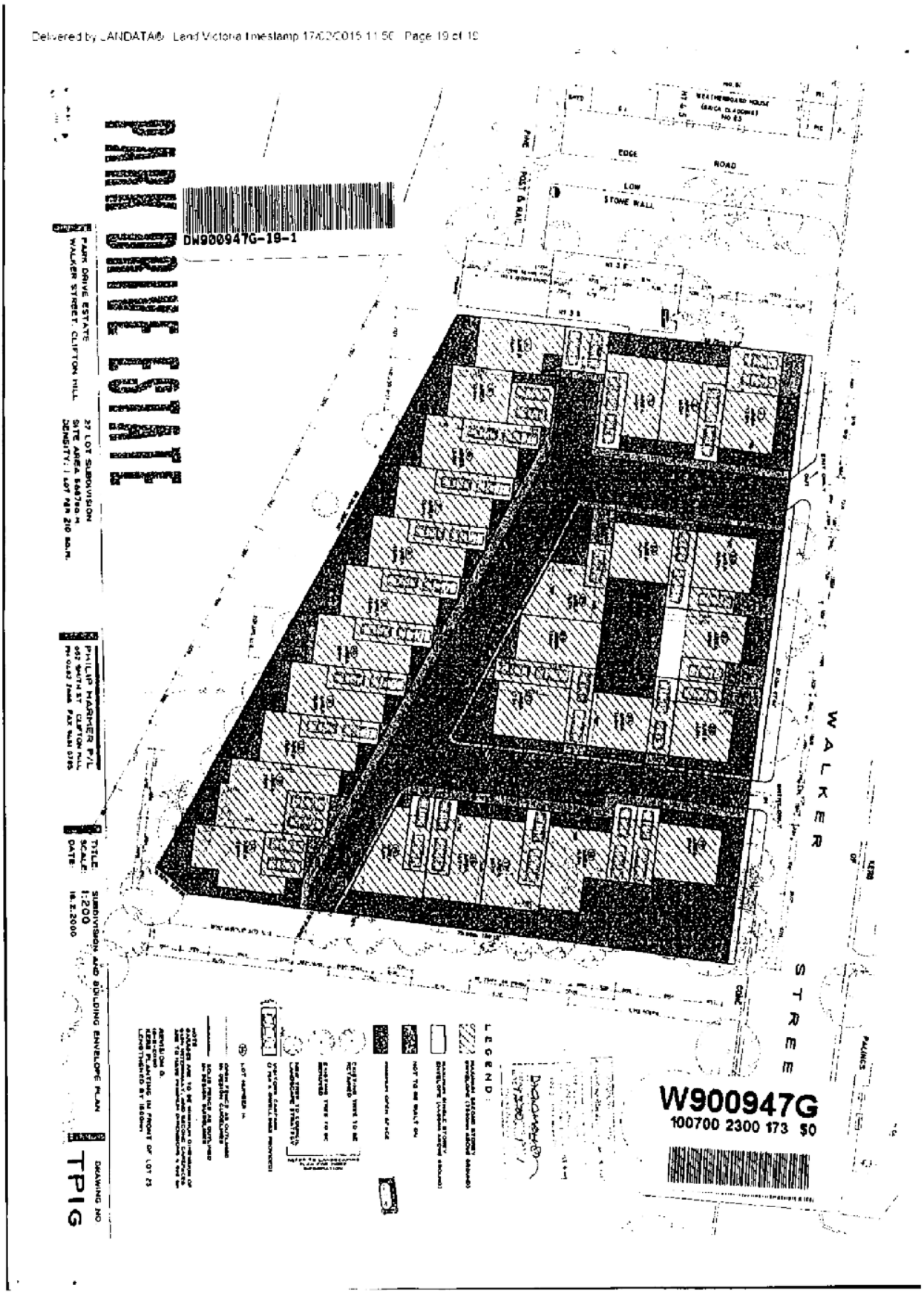
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Signature for the Responsible Authority

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Attachment 2 - PLN17/0648 - 5 Park Drive Clifton Hill - Section 173 Agreement



Maddocks

Lawyers
140 William Street
Melbourne Victoria 3000 Australia

Telephone 61 3 9258 3555
Facsimile 61 3 9258 3666

info@maddocks.com.au
www.maddocks.com.au

DX 259 Melbourne

PROPOSED SUPPLEMENTAL AGREEMENT

Supplemental Agreement under section 173 of the Planning and Environment Act 1987

Subject Land: 5 Park Drive, Clifton Hill

Yarra City Council
and

Julianne Bayliss
and

Peter Markey

[7379433: 22406093_1]

Interstate offices
Canberra Sydney

Affiliated offices around the world through the Advoc network - www.advoc.com

Maddocks

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PROPOSED SUPPLEMENTAL AGREEMENT

Maddocks

Supplemental Agreement under section 173 of the Planning and Environment Act 1987

Dated

Parties

Name	**Yarra City Council**
Address	333 Bridge Road, Richmond, Victoria
Short name	**Council**

Name	**Julianne Bayliss**
Address	5 Park Drive, Clifton Hill
Short name	**Owner**

Name	**Peter Markey**
Address	5 Park Drive, Clifton Hill
Short name	**Owner**

PROPOSED SUPPLEMENTAL AGREEMENT

Background

A. Council is the responsible authority for the Planning Scheme.

B. The Owner is or is entitled to be the registered proprietor of the Subject Land.

C. On 2 May 2000 the First Agreement was registered on the certificate of title of the Subject Land in dealing number W900947G.

D. On 18 May 2017, in VCAT Reference No. P45/2016, the Tribunal directed Council issue the Planning Permit for the Subject Land.

E. The development authorised by the Planning Permit contravenes clauses 3.2.3 and 3.2.7 of the First Agreement insofar as the height of the dwelling authorised by the Planning Permit:

E.1 extends beyond the Building Envelope, contrary to clause 3.2.3 of the First Agreement; and

E.2 exceeds the height allowed under the Design Guidelines, contrary to clause 2.3.7

F. The development authorised by the Planning Permit does not contravene clause 3.2.4 of the First Agreement insofar as there are no data points for building heights defined for any lot shown on Plan of Subdivision 432125U (including the Subject Land).

G. Condition 1 of the Planning Permit reads:

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Prior to commencement of development under this permit, the section 173 Agreement recorded on W900947G on Lot 4 of Plan of Subdivision 432125U must be removed or amended to allow the development of Lot 4 of Plan of Subdivision 432125U in accordance with this planning permit PLN14/1055.

H. On 10 August 2017, the Owners lodged an application to amend the First Agreement under section 178A of the Act to give effect to the obligation expressed in condition 1 of the Planning Permit.

I. On ##TBC, Council decided to approve the application to amend the First Agreement in a manner that is not substantively different from the Owners' proposal under section 178E(3)(b) of the Act.

J. The Parties agree to enter into this Agreement in order to give effect to:

J.1 the decision referred to in paragraph I; and

J.2 condition 1 of the Planning Permit.

K. As at the date of this Agreement, the Subject Land is encumbered by a mortgage in favour of the Mortgagee. The Mortgagee consents to the Owner entering into this Agreement.

The Parties agree

1. Definitions

In this Agreement unless the context admits otherwise:

Act means the *Planning and Environment Act 1987*.

Agreement means this Agreement and includes this Agreement and any agreement executed by the parties expressed to be supplemental to this agreement.

Building Envelope has the same meaning as in the First Agreement.

Consent Fee means a fee payable by the Owner to Council for deciding whether to give consent for anything this Agreement provides must not be done without Council's consent, and which is payable at the rate of:

(a) $317.90 if paid within 12 months from the date that this Agreement commences; or

(b) $317.90 plus Indexation if paid at any time after 12 months from the date that this Agreement commences.

Current Address means:

(c) for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and

(d) for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

Current Email means:

PROPOSED SUPPLEMENTAL AGREEMENT

(e) for Council, Info@yarracity.vic.gov.au, or any other email address listed on Council's website; and

(f) for the Owner, any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

Design Guidelines has the same meaning as in the First Agreement.

Endorsed Plan means the plan endorsed with the stamp of Council from time to time as the plan which forms part of the Planning Permit.

First Agreement means the agreement entered into under section 173 of the Act, recorded on the certificate of title to the Subject Land in dealing number W900947G.

Mortgagee means the person registered or entitled from time to time to be registered as mortgagee of the Subject Land.

Owner means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land and includes a mortgagee-in-possession.

Party or **Parties** means the Parties to this Agreement but does not include a person who has transferred or otherwise disposed of all of their interests in the Subject Land.

Planning Permit means planning permit no. PLN14/1055, as amended from time to time, issued on 18 May 2017, authorising the construction of a third storey extension to an existing double-storey dwelling on the Subject Land in accordance with the Endorsed Plan.

Planning Scheme means the Yarra Planning Scheme and any other planning scheme that applies to the Subject Land.

Subject Land means the land known as Lot 4 on Plan of Subdivision 432125U situated at 5 Park Drive, Clifton Hill being the land referred to in certificates of title volume 10509 folio 689 and any reference to the Subject Land includes any lot created by the subdivision of the Subject Land or any part of it.

Tribunal means the Victorian Civil and Administrative Tribunal.

2. Interpretation

In this Agreement unless the context admits otherwise:

2.1 the singular includes the plural and vice versa;

2.2 a reference to a gender includes all genders;

2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;

2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;

2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;

PROPOSED SUPPLEMENTAL AGREEMENT

2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;

2.7 the Background forms part of this Agreement;

2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and

2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

3. Purposes of Agreement

The Parties acknowledge and agree that the purposes of this Agreement are to:

3.1 give effect to the decision by Council to approve the application to amend the First Agreement made under section 178A of the Act to give effect to the obligation expressed in condition 1 of the Planning Permit;

3.2 give effect to condition 1 of the Planning Permit; and

3.3 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

4. Reasons for Agreement

The Parties acknowledge and agree that Council has entered into this Agreement for the following reasons:

4.1 the Tribunal directed Council to issue the Planning Permit to include the condition requiring the amendment of the First Agreement;

4.2 Council has approved the application to amend the First Agreement made under section 178A of the Act;

4.3 the Owner has elected to enter into this Agreement in order to the obligation expressed in condition 1 of the Planning Permit; and

4.4 Council has elected to enter into this Agreement to give effect to the decision to approve the application to amend the First Agreement made under section 178A of the Act.

5. Agreement required

The Parties agree that this Agreement will continue to be required until the Owner has complied with all of the Owner's obligations.

6. Supplemental agreement

6.1 Agreement is supplemental to the First Agreement

The Parties agree that:

PROPOSED SUPPLEMENTAL AGREEMENT

6.1.1 this Agreement is supplemental to the First Agreement;

6.1.2 this Agreement must be read in conjunction with the First Agreement; and

6.1.3 other than as set out in clause 6.2 of this Agreement, the First Agreement is unchanged and all obligations of the First Agreement continue to apply.

6.2 Development of the Subject Land

The Owner covenants and agrees the development of the Subject Land may only contravene clauses 3.2.3 and 3.2.7 of the First Agreement to the extent authorised by the Planning Permit as shown in the Endorsed Plan.

7. Owner's further obligations

7.1 Notice and registration

The Owner must bring this Agreement to the attention of all prospective occupiers, purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns.

7.2 Further actions

The Owner:

7.2.1 must do all things necessary to give effect to this Agreement;

7.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the certificate of title of the Subject Land in accordance with s 181 of the Act; and

7.2.3 agree to do all things necessary to enable Council to do so, including:

(a) sign any further agreement, acknowledgment or document; and

(b) obtain all necessary consents to enable the recording to be made.

7.3 Council's costs to be paid

The Owner must pay to Council within 14 days after a written request for payment, Council's costs and expenses (including legal expenses) relating to this Agreement, including:

7.3.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;

7.3.2 preparing, drafting, finalising and recording any amendment to this Agreement; and

7.3.3 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

7.4 Time for giving consent

If Council makes a request for payment of any Consent Fee under clause 7.3**Error! Reference source not found.**, the Parties agree that Council will not decide whether to grant the consent sought until payment has been made to Council in accordance with the request.

PROPOSED SUPPLEMENTAL AGREEMENT

7.5 Interest for overdue money

7.5.1 The Owner must pay to Council interest in accordance with s 227A of the *Local Government Act 1989* on any amount due under this Agreement that is not paid by the due date.

7.5.2 If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

8. Agreement under sections 173 of the Act

Without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with s 173 of the Act.

9. Owner's warranties

The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

10. Successors in title

Until such time as a memorandum of this Agreement is recorded on the certificate of title of the Subject Land, the Owner must require successors in title to:

10.1 give effect to this Agreement; and

10.2 enter into a deed agreeing to be bound by the terms of this Agreement.

11. General matters

11.1 Notices

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

11.1.1 personally on the other Party;

11.1.2 by leaving it at the other Party's Current Address;

11.1.3 by posting it by prepaid post addressed to the other Party at the other Party's Current Address; or

11.1.4 by email to the other Party's Current Email.

11.2 Counterparts

This Agreement may be executed in counterparts, all of which taken together constitute one document.

PROPOSED SUPPLEMENTAL AGREEMENT

Maddocks

11.3 No waiver

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

11.4 Severability

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

11.5 No fettering of Council's powers

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

11.6 Inspection of documents

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

11.7 Governing law

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

12. Commencement of Agreement

This Agreement commences on the date specified on page one or if no date is specified on page one, the date Council executes this Agreement.

PROPOSED SUPPLEMENTAL AGREEMENT

Maddocks

Signing Page

Signed, sealed and delivered as a deed by the Parties.

Signed sealed and delivered for and on behalf, and with the authority, of the **Yarra City Council** by the member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer in the presence of:)

.....
Witness

Signed sealed and delivered by **Peter Markey** in the presence of:)

.....

.....
Witness

Signed sealed and delivered by **Julianne Bayliss** in the presence of:)

.....

.....
Witness

Mortgagee's Consent

Westpac Banking Corporation as Mortgagee under instrument of mortgage no. AL682497P consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

.....

PROPOSED SUPPLEMENTAL AGREEMENT

Attachment 4 - PLN14/1055 - 5 Park Drive Clifton Hill - Planning Permit

Helping you understand your planning needs

PLANNING PERMIT

Permit No: PLN14/1055

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

ADDRESS OF THE LAND:

5 Park Dr Clifton Hill VIC 3068

THE PERMIT ALLOWS:

In accordance with the endorsed plans:

- Construction of a third storey extension to an existing double-storey dwelling on land in the Neighbourhood Residential Zone – Schedule 1; and
- Construct of a third storey extension to an existing double-storey dwelling on land in the Environmental Significance Overlay – Schedule 2.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1 Prior to commencement of development under this permit, the section 173 Agreement recorded in W900947G on Lot 4 of Plan of Subdivision 432125U must be removed or amended to allow the development of Lot 4 of Plan of Subdivision 432125U in accordance with this planning permit PLN14/1055.

2 All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

3 Any damage to road(s) and footpath(s) or other Council infrastructure as a result of the development must be reinstated to the satisfaction of the Responsible Authority.

4 Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am - 6.00 pm, Monday - Friday (excluding public holidays) and 9.00 am – 3.00pm Saturday and public holidays. No work must be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise, to the satisfaction of the Responsible Authority.

Date: 18 May 2017

Katrina Thomas
Signature for the Responsible Authority

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64 64A and 86

For more information call 9205 5555 or visit **www.yarracity.vic.gov.au**

Attachment 4 - PLN14/1055 - 5 Park Drive Clifton Hill - Planning Permit

PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
   - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
   - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
   - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
   - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
   - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
   - the use or development of any stage is to be taken to have started when the plan is certified; and
   - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86

Attachment 4 - PLN14/1055 - 5 Park Drive Clifton Hill - Planning Permit

5 All new on-boundary walls are to be cleaned and finished to the satisfaction of the Responsible Authority.

6 This permit will expire if one of the following circumstances applies:

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

(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 after the expiry date for commencement, or within twelve months after the expiry date for completion.

Notes:

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

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

THIS PERMIT WAS ISSUED AT THE DIRECTION OF VCAT AS FOLLOWS:

Date of Order	
18 May 2017	Planning Permit PLN14/1055 was issued in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P45/2016

Date: 18 May 2017

Katrina Thomas
Signature for the Responsible Authority

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64 64A and 86

Page 2 of 2

Attachment 4 - PLN14/1055 - 5 Park Drive Clifton Hill - Planning Permit

PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

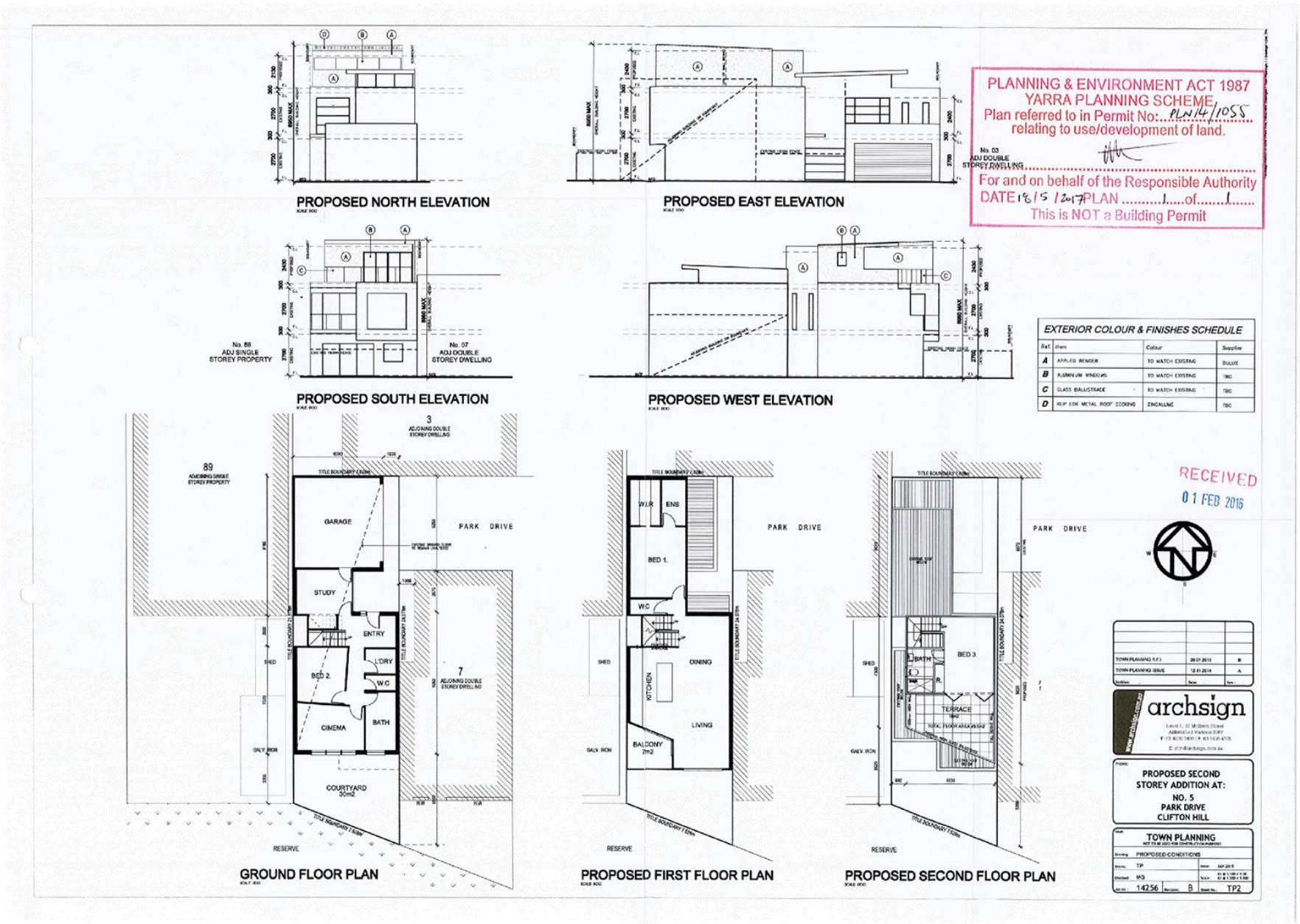
1. A permit for the development of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
   - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
   - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
   - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
   - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
   - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
   - the use or development of any stage is to be taken to have started when the plan is certified; and
   - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86

Attachment 5 - PLN14/1055 - 5 Park Drive Clifton Hill - Endorsed Plan



Attachment 6 - 981449 - Crown Allotment 44 Walker Street Clifton Hill - Planning Permit

PLANNING PERMIT

COPY

CITY OF YARRA

Permit No	981449
Planning Scheme	Yarra Planning Scheme
Responsible Authority	City Of Yarra

ADDRESS OF THE LAND

Crown Allotment 44, Walker Street
Clifton Hill 3068

THE PERMIT ALLOWS

For the purpose of the following, in accordance with the endorsed plan(s).

Residential subdivision incorporating a Building Envelope Plan and Design Guidelines and removal of trees

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

1. **Amended Plans**
Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the Phillip Harmer Pty Ltd plans dated 25 January 1999, but modified to show:

   (a) Deletion of the third storey envelope to Lots 25, 26, and 27;

   (b) Modification of the building envelope plan and/or reconfiguration of the subdivision to provide private open space areas to each of the lots which contain at least an area at ground level totalling 40 square metres, with one part at the side or rear with an area of 25 square metres and a minimum width of 3 metres as per Technique 1, Element 9 of the Good Design Guide for Medium Density Housing;

   (c) Inclusion of the fencing type provided for each of the lots;

   (d) Notation of the eastern crossover to Park Drive as 'Entry Only' and the western crossover as 'Exit Only';

   (e) Provision of an appropriate level of street lighting along Park Drive;

   (f) Removal of disused vehicle crossovers and reinstatement.

Date: 4 August 1999

Ms Diane Morrison
Signature for the Responsible Authority

Planning and Environment Regulations 1988 Form 4.4

Page 1 of 7

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Attachment 6 - 981449 - Crown Allotment 44 Walker Street Clifton Hill - Planning Permit

Planning Permit 981449

CITY OF YARRA

2. Amended Design Guidelines

Before the development starts three copies of amended Design Guidelines to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the Design Guidelines will be endorsed and will then form part of the permit. The Design Guidelines must be generally in accordance with the Design Guidelines submitted with the application, but modified to show:

(a) A requirement that any balconies and/or roof terraces are constructed within the horizontal and vertical building envelopes shown on the endorsed plans, and are designed into the architecture so that any associated structures do not have a negative visual impact on Walker Street or the adjoining parkland;

(b) Deletion of all references to a third storey component;

(c) Reduction of the maximum solid fence heights to 1200mm (where they front Walker Street);

(d) Reduction in the maximum open fence heights to 1500mm (where they front Walker Street);

(e) Deletion of reference to "designs that attempt to reproduce nineteenth century architectural styles will not be permitted";

(f) Modification of the proposed fence materials and building façade materials to provide for more flexibility and which appropriately respond to Objective A.3 of the Yarra River Corridor Urban Design Guidelines which "discourage bright or illuminated elements and treatments "such as signage, or building finishes) within the Corridor"; and

(g) A requirement that all of the garage doors provided within the site, including those fronting Walker Street, must be imaginatively designed to contribute to the pedestrian experience.

3. Layout Not Altered

The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Date: 4 August 1999

Ms Diane Morrison

Signature for the Responsible Authority

Planning and Environment Regulations 1988 Form 4.4

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Attachment 6 - 981449 - Crown Allotment 44 Walker Street Clifton Hill - Planning Permit

Planning Permit 981449

CITY OF YARRA

5. **City West Water Conditions**
   (a) That the owner of the subject land enters into an agreement with City West Water for the provision of water supply.
   (b) That the owner of the subject land enters into an agreement with City West Water for the provision of sewerage.

6. **CitiPower Conditions**
   The applicant must:
   (a) provide to CitiPower Pty a copy of the plan of subdivision submitted to the Council for certification. (CitiPower Reference number PS98/953).
   (b) provide to CitiPower Pty subdivision fee for assessment of plans.

   Note: All electrical installation shall comply with the requirements of Victoria Wiring Regulations 1991 and Service & Installation Rules Code of Practice.

7. **Telstra Conditions**
   (a) Prior to a Statement of Compliance being issued by the Responsible Authority, the owner shall provide to the satisfaction of Telstra all works for provision of Telecommunication Services to each lot created in the subdivision.
   (b) Where any extension or alterations to Telstra's network or plant are necessitated by the proposed subdivision, the cost of such works shall be met by the owner prior to the Statement of Compliance being issued.
   (c) The plan submitted for certification must show details of easements and/ or RCM/RIM sites which may be required by Telstra.
   (d) The plan of subdivision submitted for certification must be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.

   (Note: Following an application to Telstra for provision of cable reticulation the owner will be advised of the details of easements and/or RCM/RIM sites which will be required by Telstra).

8. **Stratus Networks Condition**
   The plan of subdivision submitted for certification must be referred to Stratus Networks in accordance with section 8 of the Subdivision Act 1988.

Date: 4 August 1999

Ms Diane Morrison
Signature for the Responsible Authority

Planning and Environment Regulations 1988 Form 4.4

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Attachment 6 - 981449 - Crown Allotment 44 Walker Street Clifton Hill - Planning Permit

Planning Permit 981449

CITY OF YARRA

9. Melbourne Water Conditions

(a) A temporary sediment trap shall be constructed and operational during the construction and development stages of this subdivision, or until 95% of the lots are developed;

(b) A permanent litter trap must be fitted for connection to the existing drainage system into Merri Creek;

(c) No polluted and/ or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses;

(d) Separate application direct to Melbourne Water must be made for any new storm water connection to Melbourne Water's drains or watercourses;

(e) Prior to certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988;

(f) Prior to the issue of a Statement of Compliance, the applicant shall enter into and comply with an agreement with Melbourne Water Corporation under Section 269A of the Melbourne and Metropolitan Board of Works Act 1958 for the provision of drainage works and the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage system.

10. Open Space Contribution

A cash contribution of 1.25 per cent of the value of the land must be made to Council for open space. This payment must be made before the issue of a statement of compliance.

11. Discharge for Drainage

All drainage and reinstatement thereof on the road reserves must be to Council's standards. Approval must be obtained from Council's Engineering Department for the Point of Discharge for Drainage.

12. Park Drive Plans

Before the development starts, construction plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must provide for the construction of Park Drive, associated crossovers, internal footpaths and the external footpath which is contiguous to the subject land. The plans must be drawn to scale with dimensions and three copies must be provided.

Date: 4 August 1999

Ms Diane Morrison

Signature for the Responsible Authority

Planning and Environment Regulations 1988 Form 4.4

Page 4 of 7

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Attachment 6 - 981449 - Crown Allotment 44 Walker Street Clifton Hill - Planning Permit

Planning Permit 981449

CITY OF YARRA

13. Park Drive Construction
Before the issue of the Statement of Compliance by the Responsible Authority, Park Drive, footpaths and associated works must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

14 Carparking Surface
Visitor car parking spaces must be, to the satisfaction of the Responsible Authority:

(a) used for no other purpose;

(b) formed to levels, constructed, line marked, sealed and drained to specifications approved by the Responsible Authority; and

(c) maintained.

15. Park Drive Traffic Signs
Traffic signs must be placed to the satisfaction of the Responsible Authority in a clearly visible position near both the entry and exit points to Park Drive advising of the one-way traffic flow through Park Drive.

16. Landscape Plans
Before the development starts a landscape 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 then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show landscaping of communal areas and the planting of mature indigenous trees with the rear private open space areas of Lots 16 and 17, and include:

(a) The location, quantity and size at maturity of all proposed plants;

(b) The botanical names of all plants;

(c) The location of all areas to be covered by lawn and other surface materials; and

(d) the specification of works to be undertaken prior to planting.

Date: 4 August 1999

Ms Diane Morrison
Signature for the Responsible Authority

Planning and Environment Regulations 1988 Form 4.4

Page 5 of 7

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Attachment 6 - 981449 - Crown Allotment 44 Walker Street Clifton Hill - Planning Permit

Planning Permit 981449

CITY OF YARRA

17. Vegetation Retention
All vegetation shown on the endorsed landscape plans as to be retained must be marked prior to construction and must not be removed, destroyed or lopped.

18. Landscaping
Prior to commencement of buildings and works, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority, and must then be maintained to the satisfaction of the Responsible Authority.

19. Construction Management
Except with the written consent of the responsible authority demolition or construction works must only be carried out between 7.00am and 6.00pm Monday to Friday, and 9.00am and 6.00pm Saturday. No work shall be carried out on Sundays, Anzac Day, Christmas Day and Good Friday. All site operations shall comply with the Environment Protection (Residential Noise) Regulations 1997. During the construction phase of the development the following conditions shall be met:

(a) only clean rainwater shall be discharged to the stormwater drainage system;

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

(c) vehicle borne material from the premises shall not accumulate on the roads abutting the site.

20. Section 173 Agreement
Before the development starts, the owner of the land must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. All costs associated with setting up the Agreement must be borne by the owner of the land. The Agreement is to be registered on title and run with the land, and is to provide that, to the satisfaction of the Responsible Authority:

(a) The extent of use and types of activities associated with the Scouts Hall and Soccer Field is acknowledged;

Date: 4 August 1999

Ms Diane Morrison
Signature for the Responsible Authority

Planning and Environment Regulations 1988 Form 4.4 Page 6 of 7

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Attachment 6 - 981449 - Crown Allotment 44 Walker Street Clifton Hill - Planning Permit

Planning Permit 981449

CITY OF YARRA

(b) The development of each lot is limited to a single dwelling;

(c) The further subdivision of the lots, excluding for the purposes of boundary realignment or public acquisition, is not permitted;

(d) All development is restricted to within the horizontal and vertical building envelopes shown on the endorsed plans;

(e) The data point for the building heights for each lot is defined;

(f) The public pedestrian access to Hall Reserve at the eastern end of Park Drive is maintained;

(g) All future owners and occupiers must provide and maintain planting situated in their private open space areas, in accordance with the approved Landscape Plan;

(h) Development is to be generally in accordance with the endorsed Design Guidelines, to the satisfaction of the Responsible Authority;

(i) There is to be annexation of the north-east corner of the subject site, shown as an area of 213 square metres and labelled Public Reserve on the plan prepared by Phillip Harmer numbered TP1 which is titled Subdivision and Building Envelope Plan and dated 25 January 1999, to become part of Hall Reserve;

(j) A monetary contribution is to be made to cover the full cost of landscaping the southern side of Walker Street contiguous with the subject land to the satisfaction of the Responsible Authority. A Statement of Compliance will not be issued until this payment is received;

(k) A monetary contribution is to be made to cover the full cost of continuing the landscaping theme of the row of trees planted in Quarries Park directly to the south of the subject land. A Statement of Compliance will not be issued until this payment is received; and

(l) All services are to be undergrounded at the full cost of the owner of the land.

Date: 4 August 1999

Ms Diane Morrison
Signature for the Responsible Authority

Planning and Environment Regulations 1988 Form 4.4

Page 7 of 7

City of Yarra PO Box 168 Richmond 3121 Ausdoc DX30205 Richmond
Telephone (03) 9205 5555 Facsimile (03) 9205 5081 or (03) 9205 5289

Attachment 6 - 981449 - Crown Allotment 44 Walker Street Clifton Hill - Planning Permit

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. This notice sets out on the reverse side what the permit allows and what conditions must be met.

WHEN DOES A PERMIT BEGIN?

A permit operates:

1. from the date specified in the permit; or
2. if no date is specified, from:

(a) the date of the decision of the Victorian Civil & Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or

(b) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:

(a) the development or any stage of it is not completed within the time specified in the permit, or

(b) the development or any stage of it is not completed within the time specified in the permit or, if no time is specified, within two years of the issue of the permit.

2. A permit for the use of land expires if:

(a) the use does not start within the time specified in the permit, or if no time is specified, within two years of the issue of the permit, or

(b) the use is discontinued for a period of two years

3. A permit for the development and use of land expires if:

(a) the development or any stage of it does not start within the time specified in the permit; or

(b) the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit.

(c) the use does not start within the time specified in the permit, or if no time if specified within two years of the issue of the permit, or

(d) the use is discontinued for a period of two years.

4. The expiry of a permit does not affect the validity of anything done under the permit before the expiry.

WHAT ABOUT APPEALS?

The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil & Administrative Administrative Tribunal where, in such case, no right of appeal exists.

- An appeal is lodged with the Victorian Civil & Administrative Tribunal within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the appeal must be lodged within 60 days after the giving of that notice.
- A Notice of Appeal form can be obtained from the Victorian Civil & Administrative Tribunal, 55 King Street, Melbourne. Telephone 9628 9777. Details about appeals can be obtained from the Victorian Civil & Administrative Tribunal.

Planning and Environment Regulations 1988 Form 4.4

Attachment 7 - 981449 - Crown Allotment 44 Walker Street Clifton Hill - Endorsed Building Envelope



Attachment 8 - 981449 - Crown Allotment 44 Walker Street Clifton Hill - Endorsed Design Guidelines

PHILIP HARMER

Architects:
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Clifton Hill, Vic. 3068
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PARK DRIVE ESTATE - WALKER ST CLIFTON HILL

DESIGN GUIDELINES AMENDED 18.5.99

The following guidelines are amended to include provisions in the Notice of Decision to Grant a Permit issued by the City of Yarra on 10th February 1999. The amended clauses are shown in italics.

1 Building Envelopes - Plan

The building envelopes indicated on the Subdivision and Envelopes Plan are shown as a maximum plan footprint that cannot be exceeded. Floor plans of a lesser size are permitted as long as minimum setbacks shown on the subdivision and envelopes plan are not reduced. Where shown on plans, balconies may be constructed as non trafficable roofs to lower storeys. Where shown on plans roofs must be constructed as non trafficable roofs.

2 Building Envelopes - Height

The building envelope heights shown on the Building Envelopes and Possible Elevations drawings are the maximum heights permitted for single and two storey structures and no part of any roof parapet or balustrade must not exceed the designated envelope height at any point above natural ground level. The envelope sections shown on the plans are shown as maximum dimensions and ceiling heights and overall heights may be reduced.

3 Fences

Fences are of two types as open and closed to provide privacy to outdoor space. Open fences are defined as open steel grilles or timber pickets or steel mesh with at least 50% open area.

Solid fences to private outdoor spaces shall be no greater than 1200mm in height facing Walker Street and 1800mm elsewhere to private open spaces.

Open fences must not be greater than 1500mm in height facing Walker Street and 1800mm elsewhere.

Preferred solid fences are cement rendered brick or blockwork and face pressed clay brickwork is also acceptable and fence design must appropriately respond to Objective A3 of the Yarra River Corridor Urban Design Guidelines 1998. Bright finishes are discouraged.

Preferred open fences are vertical steel bars at 150 centres with a cement rendered or brick plinth 300mm high.

PLANNING & ENVIRONMENT ACT
YARRA PLANNING SCHEME
Plan referred to in Permit No. 981449
for and on behalf of the responsible Authority
DATE: 5/8/99
This is NOT a Building Permit

4 Building Facades

This development encourages contemporary architecture. Facades that are articulated with a limited variety of materials and forms are preferred and must appropriately respond to Objective A3 of the Yarra River Corridor Urban Design Guidelines 1998. Bright or illuminated elements and treatments such as signage or building finishes are to be discouraged.

Preferred roof forms are pitched, or parapet with concealed roof or a combination of both. Gable and curved roof forms are also permitted.

Philip Harmer Pty. Ltd. ACN 005 823 754
Email:philip@pharmer.bu.aust.com

Directors *Philip Harmer B.Arch.F.R.A.I.A.*
Associates *Andrew Briant B.Arch.*
Ken Seakins C.O.T. Assoc.Dip.Building

Attachment 8 - 981449 - Crown Allotment 44 Walker Street Clifton Hill - Endorsed Design Guidelines

The following roof materials where visible are preferred:

- colorbond sheet metal
- slate
- bituminous shingles
- copper or zinc

The following roof materials are not permitted:

- concrete roof tiles
- metal roof tiles
- reflective materials.

Facades that articulate first and ground floors are preferred as are forms that reflect the form of the plan envelope.

No facade must have more than 50% of its surface area as face brickwork or blockwork.

Preferred materials for facades include the following:

- cement rendered brickwork (or blockwork)
- pressed clay brickwork (not wire cut bricks)
- concrete blocks
- painted dressed timber including weatherboards, tongue and groove timber lining, etc
- colorbond sheet metal of 'Mini Orb' corrugated, 'Panelrib' or 'Spandek' profile.
- cement sheet with applied finish
- painted compressed cement sheet
- stone veneer
- sheet copper or zinc if non reflective

The following materials are not permitted:

- reflective glass
- imitation cement sheet weatherboards such as 'Hardiplank' or equivalents
- wire cut or textured bricks
- glass blocks
- unpainted sheet metal or zincalume

PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Plan referred to in Permit No. 981449
relating to use / development of land.
for and on behalf of the responsible Authority
DATE 26 / 8 / 99 PLAN 2 of 3
This is NOT a Building Permit

5 Windows

Windows must be designed to maximise northern sun penetration to internal spaces. Windows with multiple small panes of glass are not permitted.

Windows must be designed to provide optimum levels of cross ventilation within each house.

The use of sun shading to minimise summer heat gain is encouraged. This may be achieved by slatted timber sun hoods to north facing windows and external blinds to east and west facing windows. These measures, together with internal curtains or blinds are preferred and will minimise energy costs.

6 Balconies and Roof Terraces

Any proposed balconies and/or roof terraces are to be constructed within the horizontal and vertical building envelopes shown on the endorsed plans, and the design must not have a negative visual impact on Walker Street or the adjoining parkland to the satisfaction of the responsible authority.

Attachment 8 - 981449 - Crown Allotment 44 Walker Street Clifton Hill - Endorsed Design Guidelines

7 ***Garage Doors***

Any garage doors provided within the site including those facing Walker Street must be imaginatively designed to contribute to the pedestrian experience.

8 ***Other Amendments***

– *Reference to three storey structures in Clause 2 deleted.*

– *References to designs that attempt to reproduce nineteenth century architectural styles deleted from Clause 4.*

PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Plan referred to in Permit No. 981449
relating to use / development of land.
for and on behalf of the responsible Authority
DATE 20/8/99 PLAN 3 of 3
This is NOT a Building Permit

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P45/2016
PERMIT APPLICATION NO.PLN14/1055

CATCHWORDS

Neighbourhood Residential Zone – Schedule 1; Clifton Hill; neighbourhood character; restriction; section 173 agreement.

APPLICANT	Peter Markey and Julianne Bayliss
RESPONSIBLE AUTHORITY	Yarra City Council
RESPONDENT	Jane Herington
SUBJECT LAND	5 Park Drive CLIFTON HILL VIC 3068
WHERE HELD	Melbourne
BEFORE	Susan Whitney, Member
DATE OF HEARING	27 February 2017
DATE OF ORDER	18 May 2017
CITATION	Markey v Yarra CC [2017] VCAT 716

ORDER

Permit granted

1 In application P45/2016 the decision of the responsible authority is set aside.

2 In planning permit application PLN14/1055 a permit is granted and directed to be issued for the land at 5 Park Drive, Clifton Hill in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:

- Construction of a third storey extension to an existing double-storey dwelling on land in the Neighbourhood Residential Zone – Schedule 1; and
- Construct of a third storey extension to an existing double-storey dwelling on land in the Environmental Significance Overlay – Schedule 2.

Susan Whitney
Member

APPEARANCES

For applicant	Mr Patrick Doyle, Solicitor, of TP Legal. He called expert evidence from: • Ms Tamara Orrlov, Urban Planner, of Tamara Orrlov Consulting.
For responsible authority	Ms Katrina Thomas, Town Planner, of Yarra City Council.
For respondent	No appearance.

INFORMATION

Description of proposal	Construction of a third storey to the existing building to provide one bedroom, an ensuite bathroom and a terrace. The additional floor area comprises a 19m^2 terrace and 30.5m^2 of internal floor area, totalling 49.5m^2.
Nature of proceeding	Application under section 77 of the *Planning and Environment Act 1987* – to review the refusal to grant a permit.
Planning scheme	Yarra Planning Scheme.
Zone and overlays	Neighbourhood Residential Zone – Schedule 1; Environment Significance Overlay – Schedule 2; and Environmental Audit Overlay.[1]
Permit requirements	Clause 32.09-5 (NRZ1) – construction or extension of one dwelling on a lot of less than 300m^2; and Clause 42.01-2 (ESO2) – to construct a building or construct or carry out works.[2]
Land description	The subject land is located on the western side of Park Drive, is irregularly shaped, with the northern boundary length being 7 metres, the western boundary being 21.4 metres and the eastern boundary 24 metres. The southern boundary is diagonal and is 7.5 metres. The site measures 160m^2 in area. The site contains a two-storey dwelling and entry to it is from the north-eastern corner of the site. It is part of a 27-lot residential subdivision at the eastern end of Clifton Hill.

[1] It is noted that the Tribunal was informed that the requirements of clause 45.03-1 of the Scheme in relation to the carrying out of buildings and works in association with a sensitive use were completed at subdivision stage and that a Statement was issued on 3 April 2000.

[2] I note that Schedule 2 to the ESO is Merri Creek and Environs.

	The site is located in a predominantly residential context, noting that Quarries Park Reserve is located to the south and there is a kindergarten to the west. 1 Park Drive, 3 Park Drive and 101 Walker Street all contain double-storey townhouses
Tribunal inspection	I conducted an unaccompanied inspection of the site from its surrounds, and the surrounds of the site, on 9 May 2017.

REASONS[3]

WHAT IS THIS PROCEEDING ABOUT?

1 Peter Markey and Julianne Bayliss seek the Tribunal's review of the decision by the Yarra City Council to refuse to approve their proposed construction of a third storey on their existing double-storey dwelling. The planning permit application originally also sought to vary the restrictive covenant that burdens the subject land, however, the Applicant no longer considers that such variation is necessary, so is not seeking review of the Council's refusal of this aspect of the proposal.

2 The Council refused the proposal effectively on the basis that the height of the development would be inconsistent with neighbourhood character.

3 Also relevant to the consideration of this proposal is the agreement made under section 173 of the *Planning and Environment Act* 1987 and recorded on the certificate of title in instrument W900947G ("**s173 Agreement**") and the restriction contained in Plan of Subdivision 432125U ("**Restriction**"). The Council submits that the proposal will offend the s173 Agreement although it will not result in a breach of the Restriction.

4 At the hearing, Mr Doyle took issue with the emphasis that the Council placed on the alleged inconsistency with the s173 Agreement, arguing that it was not apparent from the Council's ground of refusal that it would be making submissions on this matter to the extent that it did, notwithstanding that the existence of the s173 Agreement was relevant to the Tribunal's consideration of the proposal and was likely to be addressed at the hearing. Consequently, Mr Doyle (and the Council, in response) was given the opportunity to provide further written submissions on this matter. The parties were also given an opportunity to provide a response, on the papers, to the gazettal of Amendment VC110 subsequent to the hearing of this case.

5 The key issues that I need to determine are:

a. Is the proposal contrary to the terms of the s173 Agreement?

b. Is the proposal an appropriate response in terms of neighbourhood character?

c. Does the proposal create any unacceptable off-site amenity impacts?

6 Having considered the submissions presented and the applicable policies and provisions of the Yarra Planning Scheme, I have decided to set aside the decision of the Council with the result that a planning permit will issue. My reasons follow.

---

[3] The submissions and evidence of the parties, any supporting exhibits given at the hearing and the statements of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.

IS THE PROPOSAL CONTRARY TO THE TERMS OF THE S173 AGREEMENT?

7 The s173 agreement was entered into in accordance with condition 20 of planning permit 981449 that allowed the relevant land to be subdivided ("**Subdivision Permit**").

8 The Council referred me to certain parts of clause 3 of the s173 Agreement, as follows:

> 3.2 The Owner agrees that:
>
> …
>
> 3.2.3 it must not build, construct or erect or cause or permit to be built, constructed or erected any Building on the Subject Land or any part of the Subject Land outside the Building Envelopes;
>
> 3.2.4 the height of any Building on any lot must be in accordance with the data point for building heights defined for that lot;
>
> …
>
> 3.2.7 all Buildings must be constructed generally in accordance with the endorsed Design Guidelines to the satisfaction of Council.

9 "Building Envelopes" is defined in clause 1 of the s173 Agreement to mean:

> the area delineated and identified on the Endorsed Plan as a building envelope or the like.

10 "Building" is defined in clause 1 of the s173 Agreement as:

> has the same meaning as in the Planning Scheme and includes dwellings, swimming pools, tennis courts and out-buildings.

11 The "Endorsed Plan" referred to is the plan endorsed under the Subdivision Permit entitled "Subdivision and Building Envelope Plan", prepared by Philip Harmer P/L and dated 18/2/2000 ("**SBE Plan**"). On this plan, the subject land is hatched for the majority of its area, which accords with the Legend description "Maximum second storey envelope (7500mm above ground)", and is unhatched for the remainder of its area, which accords with the Legend description "Maximum single storey envelope (4400mm above ground)".

12 The endorsed Design Guidelines are those entitled "Park Drive Estate – Walker St Clifton Hill, Design Guidelines Amended 18.5.99". This document contains the following guidelines:

> 1. Building Envelopes – Plan
>
> The building envelopes indicated on the Subdivision and Envelopes Plan are shown as a maximum plan footprint that cannot be exceeded. Floor plans of a lesser size are permitted as long as minimum setbacks

> shown on the subdivision and envelopes plan are not reduced. Where shown on plans, balconies may be constructed as non trafficable roofs to lower storeys. Where shown on plans roofs must be constructed as non trafficable roofs.
>
> 2. Building Envelopes – Height
>
> The building envelope heights shown on the Building Envelopes and Possible Elevations drawings are the maximum heights permitted for single and two storey structures and no part of any roof parapet or balustrade must not exceed the designated envelope height at any point above natural ground level. The envelope sections shown on the plans are shown as maximum dimensions and ceiling heights and overall heights may be reduced.

13 It was the Council's position that the proposal would contravene the provisions of the s173 Agreement because the proposed new height of the dwelling, at 8.950 metres:

a. will exceed the height shown for the subject land on the SBE Plan, which is partly two-storey (7.5 metres above ground), and partly one-storey (4.4 metres above ground), contrary to clause 3.2.3 of the s173 Agreement; and

b. will exceed the height allowed for the subject land under the Design Guidelines, which refers to the "building envelope heights shown on the Building Envelopes and Possible Elevations drawings" being "the maximum heights permitted for single and two storey structures", contrary to clause 3.2.7 of the s173 Agreement.

14 The Council agreed with the Applicant that as there were no data points for building heights defined for any lot (including the subject land), clause 3.2.4 of the s173 Agreement was unenforceable.

15 It was the Applicant's position that, in relation to clause 3.2.3, an alternative interpretation of the Legend wording of "Maximum second storey envelope (7500mm above ground)" is that the provision:

> sets a maximum height for any second storey (while remaining silent in relation to the possibility of a third storey).[4]

16 Mr Doyle indicated that such an interpretation might serve a legitimate planning purpose in keeping the estate, which was anticipated to be predominantly two storey, at a reasonably consistent height and that third storeys would not be precluded but subject to the usual controls under the Scheme.

17 In terms of clause 3.2.7, the Applicant argued that the use of the wording "generally in accordance with the endorsed Design Guidelines to the satisfaction of Council" provided some leeway to the Council to determine whether any given plan is generally in accordance with the endorsed Design

[4] Refer Further Submission for the Applicant for Review by TP Legal, dated 6 March 2017 at [18].

Guidelines. In relation to the above-cited guideline addressing height, it was Mr Doyle's submission that as the guideline is silent as to third storeys, that the document does not clearly prohibit third storeys.

18 In any event, Mr Doyle stated that:

> Nonetheless, it remains arguable that clause 3.2.3 would be contravened by the development that is proposed by the Application. It is also arguable that clause 3.2.7 could be contravened by that development (albeit the applicant would be entitled to first seek Council's (or VCAT's) approval pursuant to that clause).[5]

19 In terms of the weight to be given to the s173 Agreement, Mr Doyle submitted that:

> 39. The s173 Agreement is but one of many relevant considerations. It should not carry any more weight than, for example, the State and local planning policies under the Scheme, or the provisions of the Neighbourhood Residential Zone, including the Schedule, or the applicable provisions of clause 54.
>
> 40. In the event that the Tribunal considers the form of development acceptable on the basis of the relevant provisions of the Scheme, it is submitted that the s173 Agreement should not dissuade the Tribunal from granting the permit that is sought.[6]

20 The Council, on the other hand, submitted that "the Tribunal ought to place significant weight on the Agreement in finding the proposal is not meritorious", [7] arguing among other things that the s173 Agreement "continues to achieve the underlying basis for the Agreement, which is to ensure a particular neighbourhood character and building height in this subdivision".[8]

21 In response to Mr Doyle's alternative interpretation of clause 3.2.3 of the s173 Agreement, Ms Thomas submitted:

> Council strongly disagrees with the Applicant's contention that the 'Endorsed Plan' is open to an alternative interpretation because it is silent on the possibility of a third storey. There is no logic to this alternative interpretation. The obvious conclusion to be reached is that the Endorsed Plan is silent on three storey envelopes (and above) because they are not allowed. If the 'Endorsed Plan' building envelopes do not prohibit construction outside of the envelope, then Clause 3.2.3 serves no proper planning purpose.[9]

22 Both advocates accepted that, even if I was to determine that the proposal was contrary to the terms of the s173 Agreement, that this conflict, of itself,

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5 Ibid at [30].
6 Ibid at [39-40].
7 Refer Submission on Behalf of the Responsible Authority by Katrina Thomas dated 27 February 2017 at [85].
8 Ibid at [81].
9 Refer Council Response to Further Written Submission by Katrina Thomas dated 14 March 2017 at [13].

would not prevent me from issuing a planning permit for the proposal if I considered that such an outcome was appropriate.

23 As for the question of whether the proposal is contrary to the terms of the s173 Agreement, based on the wording of the relevant provisions of the s173 Agreement and the documents they cite, I find that the proposal would be contrary to the s173 Agreement. I say this for the following reasons.

24 The proposal seeks to construct a third storey, and consequently build to a height of 8.950 metres above ground level. Clause 3.2.3 prohibits the building, construction or erection of any Building outside the Building Envelope. The relevant Building Envelope shown on the SBE Plan shows:

a. part of the site to be "Maximum second storey envelope (7500mm above ground)"; and

b. part of the site to be "Maximum single storey envelope (4400mm above ground)".

25 As the proposal is to construct a third storey that is located vertically outside the Building Envelope, this is contrary to clause 3.2.3.

26 Whilst I appreciate that neither the clause nor the referenced documents specifically refer to there being a prohibition on a third storey, I do not consider that this would need to be stated in order for that to be the case. In my view, the SBE Plan visually depicts the applicable horizontal and vertical building envelopes, and draws a distinction between those parts of the subdivision that can be built to a maximum of two stories (with the associated metre measurement), those parts that can be built to a maximum of one storey (again, with the associated metre measurement), those parts that are not to be built on and those that are to be open space. By reference (through defined terms) to the SBE Plan, the SBE Plan creates the parameters for built form location and height on the subject land and these parameters are then the basis of the prohibition contained in clause 3.2.3 – ie those parts of the Subject Land that are outside the Building Envelopes and, accordingly, where a building must not be built, constructed or erected, either horizontally or vertically.

27 Further, clause 3.2.7 requires that all Buildings must be constructed generally in accordance with the endorsed Design Guidelines to the satisfaction of Council. In dealing with building envelope heights, the Design Guidelines refer to the maximum heights permitted for single and two storey structures. Again, whilst there is no reference to three storey structures, I think it is reasonable to conclude that this is because the Design Guidelines do not contemplate the affected buildings having a third storey, much like they do not contemplate a fourth or fifth storey. I do, however, consider that the effect of clause 3.2.7 is less clear than that of clause 3.2.3.

28 When the specific obligations of the owner contained in clause 3.2 are read as a whole, I think the preferable interpretation is that buildings must not exceed one or two stories (along with the associated, specified metre

measurement) in height and must not be located outside of the horizontal footprints shown on the SBE Plan, and that such buildings must be constructed generally in accordance with the Design Guidelines.

29 There is no application before me to remove or amend the s173 Agreement as regards the subject land, nor has there been a question put to me as to whether the proposal is generally in accordance with the Design Guidelines.

30 I observe that the s173 Agreement is now some years old, that certain of its provisions, I understand, have been fulfilled, and that it falls short in some respects (for instance, in not defining the data point for building heights, or specifying a document in which this is defined, thereby rendering clause 3.2.4 incapable of enforcement). However, these aspects of the s173 Agreement do not affect the validity of the s 173 Agreement. It might well be that a successful case could be put for the amendment or removal of the s173 Agreement in relation to this property, however, as this is not before me, I do not make any findings in relation to this matter.

31 It is clear that the Act does not prevent me from issuing a planning permit for the proposal on the basis that the proposal contravenes the s173 Agreement, unlike the case for a restriction pursuant to section 61(4) of the Act.[10] In my view, the s173 Agreement represents, and is reflective of, the position of the Council at the time the Subdivision Permit was issued as to how the estate should be developed. In saying this, I am not suggesting that such an approach is now redundant; rather, I am simply saying that the control is reflective of the thinking of the time. For the reasons set out below, I consider that it is appropriate to depart from the two storey limitation in relation to this site for this particular proposal. However, if I was tasked with considering a similar dwelling extension on a different property within the estate, or a different dwelling extension on the subject land, I might not arrive at the same conclusion.

IS THE PROPOSAL AN APPROPRIATE RESPONSE IN TERMS OF NEIGHBOURHOOD CHARACTER?

32 The site is located in the Neighbourhood Residential Zone – Schedule 1. Following the gazettal of Amendment VC110,[11] the purposes of the NRZ1 include:

> To recognise areas of predominantly single and double storey residential development.
>
> To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

---

[10] I note that there is a restriction that applies to the subject land but that this does not prevent the issue of the planning permit – refer paragraphs 53-58 of my reasons, below.

[11] I note that, given the date of the gazettal of Amendment VC110 relative to the date of the hearing, the parties were given the opportunity to make further submissions on the papers as regards the effect of the Amendment on the proposal.

33 At the time that the matter was heard by the Tribunal, the NRZ contained a mandatory maximum building height of 8.0 metres.[12] However, due to the operation of the there-relevant transitional provision,[13] given the date that the planning permit application was lodged with the Council,[14] that mandatory maximum height does not apply to this proposal. Also in relation to building height, subsequent to the hearing, Amendment VC110 was gazetted and applies a maximum (default) building height limit of 9 metres and no more than two storeys to the site. Again, however, due to the operation of the relevant transitional provision,[15] the proposal is also exempt from the (new) height requirements.

34 In terms of neighbourhood character, clause 21.05-2 (Urban design) includes the following objective and standard:

> Objective 16: To reinforce the existing urban framework of Yarra.
>
> Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.

35 Clause 21.08 of the Scheme deals with Neighbourhoods. Clause 21.08-4 Clifton Hill includes, in terms of the implementation of built form strategies in clause 21.05:

> Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.

36 Clause 22.10 contains the Built Form and Design Policy and applies to all new development not included in a Heritage Overlay. The policy comprises ten design elements, each of which include Design Objectives and Design Guidelines. Pursuant to clause 22.10, all of the Design Objectives must be met, while the Design Guidelines should be met.

37 The Council drew my attention to, in particular, the following Design objectives of:

clause 22.10-3.2 – Urban form and character:

> To retain and extend the City's fine grain of street pattern and urban form.
>
> To achieve continuity in the built form having regard to rhythm and spacing of buildings and any distinctive street pattern (as identified in the Site Analysis Plan and Design Response); and

clause 22.10-3.3 – Setbacks and Building Height:

> To ensure that the setbacks of new development complement the desired neighbourhood character of the area (as identified in the Site

---

12 Refer to the then-clause 32.09-8 of the Scheme.
13 Which provided that the height limit did not apply to an application to construct a dwelling made before the approval date of the planning scheme amendment that introduced clause 32.09 into the planning scheme, which was 30 April 2015.
14 Being 14 November 2014.
15 Refer clause 32.09-14 of the Scheme (as at the date of this decision).

> Analysis Plan and Design Response, the Municipal Strategic Statement and any relevant local planning policies).
>
> To ensure that the height of new development is appropriate to the context of the area (as identified in the Site Analysis Plan and Design Response) and respects the prevailing pattern of heights of the area where this is a positive contribution to neighbourhood character.

38 The Council and Ms Orrlov also took me to clause 22.13 – Residential Built Form Policy, where the site is located in the Inner Suburban Residential area. The Inner Suburban Residential area is described as:

> Built form dominated residential areas with small gardens (if any) and minimal front and side setbacks.

39 The Design Response provides the following:

> Maintain the existing pattern of front setbacks.
>
> Landscape the front setback in a style that reinforces the garden character (if any) of the streetscape.
>
> Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.
>
> Orient buildings at right angles to the street frontage.
>
> Provide front fencing that is open (unless the building is zero front setback).
>
> On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties. [16]

40 The Council submitted that the proposed third storey extension would result in a built form outcome that was inconsistent with the character of the residential estate. The Council distinguished between the built form character of the estate and the broader Clifton Hill precinct. It was the Council's submission that:

> 59. In terms of a neighbourhood character assessment, it is clear the estate identifies differently to the broader surrounds. Only five lots of the original subdivision have a frontage to Walker Street while the Subject Land and all other lots do not make any meaningful contribution to the Walker Street streetscape or any other streetscape for that matter. It therefore follows that the key consideration from a neighbourhood character perspective is the proposal's impact on the built form character of the estate itself and the adjoining parkland (Quarries Park).
>
> 60. The Subject Land forms part of a cohesive and consistent character of double storey attached dwellings interfacing with Quarries Park. The estate does not "turn its back" to the park. Screen planting is setback some distance from the estate boundary so as to not fully conceal the estate but rather restrict views in longer range

[16] Refer clause 22.13-3.2 of the Scheme.

> viewlines. The proposed third storey will disrupt the consistent built form character interfacing with Quarries Park but only from limited viewlines. On this basis, the proposal will not have an unacceptable impact on Quarries Park.
>
> 61. The issue is the proposal's impact on the estate itself, which has a very deliberately planned neighbourhood character. The built form of the estate has such consistency in building envelope and height throughout the estate that the proposed third storey will be out of character in this setting. Due to the location of the Subject Land at the south-western end of Park Drive, the third storey will not be visible in long range viewlines from within the estate. It will rather have a noticeable impact on the uniformity of the south-western end of the estate. The proposed third storey will be highly visible at the T intersection of Park Drive and will be discordant with its immediate context. [17]

41 In support of the Council's position, Ms Thomas also referred to the NRZ1 zoning of the site and the s173 Agreement, both which seek to control the height of built form and where the proposal would exceed both height controls.[18]

42 Ms Thomas also pointed to the various aspects of the local planning policy that seek to achieve continuity in the built form and ensure that the height of new development is appropriate to the context of the area, noting that, in the Council's submission, this is not an area of generally consistent building heights, but rather, one of uniformity in building height, resulting in a greater importance being placed on building height and an undermining of policy and character in the event of a departure.

43 The Applicant relied on the expert evidence of Ms Orrlov. Ms Orrlov acknowledged the consistency of development within the estate but pointed to the site having minimal frontage to Park Drive, being located to the rear of Walker Street and having a lack of visibility as part of the streetscape, due to its location at the dead end section of Park Drive, and its lack of visibility in the broader park surrounds. Consequently, Ms Orrlov considered that "the public realm impacts would be negligible".[19]

44 Ms Orrlov took into account the size of the extension relative to the existing dwelling and identified that the extension would:

> be visible obliquely, over the Scout Hall and though the trees as viewed from Walker Street (seen, but not in a streetscape context)…and also from the east laneway, predominantly from Dwyer Street, 120m away…While the laneway is publicly accessible, it is a service area for the rear of dwellings. Its visibility from either of these

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17 Refer Submission on Behalf of the Responsible Authority by Katrina Thomas dated 27 February 2017 at [59]-[61].

18 But acknowledging that the NRZ1 maximum height limit is not applicable for present purposes due to the transitional provisions, as stated earlier.

19 Refer Statement of Town Planning Evidence by Ms Tamara Orrlov, dated February 2017 at page 30.

> areas would not constitute a significant character change or impact - but it would be a building seen amongst other structures (and one that is not dramatically higher than buildings in its surrounds). The views are more correctly 'glimpses' and would not inform the viewers [*sic*] understanding of neighbourhood character.[20]

45 Ms Orrlov concluded that:

> …the site is unusually located, and this affords greater potential to provide a discrete third floor level than for many other sites in the area. The lack of visual impact within a streetscape or public park indicates that the proposal will not have a significant presence in the area, and will not have a detrimental impact on neighbourhood character.[21]

46 In my view the proposal is an acceptable response in terms of neighbourhood character. I have reached this conclusion having regard to matters including:

a. the context of the site in the streetscape, where the site itself is essentially tucked away in the corner of the estate and with limited visibility from Park Drive and even less visibility from Walker Street;

b. the context of the site as regards Quarries Park. Due to the raised and vegetated bunding area that runs parallel with the south of the estate, there is limited visibility of the properties in the southern part of the estate from the park. This can be contrasted with those properties that border the eastern edge of the estate, which are highly visible from the large, flat, effectively 'playing field' park area to the east of the estate. The site, on the other hand, is tucked away on the far south-western corner and will have limited visibility, which was even accepted by the Council in the Council's conclusion that the proposal will not have an unacceptable impact on Quarries Park;

c. the context of the site in the estate itself, being tucked away at the far south-western corner – had the subject land been in the middle of the row of properties along the southern edge of this estate, my decision might have been different;

d. the relatively modest size of the extension, its location towards the southern part of the site, in line with the built form of the adjoining development at 7 Park Drive and setback from the front and rear boundaries and its proposed height of a maximum of 8.95 metres at the park interface, which decreases as the roof slopes downwards. I observe that the existing building height is 7.45 metres maximum (at the staircase in the centre of the site) and that the roof height at the park interface is 7.3 metres. As such, as a consequence of the

[20] Ibid at page 30-31.
[21] Ibid at page 35.

extension, the height of the building will only increase by a modest amount, relative to the overall height of the building, and this will only be a variation of one storey as compared with the adjoining properties in the subdivision;

e. the policy in the Scheme that calls for, among other things, the height of new development to be appropriate to the context of the area and respect the prevailing pattern of heights of the area. Having regard to the relatively modest extent of change sought and the context of the site, I am satisfied that the new height will be appropriate to the context of the area and will respect the prevailing pattern of double-storey, maximum 7.5 metre high development within the estate; and

f. the expert opinion of Ms Orrlov, who was the only expert witness called to give evidence in this proceeding.

47 As such, I am satisfied that the proposal will acceptably contribute to the preferred neighbourhood character.

DOES THE PROPOSAL CREATE ANY UNACCEPTABLE OFF-SITE AMENITY IMPACTS?

48 The Council's concerns in this respect relate to the location of the new wall directly opposite the southern-most first floor window and partly opposite the middle first floor window of 7 Park Drive, resulting in reduced daylight access to these windows.

49 It was Ms Orrlov's evidence that as the development was initially constructed to accord with the Good Design Guide, the existing development form does not comply with clause 54 of the Scheme and assessment of the proposal needs to take the existing conditions into account.

50 In terms of the windows of concern, Ms Orrlov indicated that whilst those windows would experience less daylight, the room in which they are located also contains a main window to the north side of the dwelling, and these windows, being highlight windows, would make minimal contribution to the overall daylight. I also understood Ms Orrlov to indicate that those windows were associated with the stairwell, noting that the objective of clause 54.04-3 of the Scheme is to allow adequate daylight into existing habitable room windows, of which a stairwell window is not one.[22] To the extent that those windows are not habitable room windows, the provisions of clause 54.04-3 of the Scheme do not apply. However, in the event that they are habitable room windows, I am satisfied that the objective of this clause is met in any event. I say this due to the small size of these affected windows and the relative contribution that they would make to daylight access as compared with the size, number and northern orientation of the other windows that appear to service the same area of the first floor. For

[22] Refer to the definition of "habitable room" in clause 72 of the Scheme.

these reasons, I do not consider that there will be an unacceptable impact on the amenity of the existing dwelling as a consequence of the proposed extension and I find that there will be adequate daylight available to these windows.

51 Ms Orrlov also addressed other aspects of clause 54.04. There is minor non-compliance with Standard A14,[23] however, having regard to what is reasonable given the existing development conditions, the southern orientation of 7 Park Drive, the location of public open space abutting the property, the site's inner city location and the time at which the increase in overshadowing will occur, I consider that the objective of clause 54.04-5 of the Scheme, in seeking to ensure buildings do not unreasonably overshadow existing secluded private open space, is met. I also observe that to the site's western interface is a scout hall and kindergarten and as such, clause 54.04 is not applicable to that interface.

52 Overall, having regard to the evidence of Ms Orrlov, I am content that the proposal will not create any unacceptable off-site amenity impacts.

ARE THERE ANY OTHER ISSUES?

53 For completeness, I will address the Restriction that burdens the subject land. It was common ground between the Applicant and the Council that the issue of a planning permit for the proposal would not result in a breach of the Restriction (and, accordingly, the issue of a permit in these circumstances was not prohibited by section 61(4) of the Act).

54 The Restriction was created to benefit and burden all lots on Plan of Subdivision 432125U and provides that:

> The registered proprietor or proprietors for the time being of any lot on this plan of subdivision shall not:
>
> 1. Construct any dwellings of maximum height 7.50m above natural ground level outside the area shown hatched thus [*relevant hatching illustrated*] on this schedule.
>
> 2. Construct any single storey buildings of maximum height 4.40m above natural ground level outside the areas shown hatched [*relevant hatching illustrated*].
>
> 3. Construct any buildings or works other than in accordance with the endorsed plans attached to planning permit no. 981449 issued by the Council of the City of Yarra or any further planning permit issued by the Council for the dwellings within the area shown hatched.

55 Paragraphs 1 and 2 of the Restriction prevent the construction of any dwellings of maximum height 7.5 metres outside the relevant hatched area, and the construction of any single storey buildings of maximum height 4.4 metres outside the relevantly shown area. The proposal does not seek to construct any built form outside of the relevant areas.

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[23] Clause 54.04-5 dealing with overshadowing, noting that there will be a minimal increase of 3.5m^2 in the overshadowing of the 30m^2 area of private open space for 7 Park Drive at 3pm.

56 Paragraph 3 prevents the construction of any building or works other than in accordance with the endorsed plans for the Subdivision Permit or any further planning permit issued by the Council for the dwellings within the area shown hatched. Whilst the proposed extension to the dwelling is within the horizontal building envelope shown on the endorsed SBE Plan, it extends higher than the 7.5 metres above ground level, being the relevant vertical building envelope for this part of the site. However, as paragraph 3 provides for compliance with either the Subdivision Permit or any further planning permit issued for the dwellings within the area shown hatched (on the Restriction), it enables buildings and works to occur that are not in accordance with the Subdivision Permit but are subsequently permitted.

57 It was put to me that perhaps the wording of paragraphs 1 and 2 failed to achieve the intended outcome in terms of the effect of the Restriction, and that what was perhaps intended was the creation of a three-dimensional building envelope and constraint on development, much like the effect of the s173 Agreement. Whether or not that is the case, the wording of the Restriction is clear and there is no justification for me to go behind the clear wording of the document to investigate the parties' intentions in drafting the document.

58 I am satisfied that I am not prevented from approving the proposal based on the existence of the Restriction.

59 Finally, I also observe that permission is required pursuant to clause 42.01-2 of the Environmental Significance Overlay – Schedule 2, in order to construct a building or construct or carry out works. Given the objective of the Schedule relates to Merri Creek and Environs, and noting my above comments regarding the limited visibility of the site from Quarries Park due to the raised and vegetated bunding area, I am satisfied that the dwelling extension will not have a detrimental effect on the environmental values or visual character of the creek corridor. I also observe that due to the nature of the works proposed, no vegetation is proposed to be removed as a consequence of the proposal.

WHAT CONDITIONS ARE APPROPRIATE?

60 The Council sought to include a condition in the permit that required the s173 Agreement to be amended to enable construction to a maximum building height of 8.95 metres. The Council also provided alternative wording that referred specifically to excluding the subject land from the operation of clause 3.2.3 and clause 3.2.7. The Applicant opposed the imposition of such a condition on the basis that it was unnecessary, the s173 Agreement needing to be addressed irrespective of whether there is a condition in the planning permit requiring this to be done.

61 It is the case that, irrespective of whether or not condition 1 is imposed, the Applicant will need to deal with the s173 Agreement in so far as the proposed development is contrary to the terms of that agreement. In the

circumstances, I consider that condition 1 is usefully included in the planning permit because it accords with the principles of orderly and proper planning, ensuring "*that the fate of the agreement must be determined before the proposal can proceed*".[24]

62 Given my preceding comments regarding the appropriateness of this development proposal, and having regard to the nature and location on the site of the proposed extension, I consider that a preferable approach to the Council's wording would be to provide that prior to the commencement of development under the permit, the s173 Agreement must be removed or amended in order to allow the development of Lot 4 of Plan of Subdivision 432125U in accordance with this planning permit PLN14/1055. Rather than condition 1 referring to a blanket exclusion or increase to the height sought, the intention is to tie the carve-out of the prohibition in the s173 Agreement to this particular proposal. It is in the Applicant's hands as to the manner in which condition 1 will be met.

CONCLUSION

63 For the reasons given above, the decision of the responsible authority is set aside. A permit is granted subject to conditions.

Susan Whitney
Member

[24] Having regard to the comments of the Tribunal constituted by Deputy President Gibson and Member Hewitt in *Sixty-Fifth Eternity Pty Ltd* v *Boroondara CC* [2011] VCAT 1825 at [36], and noting that the Supreme Court of Victoria did not disagree with the Tribunal's reasons for imposing the relevant condition in *Boroondara City Council* v *Sixty-Fifth Eternity Pty Ltd* [2012] VSC 298, just with the particular wording used by the Tribunal at the commencement of the condition in question.

APPENDIX A – PERMIT CONDITIONS

PERMIT APPLICATION NO	PLN14/1055
LAND	5 Park Drive, Clifton Hill

WHAT THE PERMIT ALLOWS

In accordance with the endorsed plans:

- Construction of a third storey extension to an existing double-storey dwelling on land in the Neighbourhood Residential Zone – Schedule 1; and
- Construct of a third storey extension to an existing double-storey dwelling on land in the Environmental Significance Overlay – Schedule 2.

CONDITIONS

1 Prior to commencement of development under this permit, the section 173 Agreement recorded in W900947G on Lot 4 of Plan of Subdivision 432125U must be removed or amended to allow the development of Lot 4 of Plan of Subdivision 432125U in accordance with this planning permit PLN14/1055.

2 All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

3 Any damage to road(s) and footpath(s) or other Council infrastructure as a result of the development must be reinstated to the satisfaction of the Responsible Authority.

4 Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am - 6.00 pm, Monday - Friday (excluding public holidays) and 9.00 am – 3.00pm Saturday and public holidays. No work must be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise, to the satisfaction of the Responsible Authority.

5 All new on-boundary walls are to be cleaned and finished to the satisfaction of the Responsible Authority.

6 This permit will expire if one of the following circumstances applies:

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

(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 after the expiry date for commencement, or within twelve months after the expiry date for completion.

– End of conditions –

1.5 37 - 39 Stewart Street - PLN16/0365.02 - Section 72 Amendment to extend the existing platform (with associated air conditioning units) on the western side of the existing building to a height of 8.3 metres.

Executive Summary

Purpose

1. This report provides Council with an assessment of an application at 37 – 39 Stewart Street, Richmond, to amend the endorsed plans and extend an existing steel platform (with an additional 2 associated air conditioning units on it) located on the western side of the office building from a height of 3.7 metres to a height of 8.3 metres above natural ground level.

Key Planning Considerations

2. Key planning considerations include:
   (a) clause 15.01 – Urban Environment;
   (b) clause 21.08-10 – Neighbourhoods – Central Richmond;
   (c) clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
   (d) clause 22.05 – Interface Uses;
   (e) clause 32.04 – Mixed Use Zone; and
   (f) clause 43.01 – Heritage Overlay

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Heritage;
   (b) Interface Uses Policy; and
   (c) Objector concerns

Submissions Received

4. Six (6) objections were received to the application, raising issues that can be summarised as:
   (a) visual bulk of the platform and associated air conditioning units;
   (b) heritage impacts; and
   (c) noise emissions and pollution from the air conditioning units.

Conclusion

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

CONTACT OFFICER: **Jessica Sutherland**
TITLE: **Statutory Planner**
TEL: **9205 5365**

1.5 37 - 39 Stewart Street - PLN16/0365.02 - Section 72 Amendment to extend the existing platform (with associated air conditioning units) on the western side of the existing building to a height of 8.3 metres.

Trim Record Number: D18/183880
Responsible Officer: Senior Co-ordinator Statutory Planning

Proposal:	Section 72 Amendment to extend the existing platform (with associated air conditioning units) on the western side of the existing building to a height of 8.3 metres
Existing use:	Offices/ Mixed Use
Applicant:	Glossop Town Planning
Zoning / Overlays:	Mixed Use Zone Heritage Overlay (Schedule 332) Environmental Audit Overlay
Date of Application:	13 July 2018
Application Number:	PLN16/0365.02

Planning History

1. Planning Permit PLN16/0365 was issued on 12 September 2016 for *change of use to an office, buildings and works including part demolition and a reduction in the car parking requirements.*
2. Planning Permit PLN16/0365 was amended on 17 October 2016 under Section 72 of the Act with plans amended to show the construction of an air-conditioning platform and air condenser unit on the western elevation and louvres on five windows (east and west elevations). The amended permit has been acted on and construction has since completed.
3. Planning Permit Application (PLN18/0697) was submitted to Council on 17 September 2018 for *the use of the ground floor as an office and a waiver to the car parking and bicycle requirements of the Scheme*. The application is currently being processed by Council and a decision had not been made at the time of writing this report.
4. Planning Permit Application (PLN18/0728) was submitted to Council on 27 September 2018 for *the installation of two air-conditioning condensers* located at ground level of the western elevation. The application was exempt from the notice requirements of Section 52 of the *Planning and Environment Act (1987)* pursuant to clause 43.01-4 which exempts air conditioning units from advertising under the Heritage Overlay. And as such the application was not advertised. Planning Permit PLN18/0728 was issued on 8 November 2018. The permit has not been acted on since the time of writing this report.

Background

5. This application to amend Planning Permit PLN16/0365 was lodged to Council on 13 July 2018. The application was advertised in September 2018 and six (6) objections were received.
6. A consultation meeting was held on 23 October 2018 and was attended by the applicant, two (2) objectors and Council officers. Discussions at the meeting were largely in relation to noise emissions of the existing air-conditioning condensers on the building, and potential noise emissions associated with the proposed air-conditioning condensers that would be placed on the extended platform. No resolution was made at the consultation meeting and no changes were made to the submitted proposal by the applicant, following the consultation meeting.

The Proposal

7. The amendment seeks to make the following changes to plans associated with Planning Permit PLN16/0365 and specifically to the existing platform which is attached (externally) to the western (side) wall of the building as approved by the original permit.

   (a) An additional level to be added to the existing platform, essentially raising the approved platform by 4.6 metres from 3.7 metres above natural ground level to 8.3 metres above natural ground level.

   (b) The extended platform will provide space for two additional air conditioning condensers on it (3 air conditioning units are approved on the original platform).

   (c) Located on the western elevation and visible from Stewart Street, the platform (existing and proposed) protrudes 3 metres from the western wall of the office building.

   (d) The platform is open and will be constructed of steel.

Existing Conditions

Subject Site

8. The subject site has two street frontages, Tanner Street to the north and Stewart Street to the south. The site is occupied by two buildings; a single-storey building extending along the western side of the site (addressing Tanner Street) and a four-storey building also fronting Tanner Street.

9. This application specifically relates to the four-storey building fronting Tanner Street. The building is a former factory building, industrial in style, with a saw-tooth roof and composed of red brick. It has a floor area of 1,355sqm and is currently used as offices at the ground and first floor and is currently vacant at the upper levels.

10. Two walkways abut the eastern and western boundaries of the subject site, providing access from Tanner Street through to Stewart Street in the south. Vehicle access to the site is provided via Stewart Street, with at-grade car parking to the south of the four-storey building.

11. The principal heritage façade is to Tanner Street where the four-storey building and abutting single-storey building are built to the street. The building is setback from Stewart Street by 23 metres and is set behind the built form of No. 33 Tanner Street. The buildings western elevation is visible from Stewart Street from the driveway (shown in Image 1).



Image 1: view of No. 37 – 39 Stewart Street from the vehicle access off Stewart Street. The existing platform and air-conditioning units are visible to the right of the "Siem Form" signage

12. The platform approved (essentially under the first amendment to PLN16/0365 and not the original permit issued in September 2016) has been constructed in accordance with the endorsed plans. See image 2 below.



Image 2: Existing - platform and air-conditioning units approved under permit PLN16/0365.01

13. There are no other services or air conditioning units external to the building (with the exception of the three air conditioning units approved under Planning Permit PLN16/0365.01)

14. Caveat AM001916Q affects the subject land and relates to the transfer of land. It is not affected by the proposed application.

Surrounding Land

15. The subject site and immediate surrounds are located within the Swan Street Major Activity Centre (MAC) approximately 900m to the south of the Bridge Road MAC. The area contains a mixture of large, former industrial buildings converted to commercial and residential uses, with low-scale dwellings to the north of the subject site.

16. The land to the east, at No. 24 Tanner Street, contains a matching four-storey industrial style building with commercial uses at ground level. It has been converted to residential uses in the levels above.

17. The land to the west, at No. 18 Tanner Street, contains a six-storey mixed use building, with this car parking and commercial uses at ground level and residential apartments above. The building is setback 11.5 metres from the shared boundary with the subject site and 14.5 metres from the existing platform (approved under Planning Permit PLN16/0365).

18. To the south of the site is No. 33 Tanner Street, which is developed with a double storey warehouse/industrial building fronting Tanner Street. Beyond Stewart Street are elevated train tracks, with Swan Street further to the south.

19. The subject site is located 30 metres from Richmond Station and associated train tracks.

20. The northern side of Tanner Street contains a row of predominantly single-storey dwellings.

Planning Scheme Provisions

Zoning

Mixed Use Zone

21. The subject site is located in the Mixed Use Zone. The following provisions apply:

    (a) Pursuant to clause 32.04-8 of the Scheme, a planning permit is required to construct or carry out works for a use in Section 2 of the clause 32.04-2.

        The use of the land as an office is a 'section 2' use, and the original permit approved this use. The buildings and works associated with changes to the platform requires a permit under the zone.

    (b) Pursuant to clause 62.02-2 (*Buildings and works not requiring a permit unless specifically required by the planning scheme*), services normal to a building other than a dwelling, including heating and cooling systems are exempt from permit requirements.

        Air-conditioning condensers do not require a planning permit under the zone.

    Overlays

    Environmental Audit Overlay

22. The subject site is located within the Environmental Audit Overlay. The following provision applies:

    (a) Pursuant to clause 45.03-1 of the Scheme, *before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out works in association with a sensitive use commences*, either"

        (i) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environmental Protection Act1970, or

        (ii) An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of the Act that he environmental conditions of the land are suitable for the sensitive use.

    (b) As the use of the site is an office does not constitute a 'sensitive' use, the clause does not apply to this application.

    Heritage Overlay (Schedule 332)

23. The subject site is located within the Heritage Overlay (Schedule 332). The following provisions apply:

    (a) Pursuant to clause 43.01-1 of the Scheme, a planning permit is required *to construct and carry out works, including services normal to a building other than a dwelling, including heating and cooling systems if the works are visible from a street (other than a lane) or public park*.

        Under the heritage overlay, a permit is required for the construction of an extension to the approved platform and a permit is required for the installation of the air-conditioning condensers (which are visible form Stewart Street).

    Particular Provisions

24. None relevant.

    General Provisions

    Clause 62

25. Pursuant to clause 62.02-2 of the Scheme, unless specifically required by the planning scheme, a planning permit is not required for:

    (a) Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.

26. The above provision exempts air-conditioning condensers from requiring a planning permit under the Mixed Use Zone.

27. Note: A planning permit is still required under the Heritage Overlay as there is a specific requirement under the Heritage Overlay for services that are visible from the street.

Clause 65

28. The Decision Guidelines outlined in Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision. An assessment of the application against the relevant sections of the Scheme is offered further in this report.

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. The Municipal Planning Strategy and the Planning Policy Framework.

(b) The purpose of the zone, overlay or other provision.

(c) Any matter required to be considered in the zone, overlay or other provision.

(d) The orderly planning of the area.

(e) The effect on the amenity of the area.

(f) The proximity of the land to any public land.

(g) Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

(h) Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

(i) The extent and character of native vegetation and the likelihood of its destruction.

(j) Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

(k) The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

(l) The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

Planning Policy Framework (PPF)

29. The following clauses are of relevance to the amendment application:

Clause 15 – Built Environment and Heritage

Clause 15.01-2S – Building Design

30. The objective of this clause is "*to achieve building design outcomes that contribute positively to the local context and enhance the public realm*".

Clause 15.03– Heritage
Clause 15.03-1S – Heritage Conservation

31. The objective of this clause is "*to ensure the conservation of places of heritage significance*".

Local Planning Policy Framework (LPPF)

Clause 21.05 - Built Form

Clause 21.05-1 – Heritage

32. The clause incorporates the following relevant objectives and strategies:

(a) Objective 14 – To protect and enhance Yarra's heritage places

(b) 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.

Clause 21.08 – Neighbourhoods

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

33. The policy encourages the "*improvement of the built form of land adjacent to Punt Road*".

Relevant Local Policies

Clause 22.02 – Development guidelines for sites under the heritage overlay

34. This policy applies to all land within a Heritage Overlay. The clause incorporates the following relevant objectives;

(a) To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.

(b) To retain significant view lines to, and vistas of, heritage places.

(c) To ensure that additions and new works to a heritage place respect the significance of the place.

Clause 22.05 – Interface policy

35. This policy applies to applications for use or development within Mixed Use Zones. The clause incorporates the following relevant objectives:

(a) To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these area as service, economic and employment nodes.

(b) To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level amenity.

Advertising

36. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 150 letters sent to surrounding owners and occupiers.

37. The proposed extension to the platform is not exempt from notice and review.

38. The two air-conditioning condensers shown on the submitted plans were not subject to notice and review. Pursuant to clause 43.10-4 of the Heritage Overlay, services normal to a building, including heating and cooling systems, are exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

39. For advertising purposes, the application was referred to as Section 72 Amendment to extend the existing platform (with associated air conditioning units) on the western side of the existing building to a height of 8.3 metres. The words "air conditioning units" were placed in brackets as a way of indicating the platform extension as the permit trigger in this instance.

40. Council received six (6) objections to the application, the grounds of which are summarised as follows:

(a) visual bulk of the platform and associated air conditioning units;

(b) heritage impacts; and

(c) noise emissions and pollution from the air conditioning units.

41. A consultation meeting was held on 23 October 2018 and was attended by the applicant, two (2) objectors and Council officers. Discussions at the meeting were largely in relation to noise emissions of the existing air-conditioning condensers on the building, and potential noise emissions associated with the proposed air-conditioning condensers that would be placed on the extended platform. No resolution was made at the consultation meeting and no changes were made to the submitted proposal by the applicant, following the consultation meeting.

42. The originally submitted proposal therefore forms the basis of assessment and decision.

Referrals

Internal Referrals

43. The application was informally referred to Council's Heritage Advisor, who provided the following comments:

    (a) The location of the proposed platform is supported as it will not be visible from the Tanner Street frontage and is largely recessive when viewed to from Stewart Street.

    (b) The platform is supported as it is simple, open and can be easily removed without damaging heritage fabric.

    (c) It is noted that the existing platform appears to be constructed higher than what was approved under the first amendment to PLN16/0365.01. Council's Heritage Advisor expressed concern to the overall height of the structure (i.e. that it will be required to be higher than what is shown in plans to allow for an addition al level to the existing structure) and stated that a platform higher than the proposed 8.3 meters would not be supported.

OFFICER ASSESSMENT

44. An extension to a platform approved under the original planning permit requires a planning permit under the zone given that use of the building, as an office, is a 'section 2' use in the zone. While the platform itself requires a planning permit, any services located on it, including air conditioning units, do not require a planning permit under the zone. It is important to note that in the Scheme, the only consideration for the two proposed air conditioning units located on the extended platform, is heritage.

45. The primary considerations for this application are therefore as follows:

    (a) Heritage

    (b) Interface Uses Policy

    (c) Objector concerns

    (d) Other matters

    (e) Clause 65

Heritage

46. The heritage assessment for this proposal is guided by clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay and clause 43.01 – Heritage Overlay of the Scheme.

47. Relevant to the proposal, policy at clause 22.02-5.7.1 of the Scheme, relating to general policies for new development, alterations and additions, specifies that it is policy to:

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

        (i) Be visually recessive and not dominate the heritage place.

        (ii) Be distinguishable from the original historic fabric.

        (iii) Not remove, cover, damage or change original historic fabric.

        (iv) Not obscure views of principle façades.

48. Relevant to the proposal, policy at clause 22.02-5.7.2 of the Scheme relating to *ancillaries and services*, specifies that it is policy to:

(a) *Encourage ancillaries or services such as satellite dishes, shade canopies and sails, access ladders, air conditioning plants, wall and roof top mounted lighting, roof top gardens and their associated planting, water meters, and as far as practical aerials, to contributory or significant buildings, to be concealed when viewed from street frontage.*

(b) *Where there is no reasonable alternative location, ancillaries and services which will reduce greenhouse gas emissions or reduce water consumption, such as solar panels or water storage tanks, or provide universal access (such as wheel chair ramps), may be visible but should be sensitively designed.*

(c) *Encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.*

49. The purpose of the HO is as follows:

(a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*

(b) *To conserve and enhance heritage places of natural or cultural significance.*

(c) *To conserve and enhance those elements which contribute to the significance of heritage places.*

(d) *To ensure that development does not adversely affect the significance of heritage places.*

(e) *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

50. The platform itself was approved under the first amendment to PLN16/0365. The proposed extension to it will increase the height above NGL by 4.6 metres, essentially increasing the visibility of the platform and associated air conditioning units from vantage points. The overall design of the extended part of the platform is however consistent with the platform design originally approved.

51. The platform extension and air-conditioning units located on it, are on the western elevation of the four-storey building. The works are located approximately 30 metres distance from the Tanner Street frontage and views of the platform and air-conditioning units from Tanner Street are restricted by the single storey building to the west. The works are located approximately 40 metres distance from the Stewart Street frontage and while being visible from this vantage point they are not considered to *visually dominate the heritage place* and the distance will make them appear as *visually recessive*. For these reasons, the works are supported by local heritage policy at clause 22.02-5.7.1 of the Scheme.

52. The platform extension will continue to be clearly distinguishable from the heritage built form which is supported by policy and due to its design avoids any damage to the heritage fabric of the building if/when removed.

53. The platform extension will be constructed of metal (steel) materials which are consistent with the platform approved (and constructed) under the original permit. The platform is ‘simple’ in structure and of a design that does not cover or dominate the heritage fabric as is encouraged and supported under policy at clause 22.02-5.7.1 of the Scheme.

54. It is acknowledged that the design of the platform, and its extension, results in any services located on it being visible from neighbouring properties to the west and from Stewart Street. There is also a likelihood that the open form of the platform could potentially allow for noise transfer. However, the test under the heritage overlay is to whether the proposal detriments the heritage significance of a heritage place. As such, due to the design of the platform extension being consistent and compatible with the platform already approved and open form that will not require the removal or damage or heritage fabric for its installation, it meets the relevant decision guidelines of clause 220.02 of the heritage policy and is supported.

55. Off-site amenity as a result of the air conditioning units is not a consideration under heritage policy. Neither the heritage policy decision guidelines nor the purpose of the Heritage Overlay call for an assessment against off-site residential amenity impacts of the use of the site or associated services.

56. Overall, in regard to the proposed works (platform and associated air-conditioning units), the meets the heritage policies and guidelines. In consideration of all of the above, and with regard to the decision guidelines at clause 22.02 and the purpose of the heritage overlay at clause 43.01 of the Scheme, the proposed works are acceptable from a heritage perspective.

Interface Uses Policy

57. The air-conditioning units do not require a permit under the Mixed Use Zone. Thus, the following built form assessment relates only to the proposed platform extension and this will be guided by policy at Clause 22.05 (Interface Uses Policy) which is applicable because of the sites location in a Mixed Use Zone and proximity to residential properties.

58. The clause incorporates the following relevant objectives:

    (a) To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these area as service, economic and employment nodes.

    (b) To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level amenity.

59. It is acknowledged that the design of the platform, and its extension, means that any services on it will be visible from No. 18 Tanner Street to the west and there is the potential for noise transfer. The air-conditioning units (although not requiring a permit under the zone) could result in a level of noise transfer to nearby residential properties given that they are not internal to the building or have any form of screening. It is acknowledged that services like air conditioning units are generally screened so that their visibility from surrounds are limited and so that they are better integrated into the design of a building. This is certainly the case for new developments which tend to have services located on the roof with appropriately designed screening. However the host building in this instance is a four-storey brick heritage building with a saw-tooth roof form and the air conditioning units and the platform required to house them are more of a retro-fit, allowing the heritage building to be adapted and used as offices.

60. That said, the platform is located 14.5 metres from the nearest residential building (No. 18 Tanner Street) and will be 8.3 metres maximum (9.3 metres inclusive of the air-conditioning units) above natural ground level. The approval of this application will result in 7 air conditioning units being approved on the western elevation; three from the first amendment to PLN16/0728 and two approved under PLN18/0728 (though not yet installed). While the platform (and air-conditioning units) will be visible from 18 Tanner Street, in terms of the relevant policy, there is no identifiable 'harm' because the platform design is simple and open and its backdrop is the four-storey building to which it is in front of. The extended platform (which is essentially a portion vertically measuring 4.6 metres) will increase the approved platform size from 19.8sqm to 39.6sqm and increase its height above ground from 3.7 metres to 8.3 metres is unlikely to have any unreasonable or identifiable visual bulk implications to nearby residences particularly given the distance of 14.5 metres from the nearest residential property.

61. Clause 22.5-4.2 of the Interface Uses Policy provides guidelines for non-residential development near residential properties, and states that "*new non-residential development is to be designed to minimise noise transmission within the building, including from machinery and ventilation systems, between floors or separate units and to adjoining residential properties*". As previously discussed, the host building is not new and the location of the proposed platform and associated air conditioning units is somewhat constrained by heritage policy. Nonetheless, the air conditioning units are a distance of 14.5 metres from a residential interface.

62. Moreover, within the context of central Richmond, being 20 metres from Richmond Station and train lines and 140 metres from Punt Road and the background noise associated, noise emissions from the air-conditioning units will unlikely be dominant or unreasonable. Further to this, as the air conditioning units are associated to the use of the site for offices, it is likely that any resulting noise would be during the day time, during normal office hours.

63. Nonetheless, condition 6 of the original permit (issued 12 September 2016) requires the following:

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

64. The proposed air conditioning units will also need to comply with the SEPP N-1 and can be enforced by Council's Compliance Team.

65. In consideration of the above, despite the proposed platform extension being somewhat visible from the dwellings of No. 18 Tanner Street, and there being a perceived concern that the air conditioning units will be audible from the dwellings opposite, the proposed works in their own right are not considered unreasonable for the site context within the Mixed Use Zone and Swan Street Activity Centre.

66. Overall the proposed works are considered to meet the objectives of clause 22.05 Interface Uses Policy which are outlined at paragraph 58.

Objector Concerns

Visual bulk.

67. This has been discussed at paragraphs 57 - 60.

68. While it is acknowledged that the platform extension and air-conditioning units will continue to be visible from No 18. Tanner Street, as per the platform approved and constructed under the original planning permit, visibility does not necessarily result in 'harm' or 'unreasonable visual bulk'. On balance, it is considered that the scale of the proposed works are normal to a heritage building being used as offices and it not unreasonable within the site context.

Heritage impacts.

69. Heritage has been discussed at paragraphs 46 - 56.

70. Overall the proposed works are considered to comply with all relevant heritage policy and guidelines and the purpose of the Heritage Overlay.

Noise emissions and pollution.

71. In relation to concerns regarding noise emissions and pollution from air-conditioning units, regard must be given to the "National Trust Principle" established by the Supreme Court in National Trust of Australia (Victoria) v Australian Temperance and Mutual Life Assurance Society Ltd [1976] VR 592, which effectively limits consideration to those issues relevant to the purpose of the control which triggers the requirement for the permit. In this instance, the Heritage Overlay is the only trigger for a planning permit for the air conditioning units and the reason that a permit is required is due to the visibility of the units from the street (Stewart Street). Hence, little weight can be given to considerations that go beyond the heritage impacts arising from the visibility of the air conditioning units from the street.

72. Notwithstanding the above, noise impacts have been discussed at paragraphs 61 - 65 of this report and are addressed at condition 6 of the original permit which will be carried over to any amended permit issued.

73. Noise emissions from commercial equipment are regulated by Environmental Protection Authority (EPA) regulations - specifically the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) (SEPP N-1). Compliance with noise emission limits from plant and equipment is required independently of any planning permissions.

Other matters

74. A site inspection carried out by Council Officers on 25 October 2018 confirmed that the existing platform constructed (which has 3 air-conditioning units on it) is greater in height than what is approved under the original permit. In other words the platform constructed is higher above the natural ground level. Concerns were raised by Council's Heritage Advisor that this breach of the original permit will require the additional platform (proposed to be 4.6 metres higher that the existing) to be higher than the 8.3 metres shown in plans.

75. The platform is required however to be constructed to the specifications of the original permit otherwise the permit holder is in breach of the planning permit. To avoid any confusion however, any amended permit issued would stipulate that the overall built form of the platform should not be built any higher than 8.3 metres above natural ground level, as is shown on the decision plans. In other words, the extended platform will be required to be constructed in accordance with the previously approved plans, before being extended, to regularise this current breach of the planning permit.

Clause 65

76. Clause 65 of the Scheme provides a set of broad guidelines that all applications must consider. The application is considered to meet these decision guidelines for the following reasons:
    (a) The proposal has considered the purpose of the Mix Use Zone and Heritage Overlay and has appropriately balanced the requirements of both.
    (b) The proposal is not considered to unreasonably impact the amenity of the area.
    (c) The proposal will not detrimentally impact the orderly planning of the area.

Conclusion

77. The proposal achieves an appropriate balance between all relevant polices in the Scheme, including heritage policy and Interface Uses Policy and clause 65. The proposed works has appropriately considered the heritage impacts.

78. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval with the original permit conditions carried over and no new conditions included.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Amend Planning Permit PLN16/0365 which approved *the change of use to an office, buildings and works including partial demolition and a reduction in car parking and bicycle parking requirements* at 37 – 39 Stewart Street, Richmond VIC 3121, generally in accordance with the advertised plans which show an extended platform by virtue of it being an overall height of 8.3 metres and two additional air conditioning units and subject to the following conditions:

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

    (a) The proposed boundary fencing annotated on the ground floor plan to match the proposed eastern and western elevations.
    (b) Notation on the northern elevation specifying the balcony screening will be permanently fixed; at least 1.7 metres above floor level and be no more than 25 per cent transparent.
    (c) The roof structure reduced by 600mm in accordance with the Sketch Plan submitted on 9 May 2017.

(d) The north facing first floor bedroom window retained in accordance with the Sketch Plan submitted on 9 May 2017.

2. Before the demolition commences, a photographic survey of the existing building to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the photographic survey will be endorsed and will form part of this permit. The survey must include, but not be limited to, the following:
   (a) The rear structure's relationship to the main part of the building, its relationship to the rear structures at 9 and 13 King William Street, and its relationship to the rear lane way;

3. 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.

4. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan show:

   (a) Details of how all trees on the adjoining property will be protected pre, during and post construction works.
   (b) The use of tree sensitive construction materials and methods for the construction of the dwelling within the TPZ of Trees 1, 2, 3, 4 and 5 should be detailed in this report..
   (c) How tree roots will be protected.
   (d) TPZ fencing, mulching and irrigation requirements (where possible throughout the development process).

   All of the above must be to the satisfaction of the Responsible Authority. Once approved the Tree Management Plan becomes part of the endorsed documents of this permit.

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

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

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

7. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

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

   (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
   (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
   (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

9. This permit will expire if:

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

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

Notes:

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

The following table will be included on any amended permit issued:

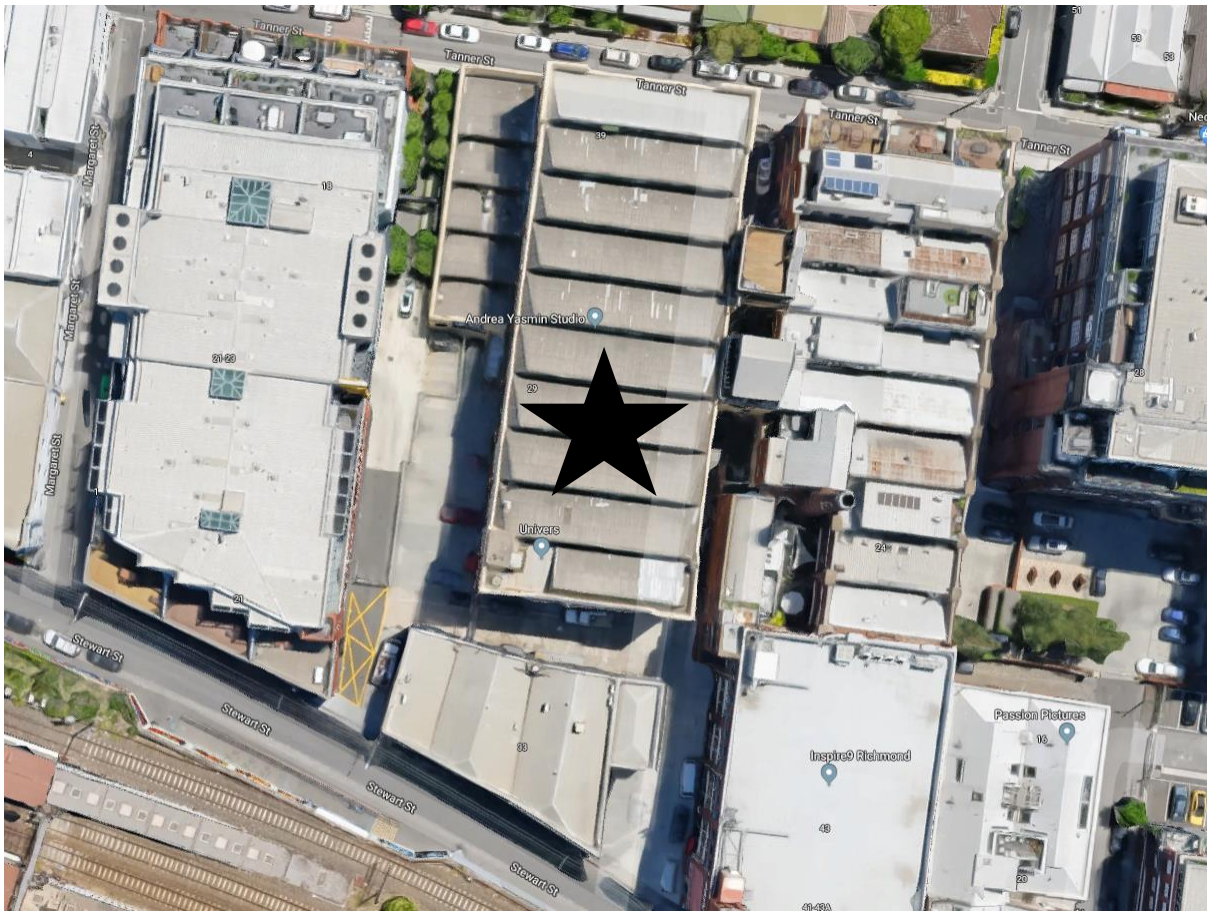
Date of amendment	Brief description of amendment
	Amendment to Planning Permit PLN16/0365 by amending plans to show an extension to the air-conditioner platform to a height of 8.3 metres with 2 additional air conditioning units on it.

CONTACT OFFICER: **Jessica Sutherland**
TITLE: **Statutory Planner**
TEL: **9205 5365**

Attachments
1 PLN16/0365.02 - 37 - 39 Stewart Street Richmond, Site Location Map
2 PLN16/0365.02 - 37 -39 Stewart Street Rihcmond, Decision Plans

Attachment 1 - PLN16/0365.02 - 37 - 39 Stewart Street Richmond, Site Location Map

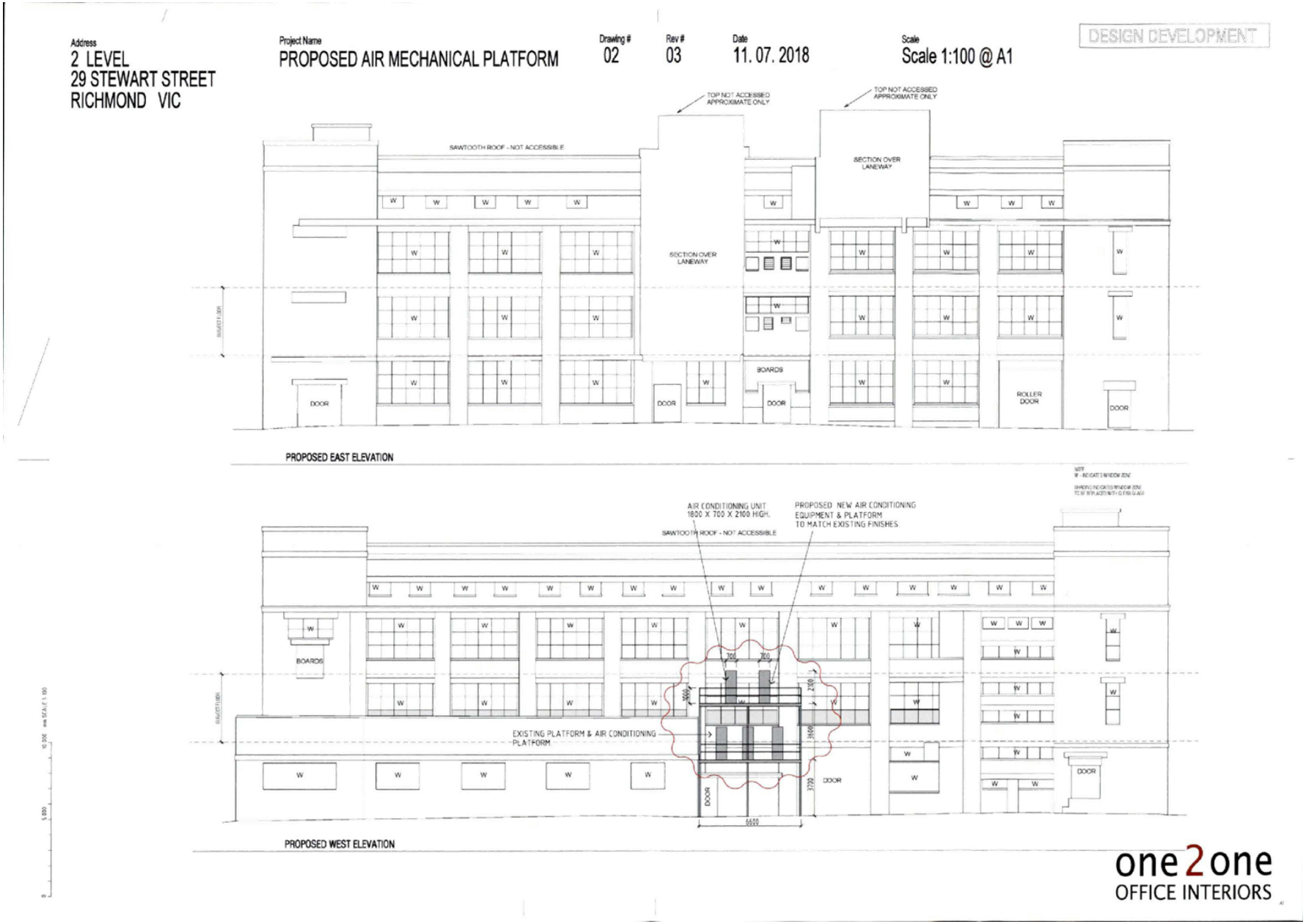
SUBJECT LAND: 37 – 39 Stewart Street Richmond



⇧ North

★ Subject Site

Attachment 2 - PLN16/0365.02 - 37 -39 Stewart Street Rihcmond, Decision Plans



Attachment 2 - PLN16/0365.02 - 37 -39 Stewart Street Rihcmond, Decision Plans

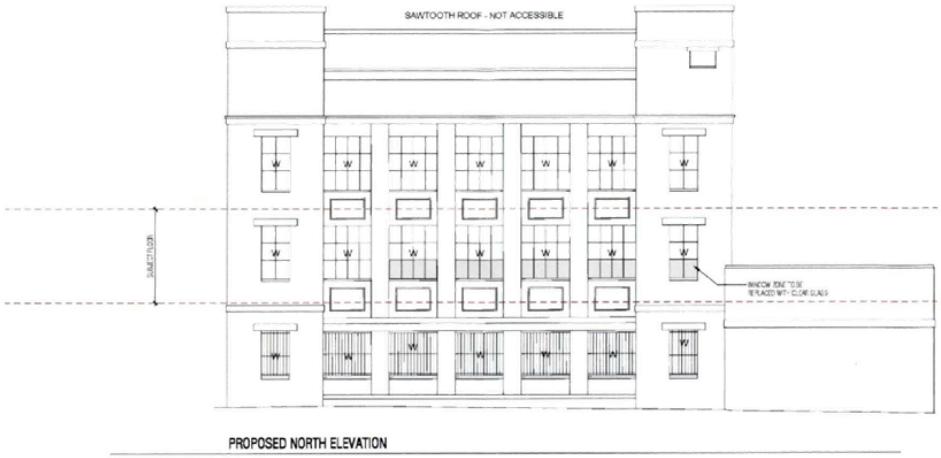
DESIGN DEVELOPMENT

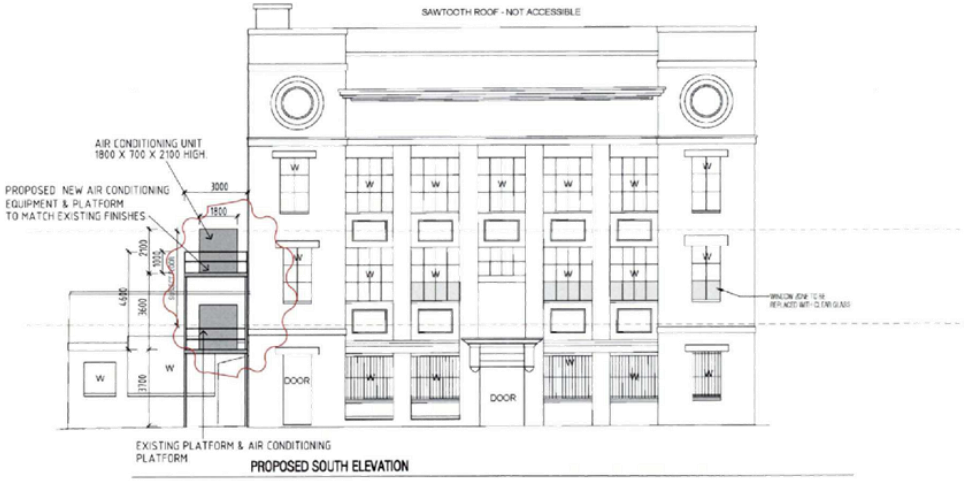
Address
2 LEVEL
29 STEWART STREET
RICHMOND VIC

Project Name
PROPOSED AIR MECHANICAL PLATFORM

Drawing # 03 | Rev # 02 | Date 09. 07. 2018

Scale
Scale 1:100 @ A1





one2one
OFFICE INTERIORS

Attachment 2 - PLN16/0365.02 - 37 -39 Stewart Street Rihcmond, Decision Plans

